

EXCEPTIONALISM IN A TIME OF STRESS

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The phrase “American exceptionalism” arouses strong feelings. For many Americans it encapsulates the best features of American life: political freedom, democracy, equality before the law, equality in social status, and equal economic opportunity. Not surprisingly, the phrase evokes patriotism and gratitude to ancestors who chose life in America over continuing to live in the “old country.”

Critics of the United States and of American society are equally willing to talk of American exceptionalism, but do so with less positive purpose. “Exceptionalism,” to America’s critics, summarizes aspects of the United States like its large numbers of citizens without health insurance, the limited extent and low benefit levels of the American welfare state, its use of the death penalty, and its high levels of income inequality. Critics assert that America is certainly exceptional in the ranks of advanced democracies, but scarcely in a positive sense. Thank goodness, such critics might contend, that our ancestors never left Norway or Sweden for the United States. It has been particularly poignant to discuss American exceptionalism in the first decade of the twenty-first century. As Pew Research Foundation polls indicate, public opinion has shifted quite heavily against the United States, even in countries like Great Britain that have historically looked on the United States very positively.¹ This shift in opinion owes much to the impact on opinion overseas of such things as the prison camp at Guantánamo Bay, the use of torture on terrorist suspects, and the misdeeds at Abu Ghraib, of which the infamous photographs were, sadly, but a limited aspect. Nor in the modern era is the negative view of exceptionalism confined to critics overseas. Some fifty years ago, Louis Hartz argued that the United States

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1. See PEW RESEARCH CTR., 24-NATION PEW GLOBAL ATTITUDES SURVEY (2008), available at <http://pewglobal.org/reports/pdf/260.pdf>.

had been dominated by a consensus that privileged economic and political freedom.² Illustrating that a free nation can never command uniform praise from its own citizens, contemporary American academics have argued that the American political tradition is characterized as much by hierarchies of race and gender as it is by equality and democracy. Racism, sexism, and intolerance are as American, they argue, as the First Amendment or contested elections.³

In the face of such emotionally charged disagreement about a simple phrase, social scientists may be tempted to abandon its usage. What is to be gained from using a phrase that generates more passion than precision? The answer is that the phrase draws attention to what is or should be a fundamental question about the politics and policies of any country: How do they compare with those of other countries, particularly those at comparable levels of economic development? “[W]hat should they know of England who only England know,”⁴ can be said for any country. The challenge for scholars is to try to separate the important analytical issues and concerns that underlie the arguments about exceptionalism from both the patriotic and anti-American fervor that it generates.

I. DIMENSIONS OF EXCEPTIONALISM

The debate about American exceptionalism has been addressed by some of our most distinguished scholars⁵ and has encompassed a variety of topics. For example, a well-known

2. See LOUIS HARTZ, *THE LIBERAL TRADITION IN AMERICA: AN INTERPRETATION OF AMERICAN POLITICAL THOUGHT SINCE THE REVOLUTION* (1955).

3. See Rogers M. Smith, *Beyond Tocqueville, Myrdal, and Hartz: The Multiple Traditions in America*, 87 AM. POL. SCI. REV. 549, 558–63 (1993).

4. RUDYARD KIPLING, *The English Flag*, in *COLLECTED VERSE OF RUDYARD KIPLING* 128, 128 (1907).

5. See, e.g., SEYMOUR MARTIN LIPSET, *AMERICAN EXCEPTIONALISM: A DOUBLE-EDGED SWORD* (1996); SEYMOUR MARTIN LIPSET, *CONTINENTAL DIVIDE: THE VALUES AND INSTITUTIONS OF THE UNITED STATES AND CANADA* (1990); STEPHEN MENNELL, *THE AMERICAN CIVILIZING PROCESS* (2007); CLAUS OFFE, *REFLECTIONS ON AMERICA: TOCQUEVILLE, WEBER AND ADORNO IN THE UNITED STATES* (Patrick Camiller trans., 2005); *IS AMERICA DIFFERENT? A NEW LOOK AT AMERICAN EXCEPTIONALISM* (Byron E. Shafer ed., 1996); BYRON E. SHAFER, *POSTWAR POLITICS IN THE G-7: ORDERS AND ERAS IN COMPARATIVE PERSPECTIVE* (1996); Alberto Alesina et al., *Why Doesn't the United States Have a European-Style Welfare State?*, 2001 BROOKINGS PAPERS ON ECON. ACTIVITY 187, 223–26 (2001).

social scientist, Andrei Markovits, asks why there is no soccer (football) in the United States.⁶ The example illustrates aspects of the exceptionalism debate well, although in a manner that Markovits did not intend. As anyone familiar with the United States knows, Markovits is wrong. Millions of Americans play soccer every week, and Major League Soccer (MLS) appears to be successful. As is often the case in discussions of American exceptionalism, it is easy to exaggerate. The best contribution a social scientist can make, therefore, is to focus on questions susceptible to empirical inquiry. There are a limited number of such questions that collectively take us to the heart of the exceptionalism debate.

First, is the United States unusually democratic in temperament? The exceptionalism case suggests that Americans *are* unusually wedded to democracy. This is, of course, a particularly difficult topic to discuss because, in our own age, democracy is almost unqualifiedly admired.⁷ As Inglehart writes, "At this point in history, democracy has an overwhelmingly positive image throughout the world. This has not always been true."⁸ In the past, the allegedly hyper-democratic aspects of American culture were grounds for criticism. Democracy in practice meant allowing a coarse, uneducated mob to control the affairs of the nation. Nineteenth-century writers such as Dickens who had considered themselves reformers at home found reason to be more conservative once they encountered the United States.⁹ To this day, European left-wing criticism of American politics is influenced by an upper-class horror that figures like Sarah Palin can rapidly rise to prominence while possessing limited knowledge and defective syntax. Political scientists—including many American political scientists—writing on comparative political economy regularly express regret that the United States has not joined the ranks of neo-corporatist countries in which labor union leaders, business

6. ANDREI S. MARKOVITS & STEVEN L. HELLERMAN, *OFFSIDE: SOCCER AND AMERICAN EXCEPTIONALISM* 4 (2001).

7. See Ronald Inglehart, *How Solid is Mass Support for Democracy—And How Can We Measure It?*, 36 *PS: POL. SCI. & POL.* 51 (2003).

8. *Id.* at 52.

9. See 2 CHARLES DICKENS, *AMERICAN NOTES FOR GENERAL CIRCULATION* 300 (London, Chapman & Hall 1842).

executives, and the higher civil service steer the ship of state with limited input from elected politicians.¹⁰

Second, Americans believe that they have a special commitment to civil rights and freedoms, that the rights and freedoms they enjoy are embedded not only in the Bill of Rights but in American hearts and minds. Is it true in reality? There is no doubting the frequency with which freedom is invoked as a special feature of American life in election campaign speeches. But beliefs are credible only if tested. It is less clear that during times of challenge (for example, during the Cold War and the so-called War on Terror) these ideals are always honored. The departures of Americans to Britain for political reasons during the McCarthy era, such as China expert Owen Lattimore and movie director Sam Wanamaker, led some to question the intensity of the American commitment to freedom.¹¹

Third, Americans believe in a more limited role for government than do the citizens of other countries. Self-reliance, initiative, and independence make Americans less supportive than others of government intervention in the economy and provision of a welfare state. On the other hand, it is a truism of American politics that many government programs are very popular; Social Security and Medicare are obvious (and costly) examples. Social Security, the largest governmental program, has been called the “third rail” of United States politics; implying that anyone who touches it is likely to die electorally. During the Great Crash of 2008, the *Republican* Administration of President George W. Bush took nine major banks and several financial institutions, such as insurance giant AIG, into government ownership. Opposition was limited to the far right (on principle) and far left (who worried about helping the plutocrats). Thus, one may ask whether Americans are really as wedded to individualism and self-reliance as has been supposed.

Fourth, it is widely believed that government in the United States is smaller than in other advanced democracies. American

10. See, e.g., GOVERNING CAPITALIST ECONOMIES: PERFORMANCE AND CONTROL OF ECONOMIC SECTORS (J. Rogers Hollingsworth, Philippe C. Schmitter & Wolfgang Streeck eds., 1994); Peter A. Hall & David Soskice, *An Introduction to Varieties of Capitalism*, in VARIETIES OF CAPITALISM: THE INSTITUTIONAL FOUNDATIONS OF COMPARATIVE ADVANTAGE 1, 1–6 (Peter A. Hall & David Soskice eds., 2001); Cathie Jo Martin, *Sectional Parties, Divided Business*, 20 *STUD. IN AM. POL. DEV.* 160 (2006).

11. See, e.g., Blanche Wiesen Cook, *Introduction to OWEN LATTIMORE, ORDEAL BY SLANDER*, at xvii–xviii (Carroll & Graf Publishers 2003) (1950).

governments control a comparatively smaller proportion of society's resources. Again, rhetoric, particularly from Republican candidates in recent elections, might lead one to suppose that the country is characterized by small government and self-reliance, even though those traditions are said to be threatened by a Democratic President and Congress. On the other hand, one might again note that one of President Bush's achievements was to create the prescription drug benefit for retired Americans, the most significant expansion of the American welfare state since the Great Society legislation of the 1960s. The example serves to warn us that rhetoric needs to be distinguished from reality. Government has grown dramatically in size and scope in the United States over the last one hundred years. Is government in the United States still unusually small?

The questions on the extent of Americans' commitment to democracy, civil liberties, self-reliance, and limited government go to the heart of Hartz's portrayal of the American political tradition as uniformly liberal. Taken together, they encapsulate an image of a people who love political liberty and democracy, but who also value free markets, individual opportunity, and self-reliance rather than social solidarity and security. Such questions have the distinct advantage (for our purposes) of being susceptible to empirical investigation.

II. DEMOCRATIC ATTITUDES

Many Americans think of the development of democracy as an intellectual product of the United States. Most Europeans do not. Europeans who have grown up in France and Great Britain, for example, will have heard in school how their own country was the pioneer in developing democracy and, although national self-praise is still less common in Europe than in the United States, their politicians often repeat such claims. One of the recent preoccupations of British politicians, for example, has been to define British identity in a manner that encompasses recent immigrants (especially Muslims) as well as people whose ancestors have lived in Great Britain for generations. The most popular way to redefine British identity has been to claim that Britain has been the font of democracy and liberty; that these are values that define Britishness. Prime Minister Gordon Brown, for example, has celebrated British history as the story of being the first country to curb the arbitrary

power of monarchy, to embrace political liberty, and to push toward democracy.¹² Brown argued:

[T]here is a golden thread which runs through British history—that runs from that long ago day in Runnymede in 1215 when arbitrary power was fully challenged with the Magna Carta; on to the first Bill of Rights in 1689 where Britain became the first country where parliament asserted power over the King; to the democratic reform acts—throughout the individual standing firm against tyranny and then—an even more generous, expansive view of liberty—the idea of all government accountable to the people, evolving into the exciting idea of empowering citizens to control their own lives.¹³

Such themes—democracy, liberty, and limiting government power—are often cited by Americans as proof of American exceptionalism. No doubt, the leaders of France make equally moving speeches about the relationship between their country's history and the development of democracy. Of course, all of these interpretations of history are open to objection and criticism. British practice often differed from the ideals identified by Brown. The point is not who has the best-founded historical bragging rights about the relationship of their country's history to democracy but rather that there is no global consensus that democracy is a unique and defining American tradition. There would, of course, be much wider agreement internationally on the enormous role the United States has played in defending democracies at the price of the lives of many of its citizens over the last seventy years.

We are, in fact, fortunate to live at a time when the United States is far from being the only country that believes that democracy is the best form of government, as Table 1 illustrates.

12. Rt. Hon Gordon Brown MP, Chancellor of the Exchequer, Remarks at a seminar on Britishness at the Commonwealth club, London (Feb. 27, 2007), available at http://www.hm-treasury.gov.uk/speech_chex_270207.htm.

13. *Id.*; see also Gordon Brown & Douglas Alexander, *Stronger Together: The 21st century case for Scotland and Britain*, 621 FABIAN IDEAS 1 (2007).

Table 1: Support for Democracy

Country	Percentage of Population ¹⁴
United States	89
Italy	97
Germany (former West Germany only)	95
France	89
United Kingdom	87
Netherlands	97
Denmark	98

There is strong belief in democracy as the best form of government not only in the United States and its traditional allies, France and Great Britain, but also in the once-fascist countries of Italy and Germany.¹⁵ Indeed, although it would be making too much of a small difference to dwell on this too long, belief in democracy in the United States appears to be slightly below the European average.

As previously noted, belief and practice can diverge when democracy is under discussion. Studies by Freedom House provide reassurance that many countries score as highly as the United States in evaluations of their practice of democracy.¹⁶ Once again, although the United States does indeed score very highly on some issues—such as freedom of expression and belief—not only long-time allies, but also formerly fascist countries, score equally well overall.

14. "Percentage saying a democratic system is a 'very good' or 'fairly good' way of running this country." Inglehart, *supra* note 7, at tbl.1.

15. This particular survey was limited to the part of Germany that constituted the Federal Republic until reunification.

16. See tbl.2.

Table 2: Freedom House Scores¹⁷

Country	PR	CL	Status	A	B	C	D	E	F	G
United States	1	1	F	11	16	11	16	11	14	15
United Kingdom	1	1	F	12	16	12	16	12	14	15
Germany	1	1	F	12	15	12	15	12	15	15
Italy	1	1	F	12	15	11	15	12	12	15
France	1	1	F	12	15	11	15	12	13	15

A second and related theme is whether Americans are exceptional in their support for civil liberties and rights. Rather than revisiting nationalistic controversies over whose country did more to foster liberties, focus instead on current attitudes.

Here, conclusive results are difficult to obtain because the form of the question asked makes a tremendous difference in the results. To take an extreme example, if Americans are asked if they support a right guaranteed in the Constitution and it is identified as being guaranteed by the Constitution, support is overwhelming. Even if such a blatant biasing of results through the formulation of the question is avoided, problems remain. A considerable literature in political science has explored whether support for basic civil liberties is higher in the abstract than when linked to

17. Freedomhouse.org: Freedom in the World 2008: Subscores, <http://www.freedomhouse.org/template.cfm?page=414&year=2008> (last visited Jan. 18, 2009). Freedom House annually rates over 200 countries and territories according to political rights (PR) and civil liberties (CL), assigning numerical ratings between 1 and 7 for each country, with 1 representing the most free and 7 the least free. The status designation of Free (F), Partly Free (PF), or Not Free (NF) indicates the general state of freedom and is determined by the combination of the PR and CL ratings. Within the political rights category, there are three subcategories that determine the overall rating: electoral process (A), political pluralism and participation (B), and functioning of government (C). Within the civil liberties category, there are four subcategories: freedom of expression and belief (D), associational and organizational rights (E), rule of law (F), and personal autonomy and individual rights (G). The subcategories receive scores between 0 and 12 (for subcategories A, C, and E) or 0 and 16 (for subcategories B, D, F, and G) based on a number of survey questions. A rating of 1 for PR requires a combined subcategory score of at least 36 while a rating of 1 for CL requires a combined score of at least 53.

the rights of a specific, less popular group such as communists in the United States in the 1950s or, until recently, homosexuals.¹⁸

In spite of all the methodological difficulties, it is interesting to compare the public's responses in various developed democracies to certain questions about fundamental liberties—the right to protest, the right to publish unpopular views, the rights of the accused in criminal cases, and, if circumstances demand it, the right to break the law as an act of conscience. Table 3 shows how some European countries are similar to the United States in sharing widespread support for basic liberties. The countries included here were selected to represent the diversity of European history: the United Kingdom, the former West Germany, a formerly communist country, a Mediterranean country, and a Scandinavian country. All countries score highly, but in certain areas like the right to protest publicly or to publish a book, even if revolutionary, the United States scores noticeably lower than United Kingdom, Germany, and Italy. Americans are also less inclined to regard convicting the innocent as the worst possible outcome of judicial proceedings or to support individual acts of civil disobedience in exceptional circumstances.

Table 3: Liberalism Triumphant¹⁹

	United States	United Kingdom	Germany (W)	Hungary	Italy	Norway
Support right to public protest	83	90	91	86	92	95
Allow revolutionaries to publish books	69	64	64	43	82	77
Worst judicial mistake is convicting innocent	73	68	82	72	80	90
In exceptional circumstances, break law and follow conscience	57	62	73	50	65	68

18. See John L. Sullivan et al., *The Sources of Political Tolerance: A Multivariate Analysis*, 75 AM. POL. SCI. REV. 92 (1981).

19. The numbers in Table 3 are adapted from GESIS: Leibniz Institute for the Social Sciences's ISSP 1996—"Role of Government III"—ZA No. 2900 survey. The survey data is available at <http://www.gesis.org/en/services/data/survey-data/issp/modules-study-overview/role-of-government/1996> (follow "ISSP 1996 data download via ZACAT (registration required)"). The numbers are the percentage of those surveyed who answered "definitely" or "probably" to each proposition.

We may conclude then that support for democracy and liberty is not unique to the United States. It cannot, therefore, provide proof of American exceptionalism. The striking fact is that the United States does not stand out in this group in terms of popular support for democracy and civil liberties. Lest Americans feel somewhat affronted by this comparison, one might note that at critical points since 1941, the United States has played a crucial role in promoting or defending liberty in all of these countries. The lack of exceptionalism may represent in part a triumph of American foreign policy.

III. WHAT DO AMERICANS REALLY WANT?

In his 2000 presidential election campaign, President George W. Bush was eloquent in defense of the American ideals of limited government and personal responsibility. During his last year in office, the OECD estimates that government outlays were equivalent to just over thirty eight percent of GDP.²⁰ This figure represents a substantial increase, equivalent to four percent of GDP, in the size of government measured as a proportion of GDP from the start of the Bush Administration.²¹ More—of course much more—was to come as the financial crisis of 2008 unfolded. It is unlikely that this proportion will decline soon, not because of the outcome of the 2008 elections, but because of the shrinking private sector and consequences of the decisions made by the Bush Administration to deal with the crisis. After propping up Bear Stearns (but refusing to support Lehman Brothers), the Administration called in the leaders of nine major banks and told them that they were required to sell stock to the government.²² The Treasury Department began negotiations to spend up to seven hundred billion dollars purchasing bonds based on dubious loans that the financial sector had generated. Meanwhile, American automobile manufacturers rushed to ask Congress and the President for “loans” of \$25 billion because the automakers had failed

20. ORG. FOR ECON. DEV. & COOPERATION, OECD ECONOMIC OUTLOOK: GENERAL GOVERNMENT TOTAL OUTLAYS (2008), available at <http://ocde.p4.siteinternet.com/publications/doifiles/122008021P1T110.xls>.

21. *Id.*

22. See Mark Landler, *U.S. Investing \$250 Billion in Banks*, N.Y. TIMES, Oct. 14, 2008, <http://www.nytimes.com/2008/10/14/business/economy/14treasury.html>. The banks that received assistance included Citigroup, Bank of America, Wells Fargo, Goldman Sachs, and JPMorgan Chase. *Id.*

to invest in appropriate technology and needed the money to do so.²³ All this came from an Administration led by a President regarded by many as the most or second-most conservative of the period since the New Deal. At the very least, the example of the Bush Administration would suggest that there is no simple relationship between espousing the American ideal of small government and actually accomplishing it.

Do Americans really want little from their government? Surveys have repeatedly shown that there is widespread support for current or increased levels of spending on a wide range of government programs. Americans are believers in small government in theory, but they support most government programs in practice.²⁴ Perhaps a simple summary is that Americans are ideological conservatives and programmatic liberals. Again, we encounter the possibility that voters are expressing generalized concerns, not a real statement about their preferences on the allocation of resources. They may also be giving a socially acceptable response, thinking that a statement that the government should not be spending money is equivalent to a statement that they do not care about the problem. Survey researchers have, therefore, tried to use questions that prompt respondents to think about the costs as well as the benefits of a program.

Table 4: Expectations that Government Should Provide²⁵

	United States	United Kingdom	Italy	Norway
Health	85	99	99	99
Care for old	87	98	98	95
Decent housing for poor	67	87	88	74
Decent living unemployed	48	79	75	93
Reduce income differences	48	68	75	73

23. See Kendra Marr, *Automakers Assemble Make-or-Break Case; Executives Return to Congress to Plea for \$25 Billion in Loans*, WASH. POST, Dec. 2, 2008, at D1. It is worth noting that such discriminatory subsidies would almost certainly have been banned in the European Union as a breach of the regulations designed to secure a free and open market.

24. See LLOYD A. FREE & HADLEY CANTRIL, *THE POLITICAL BELIEFS OF AMERICANS: A STUDY OF PUBLIC OPINION* 5–6 (1967); Everett Carl Ladd, Jr. & Seymour M. Lipset, *Public Opinion and Public Policy*, in *THE UNITED STATES IN THE 1980s*, at 49, 77 (Peter Duignan & Alvin Rabushka eds., 1980).

25. The numbers in Table 4 are adapted from GESIS: Leibniz Institute for the Social Science's ISSP 2006 survey, *supra* note 19.

As Table 4 shows, Americans remain strongly committed to many government programs even when they are prompted to consider the cost or other disadvantages. There are, however, important exceptions. There is less (but still majority) support for helping the needy, and only minority (though very substantial) support for the view that government has a responsibility to see that the unemployed have a decent standard of living, or to reduce income inequality. Even in cases where a large majority of Americans support government programs to ensure health care for all, assistance for the elderly, and decent housing for the poor, the margins in favor are substantially less than in other advanced democracies. Perhaps Americans can be characterized as supporting activist government programs in such areas as the environment and in what can be termed social welfare programs (that is, programs such as Social Security that everyone may need one day) while displaying collective ambivalence about programs that smack of wealth redistribution to the needy.

Possibly the most important area in which controversy exists about American exceptionalism is that of the true size and scope of government. This is, of course, not quite the same as asking about popular attitudes in the United States with respect to the role of government; it is at least theoretically possible that government programs thrive in spite of popular disapproval, or remain small in spite of popular support. In an influential article written in the 1970s, Anthony King argued that government in the United States was smaller in scale and narrower in function than government in other advanced democracies.²⁶ King considered a number of possible explanations before concluding that it was because Americans wanted it that way.²⁷ More recent events have complicated comparisons. The policies of the Thatcher, Major, and Blair governments in Great Britain, for example, have resulted in the private ownership of industries and services (ports, airports, and water supply) that are generally government-owned in the United States.

Frequently, policy debates in America do not start out by acknowledging the role that government already plays. For example, the debate about whether or not to have a larger role for

26. See Anthony King, *Ideas, Institutions and the Policies of Governments: A Comparative Analysis: Parts I and II*, 3 BRIT. J. POL. SCI. 291, 302-04 (1973).

27. See *id.*

government in providing national health insurance rarely notes that the government already provides over fifty percent of all expenditures on health care. Nevertheless, the OECD estimate of government expenditures (federal, state, and local) as a proportion of GDP cited above (38.3%) is still noticeably lower than the OECD average, even though government expenditure is probably larger than the average citizen imagines.²⁸ The problem is whether this figure represents a good measure of the total activity of governments in the United States.

Actual government expenditure in the United States seriously understates the proportion of GDP controlled by government. Government expenditure is a poor tool for measuring the size of government because American public policy tends to place unusually heavy reliance on alternative policy processes. Chief among these are tax allowance and regulation. The United States does not have a federal housing policy, but for generations the government has encouraged spending on housing by allowing mortgage interest to be set against income tax. Likewise, the United States does not have a formal industrial policy but varies tax codes to favor particular types of industry. The government supports low-income groups through earned income tax credits as well as through the welfare system. The OECD calculates that the combined effect of tax-based social programs and mandates programs raises United States government mandated social expenditures to nineteen percent of GDP, equivalent to about eighty percent of the British level and two thirds that of the French.²⁹ The American figure has been growing rapidly in recent decades, and only in part due to "up front" new government programs such as the prescription drug benefit for older Americans. Much of the increase comes from additional mandates, which are likely to grow. Most proposals for providing health insurance to more Americans aim to do so by increasing the mandatory social expenditures required of the private sector. Thus, we cannot assess the scale of the American state or the welfare support it mandates simply by looking at the proportion of GDP controlled directly by government. The United States has a "hidden welfare state" that

28. ORG. FOR ECON. DEV. & COOPERATION, *supra* note 20.

29. *See id.*

makes its scale much larger and, therefore, less exceptional than is assumed in much of the literature.³⁰

The government also controls the allocation of resources by imposing elaborate and costly requirements on industries through regulations. Many of these regulations serve what Americans generally accept as desirable public policy goals, such as achieving cleaner air and water. They nevertheless reflect a significant allocation of resources. Similarly, although it is not formal policy in the United States to provide health care for all through government funding, regulations require that hospitals receiving federal funds (the vast majority of those in the country) provide emergency health care for those who arrive at an emergency room in need of care. How large a share of GDP does regulation reallocate? Estimates vary considerably but the conservative economist Clyde Crews puts the figure at 8.2%.³¹

The purpose of citing Crews's figures is not to argue that business in the United States is too heavily or too lightly regulated or that our tax system is too cumbersome or inappropriate. The point is, instead, to note that governments in the United States pursue their goals through a variety of techniques, not all of which require government expenditures in whole or in part. Regulations and tax incentives have their cost to government; their purpose is to leverage a far larger (and more costly) effort from the private sector.

IV. IMPLICATIONS

The debate about exceptionalism is complicated by a lack of clear standards. No one doubts that there are noticeable differences between the United States and other countries. The problem

30. See, e.g., JACOB S. HACKER, *THE DIVIDED WELFARE STATE: THE BATTLE OVER PUBLIC AND PRIVATE SOCIAL BENEFITS IN THE UNITED STATES* (2002); CHRISTOPHER HOWARD, *THE HIDDEN WELFARE STATE: TAX EXPENDITURES AND SOCIAL POLICY IN THE UNITED STATES* (1997).

31. CLYDE WAYNE CREWS JR., *TEN THOUSAND COMMANDMENTS: AN ANNUAL SNAPSHOT OF THE FEDERAL REGULATORY STATE* (2003), available at http://www.cato.org/tech/pubs/10kc_2003.pdf. But see, e.g., Lisa Heinzerling, *Regulatory Costs of Mythic Proportions*, 107 YALE L.J. 1981, 1991 (1998) (arguing that the costs of regulatory interventions are often based upon erroneous assumptions); Thomas O. McGarity & Ruth Ruttenberg, *Counting the Cost of Health, Safety, and Environmental Regulation*, 80 TEX. L. REV. 1997 (2002) (same).

is what to make of those differences. It would seem that several conclusions are reasonable.

First, whatever may have been the situation in the past, a set of core beliefs in democracy and civil liberties is no longer distinctively American. Public opinion surveys in Europe, Canada, and Australia show strong support for democracy and basic civil liberties. Modern Europe defines itself as a democratic region. Its identity is now as intertwined with democracy as is the American identity. A country cannot be a member of the European Union unless it is a democracy and adheres to certain human rights policies such as renouncing the death penalty. As noted above, this development should be seen as a triumph of United States foreign policy, as what Americans think of as their core values were defended in World War II and the Cold War where they already existed and inculcated during occupation (Germany and Italy) where they did not. As Tocqueville predicted,³² democracy came to Europe. It has also come to large parts of Asia (including India, Taiwan, and South Korea). Although its prospects elsewhere (Russia, for example) are in doubt, thanks in no small part to their effort and sacrifices, Americans are no longer exceptional in supporting democracy and civil liberties.

Second, with respect to the size and role of government, the broadest possible argument for exceptionalism has to be rejected. Such an argument would rest on the claim that the United States was set irrevocably on a different path from that of other advanced democracies, a path on which government would always remain small and limited. In fact, the size and scope of government in the United States has more in common with contemporary advanced democracies than with the United States of fifty or more years ago. The United States has “big government.” Its “big government” may well be smaller than, say, France’s—even after allowing for the somewhat hidden modes of government activism in the United States—but it is, nonetheless, big government. Government in the United States is also not likely to become smaller. The political forces that might result in such a shift away from “big government” will never be as well-aligned as they were in the early years of this century when a conservative presidential administration coincided with Republican

32. See 1 ALEXIS DE TOCQUEVILLE, *DEMOCRACY IN AMERICA* 3 (Arthur Goldhammer trans., Library of America 2004) (1839).

control of Congress. President Bush intended to start the process of shrinking government by partially privatizing Social Security. After the 2004 election, in which he was legitimately elected—as opposed to what some call an appointment in 2000—Bush stated that “I earned . . . political capital, and now I intend to spend it.”³³ And yet, Social Security was not privatized; in the aftermath of the crash of 2008 and the decline in Republican fortunes, it is unlikely to be privatized in the foreseeable future. Much the same is true of other expensive government programs such as Medicare and Medicaid. All survey evidence indicates that, in terms of specific programs, Americans like it that way.

Third, although exceptionalism has not prevented the creation of “big government” in the United States, the belief that the United States practices small government has consequences. Skepticism about an expanded role for government lives on even if, in practice, it is set aside in favor of government activism. Politicians can still win easy applause by praising self-reliance, initiative, and inveighing against “Washington” even if they have held powerful positions in that city for decades. One of President Reagan’s great political strengths was that he could still give the impression that “Washington” had nothing to do with him even after he had lived in the White House for eight years. Some of these consequences may be beneficial; checking the impulse “to do something” with a questioning attitude to new programs. The anti-governmental tradition in the abstract may, however, still have harmful consequences when selecting specific policy tools. Because of the anti-governmental tradition, Americans often end up inventing complex, indirect means such as a tax incentive or regulation to accomplish a goal that might be achieved more efficiently by a government program. The United States government has gone to the trouble of inventing an alternative currency (food stamps) to build a political coalition for aiding poor people because the exceptionalist tradition still de-legitimizes helping them directly. We use the incredibly costly resources of hospital emergency rooms to treat children with earaches because the exceptionalist tradition inhibits the

33. Chris Suellentrop, *America’s New Political Capital*, SLATE, Nov. 30, 2004, <http://www.slate.com/id/2110256>.

growth of much less costly government programs to provide health insurance for all.

Fourth, although it has been fashionable in recent years to stress that ideas have consequences, they also have their limits. If circumstances are sufficiently compelling, we abandon them. This is as true of the core ideas of exceptionalism as of any other set of ideas. If anyone had suggested in the early years of the Bush Administration that it would soon be demanding stock in nine of the largest banks and deciding which corporations to let live and which to let die, people would likely have thought that the person's recreational use of drugs was a bit heavy. Yet, as we all know, that is how the Bush Administration ended. The exceptionalist legacy of government non-intervention had its consequences in the crash of 2008. The decision of the Secretary of the Treasury, Henry Paulsen, not to rescue Lehman Brothers was attributed to a reluctance to intervene that was fully in tune with exceptionalist thought. It probably also made the crash much worse. Similarly, the initial reluctance to inject money directly into the major banks in return for stock slowed a solution to the crisis, and it was not until the British had demonstrated the utility of the approach that Paulsen copied their plan. The crash of 2008 showed that, like most other influences on our politics, exceptionalism operates within limits. When economic disaster threatened the world, the nostrums of small government and faith in self-regulating markets were abandoned. Like all ideas, exceptionalism matters, but not all the time.