PROLOGUE

Today, I am going to do something I usually don’t do. I’m going to give a speech I gave almost exactly two years ago. Since I gave this speech about American exceptionalism on April 18, 2008, our country has changed. I considered updating these ruminations but ultimately decided to leave the speech pretty much as it was given earlier.

INTRODUCTION

American exceptionalism is suddenly the topic of the day. And this is odd because America has been exceptional since its founding. It seems, though, that on both sides of the Atlantic, the American Way is being examined with a new attitude. The question is: why can’t the Americans be more like Europeans? It becomes increasingly clear that the assault on American exceptionalism is really an assault on American constitutionalism. The challenge is very old and very new.
Recently, I heard a moving musical tribute entitled “The Fortress Stone.”

The anthem is striking not only for its beautiful, lyrical depiction of our Founding’s first principles, but also for the challenge it poses to modern-day Americans. Here’s a little bit of the Prologue to this anthem; I’ll return later to its lyrics.

Since the dawn of time, tyrants have conspired to rob humanity of the right to life, liberty, and the pursuit of happiness. [But] … the Constitution … has stood for over two centuries as a protective fortress, sheltering generation after generation from those who would destroy freedom. … [C]onsider our role in defending the very fortress that defends us all. Consider both its immense power, but also its fragile vulnerability. [T]his wall of protection is only as strong as our devotion to know, to live, and to safeguard its truths.

This caution echoes a sober observation by Judge Learned Hand. In a 1945 speech called “The Spirit of Liberty,” Hand tells us: “Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help . . . .” Since our Constitution is a constitution of liberty, we must always keep in mind these reciprocal ideas: the Constitution has sheltered us from those who would destroy freedom, but the fortress is incredibly fragile because it is only as strong as our devotion and allegiance.

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1 This song was part of a Constitution Week celebration sponsored by the citizens of Gilbert, Arizona. Why they have taken the responsibility so seriously I do not know, but I commend them.
THE CHALLENGE TO AMERICAN EXCEPTIONALISM

America is a beacon to the world because of its commitment to freedom; it has become a pariah for the same cause. In 1958 the world welcomed America’s “cultural ambassadors”—legendary jazzmen like Dave Brubeck and Louie Armstrong—and ordinary folks the world over understood jazz was the musical embodiment of America. It was the song of freedom. In the 21st Century, things have changed; America is routinely pilloried as the worse society in the world, condemned for its domestic racism, as well as the spread of its cowboy capitalism and its cultural hegemony. A cynic might echo Revel’s rueful observation: “Were the American ‘melting pot’ [so cruel a mirage], we would expect to see disillusioned hordes abandoning the U.S.A. for Albania, Slovakia and Nicaragua.”

But, Americans are sensitive souls, and we will have to decide whether our exceptional ideals still deserve allegiance, because American exceptionalism is now sometimes seen as more of an embarrassment than a blessing.

A brief reference to our nation’s favorite superhero illustrates the point. If I asked any audience of people my age, “What does Superman fight for?”, the answer would come back almost reflexively: “Truth, justice, and the American Way!” But today’s youth answer that question with wrinkled brows and blank stares. Even worse, in the latest Superman movie, our beloved superhero shies

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away from America’s exceptionalism by declaring he now fights for “truth, justice, and oh, all that stuff.” And the movie’s writers acknowledge the change was deliberate. Superman, they say, is now an international hero and they did not expect international audiences to understand the American Way. And how could they, when the American writers admit they rejected the term “American Way” because they were “uncertain” what it meant?³

Before we go any further, I want to acknowledge that uncertainty about American ideals is not the only dynamic at work; there is also some embarrassment about America’s imperfections. America certainly has not always lived up to its billing. As black American born in Alabama more than half a century ago, I’ve personally experienced some of those transgressions. My own heritage includes not only the middle passage, but the trail of tears; not only the rhythms of midnight trains, but the terrors of midnight riders; Jim Crow and Jim Dandy; exploding churches and burning crosses. But despite that, I firmly believe that America is, by far, the best nation in the world. Even in my lifetime—which I prefer to view as a relatively short span of time—America has come a long ways.

Moreover, many of the gravest faults of which America stands accused are the result of a faulty and erratic arithmetic—an exercise that counts only the cost of doing—never the consequences of not doing. We are not without sin; we are

fallible, flawed, and guilty of mistakes and misjudgments. But America’s intervention in World War II was an enormous and selfless sacrifice that saved the futures of the very countries that now make sneering at America a national sport. The fall of communism was not the decline of a noble impulse gone awry; not “a prosaic tale of a perhaps too authoritarian government’s reform”\textsuperscript{4} that didn’t quite work; it was a triumph for human freedom. And whatever America’s intervention in Kosovo was, it was not an exercise in “state terrorism” that proves America is the number one danger to peace.

I mention all this to make a simple, but important point: America is certainly imperfect, but we need to keep things in perspective. And we keep things in perspective by balancing our self-criticism with a focus on what is right about America and what is so desperately wrong about alternatives such as socialism and communism.

Once we possessed American cool and certitude: God had blessed America because it was good. These days, we are not so sure. If those who have been the beneficiaries of American blood and treasure for half a century claim they cannot distinguish us from Nazi Germany or the Soviet Union, we need to decide whether it is time for our destinies to merge or to permanently diverge. Legal scholars now seriously argue we, out of “a decent respect [for] the opinions of mankind,” ought

\textsuperscript{4} BRUCE BAWER, \textit{While Europe Slept: How Radical Islam is Destroying the West From Within} 132 (Random House 2006).
to reinvent ourselves; the Supreme Court has, at times, liberally sprinkled its opinions with citations to foreign law and foreign public opinion; and the loyal opposition that once characterized American politics has been reduced to an echo chamber of Old Europe’s virulent anti-Americanism.

Why the identity crisis? And why now? Our uniqueness has always been apparent. According to Samuel Huntington’s article in Foreign Affairs, “American identity [historically] has had two primary components: culture and creed.”5 Our Culture derives from Western civilization, including the “values and institutions of the original settlers, who were Northern European Christians”6 Our Creed is a set of universal principles articulated in our founding documents: liberty, equality, democracy, constitutionalism, limited government, and private property.7 On these principles there once was wide agreement. Insightful foreign observers such as Tocqueville hailed our Creed as, in Huntington’s words, the “cement in the structure of this great and disparate nation.”8

America’s founding was one-of-a-kind—certainly providential and perhaps even miraculous. At a particular moment in political history, human beings arrived at a conception of the universe and man’s place in it that could support a regime of

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6 Id.
7 Id. at 29.
human freedom. President Reagan’s Farewell address—which evoked “the shining city . . . built on rocks stronger than oceans, windswept, God-blessed, and teeming with people of all kinds living in harmony and peace”—still brings a lump to my throat.\(^9\) Just the afterglow of that luminous vision was enough to raise the expectations of the whole world. Now the world seeks to return the favor. Or do they?

There is real concern that America no longer enjoys the respect of other nations; that she will find herself alone in this “flat world” unless she submits to global consensus. Many of our ideas about freedom of speech and press, religious freedom, capital punishment, and property rights have been resoundingly rejected by a number of other liberal democracies.

So, if the question is whether America is really different from other democracies—more libertarian, patriotic, optimistic, individualistic, and moralistic—then I think the answer is “yes.” But why is that? And is it a good or bad thing? Does it show America needs to take a clue from the rest of the world’s “enlightened” views; or does it show we have charted a different course? If it’s the latter option, then it’s vitally important for us to understand that course, and to decide whether it’s worth fighting for.

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**HISTORICAL DIVERGENCE**

The historian Jacques Barzun divides the last 500 years into 3 eras: The years 1500–1660 were dominated by the issue of man’s relation to God; 1661–1789 by debating an individual’s status and the mode of government; 1790–1920 by the question of how to achieve social and economic equality.\(^{10}\) The American Revolution falls into the second category; the French Revolution is in the third. That is, the American Revolution represented the culmination of religious consciousness applied to the design of government, while the French Revolution heralded the beginning of the secular age. And this discontinuity in worldview has made all the difference.

America’s founders were not utopian idealists. They acknowledged the practical limits of human reason, understood the necessity of transcendence, and relied on experience. In contrast, the French Revolution succumbed to the powerful notion of abstract human rights and insisted on reinventing the world through principles that are utterly divorced from the reality of human nature.\(^{11}\) According to the French revolutionaries, man can remake his history, generation by generation, through some collective cultural process.

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\(^{10}\) Jacques Barzun, *From Dawn to Decadence: 500 Years of Western Cultural Life* xvii (2000).

The American philosophy of the Rights of Man relied heavily on the indissoluble connections between rationality, freedom, justice, and property. Fully cognizant of man’s aptitude for folly and the antinomy between reason and power, the founders made a serious effort to limit government—to make it subservient to the people.

**CULTURAL DIVERGENCE**

Ayn Rand’s trenchant description of the critical difference between the old world and the new is still the best. She says: “Europe’s predominant idea of emancipation consisted of changing the concept of man as a slave to the absolute state embodied by the king, to the concept of man as a slave to the absolute state as embodied by ‘the people’—i.e., switching from slavery to a tribal chieftain into slavery to the tribe.”

Alas, the regime effect of modern liberalism is to constantly promote the social democratic impulse of Europe as obviously superior to free people and free markets. For the desire of the bureaucratic elite here, as elsewhere, is to make society as an organism superior to the individual. We are taught to seek political slavery and to despise our own fundamentalisms.

Thus the cause of human liberty is subjected to an inexorable pincer movement: criticized on one side for impeding the welfare state and on the other

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for defending freedom—by force if necessary. Perhaps this is why T.S. Eliot predicts the modern world ends “not with a bang but a whimper,”13 as liberalism welcomes totalitarianism as a desperate remedy for its chaos.14

And that may explain the curious muteness of those same critics concerning the miserable and catastrophic consequences of the repeated failure of programs seeking to reshape society through industrial development, social engineering, and various forms of wealth redistribution—a process that was supposed to bring forth a new man, and thus a new and improved humanity. The Marxists said they would end the exploitation of men, but proceeded to exploit men more ferociously than ever. The 1960’s radicals railed against imperialist oppression and advocated the flowering of personal freedom, but then they attacked democracy and praised bloody Maoist totalitarianism.15

I used to say these projects failed because the “new man” never appeared. Now I think the tragedy is worse than that. What we conjured was the “old man,” just as the poets and the philosophers predicted: “the hollow men, the stuffed men” whose heads, Eliot tells us are “filled with straw.”16 Watching Europe’s cultural suicide, it is impossible not to think of C. S. Lewis’ “men without chests” of whom it is foolish to expect “virtue and enterprise.” He says more that is

13 T. S. ELIOT, THE HOLLOW MEN.
15 See generally REVEL, DEMOCRACY AGAINST ITSELF 35 (1993).
16 T.S. ELIOT, THE HOLLOW MEN.
painfully to the point. “We laugh at honor and are shocked to find traitors in our midst. We castrate and then bid the Geldings to be fruitful.”\textsuperscript{17} Lewis was specifically criticizing liberal education – a discussion I will return to in a moment.

\textbf{A FLAT WORLD OR A RATIONAL WORLD?}

I admit America’s poll numbers are dismal. We are unloved in Cairo and Copenhagen; Kabul and Brussels; Karachi and Paris. The Pew global opinion survey confirms it. In truth we could add Berkley and Santa Monica, New York and Hollywood, and the whole Ivy League establishment to this list. America’s “embattled isolation”\textsuperscript{18} is now a canon of some political urgency with presidential candidates promising “they will bring an end to our isolation from the lands of Islam and from multilateralist opinion in Europe.” Perhaps so.

But before we join the queue signing up for The Flat Earth Society shouldn’t we consider whether the critiques are credible or even coherent. Ought we to place on the scale the long-term implication of America’s indiscriminate capitulation to the irrational world? Do the virtues of the West—rationality, tolerance, self-evident truths, and liberty—really have so little value they should be traded for the world’s promiscuous and fickle affection?

\textsuperscript{17} C.S. LEWIS, THE ABOLITION OF MAN 26 (HARPER 2001)
\textsuperscript{18} FOUAD AJAMI, “Seeing the World as it Is, U.S. NEWS & WORLD REPORT, at http://www.usnews.com/articles/opinion/fajami/2008/01/17/seeing-the-world-as-it-is.html
Most Americans long ago understood that freedom is not free. Europe, in contrast, never believed in freedom and turned human rights into a fresher feudalism. In this new world, quite unlike the old, cowardice is a virtue and warriors are contemptible. Of course, peace without justice is only surrender, but that idea must be completely incomprehensible to people trained to believe that all international conflict is amenable to dialogue. People so intoxicated with conflict avoidance that they forget how to stand on principle. Bruce Bawer sums up our differences brilliantly. He says: for Americans, the moral of history was “that tyranny was evil and must always be resisted; for Europeans, the moral was that war itself was evil and must be avoided at all costs.”

In a world increasingly without rational political order, the hope of human freedom faces relentless and possibly lethal assaults. The latest charge, portrayed as America’s stubborn refusal to embrace the benevolent and sagacious international collective, picks up where the New Deal and the Great Society left off. Liberalism (or I should say illiberalism) has taken it to the next level—the global level. There it has found a better incubator—multinational institutions easily captured by political elites with ambitions largely unknown and under-scrutinized. Onto the post-World War II institutions designed for global security, the political class has engrafted a network of multilateral treaties, resolutions,

19 BAWER, supra note 4, at 99.
declarations, and the courts to interpret them. Our constitution has repeatedly placed us at odds with the World Court (see Medellin v. Texas); or given us little option but to avoid certain international institutions rather than subject American officials to the palpable ill-will and extra-constitutional requirements of organizations like the International Criminal Court.

If we knew who and what we are, these would not be choices, but repudiations of American constitutionalism. But, our crisis of confidence is hardly surprising. “If we forget what we did,” President Reagan warned, “we won’t know who we are.” And we are forgetting. “Younger parents aren’t sure that an unambivalent appreciation of America is the right thing to teach modern children.”

Unfortunately, as noted earlier, liberal education has paved much of the way toward exactly the sort of carelessness that precedes the twilight of liberty. When the teaching of American history and values isn’t being distorted by selective omissions, it’s suffering from inexcusable neglect. Civics is rarely taught in high school anymore, and recent studies produced by the American Civic Literacy Program report that college seniors know almost nothing about American history, government, or market economics, earning an “F” on the American civic literacy exam with a score of 54%.20 When I read some questions university students couldn’t answer, I didn’t know whether to laugh or cry. More than half didn’t

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know the statement “We hold these truths to be self-evident, that all men are created equal” comes from the Declaration of Independence. Amazingly, 28% actually thought the Battle of Gettysburg ended the Revolutionary War. And many premier universities do a worse job. Seniors at institutions such as Yale, Princeton, and Cornell actually show less civic competence than freshmen. And sadly, the single topic on which college seniors were most likely to be outscored by freshmen was the “[p]ower of judicial review.”

We Americans love our Constitution but we know little about what is in it and less about the principles it attempts to sustain. As Professor Sabato of the University of Virginia has noted, many Americans believe that the president may suspend the Constitution in time of war; that the Constitution establishes English as our official language; and—here’s my personal favorite—that Marx’s maxim “from each according to his ability, to each according to his need” is included in the Constitution’s text.

Why does this depressing state of affairs matter? Because, as one study put it, “Greater learning about America goes hand-in-hand with more active citizenship.” And, as Barzun wryly observed, “When the nation’s history is

21 FAILING OUR STUDENTS, FAILING AMERICA (The Intercollegiate Studies Institute’s American Civic Literacy Program), at http://www.americancivicliteracy.org (2007–08 scores and rankings).
22 Eric Lane, Are We Still Americans, 36 HOFSTRA L. REV. 13, 15 (2007).
23 FAILING OUR STUDENTS, supra note 20, at 17.
poorly taught in schools, ignored by the young, and proudly rejected by qualified elders, awareness of tradition consists only in wanting to destroy it.”\textsuperscript{24}

This focus on remembering who we are brings us back to where we started: our founders’ exceptional values, and their exceptional efforts to design government so it would maximize freedom and account for humanity’s imperfections. Who could know that something as basic as one’s view on human nature and the source of man’s redemption would create such a deep and enduring rift in the political realm? Yet it does. Because of this difference in worldview, we designed our government differently than other nations.

In America, we designed government to be small so faith could flourish and God’s glory could fill the world. (That may make the secular libertarians among you squirm, but that is an accurate description of how our ideas about liberty developed.) In contrast, Europeans designed government to be all-encompassing, so some men could be gods. And while they had state-established religion and became rabidly anti-religious, we “opposed church establishment but welcomed religion.”\textsuperscript{25} Ironically, our path made us submissive to a rule of law; theirs ultimately demanded submission to the rule of bureaucratic elites. They followed Machiavelli, and we rejected him. We made being an American dependent on a commitment to universal and self-evident truth. As Lipset says, “One may become

\textsuperscript{24} BARZUN, supra note 10, at 775.  
\textsuperscript{25} Id. at 155.
an American by accepting the Creed” but “the meaning of being English, French, or German is predominately a birthright status.”26 We made the freedom to reason the linchpin of our regime27; they declared openness the only virtue. As Allan Bloom has noted, the freedom our regime promises is “untrammeled freedom to reason—not to everything indiscriminately, but to reason, the essential freedom that justifies other freedoms.”28

The survival of Western civilization depends on understanding the difference. A commitment to reason means that ideas must always control violence; violence must never be permitted to control ideas.29 Being committed only to openness means that even the threat of violence quells competing ideas.30 The consequences are devastating. In Canada, author Mark Steyn awaits trial before the Canadian Human Rights Commission for writing a book about the clash between Islam and the West.31 And in the Netherlands, even the murder of Theo Van Gogh for the crime of directing a movie about the plight of women under Islam has not shamed craven Dutch officials. Concerned over potential Muslim reaction to *Fiina*, another film about Islam – this one directed by Geert Wilders, a Dutch member of parliament, Prime Minister Balkenende complained: “Wilders

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28 Id. at 39.
30 See generally BAWER at pp. 212-217.
31 MARK STEYN, AMERICA ALONE (Regnery Publishing 2006).
and no one else [would be] responsible for any violence that might break out after his film’s release.”

The best and bravest of our young people put their lives on the line to secure the liberty of people whose names they cannot pronounce; European youth show their mettle by sporting Che Guevara T-shirts while their political leaders try to one-up each other blaming the victims of terrorist threats and apologizing for being “intolerant of intolerance.” Only in Eastern Europe does the wave of irrationality seem to recede. I guess it just illustrates what I have long felt: those who have experienced oppression are liberty’s staunchest defenders, and those who have known nothing but freedom are all too ready to scoff at it—unless they have been carefully taught.

Thus, many Americans have ceased to cherish freedom and many Europeans never valued it. What divides us now is not our commitment to constitutionalism; it is the tension between a commitment to liberty and the desire for peace at any price; our sharp disagreements about what freedom means and how to secure our

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32 What actually happened after Fitna’s release was what should have happened. Islamic groups in the Netherlands created a counter-movie, not a blood-bath. See Ali, Fitna at http://www.aei.org/include/pub_print.asp?pubID=27723

33 Lech Walesa, the Polish revolutionary who co-founded Solidarity, stood up to Communism, and became the first modern President of a free Poland, offers a sober prognosis. In a speech he gave earlier this year in Chicago, this Polish Patriot told a gathering, “The world has no leadership. The United States was always the last resort and hope for all other nations. There was the hope that whenever something was going wrong, one could count on the United States. Today we lost that hope.” Speech delivered on Friday, January 29, 2010 in Chicago, Illinois.
Constitution’s promise of liberty under law; and the debate over whether such things even continue to have any meaning.

We have not always been right; but neither have we been always wrong. It is right to conclude that human liberty is the glory of Western civilization; right to believe the rare virtues of the West deserve to be defended. Skepticism in a democracy is desirable; cynicism can be dangerous; Pyrrhonism deadly. Civilization requires not only the discipline to “defer a decision, but the strength to make one.”

Mary Ann Glendon tells us “[t]yranny … need not announce itself with … trumpets.” It may come “softly—so softly that we will barely notice.” Or it may announce itself in the smoke from the distant fires of New York’s once-proud Twin Towers—a horror an embarrassingly large number of Europeans apparently think we inflicted on ourselves.

We have to deal with what ails us as well as what confronts us. In some ways they are the same: challenges to freedom, fueled by deadly petulance from all sides. If we now face an implacable enemy, that is nothing new. The totalitarian impulse has an endless array of new guises, new slogans, and new grievances. You will have to decide what to do.

34 T. S. ELIOT, NOTES TOWARD A DEFINITION OF CULTURE 28 (Harcourt Brace 1949).
35 Mary Ann Glendon, Comment, in A MATTER OF INTERPRETATION 113 (1997).
Everything happens for a reason—even rabid anti-Americanism from without, and subtle erosion of American ideals from within. But whether these circumstances will serve as a launching pad for Western civilization’s upward trajectory or a mile marker on the way to annihilation, we cannot know.

With these challenges in mind, let’s return to the lyrics of the “The Fortress Stone”:

When time has passed and we are gone,  
Will freedom’s fortress still be strong?  
Would we become oppression’s hand,  
If stone by stone we fail to stand?

That is your choice; your challenge. Your courage, allegiance, and resolve make America what it is—the fortress that safeguards freedom and supports the “shining city on a hill.” In that Reagan farewell speech, the President spoke of a city on a granite ridge, her glow “steady no matter what storm,” “a magnet” for those who “must have freedom, for all the pilgrims from all the lost places who are hurtling through the darkness, toward home.” I think he believed America’s beacon would and should shed an exceptional light. Maybe there are only a few pilgrims now. No matter. Their numbers will grow again. We may not be as alone out here in the dark as we think.

We cannot know everything, but our experience allows us to see some things clearly—such as the fact that the obsession with perfection and power is always a
calamity in politics. America can only be defended by people of courage and tenderness, resilience and resolve.

As John Adams confessed in the heat of the Revolutionary War, we cannot fully fathom God’s providence. He observed, “The events of war are uncertain. We can’t guarantee success in this war, but we can do something better. We can deserve it.”

This is your choice and your challenge. You must decide whether America continues its commitment to reason and individual freedom or surrenders to the collective politics of the hive; whether the city on a hill remains a beacon; whether the fortress stands or becomes only an interesting ruin for tourists of the future.

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36 Letter from John Adams to Abigail Adams (Feb. 18, 1776), in 1 LETTERS OF JOHN ADAMS, ADDRESSED TO HIS WIFE (1841) (emphasis added).