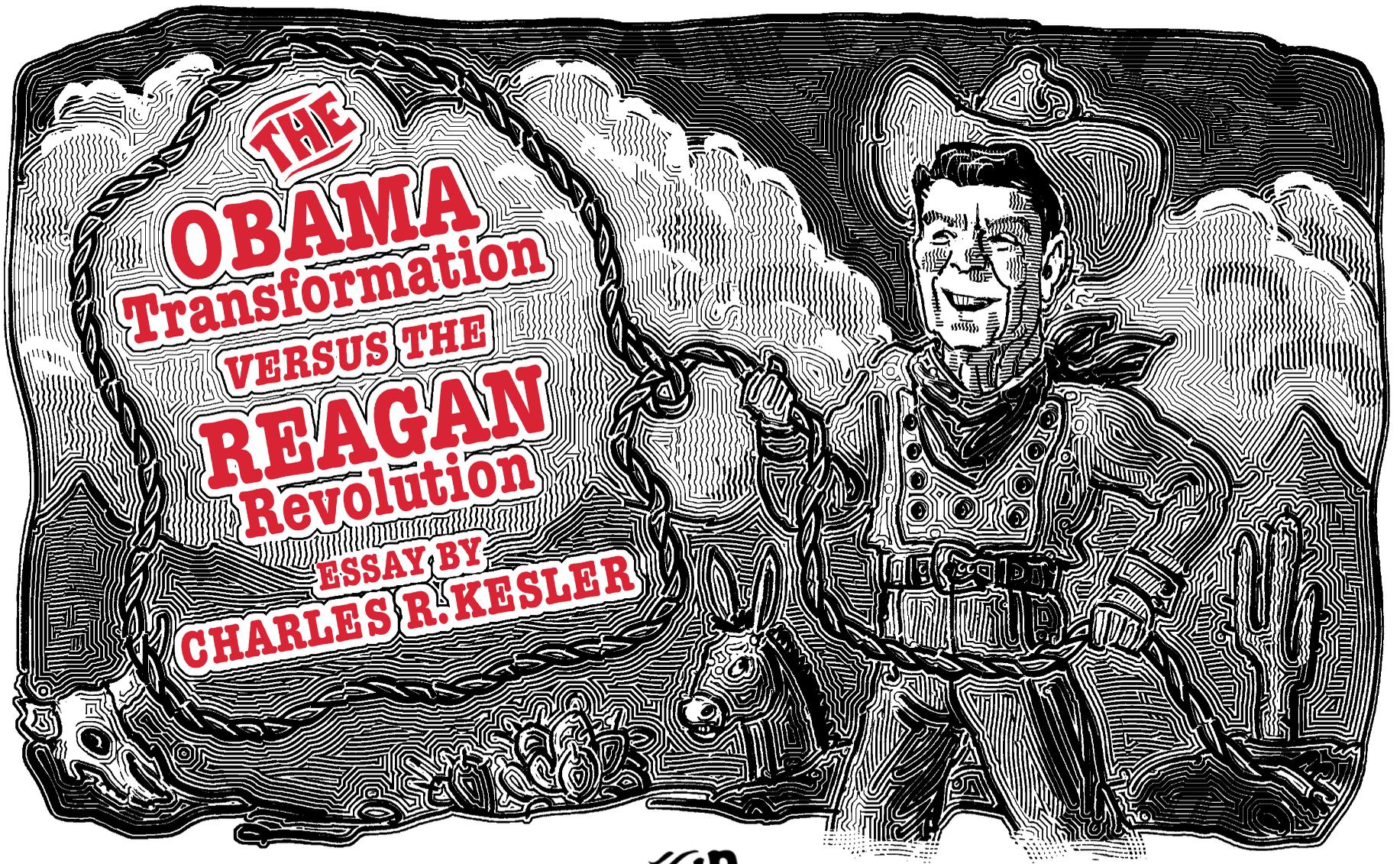


VOLUME XV, NUMBER 3, SUMMER 2015

CLAREMONT

REVIEW OF BOOKS

A Journal of Political Thought and Statesmanship



AND

Christopher DeMuth:
**Our Corrupt
Government**

Brian T. Kennedy:
Choosing Defeat

Timothy Sandefur:
Star Trek Adrift

William Voegeli:
**The Church of What's
Happening Now**

Thomas D. Klingenstein
& Peter W. Wood:
**Free Speech
on Campus**

Charles Murray:
Our Kids

James Grant:
**Causes of the
Crash**

Joseph Epstein:
Young T.S. Eliot



A Publication of the Claremont Institute

PRICE: \$6.95
IN CANADA: \$8.95

HILLSDALE COLLEGE
VAN ANDEL
GRADUATE SCHOOL OF STATESMANSHIP



A FIRST PRINCIPLES APPROACH
TO GRADUATE EDUCATION IN
POLITICAL PHILOSOPHY AND
AMERICAN POLITICS

M.A.
POLITICS

Ph.D.
POLITICS

THE FACULTY

Larry P. Arnn
Adam Carrington
Mickey Craig
Robert Eden
John W. Grant
Matthew Mendham
Ronald J. Pestritto
Kevin Portteus
Paul Rahe
Kevin Slack
Thomas G. West

FOR MORE INFORMATION OR TO APPLY
gradschool.hillsdale.edu
gradschool@hillsdale.edu | (517) 607-2483

BASED ON THE *CORE TEXTS* OF THE WESTERN AND AMERICAN TRADITIONS

Offering Competitive Scholarships and Fellowship Stipends

FROM THE EDITOR'S DESK

Charles R. Kesler: You're Fired!: page 5

CORRESPONDENCE: page 6

ESSAYS

William Voegeli: That New-Time Religion: page 12
There are worse things to believe in than nothing.

Charles R. Kesler: The Obama Transformation versus
the Reagan Revolution: page 26
The great contest in 2016.

Timothy Sandefur: The Politics of Star Trek: page 98
From the New Frontier to the final frontier.

Thomas D. Klingenstein: Dereliction of Duty: page 63
Unless college trustees speak up, students can't.

Peter W. Wood: Forgetting Freedom: page 73
The rise of campus authoritarianism.

REVIEWS OF BOOKS

Charles Murray: Kids Today: page 19
Our Kids: The American Dream in Crisis, by Robert D. Putnam.

Christopher Caldwell: Reckoning with Reagan: page 22
Reagan: The Life, by H.W. Brands.

Christopher DeMuth, Sr.: Our Corrupt Government: page 34
A Republic No More: Big Government and the Rise of American Political Corruption, by Jay Cost; *Saving Congress from Itself: Emancipating the States and Empowering Their People*, by James L. Buckley; and *By the People: Rebuilding Liberty without Permission*, by Charles Murray.

James W. Ceaser: The One: page 46
Obama's Time: A History, by Morton Keller.

Brian T. Kennedy: Choosing Defeat: page 48
America in Retreat: The New Isolationism and the Coming Global Disorder, by Bret Stephens.

Peter Skerry: Imagine No Religion: page 50
Heretic: Why Islam Needs a Reformation Now, by Ayaan Hirsi Ali.

Justin Buckley Dyer: Marriage License: page 53
What's Wrong with Homosexuality?, by John Corvino; and *Making Gay Okay: How Rationalizing Homosexual Behavior Is Changing Everything*, by Robert R. Reilly.

Benjamin Balint: The Nazi Jurist: page 57
Carl Schmitt: A Biography, by Reinhard Mehring,
translated by Daniel Steuer.

Michael M. Uhlmann: Two Cheers for Originalism: page 60
The Constitution: An Introduction, by Michael Stokes Paulsen
and Luke Paulsen.

Joseph Epstein: From Tom to T.S.: page 67
Young Eliot: From St. Louis to The Waste Land, by Robert Crawford.

A.M. Juster: Passionate Focus: page 71
Poetry Notebook: Reflections on the Intensity of Language,
by Clive James.

Diana Furchtgott-Roth: Who Needs Unions?: page 77
Only One Thing Can Save Us: Why America Needs a New Kind of Labor Movement, by Thomas Geoghegan.

James Grant: The Subprime Directive: page 82
Hidden in Plain Sight: What Really Caused the World's Worst Financial Crisis and Why It Could Happen Again,
by Peter J. Wallison.

Allan H. Meltzer: Don't Just Do Something: page 84
The Forgotten Depression: 1921, the Crash that Cured Itself,
by James Grant.

Richard Vedder: From Bad to Worse: page 86
The Global Great Depression and the Coming of World War II,
by John E. Moser.

Denis Boyles: The Man on Horseback: page 88
Bonaparte: 1769–1802, by Patrice Gueniffey, translated by Steven Rendall; *Napoleon: The End of Glory*, by Munro Price; *Napoleon: A Life*, by Andrew Roberts; and *Citizen Emperor: Napoleon in Power*,
by Philip Dwyer.

Ken Masugi: Lukewarm Lincoln: page 91
Lincoln's Political Thought, by George Kateb.

Michael P. Zuckert: A More Perfect Union: page 95
The Wars of Reconstruction: The Brief, Violent History of America's Most Progressive Era, by Douglas R. Egerton; *After Lincoln: How the North Won the Civil War and Lost the Peace*, by A.J. Langguth; and *Statesmanship and Reconstruction: Moderate versus Radical Republicans on Restoring the Union after the Civil War*,
by Philip B. Lyons.

SHADOW PLAY

Martha Bayles: Personal Technology: page 103
Ex Machina helps us understand our humanity.

PARTHIAN SHOT

Steven F. Hayward: What's in a Name?: page 106

Rediscover

REINHOLD NIEBUHR

Major Works on Religion and Politics

Elisabeth Sifton, editor

This volume gathers four indispensable books by the great theologian and public intellectual: *Leaves from the Notebook of a Tamed Cynic* (1929), *Moral Man and Immoral Society* (1932), *The Children of Light and the Children of Darkness* (1944), and *The Irony of American History* (1952), along with a selection of essays, lectures, sermons, prayers, and writings on current events—from Prohibition to the Allied bombing of Germany, apartheid in South Africa, and the Vietnam War—many collected here for the first time.

"A fine introduction to one of the 20th century's most influential intellectuals."

The Wall Street Journal

960 pages • \$40 cloth • e-book

SAUL BELLOW

Novels 1984–2000

James Wood, editor

For his centennial (June 10, 2015), The Library of America and editor James Wood present the culminating volume in the definitive edition of Saul Bellow's complete novels. Gathered here are four shorter works that reveal his mastery of the novella form, along with *More Die of Heartbreak*, a novel that "changes the way you see everything" (Martin Amis), and Bellow's extraordinary valedictory, *Ravelstein*, a brilliant roman à clef about his friend Allan Bloom, the University of Chicago philosopher who achieved sudden celebrity when his controversial 1987 best seller *The Closing of the American Mind* triggered a culture-war tempest.

880 pages • \$40 cloth • #260

THE AMERICAN REVOLUTION

Writings from the Pamphlet Debate 1764–1776

Gordon S. Wood, editor

For the 250th anniversary of the start of the American Revolution, a landmark two-volume edition of 39 political pamphlets that chart the course of the imperial crisis, including works by James Otis, Samuel Johnson, Edmund Burke, Thomas Jefferson, and Thomas Paine, among many others. Each volume includes an introduction, headnotes, detailed notes, a chronology of the rise and fall of the first British empire, and a textual essay describing the production, reception, and influence of each pamphlet.

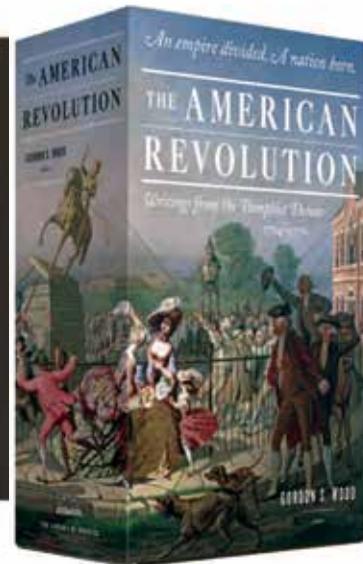
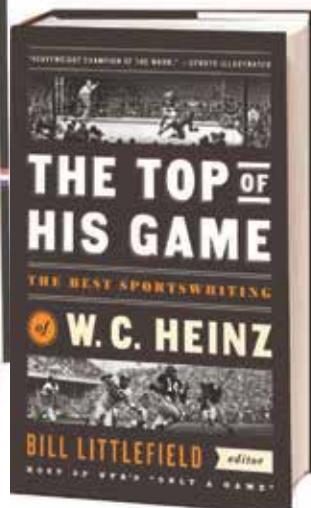
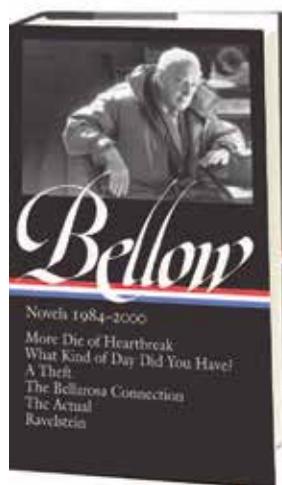
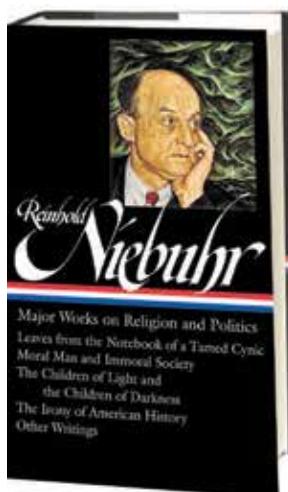
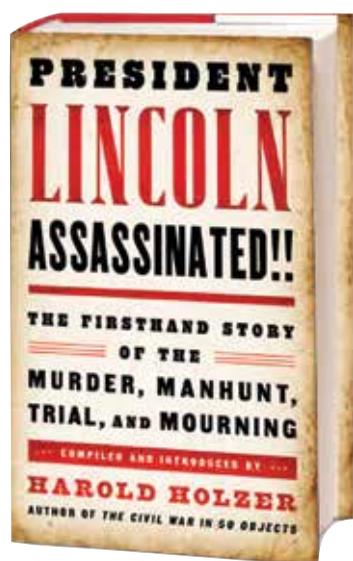
"Timely, important, and judiciously selected . . . a great and fitting addition to the Library of America series."

Alan Taylor, Pulitzer Prize-winning author of *The Internal Enemy*

1,889 pages • \$75 boxed set • #265 & 266

I. 1764–1772 924 pages • \$37.50 • e-book

II. 1773–1776 965 pages • \$37.50 • e-book



PRESIDENT LINCOLN ASSASSINATED!!

The Firsthand Story of the Murder, Manhunt, Trial, and Mourning

Compiled and Introduced by Harold Holzer

This unprecedented anthology recaptures the dramatic immediacy of Lincoln's assassination, the hunt for the conspirators and their military trial, and the nation's mourning for the martyred president. The fateful story is told in more than eighty original documents—eyewitness reports, medical records, trial transcripts, newspaper articles, speeches, letters, diary entries, and poems—by more than seventy-five participants and observers.

"Recreates Lincoln's murder with an extraordinary you-are-there vividness."

Thomas Mallon, author of *Henry and Clara*

480 pages + 16-page insert • \$29.95 cloth • e-book

THE TOP OF HIS GAME

The Best Sportswriting of W. C. Heinz

Bill Littlefield, editor

A pioneer of the long-form sports story, W. C. Heinz wrote with a freshness of perception, a gift for characterization, and a finely tuned ear for dialogue. His profiles of the top athletes of his day are classics of the form, as immediate and affecting today as when first written. Now, for his centennial, Bill Littlefield (NPR's *Only A Game*) presents the essential Heinz: thirty-eight columns, profiles, and memoirs from the author's personal archive, including eighteen pieces never collected during his lifetime.

"This work deserves to be read and treasured."

Glenn Stout, series editor, *The Best American Sports Writing*

"This book is an understated wonder."

Leigh Montville, *The Wall Street Journal*

594 pages • \$29.95 cloth • e-book

digital audiobook: Selected and read by Bill Littlefield
6 hrs • \$29.95

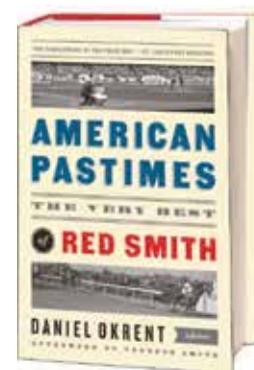
Companion volume

AMERICAN PASTIMES

The Very Best of Red Smith

Daniel Okrent, editor

afterword by Terence Smith



In a selection spanning from the 1940s to the 1980s, the incomparable columns of the sportswriter once called the "Shakespeare of the Press Box."

624 pp. • \$29.95 cloth • e-book



www.loa.org

YOU'RE FIRED!

by Charles R. Kesler

I NEVER THOUGHT REALITY TV WAS GOING TO WORK OUT WELL. IF a show couldn't afford a good script and good actors, why should anyone watch it? But millions did, and here we are, wondering what Donald Trump's campaign, more improvised than his television show, tells us about the state of American politics.

It's been good for humorists, that's for sure. Garry Trudeau's *Doonesbury*, a comic strip that hasn't been funny in two decades, flickered to life the other day. Asked why he thought he was qualified to be leader of the free world, the cartoon Trump replied: "Three words: Supermodel First Lady!" *The Onion* ran a faux editorial by Trump:

I've already alienated America's largest immigrant population... and publicly insulted a national hero's military service, all while not offering a single viable policy idea. But none of that matters at all.... Admit it: You people want to see just how far this goes, don't you?

We are along for the ride, partly to see the crack-up at the end but mostly to see the establishment gasp along the way. Trump is a populist but of a peculiar sort. William Jennings Bryan didn't go around calling himself "The William." The Donald talks (strictly in this order) about himself, the idiocy of the American political elite, and the good qualities of the American people, who come in a distant third. Even his anti-elitism is strangely personal. It's not a class hatred; it consists of a big, brash, rich (*verrry* rich) New Yorker calling out Jeb Bush, President Obama, and Megyn Kelly by name. It's an invitation to a rumble, not to a revolution. The rumble is all songs and no switchblades, of course, but that doesn't make it less fascinating.

Trump's populism exploits three frustrations with modern government or, more precisely, with the people who run it—that they're illegitimate, incompetent, and insufferable. The first lay behind Trump's dogged pursuit of President Obama's long-form birth certificate, trying to prove that he was born not in Hawaii but somewhere else, somewhere that would allegedly disqualify him from being president, or at least prove him a liar. Not only illusory, this gambit distracted from genuine worries about the illegitimacy of a government that concentrates more and more power in a distant elite, with less and less accountability to the public.

SINCE ANNOUNCING HIS PRESIDENTIAL CANDIDACY, TRUMP talks less like a birther and more like a turnaround artist. He excoriates the incompetence of Obama, Hillary Clinton, John Kerry, Jeb, George W. Bush, and other stupid, moronic, idiotic, and low-I.Q. holders of high office past and present. Losers! It isn't often that populism and demands for high job performance go hand in hand, and we should be grateful. Nativism is not his thing. His complaint is that the rulers of China, Mexico, Russia, ISIS, and Iran, among others, are smarter and bolder than our own. When he promises to build a wall along our southern border, he emphasizes it is to keep criminals, drug addicts, and perverts out, not the good Mexicans who want to work for him. In 1992 Ross Perot offered competence, too, but more as a set of technical skills: he knew how to look under the hood and "fix it." Trump knows how "to get things done." He is a deal-maker, a hard bargainer, a guy you are glad is on your side of the table—and a hard boss, too. How we long to hear him say to the elites of both parties: "You're fired!"

There are other things his supporters and onlookers like to hear him say. In fact, a huge (make that *yuuuuge*) part of his appeal comes from his forthrightness in a P.C. age. He says things, never eloquently or without bluster, and in a surprisingly limited vocabulary, but nonetheless things that few others would have the audacity to say in private, much less in a presidential debate. To the insufferable smugness of the elites he offers the contrast of a populist breath of fresh air, and of something more valuable: a reminder of what America used to be like when it was a freer country, before political correctness did away with candor. When he denounces the best and brightest as dumb and dumber, that stings. And we cheer. All the more so because he refuses to apologize the way everyone hypocritically does these days, to get the P.C. police to call off the dogs.

If he really wants to be president, which isn't clear yet, he faces an obstacle that he may not have foreseen. Very few businessmen have made it to the U.S. presidency. Though Americans often admire successful business leaders, they often don't see them as having the right mix of talents and virtues for the nation's top job. Even reality TV has to face reality, eventually.

Claremont Review of Books, Volume XV, Number 3, Summer 2015. (Printed in the United States on August 14, 2015.)

Published quarterly by the Claremont Institute for the Study of Statesmanship and Political Philosophy, 1317 W. Foothill Blvd, Suite 120, Upland, CA 91786. Telephone: (909) 981-2200. Fax: (909) 981-1616. Postmaster send address changes to Claremont Review of Books Address Change, 1317 W. Foothill Blvd, Suite 120, Upland, CA 91786. Unsolicited manuscripts must be accompanied by a self-addressed, stamped envelope; or may be sent via email to: crbeditor@claremont.org.

Send all letters to the editor to the above addresses.

Editor: Charles R. Kesler

Senior Editors:

Christopher Flannery, William Voegeli

Managing Editor: John B. Kienker

Production Editor: Patrick Collins

Assistant Editor: Lindsay Eberhardt

Contributing Editor: Joseph Tartakovsky

Art Director: Elliott Banfield

Publisher: Michael Pack

Publisher (2000–2001): Thomas B. Silver

Price: \$6.95 per copy; \$27.80 for a one-year subscription; \$55.60 for a two-year subscription; \$83.40 for a three-year subscription. Add \$17 for all foreign subscriptions, including those originating in Canada and Latin America. To subscribe, call (909) 981-2200, or contact subscriptions@claremont.org.

Visit us online at www.claremont.org/crb. Opinions expressed in signed articles do not necessarily represent the views of the editors, the Claremont Institute, or its board of directors. Nothing in this journal is an attempt to aid or hinder the passage of any bill or influence the election of any candidate. All contents Copyright © 2015 the Claremont Institute, except where otherwise noted.

CORRESPONDENCE

OUR DECLARATION

Every author should be so lucky to have a reader as thoughtful and committed to careful reading as Diana Schaub (“Equality and Liberty,” Winter 2014/15). She gets a lot right, a few small things wrong, and raises three related issues that are worth engaging at length. These concern my treatment of God, equality, and democracy.

On these subjects, Schaub gets off on the wrong track, mainly by virtue of misreading my treatment of the idea of Nature’s God. She writes: “Allen desperately wants there to be a solid non-religious foundation for rights. She betrays the same discomfort that I have seen in my students when they encounter Martin Luther King, Jr.’s insistence on the theistic assumptions that inform the practice of nonviolent resistance. She wants the wiggle-room of the ‘and/or’ formulation.” Schaub seems to suggest that I am seeking a secular foundation for the Declaration of Independence, and so also writes: “It’s hard to build this kind of political religion on the sandy soil of secular self-interest.”

In fact, I seek a compromise arrangement, or an overlapping consensus, that will permit be-

lievers and non-believers both to embrace the Declaration. The religious language in the Declaration similarly crafts a compromise. It studiously avoids commitment to any particular theological doctrine or sectarian view; this made it possible for deists like Benjamin Franklin and Thomas Jefferson to affirm the same document as a Puritan like Roger Sherman. In so doing, the Declaration’s religious language signals not only democracies’ profound need for compromise but also, specifically, the central importance of religious compromise. Schaub comments that my reading of this passage may be “close” but is less than “faithful” to the text, and, in a sense, she is right. The compromise that I identify as possible—between the faithful and the secular—goes beyond that effected in 1776 among Christians, deists, and closet atheists. I do not, however, believe that it goes much beyond it—so stark already were the disagreements that characterized the religious views of the time. My reading is true to the Declaration in seeking to probe the contours of the space it provides for religious compromise, and testing that space for capaciousness.

Because Schaub reads me (I think) as choosing a side in the fight between faith and secularism rather than as attempting to forge a compromise, she then misreads my account of human equality. Schaub argues that I treat equality as a purely human creation, rather than as something that precedes our own doing. She writes: “On her reading, nature (and/or God) blesses us with political life and we, in turn, make various beautiful forms of equality our political handiwork. Thus, [Allen] evokes equality not as a pre-political datum, but rather as a flower ‘only half bloomed in this land.’” In fact, I argue that we are blessed with a natural equality that consists of both

our moral equality and our political capacity. In the Declaration, our moral equality is expressed with reference to our basic rights (which capture the fact that we just *do* pursue our survival, freedom, and well-being and *ought* to be left alone to do so, if we are to be the kinds of creatures we are and to have a chance at peace).

But our natural equality also consists of our political capacity to build governments that protect our basic pursuits *as* enforceable rights. The right use of our natural equality is through the deployment of that political capacity to establish political equality. So, yes, we ought to make “various beautiful forms of equality our political handiwork,” but equality does not make its first appearance on the human stage on account of our own handiwork. Equality enters the world when each of us does—which was, of course, in the case of every single one of us, not a matter of our own doing.

The key question, then, is how best to understand the project of building from moral to political equality. What should be the object of our handiwork? A republic, or a democracy? In my view, this is a non-question. In fact, it can only seem a real question if, again, the compromises that secured the early American polity are obscured. The politics of the early United States were characterized by an argument over whether more democratic or more aristocratic approaches to politics should prevail, and to suggest that a single term—whether “democracy” or “republic”—came to define the new political entity obscures the enduring argument over that question and the history of specific compromises achieved to make it possible for those who disagreed powerfully with one another to participate nonetheless as equal shareholders of the new set of public political institutions.

Plenty of people probably voted for the Constitution because they thought it created a “republic,” but plenty of others probably did be-

cause they thought it forged what Alexander Hamilton called a “representative democracy.” Once again, a close look at the founding shows us the formation of an overlapping consensus. Whatever we may call governments that derive their power from the people, they can function only with compromise. The right kinds of compromise make it possible for people to play the same game, even if for different reasons. Not all compromises are worthy, but there are many more good ones than we commonly believe these days.

Danielle Allen

Institute for Advanced Study
Princeton, NJ

Diana Schaub replies:

I think Danielle Allen’s restatement of her position confirms my initial characterizations (which were perhaps not stated clearly enough).

I think I did not misread her when I asserted that she is intent on finding “a solid non-religious foundation for rights.” I did not say, or mean to imply, that she wants such a foundation to be the only one or even the prevailing one (indeed, I don’t have any reason to think it is her own preferred foundation). I understood that she aimed at inclusiveness. My point was simply that the Declaration is not phrased in terms of two possibilities: the religious or the secular. As Allen says, she is seeking a “compromise arrangement” or “overlapping consensus.” However, her desired consensus is different from the one in the Declaration, as she acknowledges when she says that, “in a sense, [Schaub] is right” that the reading offered in *Our Declaration* is “less than ‘faithful.’”

In the quest for inclusiveness, the scope of possible agreement between believers and non-believers is a key question. “Closet atheism”—which might be better described as philosophic agnosticism about the ultimate questions

*Please send all
correspondence to:*

Claremont Review of Books
Attn.: Letters to the Editor
1317 W. Foothill Blvd, Suite 120,
Upland, CA 91786.

Or via e-mail:
crbeditor@claremont.org

We reserve the right to edit
for length and clarity.

Please include your
name, address, and
telephone number.

of cosmology—can comport quite comfortably with the Declaration’s original formulation and meaning. However, the atheism we encounter today cannot. Much of contemporary atheism is arrogantly dogmatic. As we see from the transfigurations wrought in the last couple of decades, the uncloseted version of a thing has profoundly different social effects from the closeted version.

Even Thomas Jefferson, who argues that the law ought to tolerate avowed atheists (since the avowal “neither picks my pocket nor breaks my leg”), makes clear that he speaks only of liberty for the “operations of the mind.” Thus, in Query XVII of *Notes on the State of Virginia*, Jefferson, having defended the right “to say there are twenty gods, or no god,” goes on to argue that the courtroom testimony of an avowed atheist might be rejected and socially stigmatized. Abraham Lincoln seems to go further when he says that the one who is “an open enemy of, and scoffer at, religion” has no right “thus to insult the feelings, and injure the morals, of the community in which he may live.” In other moods, Jefferson too recognized the threat of moral injury. In the very next Query after his qualified defense of public atheism, he worries whether “the liberties of a nation [can] be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God.”

My further point was that Allen’s attempt to find “overlapping consensus” between believers and non-believers undercuts the ground she needs if she is to realize her own hopes for a “beloved community.” The phrase, which comes from Booker T. Washington, via Martin Luther King, Jr., captures the exalted character of her political aspirations and underlying “sublime optimism about human potential” (which she attributes to the Declaration as well). Although there is much that believers and non-believers can agree on when it comes to goals like security and prosperity, a beloved community requires

more. Beloved communities require soulful individuals, and followers of Thomas Hobbes ain’t that.

On human equality, again, I don’t think I have misread. I grant that Allen subscribes to a notion of both original equality and politically achieved equality, and further that she thinks we can achieve real, tangible equality as a result of a “blessed” (or “lucky,” since we should remember our need to overlap with the atheists among us) fact of our nature: our equality in political capacity. My point was that the founders would not agree with her thesis of equal political capacity (at least not in its strong version) or her view that the main aim of political action is the achievement of equality of condition. My formulation in the review, which was perhaps too schematic, was an attempt to show two things: how Allen shifts the main weight of equality forward, into an egalitarian political project (her avowed aim) and how she does so by denying that there is any pre-political realm or status. I think I am correct in saying that Allen does not regard equality as a “pre-political datum” since, for her, humanity’s original equality includes equality with respect to political capacity. In her view, we are political beings through and through—and that does seem to me a departure from the anthropology of the Declaration.

So, on to government. When the Declaration says the people may design whatever form of government seems to them “most likely to effect their safety and happiness,” it makes room for choices other than democracy and more democracy. For instance, we might deploy our political capacity by making allowance for politically significant forms of inequality. *Federalist* 10 argues that “the first object of government” is the protection of “the diversity in the faculties of men, from which the rights of property originate.” Allen’s exclusive focus on equality leads to a neglect of other goods that human beings seek through government, like liberty, stability, and good administration.

The final issue raised by Allen is compromise. It is incorrect to say that I *spurned* compromise as “temporizing with prejudice.” Rather, I *embraced* compromise as “temporizing with prejudice”—surely you wouldn’t reject my willingness to compromise just because my reason for compromising is not the same as another’s. It is true that I don’t believe compromise is a good in itself or that the spirit of compromise is a virtue. Prudence is a virtue, and while it often supports the call for compromise, it doesn’t always.

My model for such judgment is Abraham Lincoln. It’s interesting to look at Lincoln’s 1852 eulogy for Henry Clay, who had acquired the sobriquet “the Great Compromiser” for his role in brokering the Missouri Compromise and the Compromise of 1850. In praising Clay, Lincoln ostentatiously avoids using the term “compromise,” instead stressing Clay’s anti-slavery stance and “his ruling passion—a love of liberty and right, unselfishly, and for their own sakes.” With great subtlety, Lincoln positions himself as the heir of Clay, “as *the* man for a crisis.” When that crisis arrived, Lincoln famously rejected the scramble for compromise measures. The Crittenden Compromise, for instance, was a legislative attempt to avert the dissolution of the Union by relenting on the question of the extension of slavery into the territories. Lincoln quashed it, since it would in effect have invalidated the people’s choice of Lincoln and the Republican Party, as expressed through the mechanism of a perfectly constitutional election. He felt duty-bound to reject it. “And the war came.”

A more demanding practice of self-government would be one that resuscitated not simply compromise but prudence, with its ability to sometimes counsel flexibility and at other times hold out intransigently for principle, even at great cost. Of course, I don’t entertain the utopian hope that prudence will ever be generally possessed (I know I don’t have it)—or that “collective intelligence” and “egalitarian approaches to



The
Claremont
Review of Books
Publication
Committee

William J. Bennett

Robert Curry

Gary and Carol Furlong

Michael W. Gleba

Charles W. Kadlec

Kurt A. Keilhacker

Thomas D. Klingenstein

Larry G. Mattson

Robert W. Nelson

Bruce C. Sanborn

Dianne J. Sehler

Paul E. Singer

Patrick M. Sullivan

Jacob Y. Turner

**WITH INCREDIBLE CONCERTS LIKE THESE,
 HOW COULD YOU CHOOSE JUST ONE?**

2015 | 2016
 SEASON



THE RUSSIAN EVOLUTION

Sat, Sep 26, 2015 - 2 pm
 Sun, Sep 27, 2015 - 7 pm

Lush, rich harmonic music of Tchaikovsky, Gretchaninov and Rachmaninoff with Sofia Gubaidulina's *Canticle of the Sun*.



MADE IN L.A.

Sun, Nov 15, 2015 - 7 pm

Showcasing Los Angeles superstar choral composers, with premieres by Jeff Beal, Paul Chihara, Moira Smiley and Nilo Alcalá.



FESTIVAL OF CAROLS

Sat, Dec 5, 2015 - 2 pm
 Sat, Dec 12, 2015 - 2 pm

Favorite carols and songs of the season sung by one of the greatest choirs in the world!



REJOICE! BRASS TIDINGS

Sun, Dec 13, 2015 - 7 pm

Trumpets herald the yuletide season with a joyful concert for choir, brass and the iconic Disney Hall Pipe Organ!



HANDEL: MESSIAH

SING-ALONG
 Wed, Dec 16, 2015 - 8 pm

LAMC PERFORMANCES
 Sun, Dec 6, 2015 - 7 pm
 Sun, Dec 20, 2015 - 7 pm

Three performances of the greatest choral work of all time, sung by you or sung by us. Your choice!



VERDI REQUIEM

Sat, Jan 30, 2016 - 2 pm
 Sun, Jan 31, 2016 - 7 pm

Verdi's masterpiece with guest soloists Amber Wagner, Michelle DeYoung, Joshua Guerrero and Morris Robinson.



MUSIC OF THE COAL MINER

Sun, Mar 6, 2016 - 7:30 pm

Julia Wolfe's *Anthracite Fields* with *Bang on a Can All-Stars* and video projection, plus songs, hymns and spirituals of Appalachia.



ALEXANDER'S FEAST

Sat, Apr 16, 2016 - 2 pm
 Sun, Apr 17, 2016 - 7 pm

George Frideric Handel's riveting oratorio dramatically staged by opera & theater director Trevore Ross.



SONIC MASTERWORKS

Sun, Jun 5, 2016 - 7 pm

Choral "ear candy" works by Lotti, Allegri, Ligeti, Betinis, Hillborg and Stucky will create an aurora borealis of sound inside Disney Hall.

SUBSCRIBE FOR AS LITTLE AS \$72!

LAMC.ORG | 213-972-7282 MON-SAT 10-6

Artists, programs, dates and prices subject to change.



knowledge cultivation” could ever substitute for it—and so I would prefer that we not dismantle the “inventions of prudence” (*Federalist* 51) that have been constitutionally bequeathed to us.

LINCOLN'S GOD

My thanks to Lucas Morel for his incisive and large-hearted review (“Our Fathers,” Spring 2015). It is a lucky author who is taken so seriously and explained so well. Morel and I mostly agree on Lincoln and the founders, but part ways on Lincoln’s religion. There are two reasons for this, one biographical, one historical.

Morel downplays Lincoln’s congenital darkness. It is risky diagnosing dead people, but Lincoln was certainly prone to depression in the ordinary sense of the word, if not the medical. His temperament found expression in his reading. Morel leaves Lord Byron—Romanticism’s Jim Morrison—off my list of Lincoln’s favorite poets, and leans too much on the religious consolation to be found in William Shakespeare. But there isn’t much religious consolation in Shakespeare, except perhaps in the romances and some of the comedies, which Lincoln did not prize. His inner theater played *Macbeth*, not *The Winter’s Tale* or *A Midsummer Night’s Dream*. The verses Lincoln himself wrote are bleak indeed.

Lincoln’s temperament inflected his understanding of the nature of things. I believe one reason his youthful intoxication with Thomas Paine’s deism wore off was that it was too optimistic for him: religions are horrible, but the God of philosophy and science made a wonderful world! We must imagine Lincoln thinking, *And where is that?*

Morel argues that Lincoln, like George Washington before him, believed in an all-superintending Providence. He did, but their Providences were different. Washington’s was no New Age comforter (follow your bliss), but it did tend to reward hard work in

the world. Lincoln’s Providence could be capricious, cruel, and opaque. In Lincoln’s lifetime it killed his mother, sister, sweetheart, and two of his sons. Before he was born it murdered Abraham Lincoln, his grandfather and namesake. Probably that is why Lincoln invoked Providence less often than Washington did.

Morel also downplays Lincoln’s war-time experience. The depressive found himself in a world even more depressing than his worldview. Morel acknowledges the “body count” of the Civil War, “exceeding any sane American’s expectation.” But we should dwell on that body count. Friends, relatives, and strangers, disfigured, killed, or executed for breaches of discipline, all reported as a matter of routine to the commander-in-chief and doubled by the victims on the other side who, Lincoln believed, were also all Americans—it was his own multitudinous seas, incarnadined. For four years nothing he tried—not his First Inaugural’s appeal to “the better angels of our nature,” nor his restless search for commanders who could give him victory, nor his repeated offers to both loyal and rebel slave states of compensated emancipation—lessened or stanching the flow. Lincoln was finally driven to the explanation he offered in his Second Inaugural: God willed these horrors to punish the national sin of slavery.

I called the “moral calculus” of this eloquent paragraph “outrageous” because I cannot see why a youth from Vermont whose nearest brush with slavery was the cotton in his shirt should be sliced by grapeshot, or why a youth from Tennessee who never owned a slave should be snuffed by a Minié ball. (The Tennessean would be more culpable as a supporter of secession, but is even that grave mistake a capital crime in the Lord’s books? The Union did not summarily execute rebel POWs.) Lincoln was trying in his Second Inaugural to explain devastation that had already occurred. But what does an explanation that outrages sense and morality explain? “The Almighty has his own

purposes,” said Lincoln. He might better have left it at that.

Thankfully, the Second Inaugural gave Americans a new thought and a new task, embodied in Lincoln’s list of what they must now do to heal their wounds. If I may add a footnote to prophecy, I will quote myself:

The end of the Second Inaugural marked one more stage in Lincoln’s thinking about fathers and sons. After letting go of the founding fathers he had faced God the Father directly. He wrestled with Him, as he and his father had wrestled with bullies; as Jacob had wrestled with the angel. Lincoln had a bad bout of it, being thrown again and again. After that painful turmoil, now he and the country had to address the tasks of peace. Now they would have to be men.

God figures in Lincoln’s manly vision as a guide (“as God gives us to see the right”) but the work is up to us. I find Lincoln’s religion deep, dark, frightening, partial, and (somewhat) hopeful.

Richard Brookhiser
New York, NY

Lucas Morel replies:

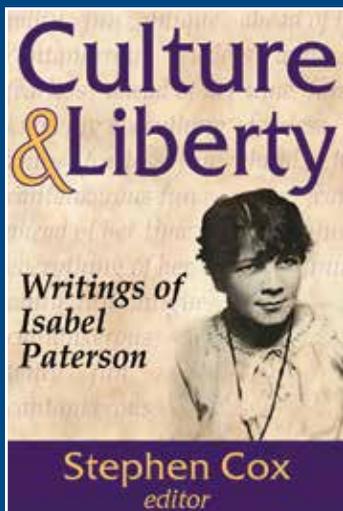
It’s a commonplace observation that Lincoln was a depressive. As I see no sign of its shaping his understanding of God’s way with His creation, I conclude that whatever affinity he had with Byron, at best it helped Lincoln abide the travails of mortal life with a humility that leavened an ambition his law partner, William Herndon, called “a little engine that knew no rest.”

I emphasized Shakespeare as a fellow traveler of Lincoln’s not for “consolation” so much as earnest engagement with fundamental doctrines of the Christian faith. Although Lincoln never joined a church, as he was not given to pledging fealty to doctrines of a particular denomination, the Bible intrigued him to the point

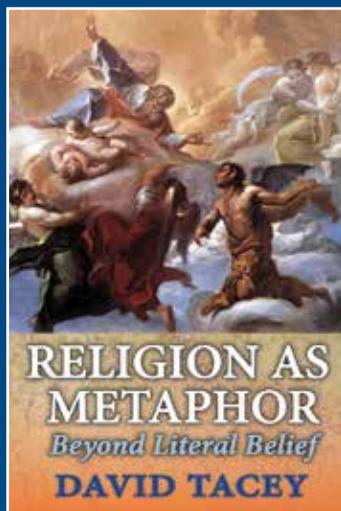
of general assent by the time he took the oath of office. That assent led him to see his political role through the prism of Providence. In a note to himself during the war, Lincoln mused, “The will of God prevails.... In the present civil war it is quite possible that God’s purpose is something different from the purpose of either party—and yet the human instrumentalities, working just as they do, are of the best adaptation to effect His purpose.” Though a private reflection, it gives the impression of being written with the nation looking over his shoulder—a meditation designed to bear public scrutiny, which he revealed ultimately in his Second Inaugural Address. Just as Shakespeare wrote in a manner that shows the challenge that the Prince of Peace poses to the kings of earth (e.g., *Hamlet* and *Henry V*), Lincoln drew upon the Bible to depict what the Almighty might be doing in a war neither side truly wanted and with results that neither expected at the outset.

Lincoln ultimately rejected Paine’s deism not because Paine was too optimistic for the melancholic Lincoln but because he did not believe in an absentee, clock-maker God. The fact that he made frequent, explicit reference to the Christian Bible demonstrates that Lincoln came to some terms with the Christian God. Paine’s beneficent, albeit godless, universe was certainly of no help to Lincoln here.

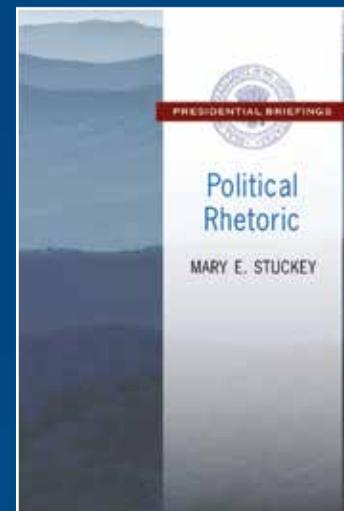
More to the point, I see Lincoln following Washington’s example in his consistent and substantive political appeals to the nation’s predominant religion. To some extent, this appeal found its roots in personal piety, but the key point is that Lincoln saw in Washington a political model for how religion could be a boon to the republic in a manner that respected religion’s primary aim, which is not political. By the end of Brookhiser’s rejoinder—arguing that “God figures in Lincoln’s manly vision as a guide...but the work is up to us”—Lincoln’s Providence sounds very much like his description of Washington’s Providence (akin to Ben Franklin’s deistic adage, “God



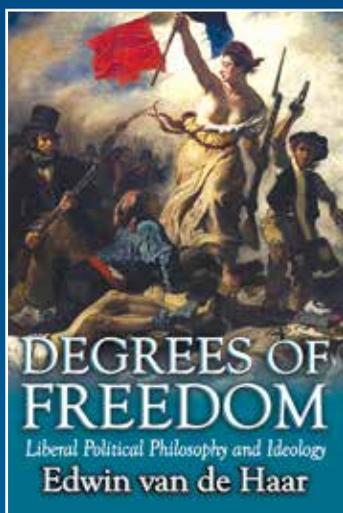
ISBN: 978-1-4128-5679-9 (paperback)
 2015 282 pp. \$29.95
 ISBN: 978-1-4128-5619-5 (eBook)



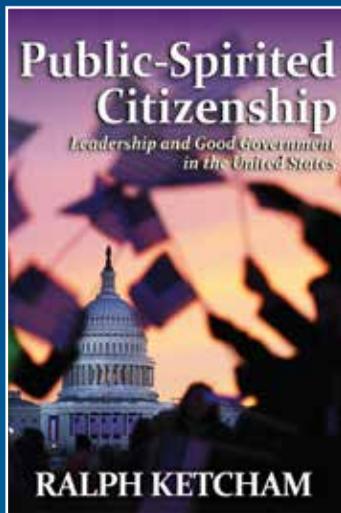
ISBN: 978-1-4128-5610-2 (hardcover)
 2015 286 pp. \$49.95
 ISBN: 978-1-4128-5629-4 (eBook)



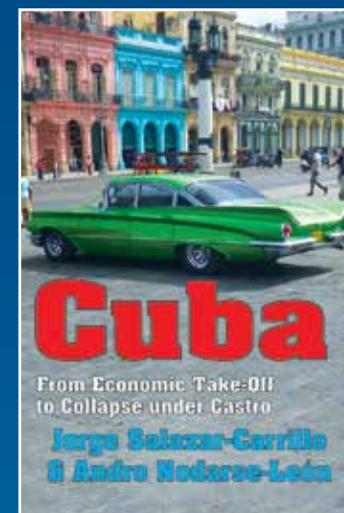
ISBN: 978-1-4128-5613-3 (paperback)
 2015 125 pp. \$19.95
 ISBN: 978-1-4128-5631-7 (eBook)



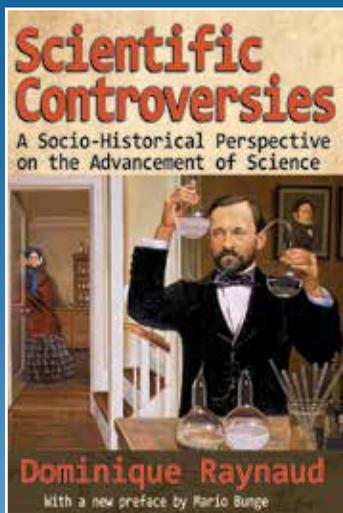
ISBN: 978-1-4128-5575-4 (hardcover)
 2015 163 pp. \$59.95
 ISBN: 978-1-4128-5557-0 (eBook)



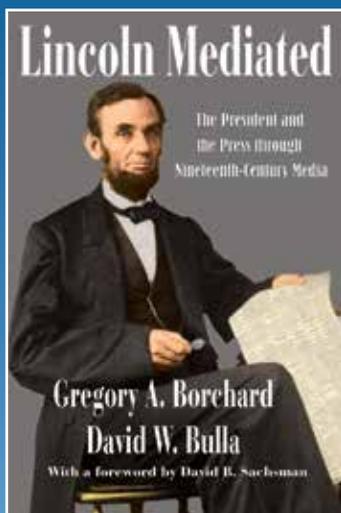
ISBN: 978-1-4128-5672-0 (hardcover)
 2015 260 pp. \$49.95
 ISBN: 978-1-4128-5638-6 (eBook)



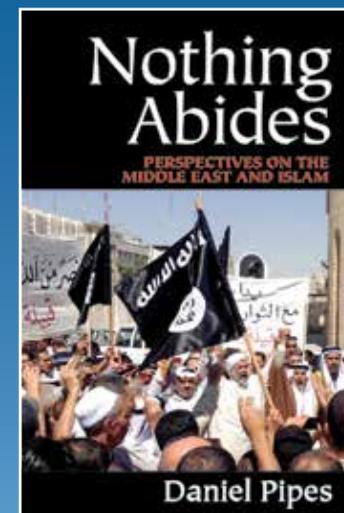
ISBN: 978-1-4128-5670-6 (hardcover)
 2015 186 pp. \$49.95
 ISBN: 978-1-4128-5636-2 (eBook)



ISBN: 978-1-4128-5571-6 (hardcover)
 2015 320 pp. \$69.95
 ISBN: 978-1-4128-5553-2 (eBook)



ISBN: 978-1-4128-5570-9 (hardcover)
 2015 231 pp. \$49.95
 ISBN: 978-1-4128-5552-5 (eBook)



ISBN: 978-1-4128-5683-6 (paperback)
 2015 356 pp. \$24.95
 ISBN: 978-1-4128-5639-3 (eBook)

To order, visit www.transactionpub.com or call (888) 999-6778 (toll-free in the US) or (703) 661-1589



helps those who help themselves”). I suppose I should content myself with that observation, but as I do not think Washington’s Providence was Franklin’s, I maintain that Lincoln eventually likened his God to Washington’s in referring and appealing to God as one who intervenes in the affairs of men.

What Brookhiser sees as a welcome non sequitur to “an explanation that outrages sense and morality,” I read as a logical exhortation set up by the preceding paragraph’s thought experiment about the war, emancipation, and the will of God. At bottom, although religion was not the main affinity Lincoln had with the founders, it proved an important enough connection that Lincoln saw no other way to bring the war to a viable conclusion but through an appeal to the God of the Bible.

I still believe that Lincoln wrestled with God. Yes, Lincoln said that there’s no resisting God’s will; even Job saw that. To wrestle in this vein is to struggle with an acknowledged Superior in hopes that with the inevitable loss, one comes away better for making the effort. The wisdom is in recognizing that the change in oneself is for the best.

Whatever my differences with Brookhiser on Lincoln’s religious sensibilities, we both agree that, as the legitimate heir to the founders, Lincoln contradicts the claims of modern-day progressives. A great example is Brookhiser’s interpretation of the Gettysburg Address, which distinguishes the speech’s “new birth of freedom” from the yearnings of progressives for a “birth of new freedoms.” Whereas the reigning wisdom views Lincoln as an evolving statesman, one who got better as he distanced himself from the slaveholding founders, Brookhiser sees Lincoln as fighting for “the old freedom, the freedom of ‘the fathers.’” What the war was to secure in the Year of Jubilee, with emancipation become a means of preserving the American union, was freedom for blacks as well as whites. This objective would fulfill the promise of the Declaration of Independence, and “complete their fathers’ unfulfilled intentions.”

And so there’s no need to discover new rights, new entitlements for a new age. This would require new powers for rulers to assume under a constitution alive to the potential that only a visionary few could realize for

the benefit of the many. Instead, Lincoln spoke not of a new work but of “the unfinished work” to which the living could dedicate themselves. Brookhiser’s Lincoln learned from the Founding Fathers “that all men are created free and equal, and that all men (the people) must understand and defend those truths.” This was the lesson of the American Civil War, and Brookhiser’s *Founders’ Son* teaches that lesson like no other biography to date.

For more discussion with Danielle Allen and Diana Schaub, and with Richard Brookhiser, Lucas Morel, and Allen Guelzo, visit our online feature Upon Further Review at www.claremont.org/ufr.

OATH OF OFFICERS

In “General of the Lost Cause,” Mackubin T. Owens writes that “Lee and the other [former United States military] officers who fought for the Confederacy, however, did take and then violate th[eir] oath [to defend the United States Constitution]” (Spring 2015). Although it is true that some officers who had taken oaths

to defend the Constitution later took Confederate commissions and Confederate oaths and fought for the Confederacy, they *resigned* first. The resignation discharged the previous oath. Many U.S. federal judges from rebel states became Confederate judges, but only one—West H. Humphreys—was impeached by the United States House of Representatives and convicted, removed, and disqualified by the United States Senate from holding future office. He had failed to formally resign from his U.S. post before taking the Confederate position.

Likewise, today, when a sitting congressman is reelected to his seat, he does not rely on the oath of office which he took at the start of his first term. Rather, a new oath must be taken at the start of each successive term. I agree with Owens that all U.S. military officers who fought for the Confederacy committed treason, but that is because they levied war against the rightful government of the United States, not because they violated any oath.

Seth Barrett Tillman
Department of Law
National University of
Ireland Maynooth

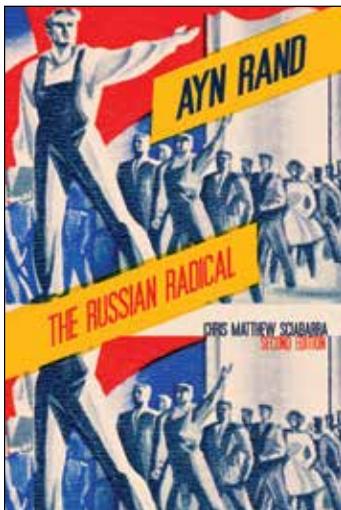
penn

1-800-326-9180

state

www.psupress.org

press



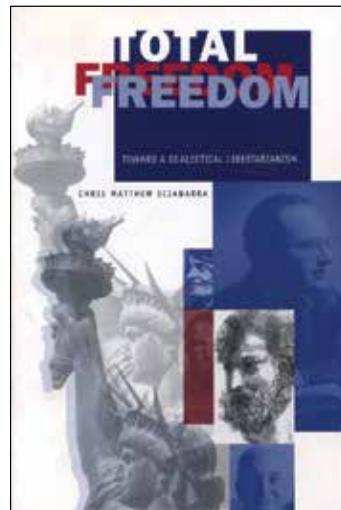
Ayn Rand The Russian Radical

Chris Matthew Sciabarra

“[A] must for all Randians, all individualists, and all men and women who believe in and live by the precepts of truth, reason, and freedom.” —Jack Schwartzman, *Fragments*

In this new edition of *Ayn Rand*, Chris Sciabarra adds two chapters that present in-depth analysis of the most complete transcripts to date documenting Rand’s education at Petrograd State University. A new preface places the book in the context of Sciabarra’s own research and the recent expansion of interest in Rand’s philosophy. Finally, this edition includes a postscript that answers a recent critic of Sciabarra’s historical work on Rand. Shoshana Milgram, Rand’s biographer, has tried to cast doubt on Rand’s own recollections of having studied with N. O. Lossky. Sciabarra shows that Milgram’s analysis fails to cast doubt on Rand’s recollections—or on Sciabarra’s historical thesis.

544 pages | 17 illustrations | \$39.95 paper



Total Freedom Toward a Dialectical Libertarianism

Chris Matthew Sciabarra

“Unlike so many other scholars and historians, Sciabarra looks at the history of philosophy through his own eyes and his own understanding. As a result, this beautifully and clearly written book will make the reader reexamine the history of philosophy and the history of dialectics by means of a new epistemological perspective: the perspective of dialectics. *Total Freedom* is a landmark in philosophical studies and interpretation.”

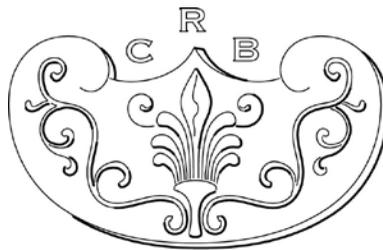
—Barbara Branden

“*Total Freedom* is a treat: a scholarly tour de force that successfully integrates seemingly disparate intellectual traditions, while providing a feast of valuable insights whose assimilation promises to raise libertarian theory to new heights of sophistication, flexibility, and theoretical power.”

—Roderick T. Long,

Journal of Ayn Rand Studies

480 pages | 18 illustrations | \$41.95 paper



Essay by William Voegeli

THAT NEW-TIME RELIGION

IN 1993, AFTER THE USSR HAD DISSOLVED and the Berlin Wall been pounded into souvenirs, Irving Kristol wrote, “There is no ‘after the Cold War’ for me.” Instead, the defeat of Soviet Communism signified only that “the real cold war has begun,” a multi-front civil war against the “liberal ethos,” which “aims simultaneously at political and social collectivism on the one hand, and moral anarchy on the other.” Kristol explained that he had come to believe that “rot and decadence...was no longer the consequence of liberalism but was the actual agenda of contemporary liberalism.”

The fight against collectivism hasn’t been won, but remains hard-fought and competitive. The end of the Cold War signaled the demise of socialism and central planning as ideals people fought for, or even took seriously. In 1997 the influential philosopher Richard Rorty chided his fellow leftists for their vague desire to repudiate and move beyond capitalism, despite failing to figure out “what, in the absence of markets, will set prices and regulate distribution.” Until the Left comes up with clear, compelling answers to such basic questions, he said, it should limit its ambitions to “piecemeal reform within the framework of a market economy.” As any Tea Party member assessing the Obama presidency will tell you, if liberals put enough piecemeal reforms together, the result is de

facto collectivism. The existence of the Tea Party, however, and the fact that the Left is reduced to either denying its ultimate purposes or simply operating without any, constitute real achievements.

To believe the battle against “moral anarchy” has been equally close, with each side securing some victories while suffering defeats, would be delusional. This year’s *Obergefell* decision, in which the Supreme Court ruled that the 14th Amendment’s guarantee of equal protection of the laws means that no state has the constitutional power to deny marriage licenses to same-sex couples, is the most dramatic evidence of the culture war’s asymmetrical correlation of forces. That the liberal ethos would claim so much territory so quickly was beyond imagining in the 1990s.

Identity

IRVING KRISTOL WAS THE LEADING NEO-conservative, and Patrick Buchanan neo-conservatism’s leading “paleoconservative” critic. But in his 1992 speech to the Republican national convention (after unsuccessfully challenging President George H.W. Bush for the nomination), Buchanan characterized the political landscape in terms indistinguishable from those Kristol would later employ. The 1992 election, he said, “is about who we are” and “what we believe and

what we stand for as Americans.” Conservatives, Buchanan said, were engaged in a war “for the soul of America,” one “as critical to the kind of nation we shall be as the Cold War itself.”

Andrew Hartman selected Buchanan’s phrase for the title of his history of America’s culture wars, *A War for the Soul of America* (2015). Others, of course, have written books on the subject. The first to attract wide attention beyond academe was *Culture Wars: The Struggle to Define America* (1991), by James Davison Hunter. Hunter defined his subject in general as “political and social hostility rooted in different systems of moral understanding.” In most times and places such hostilities resulted from clashing religious beliefs. The tensions specific to the United States at the end of the 20th century, however, were different, involving “opposing bases of moral authority and the world views that derive from them.” These differences, not primarily sectarian, were animated by the tension between what Hunter described as the orthodox and progressive worldviews. Adherents of the former believe that the ultimate moral authority is “external, definable, and transcendent.” For the latter, “the binding moral authority tends to reside in personal experience or scientific rationality, or either of these in conversation with particular religious and cultural traditions.”



“Culture wars” is a metaphor, but not simply an exaggeration. “Culture politics” never caught on, for good reasons. War means sovereignty is at stake, which isn’t the case in ordinary political conflicts. Whose country is this?

This question is particularly important and difficult for America. For most countries, a distinctive identity is largely defined by “ethnonationalism,” as political scientist Jerry Z. Muller calls it. Winston Churchill appealed to it during World War II, for example, speaking to English audiences of “this island race.” America’s Declaration of Independence begins by stating that the time has come for “one people” to sever their connection with “another.” At a time when America and England were demographically similar, the basis for calling Americans one people was not a distinctive ethnic identity. It came to be a creed, of which the principles announced in the Declaration’s most famous passages figured prominently. As America has become more heterogeneous over the subsequent 239 years, the meaning of its creed has become steadily more important, since the possibility of unity on the basis of a shared ethnic identity has steadily dwindled. Thus, Americans’ disagreements about who we are turn heavily on what we believe and stand for.

Furthermore, accepting the possibility of a loyal opposition is especially important to a self-governing republic. Arguments about what we believe and stand for resemble war more than politics in that it is much harder to treat adversaries who differ about matters so fundamental as patriots in good standing. To put the point another way, questions about national identity are meta-political rather than simply political. It becomes hard for republican politics to be the medium through which we resolve our differences if the question of who we *are* is disputed rather than settled. Six years after Irving Kristol declared that “the real cold war” had just begun, his wife, historian Gertrude Himmelfarb, wrote a book about the culture wars, *One Nation, Two Cultures*. Its assessment of America’s predicament at the end of the 20th century concludes with the hope that the configuration described in its title is indefinitely tenable, but the book’s foregoing analysis does not make that outcome sound likely.

Finally, the arguments over cultural issues are bigger than republican politics by virtue of addressing the social prerequisites for such politics. Even as he praised, in *The Federalist*, the Constitution’s ingenuity in “supplying, by opposite and rival interests, the defect of better motives,” James Madison made clear that such devices amounted to “auxiliary precau-

tions.” There was, by contrast, “no doubt” that a “dependence on the people” is “the primary control on the government.”

And if the success and safety of the government depend on the people, so that they’re depending on themselves, the people have to be good. No social contract, no matter how shrewdly devised, would allow the immoral and amoral to successfully govern themselves. In 1788 Madison told the Virginia convention considering whether to ratify the new Constitution:

But I go on this great republican principle, that the people will have virtue and intelligence to select men of virtue and wisdom. Is there no virtue among us? If there be not, we are in a wretched situ-

Books discussed in this essay:

A War for the Soul of America: A History of the Culture Wars, by Andrew Hartman.
University of Chicago Press,
384 pages, \$30

Culture Wars: The Struggle to Define America, by James Davison Hunter.
Basic Books, 432 pages, \$20 (paper)

One Nation, Two Cultures: A Searching Examination of American Society in the Aftermath of Our Cultural Revolution, by Gertrude Himmelfarb. Vintage,
208 pages, \$12 (paper)

An Anxious Age: The Post-Protestant Ethic and the Spirit of America, by Joseph Bottum.
Image Books, 320 pages, \$25

ation.... To suppose that any form of government will secure liberty or happiness without any virtue in the people, is a chimerical idea.

Edmund Burke expressed a similar view. “Men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetites,” he wrote in 1791. “Society cannot exist unless a controlling power upon will and appetite be placed somewhere, and the less of it there is within, the more there must be without.”

Buchanan called the war for the soul of America a “religious war” and a “cultural war.” The two terms are not interchangeable, but their subjects are related. In a similar way, America’s founders, even those who were reli-

gious skeptics, believed that the moral foundations necessary for a successful republic rested on religious devotion. No matter how many hopes we invest in “the influence of refined education,” George Washington said in his Farewell Address, “reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.”

Counterculture

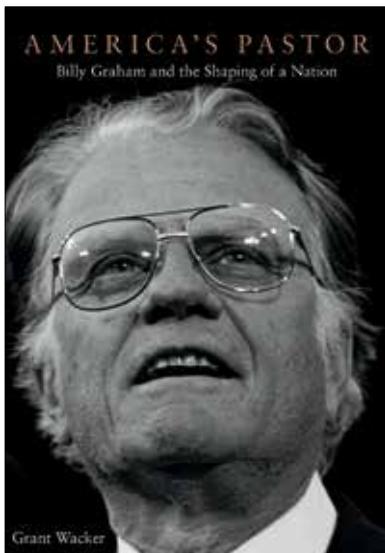
HUNTER, WHOSE *CULTURE WARS* AP-
peared at the height of the culture wars, is a sociologist. Hartman, a historian, treats that war as basically decided, if not exactly over. The culture wars “are history,” he writes, now that their logic “has been exhausted.” Though his book offers narrative and analysis with limited polemic, there’s no doubt that Hartman believes the side that deserved victory is the one that did indeed prevail. In retrospect, he concludes, “A more tolerant and less sadistic society was worth winning.”

As Hartman portrays them, the culture wars were a fight between the 1950s and the 1960s, one so intense as to preoccupy America in the 1980s and 1990s. By “the 1950s” I mean what Hartman calls “normative America,” his term to describe “a cluster of powerful conservative norms” that shaped Americans’ sensibilities and expectations from the end of World War II in 1945 to President John F. Kennedy’s assassination in 1963. What the 1960s stood for in the culture wars was best summarized by historian Theodore Roszak in 1968: “the effort to discover new types of community, new family patterns, new sexual mores, new kinds of livelihood, new aesthetic forms, new personal identities on the far side of power politics, the bourgeois home, and the Protestant work ethic.” Or, as Hillary Rodham told her classmates at the 1969 Wellesley graduation, “our prevailing, acquisitive, and competitive corporate life...is not the way of life for us. We’re searching for more immediate, ecstatic, and penetrating modes of living.” The culture wars, then, pitted the counterculture against the counter-counterculture, which rejected the 1960s’ innovations as dangerous mistakes and sought to reestablish the 1950s’ standards of moral and political decency.

The term “normative America” may convey more than Hartman intends. Normative Americans believe in specific norms regarding family structure, sexual conduct, the best way to include ethnic and racial minorities in the larger society, and the worth and meaning of the American experiment. But they also believe that norms, per se, are good and



Harvard



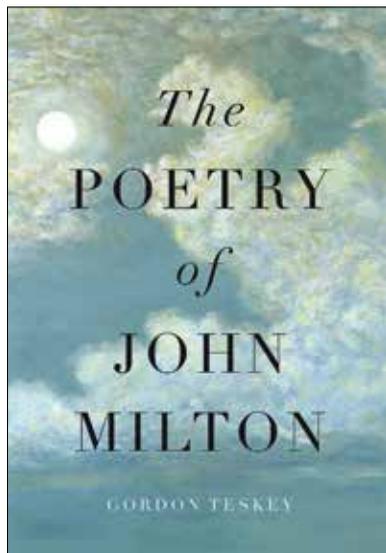
America's Pastor
Billy Graham and the
Shaping of a Nation
Grant Wacker

★ **A Booklist Top 10 Religion & Spirituality Book**

"Excellent... A disciplined, admirably fair-minded effort to understand and explain how 20th-century American culture produced a figure like Billy Graham, and how Graham in turn helped to shape that same culture."

—Robert P. George,
New York Times Book Review

Belknap Press / \$27.95

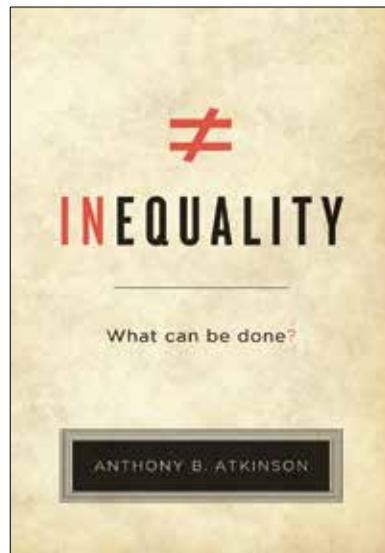


The Poetry of John Milton
Gordon Teskey

"Teskey's study of Milton is a capacious, extremely well-judged statement that takes the reader across the full range of the poet's poetry. I enjoyed greatly the comparing of Milton with other key works of European literature from different periods. Teskey also accounts for Milton as poet of the English Revolution, yet we feel by the end that the critic too has revealed himself as artist, and that the reading itself has declared its own liberating power."

—Nigel Smith, Princeton University

\$39.95



Inequality
What Can Be Done?

Anthony B. Atkinson

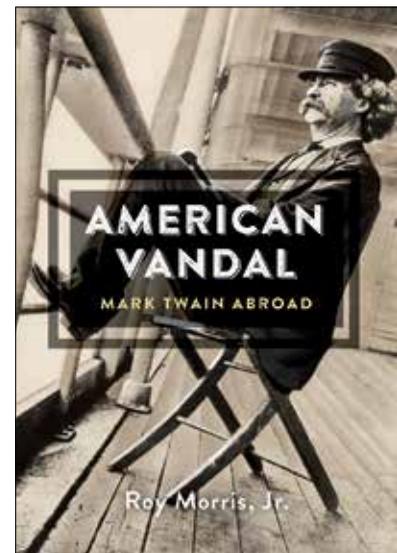
"Atkinson is a pioneer of the study of the economics of poverty and inequality. His latest work is an uncomfortable affront to our reigning triumphalists. His premise is straightforward: inequality is not unavoidable, a fact of life like the weather, but the product of conscious human behavior."

—Owen Jones, *The Guardian*

"Like it or loathe it, this is ambitious stuff."

—Tim Harford, *Financial Times*

\$29.95



American Vandal
Mark Twain Abroad
Roy Morris, Jr.

"Morris is a first-rate tour guide. He knows his subject, cites other authorities with respect and presents a good deal of information with easygoing, professional smoothness. [An] entertaining and—despite its title—eminently civilized book."

—Michael Dirda, *Washington Post*

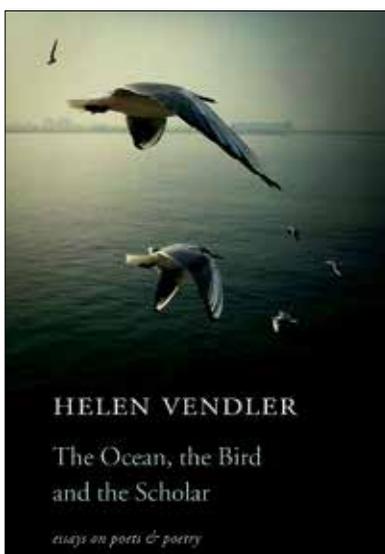
Belknap Press / \$27.95

HARVARD UNIVERSITY PRESS

www.hup.harvard.edu

[blog: harvardpress.typepad.com](http://blog.harvardpress.typepad.com)

tel: 800.405.1619

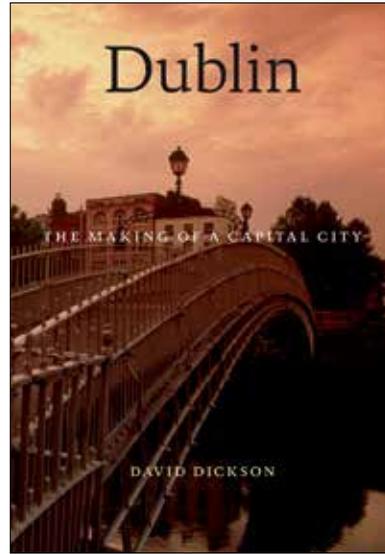


The Ocean, the Bird, and the Scholar
Essays on Poets and Poetry
Helen Vendler

"In this triumphant collection, Helen Vendler reminds us why she is one of the most important living scholars of poetry... This book, with its oceans of depth, reminds us why we need poetry—as well as teachers like Vendler to bring it to transformative life."

—*Publishers Weekly* (starred review)

\$35.00



Dublin
The Making of a Capital City
David Dickson

"This history of Dublin is an insightful, deeply researched, witty volume, which anyone interested in Ireland, England, Georgian architecture, or the misadventures of nation-building will find fascinating."

—Edward Short, *Weekly Standard*

"I thought I knew the history of my hometown, Dublin, and then I read David Dickson's wise and stylish book."

—Robert Cremins,
Los Angeles Review of Books

Belknap Press / \$35.00



necessary. Without them everything is up for grabs, rendering life contentious, chaotic, and debilitating.

As the statements from Roszak and Rodham make clear, however, the counterculture was always more counter than culture. Fundamentally oppositional, the counterculture forcefully rejected normative America's precepts, but never offered real clarity about the standards of conduct and comity that should prevail after the old ways were discarded. As Hunter explains, orthodox America appealed to "definable" authority, while the progressive worldview relied on "conversations," in which various sources of authority would all have their say without any getting the final word. The countercultural project, then, was not to establish a new set of norms to replace the old, but to create a society where people got along as well as possible with as few rules and expectations as possible.

Good People

WHETHER THE LIVE-AND-LET-LIVE maxim was designed to bear that much weight is highly doubtful. Humans have an abiding need to feel at home and at ease in their particular society, to consider themselves members of one specific nation whose members are bound together by ties stronger than the reciprocal recognition of rights and duties. Little wonder that Joseph Bottum's book, published last year, about how post-, anti-normative America understands itself is titled *An Anxious Age*. Bottum, an essayist who has been literary editor of the *Weekly Standard* and editor of *First Things*, examines the anxiety of those Americans who "need to see themselves as good people" in circumstances where there are few clear standards to define moral excellence.

As noted, the source of such norms for most of human history, and even for most of the history of a country as young as America, has been organized religion. Bottum's subtitle—*The Post-Protestant Ethic and the Spirit of America*—makes clear that he searches for our reigning standards in the residue of American Protestantism.

The decline of mainline Protestantism, according to *An Anxious Age*, is "the central political fact of the last 150 years of American history." Bottum succeeds in making this hyperbolic claim sound at least plausible. By the mainline Protestants he means Baptists (outside the South), Disciples of Christ, the United Church of Christ, Episcopalians, Lutherans (except for a few small, severe offshoots), Methodists, and Presbyterians. The mainline could also be defined as the portion of Ameri-

can Protestantism distinct from, and averse to, fundamentalist or evangelical denominations and movements.

Mainline Protestantism was "our cultural Mississippi," Bottum says. A Roman Catholic with a doctorate in medieval philosophy, he considers mainline Protestantism's intellectual ambitions and accomplishments modest, but also thinks it was "all the Christendom we had in America," providing "a vague but vast unity that stood outside politics and economics." As late as 1965, the mainline Protestant churches' members accounted for over half of all Americans, by Bottum's account, but after "running out of money and members and meaning" for decades they represent only about a tenth today.

Societies may undergo eras of declining religious faith and observance, but that doesn't mean people stop asking the questions religion exists to address. The desire for meaning, dignity, and purpose remains. Modern Europe is, by several empirical standards, further advanced into post-Christianity than the United States. Six years ago Charles Murray wrote in the *Wall Street Journal* that more

The counterculture was always more counter than culture.

and more of the Europeans he encountered believed, "Human beings are a collection of chemicals that activate and, after a period of time, deactivate. The purpose of life is to while away the intervening time as pleasantly as possible." Hedonism may well be a growth stock, but for many people on both sides of the Atlantic, even those who take refuge in the "spiritual but not religious" dodge, life's purpose is for the chemically active years to be *satisfying* rather than merely pleasant. Boys and girls may want to have fun, but not just to have fun. They also, as Bottum observes, want to regard themselves as good people, if only because when fun is life's only purpose, even fun isn't a lot of fun.

Thus, modern, "unchurched" Americans who don't believe in much of anything still resist believing in nothing. To explain our post-Protestant condition, Bottum borrows a phrase from Flannery O'Connor's novel *Wise Blood*: the "Church of Christ Without Christ." He notes that in 1948 one author of the Universal Declaration of Human Rights called that elaborate code "something like the Christian morality without the tommy-

rot," which deftly sums up a modern attitude toward the efforts across two millennia to comprehend the cosmos, our place in it, the meaning of our lives, and the knowledge those lives will end.

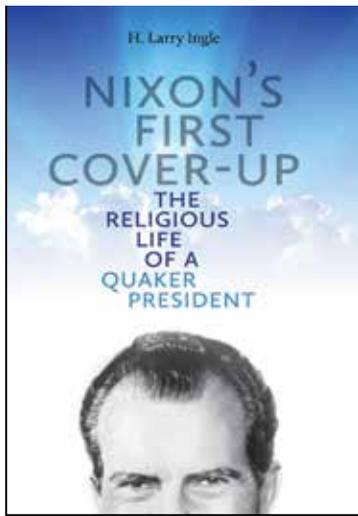
A New Faith

BOTTUM BELIEVES THAT OUR POST-Protestant Church of Christ Without Christ, or of God Without God, lays claim to the same moral hegemony exercised for most of our history by the mainline Protestant churches. The crucial difference is that the post-Protestants have substituted a political agenda and set of social attitudes for the tommyrot of the Christian heritage. As a result, he wrote elsewhere, "Our social and political life is awash in unconsciously held Christian ideas broken from the theology that gave them meaning, and it's hungry for the identification of sinners—the better to prove the virtue of the accusers and, perhaps especially, to demonstrate the sociopolitical power of the accusers."

Bottum is hardly the first to point out the strong desire for secular substitutes for organized religion by those who have rejected religious faith. A 1949 collection of essays explaining the contributors' decisions to become ex-Communists was titled *The God That Failed*. But Marxism demanded to be interpreted as a secular religion. It had its prophet and apostles; an account of man's fall and salvation; its sacred texts and endless, maddening debates over their interpretation; a vision of earthly paradise; and for much of the 20th century the Kremlin was its Vatican, the Communist Party its one true church.

America's more recent secular faith is far less coherent, organizationally and intellectually. What abideth is the disdain of the redeemed for the unredeemed, and especially for the unrepentant. The post-Protestants, whom Bottum also calls "the elect," have rejected "benevolent toleration," the "broad-shouldered acceptance of the fact that other people hold strong views we think are mistaken." Instead, they prefer to "sneer at those who hold strongly particular views" rooted in religious faith, and revel in the "superiority of the spiritually enlightened to those still lost in darkness."

The upshot is that sinners and heretics will be fiercely denounced, even though the commandments they violate are murky and a constant work in progress. Bottum argues, for example, that anti-racists' preoccupation with white privilege serves all the same purposes as the doctrine of Original Sin. "I will carry this privilege with me until the day



ISBN: 9780826220424
\$50.00 \$25.00

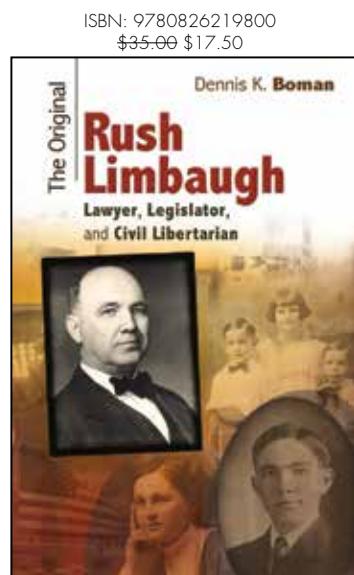
CONSERVATIVE POLITICAL HISTORY FROM THE
UNIVERSITY OF MISSOURI PRESS



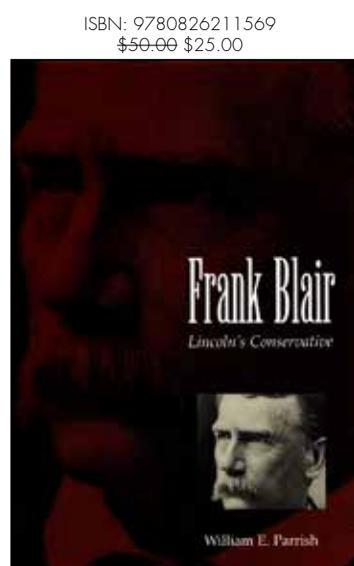
READERS OF THE CLAREMONT REVIEW
RECEIVE A 50% DISCOUNT ON THESE TITLES
WITH DISCOUNT CODE MOCLAR AT CHECKOUT



TO ORDER:
UPRESS.MISSOURI.EDU OR CALL 800.621.2736



ISBN: 9780826219800
\$35.00 \$17.50



ISBN: 9780826211569
\$50.00 \$25.00

white supremacy is erased," lamented one college professor. Similarly, novelist Jonathan Franzen, a political liberal and committed environmentalist, notes the "spiritual kinship of environmentalism and New England Puritanism."

Both belief systems are haunted by the feeling that simply to be human is to be guilty.... And now climate change has given us an eschatology for reckoning with our guilt: coming soon, some hellishly overheated tomorrow, is Judgment Day.

The power of post-Protestantism is such, Bottum contends, that it has also come to define what's left of mainline Protestantism. His take-away from reading some works by Katharine Jefferts Schori, presiding bishop of the Episcopal Church of the United States, is that "God already loves us, just the way we are." In her "happy soteriology such love demands from us no personal reformation, no individual guilt, no particular penance, and no precise dogma." Instead, "all we have to do to prove the redemption we already have is support the political causes [Schori] approves. The mission of the church is to show forth God's love by demanding inclusion and social justice." The viability, religious or political, of an institution that offers itself to the world as the National Organization for Women or the Sierra Club at prayer is highly doubtful.

The Right to Define

WRITERS OTHER THAN BOTTUM have called modern liberalism a kind of secular religion, but differ about this protean faith's dogma, which they struggle to delineate. Rod Dreher says that the entirety of "moralistic therapeutic deism" amounts to: "God exists, and he wants us to be nice to each other, and to be happy and successful." Yuval Levin argues that progressive liberalism has become so ambitious, comprehensive, and insistent in its demands on conduct and conscience that it amounts to an official religion, violating the spirit if not the letter of the First Amendment's Establishment Clause. Others refer to the Church of Anti-Discrimination, or call Anti-Racism our new civil religion.

These assessments are not wrong, but neither are they encompassing enough to describe a belief system that is simultaneously latitudinarian about some questions, and righteously intolerant about others. I submit that the first and great commandment of our modern liberal faith is, "Thou shalt not

judge." And the second commandment is like unto it: "Thou shalt judge with harsh severity those who *do* judge, or who prejudice others, lest such bigotry impair its victims' lives and psyches in ways unlikely ever to be undone."

This creed clarifies several things about the way we live now. It comports with Supreme Court Justice Anthony Kennedy's famous dictum in a 1992 decision on abortion restrictions: "At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life." That is, the only nature humans have is the nature they make by forging their own private ontology. Human nature, having no other essence, provides no objective standards by which we could determine whether to see ourselves as good people. There is only the solitary, sacred journey of self-discovery and self-definition.

It is unnatural, then, to judge others according to spurious criteria about what it means to act and live well or badly. All such judgments are not only unwarranted but harmful, a kind of human rights violation, depriving those whom we judge of the encouragement and esteem they need to pursue their own solitary quests. Prejudice, judging in advance, is a particularly odious transgression, since it may thwart victims' life plans before they are even formulated—the abortion of a lifestyle, which is the only abortion that is unholy. It follows that the victims of bigotry—whether historic injustices that have enduring consequences, or discrimination still ongoing—have a special claim on our solicitude. We should feel guilty for failing to discharge our obligations to them, or for enjoying privileges made possible by past exploitations. And we should feel guilty, as Franzen suggests, about the harm inflicted by our gluttonous self-indulgence on those incapable of defending themselves: future generations, other species, the planet Earth itself.

The Sexual Revolution

BOTTUM'S POST-PROTESTANTS "REMAIN puritanical and highly judgmental" about many questions, but about one above all. They "understand Puritanism as concerned essentially with sexual repression, and the post-Protestants have almost entirely removed sexuality from the realm of human action that might be judged morally." In this sense the Bill Clinton impeachment of 1998 was the battle that, while not ending the culture wars, proved that the conservative side could not win them. Shortly after Monica Lewinsky became famous, David Frum worried that the crux of the debate over Bill



Clinton's conduct would turn out to be "the central dogma of the baby boomers: the belief that sex, so long as it's consensual, ought never to be subject to moral scrutiny at all."

And that's exactly what happened. The Clinton defenders framed the controversy as a case of bullying, hypocritical, sex-obsessed Javerts persecuting private conduct that, however tawdry and pathetic, was nobody else's business. Even as the legal case that Clinton had committed perjury and obstructed justice grew stronger, the political sentiment that "lying under oath is a perfectly reasonable response to pesky and impertinent inquiries," in Frum's words, also became the prevailing consensus. As one of his defenders argued at the time, Clinton should suffer no formal consequences for "feeble fibs aimed at wiggling out of some horribly embarrassing but essentially victimless and legal piece of human stupidity."

The failure—not just in Congress, but in the court of public opinion—of the Clinton impeachment revealed that the Moral Majority was not, in fact, a majority, at least not in the way the "religious Right" or "family values" advocates thought or hoped. After three decades, the sexual revolution had become the sexual status quo. The will and votes for a sexual counter-revolution simply weren't there.

As it became clear that the sexual revolution was not going to be reversed, it became increasingly likely its logic would run its course. Eleven years before *Obergefell*, a Methodist pastor from Tennessee, opposed to same-sex marriage and the sexual revolution in general, read the handwriting on the wall. "When society decided—and we have decided, this fight is over—that society would no longer decide the legitimacy of sexual relations between particular men and women, weddings became basically symbolic rather than substantive," Donald Sensing wrote in the *Wall Street Journal*.

Pair that development with rampant, easy divorce without social stigma, and talk in 2004 of "saving marriage" is pretty specious.... If society has abandoned regulating heterosexual conduct of men and women, what right does it have to regulate homosexual conduct, including the regulation of their legal and property relationship with one another to mirror exactly that of hetero, married couples?

In other words, the argument that same-sex marriage undermines traditional marriage would be compelling, logically and politically, if traditional marriage were still a robust institution. Given the actual state of marriage in

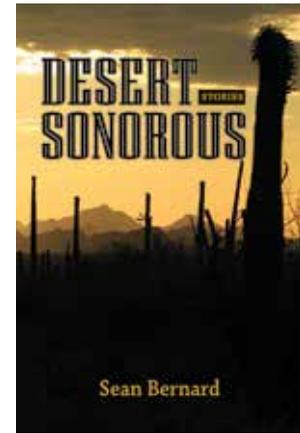
21st-century America, however, it has become increasingly difficult to persuade a society that has chosen in so many other ways to legitimize all consensual sex and trivialize marriage that this one particular, further concession to the sexual revolution must be resisted at all costs.

Thinkers such as Robert P. George and Ryan T. Anderson have in fact offered serious, sophisticated arguments against gay marriage. But syllogisms have been of little avail against sensibilities changing rapidly and, it seems, inexorably. In 2001, according to the Pew Research Center, Americans opposed same-sex marriage by a 57% to 35% margin. By 2015 the proportions were almost exactly reversed: 55% to 39% in favor; 70% of Americans born in or after 1981 now favor it, as do 59% of those born between 1965 and 1980. A nation where a large, growing majority of people have embraced this opinion without ever having been argued into it is unlikely to be argued out of it.

On one front of the culture wars, by contrast, the liberal ethos has met steady, even growing resistance. A 2012 USA Today/Gallup poll taken just before the 40th anniversary of the Supreme Court's *Roe v. Wade* decision found that by a margin of 61% to 31% Americans believed abortion in the first trimester of pregnancy should generally be legal. Regarding second-trimester pregnancies, however, respondents believed abortions should generally be illegal by a margin of 64% to 27%, and were opposed to third-trimester abortions even more strongly, 80% to 14%. Those sentiments were virtually identical to results Gallup had received during the preceding 16 years. In 1995 56% of people described themselves as "pro-choice" compared to 33% who said they were "pro-life." By 2015, the numbers were 50% and 44%, respectively. By margins consistently exceeding two-to-one, Americans favor specific restrictions, including a 24-hour waiting period, laws requiring girls under 18 years of age to get parental consent, and bans on partial-birth abortion.

Little wonder that Democrats felt compelled to take account of these sentiments, and sought political refuge in the formulation that abortion should be safe, legal, and rare. The pro-choice argument was an attempt to extend the logic of the sexual revolution: since consensual sexual activity should never result in unwanted criticism, neither should it result in unwanted consequences. The terms in which those who favor legal abortion have framed the question—privacy, a woman's right to control her own body—begged the question of how to regard the fetus and define a decent society's duties toward fetal life. The poll numbers reveal deep, persistent misgivings. There's no

massachusetts



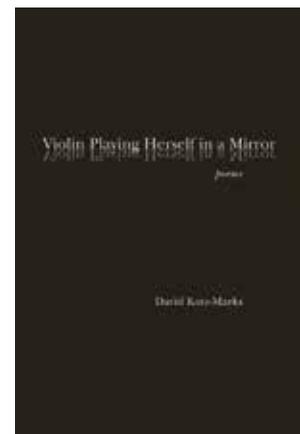
Desert sonorous

Stories

SEAN BERNARD

Winner of the Juniper Prize for Fiction

\$19.95 paper, ISBN 978-1-62534-137-2



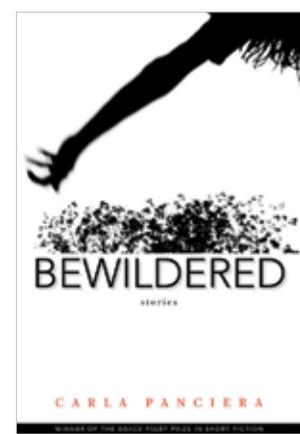
Violin Playing Herself in a Mirror

Poems

DAVID KUTZ-MARKS

Winner of the Juniper Prize for Poetry

\$15.95 paper, ISBN 978-1-62534-148-8



Bewildered

Stories

CARLA PANCIERA

Winner of the Grace Paley Prize in Short Fiction

\$24.95 jacketed hardbound edition

ISBN 978-1-62534-133-4

university of massachusetts press
Amherst & Boston www.umass.edu/umpress 1-800-537-5487



consensus that abortion, especially early in a pregnancy, is the moral equivalent of infanticide. But there's also no consensus that abortion, especially later in a pregnancy, is the moral equivalent of an appendectomy.

The abortion exception doesn't go very far, however, in disproving the rule about the culture wars' general course. The aptly named Reverend Sensing discerned that the sexual revolution had succeeded in placing consenting adults' sexual conduct beyond government sanction or social censure. There's every reason to think this assessment is even truer in 2015 than it was in 2004. The ambit of Americans' don't-tread-on-me defiance now extends to bristling at any judgments critical of consensual sexual behavior.

The Source of the Sixties

THAT A STATE OF AFFAIRS APPEARS irreversible does not mean it's desirable or beneficial. The social regime established by the victorious sexual revolution may prove inimical to strong families. If so, how a nation without strong families sustains itself is not clear. A big reason the Religious Right entered the political arena in the 1970s, was that parents were exhausted and outraged at interceding constantly, 24/7, between their children and a corrosive, sexualized ambient culture. The goal was to remake the culture so that it respected their sensibilities, to secure a measure of deference comparable to that won by civil rights activists who got the book *Little Black Sambo* removed from school libraries.

This effort has to be judged a failure. Dreher reports on a couple he knows that recently chose to homeschool their children. Though happy with the public school, they could not abide that their son, a fifth-grader, had met friends who, away from class, routinely watched pornography on their cell phones. Dreher resides, not in Manhattan or Santa Monica, but in a small town in Louisiana.

Conservatives determining how, going forward, to resist the liberal ethos and moral anarchy need to consider their situation carefully. Doing so requires subjecting reassuring

explanations of the culture wars to the strictest scrutiny, to avoid mistaking a comforting analysis for a compelling one. It has been congenial for conservatives to examine and deplore all the social problems caused by the 1960s: Robert Bork's *Slouching Towards Gomorrah: Modern Liberalism and America's Decline* (1996) was an effort difficult to surpass. But conservatives have had much less to say about the causes of the '60s. What they did say concentrated on exogenous variables that had unbalanced America's social equation. "New class" intellectuals, with belief systems foreign and antagonistic to the American way of life, were the prime suspects. The Moral Majority's mission, accordingly, was to repel the Immoral Minority's incursions.

The obvious difficulty with this explanation is its failure to account for, or even acknowledge, the anomaly of a previously robust civic culture's sudden, ruinous susceptibility to the 1960s' pathogens. Conservatives have found this theory of the case attractive, sticking with it through more defeats than victories, because it ascribes everything that was bad about the '60s to "an alien distortion of the American tradition, rather than its plausible metamorphosis," in the words of historian Mark Lilla.

To consider this latter possibility means grappling with the sobering idea that republics have, besides enemies, proclivities, some of which may turn a republic into its own worst enemy. Justice Kennedy's startling formulation about defining one's own concept of existence comes from somewhere, not nowhere, and that somewhere seems more inside than outside the American tradition. In *Democracy in America* Alexis de Tocqueville discussed the raw material that could result in such solipsism:

In the United States, even the religion of the greatest number is itself republican; it submits the truths of the other world to individual reason, as politics abandons to the good sense of all the care of their interests, and it grants that each man freely take the way that will lead him to Heaven, in the same man-

ner that the law recognizes in each citizen the right to choose his government.

Democracy democratizes religion, making it less religious in the process.

In *Revolt of the Elites* (1994), historian Christopher Lasch called for "a revisionist interpretation of American history, one that stresses the degree to which liberal democracy has lived off the borrowed capital of moral and religious traditions antedating the rise of liberalism." Like most of what Lasch wrote, that's pretty gloomy, but maybe not quite gloomy enough. *Borrowed* capital implies the intention and capacity to make restitution, to generate new cultural resources that, even if different from the ones consumed, will adequately replenish the sources of stability and cohesion a society requires. If, instead, the normal course is for liberal democracies simply to use up the capital of moral and religious traditions, then democracy has a cultural contradiction for which there is no obvious solution.

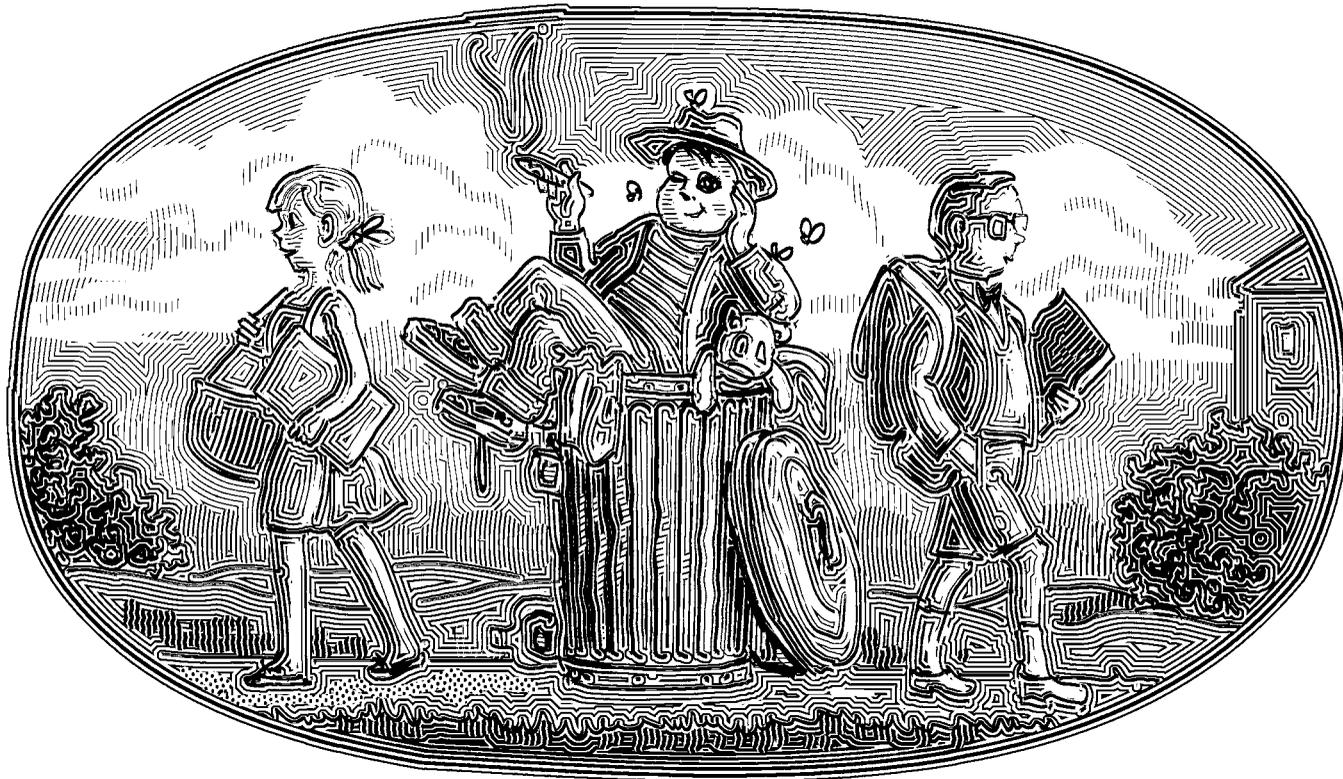
Lasch agrees with Burke and the American founders that moral and religious capital generates political strength. It doesn't follow that there is much politics can do to invigorate morality and religion. People are drawn to a religion because they find it consoling, inspiring, beautiful, and, above all, true—not because they think their faith will be politically useful to others. Democracy "has to stand for something more demanding than enlightened self-interest, 'openness,' and toleration," Lasch wrote. But so do the lives of democracies' citizens. If and when people who turned to moralistic therapeutic deism for spiritual nourishment come to regard that creed as a starvation diet, they are likely to seek out, or return to, more fortifying alternatives. In that sense, the serious problem of replenishing moral and religious capital may prove to be self-correcting.

William Voegeli is a senior editor of the Claremont Review of Books and the author, most recently, of The Pity Party: A Mean-Spirited Diatribe Against Liberal Compassion (Broadside Books).

Book Review by Charles Murray

KIDS TODAY

Our Kids: The American Dream in Crisis, by Robert D. Putnam.
Simon & Schuster, 400 pages, \$28



POLICY ANALYSTS WHO WRITE ABOUT America's new lower class hardly ever know what they're talking about—not at first hand. The typical social scientist in a major university, or scholar in a Washington think tank, grew up in a comfortable middle-class (or better) neighborhood, stayed in academia through the Ph.D., and now lives in an upscale faculty neighborhood or D.C. suburb. These analysts may know the data on labor force participation, marriage, and educational attainment backward and forward, but few of them have actually lived in working-class communities and observed first-hand the phenomena they analyze.

Of the few who grew up in working-class communities, those over 50 have memories that are unlikely to correspond to the reality of daily life in today's working-class America. Robert Putnam, the Harvard political scientist who informed America about its plunging social capital in *Bowling Alone* (2000), is such a person. The son of a small businessman, he grew up in the 1950s in Port Clinton, Ohio, population 6,500, on the shore of Lake Erie. Port Clinton had class divisions in the 1950s,

but the town corresponded closely to the American ideal: lots of interaction across social classes, stable and mostly loving families in all social classes, low crime, and high levels of community engagement. I grew up in the same era in the same kind of town.

Since Putnam left Port Clinton, it has become a radically different place, with haves and have-nots separated by chasms not just in income, but on a wide range of cultural dimensions that, to borrow from the book's subtitle, have put the American dream in crisis. The kids of today's working class have it worse in so many ways that climbing the socioeconomic ladder, as many of Putnam's classmates in the 1950s succeeded in doing, has become dauntingly difficult. In *Our Kids*, Putnam describes the new cleavages on a national scale.

OUR KIDS IS A 400-PAGE BOOK ORGANIZED into just six chapters: An introduction, separate chapters on families, parenting, schooling, and community, and a closing chapter of policy recommendations. Putnam uses a brilliant device for setting out his case: he opens each chap-

ter with an extended narrative account of two families, one that's making it in postindustrial America and one that isn't, in a specific geographic area—Port Clinton itself, Atlanta, Philadelphia, California's Orange County, and Oregon's Big Bend. The narratives are long and detailed, with lots of direct quotations. Only after these stories does he revert in each chapter to customary social science analysis.

Putnam's success with the qualitative narratives is no small accomplishment. Things tend to go wrong when academics venture into the field to study real people in real communities. Margaret Mead's massive misunderstanding and misrepresentation of the Samoans is just the most famous example of a universal problem: academics often aren't good at getting ordinary people to open up about their lives, and they tend to censor responses that don't conform to their preferred storyline. The narratives in *Our Kids* don't appear to have either of those problems.

Putnam gives credit for the interviews to an associate, Jennifer Silva, who, judging from *Our Kids*, is a truly gifted field interviewer.



But he did the final write-up, and he deserves credit for laying out a messy picture that gives ammunition to all sides in the policy debate. We hear the voices not just of the unemployed whose well-paying manufacturing jobs were exported abroad, but also of people who quit jobs because they didn't feel like working or who can't hold jobs because they make lousy employees. Some low-income parents in the accounts are fiercely devoted to their kids; others created children casually and walked away from them casually. There's rampant incompetence visible in the new lower class— incompetence on the job, as parents, in interpersonal relationships. There's rampant irrationality and unrealistic expectations, with many respondents oblivious about the steps required to get from point A to point D in life.

Race is not a big deal in *Our Kids*. The voices include many whites along with Latinos and blacks, and the problems are similar across ethnicities. Nor do the Latinos and blacks treat discrimination as a decisive factor in their problems. Sometimes they explicitly discount the importance of discrimination. Such observations are heartening, and they correspond to my own experience living in a part of rural Maryland with a Southern heritage and a significant black presence: race is not the angst-ridden issue in working-class America that you would assume if you based your expectations on the highly publicized problems in Ferguson or Baltimore. The same observations are disheartening insofar as *Our Kids* drives home how widely the problems it describes have spread throughout the working class. We've got a national affliction on our hands, not pockets of affliction.

THE NARRATIVES MAKE *OUR KIDS* WORTH reading even if you skip everything else. I would go further: for those who write professionally about the quantitative evidence on poverty, family breakdown, education in low-income communities, or problems with the labor market, *Our Kids* is required reading. It will help them know what they're talking about. Every criticism I have of *Our Kids* is subordinate to that paramount virtue.

I will pass briefly over the analytic portions of the chapters. They contain an abundance of informative graphs of trends over time, with separate trendlines for persons with no more than a high school education and those with at least a college degree. They also contain well-written statements of the Left's received wisdom about why America has diverged into two such widely separated cultures. The leading culprits are economic—globalization, stagnation of working class wages, and loss of manufacturing jobs. When cultural factors

are involved, they are such things as the sexual revolution.

Could the policy reforms of the 1960s be a cause? Not a chance. Putnam devotes a few paragraphs to the conventional liberal talking points (e.g., nonmarital births don't track with changes in the size of the welfare package), writing as if he were unaware of the extensive literature that scholars who implicate the reforms of the 1960s have produced on the topic. Actually, he says, it was events of the 1980s (when Ronald Reagan was president!) that exacerbated family breakdown: the War on Drugs, three-strikes sentencing, and the sharp increase in incarceration. Putnam had earlier refused to come to grips with the critics' indictment of the reforms of the 1960s in *Bowling Alone*. I had hoped for better things in *Our Kids*. I was disappointed.

NO MATTER. THE DEBATE ABOUT THE reforms of the 1960s is already a topic for historians, largely irrelevant to the formation of good policy in 2015. Policy today must begin from where we are. Putnam frames his view of the issue thusly:

All sides on this debate [over trends in social mobility] agree on one thing, however: as income inequality expands, kids from more privileged backgrounds start and probably finish further and further ahead of their less privileged peers.... Poor kids, through no fault of their own, are less prepared by their families, their schools, and their communities to develop their God-given talents as fully as rich kids.

Putnam labels this the "opportunity gap" and then runs through the possibilities for policy interventions. He finds that not much can be done to affect marriage rates or nonmarital births, but is optimistic about the effects of income supplements on life in working-class communities. He thinks that reducing sentencing for nonviolent crime and putting more effort into rehabilitation for incarcerated young males could narrow the opportunity gap—on what empirical basis, I don't know.

Putnam, along with just about everybody else except a few grinchers like me, is enthusiastic about the potential of high-quality pre-K programs. He devotes several pages to a review of the evidence on this score, providing a rich bibliography of recent work in the endnotes. He is hopeful about reducing residential segregation through low-income housing programs that help functional families in distressed communities move to bet-

ter neighborhoods. He wants to pump more money into schools in distressed communities—to recruit better teachers, extend school hours, and offer more extracurricular and enrichment opportunities. He likes the idea of "community schools," which put social and health services into schools serving poor children and encourage community involvement. He likes Catholic schools and revitalized vocational education and a larger role for community colleges.

Some of these recommendations are good ideas regardless of their long-term outcomes. In a country as rich as ours, it is appropriate that everyone have the means for a decent existence. My own preferred approach is a guaranteed basic income that replaces the welfare state, but Putnam's options are a workable alternative. When it comes to pre-K programs, it is a good thing if a child who is neglected or emotionally abused is put in a setting where the neglect and the abuse don't occur. It is a good thing if children who are not talked to by their parents are talked to by someone else. In short, pre-K interventions have "worked" in an important sense if they simply put children who spend the rest of their days in destructive settings into ones that are better even if only for a few hours. That's a good in itself. What that good-in-itself is worth in competition with other budgetary priorities is something that does not lend itself to cost-benefit calculations, the many claims for such calculations notwithstanding.

THAT SAID, I MUST RECORD MY OWN judgment that everything that Putnam recommends could be implemented full-bore—far beyond any reasonable hope—and little, alas, would change in the long term. The opportunity gap is driven by larger forces, which his policy prescriptions cannot do much about. Three reasons stand out.

First, the standard interventions are aiming at a relatively unimportant target. Children's personal characteristics are the product of three sources: shared environment, non-shared environment, and parents' genes. Government programs can affect only one of those three—shared environment—which, for the most important outcomes, usually has the least effect of the three.

You may not be familiar with the terms "shared" and "non-shared" environment. The shared environment includes such things as a family's income and social status, quality of the schools, and parenting practices. The non-shared environment is the sum of random differences such as events in the womb that affect one sibling differently from another, an injury or illness after birth that affects one



sibling and not the other, and peer groups that siblings don't share. Some unknown but probably large proportion of the non-shared environment is simply statistical noise.

Aren't the components of the shared environment the important causes of how well children do in life, as Putnam himself is convinced? For some immediate outcomes, yes; for ultimate outcomes, no. Consider the results of a comprehensive meta-analysis of more than 2,000 twin studies published in *Nature Genetics* in May of this year. The shared environment played a large role in the religiosity of children (explaining 44% and 35% of the variance in the two estimates presented by the study), and a substantial role in explaining problems in parent-child relationships (33% for both estimates). But when it comes to the outcomes that Putnam associates with the opportunity gap, the contribution of the shared environment is modest. For "higher-level cognitive functions" (I.Q.), the estimates of the role of the shared environment were just 24% and 17% of the variance. For educational attainment: 27% and 13%. For conduct disorders (antisocial and aggressive behavior): 18% and 15%.

That's not the whole story. Genes and environment interact, among other things. But my point is simple and survives the complications: the roster of standard interventions to reduce the opportunity gap is almost entirely focused on factors that have modest causal roles. Furthermore, a program lasting at most a few hours a day can influence only a small proportion of that modest causal role. The evaluation literature for interventions necessarily yields meager long-term impact even for the best-executed program because the potential effect to begin with is so small. If policy scholars are serious about having a major impact on the shared environment, they should be advocating adoption at birth and high-quality orphanages. They don't.

SECOND, THE OPPORTUNITY GAP EXISTS alongside a substantial ability gap. Most of the graphs in *Our Kids* show the results for parents with at least a college degree versus those for parents with no more than 12 years of school and a high school diploma. What are the I.Q.s of those two groups? In the 1979 cohort of the National Longitudinal Study of Youth (NLSY), rep-

licating Putnam's assignment rules, the mean I.Q. of the college group was 23 points higher than that of the high school group. In case you're wondering, that's not a function of race. Among non-Latino whites, the difference was 22 points. In statistical terms, those are differences of about 1.5 standard deviations. For the population as a whole, the average person in the high school group was at the 29th I.Q. percentile while the average person in the college group was at the 84th percentile. Since children's I.Q. is correlated with parental I.Q., it is not surprising to learn that the means of the children of the high school and college groups are also separated—by about 19 points in the same NLSY cohort. Recall the modest role of the shared environment in producing that difference.

Again, my underlying point is simple. I.Q. has a substantial direct correlation with measures of success in life, and it is also correlated with a variety of other characteristics that promote success—perseverance, deferred gratification, good parenting, and the aspects of personality that are variously called "emotional intelligence" or "grit." The correlations are not large, but many modest individual correlations produce large differences in life outcomes when the means of two groups are separated by as large a gap as separates both parents and children of America's working and upper-middle classes.

THIRD, THE GAP IN HUMAN CAPITAL IN working-class and upper-middle-class communities has been widening over time. In 1960, just 8% of adults had college degrees, and many of those had pedestrian academic ability—going to college then was largely determined by socioeconomic status. In that America, an extremely large proportion of the smartest people in the country had no more than a high school education. Data on the I.Q. of high school and college graduates prior to mid-century indicate that the gap between Putnam's two groups as of 1960 was on the order of 14 points, not 23. Since then, the sorting process has gotten much more efficient. Few high school graduates with I.Q.s well over 100 don't get at least some post high-school education. It has long been recognized that the functioning of black communities took a big hit when the civil rights revolution

enabled many of the most successful blacks to move out. The same thing has been happening to the country as a whole. White working-class communities have also seen an outmigration of the most able; that outmigration is continuing, and it is entrenching many of the problems in working-class communities that Putnam laments.

It's not just that the I.Q. gap in working-class and upper-middle-class communities has gotten wider. The life penalties associated with low I.Q. have risen since 1960. If you focus on the economic changes since 1960, those with low I.Q. have faced a labor market in which the market value of a strong back has dropped while the value of brains has soared. If you focus on the reforms and social programs of the 1960s, the reductions in immediate penalties for destructive behavior (e.g., doing drugs, dropping out of school, grabbing purses, having a baby without marriage) had the most effect on people who were impulsive, attracted to immediate gratification, and unable to foresee long-term consequences—qualities associated with low I.Q. The effects of such changes in incentives among the smart were much smaller.

My takeaway from all this was expressed in the closing chapter of my own work on Putnam's topic, *Coming Apart* (2012). Very briefly, I don't think America's civic culture will be revitalized by the kinds of programs that *Our Kids* advocates. If it is to happen, it must be through a cultural Great Awakening that leads the elites to reengage in America's traditional civic culture; one that reverses what Robert Reich memorably labeled "the secession of the successful." Being willing to pay higher taxes to finance more social programs is not what I have in mind.

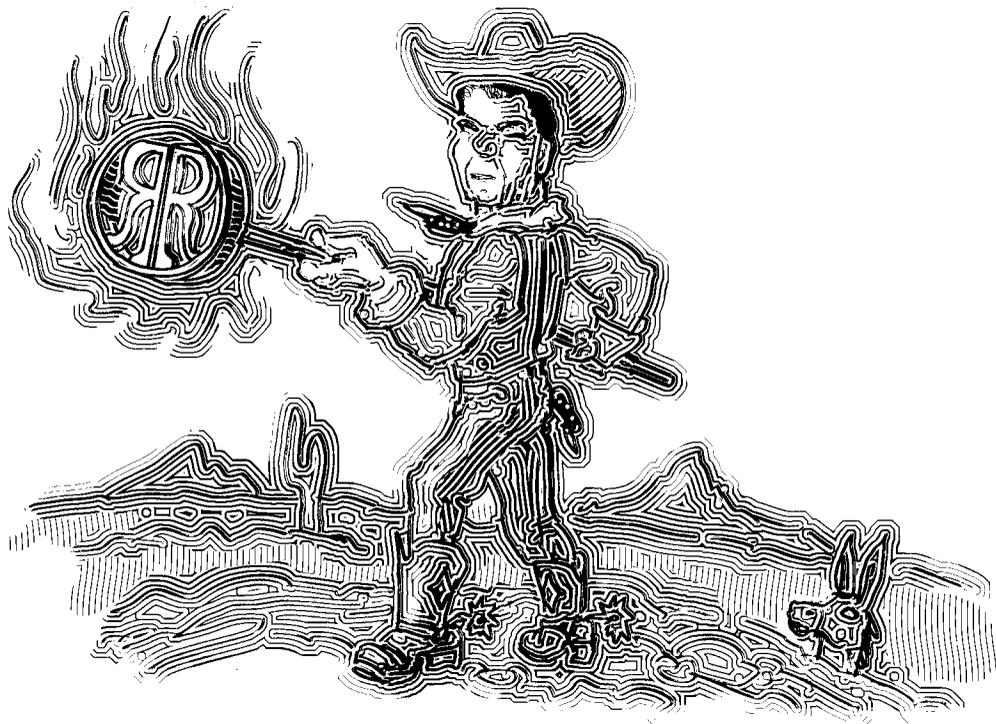
But let's face it: my strategy does not have more chance of working than Putnam's does. The parsimonious way to extrapolate the trends that Putnam describes so well is to predict an America permanently segregated into social classes that no longer share the common bonds that once made this country so exceptional, accompanied by the destruction of the national civic culture that Putnam and I both cherish.

Charles Murray is the W.H. Brady Scholar at the American Enterprise Institute.

Book Review by Christopher Caldwell

RECKONING WITH REAGAN

Reagan: The Life, by H.W. Brands.
Doubleday, 816 pages, \$35



SOMETHING ODD IS HAPPENING TO THE legacy of Ronald Reagan. For many who rued his presidency as it was happening, he now stands ten feet tall. Candidate Barack Obama said during his 2008 campaign that Reagan “changed the trajectory of America.” In *The Age of Reagan: A History, 1974–2008* (2008), Princeton historian and Clinton partisan Sean Wilentz places Reagan among the mere half-dozen presidents (along with Thomas Jefferson, Andrew Jackson, Abraham Lincoln, and Theodore and Franklin Roosevelt) who “put their political stamp indelibly on their time.” And yet, that stamp fades with every passing week. Reagan’s shining city upon a hill now has Court-ordered gay marriage, a national health-care entitlement steadily entrenching itself in the federal welfare panoply, and a surveillance system typical less of the nation he led in the Cold War than of the one he vanquished. The more piously Americans invoke Reagan’s name, the more assiduously they demolish his works.

H.W. Brands is the latest to make a case for Reagan’s greatness while holding him at ideological arm’s length. Brands is a professor of history and government at the University

of Texas at Austin best known for his hefty biographies of American political figures including Woodrow Wilson, Ulysses Grant, Andrew Jackson, and Benjamin Franklin. In his long and uneven *Reagan: The Life*, he concludes, as Wilentz did, that Reagan left “a deeper impression on the country and the world than any but a handful of other presidents.” Brands pushes the point to the edge of absurdism, writing that, “in certain respects, Reagan’s accomplishment was greater than [Franklin] Roosevelt’s.”

What a backhanded way he has of arriving at that conclusion! Lecturing at the University of North Carolina last fall, Brands remarked that he had never voted for Reagan, considering him “an intellectually shallow person,” but that today he considers shallowness to have been one of the president’s greatest assets. Others before have claimed Reagan was highly, but not deeply, intelligent. Richard Nixon, grateful for Reagan’s steady support, nonetheless thought him a “lightweight.” House Majority Leader Jim Wright wrote in his diary in the early 1980s: “Appalled by what seems to me a lack of depth, I stand in awe nevertheless of his political skill. I am not sure that I

have seen its equal.” However he might have sounded at a lectern, Reagan had a powerful intelligence that is unmistakable once one reads his prose—especially in the collections of radio addresses, *Reagan: In His Own Hand* (2001), and of letters, *Reagan: A Life in Letters* (2003), edited by Kiron Skinner, Annelise Anderson, and Martin Anderson. His writing is lucid and logical, evidence of a lucid and logical mind. Brands sells him short in describing a mere “gift for writing his own lines” and a “magpie’s eye for the glittering tidbit.”

FOR BRANDS, SHALLOWSNESS EXPLAINS the stalling out of Reagan’s movie-acting career after World War II. When television put an end to the B movies he had starred in in his twenties and thirties, his career was simply done. His first wife, Jane Wyman, who won an Academy Award in 1948 for her role in *Johnny Belinda*, divorced him as her own career took off. Brands believes that Reagan “wasn’t temperamentally suited to serious acting,” lacking emotional depth, not to mention animal sex appeal, and that he was reluctant “to share his deepest feelings.” (Like other biographies, this one is too quick to attribute such re-

luctance to the trauma of childhood memories of his father's drinking, Reagan arguably had a better relationship with his father growing up than any of the men who have sat in the Oval Office since.)

There is a second thing Brands wants us to understand about Reagan: even at the height of his powers and popularity, the man was an anachronism—an insight that yields up many truths in the course of the book. Reagan's birth in 1911 is closer to Jefferson's presidency than it is to us. Reagan came to national prominence only in 1964, at age 53, when Barry Goldwater's floundering presidential campaign bought him a half-hour of air time. His speech, "A Time for Choosing," was stirring ("I think it's time we ask ourselves if we still know the freedoms that were intended for us by the Founding Fathers") and witty ("A government bureau is the nearest thing to eternal life we'll ever see on this earth"), but it harked back to an America that antedated the New Deal, and he was still reworking its themes in the mid-1980s. Had Reagan been elected in 1976, he would have been older than FDR had been when he died (age 63), and the oldest president inaugurated since William Henry Harrison, who died a month after taking the oath of office. A decade later, his own budget director, David Stockman, considered him "more ancient ideologically than he was in years." Soviet leader Mikhail Gorbachev called him a "dinosaur."

ALTHOUGH REAGAN'S CONSTANCY MAY seem hidebound, blinkered, and reactionary to some, it seems loyal, insightful, and courageous to others. In *The Invisible Bridge: The Fall of Nixon and the Rise of Reagan* (2014), Rick Perlstein is impressed that Reagan was the only Republican on the presidential landscape in the 1970s not to repudiate Richard Nixon after his disgrace. Richard Reeves, in *President Reagan: The Triumph of Imagination* (2005), marvels that Reagan stood behind the tight-money policies of Federal Reserve chair Paul Volcker, at a time "when almost every other elected politician in the country—left, right and center—was crying for relief." Reagan was comfortable standing alone—a trait especially rare among politicians. His greatest gift may have been an indifference to whether anyone thought him smart.

Reagan did simplify. Making complicated matters simple is a must for reformers, because the main way incumbents dodge accountability is by making simple matters complicated. As Reagan put it in his 1967 inaugural address as the newly elected governor of California:

For many years now, you and I have been shushed like children and told there are no simple answers to the complex prob-

lems which are beyond our comprehension. Well, the truth is, there *are* simple answers. They just are not easy ones.

According to Perlstein, "the longing for conservative innocence Ronald Reagan was selling was strong." This is a wrongheaded way of looking at what Reagan represented. Americans had longings, as they always do, but his presidency was built on a diagnosis, not a daydream. The diagnosis was that the American people had put too much faith in government to solve their problems, and that their lack of constitutional vigilance had, predictably, produced a harvest of incompetence and corruption. Its fruits were inflation, crime, anomie, and a devastating lost war.

BRANDS DOES A POOR JOB OF DESCRIBING the political climate of the 1960s and '70s in which Reagan and Reaganism thrived. In fact, the historical backdrop seems scarcely to interest him, and his narrative is often glib. "During the Great Depression," he writes, "many employers unashamedly laid women off first, assuming that their female employees were not the principal breadwinners in their families." Why, at the time, would employers assume anything else? Where, in 1931, was this "shame" supposed to come from? Discussing Lyndon Johnson's decision to withdraw from the presidential race in 1968, Brands explains: "Johnson was haunted by fears of impending mortality, having nearly died of a heart attack in 1955, and he knew enough political history to realize that second terms for presidents rarely end well." Johnson was more likely "haunted"—if that is the word—by the well-informed judgment of Democratic adviser Larry O'Brien that LBJ was on the verge of suffering a 2-to-1 shellacking in the Wisconsin primary at the hands of the antiwar candidate, Minnesota Senator Eugene McCarthy.

Brands is also wrong to say that "the nation's politics took a sharp turn to the right" during Reagan's presidency. That is one of the paradoxes of Reaganism: while government policies grew more conservative, this was a matter of adjusting to arguments that had been won over the preceding two decades. Politics began its generation-long shift to the cultural left. Certain pivotal episodes in this shift are mentioned only cursorily, if at all. The Simpson-Mazzoli immigration compromise, for instance, passed into law as the Immigration Reform and Control Act of 1986, offered a (real) amnesty to be balanced by a (flouted) tightening of border control, altering the demographic and ultimately partisan makeup of the country and destroying the possibility of legislating on immigration for what has now been more than a generation. There are only a

few pages on Democrats' extraordinary blocking of Yale scholar Robert Bork's nomination to the Supreme Court in 1987—in retrospect, the greatest battle over constitutional principle (however scurrilous the arguments made) since the civil rights era. Brands writes of George H.W. Bush's victory over the wishy-washy Michael Dukakis as Reagan left office in 1988 as if it were a cakewalk; in fact, Bush was trailing deep into the pre-election summer. Something about the Reagan Revolution had been unraveling in the course of the Reagan presidency. Perhaps the Bush family was a poor vehicle for pushing forward an insurgency. Perhaps voters were tiring of Republicans' message. Perhaps the resuscitated economy and the country's impending victory in the Cold War left voters feeling that the party had fulfilled its purpose.

THE COLD WAR IS WHAT REALLY GRABS Brands, who started his career as a historian of 20th-century foreign policy. The last third of his book is a long slog through the summits at which Reagan convinced Gorbachev to embrace steep arms reductions. In retrospect, this was when the Soviet Union began to surrender. It is to superpower diplomacy that Brands turns when he wishes us to marvel at Reagan's mastery. The president dominated situations politically without seeming to dominate them intellectually. Brands considers it "scarcely short of brilliant" the way he dragged Soviet leaders before the court of international public opinion after the USSR shot down a Korean passenger jet in 1983. He marvels at Reagan's use of human rights to embarrass Gorbachev. And he notes that Reagan somehow won the battle for the hearts of the world's citizens, even as Gorbachev made himself the darling of the media. How did he manage that?

International affairs probably was the area of his presidency most distant from any kind of dogmatic conservatism. At one point during the Soviet crackdown on the free Polish trade union Solidarity after 1980, Reagan mulled rallying a serious campaign of international sanctions against the Soviet Union. As he did, he showed himself much less solicitous of Big Business than any of his successors have been. "We have labor and the people with us," he said. He was inclined to demand that International Harvester and other companies that did business in the Eastern Bloc simply forgo their profits and sell their tractors elsewhere. Labor unions continued to face difficulties under Reagan's presidency, but it was not because the president—a former leader of the Hollywood actors' union himself—was trying to "smash" them. Reagan expected unions to last forever. He was not indifferent to the deindustrialization and outsourcing that came with



globalization and high technology. He was just blindsided by these things, as everyone else was. Nor was he an unthinking free-trader like the House Republicans who today invoke his name. In negotiations with Gorbachev he instructed his staff: "Trade is for us a major bargaining chip. We shouldn't give it away."

REAGAN'S EAGERNESS TO REACH A nuclear deal with Gorbachev reminded Henry Kissinger of the position of Britain's Committee on Nuclear Disarmament (whose logo is now known universally as the "peace symbol"). When the president traveled to Bonn in 1982, 300,000 marchers were there to greet him, in Germany's largest public demonstration since World War II. Reagan told them: "To those who march for peace, my heart is with you. I would be at the head of your parade if I believed marching alone could bring about a more secure world."

Perhaps this is because nothing was more alien than nuclear annihilation to the values Reagan grew up with in Tampico and Dixon, Illinois. His worldview was that of a middle-of-the-road Midwesterner of the 1920s and '30s. His politics were conservative, but it was a conservatism that antedated the fury of the 1950s and '60s. He swallowed whole a lot of 20th-century superstitions. Brands reproduces a 1951 letter from *Reagan: A*

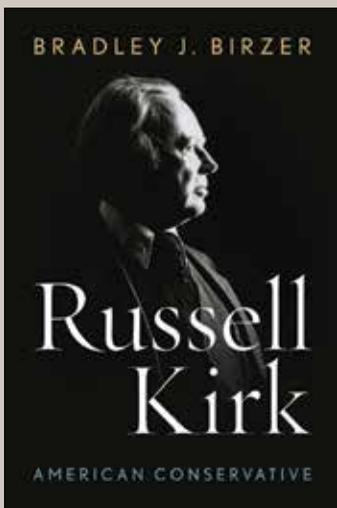
Life in Letters that urges a divorced female friend to have a "healthy" attitude towards sex, while drawing on a popular version of the anthropologist Margaret Mead's studies of Polynesians: "These people who are truly children of nature and thus of God, accept physical desire as a natural, normal appetite to be satisfied honestly and fearlessly with no surrounding aura of sin and sly whispers in the darkness. By our standards they are heathens but they are heathens without degeneracy, sex crimes, psycho-neurosis and divorce."

Ending the Cold War was the great thing Reagan did, but it is a questionable focus for a biography of him, because it was not what the American people sent him to Washington to do. The country that Americans were worried sick over in 1980 was not Leonid Brezhnev's but Jimmy Carter's, and Reagan's domestic achievements now look equivocal and temporary. Their luster held through the Clinton years, but was tarnished by George W. Bush's invocation of them. Governing through executive orders and lawsuits, Barack Obama has eroded the political foundations on which Reaganism was built. America's victory in the Cold War looks increasingly Pyrrhic.

When he came to power, Reagan looked like a radical departure from the liberal consensus of the 1960s and '70s. In retrospect, considering how angry the country was, he may have

been the least radical response on offer. Reagan was conservative only about things to which he had really given a lot of thought. Any issue that hadn't been debated in his youth caught him flat-footed. Again and again in the course of his governorship, he allowed liberal innovations to triumph simply because they were too new to have made it onto his radar screen. In 1967 he signed what can be called without hyperbole the most liberal abortion law in history—largely because, Brands rightly notes, he had at the time "no profound convictions about abortion." He must have felt some misgiving, because he followed his signing with the bizarre warning: "We must be extremely careful to assure that this legislation does not result in making California a haven for those who would come to this state solely for the purpose of taking advantage of California's new law." That same year he signed one of the strongest American gun-control measures. In 1970 he signed one of the most sweeping no-fault divorce laws. It is often noted that Reagan warned California's student protesters in 1970: "If it's to be a bloodbath, let it be now." But the previous year, California had settled a strike at San Francisco State that saw the setting up of the first ethnic studies and women's studies departments. In standing up to the changes of the 1960s and '70s, Reagan hardly did better than governors elsewhere.

IMPORTANT VOICES

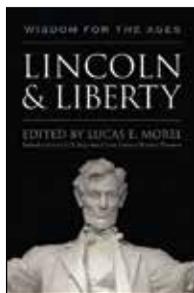


RUSSELL KIRK
American Conservative

Bradley J. Birzer
NOVEMBER 2015
\$34.95 Hardcover
Ebook available

The life and work of the founder of American postwar conservatism

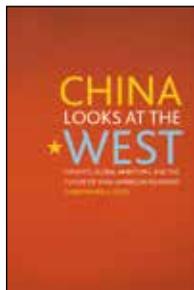
"An extraordinary book. Birzer has written a capacious and deeply humane treatment of an important thinker, writer, and actor who has been largely forgotten by an America that once regarded him as a singular and important voice. This lively and fascinating book will be read and talked about."—Patrick Deneen, author of *Democratic Faith*



LINCOLN AND LIBERTY

Wisdom for the Ages

Edited by Lucas E. Morel
Introduction by U.S. Supreme Court Justice Clarence Thomas
\$40.00 Hardcover
Ebook available



CHINA LOOKS AT THE WEST

Identity, Global Ambitions, and the Future of Sino-American Relations

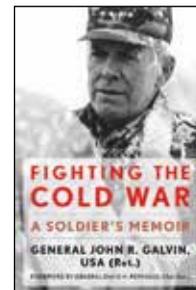
Christopher A. Ford
\$60.00 Hardcover
Ebook available



FOUNDING VISIONS

The Ideas, Individuals, and Intersections that Created America

Lance Banning
Edited and with an Introduction by Todd Estes
Foreword by Gordon S. Wood
\$45.00 Hardcover
Ebook available



FIGHTING THE COLD WAR

A Soldier's Memoir

General John R. Galvin, USA (Ret.)
Foreword by General David H. Petraeus, USA (Ret.)
\$39.95 Hardcover
Ebook available



UNIVERSITY PRESS OF KENTUCKY

800-537-5487

WWW.KENTUCKYPRESS.COM

IF SOME HISTORIES SMELL OF THE LIBRARY stacks, this one can be said to smell of the remainder bookstore out on the highway. Brands, it is true, uses Reagan's rather buttoned-up official diaries, edited by Douglas Brinkley and published in 2007, makes a few archival toe-taps in the minutes of committee meetings, does a limited number of interviews, and extracts long quotes from press conferences and speeches. But he has sourced almost the entirety of the White House part of his story from post-administration memoirs by Nancy Reagan, Donald Regan, Caspar Weinberger, George Shultz, Al Haig, Robert Gates, David Stockman, Peggy Noonan, and Alan Greenspan, with a couple of foreign leaders (Margaret Thatcher and Gorbachev) thrown in. Their accounts date from around 1990, when the Cold War was newly won and the high-tech boom getting underway, so Brands's narrative borrows a bit of hagiographic glow from that time. His theme winds up being management, not history—the *how* of the Reagan presidency, not the *why*. It concerns whether chief of staff Donald Regan should have been allowed to use the White House helicopter to visit Reagan when he was in the hospital recovering from polyp surgery, not whether Americans were more free when Reagan left office than when he came in.

As we consider that question we are brought face to face with something Reagan and the Reaganites understood only very poorly. The 20th-century growth of the federal administrative state was not simply a problem that their movement needed to address, it was the environment in which their movement had to function. Reagan led a bunch of people who had taken office by winning an argument. But taking power was considerably more complicated than taking office. The country's welfare programs were a system of rule that only Democrats had ever mastered. Most Reaganites assumed that, if they could *show* Great Society programs were inefficient, much of the bureaucracy would wither and die. They were wrong. This was an area in which being a "Great Communicator" was insufficient.

Two weeks into his presidency, Reagan called for a "different course" on the economy. "[W]e can lecture our children about extravagance until we run out of voice and breath," he said. "Or we can cure their extravagance by simply reducing their allowance." Reagan was proposing "supply-side" tax cuts as a means to solve two problems at the same time: the tax cuts themselves would help the economy by spurring business, and they would make society more virtuous by breaking its dependence on government welfare programs. Economically, his approach was sophisticated and

worth a try. It was meant to replace failed older models based on the so-called Phillips Curve, which had wrongly posited a permanent inverse relation between inflation and unemployment.

Politically, his approach failed. Reagan's attempt at deep reforms of Social Security in the spring and summer of 1981 terrified his fellow Republicans in Congress; his ability even to limit the program's growth in 1983 can be accounted a major achievement. The federal welfare state, as designed by Democrats, turned out to be not just an administrative system but a political power base. It was alive. It could defend itself even when majorities opposed it. It resisted cuts. When Washington's "allowance" was reduced, it could borrow. A president who had preached fire and brimstone against deficit spending in 1980 left office in 1989 having roughly tripled the national debt.

REAGAN WAS A MAN OF IDEAS, whatever one may think of the ones he had. He was an explainer, not an implementer. Reagan didn't have a Machiavellian bone in his body. That is why he was forced into sharing power with people who understood it better, even if those people did not share the principles that had got Reagan and people like him elected. George H.W. Bush; Bush's henchman, Jim Baker; Reagan's own wife, Nancy; Nancy's consigliere, Michael Deaver—all of these people were more liberal than Reagan. But Reagan didn't share power with them *because* they were liberal. He shared power with them because power had been set up in such a way that only liberals could wield it. Deaver was right to warn Reagan, in the course of urging that he choose Baker as chief of staff: "We're about to embark on something, Governor, that we don't know a lot about."

We can now better understand Nancy Reagan's sway over her husband. In a more sexist and truthful age, it would be possible to say that an ambitious woman is the best instrument ever devised for measuring real power, and that Nancy's aptitudes and experience made her something of a prodigy in that department. The way she rose in Hollywood was the best imaginable apprenticeship for rising in Washington power politics, to put the matter delicately. She knew little about the issues affecting the country and the policies it needed, but she knew how popularity was secured, maintained, and effectively spent. Although her counsel brought her "Ronnie" around to more liberal positions, this, again, is not *because* she was more liberal—when they divvied up the morning newspapers he took the *New York Times* and the *Washington Post*, she the

rabidly Reaganite *Washington Times*. Nancy was more liberal only to the extent that, in the nation's capital, power was more liberal.

REAGAN HIMSELF FAILED TO SEE THE pseudo-constitutional apparatus that had arisen in Washington over the years to thwart majorities such as his, an apparatus made up of judges and investigative committees. A year after his triumphal reelection, Reagan found himself caught up in the Iran-Contra scandal, an appalling piece of staff adventurism in which arms were sent to revolutionary Iran's mullahs in hopes of freeing American hostages in Lebanon, and covertly funding anti-Communist rebels in Nicaragua. The investigation turned into a redo of Watergate, an opportunistic attempt by the newly empowered Democratic Senate majority to overturn the Reagan revolution by impeachment. This attempt might well have succeeded had not Lieutenant Colonel Oliver North so charismatically made the Reaganite case on the witness stand. The Democrats' lawyer Arthur Liman recalled later that investigative committee chairman Daniel Inouye

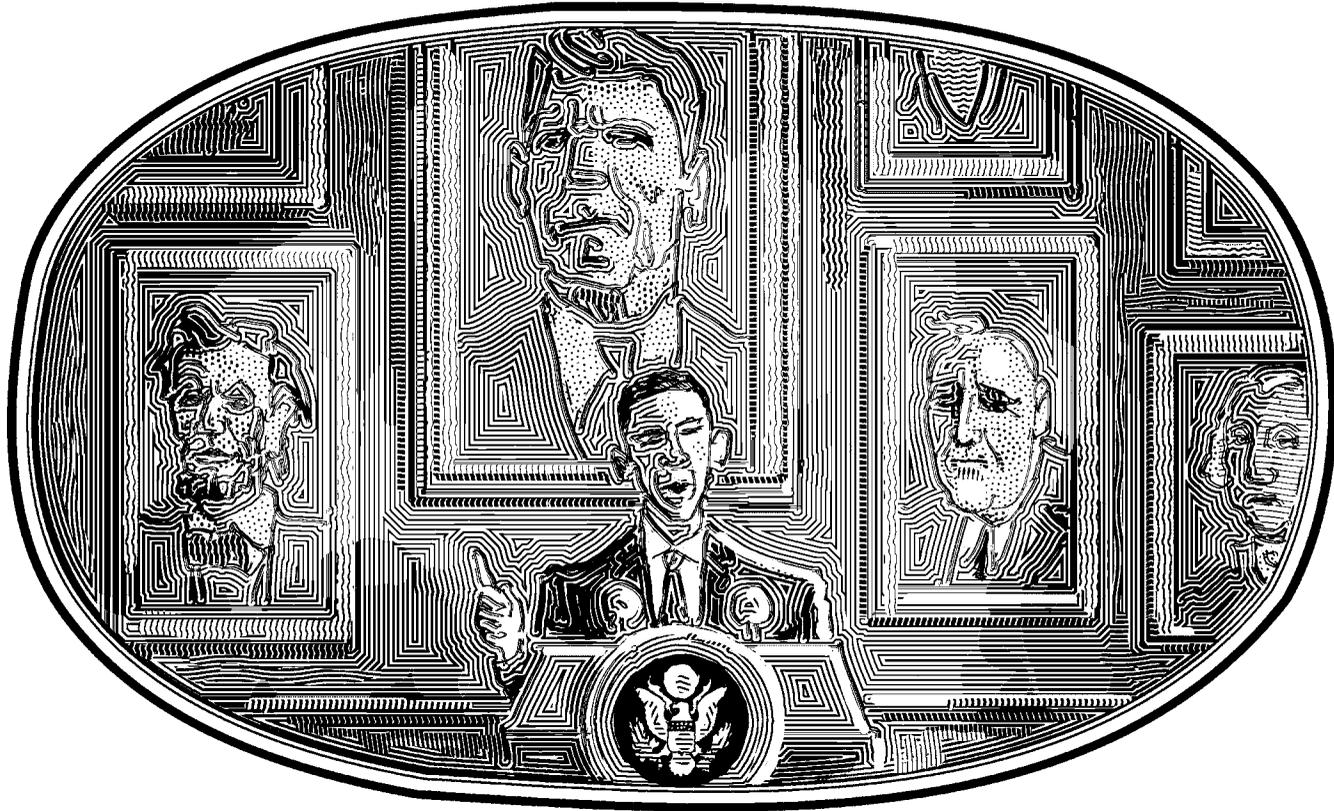
made it clear to me that time was of the essence, not because of impending political primaries but because the country would suffer if the presidency remained under a cloud indefinitely. I can remember Inouye's message: The country can afford to remove a president if there is convincing proof of an impeachable offense. But it cannot afford to incapacitate a president by a drawn-out investigation questioning his legitimacy.

In other words, the Iran-Contra investigation was a plan to rescue the country from the "cloud" it had itself created by electing the wrong president.

Many have assumed that Ronald Reagan's revolution would endure not just because he was an excellent, competent, and even an inspired president, but because it seemed to have its roots deep in the American character. That the revolution has failed to stick is a sign that something has been misunderstood. Perhaps the American character has changed. Perhaps it does not shape American government as it once did. The triumph of Reaganism was that, in the wake of war, privation, and scandal, a great leader managed to convince Americans everything would be all right. That is also its tragedy.

Christopher Caldwell is a senior editor of the Weekly Standard. He is at work on a book about America in the wake of the 1960s.

THE OBAMA TRANSFORMATION VERSUS THE REAGAN REVOLUTION



THE GOOD NEWS IS A WEARY COUNTRY can begin to focus on the president who will succeed Barack Obama. The bad news is President Obama's legacy will not be retired so easily.

He intended to be a president who made a big difference. "Let us transform this nation," he demanded in 2007. "We are five days away from fundamentally transforming the United States of America," he proclaimed as Election Day approached in 2008. With a year and a half to go, Obama knows (he admitted as much to the *New Yorker*, his favorite confessional) that a fundamental transformation will not happen on his watch. But he remains hopeful that it is underway and will continue long after his presidency. After all, look at what he has already accomplished. He revived liberalism from its Clintonite doldrums, promoted a generation of ambitious apparatchiks to high judicial and administrative office (we'll be hearing from them again), and spurred the national conversation as far to the left as he could on almost every issue, from income redistribution to gender reassignment, from local policing to global climate change. His legislative breakthroughs came early in his first

term; it's too soon to say they will endure. But if the Affordable Care Act survives—which is better than one can predict for many of its patients—"transformation" may yet be the right word to describe the long-term effects of his presidency.

Granted, it wasn't a rousing electoral success. Though he won a comfortable reelection, his party suffered a shocking collapse. After six years of his leadership, the Democrats have fewer congressmen, U.S. senators, governors, and state legislative chambers than at any time since the 1920s. For someone who doesn't believe in turning back the clock, Obama certainly has done a good job of it. Democratic legislators might be forgiven for thinking they'd suffered a reverse Rip Van Winkle, falling asleep in the Age of Obama and waking up in the Age of Calvin Coolidge.

Yet the full weight of their losses in 2010 and 2014, and the continuing unpopularity of Obama's economic, foreign, and health care policies, have not quite registered on the Democrats. To the administration's rescue rode its allies on the Supreme Court and in the regulatory agencies, handing the president huge victories on housing policy, immigration,

Obamacare, gay marriage, carbon regulation, and other key issues. Who needs the House and Senate if the courts and the bureaucracy can legislate in their place? The extent to which one man in the executive branch, five justices on the Court, and thousands of unelected, unaccountable, uncivil servants can make policy and law in today's Washington—without the active consent of the legislature and sometimes even against its will—ought to fill citizens with dread.

It will be up to the bevy of Republican presidential candidates, and eventually the party's nominee, to make the case against four more years of government à la Obama. They will be helped in this task by the example of the last Republican president who had to confront a disastrous, overextended liberalism, which, as he warned in his First Inaugural, showed "signs of having grown beyond the consent of the governed." Ronald Reagan's "Eleventh Commandment"—"Thou shalt not speak ill of a fellow Republican"—will assuredly be applied in the upcoming primaries to one Republican only: Ronald Reagan. None of the candidates will speak ill of him, however energetically they inveigh against one an-



other. But the serious among them ought to be thinking about him, studying his speeches and decisions, reflecting on his successes and failures. Today's questions differ from those he confronted in the 1980s, and so it is less his specific policies than the reasons behind them—and his leadership on their behalf—that matter. For on the level of major political movements inspired by political principles, the great contest in 2016 remains what it has been since 2008: the Obama Transformation versus the Reagan Revolution.

Transformers

CANDIDATE OBAMA IMPLIED AS MUCH in his famous comment in 2008: “I think Ronald Reagan changed the trajectory of America in a way that Richard Nixon did not and in a way that Bill Clinton did not. He put us on a fundamentally different path because the country was ready for it.” His point was that America, blessedly, was now ready to take another path—up from Reagan—with himself as the guide or leader. He would be the Democratic Reagan; perhaps, if he were lucky or audacious enough, as he freely insinuated elsewhere, the Democratic Lincoln. The “fundamentally different path” Obama recommended was not altogether new, but neither was it altogether old. It was the path of “transformation” itself, of constant self-reinvention, endless becoming, unceasing adjustment to new social conditions, challenges, and ideals. This was the road modern American liberalism had been on for a long time. This was the line of march Reagan himself had been on when he was a Democrat—from New Freedom to New Deal to the Great Society, each meant as a transformation of the existing America. Together these promised the *Aufhebung* (the absorption, nullification, and transcendence) of the old freedom of the Declaration of Independence, the agreed deal of the original Constitution, and the not-so-great society (as liberals saw it) of selfish or repressed individualism. Reagan abandoned the path before the Great Society, having realized where it was heading. Obama's threatened transformation, the fourth in a series, would not have surprised him.

Reagan expressed his objections in one of his earliest political addresses, a televised speech in 1962 (the year he became a Republican) on behalf of Richard Nixon's ill-fated campaign for California governor.

Senator Fulbright, speaking at Stanford University, referred to the President as our moral teacher and our leader, and he said “he is hobbled in his task by the

restrictions of power imposed on him by a constitutional system designed for 18th Century agrarian society,” and we've been told that the talk of taking the country back to the Constitution is talk of taking it back to the days of McKinley. Well, I for one, don't think that's a bad idea.

For a president to be hailed as “our moral teacher and our leader” struck Reagan as sycophantic, un-American—and as thoroughly repugnant to the genius of the U.S. Constitution. He took Senator J. William Fulbright, the liberal Democrat from Arkansas, to be implying that an *unhobbled* president, the kind of leader and moral teacher that the times really demanded, would have to escape “the restrictions of power imposed on him” by America's obsolete Constitution.

Once free of those restrictions, the president would be free to be “as big a man as he can,” in an office that could be “anything he has the sagacity and force to make it.” Those rather ominous phrases come not from Reagan or Fulbright but from Woodrow Wilson, who devised our modern and highly favorable view of leadership, and who was elected president the year after Reagan was born. A leader-president untethered from the Constitution might be ambitious or unambitious, progressive or reactionary; Reagan objected that, regardless, such a figure could not be *safe* for a free people. The very idea smacked of “Kaiserism” and “Hitlerism,” he said elsewhere. So, quoting Daniel Webster, he urged his fellow citizens to “hold on” to the “Constitution of the United States of America and to the Republic for which it stands.”

Wilson's critique of the old Constitution and its principles lay behind Senator Fulbright's criticism of it. In Wilson's striking phrase, the old system amounted to “leaderless government,” which he regarded as a contradiction in terms. The Constitution, with its separation of powers, checks and balances, federalism, and tortuous amendment process—the very 18th-century impediments Senator Fulbright regretted—had divided authority and rendered leadership by a Big Man of “sagacity and force” peculiarly difficult. And without such leadership, rational and continual political progress—transformation—was impossible. “Leadership and control must be lodged somewhere,” Wilson insisted. “No living thing can have its organs offset against each other as checks, and live.” The form of government suitable for “leadership and control” was not George Washington's or William McKinley's but a new one, what Obama, following Wilson, calls

the “living constitution.” The term implies, none too subtly, that the old Constitution is dead or on life support, and that the new one, to remain alive and healthy, must be coordinated or overseen by a leader. To sugarcoat this shocking news, the advocates tell a soothing tale to friend and foe alike: that the new constitution is nothing more than an extension, an updating, a gradual, unthreatening, and altogether necessary evolution from the old. “Darwinian,” Wilson liked to call it. He meant that human rights, governments, and constitutions, just like biological species, have their “natural evolution and are one thing in one age, another in another.” Transformation is all.

As a Progressive, Wilson thought the times could be counted on to be gradually but inevitably improving, so much so that mankind in the 20th century could for the first time recognize the difference between, as Obama likes to say, the right side and the wrong side of history. Although “leadership” had a reputation as undemocratic (try saying it in German), so long as leaders follow the permanent path of progress—keep to the right side of history—democrats need not fear it. The danger is further reduced because true leadership, combining Darwinian ethics with Darwinian efficiency, summons people into a better and more or less inevitable future where they would want to go anyway, if only they knew how.

To help the people overcome their blindness—to persuade the people to follow them—leaders like Obama need two novel qualities, now grown familiar: vision and compassion. The leader lends the people *vision* by appealing to them to imagine a much better future that is closer than they think, e.g., a world in which health care is universally available, dirt cheap, and surpassingly excellent. Imagine that! Why would anyone want to deny your right to *that*? Visionary politics relies primarily on imaginative appeals, not syllogisms or enthymemes, as anyone who has listened to recent presidential campaigns will recognize. The leader must feel a lively *compassion* or sympathy for the people in order to keep these dreams of the future tethered to some present-day reality. He must move with the common impulse and interpret the common feeling. Bill Clinton summed up the qualifications in one sentence: “I feel your pain.”

Leadership opened the royal road that modern liberalism took into American politics. Rather than separating and checking governmental powers, liberals sought to combine and concentrate them. Wouldn't such accumulated power be dangerous? Not if it were in the hands of selfless experts devoted to the people's good, i.e., liberals. Rather than

an embarrassing case of self-delusion fanned by self-interest, they called this a great ethical advance. At any rate, these powers were to be spent in the continual emission of a new class of social and economic rights for the people. Each right denied was the kernel of a social problem. Each social problem demanded a social program. Every social program constituted a solemn promise, in conjunction with all the other programs, to bring to the people unprecedented material well-being and unimaginable spiritual fulfillment.

In this way American government, once limited by natural rights and a written Constitution, became perpetually engaged in the reconstruction of human nature itself, of the people themselves. Rather than the government representing *us*, we came to represent *it*. Bertolt Brecht satirized the inversion in his poem "The Solution": "the people had forfeited the confidence of the government and could win it back only by redoubled efforts." Gradually, a people with the capacity to govern themselves became a people addicted to transforming themselves—or rather to *being* transformed—into whatever the times demanded, down whatever path "our moral teacher and our leader" beckoned. Hope and change became the coin of the realm.

The Reagan Revolution

BEGINNING IN THE 1960S, REAGAN tried to save America from this fate. He faced an unusual set of questions. Could a conservative be a leader in the new sense, without succumbing to the concept's implicit progressivism? Could a conservative chief executive lead popular opinion and thus Washington, D.C., into the future, while somehow leading the country back to the Constitution and limited government? As his political career took off, Reagan confronted the Obama Transformation in advance, as it were, and tried to redefine leadership in a populist, conservative, and at least partly constitutionalist direction.

Wilson had distinguished leadership from old-fashioned rulership. *Rulers* thought themselves superior, and used their unequal power to impose their opinions and interests on the ruled; *leaders* were of the people, though slightly in advance of them. Rulership involved looking down; leadership involved looking forward. Ruling implied ordering the souls and bodies of the ruled. Leadership implied opening up individuals to "self-development," which would proceed hand in hand with the performance of their social duties, in constant adjustment to the spirit of the age.

In effect, Reagan tried to turn this distinction against liberalism. It was the living constitution, he argued, the sprawling, evolving Big Government produced by modern progressivism, that desired to *rule* Americans. It did so through a new kind of ruling class, a mixture of leaders and experts, whose rule could hardly be resented because it was justified, in theory at least, by the solution of the people's problems, the alleviation of their needs, and the recognition of their lifestyles. By contrast, Reagan and the conservative movement sought to remind Americans that they were not needy victims whose freedom, dignity, and happiness depended on the State, but citizens capable of ruling themselves, and capable therefore of returning to a smaller, more limited government.

His starting point was invariably American exceptionalism. "This idea," as he put it in 1964, "that government was beholden to the people, that it had no other source of power except the sovereign people, is still the newest, most unique idea in all the long history of man's relation to man." Twenty-five years later, in his Farewell Address, he expanded on the point:

Ours was the first revolution in the history of mankind that truly reversed the course of government, and with three little words: "We the People."... Almost all the world's constitutions are documents in which governments tell the people what their privileges are. Our Constitution is a document in which "We the People" tell the government what it is allowed to do. "We the People" are free.

"This belief," he continued, "has been the underlying basis for everything I've tried to do these past eight years." Reagan spoke of *reversing* the course of government, that is, returning it to first principles. That's what a "revolution" means in one of its basic senses, a complete circular turn, a return to the beginning.

Reagan's three little words are themselves a derived truth. "We the People' are free" because each human being who consents to form this people is himself, or herself, by nature equal and free. That self-evident truth stands opposed to what he once called the latter-day "perversion" which presumes that "our natural unalienable rights are...a dispensation of government, divisible by a vote of the majority." Reagan is clear that "we have certain rights which cannot be infringed upon, even if the individual stands outvoted by all of his fellow citizens. Without this recognition, majority rule is nothing more than mob rule."

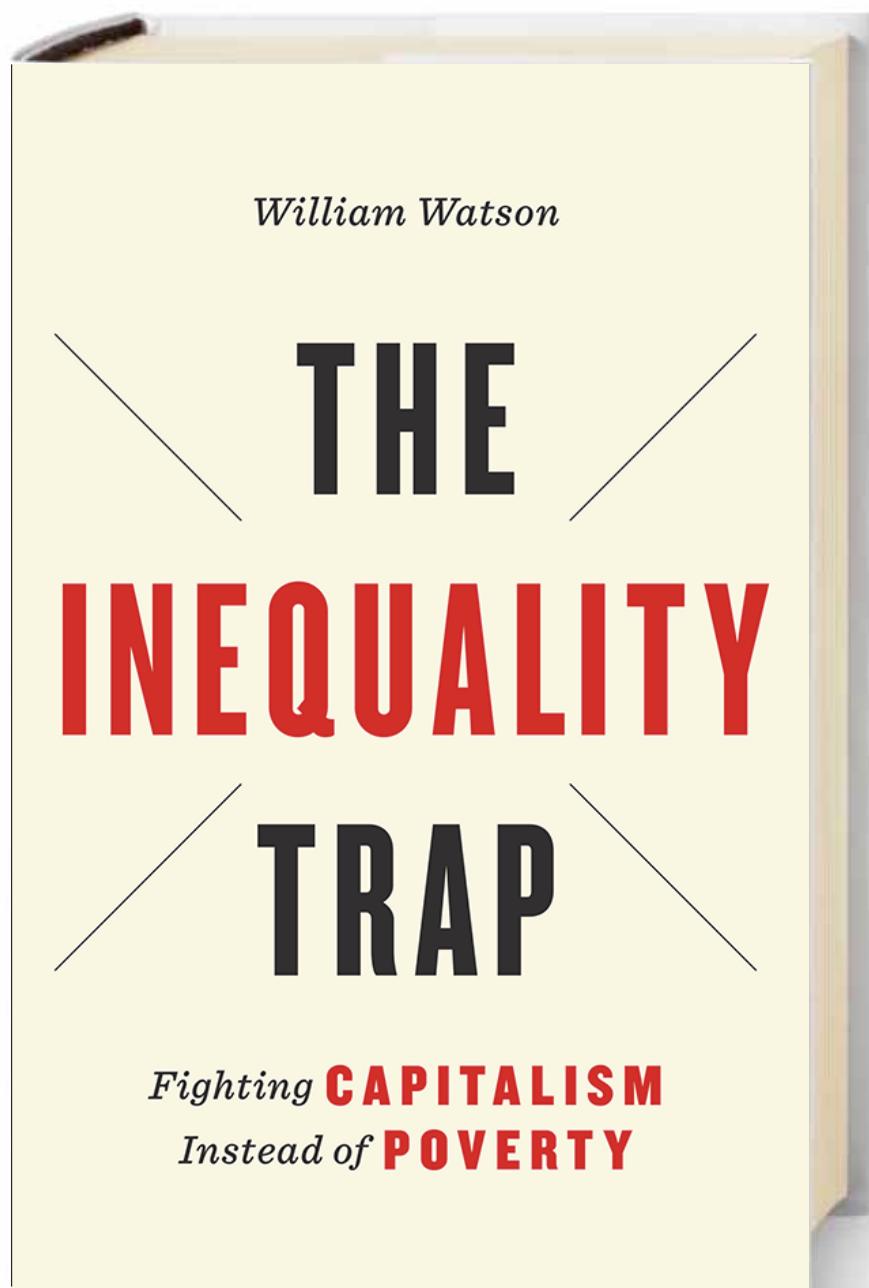
Although the Declaration of Independence supplied the basic principles, Reagan emphasized the Constitution, and especially the Preamble's opening words, which he called "probably the most meaningful words" in the whole document. This focus on "We the People" lent a democratic or populist tone to his interpretation, but like the latter-day Tea Party's, his was a populism dedicated ultimately to restoring, not supplanting, the Constitution. Before the people could take significant steps in that direction, however, they needed first to regain confidence in their own capacity—and right—of self-government. Americans' self-confidence had been shaken by the political and moral beating they had endured in the long decade of the 1960s, when liberalism's vanguard turned for the first time openly anti-American. In 1972 he remarked, "Some of our young people find little to love or defend in this country.... [T]here is an increasing tendency to believe the system has failed." In many of his speeches he emphatically rejected the notion that America was a democracy in name only, or that it was (and some said, always had been) a force for evil in the world.

It is time for us to quit being apologetic, especially to our own children. Even more important, it is time to challenge some of their most cherished notions by presenting facts about their world as it really is—facts that will expose the sorry myth that ours is a sick, racist, materialistic society.

Reagan rejected easy talk of "the masses" and so of the kind of leadership necessary to deal with the masses. Here is a choice passage from "the Speech," Reagan's 1964 address on behalf of Barry Goldwater's presidential campaign:

Another articulate spokesman for the welfare state defends liberalism as "meeting the material needs of the masses through the full power of centralized government." I for one find it disturbing when a representative refers to the free men and women of this country as "the masses," but beyond this "the full power of centralized government" was the very thing the Founding Fathers sought to minimize. They knew you can't control *things*; you can't control the economy without controlling *people*. So we have come to a time for choosing. Either we accept the responsibility for our own destiny, or we abandon the American Revolution and confess that an intellectual elite in a far-distant capitol can plan

New from University of Toronto Press



In this book, William Watson makes a bold argument that if we respond to growing inequality by fighting capitalism rather than poverty, we may end up both poorer and less equal.

'A supremely informed, witty, and humane rebuttal to those who think the challenge of our time is to curb wealth rather than end poverty.'

David Frum,
contributing editor, *The Atlantic*

'I thought it was impossible to write a book about inequality that didn't put readers to sleep, but Bill Watson has done it. His book is informative, provocative, and even witty. It's a great read.'

David Backus,
Stern School of Business, New York University





our lives for us better than we can plan them ourselves.

As opposed to the would-be ruling class, he championed the “common sense and common decency of ordinary men and women, working out their own lives in their own way.” “In my own mind,” he often said, “I was a citizen representing my fellow citizens against the institution of government.”

When he became governor, he asked citizens to volunteer for a “recruiting committee” to staff his administration with “men and women who did not want government careers and who would be the first to tell me if their government job was unnecessary.” He asked for “expert people” in many fields to volunteer for task forces to audit and apply “modern business practices” to every department and agency of California government. “This was government-by-the-people,” he commented, “proving that it works when the people work at it.” The same approach would work in Washington, D.C., he predicted. He summed up his premise: “I believe in the people.”

That was what President Reagan was getting at in the memorable words of his First Inaugural: “In this present crisis, government is not the solution to our problem; government is the problem.” He underlined the point by distinguishing, in the same paragraph, between the dueling forms of government in American politics.

From time to time we’ve been tempted to believe that society has become too complex to be managed by self-rule, that government by an elite group is superior to government for, by, and of the people. Well, if no one among us is capable of governing himself, then who among us has the capacity to govern someone else?

In the struggle between the oligarchy of leaders and experts (ruling a nation of victims) and the republican government of old, he was clearly on the side of “government for, by, and of the people,” rearranging Lincoln’s triad at Gettysburg (“of the people, by the people, for the people”) to emphasize the democratic significance of government not merely *for* but also *by* and *of* the people, not by and of an elite.

Nonetheless, Reagan’s emphatic focus on the quarrel between “the people” and “the institution of government” tended to overwhelm the fact that this was also an epic struggle between two very different forms of government: between republicanism and oligarchy, between the Constitution and the living constitution. He didn’t neglect this dimension of the conflict, but he sided more often and more

passionately with “the people” than with their Constitution. Where one would have expected to find a defense of the old Constitution—an interpretation of it and its powers and duties—one found instead, all too often, a sidestep to “We the People.” Where Thomas Jefferson, Andrew Jackson, Lincoln, and in their own way even Wilson and Franklin Roosevelt argued boldly for their own interpretation of the document, Reagan often deferred to popular “values,” not so much in a majoritarian as in a unitarian, or consensus, sense, claiming these embodied “the collective wisdom and genius of the people.” When he did speak up for a constitutional provision or doctrine, it was usually federalism, in sweeping 10th Amendment (and for that matter, in Barry Goldwater) style, as in his Second Inaugural, where he regretted, “We yielded authority to the national government that properly belonged to states or to local governments or to the people themselves.”

Why didn’t he make a sharper, more sustained constitutionalist case? It is hard to

Was the Constitution still the supreme law of the land—or was it being gradually, almost silently, displaced by a new form of autocracy?

know precisely, but several considerations occur. He was not a lawyer. He had seen Goldwater’s fierce campaign to roll back modern government lose by a landslide. One of the glories of his administration, of course, was Attorney General Edwin Meese’s bold campaign for a return to “original intent” in interpreting the Constitution. Though almost all conservatives supported the idea, what exactly was being returned to and why remained a little unclear. Originalists split over the relative authority of constitutional text, tradition, who counted as ratifiers, legislative intent, and especially over whether the ratification of the Constitution was an act of pure popular will or of will informed by natural reason and law. Politically, originalists disagreed over civil rights (including the legitimacy of *Brown v. Board of Education*) and whether judicial deference to democratic laws and to administrative agencies’ regulations was a virtue. These fault lines, still active today, did not make things easier. And when the Left turned against the

American middle class and its morality, a gifted politician like Reagan could hardly avoid returning the favor on behalf of the American people and their traditional mores.

Still, it wasn’t as though the Constitution was irrelevant to the defense of American morality, or to the defeat of liberalism. In separating the healthy from the diseased parts of modern government, “modern business practices” and “common sense” could only go so far; these needed to be supplemented by a discerning application of the founders’ own political science and art. After all, the point, as Reagan well knew, was not to get the public simply to laugh at or curse the follies of government. The people had to remember why, and how, to govern themselves in a constitutional way. Sensible and decent though they may be, Reagan thought they needed to be led back to self-government, but in a manner that did not vitiate the conditions of self-government. That was the essence of his dilemma.

Here we arrive, perhaps, at the deepest reason for Reagan’s populist sensibility. He believed in the people *not* because he thought a leader could bring vision and order to their disjointed stirrings, but because he trusted their good principles and their good character—their “values,” as he liked to put it. In a strange way, the people were for Reagan the vital, that is, the living link with the cause of the American Founding, and with the heroic pursuit of its principles over the centuries. We the people *embodied* the cause of American constitutionalism, forming both its substratum and its living expression. This was a conservative version of living-constitution theory, dispensing with social science experts and progressive leaders in favor of business experts and commonsensical leaders who appreciated Americans’ genius for freedom. The people and their values formed the kind of living constitution that Reagan could favor and, indeed, follow, a kind of string leading back through the moral-political labyrinth to America before big government and the administrative state.

Accepting the nomination in 1980, he said,

My view of government places trust not in one person or one party, but in those values that transcend persons and parties. The trust is where it belongs—in the people. The responsibility to live up to that trust is where it belongs, in their elected leaders. That kind of relationship, between the people and their elected leaders, is a special kind of compact.

He restated that compact in his Farewell Address. “I wasn’t a great communicator,” he



demurred, “but I communicated great things, and they didn’t spring full blown from my brow, they came from the heart of a great nation—from our experience, our wisdom, and our belief in the principles that have guided us for two centuries.” He called what his administration had accomplished over the past eight years “the great rediscovery, a rediscovery of our values and our common sense.”

Revolution Manqué

IN THE END, HOWEVER, THE POPULIST path did not lead where Reagan really wanted to go, or at least where he thought the country needed to go. And it came with costs and consequences he had not anticipated.

To begin with, at some point the tension between trusting the people’s values and honoring the Constitution’s principles could, and did, become acute. The problem had arisen in the 1960s and earlier, according to Reagan, who in his Second Inaugural admitted that our “system has never failed us, but, for a time, we failed the system. We asked things of government that government was not equipped to give.” What options are left to a leader, then, who says trust the people to trust their values—if the people cease to trust or even

understand, at least as fully as they once did, those values?

The term itself pointed to problems ahead. “Values,” in the sense of the standards or principles of a person or group, is not a word that Washington, Lincoln, or even Wilson used. It is a new meaning for an old word, coming into general use in America around the middle of the 20th century, though introduced as a specialty word decades earlier by philosophers, principally Friedrich Nietzsche, and social scientists, especially Max Weber. Its implications are relativist: “values” are no more and no less than the standards which someone happens to “value.” Valuing things differently, other people will have different values. Strictly speaking, all values are therefore relative, as Nietzsche and Weber emphasized. As the banner for Reagan’s effort to “renew our faith,” it is an odd choice. Earlier generations of Americans, trying to make a point similar to Reagan’s, would have put it differently, as the state of Virginia did in its famous Declaration of Rights (June 12, 1776), drafted by George Mason. Its 15th article reads:

That no free Government, or the blessings of liberty, can be preserved to any people but by a firm adherence to jus-

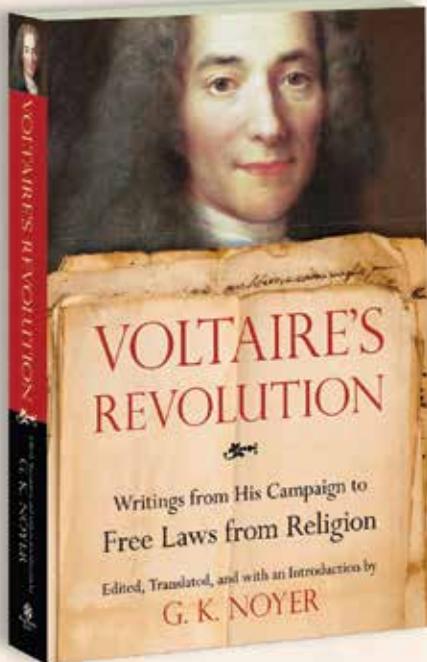
tice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

Where Reagan urged a return to the people’s values, Mason called for a recurrence to virtues and fundamental principles. What’s the difference? Values are what the people value; virtues and principles are what they *should* value. And they should value them because the principles are true and the virtues are good, not only for Americans but for human beings as such.

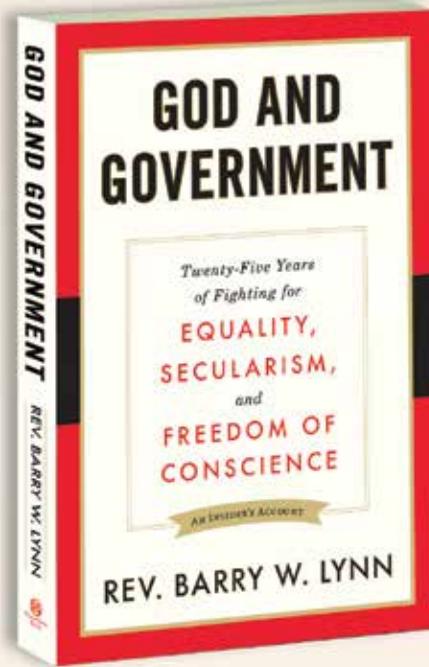
By invoking “values,” Reagan did not mean, of course, to traffic in relativism. He did not for a moment imagine he was seconding the worst tendencies of postmodern liberalism. But the language he used had a logic of its own, and it quietly left the arguments in favor of those traditional American “values” in worse shape than Reagan had found them, and employed them, in some of his better speeches.

In any case, he focused his campaigns in 1980 and 1984 on the American people as they recovered their moral and political health. The immediate enemy was the sense of paralysis and drift that had set in under the Carter Administration. “We must act today

TWO FIGHTERS FOR FREEDOM OF THOUGHT AND CHURCH-STATE SEPARATION



KEY WRITINGS OF VOLTAIRE, MOSTLY FROM HIS PAMPHLETEERING CAMPAIGNS, ARE COMPILED IN THIS NEW EDITION, MANY TRANSLATED INTO ENGLISH FOR THE FIRST TIME!



“No one is more on top of the challenges facing the First Amendment than Barry Lynn. . . . He is one of those who are keeping the lamp of liberty lit. With intelligence, wisdom, humanity, and a devilish wit, Lynn makes the issues come alive, and thereby we all become wiser. It is a book you should grab and read. You won’t regret it.”

LEWIS BLACK



in order to preserve tomorrow," he declared in the First Inaugural, and he stressed the people's *capacity* to save themselves. "[W]e as Americans have the capacity now, as we've had in the past, to do whatever needs to be done to preserve this last and greatest bastion of freedom." He urged the people "to believe in ourselves and to believe in our capacity to perform great deeds." He invoked "God's help" along with the excellence of American character shown not only by great American presidents, but also by everyday American heroes, whether soldiers, factory workers, farmers, or entrepreneurs. The "citizens of this blessed land" are "heroes," he declared.

Reagan mentioned the Constitution once in his First Inaugural, in a beginning salute to the "orderly transfer of authority" between administrations "as called for in the Constitution." His single reference was to an instance when the Constitution was being obeyed. Though the speech contained many criticisms of the "unnecessary and excessive growth of government," he chalked that problem up to violations of "the consent of the governed" more than to violations of the letter or spirit of the Constitution. Both his diagnosis of the problems afflicting the country and his prescriptions for them remained strikingly populist, albeit with a constitutionalist accent. Everything depended on the people acting "worthy of ourselves." "'We the people,' this breed called Americans," as he hailed them, had to reassert our authority over government, and in so doing rediscover our heroic past and future, our heroic *selves*.

His arguments were less about the form of government and its principles than about the "constitution," in the sense of the health, of their own opinions, habits, and values. Because public opinion was so important, the leadership of public sentiment remained essential to his conservatism. In his 1980 Acceptance Speech, he called for "a new consensus with all those across the land who share a community of values embodied in these words: family, work, neighborhood, peace, and freedom." Justice, moderation, virtue, and principles like natural rights and checks and balances were not among those words. Reagan thought these and other aspects of our form of government and way of life to be valuable, of course, as many passages in his writings and speeches attest. But he seemed to think them derivative from or entailed in the people's own recovery of self-confidence. Once president he began to feature at the State of the Union address "American heroes," mostly ordinary citizens who had done extraordinary things, later ordinary citizens who had done less extraordinary things—

"heroes for the eighties," i.e., the 1980s, he once called them revealingly. He pointed them out in the gallery, driving home the moral that "the heroes are our people, not government."

What he sought from Americans in 1980 and 1984, accordingly, was more a reaffirmation of values than a political revolution. In American history, the decisive partisan breakthroughs, as in the elections of 1800, 1860, and 1932, involved sharp clashes over the meaning of justice, over who should be free and equal and to what extent, and over the purposes and limits of the Constitution. Reagan never quite asked for that kind of turning point, though he came close in 1980 and won enough of it to change "the trajectory of America," to recall Obama's celebrated pronouncement. In 1985 he noted the incipient signs of American renewal:

Of all the changes that have swept America the past four years, none brings greater promise than our rediscovery of the values of faith, freedom, family, work, and neighborhood. We see signs of renewal in increased attendance in places of worship; renewed optimism and faith in our future; love of country rediscovered by our young, who are leading the way. We've rediscovered that work is good in and of itself, that it ennobles us to create and contribute no matter how seemingly humble our jobs. We've seen a powerful new current from an old and honorable tradition—American generosity.

Reagan got what he did ask for, in many respects, but this realignment of values, without a broader and deeper victory for the Republican Party and for the cause of constitutional governance, proved less enduring than he had hoped.

Reagan entered office calling for a "new beginning" in our politics. Four years later, in his 1985 State of the Union, he raised the goal to a "second American Revolution of hope and opportunity." In his Farewell Address, he rejoiced that the Reagan Revolution (a term he there accepted) had succeeded in creating millions of jobs and reviving the national pride he called "the new patriotism," but regretted, in effect, that these had fallen short of the second American Revolution he still thought necessary to restore the country's health. We need a patriotism "grounded in thoughtfulness and knowledge," he declared. And then this passage, which came as close to a poignant admission of defeat as anything he ever said or wrote:

Those of us who are over 35 or so years of age grew up in a different America. We were taught, very directly, what it means to be an American. And we absorbed, almost in the air, a love of country and an appreciation of its institutions. If you didn't get these things from your family you got them from the neighborhood.... Or you could get a sense of patriotism from school. And if all else failed you could get a sense of patriotism from the popular culture.... But now we're about to enter the nineties, and some things have changed. Younger parents aren't sure that an unambivalent appreciation of America is the right thing to teach modern children. And as for those who create the popular culture, well-grounded patriotism is no longer the style. Our spirit is back, but we haven't reinstitutionalized it.

Four years after he had hailed the recovery of American values, five years after he had run for reelection on the theme "It's morning again in America," he confronted some hard truths. Reagan had grown up "in a different America," he admitted. He meant: America had suffered a change of regime, and was a different country now. Despite its many other proud accomplishments, which in the speech he modestly attributed to the American people, the Reagan Revolution had not succeeded in restoring that earlier America or, more precisely, in sparking the "second American Revolution" that really was needed. In this most comprehensive and important political task, he and his administration had not succeeded, and the disquieting proof was that even in Reagan's America an "unambivalent" patriotism could not prosper, much less dominate.

In his retirement, John Adams used to distinguish between the War for Independence and the American Revolution. The latter came first, he said. The American Revolution was in "the minds and hearts of the people" from 1760 to 1775, as the pamphlets and speeches of the era enlightened them to their rights and to their growing Union of political sentiment. The war, and what is usually called the Revolution, were a consequence of the real revolution that had prepared and forged American patriotism. Reagan's hoped-for political revolution depended on a deeper revolution, which he and the conservatives of his day were unable to inspire.

Being Reagan, he might put the point more optimistically: the great task of re-founding American patriotism remained for his successors, for us, to accomplish. He had, after all, managed to thrust back to the



center of American politics, for the first time since the New Deal, the question of the constitutionality and the justice of the modern state. Was the Constitution still the supreme law of the land—or was it being gradually, almost silently, displaced by a new form of autocracy operating behind the façade of the old Constitution? Had he pursued this question relentlessly—as, say, FDR did on behalf of the *new* constitution and against the Republicans of his day, whom he denounced as Tories, economic royalists, and even fascists—Reagan might have discovered the key to the kind of “new beginning” he thought the country required. But he did not pursue the question. By 1984, he claimed it was “morning again,” as though the new beginning had happened overnight while everyone was asleep. It had not.

A renewal of unambivalent patriotism would require renewed faith in the justice and goodness of America’s principles and institutions. In his Acceptance Speech in 1980, he said that “renewing the American Compact” would require Americans “to trust your values—our values—and to hold me responsible for living up to them.” Yet the prevailing *ambivalent* patriotism, he warned as he left office nine years later, is the sign of a people that

does *not* know or trust its values. Worse, from the point of view of a conservative leader, it is the sign of a people that can’t be trusted to trust its values. What then becomes of the “special kind of compact” between the people and their leaders? By leaving leaders to be guided primarily by the people’s values, Reagan, like Wilson, left statesmen to that extent hostage to the *Zeitgeist*, unable to make a “new beginning,” a revolution, by returning to first things. His ends—“taking the country back to the Constitution,” as he put it in 1962—became increasingly discordant with his means—leading the people by advancing their enduring or strongest values.

Reagan liked to repeat Tom Paine’s spirited boast, “We have it in our power to begin the world over again.” He drew criticism from some conservatives for indulging Paine’s radicalism. What Reagan was affirming, however, was that the American people had the power or the capacity to begin the world of American politics over again, to return to the spirit of American politics before liberalism. When ambivalent patriotism prevailed, it suggested to Obama and other liberals that they had been right all along, in effect: the American people did not have the capacity to govern themselves, to choose to depart from the lib-

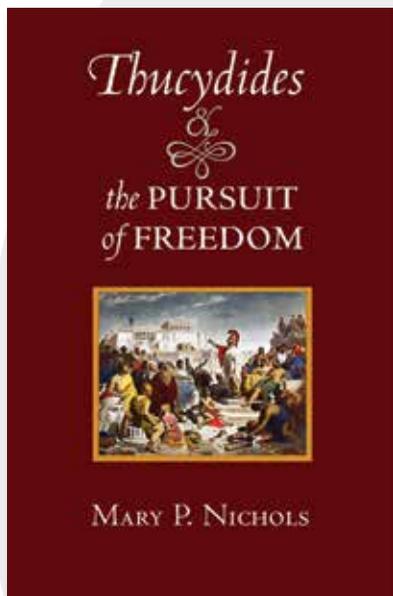
eral path. Revolution was impossible; transformation was inevitable.

It is more likely, of course, that the political moment simply was not ripe; or that the people’s leaders, including Reagan himself, were, so to speak, too progressive because too conservative: they could never make a clean break, even in thought, with the progressive canons of popular leadership, “values” and all, and with the progressive belief in a benevolent future.

Thirty years after Ronald Reagan’s election, the Tea Party movement revived his challenge to the constitutionality of the modern state. Its challenge faded, alas, for many of the reasons his did. But it is at least possible that one or more of the Republican contenders for the presidency in 2016 will take up the challenge, and think anew about the path leading not merely to sounder domestic and foreign policies, essential as those are, but to a recovery of first principles.

Charles R. Kesler is the editor of the Claremont Review of Books, the author of I Am the Change: Barack Obama and the Crisis of Liberalism (Broadside Books), and the Dengler-Dykema Distinguished Professor of Government at Claremont McKenna College.

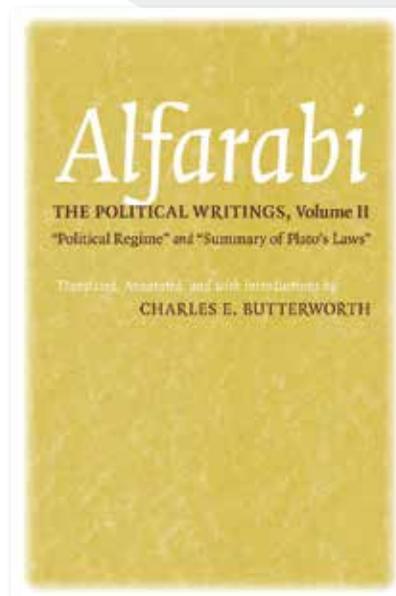
CORNELL UNIVERSITY PRESS



“A wonderfully original book that interprets Thucydides’ *History of the Peloponnesian War* as a sustained reflection on the conditions for and limitations of political freedom. It is a marvelous contribution.”

—Gerald Mara, author of *The Civic Conversations of Thucydides and Plato*

THUCYDIDES AND THE PURSUIT OF FREEDOM
Mary P. Nichols
\$49.95 CLOTH



“Charles E. Butterworth has rendered a service both timely and timeless in his meticulous yet highly readable translations of four texts by a thinker second to none. Butterworth here provides insightful introductions and impeccable translations.”

—*Review of Politics* (reviewing *The Political Writings*, Vol. I)

THE POLITICAL WRITINGS
“Political Regime” and “Summary of Plato’s Laws”
Alfarabi
Translated by Charles E. Butterworth
\$39.95 CLOTH | AGORA EDITIONS



CORNELLPRESS.CORNELL.EDU



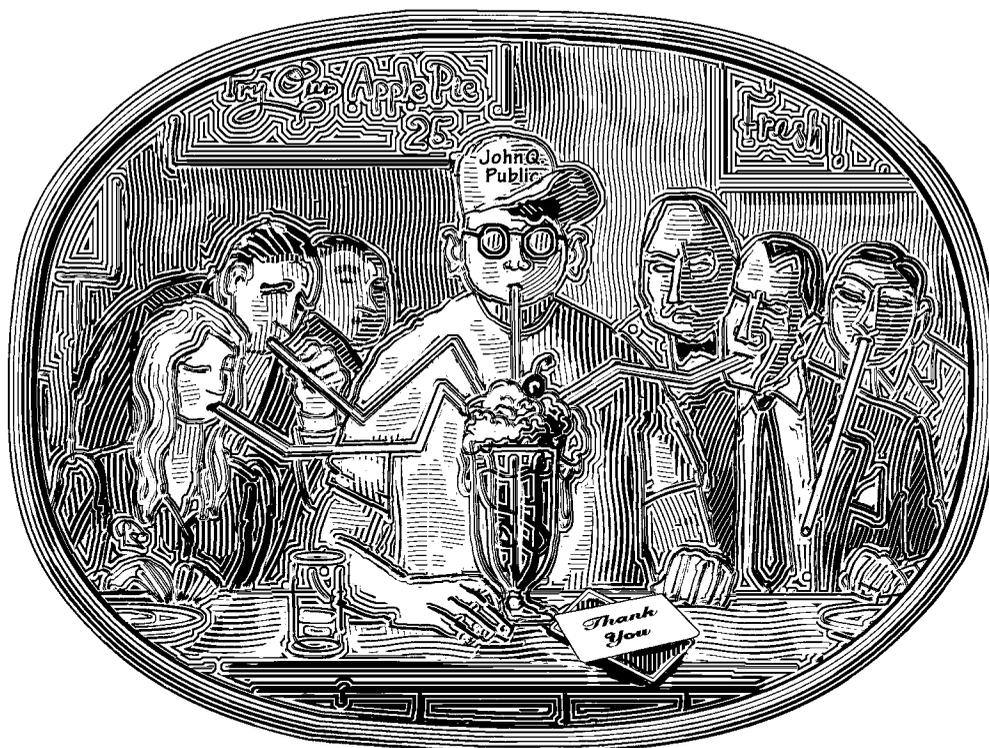
Book Review by Christopher DeMuth, Sr.

OUR CORRUPT GOVERNMENT

A Republic No More: Big Government and the Rise of American Political Corruption, by Jay Cost.
Encounter Books, 408 pages, \$27.99

Saving Congress from Itself: Emancipating the States and Empowering Their People, by James L. Buckley.
Encounter Books, 102 pages, \$19.99

By the People: Rebuilding Liberty without Permission, by Charles Murray.
Crown Forum, 336 pages, \$27



HAS THE AMERICAN EXPERIMENT failed? Editorial pages tell us that our government is corpulent, gridlocked, and partisan, but several important books contend the problems are more dire and fundamental. In 2012 Michael Greve argued in *The Upside-Down Constitution* that modern governance inverts the framers' design. Last year, three books offered equally grave diagnoses. Their titles—*Is Administrative Law Unlawful?* by Philip Hamburger; *Political Order and Political Decay*, by Francis Fukuyama; and *The Rule of Nobody: Saving America from Dead Laws and Broken Government*, by Philip K. Howard—raise the possibility our government is lawless, decadent, and out of control. If the founders' Constitution can no longer be restored through the sort of incremental, pragmatic reforms that Americans do well, it seems we face a stark choice: a constitutional reordering more fundamental than any undertaken since the 18th century, or a future

of economic decline, political upheaval, and diminished liberty.

Now, three more exemplary books augment our deliberations: *A Republic No More: Big Government and the Rise of American Political Corruption*, by Jay Cost, a talented political analyst and staff writer at the *Weekly Standard*; *Saving Congress from Itself: Emancipating the States and Empowering Their People*, by the distinguished federal judge and former U.S. senator James L. Buckley; and *By the People: Rebuilding Liberty without Permission*, by the eminent social scientist and American Enterprise Institute scholar Charles Murray. All are splendid—imaginative, edifying, rousing; highly informed and vigorously argued.

Each begins with James Madison and his republican system, substantially but not perfectly embodied in the original Constitution and Bill of Rights, and defended in *The Federalist*. The federal government, limited to a few

indispensable tasks of nationhood, would be disciplined from the inside by multiple checks and balances, and constrained from the outside by an extended polity, where the sheer profusion of interests would necessitate compromise and moderation. Over time, however, Madison's system was undone by political ambition, popular democracy, and judicial fecklessness. We're left with "institutionalized corruption," according to Cost; where Congress's "ability to bribe the states" has "emasculated federalism," according to Buckley; and with Murray's "end of the American project," brought to us by a "lawless legal system," "extralegal state," and "systematically corrupt political system" incapable of reforming the mess. At this point our authors turn refreshingly pragmatic—not one of them concludes by calling for a new constitutional convention. Their pragmatism, applied to finding a way around the edifice of incorrigible corruption they discern, leads in idiosyncratic directions.

A REPUBLIC NO MORE IS THE MOST CAPACIOUS of the three books, presenting a vivid interpretive history of Madisonian decline from the First Congress down to Fannie Mae, Freddie Mac, and the financial crisis of 2008. Jay Cost has a theme and a theory. His theme is corruption, where he begins with the famous distinction, propounded by Tammany Hall boss George Washington Plunkitt in 1905, between “dishonest graft” (bribes, kickbacks, blackmail) and “honest graft” (e.g., purchasing land for cheap near a planned city park that only a few insiders know about). Even Plunkitt’s honest graft is dishonest today—insider trading is illegal, albeit policed much more vigorously in private markets than in government. But legislators and public officials have contrived subtler, more insidious forms of self-dealing, forms often justified with lofty rhetoric about the public interest. Cost defines corruption quite broadly: “when government agents sacrifice the interests of everybody for the sake of a few,” and when presidents and Congresses “distribute scarce resources in ways that run contrary to the public interest.” This corruption is the antipode of Madisonianism: it is the success of factions in turning government to selfish advantage, overcoming the Constitution’s design and assumptions.

Cost’s theory complements his theme. He argues that our government became corrupt because the constitutional scheme, while adequate to the limited national government of few and defined powers that most of the founders envisioned, proved hopelessly inadequate to the actual government of numerous broad powers that emerged quickly and then grew in size and scope over two centuries. In particular, Congress—in part by design (a House of frequently elected local representatives) and in part by necessity (the Connecticut Compromise, which gave every state two senators)—was built to champion state and local interests in the national capitol. For a government devoted to essential, inescapable issues affecting the nation *as* a nation, that framework might have succeeded in harnessing regional interests to national purposes.

But as the government turned instead to financing economic development, regulating private enterprise, and promoting social welfare, the scheme operated in reverse: Congress became an engine for harnessing national programs to local, parochial interests. At the same time, the president—conceived as an aloof, apolitical, nationally chosen head of state, sworn to preserve, protect, and defend the Constitution—was transformed by parties and popular election into a complementary instrument for preserving, protecting, and defending political factions.

The opening chapters of Cost’s story will be familiar to students of the founding period. First, the newborn government, led by the genius Alexander Hamilton and the revered George Washington, plunges immediately into banking, finance, economic protectionism, and the chartering of corporations. These and similarly ambitious projects are eventually embraced by their initial opponents, Thomas Jefferson, Jefferson’s Secretary of the Treasury Albert Gallatin, and Madison. Political parties emerge, a development as unexpected as the subsequent Jacksonian innovation of the democratic presidency. But the theme of corruption and theory of institutional mismatch—both appearing in our earliest days—add an undercurrent of foreboding to developments that many readers will consider, as does Cost, inevitable, necessary, or highly admirable.

THHEME AND THEORY THEN PROVIDE tremendous narrative thrust to Cost’s epoch-by-epoch history. The Age of Jackson was our first age of institutionalized corruption, in the form of widespread patronage to mobilize party support for the president and his congressional allies, with commensurate bribery and abuse at the local level. From the corruption-plagued Grant Administration through the Gilded Age, the spoils system was perfected and combined with tariff manipulations and internal improvements to produce powerful local political machines and partisan collusion in Washington between the legislative and executive branches. The resulting corruption was often outright “dishonest graft.” These developments, although typically ascribed then and now to “moral laxity,” resulted instead from the imbalance between the federal government’s powers and its parochial political structure. The desire to overcome moral laxity animated the Mugwumps in the 1880s and the Pendleton Civil Service Act of 1883—but with the decline of patronage came more sophisticated forms of corruption, primarily through business-political alliances in finance, railroads, manufacturing, and agriculture.

The Progressive movement of the early 20th century responded more thoroughly and systematically. It expanded civil service protections, limited business political donations, busted trusts, and championed stricter business regulation and the first protections for workers. Moreover, Progressives confronted the problem of institutional mismatch, particularly in the anti-Madisonian writings of Woodrow Wilson. Domestic government was to be removed from corrupt, parochial legislators and party bosses and placed in the hands

of expert, apolitical administrators and a British-style parliament and president united by popular majority. Once in power, however, the Progressives never followed through with their structural reforms. As a result, their one-sided success in enlarging and entrenching federal power laid the groundwork for worse corruption to come.

Franklin Roosevelt and the New Dealers were unabashed in using Depression-relief programs to reward friends and punish enemies in Congress and in local politics. And they pioneered many innovations—social insurance, income redistribution, promotion of labor unions, subsidization of agriculture, and plenary regulation of industry and finance—that obliterated essentially all remaining limits on federal power. The result was a profusion of new special-interest groups, which New Dealers mobilized for partisan purposes. Their success “professionalized the pathways of corruption,” writes Cost, and with a twist that was the final blow to republicanism—the interest groups now subjugated the parties, congressional leadership, and presidency. His final chapters relate in revolting detail the systematic raids on citizens’ rights and resources in today’s programs of farm subsidies, defense and infrastructure spending, Medicare, corporate taxation, and financial regulation.

COST’S THEME OF CORRUPTION AND theory of misalignment of function and structure are powerful devices for illuminating the manifold depredations of contemporary government. But each has a weakness. First, his concept of corruption is excessively broad. I regard Fannie Mae and Freddie Mac as corrupt to the core, and in two tours in government I have observed several other federal programs that are nothing more than legally sanctioned theft; and I am angered that so many of my fellow citizens are either blasé about such corruption or deceived by the highfalutin cant used to disguise it. Highway spending, corporate taxation, and Medicare involve corruption of a different kind: they are suffused with special-interest favoritism that not only is offensive in itself but also stands in the way of reforms (carefully developed by academics and think tankers) that would make the programs radically more effective in fulfilling important public purposes.

But Cost, as his definition emphasizes, regards *all* instances of political accommodation of private interests as corruption. (In a *National Affairs* essay he even calls for a ban on legislative logrolling.) That is to vilify politics itself, which is futile and also mistaken. Politics always and everywhere consists of assembling practical coalitions to achieve some purpose—



requiring compromise and accommodation among narrower, often conflicting purposes, some of them detrimental to the larger purpose being aimed at. So one cannot condemn the means *tout court*, without reference to the worthiness or urgency of the end; and the ultimate end of politics, to maintain order and security in the face of social conflict, is a worthy one indeed. Cost observes that George Washington Plunkitt “at least...had the decency to admit that he was engaged in graft.” To the contrary, Plunkitt engaged only in “honest graft,” and did not admit to it but rather advocated it. His whole point was that effective government required a certain amount of preferment for those—including himself!—whose cooperation was essential. Standards of conduct have changed but human nature has not. Civil conflict and the need for compromise are permanent conditions. There are no deontologists in political foxholes.

Second, Cost’s theory of institutional mismatch is incomplete. He never ventures to describe the constitutional structure that *would* or *might* prevent a comprehensive federal government from descending into institutionalized corruption. If the Constitution had embraced something like Madison’s initial Virginia Plan—which forthrightly conferred plenary powers on the national government

but also abolished state sovereignty and introduced many devices to keep the central government remote from local interests—would the resulting government have been notably less corrupt? Could the Progressives have achieved that result if they had gone all the way to importing Bismarckian administrative power into American government? Would a parliamentary system, or one where all citizens vote for all federal legislators, reduce the influence of interest groups on program design and administration?

COST’S RETICENCE ON THESE MATTERS is fine...up to a point. He writes as a historian and analyst, not as a reformer, and clearly wants to keep readers of all political stripes on board. His purpose, he says repeatedly, is not to judge whether the growth of federal power was good or bad but simply to demonstrate its incompatibility with Madisonian structure.

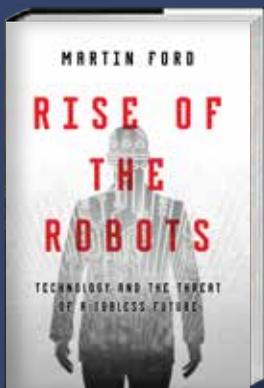
And, in the end, he is bluntly realistic about our current circumstances. He dismisses any possibility of fundamental constitutional reordering, instead suggesting incremental reforms that he acknowledges would be no more than temporary stopgaps. His historical models are civil service reform, direct election of U.S. senators, and the Tax Reform Act of

1986. These remedies for immediate, flagrant instances of corruption were eventually undone as special interests devised new channels of manipulation—but they were beneficial for a time and worthy of emulation. In this vein, he proposes a liberal-conservative anticorruption alliance in his book and, in concurrent essays, an overhaul of party nominating procedures and several congressional reforms, including larger staffs and stricter conflict-of-interest rules for committee chairs.

Yet the depth and pervasiveness of interest-group exploitation Cost so brilliantly documents, and the degree to which it is now accepted and even flaunted in our national capitol, seem out of proportion to his theory of structural inadequacy. An alternative explanation, equally supported by Cost’s narrative, is that the federal government has simply become very big and powerful, and is doing many more things than can be done with tolerable honesty. Lord Acton’s famous axiom about power and corruption has no reassuring codicil about the way power is organized.

COST SOMETIMES SIDLES UP TO THIS explanation. He includes among his violations of Madisonian structure the emergence of a large administrative bureaucracy, which is often “captured” and

New Titles from BASIC BOOKS

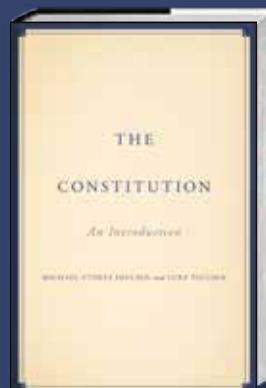


RISE OF THE ROBOTS

Technology and the Threat of a Jobless Future
Martin Ford

“No one who cares about the future of human dignity can afford to skip this book.”

—JARON LANIER, author of *Who Owns the Future?*

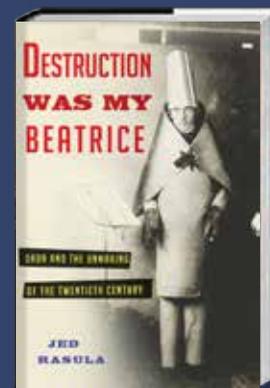


THE CONSTITUTION

An Introduction
Michael Stokes Paulsen and Luke Paulsen

“*The Constitution: An Introduction* is quite simply the best general short introduction to the Constitution ever written.”

—AKHIL REED AMAR, author of *America’s Constitution: A Biography*



DESTRUCTION WAS MY BEATRICE

Dada and the Unmaking of the Twentieth Century
Jed Rasula

“A readable narrative that rejoices in the spirit of Dada’s fleeting existence.... Rasula brings the Dadaists to life.”

—TIMOTHY O. BENSON, curator, Los Angeles County Museum of Art

Basic Books is a Member of the Perseus Books Group



thereby corrupted by the interests it is supposed to regulate; and the extreme complexity of modern government, which makes it difficult for voters to hold officials accountable for good or bad policies. These features permit him to include Fannie, Freddie, and other instances of corrupt regulation among his exhibits for institutional mismatch. But they don't fit his theory at all, and undercut his resolute agnosticism about big government. The regulatory state is a necessity of comprehensive busybody government, while lack of accountability is one of its inevitabilities. They are artifacts not of a mismatch with the founders' institutional design, but rather of a departure from their animating idea of a limited federal government.

Political scientist Edward C. Banfield argued 40 years ago that corruption is an *inherent* feature of government. Like Cost, he believed fragmented government invites interest-group manipulation and extra-governmental authority structures, such as party organizations and public-private alliances. But Banfield described many other factors that are independent of political fragmentation, grounded instead in the nature of political decision-making and monopoly. These included: fragmented authority *within* government organizations; ambiguous and often conflicting

goals; lack of objective metrics of performance; transitory leadership; inflexible pay scales and inability to punish even egregious misbehavior; captive "shareholders" (citizens); and the powerful lure of non-pecuniary incentives, especially the opportunity to wield power. The importance of these general characteristics is suggested by the prevalence of corruption and interest-group capture in state and local government, such as Plunkitt's Tammany Hall machine, which are free of Cost's mismatch.

To some significant degree, corruption in the federal government is simply a function of its power and purview. Counting regulation as well as direct spending, it distributes \$4-5 trillion each year, 25-30% of the economic production of a nation of 320 million people. A political enterprise this vast, however structured, will manifest a great deal of corruption, however defined, because it will attract innumerable well-financed, relentless efforts to steer its resources toward private purposes. The worthy cause of limiting political corruption cannot be detached from the cause of limiting government.

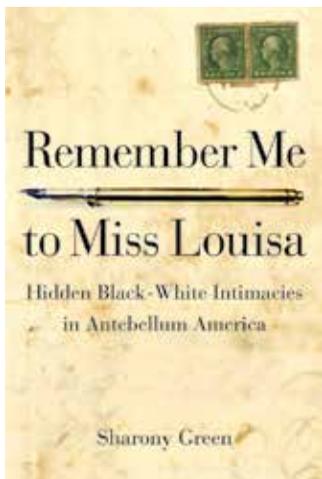
BUCKLEY'S *SAVING CONGRESS FROM ITSELF* is a slim volume, solely concerned with the growth of federal grants to state and local governments. These programs

are not covered separately in *A Republic No More*, but they fit perfectly with Cost's theme of federal entanglement with local issues and interests.

Federal grants-in-aid, measured in 2015 dollars, have grown from about \$110 billion in 1970 to about \$640 billion today. They constitute roughly one sixth of federal spending—behind only Social Security as a spending category, approximately the same as the total spent on national defense and international operations, and much greater than the total spent on the federal government's own domestic operations. They also account for more than 25% of state and local revenues. About half of today's total is for Medicaid and related health programs. Another third pays for schools, food stamps, and related welfare programs. The rest is spread among a thousand categorical grant programs for highways and transportation, local economic development, police and justice, environmental protection and conservation, and the like.

Buckley trains his rhetorical fire on the latter potpourri of federal grants for quotidian local projects. He draws on his Senate experience (1971-77) and on up-to-date examples—the best from reading the local newspaper in his small hometown in upstate Connecticut—to illustrate how federal grants pay for

NORTHERN ILLINOIS UNIVERSITY PRESS



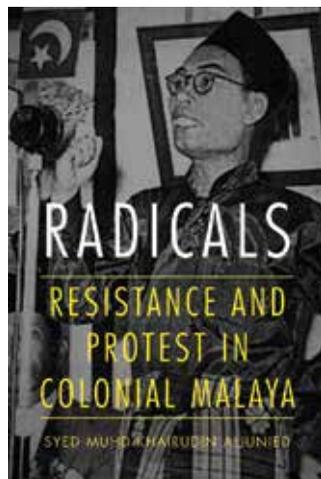
REMEMBER ME TO MISS LOUISA

Hidden Black-White Intimacies in Antebellum America
Sharony Green

"[Green] promises to challenge the consensus that most relationships between enslaved women and white men were rooted in oppression, inequality, and exploitation."

—*Nikki M. Taylor*, author of *Frontiers of Freedom: Cincinnati's Black Community, 1802–1868*

ISBN 978-0-87580-491-0 222 pp., cloth, \$36.00
ISBN 978-0-87580-723-2 222 pp., paper, \$24.95



RADICALS

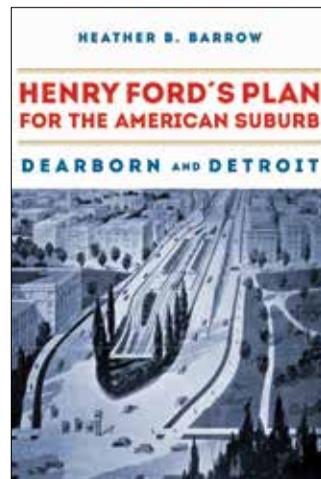
Resistance and Protest in Colonial Malaya

Syed Muhd Khairudin Aljunied

"The story of the Malay radicals has never been told so fully and so vividly."

—*Carol Tan*, SOAS, University of London

ISBN 978-0-87580-492-7 250 pp., paper, \$35.00



HENRY FORD'S PLAN FOR THE AMERICAN SUBURB

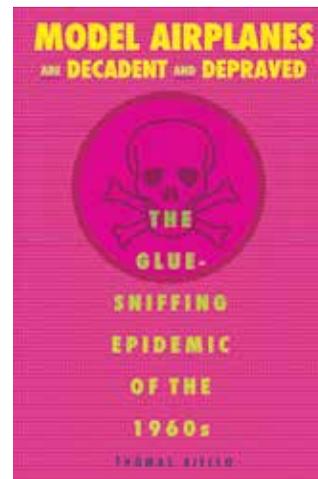
Dearborn and Detroit

Heather B. Barrow

"Barrow's assessment of Ford's role in making Detroit suburban is masterful."

—*Ann Durkin Keating*, North Central College

ISBN 978-0-87580-490-3 230 pp., cloth, \$38.00



MODEL AIRPLANES ARE DECADENT AND DEPRAVED

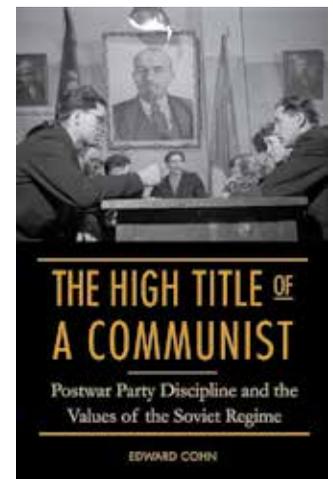
The Glue-Sniffing Epidemic of the 1960s

Thomas Aiello

"The historical examination is powerful, engaging, and covers all relevant issues."

—*Nachman Ben-Yehuda*, author of *Moral Panics: The Social Construction of Deviance*

ISBN 978-0-87580-724-9 260 pp., paper, \$35.00



THE HIGH TITLE OF A COMMUNIST

Postwar Party Discipline and the Values of the Soviet Regime

Edward Cohn

"A very well-crafted and immensely valuable contribution to the scholarship on Soviet society after World War II."

—*Mark Edale*, University of Western Australia

ISBN 978-0-87580-489-7 260 pp., cloth, \$49.00

(800) 621-2736 www.niupress.niu.edu



items better handled by locals. A sidewalk is widened with a grant from the “Federal Safe Routes to School Program”—enacted to fight obesity by encouraging children to walk or bicycle to school. A town with good reasons for replacing a dilapidated single-lane bridge with a new one becomes ensnarled in conflicting state and federal rules that seem to mandate a fancy two-lane bridge—leaving no bridge at all for several years and counting. Many federal micro-grants are for dubious projects that are obvious payoffs for well-placed constituents (projects that would have been denied *any* local funds by George Washington Plunkitt). Buckley recalls that, as a senator, he frequently resisted the temptation to vote for such pork—but not always. A senatorial successor has no such qualms, winning praise in the local paper for involving himself in nighttime bus service.

BUCKLEY TELLS THESE STORIES WITH the gentle good humor for which he is famous. He has a larger purpose: to introduce a systematic account of the financial and political distortions of federal grants and their attendant regulations, including the big-ticket items such as Medicaid. Many counts in his indictment have been well rehearsed elsewhere: needless administrative and lobbying costs of cycling tax dollars off to Washington and back home again; distortion of local priorities to fit the federal grants menu; program proliferation (the children’s obesity initiative is one of 100 surface transportation programs); state and local finances impaired by the many grants that come with “unfunded mandates”; and one-size-fits-all suppression of pluralism and innovation. Buckley details immense squandering of resources and worse—the erection of local bureaucracies devoted to creating rather than solving problems, and everywhere the discouragement of common sense and personal initiative, with especially destructive consequences in our primary and secondary schools.

Interwoven with these critiques are two larger propositions that Buckley advances with particular force. The first is a twist on Cost’s theme of Congress’s parochializing national policy: grants-in-aid, Buckley argues, have parochialized *Congress*, distracting its denizens from urgent national problems such as entitlement reform and debt reduction. Members spend their days meeting with constituents and interest-group representatives, intervening on their behalf with grant-making and regulatory agencies, concocting and tweaking categorical grant statutes, and adding parochial earmarks to spending bills.

They have precious little time for studying and deliberating over matters of truly national importance, and their pell-mell getting and spending exacerbates one of those matters—ruinous federal deficits. The members are on a Treadmill to Nowhere.

Buckley’s second big proposition adumbrates Charles Murray’s theme, discussed below, of federal tyranny. He turns on its head the standard argument *for* grants-in-aid, that the federal government is a superior, lower-cost source of revenue. The federal government, he observes, is superior because it enjoys a much stronger monopoly than state governments. Washington is in charge of the money supply and able to borrow funds cheaply; it is not constrained by balanced-budget requirements, nor does it face interstate “policy competition” for citizens and investments.

BUT THESE FREEDOMS BRING SIGNIFICANT vices. The federal government can borrow profligately and has been doing so for decades. It is much less inclined to terminate failed programs, set priorities, or exert spending discipline. And it is much more susceptible to ideological enthusiasms and grievances, embedded in scores of missionary agencies. So grants-in-aid do more than distort local priorities: they lead states down the primrose paths of over-indebtedness, program immortality, and sustaining causes that have punch in Washington but wreak havoc on the ground. The latter impositions range from union preferences in contracting to the politicization of criminal sentencing, which has led to excessive sentences and over-incarceration.

Buckley has a culprit for the grants-in-aid racket and its emasculation of federalism. It is the Supreme Court’s 1937 decision in *Steward Machine Co. v. Davis*, upholding the Social Security Act’s unemployment compensation program. The decision held that the program was within Congress’s power to tax and spend for the “general welfare” (meaning the welfare of the nation as a whole). On the same day as *Steward*, the Court upheld the Social Security Act’s old-age insurance program in *Helvering v. Davis*. Buckley approves of *Helvering* and thinks it draws the right line between federal and state jurisdictions: old-age insurance addresses a unitary national problem, and treats citizens according to an inherent characteristic that is independent of state program administration. But *Steward* crossed that line, approving a scheme of federal taxation, offsetting state tax credits, and federal grants designed to induce states to adjust their unemployment

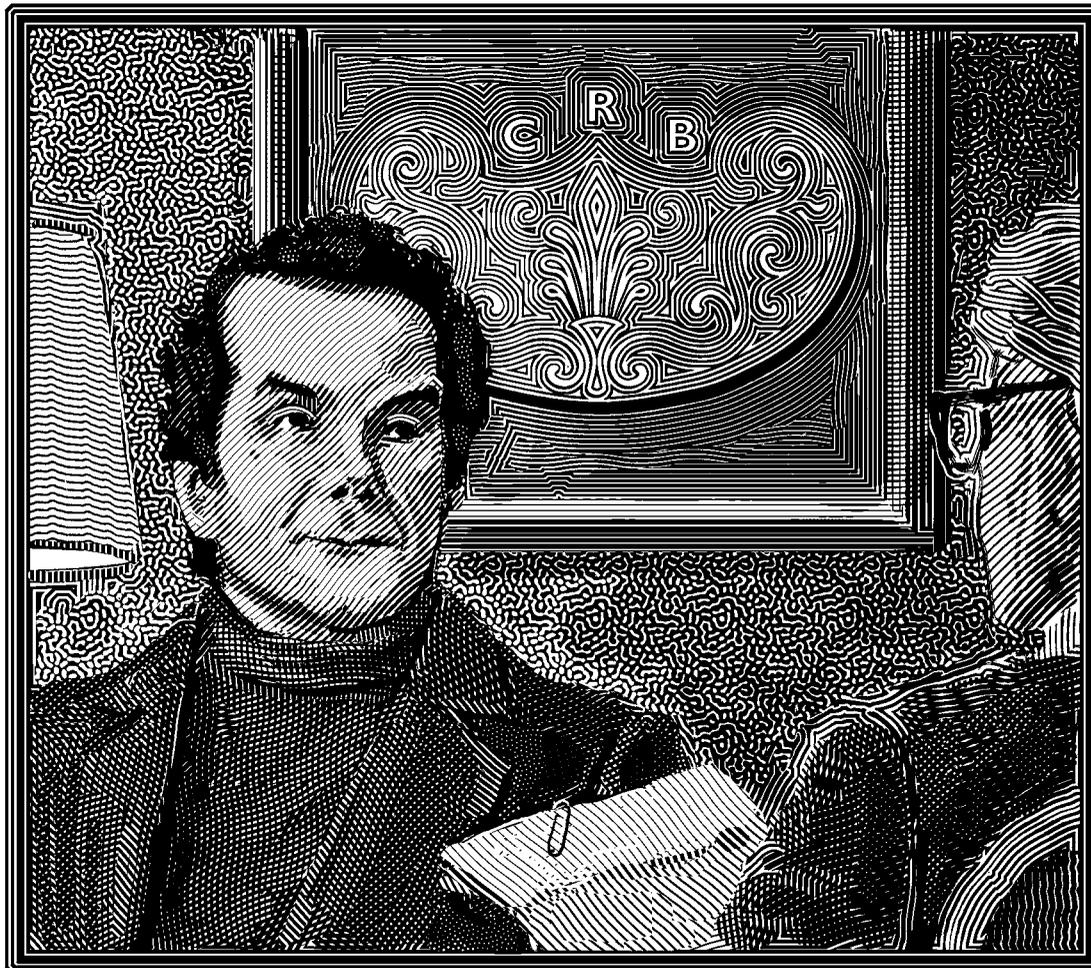
policies to suit federal preferences. The decision provided Congress “with an irresistible invitation to focus on state and local issues, thus undercutting the distinction between federal and state responsibilities that lies at the heart of federalism.”

BUCKLEY’S SOLUTION? TERMINATE EACH and every federal grant program in a single stroke. Following a several-year transition to permit program and tax adjustments, only block grants to the poorest states would remain (some redistribution from prosperous to poor states being the only strong rationale for federal transfers). Buckley advances the idea not as a thought experiment but rather as a practical, feasible reform. Legislators today face a collective-action problem in being forced to spend their days on grantsmanship. Acting in concert, they could free themselves of these burdens, significantly reduce deficit spending, and turn to larger and more urgent national problems. And citizens of all political views would applaud the tremendous savings of wasted resources and the unleashing of policy dynamism in state and local government. The reform has something for, well, *almost* everybody—it will “merely appall the political establishment and the private interests that benefit from grants-in-aid programs.”

Jay Cost would be skeptical: Congress’s parochial inclinations were formed in 1787, not acquired in 1937, and it has been bending federal programs to local interests for as long as there have been federal programs. Dealing with hometown street repairs may be drudgery compared to preventing nuclear proliferation, but the local stuff is how members get reelected. Grants-in-aid have become a central device of incumbency protection, and incumbents are the only ones who’ll ever vote on the Buckley Plan. Sensing these problems, Buckley adds two ancillary reforms: term limits and campaign finance reform. He would eliminate all limits on contributions, but require that large ones be made anonymously through registered third parties; this strikes me as much superior to Cost’s idea of placing unique restrictions on committee chairmen.

Buckley also acknowledges the distinctive political importance of Medicaid, by far the largest and fastest growing grant program and category of state spending. Here he has good words for Senator Lamar Alexander’s “Grand Swap”: the federal government assumes total responsibility for Medicaid, while the states do the same for K-12 education. Buckley has his doubts about national Medicaid, but at least the swap would fit his *Helvering-Steward* line and follow his first rule

The Must-Read for the Most Well-Read



“The Claremont Review of Books not only superbly serves the cause of constitutional liberty, but at the same time elevates the level of political discourse in our country. A national treasure.”

— Charles Krauthammer

***Giving gifts to students,
family, or friends?***

***GIVE THEM A YEAR OF THE
CLAREMONT REVIEW OF BOOKS.***

*Go to www.claremont.org/gifts
type promo code **PA3A**
and check gift box*

CLAREMONT
REVIEW OF BOOKS
Claremont.org/subscribe

THE CLAREMONT INSTITUTE

Recovering the American Idea



These are today's movers and shapers of conservative thought in America.

CLAREMONT FELLOWS

Senator Tom Cotton
*U.S. Senator,
Arkansas*



Laura Ingraham
*Bestselling Author, Nationally
syndicated Radio host, Fox
News contributor*



Ben Domenech
*Publisher - The Federalist,
Fellow, The Manhattan
Institute*



Naomi Schaefer-Riley
*Columnist - New York
Post, Former Editor -
Wall Street Journal*



Mark Levin
*Bestselling Author,
Nationally syndicated
radio host*



Ross Douthat
*Op-Ed Columnist -
New York Times*



Stephen Hayes
*Senior Writer - Weekly Standard,
official biographer for
Vice President Dick Cheney*



Matthew Continetti
*Editor-in-Chief -
Washington Free Beacon*

Giving gifts to students, family, or friends?

GIVE THEM A YEAR OF THE CLAREMONT REVIEW OF BOOKS.

Go to www.claremont.org/gifts type promo code PAIA, and check gift box

These are tomorrow's.

CLAREMONT FELLOWS CLASS OF 2015

Nathaniel Brown
Associate editor -
National Review
Online

Spencer Case
Doctoral student
in Philosophy,
University of
Colorado, Boulder

Michael Cowett
Research assistant,
Massachusetts
Fiscal Alliance

Max Eden
Program manager,
American Enterprise
Institute

Chris Gaarder
Co-editor-in-
chief - Claremont
Independent

Alexis Knutsen
Analyst, American
Enterprise Institute

Moritz Mücke
Master's student,
Graduate School of
Statesmanship at
Hillsdale College



William Pack
Graduate of
St. John's College,
Annapolis, MD

**Bradford
Richardson**
Journalist -
The Hill

Serena Sigillito
Managing editor -
Public Discourse
online journal of the
Witherspoon Institute

Benjamin Silver
Assistant editor -
National Affairs

Heather Sims
Research assistant,
American Enterprise
Institute

Ian Tuttle
National Review's
Wm. F. Buckley Jr.
Fellow in Political
Journalism

Ben Weingarten
Publishing manager
& editor -
The Blaze Books

Support The Claremont Institute
Claremont.org/donate

THE CLAREMONT INSTITUTE

Recovering the American Idea



of accountable federalism: each public exertion should be the preserve of just one level of government.

CHARLES MURRAY'S *BY THE PEOPLE* takes Madisonian decline in a different direction. Its title, of course, is from the poetic invocation of republican government at the crescendo of Lincoln's Gettysburg Address. The thesis of Murray's book is that republican restoration must be undertaken by the people themselves, rather than for them or in their name. Its epigraph might have been (but is not) another piece of presidential poetry, Jefferson's "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants."

Like Buckley, Murray believes that the decisive wrong turn was the Supreme Court's acquiescence in New Deal economic activism. He acknowledges the anti-Madisonian antecedents—Hamilton's schemes to stretch the boundaries of federal power, the Progressives' forthright efforts to erase them a century later. But he notes that the 19th century's big nationalist initiatives were exceptional, that the courts generally held the line, and that as of 1930 the federal establishment remained minuscule by today's standards. In Murray's view, the Court's *Helvering* decision was not a defensible constitutional line at all, but rather an unqualified triumph for the previously furtive idea of an unlimited federal spending power—after which, "It was over." The decision was soon complemented by *United States v. Carolene Products Co.* (1938), holding that federal economic regulation was entitled to a strong presumption of constitutional validity, which has in practice proven insurmountable, and *Wickard v. Filburn* (1942), which held that congressional power to regulate interstate commerce even extended to backyard crops grown to feed one's own family. "It is essential to understand the enormity of what happened to the Constitution over the six years from 1937 through 1942," Murray writes. The Court's decisions, and the ensuing revolution in federal regulation and litigation, "transformed the nation." Federal rules, taxes, and subsidies are now so thoroughly embedded in our lives and institutions that restoring the pre-New Deal Constitution would be impossible, even if the Supreme Court were stacked with Madisonian originalists.

Murray also believes, with Cost, that our political institutions have become systematically, professionally, irredeemably corrupt. Corruption—both outright bribery and interest-group favoritism—was confined for most of our history because "the enumer-

ated powers restricted the number of favors within the power of the federal government to sell." In the early 1970s—following a 30-year gestation period—the corruption potential of unlimited federal power suddenly chrysalized in every corridor of government and politics. Congress began commissioning fleets of regulatory agencies, such as the Environmental Protection Agency and the Occupational Safety and Health Administration, with unprecedented discretion and economy-wide power. The courts approved both the delegation of congressional prerogatives to administrative agencies, and the agencies' amalgamation of lawmaking and law enforcement, including criminal enforcement. Congress democratized itself: its restive members dismantled the committee hierarchies and adopted a new electoral strategy—influence peddling through the executive leviathan they had created. Corporations and trade organizations for the first time became politically active, both as Washington lobbyists and as underwriters of political campaigns, which were becoming increasingly expensive

The worthy cause of limiting political corruption cannot be detached from the cause of limiting government.

because of television and costly new polling techniques. The monetization of politics and the professionalization of rent-seeking were orders of magnitude beyond anything seen before. (The first self-identified Washington lobbying firm appeared in 1975; today there are more than 10,000 registered lobbyists.) The federal government is today a "sophisticated kleptocracy"—politicians get rich off government service, access to officeholders must be purchased, and supplicants are routinely shaken down for funds and organizational favors.

MURRAY'S RHETORIC IS SOMETIMES overwrought. Our legal system is seriously flawed, for example, but not "lawless"—the rich and the poor get due justice from our courts most of the time. He sometimes elides important issues, such as why it took 30 years before the Supreme Court's New Deal decisions all of a sudden transformed political practice. And one may quarrel with some of his facts and interpretations—many dispersed interests, such as

environmental and consumer groups, get lots of unpurchased access at the regulatory agencies, where they often prevail over well-heeled corporations.

Yet he advances his case powerfully, with his singular combination of audacious formulation, earnest conversational style, stories from personal experience, history, statistics, thought experiments, and evidence from political and social science. It adds up to a hugely impressive demonstration that interest-group corruption has become thoroughly embedded and routinized in Congress and the White House. So much so, he argues, that fundamental reform from within the system is now next to impossible. He would surely judge Buckley's collective abolition of grants-in-aid as an admirable non-starter.

Murray's analysis, like Cost's and Buckley's, is determinedly nonpartisan. He details the abuses of Barack Obama's White House and Tom DeLay's House of Representatives with equal vigor, and regards the Republicans' embrace of interest-group politics as the clinching reason for not bothering with major reform from the inside. Of course, all three authors are trying to appeal to a broad constituency by arguing that political corruption and government waste are problems that should concern good liberals and good conservatives equally. But Murray has an additional reason for non-partisanship.

FOR HIS ULTIMATE CONCERN IS NOT corruption but rather tyranny (Buckley also touches on this problem, as we have noted). *By the People* is uniquely focused on the growth of the federal regulatory apparatus. Its first epigraph is Alexis de Tocqueville's amazing prophecy of "the species of oppression by which democratic nations are menaced."

The supreme power...covers the surface of society with a network of small, complicated rules, minute and uniform, through which the most original minds and the most energetic characters cannot penetrate to rise above the crowd.... Such a power does not destroy, but it prevents existence; it does not tyrannize, but it compresses, enervates, extinguishes, and stupefies a people.

By proliferation of examples, Murray forces readers to reckon with the appalling extent of bureaucratic arrogance and casual trammeling of property and personal rights. Regulators impose picayune rules designed to further their own convenience rather than solve actual problems. They use costly enforcement proceedings to harass those who resist rules the

Giving gifts to students, family, or friends?

*GIVE THEM A YEAR OF THE
CLAREMONT REVIEW OF BOOKS.*

*Go to www.claremont.org/gifts
type promo code **PA2**
and check
gift box*

**When courts stray from the Constitution,
we're on their case.**

The Claremont Institute's Center for Constitutional Jurisprudence is an academy for the restoration of constitutionalism. We educate students from top law schools in the principles of natural right and natural law that are the foundation of the U.S. Constitution. As law clerks and scholars, our students will, in turn, inform the judges and justices with whom they work. We help shape the current and the next generation of legal interpretation. We are the corrective to the legal establishment's contempt for the Constitution. In addition to teaching future lawyers and judges, we fight the good fight directly by participating in high-profile cases in the highest courts.

Support The Claremont Institute
Claremont.org/donate

THE CLAREMONT INSTITUTE

Recovering the American Idea





agency itself acknowledges would produce no benefits in the case at hand. Petty tyranny is a separate problem from interest-group corruption; it seems to be a second-order effect of Congress's establishing missionary regulatory agencies at the behest of special interests.

In the agencies' overreaching Murray spies a populist opening. Madisonians, he acknowledges, are today "an extreme on the political spectrum," at most 10-20% of the electorate (he is thinking of self-identified libertarians and Tea Party supporters). But vastly more Americans—more than 80%—have lost faith in their political system and no longer trust the federal government. A plausible reason is that the government is now trying to dictate solutions to every conceivable social question, often through counterproductive rules of the sort that have inspired centrist Philip Howard's bestselling books. This may have laid the groundwork for popular resistance. The regulatory state, says Murray, only seems strong. In fact, because it is democratically illegitimate, widely disdained, and contrary to America's individualistic spirit, it is weak. His reform coalition comprises not good conservatives and good liberals among members of Congress and other political elites, but rather Hillary Clinton's "everyday Americans."

HE PROPOSES A PROGRAM OF CONCERTED civil disobedience to regulatory commands, funded by private foundations and built on the example of litigation groups such as the Institute for Justice, Pacific Legal Foundation, Landmark Legal Foundation, and Goldwater Institute. These organizations have successfully defended individuals and small businesses on legal and constitutional grounds, overturning municipal restrictions on street vendors operating near established restaurants, state licensure agencies restricting entry into hair braiding, eyebrow threading, and funeral services, and various federal excesses. A recent triumph involved Michael and Chantell Sackett, who were faced with an Environmental Protection Agency (EPA) order to stop building a home on their small residential lot on grounds that it was a protected wetland, and denied any hearing on the matter unless they first paid crushing fines. Represented by the Pacific Legal Foundation, they fought the agency to a unanimous victory in the Supreme Court in 2012 (but only on the matter of receiving a legal hearing, which three years later still has not occurred).

The Murray insurgency would go beyond exploiting legal deficiencies in regulatory dictates to resisting rules that are admittedly

legal but self-evidently stupid. A "Madison Fund" would defend against such rules and reimburse fines when and if defendants lost. (Murray even sees a business opportunity—he wants to "treat government as an insurable hazard.") The aim would be to overwhelm the agencies' enforcement resources—which, he carefully documents, are much thinner than most people realize—with widespread non-compliance with pointless or self-defeating technical requirements. Murray is particularly keen to use enforcement proceedings to publicize imbecilic rules and agency high-handedness in order to pressure courts to adopt more demanding standards of judicial review. His goal is to overlay the regulatory state with a common-law regime of "No Harm, No Foul."

MURRAY'S PLAN IS LESS INCENDIARY than it sounds. Indeed, he calls it "pragmatic." He would exclude rules that forbid acts wrong in themselves (*malum in se*, like rules against fraud), tax regulations (where immediate financial interests are paramount), and rules that "foster public goods classically defined" (which would excuse much of the work of the EPA). His main focus would be rules that infringe on land ownership, personal risk-taking, and especially employment—regulation of hiring, pro-

THE CONSERVATIVE HEART

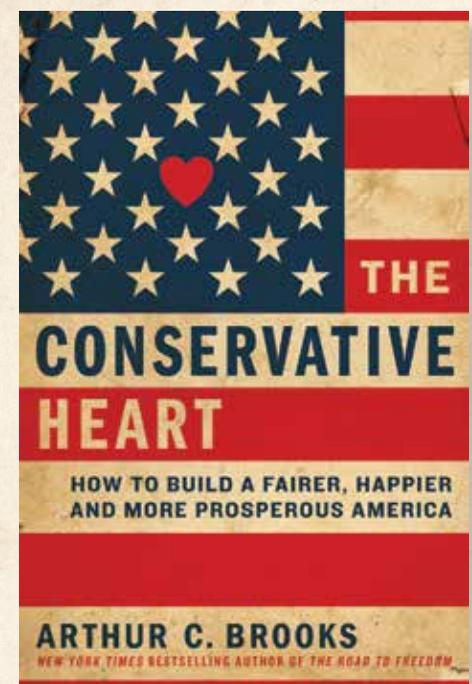
How to Build a Fairer, Happier and More Prosperous America

By Arthur C. Brooks

In *The Conservative Heart*, Arthur C. Brooks, the prominent economist and president of AEI—the leading intellectual think tank on the right—offers a bold new vision for conservatism as a movement for social and economic justice.

Brooks contends that after years of focusing on economic growth and traditional social values, it is time for a new kind of conservatism—one that helps the vulnerable without mortgaging our children's future. In Brooks's daring vision, this conservative movement fights poverty, promotes equal opportunity, celebrates earned success, and values spiritual enlightenment. It is an inclusive movement with a positive agenda to help people lead happier, more hopeful, and more satisfied lives.

Combining reporting, original research, and case studies, and free of vituperative politics, *The Conservative Heart* is an intelligent and compelling manifesto for renewal. Clear, well-reasoned, and accessible, it is a welcome new strategy for disconsolate conservatives looking for fresh, actionable ideas to address the serious problems confronting us today and to reclaim our future, and for politically independent citizens who believe that neither political party addresses their needs or concerns.



List Price: \$27.99

ISBN-13: 978-0062319753

Publisher: HarperCollins (July 14, 2015)





motion, and firing, workplace conditions, and occupational licensure. Implicitly, his citizen deregulators would be individuals and small businessmen.

These specifications severely limit the potential of Murray's revolution. There are plenty of Sacketts around, especially if we include conceded violations of trivial infractions that carry hefty fines (the Sacketts do not concede their lot is a wetland). Experienced regulatory lawyers can tick off many similar examples of innocents sacrificed to bureaucratic stratagems. But these transgressions are marginal to the big regulatory programs, and Murray's scheme depends on mass. Most of those who must follow safety and employment rules they know to be nonsense are engineers or personnel officers in large corporations: their employers' continuous dealings with multiple government agencies make for powerful incentives to cooperate. Programs that impose product safety standards and market entry controls affect most citizens as consumers rather than producers. For most people most of the time, the burden of regulation consists of higher prices for *private* goods, and the lost benefits of forgone job opportunities and misdirected investments—not jackbooted bureaucrats with bullhorns on the front lawn. Beyond the tax code, regulatory burdens are

largely insensible in the daily lives of most citizens qua citizens.

Moreover, the most important recent trend in regulation, which Murray recognizes in his chapters on interest-group corruption, is the increasingly tight alignment of government and business interests. In finance and banking, health care, and communications, civil disobedience may appeal to marginal firms but not remotely to market leaders with an interest in maintaining the collaborative status quo. The Madison Fund is not going to undo Obamacare, Dodd-Frank, or the Federal Communications Commission's new Internet controls.

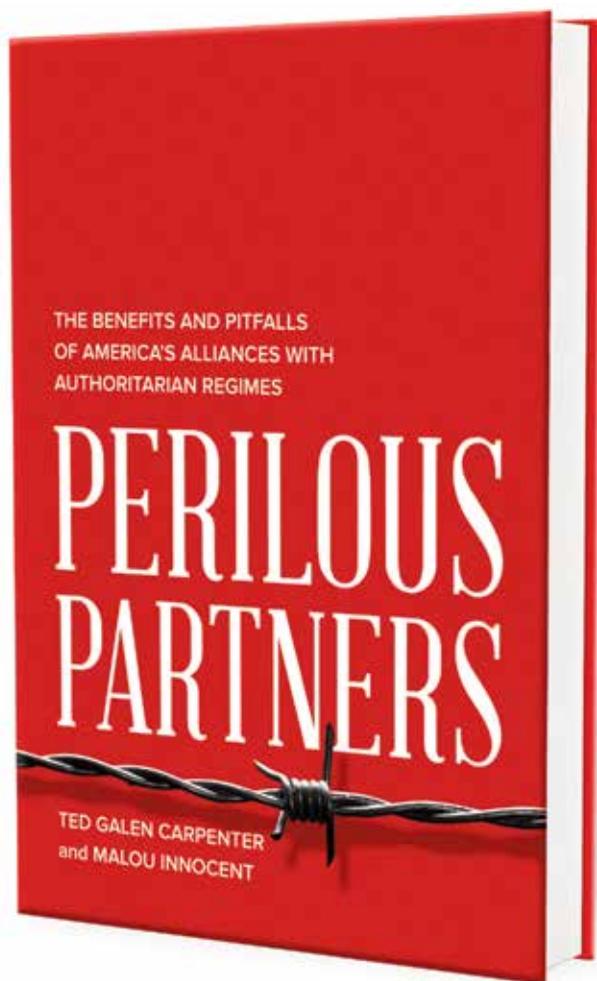
IN SUM, I LOVE MURRAY'S BOSTON TEA PARTY spirit and ingenious strategizing, and I wish the Madison Fund every success, but I doubt that they are a match for the power and resilience of the modern regulatory state. *By the People's* concluding chapters reinforce my doubts. They document, and mainly celebrate, America's growing cultural diversity, wealth, education, and technological prowess. These developments, Murray argues, are making individual freedom increasingly valuable and government regulation increasingly obsolete. Freedom accommodates and protects social diversity. The problem-solving dynamism

of high-tech commercial and social arrangements is making government's relative incompetence obvious to all.

Yet it is these same developments that are powering the proliferation of political causes and the ability of government to respond to them. Wealth and education give every diverse interest the ability to articulate its passion and organize for legal advantage. Information and communications technologies give regulatory agencies manifold capacities for managing "stakeholder" coalitions, issuing rules in subtle forms such as "informal guidance," grappling commercial interests to their own purposes, and monitoring and sanctioning their subjects.

Murray says at one point that we now have a government "of the factions, by the factions, and for the factions," and that is precisely correct. Wealth and technology have made the republic much less extended as a political matter, and dense with factions that no longer moderate each other—for now they can allglom on to the state's coercive machinery with less need for choice or compromise. Our problem, unfortunately, is more one of corruption than of tyranny.

Christopher DeMuth, Sr., is a distinguished fellow at the Hudson Institute.



New in Foreign Policy

How do we resolve the dilemma of securing important American foreign policy objectives without betraying basic American values and making ethical compromises?

American leaders have cooperated with regimes around the world that are, to varying degrees, repressive or corrupt. Such cooperation is said to serve the national interest. It also often contravenes the nation's commitments to democratic governance, civil liberties, and free markets. In *Perilous Partners*, authors Ted Galen Carpenter and Malou Innocent offer case studies of U.S. engagement with dubious allies, and show that too often American leaders have sacrificed the moral high ground in pursuit of secondary and peripheral national interests.

AVAILABLE SEPTEMBER 22
HARDBACK: \$24.95 • EBOOK: \$12.99

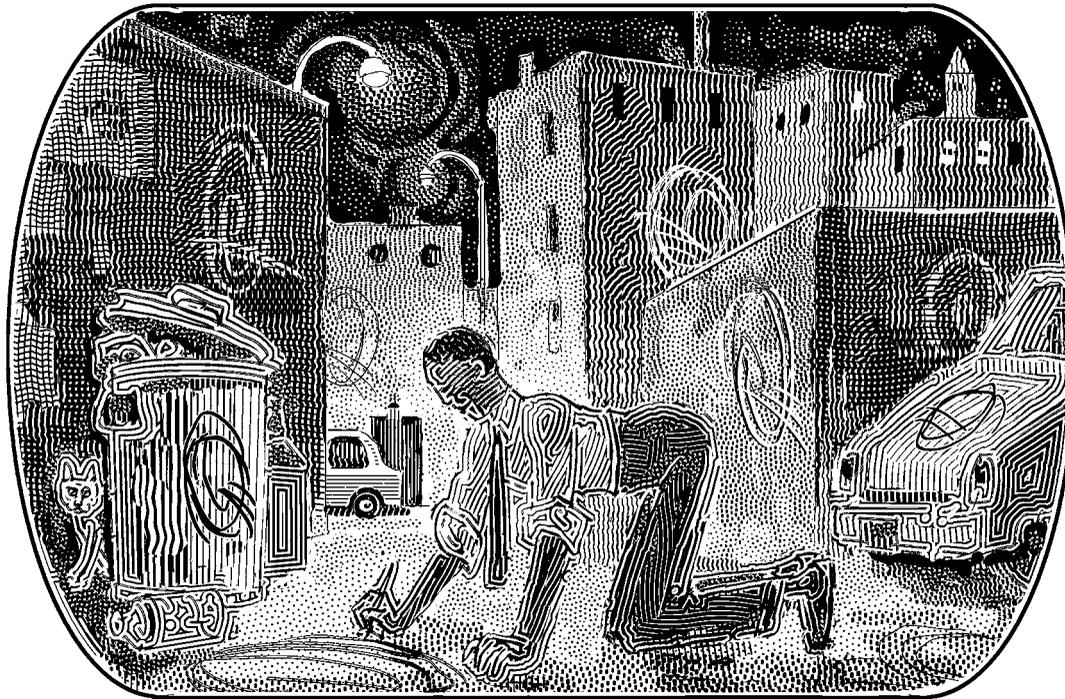
CATO
INSTITUTE

AVAILABLE AT WWW.CATO.ORG/STORE AND
RETAILERS NATIONWIDE.

Book Review by James W. Ceaser

THE ONE

Obama's Time: A History, by Morton Keller.
Oxford University Press, 352 pages, \$27.95



MORTON KELLER IS ONE OF THE most accomplished historians of our time. Over the past half century he has developed what is virtually a new field concentrating on the history of American political and institutional structures. In a series of books that span nearly a half century, of which *Affairs of State* (1977) is the best known, he has examined the growth in state power, the development of regulatory and bureaucratic instruments, and the shifts in the sub-constitutional arrangements of modern governance. Reminiscent of Alexis de Tocqueville in *The Old Regime and the Revolution*, Keller explores the profound effects of changing administrative mechanisms, weaving events and personalities into this unheroic narrative. Given the subjects he studies, it is no surprise that he is the political scientists' favorite historian, differing from them only by doing what they do too rarely (visit a library or an archive) and by avoiding what they do too frequently (invent useless jargon and overblown theories).

In *Obama's Time*, Keller ventures into what he admits is unfamiliar territory by telling the story of a single individual and presidency, and by analyzing a period that is more contempo-

aneous than historical. Though he owes no one a justification for this foray into a new domain, he offers one anyway. Existing writings about Barack Obama are in his view far too much driven by prejudices and predilections, resembling more the spirit of prosecutors and defense attorneys than judges. A historian true to his discipline, he argues, possesses the tools to check partisan impulses and provide a measure of impartiality. The book's subtitle, *A History*, is intended to convey more than one might think.

KELLER BEGINS, NATURALLY, WITH THE president's persona, asking, "[w]hat... makes him tick?" His answer: Obama is a man of "messianic" disposition. This vague and protean term proves immediately suggestive in prompting the reader to think of the character traits it excludes. Obama, unlike George Washington, does not appear to be motivated by a strong sense of duty; nor does he operate under a compulsion to hold and exercise power for its own sake, like Lyndon Johnson or Bill Clinton; nor, finally, does he value limits, whether deriving from law or tradition, as William Howard Taft did. Obama is instead bent on realizing an outsized project,

not under a divine dispensation but according to a secular Vulgate. He has told many an interviewer that he is a president who "wants to make a difference," leaving the impression that his making a difference is as important to him as the difference he makes.

In looking for the sources of this messianic impulse, Keller alights on the observation that Obama is an intellectual. He prides himself on thinking that he thinks beyond the conventional, that he is a man of world historical material. Keller places two other presidents into the intellectuals' category, Thomas Jefferson and Woodrow Wilson. Each, like Obama, was elected near the beginning of a century—a fact that might lead some to conclude that one intellectual president in a century is enough. Wilson, Obama's "doppelgänger," also harbored messianic thoughts, though he never realized his dreams. Perhaps he was sent only to prepare the way for the one to come after, who would be greater.

Obama differs substantially from his two analogues in the focus of his intellectualism. Jefferson and Wilson both made their mark in the study of politics: Jefferson as a great theorist who drafted the Declaration of Independence and wrote *Notes on the State of Vir-*



ginia; Wilson as the nation's leading political scientist, who produced notable works on the Congress, the presidency, and public administration. Obama's intellectual credentials derive, by contrast, from a literary work, *Dreams from My Father* (1995), a partly fictionalized autobiography that recounts his intense search for personal identity. Obama nonetheless fit comfortably into the academy, having spent much of his adult life, as Keller notes, "not in politics or business but in higher education, as a student and law school lecturer."

The president's experience in this milieu played a part in incubating his self-image. As Narcissus came to approve of himself by regarding his own reflection in a pool, Obama basked in "a steady stream of recognition from an affirmative action-saturated academy, hungry to bestow its laurels on someone who was a person of talent as well as a person of color." In seeing himself through the eyes of others, he is not so unconventional after all, especially as an intellectual.

IT IS A KNOWN FACT THAT IT TAKES TWO to messiah; if there is to be an object of worship, there must be a ready supply of worshippers. The students and colleagues at the University of Chicago who cast an admiring gaze at him were only the minutest harbinger of what took place during the 2008 presidential campaign. That campaign—one of the most remarkable in American history—had a profound effect on Obama. Displaying until then only symptoms of early onset messiah syndrome, he progressively developed the condition in its purest and most advanced form. Nor is it difficult to understand why. Imagine being lauded daily by the most astute political analysts for your intelligence and insight, being told by celebrities that your every utterance is either a gem of wisdom or a pearl of inspiration, and being feted by adoring crowds, especially of the young, for your coolness. The merging of mass politics and mass culture reached a new stage, as Obama

became a global icon. Never has any candidate—not even John F. Kennedy—endured such a symphony of sycophancy or enjoyed such a festival of flattery.

Subjected to this unrelenting adulation, only a person of profound moderation and self-knowledge could have resisted. Barack Obama is not that person.

Keller allows the reader to gauge the fullness of Obama's inflated self-image by recalling an instance when he embraced a more sober evaluation of his office. It was this rare concession, however short-lived, that proved newsworthy. At the beginning of 2014, he had one of those serious sit-downs with *New Yorker* editor David Remnick, a person of intellectual parts in his own right as well as a great admirer of the president. In the relaxed atmosphere of this high-level exchange, Obama stepped back to reflect on matters, observing that the presidency is laden with structural institutional realities. He is "essentially a relay swimmer in a river full of rapids, and that river is history." From the messiah commanding the future to a bit player in a sports drama, the plunge seemed almost poignant. As for the actual point—that a president is constrained by structural realities—it is an insight that, one might hope, any occupant of this office—not to mention someone who has taught constitutional law—would have had before assuming the job.

A MESSIANIC DISPOSITION DOES NOT BY itself lead one in any particular direction. Modern history shows that there have been charismatic figures from both the Right and the Left. Keller's second overall characterization of Obama must therefore serve to fill in the content of his project. Keller shies away from the use of general labels and discussions of public philosophy, preferring to anchor his observations in particular facts. Yet no one—surely no one who reads the CRB—can mistake Obama's ideological disposition: "The core belief of the Obama administration

is in the power of the national government—of 'machinery'—to do social good...expanding this goal has been Job One of the Obama presidency." Combine a messianic bent with an activist's view of government, and it begins to look pretty much like an aspiration to be "the change"—to put one's face on Mount Rushmore as the transformative leader who brought progressivism to its completion.

Charismatic figures, Max Weber famously observed, will not brook restraints from laws, tradition, or—so they boast—from any recalcitrant realities. Everything will bend before them. The messiah's acolytes follow him in wishing to see all impediments erased and in believing that the leader's magical powers can achieve this goal. Does this strange description not capture the spirit of the Obama phenomenon? Keller, the sober historian, never goes this far. But he doesn't need to. His underlying theme is that political messianism is inconsistent with the basic realities of the modern world. He is impressed with the restraints and limits that he sees all around, which derive not just from intentionally instituted checks and balances, but from custom, events, and from the very limitations of bureaucracy itself, which often proves an ineffective instrument. On this basis Keller concludes that Obama's transformation cannot come near to realizing his overblown hopes. His time will be short, not an era but more like a moment: "Obama's place in history will be defined more by who he was than by what he did."

The conservative who reads this insightful, informative book will find much solace in this epitaph—perhaps a bit too much. It's almost as if Keller believes that forces are at work that will somehow ensure the underlying system's preservation. Perhaps. But it is safer to believe that in the end history helps only those who help themselves.

James W. Ceaser is professor of politics at the University of Virginia and a senior fellow at Stanford University's Hoover Institution.

Book Review by Brian T. Kennedy

CHOOSING DEFEAT

America in Retreat: The New Isolationism and the Coming Global Disorder, by Bret Stephens.
Sentinel, 288 pages, \$27.95



IN THE CYCLES OF POLITICAL PUNDITRY, Tuesday stands out as a day of refreshing moral and strategic clarity. That is when the *Wall Street Journal* runs Pulitzer Prize-winner Bret Stephens's weekly column on world affairs. In *America in Retreat* he has expanded his canvas to produce an important book that reveals brilliantly the Obama Administration's mishandling of foreign policy, geopolitics, and our national defense.

Stephens is quick to explain that retreat doesn't mean decline. Decline comes unbidden at the hands of economic or geopolitical or demographic forces beyond one's control. Retreat is a choice, and one the Obama Administration has foolishly embraced. From our military drawdown in Iraq, to a halting, muddled quasi-war in Afghanistan, to Obama's obeisance before America's enemies and hostility to our allies, Stephens paints a stark picture of America's rush toward strategic irrelevance. The president has made disastrous choices, but choices are not destiny. In Stephens's view, these are choices that can and must be reversed, however difficult that will be.

Along with its crystal-clear strategic analysis, *America in Retreat* discerns interesting

historical parallels between America today and Great Britain after World War II, when the British—having spent so much of their national wealth fighting the war—were unable to reconcile the duties of empire and the exigencies of the Cold War with their burgeoning welfare state. Stephens understands the British choices in foreign policy to have been driven by domestic concerns, and believes America is on a similar course for similar reasons. He thinks it is the Obama Administration's embrace of social democracy that inspires its "Retreat Doctrine." Preferring "nation-building at home," Obama has found ways to rationalize, and to effect, a withdrawal of U.S. forces from the hotspots of the Middle and Near East.

Stephens is aware, of course, that many Republicans share the view that America's energies are better spent at home. Most Republicans in Congress supported the budget "sequestration," which hit the military hard, and most have supported a go-slow approach to further entanglements in places like Syria. His book aims to reverse this bipartisan trend, so that the Pax Americana does not give way to a global disorder good neither for the United States nor for the world beyond our shores.

He makes a powerful case, but if he is going to succeed in his worthwhile effort, he needs to take a closer look both at the Republican foreign policy that preceded the Obama Administration, and at American citizens' response to that foreign policy.

IN A FEW PAGES HE BRIEFLY DEALS WITH the intellectual failings of the George W. Bush Administration after September 11. He defends waging war against the terrorists but finds less sensible Bush's "freedom agenda" and the eventual so-called democracy project in Iraq and Afghanistan. Despite his own criticisms of the administration's prosecution of the Global War on Terror, Stephens is not as understanding as he might be of ordinary Americans' inclination to turn homeward when the wars in Iraq and Afghanistan moved from war-winning to nation-building. Reflecting on recent developments in Afghanistan, he writes, "Just when Afghans are beginning to find faith in their cause, Americans have lost faith in theirs."

But confusion about America's "cause" is exactly what has hobbled our foreign policy for more than a decade. What exactly is the cause that Americans should not lose faith



in? Stephens makes a strong argument that American statecraft and warcraft have improved the situations in Afghanistan and Iraq; the economies, education systems, and infrastructure of those countries have progressed.

Stephens sees all this as a foreign policy version of the policing practices advanced by social scientists James Q. Wilson and George L. Kelling in their “broken windows” theory. Just as local police must enforce minor vagrancy and building code violations in order to discourage criminal elements from taking over a neighborhood, the U.S. must be prepared to engage in the world’s hot spots and tamp down the local bad elements, mostly of the Islamic terrorist variety. Generous-hearted Americans can be glad that Afghan girls are now going to school. But is it ungenerous of them to ask how many Americans should die so that Afghan girls may now read the Koran?

The goal of war is to be better off after having carried it out. The sensible “cause” of our war in Afghanistan and Iraq was to make the American people more secure, free, and prosperous. Americans were all for defeating an enemy that meant us harm, but they were less inclined to spend blood and treasure to make the lives of Iraqis or Afghans better off—particularly as the latter goal seemed, over time, less and less connected to the former. John McCain found this out, as did Mitt Romney when their own foreign policy stances came to seem like throwbacks to the Bush Doctrine.

THE COUNTRY DID NOT ELECT BARACK Obama and then abruptly retreat. The country was already in retreat, strategically and politically, after George Bush made nation-building and the democracy project the heart of our engagement in the Middle East. So Stephens’s thesis is chronologically challenged. He is right to question Senator Rand Paul and his isolationist tendencies, but he does not quite explain why the American people are wrong to be disinclined to sacrifice

their sons and daughters to improve things in Iraq and Afghanistan. Most Americans supported the war on terror because they recognized the threat posed by militant Islam to Americans’ well-being. Stephens’s columns show that he is well versed in these dangers, but his book doesn’t dwell on them.

Nonetheless, it is certainly the case that America’s retreat from the world affords Islam as a global ideological movement the opportunity to gain ever more ground. For its most militant adherents, the cause of Islam involves the creation of a Global Islamic State. George W. Bush never explained that our purpose involved preventing the emergence of such a state. Instead, he called Islam a religion of peace and set America on the course of bringing democracy to the peoples of Iraq and Afghanistan. This was a failure of American grand strategy. Under Barack Obama matters have become much worse and much more confused. But as the country prepares to select a new president, it is as important for conservatives and Republicans to recall the failures of the Bush Administration as it is to understand Obama’s failures. This is not for the sake of pointing fingers, but because most of the Republican presidential candidates will surround themselves with the same advisers who crafted the Bush Administration’s doctrine and strategy.

IT IS NOT ONLY THE BUSH ADMINISTRATION’S handling of the war on terror that needs to be recalled. Conservatives rightly shake their heads at President Obama’s handling of the Iranian nuclear program and Obama’s and Secretary of State John Kerry’s assumption that allowing the Iranians to enrich uranium in lower quantities will somehow prevent their race to a nuclear weapon. But this approach is not obviously different from the approach of the Bush Administration.

It was during the Bush years that the Iranians pursued their nuclear program, built the advanced Shahab-3 missiles in quantity,

had their children recite “death to America” and “death to Israel,” declared that a world without America was their goal, and, to demonstrate their intentions, engaged in the active killing of American servicemen in Iraq through terrorist strikes and production of roadside bombs and distribution of them to their Shia allies. They also tested ballistic missiles launched from a barge in the Caspian Sea, which implied that an Iranian missile aimed at the U.S. need not be launched from Iranian territory but could be launched from a ship off the American coast. So it is not unreasonable to ask why the Bush wise men gave the Iranian regime a pass. It is not merely that they did not engage them militarily; they did not do the obvious thing, which was to build a ballistic missile defense that would have negated the Iranian threat. Had a robust missile defense from land, sea, and space been built—something that was within the know-how of our scientific community—we would have less to fear today from the Iranian nuclear program that we are unwilling or unable to stop.

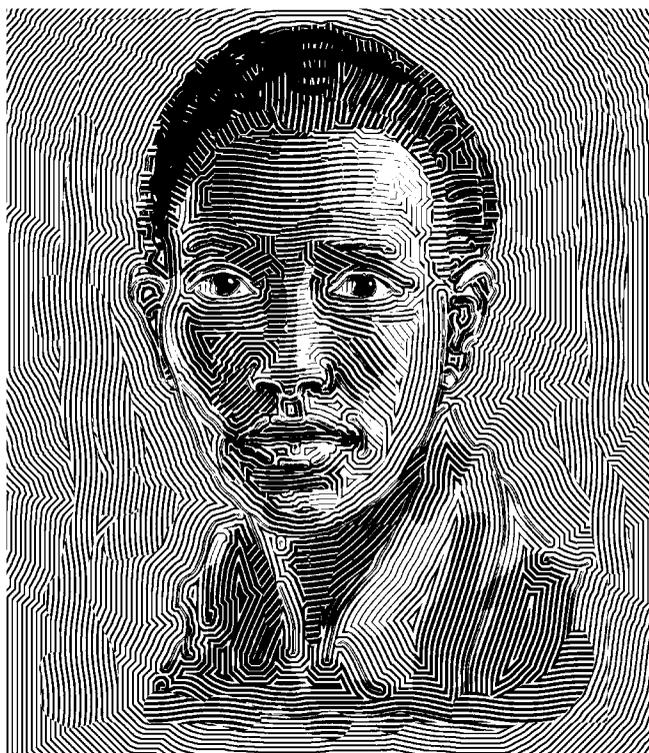
THE FAILURES OF AMERICAN FOREIGN policy have been failures of our foreign policy establishment, Republican and Democratic, as Angelo Codevilla has long argued in these pages and elsewhere. These failures will be repeated if a clear accounting is not made and a new course charted. *America in Retreat* paints a vivid picture of the disastrous course America is on. If we are to reverse course, Republicans will have to offer better foreign policy diagnoses and prescriptions than they have been offering. As a momentous presidential election approaches, I know where I will be looking every Tuesday in hopes of finding such wise counsel. America may be in retreat, but Bret Stephens is not.

Brian T. Kennedy is a senior fellow of the Claremont Institute and directs a new project on national security.

Book Review by Peter Skerry

IMAGINE NO RELIGION

Heretic: Why Islam Needs a Reformation Now, by Ayaan Hirsi Ali.
HarperCollins, 288 pages, \$27.99



Ayaan Hirsi Ali

IN HER INTERNATIONAL BESTSELLER *Inferdel* (2007), Ayaan Hirsi Ali renounced the Islamic faith in which she was raised, and declared herself an atheist. In her new book, *Heretic: Why Islam Needs a Reformation Now*, she identifies as a Muslim—albeit a dissenting one—who seeks a reformation of her ancestors' faith.

A former member of the Dutch parliament, the Somali-born Hirsi Ali is an exotically beautiful woman and mesmerizing speaker. (I once heard an eminent political scientist gush in her presence that she should run for high public office in the United States.) Fleeing the Netherlands after her film collaborator, Theo van Gogh, was murdered for denouncing Islam and after Dutch authorities revoked her citizenship on a technicality, in 2006 she found refuge at the American Enterprise Institute, where then-president Christopher DeMuth welcomed her as a resident fellow. She is currently a fellow at Harvard's Kennedy School of Government.

Despite her compelling personal story and distinguished sponsors, Hirsi Ali's call for a reformation of Islam is not very promising.

Her claims are simultaneously too sweeping and too slippery. She boldly asserts that "violence is inherent in Islam," but also that she has "no objection whatever to millions of other people from the Muslim world coming to America to seek a better life for themselves and their families." Her "concern is with the attitudes many of these new Muslim Americans will bring with them." Yet because immigration officials have limited means, and authority, to assess the attitudes or religious views of new arrivals, she would appear to be compelled, logically, to want limited migration from Muslim-majority societies—the very opposite of what she claims.

SHE IS ALSO QUITE SUSPICIOUS OF, EVEN hostile to, religious faith, at least as most Americans—and certainly most Muslims—think of it. Citing Voltaire more than Martin Luther, she clearly envisions an Enlightenment-inspired, reconstructed Islam to be regulated and disciplined by the state.

Yet even if her aggressive secularism does not sit well with America's dynamic religious pluralism, aspects of Hirsi Ali's argument are

undeniably appealing. She rejects the fatuous slogan that "Islam is a religion of peace"—though she neglects to mention that this formulation was originally George W. Bush's, preferring instead to associate it exclusively with President Obama. She similarly rejects such ill-conceived formulations as "countering violent extremism" (which is more fairly and directly identified with Obama), arguing persuasively that political elites on both sides of the Atlantic have been alienating broad sectors of their societies by refusing to associate contemporary terrorist threats directly with Islam. She quotes a Moroccan television evangelist and former Muslim who urges President Obama to abandon his "political correctness" and face up to the challenge: "ISIL, Al Qaeda, Boko Haram, Al-Shabab in Somalia, the Taliban, and their sister brand names, are all made in Islam." As she concludes, "the claims that the 'extremists' have nothing to do with the 'religion of peace' simply cease to be credible."

But again, she pushes her argument too far. Elaborating on the Moroccan's criticism of Obama, she denounces overly tolerant Western liberals and "cultural relativists" who in the

face of Islamist terrorism urge the rest of us to “be nonjudgmental about the religious practices of others.” Yet whom does she have in mind here? After all, the same individuals, private organizations, and governmental agencies that take care not to offend Muslims with politically incorrect terms also push aggressively for women’s and gay rights around the globe. Promoted as “human rights,” these hardly come across as cultural relativism to Muslims, never mind to many other Americans.

Commenting on the stoning of women and homosexuals in various Muslim societies, she writes:

The ancient Aztecs and other peoples practiced human sacrifice...but we don’t condone it.... So why do we condone the “sacrifice” of women or homosexuals or lapsed Muslims for “crimes” such as apostasy, adultery, blasphemy, marrying outside of their faith, or simply wishing to marry the partner of their choice?

Again, who exactly is condoning such practices? And what would she have the United States do to stop them?

LIKE MANY OTHER CRITICS OF ISLAM, Hirsi Ali is, ironically, herself a fundamentalist. Certainly, for her, Islam is reducible to a core of teachings and texts, and the Koran becomes the single most important, often the only, key to understanding Muslims. Thus, she gently but firmly rejects the view of her Harvard colleague, terrorism expert Jessica Stern, that history, politics, culture, economics, and national identity all play a role in how faith is received and lived. Hirsi Ali doesn’t puzzle over why “Palestinians have been the most frequent proponents and practitioners of suicide bombing.” For her, this is explained not by their particular history, their relations with Israel and Israelis, their prolonged consignment to refugee camps, or their corrupt leadership, but simply by what all Muslims are taught—that “[y]ou can be redeemed, you can salvage whatever you have lost, not by devoting yourself to improving your life in the here and now, but by following religious dictates and achieving entry into paradise.”

Instead, she wants imams “to make explicit that what we do in this life is more important than anything that could conceivably happen to us after we die.” Contrasting life in Africa with what she experienced in the Netherlands, she marvels that in Holland “no one talked about death, let alone life after death.” And she enthusiastically relates the way she’s “heard Westerners in their eighties talking confident-

ly as if they have decades still to live.” Her reformed Islam would apparently de-emphasize not simply the notion of an afterlife but the inevitability of death.

Modern clerics, she insists, must also disabuse their fellow Muslims of the centuries-old teaching that the Koran is the last, immutable word of God. “Human life, human freedom, human dignity—they all matter more than any sacred text,” she writes. The Muslim Reformation she champions must acknowledge “that the right to think, to speak, and to write in freedom and without fear is ultimately a more sacred thing than any religion.”

WHICH RAISES THE QUESTION: HOW does she propose to bring about the secularized Islam she advocates? She immediately rules out any notion of military force, reminding us that we are facing a “culture war” that must be fought “with better ideas, with positive ideas.” She cites the Cold War and the Congress for Cultural Freedom, which supported intellectuals and writers defending Western democratic principles and mores against the Communist Left. And because she regards Islam and Muslims here in the United States, as well as overseas, as part of the same ideological threat, she envisions a war of ideas on two fronts.

But now things get complicated. Hirsi Ali glides past lingering controversies over such Cold War programs, which were generally funded covertly by the government, typically through the CIA. More to the point, while Communism may have been a surrogate religion for some, Islam—whatever variant, and whether or not she approves—is the real thing. Government-funded ideological combat with Muslims overseas is one thing (though even then First Amendment issues get raised); any such engagement with Islam here at home would face much greater constitutional hurdles—a point completely lost on her.

Though she never actually mentions Otto von Bismarck’s *Kulturkampf* against Prussian Catholics during the 1870s, she clearly envisions relying on the full force of the state to forge her reformed Islam. Commenting on an Urdu-language radio program in the United Kingdom on which marriage between Muslims and Christians was condemned outright, she remarks ominously: “For these comments, the radio station was fined £4000 (around \$6000), but there was no move to suspend its broadcasting license.” Lest there be any doubt as to what she has in mind here, she invokes John Locke’s argument for religious toleration, only to emphasize how he restricted freedom of religion to various Protestant denominations and excluded the Catholic

Church. “The central question for Western civilization,” she concludes, “remains what it was in Locke’s day: What exactly can we *not* tolerate.” Yet, in the United States, religious liberty is not something merely to be *tolerated* but has been recognized as an inalienable natural *right*.

IN FACT, HIRSI ALI FAILS TO DRAW ANY distinctions among the United States, Western Europe, and Muslim-majority societies. As far as she is concerned, these are merely different fronts in the same battle of ideas. She pays no attention to the distinctive histories, social and cultural dynamics, or political systems and institutions of the very different societies about which she is writing.

It is striking, for example, that in a book that begins with her account of being invited and then disinvited to receive an honorary degree from Brandeis University in 2014, she never mentions the First Amendment. To be sure, she challenges those who would seek to “[w]ithdraw my right to speak freely.” Yet in a volume full of impressive citations to obscure but relevant scholarly works on Islam, she is surprisingly incurious about how religious liberty in America has resulted in a bustling, often conflictual pluralist ferment. Instead, her account consists almost exclusively of examples of reactionary Muslims from around the world being indulged by politically correct elites.

For example, highlighting the alarming appeal of violent jihad to young Muslims in Western Europe, she asks, “Why should the United States be any different?” Her response is almost shocking. She cites some genuinely alarming and neglected Pew survey data from 2007, which found that 7% of American Muslims between the ages of 18 and 29 had a “favorable” view of al-Qaeda. (She fails to point out that in 2011, Pew replicated this survey but neglected to ask these questions!) Yet she has nothing to say about how the First Amendment has meant that Muslims here have benefitted from the opportunity—indeed, the necessity—of organizing, managing, and supporting their own religious institutions, while their co-religionists in Western Europe have not. Just as importantly, our tradition of competitive but generally tolerant religious pluralism, fostered by First Amendment freedoms of speech and press, helps explain why we have had no polarizing episodes such as the *fatwa* that forced Salman Rushdie into hiding in the United Kingdom, or the violence over cartoon depictions of the prophet Mohammed in Denmark and France.

She fails to consider that Muslims here might be different because she fails to understand that America is different. Toward the



end of her book, she mentions the work of the Quilliam Foundation, a respected British think tank established by reform-oriented Muslims. Ghaffar Hussein, Quilliam's managing director, argues that "the jihad narrative" has become "the default anti-establishment politics of today. It is a means of expressing solidarity and asserting a bold new identity while being a vehicle for seeking the restoration of pride and self-dignity." The romance of alienation from, and of violent resistance to, Western society at the core of this "jihad narrative" is undoubtedly a major concern in the U.K. Though also evident in the United States, it hardly constitutes the "default anti-establishment narrative" here that Hirsi Ali suggests. To make that case, she raises the specter of honor killings in the U.S. as if they were frequent occurrences that somehow get ignored by law enforcement authorities. To illustrate the virulent presence of the "cult of death" among Muslims here, she cites an obscure Islamist author whose overheated text was published a quarter-century ago—and for which a Google search produces links only to Hirsi Ali and other contemporary critics of Islam.

CONTRARY TO WHAT SHE SUGGESTS, here in the U.S. "default anti-establishment politics" is all about Muslims (especially second- and third-generation, native-born Muslims) challenging counter-terrorism policies as unwarranted infringements on their rights as American citizens. Indeed, they do so with a zeal and energy quite unlike the ambivalence and alienation their immigrant parents have often displayed. Hirsi Ali may be oblivious to the Bill of Rights, but Muslim American youth clearly are not.

To be sure, such rights-obsessed politics poses new challenges. Caught up in self-centered identity issues, Muslim American youth too readily and persistently refuse to acknowledge the legitimate concerns about Islam that millions of Americans continue to have. Nor do these youth face up to the real

dangers and difficult trade-offs confronting our leaders in the post-9/11 era.

Heretic also overlooks how Muslim Americans are increasingly mindful of themselves as a minority that shares interests with other minorities, non-religious as well as religious. After enthusiastically supporting George Bush's presidential candidacy in 2000, Muslim Americans reacted negatively to the invasion of Afghanistan and especially of Iraq, and to the vitriol heaped on them by many conservatives. As a result, over the past decade Muslim Americans have decisively thrown in their lot politically with Democrats.

This hardly means that Muslims in America have come to see themselves as liberals. Yet their self-image as a minority group allied with other minorities in a coalition with Democrats has definitely begun to affect not only how they define their interests but also, apparently, their values. This is most striking with regard to toleration of homosexuality, which Muslims everywhere have difficulty accepting and about which Hirsi Ali is particularly insistent.

Yet on this most intractable topic, Muslim Americans have shifted dramatically. According to highly reliable Pew surveys, 27% of Muslim Americans in 2007 agreed that "homosexuality should be accepted by society." In 2011, 39% did. Though Americans are on the whole more tolerant of homosexuality, they did not register as much change over this period (51% to 58%) as Muslims did. And while among Muslims those with the least religious commitment were the most accepting of homosexuality (57% in 2011), Muslim Americans of all levels of religious commitment shifted dramatically toward toleration.

Various Muslim American leaders and even some imams—including those with Islamist origins or ties to the Muslim Brotherhood—have urged believers to be more tolerant of gays. But rather than formal changes in doctrine, these represent tactical shifts in orientation. As I heard one elderly imam from India, educated in Saudi Arabia, respond to the earnest

puzzlement of young Muslim Americans eager to support Democrats but troubled by their support of gay rights: "No one is forcing you to be a homosexual.... If you think... Democrats are the best candidates, then vote for them."

HIRSI ALI'S RIGID, FUNDAMENTALIST focus on Islam's doctrines cannot account for such changes evident among Muslims here, or anywhere. Of course, political accommodation and expediency can shift Muslims in intolerant as well as tolerant directions. But in America, at least, the overall dynamic in our history has been fierce competition among religious and ethnic groups accompanied by specific accommodations. Initially, these typically did not emerge out of tolerance or even respect, but were, as Cornell historian R. Laurence Moore notes, "the product of uneasy arrangements made between groups that did not much like one another." Genuine respect and tolerance came much later, undoubtedly after religious attachments weakened.

None of this is to suggest that Americans do not face serious challenges ahead. We will continue to struggle to balance First (and Fourth) Amendment rights with counter-terrorism and public safety in the face of violent, extremist Islam. Not the least of these challenges is, as Hirsi Ali emphasizes, a small but nontrivial level of sympathy and even support for Islamist terrorism among Muslims here in the United States.

But despite its well-placed criticisms of P.C. formulations about Islam and Muslims, *Heretic* is profoundly misguided and unhelpful. Ayaan Hirsi Ali is a cosmopolitan secularist who lacks any insight into the nature of religious faith and any understanding of the American experience with religious pluralism. Her views are perhaps better suited to where she came from—the Netherlands!

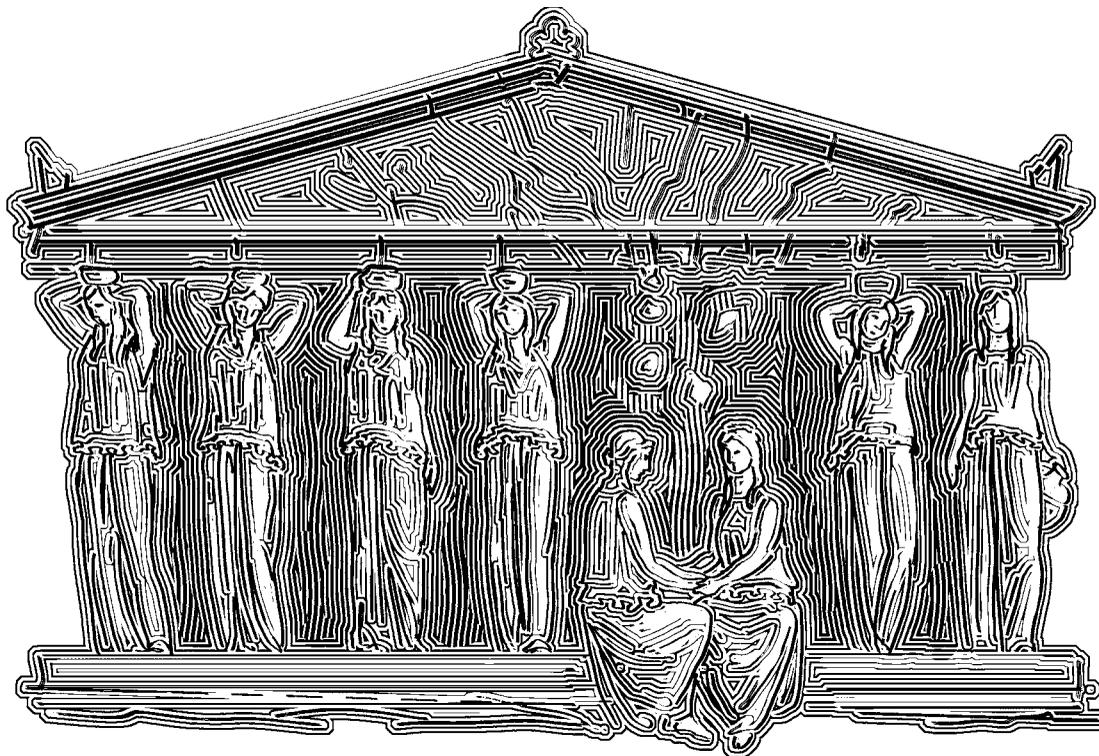
Peter Skerry is professor of political science at Boston College.

Book Review by Justin Buckley Dyer

MARRIAGE LICENSE

What's Wrong with Homosexuality?, by John Corvino.
Oxford University Press, 192 pages, \$22.95

Making Gay Okay: How Rationalizing Homosexual Behavior Is Changing Everything, by Robert R. Reilly.
Ignatius Press, 250 pages, \$22.95



IN THE SECOND SEASON OF *Downton Abbey*, Matthew Crawley comes home from the Great War wounded by shrapnel and left paralyzed from the waist down. “The sexual reflex is controlled in the lower level of the spine,” Dr. Clarkson tells Lord Grantham in an awkward and frank moment shortly after Matthew’s medical examination. “Once the latter is cut off, so is the former.” The show’s writers include this surprising revelation to make sense of Matthew’s confession to his fiancée, Lavinia, moments later that he can “never be properly married.”

Matthew’s insistence that his injury prevents him from marrying captures an understanding of the connection between sex and marriage that was once an unquestioned part of the Anglo-American tradition, perhaps of every tradition. Coitus is often referred to as *the* marital act because it is bound up with what it means to be married in the fullest sense. The explicit claim of the tradition—that the purpose of sex is to unite a man and a woman in marriage—reflects a deeper understanding of the structure of reality and the purposes embedded in human nature.

This view of sex and marriage is increasingly seen as quaint and outmoded, if not irrational and bigoted. The standard contemporary position on sexual ethics, summarized in John Corvino’s concise book *What’s Wrong with Homosexuality?*, is that consensual sex between adults—whether heterosexual or homosexual, married or unmarried—contributes to human well-being and is therefore morally good and choiceworthy. For Corvino, who teaches philosophy at Wayne State University, procreation in marriage is only one among a variety of morally legitimate uses of the sexual powers, and there is no necessary connection, moral or theoretical, between sex and marriage. Reading Corvino’s book alongside Robert Reilly’s *Making Gay Okay: How Rationalizing Homosexual Behavior Is Changing Everything* puts in contrast two starkly opposed visions of reality. Reilly is adamant that our abandonment of traditional sexual ethics portends dire consequences for public policy, jurisprudence, family law, and, ultimately, the theoretical foundations of our political order.

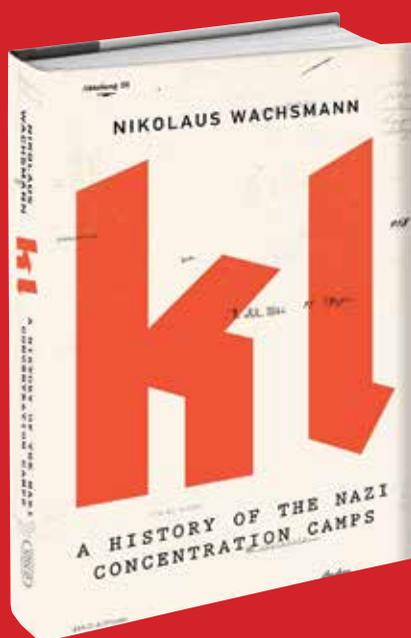
For many years, the contours of our marriage laws and the norms governing sexual

relationships were rooted in the idea that the twofold purpose of sex is to unite a man and woman together and promote the generation of new life. These purposes were linked: sex unites a man and woman (emotionally, biologically, spiritually) to ensure that any child born to the marital union has a better chance of knowing the love of a mother *and* a father. The law punished fornication and adultery precisely because each vice severed the connection between the unitive and procreative purposes of sex, making it likely that more children would grow up in broken or single-parent homes.

THE TRADITIONAL TEACHING ABOUT the dual purpose of sex—reflected in the marital norms of fidelity, monogamy, and permanence—relies on three basic claims about reality. The first claim is that human nature contains certain inbuilt purposes. At one level, this is obvious: the purpose of the lungs is to breathe, the purpose of the eyes is to see, and so on. Second, to say that something is good is to say that it fulfills its natural function well. Good eyes, for ex-

AN INVALUABLE EDUCATION

FROM FARRAR, STRAUS AND GIROUX



“Deeply researched, groundbreaking history.” —Adam Kirsch, *The New Yorker*

“Wachsmann’s meticulously detailed history is essential for many reasons, not the least of which is his careful documentation of Nazi Germany’s descent from greater to even greater madness. To the persistent question ‘How did it happen?’ Wachsmann supplies voluminous answers.” —Earl Pike, *The Plain Dealer* (Cleveland)

“Monumentally impressive . . . Seems certain to become the definitive history of the Nazi concentration camps . . . [Wachsmann’s] scholarship brings new life to a familiar subject.” —Dominic Sandbrook, *The Sunday Times* (London)

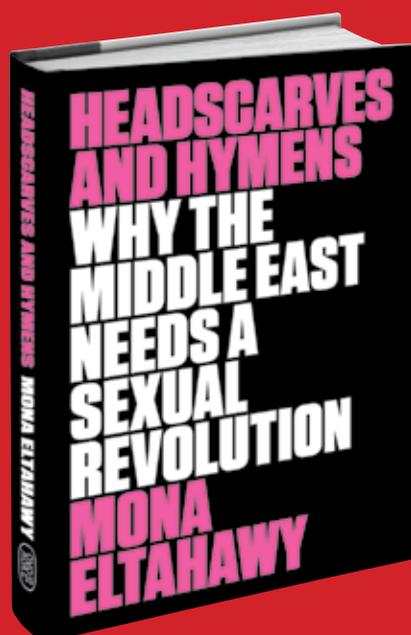
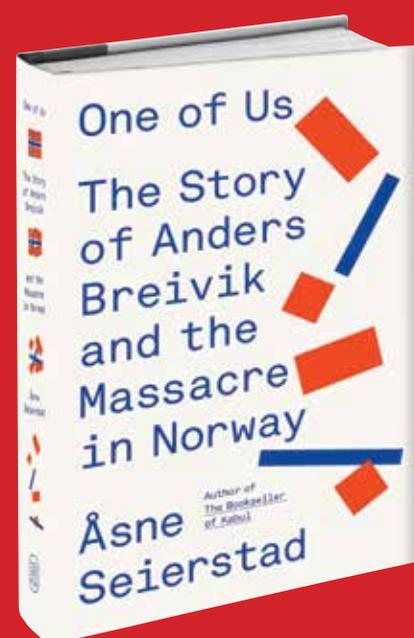
“Powerful and compelling . . . Like Norman Mailer’s *The Executioner’s Song* and Truman Capote’s *In Cold Blood*, [*One of Us*] has an omniscient narrator who tells the story of brutal murders and, by implication, sheds light on the society partly responsible for them . . . Seierstad has written a remarkable book, full of sorrow and compassion.”

—Eric Schlosser, *The New York Times Book Review*

“Required reading.” —Dwight Garner, *The New York Times*

“A masterpiece of journalism, a deeply painful chronicle of an inexplicable and horrifying attack that we’ll likely never understand . . . [A] brilliant, unforgettable book.”

—Michael Schaub, NPR



“Turn to any page of *Headscarves and Hymens* and you’ll find a statistic or anecdote to make your blood boil . . . [Eltahawy] has now expanded [her *Foreign Policy*] article into a book . . . blend[ing] her own story—an ideological journey toward feminism while growing up in Egypt, England and Saudi Arabia—with a sweeping portrait of what life is like for women in the Middle East. The same righteous anger that propelled her essay fuels her book. It’s easy to see why she’s so incensed.”

—Bari Weiss, *The Wall Street Journal*

“[*Headscarves and Hymens*] is a small but packed manifesto, incendiary by design . . . With this book, [Mona Eltahawy] is wisely exploiting her fame to further her cause, which is the physical and emotional emancipation of Arab women . . . Eltahawy is a relentless cataloguer of all the ways the Arab world continues to cloak misogyny in religious fervor.” —Connie Schultz, *The Washington Post*



Farrar, Straus and Giroux
www.fsgbooks.com



ample, function well as eyes. So it is with the sexual organs: we must first know what they are for before we can know whether they are functioning well. Finally, we ought to avoid acts that work against or destroy something's ability to function well. This is not to say that we may not use things for various purposes. It would be absurd, Thomas Aquinas notes, to assert that an acrobat who walks on his hands has done something immoral just because the hands are not designed for walking. But it is fair to say that a masochist who puts his hands in a meat grinder is acting immorally, precisely because the act destroys his hands' ability to perform their proper function. Admitting that things may be used for different purposes is not to admit they may be used for any purpose.

If the purpose of sex is to create and maintain families, then the traditional norms follow as means to protect the goods associated with family life. The unitive purpose of sex exists for the procreative purpose; sex bonds people together for the larger end of creating stable families with mothers and fathers. Since the sexual revolution in the 1950s and '60s, much of the controversy over sexual morality has revolved around whether these two purposes of sex can be severed without doing damage to our individual and social well-being. Corvino—along with nearly every influential voice in our contemporary culture—argues that the traditional moralists got it wrong when they linked the purposes of sex, and that the unitive function of sex can stand on its own. Sex in homosexual relationships, as in heterosexual relationships, Corvino insists, “is a powerful and unique way of building, celebrating, and replenishing intimacy.” Sex bonds and unites people; non-coercive and non-abusive intimate sexual relationships in whatever form are therefore good and should be celebrated.

OPPONENTS OF THE TRADITIONAL position often point to actual social practices to belie the claim that the procreative and unitive aspects of sex are linked. The pursuit of mutual pleasure and intimacy, writes Corvino, is “one reason why heterosexual couples have sex even if they can't have children, don't want children, or don't want children now.” On this point, Corvino is arguing with the wind at his back. Many Americans have already adopted the premises of his argument, whether they realize it or not. Deliberately non-procreative heterosexual sex (inside and outside of marriage) is standard fare; what reason then is left to criticize homosexuality?

As Corvino notes, Aquinas's list of deliberately non-procreative sex acts includes “not

only homosexuality and bestiality but also masturbation and oral sex—in other words, acts that few people today would think twice about, let alone label unnatural.” Which of course does not make Aquinas's argument wrong, any more than the widespread agreement with Aquinas on that point a century ago made his argument right. But Corvino is correct that it makes little sense to permit any kind of heterosexual relationship that gives people pleasure or fosters an intense emotional bond, while cordoning off homosexual relationships as somehow morally out of bounds.

STILL, WE MIGHT ASK WHETHER THERE are good reasons for the traditional moral proscription of non-procreative sex. Corvino takes up the challenge in a chapter titled, “It's Not Natural.” His rejection of the classical natural law position on sexual morality hinges on two claims. First, he asserts that non-procreative sex can serve morally choice-worthy ends “including the expression of affection; the pursuit of mutual pleasure; and the building, replenishing, and celebrating of a special kind of intimacy.” Second, he argues that pursuing pleasure or intimacy through non-procreative sex does not actually undermine the natural purpose of procreation. There “are plenty of heterosexuals,” Corvino reminds us, “who procreate abundantly while also occasionally enjoying” non-procreative sex simply for the sake of pleasure or intimacy.

But Corvino misstates the classical natural law position, which neither denies that pleasure and affection are aspects of human well-being nor holds that engaging in non-procreative sex somehow renders one physically unable to procreate. The traditional claim is rather subtler: that the unitive and procreative purposes of sex are so tightly woven together by nature that splitting them apart comes at a high cost to individuals and society.

This traditional claim is in many respects a testable claim. The difficulty with trotting out empirical evidence to prove its validity, however, is that every generalization is subject to an anecdotal counter-example. Fatherlessness correlates strongly with a range of negative life outcomes—but single mothers often heroically raise children who go on to very successful lives. Adultery often leads to broken families—but some people are unfaithful yet stay married and raise children together. And, yes, many married heterosexual couples procreate abundantly and regularly engage in non-procreative sex.

The problem of having to contend with the anecdotal counter-example is not new. When Aquinas wrote that fornication is an act contrary to the good of any child who might be born as a result, he insisted that “a matter

NYU PRESS

KEEP READING.

Dissent

The History of an American Idea
RALPH YOUNG

“[Young's] clear and elegant style and a keen eye for good stories make it a page-turner... [he] convincingly demonstrates that the history of the United States is inextricably linked to dissent.”

PUBLISHERS WEEKLY (STARRED REVIEW)

\$39.95 • CLOTH

Fighting over the Founders

How We Remember
the American Revolution
ANDREW M. SCHOCKET

“Copious and entertaining. It leaves little doubt that sharp divisions in our collective memory about the Revolution reflect and shape equally sharp political contests.”

CLAREMONT REVIEW OF BOOKS

\$30.00 • CLOTH

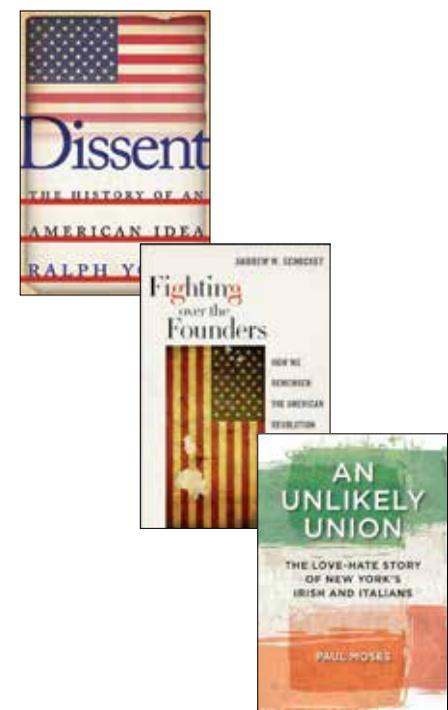
An Unlikely Union

The Love-Hate Story of
New York's Irish and Italians
PAUL MOSES

“[A] lively history of the clashes, compromises, and eventual bonding between two feisty immigrant groups.”

KIRKUS REVIEWS

\$35.00 • CLOTH



www.nyupress.org



that comes under the determination of the law is judged according to what happens in general, and not according to what may happen in a particular case." And the general consequences of our cultural acceptance of fornication have been disastrous. Recent census data show that only 65% of children live in households with their married biological mother and father at home. For black children, the figure is closer to 32%. A child living with his married biological parents enjoys a kind of privilege rarely spoken about today. Children brought up in intact families, even after controlling for things such as race and income, fare better than their peers on a range of well-being measurements, from academic performance and emotional health to juvenile delinquency and rates of substance abuse. The reason, traditionalists suggest, is that human beings are hardwired to thrive in an environment with both a mother and a father.

BUT IF TRADITIONAL SEXUAL NORMS DEVELOPED primarily to protect the good of children by connecting mothers and fathers together, then are those norms not simply inapplicable to sexual acts that cannot lead to procreation? Surely the mere fact that two men or two women cannot procreate is not a reason to mark off homosexual activities as immoral. If we insist that intimate homosexual acts are immoral, do we not also have to say it is immoral for sterile heterosexuals to have sex?

Traditionalists offer two responses to this challenge. The first is metaphysical: heterosexual unions are essentially procreative even when they are accidentally infertile, whereas homosexual unions are intrinsically and essentially non-procreative. The persuasiveness (and relevance) of this argument depends on a host of other metaphysical commitments, which is perhaps why it rarely gains traction with people who haven't already adopted a classical Aristotelian metaphysic. The second response is simply to point out that the law (encompassing natural law and positive law) is premised on generalizations and not particulars. If human beings as a species reproduced asexually, or if children did not generally need mothers and fathers to flourish, then human sexual ethics would be different and marriage (if such a thing existed) would not have the same purpose.

As it is, the purpose of human sexuality is given by human nature. To deny that purpose is to deny that we have a nature and to substitute will for reason as the governing principle in human affairs. This, at least, is the thesis of Reilly's *Making Gay Okay*. In a serious book with a silly title, Reilly, a senior fellow with the American Foreign Policy Council, associates traditional sexual morality with the concept of a rationally ordered universe. The

debate about sexual ethics is ultimately about whether or not we accept that "things have a Nature that is teleologically ordered to ends that inhere in their essence and make them what they are." Progenitors of the sexual revolution reject that teleological understanding while subordinating reason to passion. Their guiding principle can be summarized by Woody Allen's explanation, after leaving Mia Farrow for her daughter, that "the heart wants what it wants. There's no logic to those things." Yes, but what *should* the heart want? That is a question that these disciples of Jean-Jacques Rousseau do not and cannot answer.

Reilly fears that the ongoing project to split the purposes of sex—first with contraception, now with homosexuality—threatens the very foundations of America's political order. The movement to normalize homosexuality has already started to overturn many of our longstanding public principles, beginning with the very idea that there is a "Law of Nature and of Nature's God" which provides a normative standard for public and private life. Everything hangs in the balance, according to Reilly: jurisprudence, marriage, education, religion, psychiatry, and the great organizing principles of society.

IS REILLY CORRECT TO WARN THAT IF THIS issue is lost, all will be lost? Perhaps, but, if so, it will be lost gradually and not overnight. He is certainly correct that recovering a sensible understanding of the purpose and importance of sex "is not simply the agenda of the religious right, but a deeply political concern for the future of freedom." In practical terms, the breakdown of the family moves lockstep with the enlargement of the state, which grows to meet the challenges posed by fatherlessness, child poverty, crime, and other social pathologies that follow in the wake of the family's dissolution. Political freedom and strong families reinforce each other. But the collapse of the family predates the gay rights movement by decades. If anything, the rapidly successful movement to normalize homosexuality is a consequence, and not a cause, of a larger social trend rooted in disordered and selfish heterosexuality.

In our current cultural and political climate, candid and civil conversations about the public implications of sexual norms are important but rare. Reilly shows courage in boldly writing a book with an unpopular thesis, while Corvino demonstrates good will by taking his opponents seriously and engaging their arguments respectfully. Both books are commendable for their contribution to our public debate and for sharply clarifying the grounds of disagreement. On one point, at least, Corvino and Reilly agree: the legal

norms governing marriage and family life reflect a public judgment about the nature, purpose, and rightful use of the sexual powers. Each author focuses primarily on sexual ethics, rather than marriage, but the momentous question of marriage is always in the foreground. If homosexuality is rightful, Reilly insists, then it "should—in fact, *must*—serve as the basis for marriage, family (adoption), and community." "[A]t its core," Corvino similarly notes, "the marriage debate is a moral debate: It's about the kind of relationships society is willing to embrace—or short of that, to tolerate."

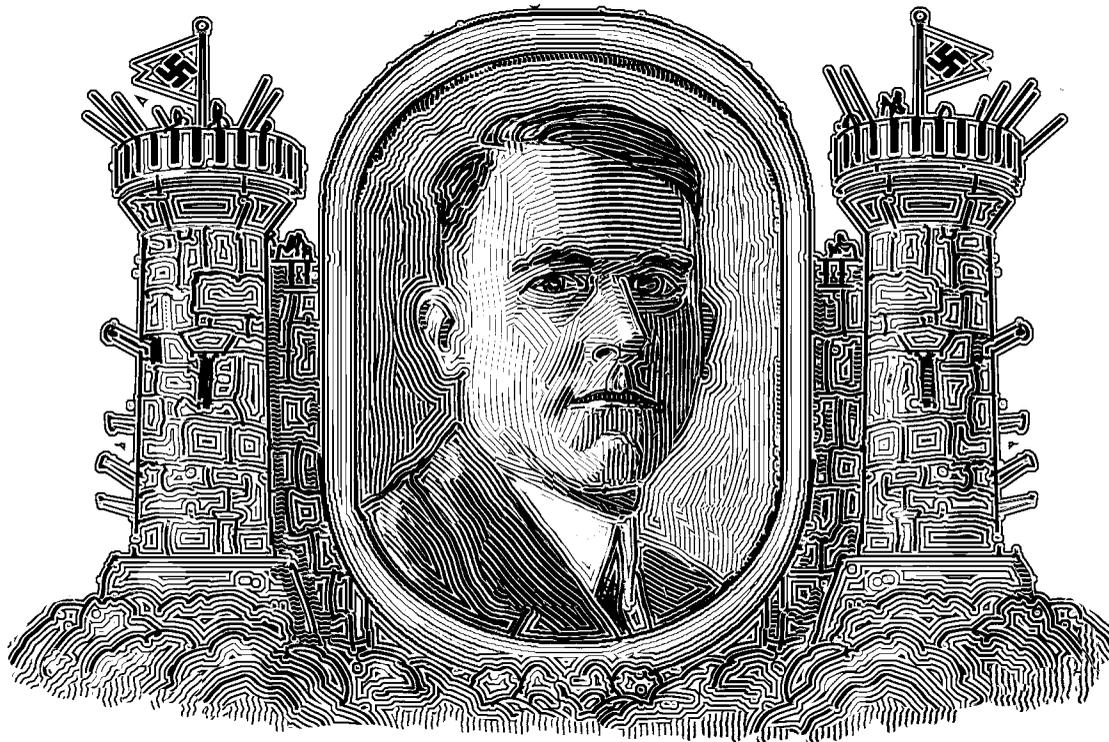
TOLERATION IS A TWO-WAY STREET, and it is a pressing question whether the Corvino and Reillys of the world can live together in civil peace. Neutrality between two opposed visions of reality is not possible; can we nonetheless arrive at a respectful and acceptable truce? The task requires good will from both sides and principled statesmanship. The Supreme Court's recent decision in *Obergefell v. Hodges*, however, has made that task more difficult. In a 5-4 opinion authored by Anthony Kennedy, the Court held that states must recognize and license as marriages the unions of same-sex couples, a decision built on the claim that the "nature of marriage is that, through its enduring bond, two persons together can find other freedoms, such as expression, intimacy, and spirituality." What now of the citizens who persist in believing that marriage is—as every edition of *Black's Law Dictionary* put it until only recently—a "relation of one man and one woman united in law for life, for the discharge to each other and the community of the duties legally incumbent on those whose association is founded on the distinction of sex"? Many prominent voices now openly suggest their businesses will have to be fined, their social service agencies shut down, their churches and schools taxed, and their speech curtailed. Toleration is no longer the word on everyone's lips; the situation for traditionalists is precarious. And even if we did manage, in the face of this challenge, to settle on a *modus vivendi*—say, by offering robust protections for conscience and religious liberty—we would still be left with these stubborn facts: sex (generally) leads to procreation, children (generally) need a mother and father, and yet long ago we stopped organizing our public and private lives in the light of that reality.

Justin Buckley Dyer is associate professor of political science at the University of Missouri and the author, most recently, of Slavery, Abortion, and the Politics of Constitutional Meaning (Cambridge University Press).

Book Review by Benjamin Balint

THE NAZI JURIST

Carl Schmitt: A Biography, by Reinhard Mehring, translated by Daniel Steuer.
Polity, 700 pages, \$45



IN APRIL 1933, CARL SCHMITT, GERMANY'S most brilliant jurist and political theorist, joined the Nazi Party. The next month, he published a piece laying the groundwork for the forced expatriation of German intellectuals (including Albert Einstein). "Germany has spat them out for all time," he wrote. Several months later, Hermann Göring, whom he had called "maybe the right type for these times," appointed Schmitt to the Prussian State Council. Shortly thereafter, Schmitt became president of the Union of National Socialist Jurists.

A decade earlier, he had dismissed Hitler as "a hysteric." But after "The Night of the Long Knives" in June 1934—the murderous purge that consolidated Hitler's power—Schmitt published "The Führer Protects the Law," a vindication arguing that Hitler's act "was itself the highest justice." "The Führer protects the law against the worst forms of abuse," he explained, "when in the moment of danger, he immediately creates law by force of his character as Führer as the supreme legal authority." He then celebrated the Nuremberg laws as a

return to "German constitutional freedom." "The National Socialist state is a just state," he announced.

Finally, to bolster his reputation as "crown jurist" of the Third Reich and further ingratiate himself with the regime, he convened in October 1936 a conference on purging German jurisprudence of Jewish influence. In his opening speech, he blamed the Jews for "the systematic hollowing out of the healthy, *völkisch*-German thinking of the state." He also called for the "purification of libraries," including a separate system of citation for Jewish authors.

IN THE FIRST COMPREHENSIVE BIOGRAPHY of Carl Schmitt to appear in English, Reinhard Mehring inquires how a man—and by extension a society—comes by stages to turn law from a restraint on power into a tool of terror, a means of expulsion and ultimately of extermination.

A political science professor at Heidelberg University of Education, Mehring proceeds by shading in Schmitt's enduring obsessions

and drives, which bleed into one another like morbid watercolors. The first obsession fused the psychological with the juridical. In 1910, Schmitt, born to a conservative Catholic family of modest background, completed his doctorate in law with a dissertation, "On Guilt and Types of Guilt." "The theme of 'guilt,'" Mehring writes, "stood at the beginning of his work, a fact not without interest in the case of someone who became implicated in guilt and was later hardly ever able to admit it."

Schmitt's earliest guilt, in Mehring's telling, swirled around his compulsive sexuality. His first wife, Cari Dorotić, was a vaudeville dancer who claimed to be a countess. His friends, dismissing her as a "Tingel-Tangel girl," tried to dissuade him from marrying her. Only in 1922, ten years after meeting her, did he discover that she was an imposter, an illegitimate daughter of a craftsman who had faked her aristocratic background. He obtained an annulment of the marriage from the state authorities on the grounds of willful deceit and promptly fell in with the translator at his divorce proceedings (which involved



evidence from Croatia of Dorotić's imposture), a Serbo-Croatian 19-year-old named Duška Todorović, who would become his second wife. Living in what Mehring calls an "erotic state of exception," Schmitt continued his hectic promiscuity with several mistresses, and kept a diary of his "ejaculations."

Guilt and eros combined for Schmitt in Carl Theodor Dreyer's silent movie *The Passion of Joan of Arc*. With an almost sadistic use of close-ups, Dreyer depicts the doomed heroine, a daughter of God charged with being a child of the devil, as she pleads that she has fought only for God and country. In 1928, Schmitt watched the film a dozen times. Mehring reports that on several occasions, in both Berlin and Rome, he picked up a prostitute to watch it with him. It seems that his longing for redemption from his own psychic turmoil fueled a need for a higher, absolute obligation, which could only come from a commitment to the law promulgated by God or by the state.

SCHMITT'S SECOND LIFELONG OBSESSION compelled him to find in the state an answer to that need. Early on, he affirmed that the individual only attains dignity in the state, specifically in its demand for self-transcending self-sacrifice. His book *The Value of the State and the Significance of the Individual* (1914) comes down decidedly on the side of the former. He inverts the notion that "we the people" precedes and legitimates a state that exists to serve individuals.

As he launched a university career that would take him to posts in Greifswald, Bonn, Berlin, and Cologne, he began to examine what he called "the antiquated alliance between the throne and the altar." His early works, like *Political Theology* (1922), were explicitly theological. "All significant concepts of the modern theory of state," he writes there, "are secularized theological concepts."

Given that "all genuine political theories presuppose man to be 'evil,'" as Schmitt said, men need a strong (or theologically sanctioned) state. He took Thomas Hobbes to mean that it is authority and not truth that makes the law. As he made his name as a scholar of constitutional law in the Weimar era, Schmitt stressed that the legal order ultimately rests on the authoritarian decisions of the sovereign, who has "the power to decide on the exception," and who alone can meet the needs of an exceptional time of emergency. Those decisions need not be justified themselves in rational or moral terms. He compared the sovereign ruler's suspension of law (when "the power of real life breaks through") to God's interruption

of natural law through miracle. Turning the liberal project on its head, he theorized not the creation of law, but its suspension.

SCHMITT WAS FAR FROM ALONE IN SEEING Weimar as the paradigm of an enfeebled, sovereignty-less state. But he was well positioned to take advantage of the widespread proclamations of the death of the liberal democratic idea. (Mehring, accentuating Schmitt's opportunism, calls him a Zeitgeistsurfer.) He had already attacked parliamentary government in *The Crisis of Parliamentary Democracy* (1923). By the late 1920s he had come to admire Italian fascism. "The fascist state, with the honesty of the classical age, wants to be a state again." (In 1936, he had a private audience with Mussolini in the Palazzo di Venezia in Rome to talk about the relationship between party and state. "The conversation with him was a great intellectual pleasure," Schmitt reported without irony.)

But what exactly is a state, in Schmitt's view? "The concept of the state presupposes the concept of the political," he declared in *The Concept of the Political* (first published as an article in 1927, then significantly revised in 1932 and 1933). To understand the state is to understand the political, and, for Schmitt, at the essence of the political is the distinction between friend and enemy. He argued in *Roman Catholicism and Political Form* (1923) that the Catholic Church was inherently political and at least knew how to make alliances and declare enemies.

Political enmity (as inescapable as the enmity between God and Satan) culminates in war, "the most extreme realization of enmity." And we can expect the most extreme manifestation of war, "the definitively final war of humanity," to be necessarily brutal, because it will involve an enemy "that must be not only fended off but definitively annihilated." What Schmitt expected to be annihilated is not only the external enemy, but the pluralism and individualism that stand in the way of internal homogeneity.

The political philosopher Leo Strauss, who corresponded with Schmitt, commented that "Schmitt restores the Hobbesian concept of the state of nature to a place of honor." Schmitt turned Hobbes's "war of all against all"—the pre-political lawlessness of the state of nature (which Hobbes wished to escape)—into the inescapable essence of the political.

Hobbesian liberals, claimed Schmitt, have obscured or forgotten or repressed that essence. In assuming that man is perfectible, that humanity can overcome political enmity, they blind themselves to the antagonistic na-

ture of politics, fail to distinguish properly between friends and enemies, and avoid fundamental political decisions. In subordinating politics to morals, law, economics, and entertainment, liberals deny what Schmitt called "the dignity of the state." In seeking to subject political power to a system of moral norms, as for example codified in a constitution, they indulge in a fiction. Hence his belief that the passage from the state of nature to civil society had produced depoliticized, unserious, and uncourageous men. Liberalism, he concluded, is the negation of the political.

WHICH BRINGS US TO A THIRD OBSESSION, which cast its silhouette most sharply over Schmitt's life. His abject anti-Semitism drew not from racial sources but from his anti-liberal convictions. Although Jews may not always be liberal, their historic lack of a state of their own had taught them to instinctively cloak their interests in universalist, egalitarian rhetoric. "[T]heir concrete situation among the other peoples forces them nevertheless to declare the ideas of 1789 as sacrosanct." For Schmitt, Jews (as liberals *par excellence*) are not so much the political enemy as the enemy of politics.

Historian Raphael Gross, in an important 2007 book, *Carl Schmitt and the Jews*, already laid bare the profound affinities between Schmitt's anti-Semitism and his political theory. Although Schmitt's published writings show signs of explicit anti-Semitism only after 1933, Mehring draws on his early diaries, written between 1912 and 1915, to show that Schmitt suffered long before from what he himself called his "Jewish complex." By the 1920s, this had curdled into delusions of persecution. In 1925, for instance, he complained about "the ridiculous situation that Wittmayer, Stier-Somlo, Mendelssohn-Bartholdy, and Nawiasky—four Jews against one Christian—attack me in all the journals, and no one notices what is going on." The same year, when a Jewish professor came up for appointment at the University of Bonn, Schmitt wrote a report to torpedo the hiring of the "disgusting, craven, dilettante Jew." On meeting the renowned sociologist Karl Mannheim in 1931, Schmitt commented: "Horrible, wretched Eastern Jew."

By the early '30s, as he moved from scholarship into polemics, Schmitt no longer directed his counter-revolutionary fervor against Weimar anarchism. "He now interpreted the situation in openly anti-Semitic terms as a 'battle against the Jewish spirit,'" Mehring writes. His friend-enemy distinction now fed into the contrast he drew between the homogeneous German *Volk* and the "alien" Jew. He hastily



severed his friendships and associations with Jews, including his longtime publisher, Ludwig Feuchtwanger, and the young scholar of Hobbes and Spinoza, Leo Strauss (whom he had recommended to the Rockefeller Foundation for the fellowship that allowed Strauss to leave Germany a year before).

Mehring shows that Schmitt's crude views on the Jews predated the Third Reich, and outlasted it. "Jews always remain Jews," Schmitt writes in his *Glossarium*, an intellectual diary he kept between 1947 and 1958, "while a Communist can improve and change.... The true enemy is the assimilated Jew." When his former friend Eduard Rosenbaum came out with a critical review of a book Schmitt published in 1950, Schmitt called it shameful "to subject a German Catholic to the categories of a Jewish emigrant."

SCHMITT NEEDED THE NAZIS, AS IT turned out, more than the Nazis needed Schmitt. A casualty of bureaucratic infighting, his personal influence waned from 1936 on. "Totalitarianism in power," Hannah Arendt wrote of him, "invariably replaces all first-rate talents, regardless of their sympathies, with those crackpots and fools whose lack of intelligence and creativity is still the best guarantee of their loyalty."

He retained his prized professorship at the University of Berlin until the end of the war, but even those politically sympathetic to him thought he had discredited himself. "Upon the ascent of illegitimate powers," his friend Ernst Jünger wrote, "the position of the crown jurist becomes vacuous, and the attempt at filling it is made at the expense of one's good reputation."

Schmitt was arrested by American forces in September 1945 and detained for more than a year. He told his wife that he refused to become "demoralized or dejected like so many of the others." In March and April 1947, he was put into custody a second time; this time he was brought to Nuremberg by assistant U.S. chief counsel Robert Kempner, who interrogated him four times over five weeks. Schmitt presented himself not as an apologist for authoritarianism but merely as an "intellectual adventurer."

"I wanted to give the term National Socialism my own meaning," Schmitt said.

Kempner: "Hitler had a National Socialism and you had a National Socialism."

"I felt superior."

"You felt superior to Adolf Hitler?"

"Intellectually, of course. He was to me so uninteresting that I do not want to talk about that at all."

"When did you renounce the devil?" Kempner asked.

"1936."

After his release, Schmitt refused to let himself be questioned again about National Socialism. "[A]ppalled by public rituals of confession and repentance," Mehring writes, Schmitt would maintain marmoreal silence about the Holocaust to his dying day.

In May 1947, the unrepentant and embittered Schmitt returned to his native Plettenberg to regroup, never again to set foot in Berlin. Comparing himself to "a U-boat that continuously rebuilds itself," he attempted a comeback. Although he was permanently stripped of his professorship, editors of major newspapers, including *Die Zeit* and *Der Spiegel*, opened their pages to his contributions.

BEGINNING IN THE 1960S AND '70S, Schmitt's home in Plettenberg became a kind of pilgrimage site. A generation of postwar political thinkers accorded him recognition as the 20th century's most penetrating critic of the liberal state too frail to confront powerful illiberal enemies. Unlikely correspondents—including Raymond Aron and Alexandre Kojève—helped give his work a renewed lease on life and heralded a surge of fascination of which Mehring's monumental biography is but the latest example. Some, like Jacob Taubes, took Schmitt as a forerunner of political theology. Others appreciated Schmitt's prescience. Jacques Derrida, for

instance, described him as a "terrified and insomniac watcher," lucid enough to see the coming political storms. Still others took to Schmitt's realism. Ulrich Preuss, one of present-day Germany's foremost liberal jurists, argued that "no one has formulated the anti-liberal alternative to the modern constitutional state as clearly, tersely, and pitilessly."

Since Schmitt's death in 1985, Hans Morgenthau, Giorgio Agamben, Jürgen Habermas, and Paul Kahn have each engaged deeply with Schmitt's thought.

By coloring in Schmitt's overlapping obsessions, Reinhard Mehring aims to portray his subject's life "as a paradigmatic story from a crisis-ridden time." In describing "a theoretician of political myths," as Mehring calls him, who succumbs to a most vulgar myth, the author unsparingly avoids the apologetic tones of Joseph Bendersky's *Carl Schmitt: Theorist for the Reich* (1983), which credits Schmitt with valiantly trying to save the Weimar Republic. But he also dispassionately steers clear of the interpretive hostility that marks *A Dangerous Mind* (2003), Jan-Werner Müller's look at Schmitt's influence on postwar European political thinking.

In its thin-lipped, hyper-factual style, deftly translated by Daniel Steuer, Mehring's biography, which originally appeared in German in 2009, is chiefly distinguished from its predecessors by the comprehensiveness of its scope and the attention it gives to the destiny of Schmitt's psychological drives (what Sigmund Freud called *Triebchicksal*). It is the first to draw on Schmitt's unpublished Weimar diaries.

Mehring never quite explains why Schmitt's critique of liberalism still resonates today, 30 years after his death, particularly in elite faculties of political theory and cultural studies. But this book excels above all as a study of a critic of political romanticism caught up in the most ruinous political fantasy.

Benjamin Balint is the author of a cultural history of Commentary magazine, Running Commentary: The Contentious Magazine that Transformed the Jewish Left into the Neoconservative Right (PublicAffairs).

Book Review by Michael M. Uhlmann

TWO CHEERS FOR ORIGINALISM

The Constitution: An Introduction, by Michael Stokes Paulsen and Luke Paulsen.
Basic Books, 368 pages, \$29.99



MICHAEL STOKES PAULSEN TEACHES constitutional law about as well as it can be taught, and he writes about it with appealing gusto. A popular professor at the University of St. Thomas Law School in Minneapolis (and before that, for many years, at the University of Minnesota Law School), he has published dozens of articles in leading law reviews and journals of opinion, devoting special attention to the religion clause of the First Amendment, the nature and scope of executive power, the lawless barbarism of the Supreme Court's abortion jurisprudence, and the vices of judicial supremacy and its evil twin, "living constitutionalism." A textual originalist through and through, he believes that the Constitution should be read in accord with the generally accepted public meaning of the relevant word or phrase at the time it was adopted.

In *The Constitution: An Introduction*, Paulsen and his son, Luke, a young software engineer who clearly learned a thing or two about law over many years at the family dinner table, have produced that rare thing: a commentary on the Constitution that may be profitably read by experts and non-experts

alike. It is at once intellectually sophisticated without being pedantic, and comprehensible to lay readers without demeaning their intelligence. The Paulsens have accomplished what legions of professors have failed to do, and in truth have scarcely even tried to do: they explain in 300 gracefully written pages the origins, structure, operations, and political development of the United States Constitution.

THE AUTHORS WOULD READILY acknowledge that a work of this character must necessarily eliminate or abridge discussion of certain important matters. Even so, the book's remarkable feature is not what is left out but how thoughtfully it addresses what it chooses to include. There are a few exceptions to this general praise, some of which will be noted below, but on the whole the Paulsens are to be congratulated for covering as much as they do in such a short space and, for the most part, treating diverse points of view fairly—these are no small accomplishments. The book deserves wide readership, including—let it be said at once—law students, many of whom are abysmally educated in constitutional matters thanks to the tyranny of

the case method and the increasingly obscurantist 1,800-page casebooks their professors assign.

The book should also be read by undergraduate, as well as graduate, students of government. With the abandonment of traditional civic education, compounded by the leftist ideological tilt of many American government and history texts, it is not at all uncommon these days to encounter bright students who have never heard of *The Federalist*, could not write two intelligent sentences about James Madison, Alexander Hamilton, or the Lincoln-Douglas debates, and believe that the Constitution has vested the Supreme Court with exclusive powers of interpretation. The Paulsens' book will quickly dispel such ignorance and will do so, moreover, with intelligence and charm. All but the dullest students will enjoy reading it.

Structurally, the book is divided into two parts of five chapters each. Part I ("The Written Constitution") begins with the American Revolution. It notes, but does not elaborate upon, the philosophical and legal significance of the Declaration of Independence. The first chapter then introduces the major thematic



materials that will be covered in detail in the ensuing four chapters: the shortcomings of the Confederation; the high points of the debate at the Philadelphia Convention; the how and why of bicameralism, separation of powers, and federalism; the critical differences dividing the Federalists and the Anti-Federalists; the reasons behind the unseemly compromise over slavery; and the adoption of the Bill of Rights.

One would be hard pressed to name anything else in print that covers so much material so well in such a remarkably short space (115 pages). The same holds true for the opening chapters of Part II (“Living the Constitution”), which deal, respectively, with the first 70 years of the Constitution’s life, including controversies over judicial review, federalism, and slavery; and Abraham Lincoln’s statesmanship and constitutional arguments during the crisis of the Civil War. Readers who stop here, after another 69 thoroughly engaging pages, will have acquired a richer and more sophisticated understanding of foundational constitutional principles than is offered in most American law school and political science classrooms.

PARTS OF THE REMAINING THREE chapters—perhaps because they deal with matters of more immediate contemporary controversy—are, I think, somewhat less successful. The theme of Chapter 8 is conveyed by its title: “Betrayal: The Supreme Court’s Abandonment of the Constitution (1876–1936).” The authors are here chiefly concerned with three topics: the Court’s denial of equal protection to women and racial minorities (*Bradwell v. Illinois* in 1873 and *Plessy v. Ferguson* in 1896 are leading examples); its failure to protect free speech during World War I (*Schenck v. U.S.* and *Debs v. U.S.*, both decided in 1919); and its use of substantive due process to invalidate state social and economic legislation (e.g., *Lochner v. New York*, 1905).

Chapter 9—“Restoration: The Constitution Through Depression, World War, and Segregation (1936–1960)” —might have been subtitled “The Supreme Court confesses error and promises to sin no more.” Here, the justices are specially praised for redressing prior injustices towards racial minorities and women (though not if you happened to be a Japanese-American citizen during World War II); for broadening our understanding of First Amendment freedoms; and, above all, for putting a dagger through the heart of *Lochner*. But just when the reader has begun to think the Court was leading the nation to broad vistas of constitutional enlightenment,

along comes Chapter 10, entitled “Controversy: The Modern Era of Judicial Activism (1960–2015),” concerning which, to say no more, the Paulsens are decidedly unhappy.

In this final chapter they seem to like the results even as they disdain the Court’s reasoning in the cases dealing with reapportionment and criminal procedure. Their praise comes to a screeching halt, however, when the ghost of *Lochner* rises from the grave in *Griswold v. Connecticut* (1965) and the abortion cases and the gay rights decisions of *Lawrence v. Texas* (2003) and *U.S. v. Windsor* (2013). The judiciary’s feckless pursuit of busing to achieve racial balance in schools is sharply criticized, as are certain disturbing features of the Court’s contemporary religion jurisprudence—to name only two additional matters about which the authors are rightly alarmed.

THese are all subjects about which intelligent differences of opinion may be entertained, and the Paulsens do their best to present competing sides fairly, even as they grind their teeth. This is rather more a virtue than a vice in a work of this kind, which is, after all, a primer on the Constitution, not a lamentation for what it has become at the hands of the modern Court. Still, if one pays careful attention to Chapter 10 and the brief, three-page coda that follows, an alarming trend becomes apparent: at the risk of only modest exaggeration, we appear to find ourselves in the grip of an increasingly arrogant judicial supremacy. The Paulsens are clearly worried about this trend, but the preceding chapters have not adequately prepared the reader for its arrival.

Part of the reason lies in their unduly hagiographical treatment of *Brown v. Board of Education* (1954) in Chapter 9. This is driven by their understandable abhorrence for the evils of racial segregation that had been promoted and sustained by the Supreme Court over many decades. *Brown* is extravagantly praised for having put an end to all that. The Paulsens note in passing some of the major criticisms of *Brown*—particularly its reliance on spurious social science data and its failure to articulate a clear constitutional principle to guide lower courts and the public. They nevertheless dismiss such criticisms as “technical flaws” that deserve to be forgiven in light of the nobility and justice of the Court’s objective. This sort of rhetoric is hardly what one expects from writers of originalist disposition.

The *Brown* opinion, despite its iconic status, is hardly a model of judicial craftsmanship. Many liberal supporters of the decision noted that fact when the decision came down. Others in our own time have also noted substan-

tial flaws—which is why, among other things, they thought it necessary to greet the decision’s 50th anniversary with a book entitled *What Brown Should Have Said*. Yes, the palpable evils of Jim Crow were long overdue for remediation; and yes, *Brown* helped to bring them to an end. One should not, however, exaggerate the role of the judiciary, which, as Gerald Rosenberg shows in his book *The Hollow Hope* (1991), had very little to show for its efforts in the decade following *Brown*. Segregation came crashing down only when the political branches swing into action in the 1960s thanks to Bull Connor’s dogs and the heroism and rhetoric of Martin Luther King, Jr.

WHAT PRECISELY BROWN CONTRIBUTED to this is difficult to assess. Part of the difficulty is that the opinion proceeded more by assertion than by argument, and, by so doing, lost an opportunity to teach the public (especially white America) about the commitment to human equality set forth in the Declaration of Independence and how the 14th Amendment meant to achieve that promise in positive law. It was a Lincolnian moment, but the Court let it pass by.

Brown is iconic not only for its status as a race case; it very quickly acquired greater jurisprudential significance because it largely severed its result from constitutional text. It relied instead on the results of highly dubious social science test data to “prove” that separate was inherently unequal. As legal scholar Edmond Cahn famously pointed out at the time, that is a flimsy and dangerous way to go about securing rights. It would have been far better for the Constitution and the cause of racial equality had the Court simply updated Justice John Marshall Harlan’s ringing dissent in *Plessy*—or adopted Justice Robert Jackson’s alternative draft opinion (see “The Road Not Taken,” *CRB*, Summer 2004). Its virtues aside, *Brown*’s failure to root its conclusion clearly and firmly in the Constitution’s text opened the door to a new kind of ideologically fashionable jurisprudence, in which the Court has ever since increasingly sought to free itself from the tyranny of constitutional text in the interest of achieving social justice. This is not the place to elaborate the point, but I think it goes a long way toward explaining many of the adverse “pivots” in the direction of judicial activism the Paulsens note in Chapter 10.

A final related point on the rise of the wretched judicial excess remarked in the book’s closing chapters. Substantive due process receives a pretty heavy drubbing at various places in the Paulsens’ text. Their argument, in a nutshell, is that the Due Process



Clauses of the 5th and 14th Amendments clearly referred to procedural matters only and were never intended to create substantive rights. In the late 19th and early 20th centuries, however, a misguided Supreme Court nevertheless did just that, opening the way toward the creation of unenumerated rights that permitted judges to mask their personal policy preferences in the forms of law.

In the *Lochner* era, the argument continues, the Court invented an unenumerated “liberty of contract” and used it to strike down otherwise worthy legislative enactments. All that came to an end after Franklin Roosevelt finally got control of the Court in the late 1930s. Despite their longstanding contempt for *Lochnerism* as applied to economic regulation, liberals eventually revived its spirit when applied to non-economic matters. Justice William Douglas discovered a right to privacy in *Griswold*, finding it after a long search in penumbras formed by emanations of five separate constitutional amendments. It wasn’t long before the right to privacy was deemed broad enough to include the right to abortion, which over time morphed into a due process “liberty interest.” As we have come to discover in recent years—and as this year’s Term of Court underscores with a vengeance—there is no end to the number of rights that can be discovered under the label of due process.

THIS IS A POWERFUL CRITIQUE, AND ONE not lightly to be ignored. It has become a standard part of the originalist indictment of free-wheeling constitutionalism, and was the leitmotif of the dissenting justices in *Obergefell v. Hodges*, finding a constitutional right to gay marriage. Nevertheless, the critique has been overdone. It is time, I think, to lay that baggage down, or at the very least to revise the argument.

On a practical level, it is fair to ask what the critique of substantive due process has achieved. The answer, I’m afraid, is precious little, as *Obergefell* shamelessly reminds us. For the better part of half a century, originalists have railed against liberal *Lochnerism*, while the progressive *Zeitgeist* has moved relentlessly

on. Liberals talk about justice, the expanding universe of human rights, and the Constitution’s duty to keep pace with what Justice Oliver Wendell Holmes called the “felt necessities of the times.” Meanwhile, conservatives talk about the importance of respecting procedural proprieties. The point is well taken, but is it likely to attract hearts and minds?

More substantively, the critique should drop the by now almost Pavlovian effort to root the heresy’s birth in Justice Taney’s *Dred Scott* opinion. It was the late, great Robert Bork, I think, who first sought to make that connection, toward the end of tarring *Lochner*, *Griswold*, *Roe*, and *Casey* with an unsavory heritage. The Paulsens adopt essentially the same position.

Yes, Taney did employ the doctrine, but, significantly, none of his critics at the time faulted him for it, in part because the idea of a substantive content to due process appears to have acquired significant support by mid-19th century among a large portion of the bench and bar—and no less among anti- than pro-slavery advocates. Witness the fact that the Republican Party platforms of 1856 and 1860 specifically stated that allowing slavery in the territories deprived slaves of their liberty without due process of law. Taney’s problem, Abraham Lincoln famously noted, was not that he sought constitutional protection for property, but that he failed to distinguish between protecting a person and a hog.

THE CRITIQUE ALSO NEEDS TO PAY MORE serious attention to the substantial body of scholarly literature over the past 30 years casting doubt on many of its suppositions concerning *Lochner* in particular.

First, the New York statute appears to have been little more than a rent-seeking gesture on the part of big bakers against mom-and-pop operations—a classic example of what 19th-century judges called “class legislation,” i.e., the use of otherwise valid state police powers to mask the transfer of wealth from A to B. Crony capitalism didn’t begin with the Great Society. Substantive due process was one of the ways these seedy wealth transfers were once combatted.

Second, “liberty of contract,” the much-derided juridical concept employed by the Court in *Lochner* and similar cases, was not an arbitrary contrivance designed to protect the judiciary’s favored interests. No, it was not a specifically enumerated constitutional right, but why should that be impossibly problematic? Liberty of contract in fact had an interesting and dignified pedigree associated with the idea of a person’s right to pursue an honorable trade free from undue government interference. Few if any advocates of liberty of contract argued that it trumped reasonable regulatory restrictions. The question presented in litigation invariably had to do with the reasonableness of a particular regulation. And in that sense, it makes little difference whether the right in question was specifically enumerated or not. In contrast to Holmes’s over-the-top, misleading dissent in *Lochner*, Justice Harlan’s dissent, which deserves a wider hearing than it is typically accorded, more accurately describes the typical dilemma facing the Court in regulatory cases.

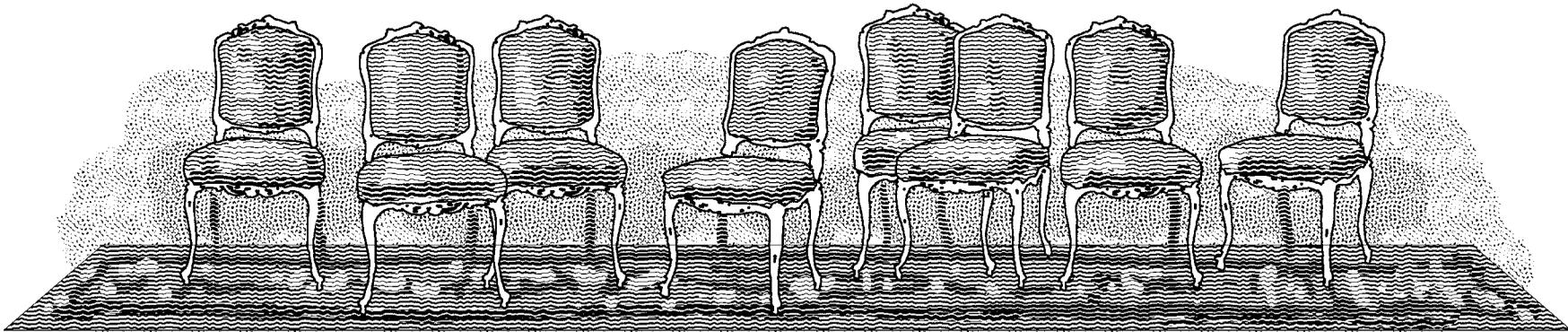
Third, the critique needs to revisit its statistical claims about the perverse consequences of *Lochner*. Inquiries along this line should begin with Charles Warren’s articles in the *Columbia Law Review* from 1913, showing that the Supreme Court upheld the overwhelming majority of state and federal regulatory enactments.

There is much more to be said about all this, of course, and I would not expect that the critique of substantive due process will be abandoned altogether. But, as I say, it certainly needs rethinking. Arguments from process alone have shown themselves to be of little avail against the juggernaut of rights claims. Sooner or later, constitutional conservatives have to start talking once again about the origin and nature of rights. Perhaps Michael and Luke Paulsen can contribute to that conversation in the next edition of their wonderful introduction to the Constitution—and, let us hope, many future editions as well.

Michael M. Uhlmann is research professor of American politics at Claremont Graduate University.

Essay by Thomas D. Klingenstein

DERELICTION OF DUTY



I BEGIN BY OFFERING THE TRUSTEES OF my alma mater, Williams College, a bit of advice: establish a board-level standing committee on free expression (COFE for short). Provide COFE with the staff and independence of the college's outside audit firm. COFE's purpose, to ensure free expression, is analogous to that of the audit committee. Free expression is at least as important as financial soundness, and there is no reason to believe that the former requires any less oversight than does the latter. To an "Eph" who claims there is no free speech problem at Williams, I ask two, admittedly barbed, questions: How could you possibly know? Do you recommend that Williams disband the audit committee?

What prompts this bit of advice? It all began in 2010 on a golf course in Maine where I, a conservative philanthropist, had occasion to explain to Bowdoin president Barry Mills my objection to "diversity"; too much emphasis on ethnic and racial difference and too little on our common national identity, I told him.

About a month later, Mills, in his annual convocation address, called attention to a problem: Bowdoin, he said, is "in the main" liberal and would benefit from exposure to the views of conservatives (among others). He then gave what he rather implausibly represented to be a verbatim golf-course exchange with a conservative alumnus of Williams College. This boorish "guy," according to Mills' inventive version, had interrupted his golf swing on two separate occasions in order to deliver up the opinion that he (that's me, though unnamed) had no use for the "wrong students" on the Bowdoin campus,

where "wrong students" was clearly a reference to minorities.

In a speech calling for Bowdoin to listen to conservatives, one would have expected to hear examples of conservatives worth listening to. Instead, his audience heard about a conservative (perhaps the archetype) who is, in effect, a racist. From this, and other retractions in the address, I concluded that Bowdoin is not after all much interested in the views of conservatives. (For a full account, see "A Golf Story," *CRB*, Winter 2010/Spring 2011).

Bowdoin disagreed. Well, are Bowdoin and similar schools interested in the views of conservatives or are they not? That was one of the questions posed by a National Association of Scholars (NAS) report, "What Does Bowdoin Teach?" This 360-page, heavily footnoted study was published in April 2013. President Mills said time was too "precious" to respond to it.

In his Convocation Address Mills asked Bowdoin to allow conservatives to speak, and then moments later as good as told conservatives to shut up. Campus speech restrictions are nothing new but they have reached new heights: we now have things called "micro-aggressions" which amount to telling people to shut up before they even open their mouths.

Multiculturalism

SO WHAT IS TO BE DONE? TO REMEDY endemic speech suppression on campus, it must be recognized that an important underlying cause is "multiculturalism" broadly defined, and that multiculturalism,

not the liberal arts, is now the purpose of colleges like Bowdoin. And this is because the faculty—who, through hiring decisions, control a college's purpose—have chosen multiculturalism over the liberal arts. Thus, if the trustees desire free speech, they must: first, decide to be a liberal arts college, and second, regain control of faculty hiring.

Oddly enough, for generations faculty have said to the trustees, exaggerating only slightly, "You raise and invest the money and, as regards the curriculum, we shall spend it as we like." It shouldn't be necessary to convince anyone that it is the trustees, not the faculty, who should rule. It says so in black and white. College charters give trustees plenary authority over the entire enterprise, not just a part of it. And this only makes sense, for if, as no one disputes, trustees are responsible for establishing the purpose of a college, and the curriculum is the means by which the purpose is implemented, then trustees must control the curriculum.

Nor do trustees have to be "experts" on education to oversee it. I sit on a board that oversees the granting of fellowships in neuroscience, a subject about which I am much less versed than is a trustee about education; yet I believe that my fellow lay board members and I, while not at all involved in awarding fellowships, have more influence than the scientists who are. Our influence comes from our role in establishing the purpose of the fellowships and the general selection criteria, and by monitoring implementation. We ask questions and feel free to look behind the curtains. That is all college trustees require: common sense, good judgment, and



the willingness to question management. They already have the indispensable quality of a trustee: detachment, which makes them much better suited than insiders to assess, among many other things, the state of free expression.

In the days before multiculturalism, Bowdoin (which I employ as a synecdoche for American higher education) had a very different purpose:

[Bowdoin] aims always to give its students a knowledge of the culture of the Western world. They must understand and appreciate its origins and traditions, the forces essential for its operation and progress, and the values which it seeks to realize. [Bowdoin Course Catalogues from 1944 through 1965]

More or less, this was once the definition of a liberal arts college. The liberal arts are “the arts of freedom,” which necessarily makes their focus the West.

Since Bowdoin’s current mission statement—almost 1,400 faceless words—makes no serious attempt at ordering objectives, I have taken the liberty of fashioning my own, more usable, version:

The mission of the college is to prepare students to be global citizens in a global economy by teaching critical thinking and multiculturalism.

The difference between the two missions is striking. In the multicultural mission, the goal is to teach global (not American) citizenship, and a skill and a concept (not a body of knowledge), and the mission sets its goals in the context of the economy (the mid-20th century mission did not).

For the sake of simplicity, I use the term “multiculturalism” broadly to include a number of concepts: a narrower definition of multiculturalism itself, diversity, social justice, and sustainability. It is not necessary for trustees to understand these terms, only to understand that multiculturalism denotes a world view, one fundamentally different from that of the liberal arts. Multiculturalism is not, as is often thought, subsumed under the liberal arts but is rather an alternative to them, one that concerns itself, not with universals, but particulars: not with human nature but with the nature of groups rooted in race, ethnicity, and gender; not with actual nations but with the “world.” The most important thing for trustees to understand is that multiculturalism is a political movement whose agenda is to liberate the presumptively

exploited and victimized: the climate, the poor, the non-white, and so forth. And as with most political movements, multiculturalism prefers dissenters to shut up.

Gender studies is an example of multiculturalism at work. The liberal arts, particularly the humanities, begin their inquiries with certain assumptions about what is true. In the case of gender, the liberal arts assume that gender is somehow rooted in nature. But the liberal arts are not sure about what they claim to be true and so they listen to objections and are always alert to the possibility they are wrong. Hence the liberal arts’ study of gender (as with all else) begins with a question; in this case: what is gender?

Multiculturalism begins with its own assumptions but these often take the form of assertions, which answer the questions the liberal arts pose. At Bowdoin, for example, Gender and Women’s Studies asserts (in the current Bowdoin course catalogue) that gender is “an institutionalized means of structuring inequality and dominance.” This is not

**If the trustees are
responsible for establishing
the purpose of a college,
then trustees must control
the curriculum.**

one point of view to be explored; it is the only point of view, and thus all courses on gender take this multicultural view as their starting point. Unlike the liberal arts, multiculturalism is certain that it knows the truth and therefore feels entitled to tell dissenters to shut up, which, in effect, is what Bowdoin’s Gender and Women’s Studies department does when it forecloses the possibility of the liberal-arts understanding of gender.

The fight between the two approaches is not fair, particularly when one considers that multiculturalism has the official endorsement of Bowdoin. It is not surprising, therefore, that multiculturalism is gobbling up the liberal arts. Gender Studies and the other group-based Studies departments are virtually all multicultural, and their highly politicized pedagogy is seeping (gushing in many cases) into the non-Studies departments, in particular the humanities, the core of the liberal arts. Indeed, in some departments at Bowdoin, the multicultural dragon has nearly finished its meal—in Literature, for example.

Speech Suppression

HOW MIGHT BOWDOIN TRUSTEES CONFIRM these claims? For starters, they might inquire of conservative professors. One such professor, while criticizing the NAS study for being one-sided, opined that its main theme, the advance of multiculturalism, was “spot on.” Another conservative professor, according to his own account in Bowdoin’s student newspaper, was told by President Mills, in effect, to shut up after the professor had gently criticized Mills for derisively dismissing the NAS study, and encouraging certain faculty members to do the same. Not to put too fine a point on it, but Mills was licensing these faculty members to shut up other dissenters. Have the trustees inquired?

Admittedly, talking to conservative professors will reveal only so much, if for no other reason than there are so few of them (at Bowdoin there are only two or three conservatives out of a faculty of about 200). But all is not lost. Every once in a while at an American college, there surfaces an incident of speech suppression that opens the campus door wide enough to get a clear view of multiculturalism and its campus-wide effect on free speech.

One such incident comes not from Bowdoin but from Scripps College in southern California, where George F. Will, the Pulitzer Prize-winning conservative commentator, wrote a column that got him disinvited from the campus. He had been about to be invited officially to be Scripps’s only conservative speaker of the year, when his piece raising doubts about the putative “epidemic” of sexual assaults on American college campuses encountered profound disfavor. Here is how Scripps President Lori Bettison-Varga justified Will’s disinvitation:

We do not shy away from bringing strong conservative viewpoints into our community.

[But] sexual assault is not a conservative or liberal issue. And it is too important to be trivialized in a political debate or wrapped into a celebrity controversy. For that reason, after Mr. Will authored a column questioning the validity of a specific sexual assault case that reflects similar experiences reported by Scripps students, we decided not to finalize the speaker agreement....

We will continue to welcome thoughtful, respected speakers representing diverse political perspectives to campus, and we look forward to the stimulating intellectual discourse that will occur as a result.



The writing is foggy; still it seems clear enough that Bettison-Varga is saying that sexual assault is not a proper subject for political debate. We are left to wonder how she knows this and how, if at all, the subject of sexual assault can be contested. Bettison-Varga elaborates slightly as she goes on to explain that Will was disinvited because he “trivialized” sexual assault. Her evidence? Will defined sexual assault more narrowly than does Scripps. While she does not express her reasons in the form of a standard, one can be inferred: outside speakers who make light of important subjects will not be allowed to speak at Scripps. I hardly need to point out that a “standard” so elastic is no standard at all. Moreover, is it not possible that Scripps, in defining sexual assault “down,” is the one that has trivialized sexual assault? That appears to be a possibility that Bettison-Vargo, in the haste of certainty, fails to consider.

We know from information elsewhere that Bettison-Varga believes that because Will “trivialized” sexual assault (her view) his presence on campus would create an unsafe psychological environment for some students. We now have another way to express a standard for a free speech exception at Scripps: that speech is forbidden which creates an unsafe psychological environment for some

students. Of course, that is no more a standard than the first one. Bettison-Varga ends by saying that Scripps welcomes “thoughtful, respected” speakers and in so saying lets slip that she has this free expression thing rather backwards: the primary purpose of free expression, as she should know, is to protect not the thoughtful and respected, but speakers deemed *not* thoughtful and respected, like, say, Socrates.

The Scripps community almost certainly shares its president’s backward notion of free expression. We know this because the decision to disinvite Will was widely and enthusiastically hailed. There was not a single dissenting voice so far as I can tell. A student editorial provides color: “It is not because conservative George Will spoke about sexual assault that he will no longer be brought to campus, but rather because his ideas do not align with the values that Scripps holds.”

Free Expression

THE PRESIDENT’S LETTER, THE STUDENT editorial, and the community’s unanimous public endorsement of both, together indict the entire college. The community’s misunderstanding of free expression (the editorialist apparently having forgotten

the concept altogether) and the thoughtless, cavalier disregard of its requirements simply cannot occur, even once, in a climate of free expression. Scripps’s trustees likely will strain to resist this conclusion but what is the alternative? That the two women misspoke? That many people silently dissented from Scripps’s ban on Will? That in all subjects except sexual assault, free speech is alive and well? These are all highly implausible.

Just how dramatically the commitment to free expression has weakened over the past 40 years is revealed by a 1974 incident at Yale, where students shouted down William Shockley, a physicist turned amateur geneticist, who advocated, among other things, the sterilization of blacks. As a result of this restriction on speech, the college developed a written policy, which required that *all* speakers be given a respectful hearing regardless of whose feelings might be hurt.

Yale understood that in a liberal arts college—whose central and overriding purpose is the search for, and transmission of, the truth—free speech cannot be balanced against other interests. Scripps, on the other hand, is a multicultural college in the search of not one, but many (group-based) truths, each with its own epistemology and culture. In this context, it may well be reasonable to balance the right

The **HEDGEHOG REVIEW**
Critical Reflections on Contemporary Culture

THE BODY IN QUESTION

Christine Rosen
the flesh made word

David Bosworth
the new immortalists

Mark Edmundson
body and soul

Rebecca Lemov
the data-driven body

Gordon Marino
lessons from the ring

WWW.HEDGEHOGREVIEW.COM

“One of the most stimulating, happily unpredictable, well-edited intellectual journals of our day. I await each new issue with a sense of intellectual expectation that is yet to be disappointed.”

Joseph Epstein

SUMMER ISSUE NOW AVAILABLE
\$25 print/\$10 digital www.hedgehogreview.com



Classical Liberals

of free speech of one group (say, conservatives) against the rights and interests of others (some women). Here again we come face to face with the multicultural dragon and its need, nay its requirement, to suppress speech.

Perhaps its trustees wish Scripps to be a multicultural college. If so, they are obligated to announce so publicly, an obligation that comes from the very nature of their enterprise: the education of the next generation of citizens. If Scripps is teaching the suppression of speech and argument then the rest of us are entitled to know, for the rest of us are entitled to know with whom we share the fox hole.

Multiculturalism is so sure of itself that often it goes beyond “shut up,” as President Mills did in 2012 when he asked Bowdoin students to vote in favor of same-sex marriage. In the *Bowdoin Orient* he wrote:

I set forth my views as a private citizen and a resident of Brunswick, Maine....

The conflict over these rights has divided our Maine communities for too long and has denied basic civil rights and freedoms to many of our fellow citizens. I understand and respect those troubled by my position on this issue, especially because many who oppose Question 1 are guided, in good faith, by their religious beliefs or their more traditional views of family. But while we are a nation grounded in the right of all people to practice their religion without the fear of interference or reprisal, we are also a nation with a state of laws that recognizes and protects basic human and civil rights, regardless of religious, spiritual, and personal doctrine.

I am honored to lead an institution that is nearly as old as our nation itself—a college devoted unambiguously to providing opportunity to those willing to work hard whatever their means, background, or personal beliefs.... [A]s we go to the polls on November 6, I hope you will join me in affirming American and Maine values of fairness and equality by voting “yes” on Question 1 [i.e., in favor of same-sex marriage].

Mills begins with the entirely implausible claim that he is writing as a private citizen—implausible because he wrote to students in

the school newspaper, identified himself as the president of Bowdoin, and invoked Bowdoin values. He acknowledges, while violating, his duty to uphold the rules of free argument and debate.

By so doing, he brings down the weight of the college’s prestige upon those (extremely few) who disagreed with him. When the referee takes sides, he corrupts the game. Mills’ role is to encourage students to question orthodox assumptions such as: same-sex marriage is a civil or human right; or objections to same-sex marriage cannot be based on reason. Instead, however, of questioning such assumptions, Mills piles on. There were huzzas aplenty to his statement, including praise for his courage, but not a single public objection. Few dissent from campus orthodoxy, and those few—quite understandably—keep their mouths shut. I ask trustees to imagine the fury had Mills asked students to vote against same-sex marriage. There is only one explanation that fits both the reaction to the actual event and the imagined (but still nearly certain) reaction to the hypothetical event: people are afraid to speak out. As with Scripps’s disinvitation of Will, an incident of the Bowdoin sort simply cannot occur in a climate of free expression.

Although no one seemed to notice Mills’s intervention into a political matter, everyone noticed when in 2011 racial epithets were scrawled on a black student’s dormitory door. There were a number of protests including one at which some 200 students, their mouths taped shut, one by one peeled off the tape (apparently to signify that they were reclaiming their voices) and defiantly shouted declarations of personal identity and solidarity. “I am a Muslim woman and I am Bowdoin.” “I have two passports and I am Bowdoin.” “I am a feminist and I am Bowdoin,” and so forth. Mills attended the protest and said he was “moved beyond tears.” Surely no one condones racial epithets, but Bowdoin’s overblown response was sanctimonious agitprop produced by “courageous” protestors who were standing up to absolutely no one. This was not a protest but a party rally where believers were fortified and dissenters intimidated. Someone at Bowdoin ought to tell his community that manufactured diversity encourages students to judge each other by the color of their skin, and that is racism. If that cannot be said publicly on the Bowdoin campus, then I ask the trustees, “why not?”

I HAVE HARDLY EXHAUSTED THE SUBJECT of free expression. The Committees on Free Expression at Williams and Bowdoin and elsewhere can take over from here. I do, however, have one further suggestion, one designed to remedy what I imagine to be a frequent misunderstanding of the liberal arts. Trustees, like parents, tend to see the “liberal arts,” and their promise to teach critical thinking, as an all-purpose job skill, which conduces trustees and parents to wonder how on earth Johnny will get a job if he studies something as impractical as say, political philosophy. Under this utilitarian standard, the humanities cannot defend themselves. And today’s colleges, the natural defenders of the liberal arts, have mostly left their post. Having embraced multiculturalism, they are unwilling and probably unable to mount any longer a full-throated defense of the liberal arts.

Although trustees may sell short the liberal arts, there are still many on the faculty who do not. It is these faculty members—I’ll call them “classical liberals”—who must remind trustees of the importance of the liberal arts and the conditions, such as free expression, necessary for their flourishing. They must explain that the liberal arts teach what it means to live responsibly in freedom, and at their best, how to live well and nobly.

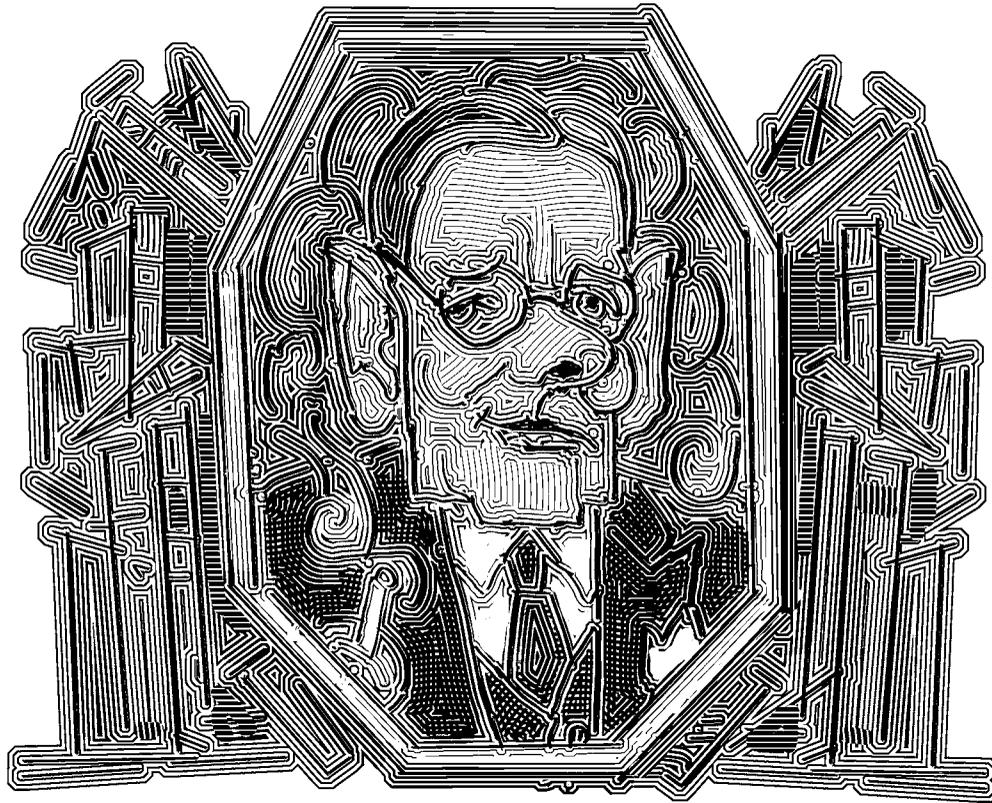
While the trustees need the classical liberals, the reverse, I suspect, is also true. Classical liberals understand that mainlining multiculturalism into the curriculum poses a grave threat to the liberal arts. Yet for the most part they do not speak out. They need cover, and an engaged board of trustees can provide that. There is the chance that were trustees in control they would meddle in curricular matters properly left to the faculty. That indeed is a risk, but given multiculturalism’s threat to the liberal arts, one that classical liberals should be willing to run. Classical liberals and trustees may appear to be an odd couple but, then again, such a marriage could be just the thing that saves the liberal arts.

Thomas D. Klingenstein is a partner in the investment firm Cohen, Klingenstein, LLC, chairman of the board of the Claremont Institute, and a board member of the National Association of Scholars.

Book Review by Joseph Epstein

FROM TOM TO T.S.

Young Eliot: From St. Louis to The Waste Land, by Robert Crawford.
Farrar, Straus and Giroux, 512 pages, \$35



READERS OF THE CLAREMONT REVIEW of Books, no matter how young, will not in their lifetimes, and quite possibly in the lifetimes of their children and grandchildren, encounter another poet who achieved the fame and had the literary authority of T.S. Eliot. That fame and authority ranged through the Anglophone world roughly between 1922, with the publication of *The Waste Land*, and Eliot's death in 1965. If an example of its magnitude is needed, Eliot, in 1956, lectured on the subject of "The Frontiers of Criticism" in a gymnasium at the University of Minnesota before a crowd of 15,000. He exchanged amusing letters with Groucho Marx. His approval or disapproval of writers, living or dead, could elevate or deflate their standing instantaneously. While still young, he had the confidence to declare *Hamlet* a flop—"So far from being Shakespeare's masterpiece, the play is most certainly an artistic failure"—lightly scolding Goethe and Coleridge for their misapprehension of the play's true meaning.

At the close of his brief essay on the failure of *Hamlet*, Eliot wonders why Shakespeare attempted this play for whose central

problem—the guilt of a mother in the eyes of her son—he, Shakespeare, could find no objective correlative. The phrase "objective correlative," which Eliot brought over from philosophy into literary criticism, refers to "a set of objects, a situation, a chain of events which shall be the formula of that particular emotion; such that when the external facts...are given, the emotion is immediately evoked." In order to understand this failure, Eliot claims, we should have to know a great many facts about Shakespeare's life that are unknowable. "We should have to understand things which Shakespeare did not understand himself."

MIGHTN'T SOMETHING OF THE SAME be said not about T.S. Eliot's failure but of his extraordinary success? How did this success come about? On what was it based? What was his own estimate of it? Biography, with all its limitations and inadequacies, is our only resource in pursuit of the answers to these questions. To understand them, to paraphrase Eliot, we should have to understand things which T.S. Eliot himself did not understand.

To begin with, there is the interesting circumstance of Eliot's turning himself from a Midwestern American into an Englishman, in some ways even more English than the English. His model here was his fellow American Henry James, whom Eliot much admired, and whose cosmopolitanism he hoped to emulate. "It is the final perfection, the consummation, of an American," Eliot wrote apropos of James, "to become, not an Englishman, but a European—something which no born European, no person born of any European nationality, can become." Eliot also drew inspiration from James's double talent as artist and critic, which is of course what Eliot himself would become: a powerful critic, the most influential of his day, and an avant-garde poet of the highest rank and power. The combination of the two, poet and critic, conducted to the great *réclame* that Eliot enjoyed.

Thomas Stearns Eliot, born in 1888, was half Midwesterner, half New Englander. He grew up in St. Louis, the youngest of six children, but his well-established genealogical origins were in New England, where, in Gloucester, Massachusetts, the family spent its summers. A cousin, Charles Eliot, was president

Confederate Saboteurs
Building the Hunley and Other Secret Weapons of the Civil War Mark K. Ragan



New Books

from
**TEXAS
 A&M**



TATTOOED ON MY SOUL
TEXAS VETERANS REMEMBER WORLD WAR II
 EDITED BY
 KEEFNEAL SLOAN, LOIS E. MYERS AND
 MICHELLE HOLLAND

CONFEDERATE SABOTEURS

Building the Hunley and other Secret Weapons of the Civil War

Mark K. Ragan

Submarine expert and nautical historian Ragan presents the untold story of the Singer corps, perhaps the most energetic and effective torpedo corps and secret service company organized during the American Civil War.

398 pp. 51 b&w photos. Bib. Index. \$35.00 cloth

THE ARCHAEOLOGY OF ENGAGEMENT

Conflict and Revolution in the United States

Edited by Dana L. Pertermann and Holly K. Norton

Pertermann and Norton have assembled a collection of studies that include sites of conflicts between groups of widely divergent cultures, such as Robert E. Lee's mid-1850s campaign along the Concho River and the battles of the River Raisin during the War of 1812.

256 pp. 11 color, 1 b&w photos. 31 maps. 8 line art. 14 figs. 2 tables. Bib. Index. \$50.00 hardcover

TATTOOED ON MY SOUL

Texas Veterans Remember World War II

Edited by Stephen M. Sloan, Lois E. Myers, and Michelle Holland

Tattooed on My Soul brings together seventeen of the most compelling narratives from Baylor University's extensive collection of more than five thousand interviews of World War II veterans.

368 pp. 34 b&w photos. Index. \$29.95 cloth

12 TEXAS AGGIE WAR HEROES

From World War I to Vietnam

James R. Woodall

Foreword by Thomas G. Darling

Woodall focuses on the military service by graduates of Texas A&M University from World War I to Vietnam, telling the stories of twelve Aggies who stand out as examples of bravery and heroism.

352 pp. 68 b&w photos. 10 maps. Bib. Index. \$29.95 cloth

TAM | TEXAS A&M UNIVERSITY PRESS

800.826.8911 Fax: 888.617.2421
www.tamupress.com

of Harvard. His grandfather was the founder of Washington University in St. Louis. His father was a successful businessman, owner of the Hydraulic-Press Brick Company. His mother was a published—in church magazines—poet. The family, among the first in St. Louis, was Unitarian, and took its religion seriously.

T.S. (then Tom) Eliot loved his parents, without complication, his life long. As the youngest child he was coddled. He was sent to the best, which is to say the most exclusive, schools in St. Louis. He had, it would seem, all the advantages: money, birth, a loving family. Yet he was born with a double hernia, and had to wear a truss early in life, which prevented him from participating in football and other games, and was in itself an embarrassment. He didn't like his own looks: his teeth came in crooked, his nose was big, with flared nostrils, he was sensitive about his too large ears. He was bashful generally, and especially shy with girls. While not unhappy, his boyhood was a somewhat isolated and bookish one, without close friends among his contemporaries, always slightly on the periphery of things.

THE CONTENTION OF ROBERT CRAWFORD in *Young Eliot* is that T.S. Eliot's early years, which have tended to be scanted by earlier biographers, were formative in the root sense. These years have been scanted because there is little documentary evidence to help biographers in filling them out. For five years in his late teens and early twenties, for example, the only surviving Eliot correspondence is a single postcard. T.S. Eliot was not eager for a biography, and to this day no official biographer has been appointed. Valerie Eliot, his second wife, asked Richard Ellmann, the biographer of James Joyce, to undertake her husband's biography, but, put off by the anti-Semitic streak in Eliot, Ellmann, a Jew, demurred.

Robert Crawford, who has published several collections of his own poetry, in addition to his many other books, is a professor of English at the University of St. Andrews. His is not the official biography of T.S. Eliot, nor does he claim, despite its length—a second volume is planned, taking up his subject's life after 1922—that it will be definitive. What is most impressive about *Young Eliot* is the insistent pressure its author keeps on the attempt to show how Eliot's experiences impinged on his poetry and the ideas propelling his criticism. His reading, both as a boy and later as a student, is underscored and highlighted, its use in his later poetry persuasively indicated.

Of his prep school reading, for example, Crawford writes: "Extended study of Xeno-

phon's *Anabasis* in Greek when he was 14 and 15 set him up for his much later translation of Saint-John Perse's *Anabase*. *Julius Caesar* and *The Merchant of Venice* yielded phrases used in his mature verse." In Palgrave's *Golden Treasury*, a famous poetry anthology of its day, he picked up, from Shakespeare, the line "Those are pearls that were his eyes," which became part of *The Waste Land*. Crawford is aware that, to a writer of sensitive antennae, such as Eliot possessed, reading can be as vivid and significant as the most direct experience offered by life.

The boy Tom's first hint of genuine poetic talent showed up in a pastiche of Ben Jonson in a lyric he wrote for an admired teacher at Smith Academy in St. Louis. So proficient was it that his teacher asked if he had had any help in writing it. His mother, who was always in his corner, told Tom that it was better than anything she could have written. "I knew what her verse meant to her," Eliot later wrote. "We did not discuss the matter further." He would later remark that he had been "forced into poetry by my weakness in other directions.... I took this direction very young, and learned very early to find my life and my realisation in this curious way, and to be obtuse and indifferent to my reality in other ways."

EDITH WHARTON, IN HER MEMOIR *A Backward Glance*, remarks that one of the great mistakes a young person could make was to be thought promising. So many of her young contemporaries so judged couldn't abide the pressure of expectation and petered out early in their lives. She and others, left to their own devices without any ballyhoo about their promise, went on to impressive achievement.

The young Tom Eliot did not suffer from the pressure of having been considered promising. He was a less than stellar student. He required an additional year of prepping at Milton Academy in Massachusetts before entering Harvard. His shyness continued at Harvard, and his social entrée card was ribald verse, which he could turn out on demand. At the end of his first semester he was put on probation, owing to lower than mediocre grades. His second year he was a C student.

In those years, under the recently installed elective system, Eliot's main course of study was what would in a later day, as Crawford suggests, be called comparative literature. He took courses in Latin, Greek, French, and German, and in philosophy, history, and government. Barrett Wendell and George Santayana and Irving Babbitt were among his teachers; Babbitt, he claimed, was the "one teacher at Harvard" who "had the greatest in-

fluence on me." The journalist John Reed (*Ten Days That Shook the World*) was in his class of 1910; so, too, was Walter Lippmann. Van Wyck Brooks, whose book *The Wine of the Puritans* was to influence Eliot in his decision to depart America for England, was at Harvard at the same time, but in the class of 1908.

Only in his last years at Harvard did Eliot catch intellectual fire. His lingering interest in a poetic career was reignited, Crawford reports, by his coming upon the poetry of Jules Laforgue in Arthur Symons's *The Symbolist Movement in Literature*. Laforgue taught him the possibility of combining the traditional and the new, the profound and the profane, in verse in a way he hadn't hitherto thought possible. ("Without [Laforgue's]...intoxicating example, however," Crawford writes, "Tom might have stalled forever [as a poet].") He was elected to the editorial board of the *Advocate*. George Herbert Palmer, a popular teacher of Ancient Philosophy, introduced him to the poetry of George Herbert, an interest that would later issue in Eliot's writing about, and thereby reviving interest in, those 17th-century poets that Samuel Johnson called the Metaphysical poets. Palmer was perhaps the first of his teachers to recognize something extraordinary about the young T.S. Eliot.

TWO TRIPS TO EUROPE FURTHER WIDENED Eliot's intellectual range, applying the polish to the blacking of his undergraduate years. On the first, taken in 1910, shortly after his graduation, he attended the lectures of Henri Bergson at the Sorbonne. Travel in France turned him Francophiliac; at one point he even thought he might write exclusively in French. He acquired an interest in Charles Maurras, one of the leading figures in *Action Française* and an anti-Semite, and perhaps an influence in sustaining Eliot's own home-grown WASP anti-Semitism.

Returning to Harvard as a graduate student, he studied Sanskrit and began a thesis on the idealist philosophy of F.H. Bradley. The Sanskrit would later be of use in *The Waste Land*. He studied with Josiah Royce. From another philosophy professor, J.H. Woods, he acquired the notion that philosophy and poetry could be welded together, much to the advantage of poetry. "No other major twentieth century poet," as Crawford notes, "was so thoroughly and strenuously educated." As a graduate student he was thought sufficiently promising to be awarded a Sheldon Fellowship, which allowed him a second, and decisive, trip to Europe—a trip from which, it might be said, he never returned.

In 1914, the year World War I began, Eliot was at the University of Marburg, from

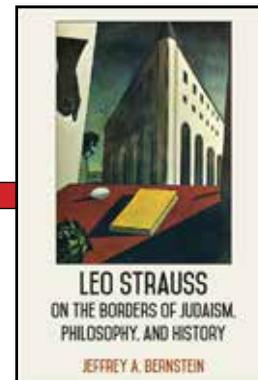
which he found it difficult to leave Germany. He next traveled on to London; there he had his fateful meeting with Ezra Pound, who had read his first major poem, "The Love Song of J. Alfred Prufrock," and immediately sensed the potential of its author. (Eliot took the name Prufrock, Crawford informs us, from a St. Louis furniture manufacturer.) With his unerring radar for spotting authentic poetic talent, Pound took up the cause of, and proved immensely helpful in, promoting Eliot's career. Pound it was who later, through extensive cutting, edited *The Waste Land* into its final form.

From London Eliot went on to Merton College, Oxford, which was neither to his temper nor to his taste. "Oxford is very pretty," he wrote to Conrad Aiken, "but I don't like to be dead." He considered a career in university teaching, though when the prospect arose of a teaching job at Harvard, if he would return to America to defend his doctoral thesis, he had no hesitation in turning it down. At Oxford Eliot encountered an important influence in the person of Harold Joachim, a philosopher who "taught me in the course of criticizing weekly essays with a sarcasm the more authoritative because of its gentle impersonality." The ideal of impersonality would loom large in Eliot's writing, and especially in his most famous essay, "Tradition and the Individual Talent," where he wrote: "Poetry is not a turning loose of emotion, but an escape from emotion; it is not the expression of personality, but an escape from personality," to which he added the biographically supercharged coda: "But, of course, only those who have personality and emotions know what it means to want to escape from these things."

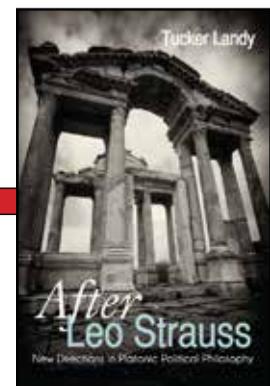
THE EMOTIONAL QUAGMIRE TO WHICH those sentences ever so indirectly allude began to form when Eliot returned from Oxford to London. There he began to make further literary connections; among them was Wyndham Lewis, the novelist who published some of Eliot's poetry in his magazine, *Blast*. He picked up relations with Bertrand Russell, whom he had first met at Harvard, and who introduced him at Garsington, home of Lady Ottoline Morrell, whose salon attracted the figures of what had by then become known as Bloomsbury: Lytton Strachey, Roger Fry, Virginia and Leonard Woolf, Clive and Vanessa Bell, & Co. He began reviewing books for the *New Statesman*, the *Manchester Guardian*, and, later, the *Times Literary Supplement*.

But the crucial event, not merely of the year but in some ways of Eliot's life, was his

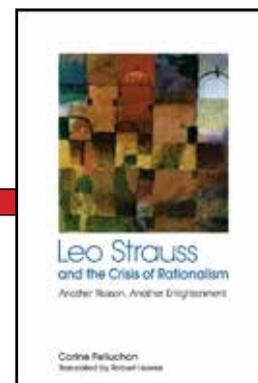
NEW BOOKS FROM SUNY PRESS



Explores how the thought of Leo Strauss amounts to a model for thinking about the connection between philosophy, Jewish thought, and history.



Proposes a post-Straussian reading of Plato to advance a reconciliation of ancient and modern theories of natural right.



Examines the German and Jewish sources of Strauss's thought and the extent to which his philosophy can shed light on the crisis of liberal democracy.

**SUNY
PRESS**

Available online at www.sunypress.edu or call toll-free 877-204-6073



rather sudden marriage to a woman named Vivien Haigh-Wood, daughter of a little known painter and herself a major-league neurotic, with more troubles than the Middle East. Eliot had earlier declared his love to an American of his own WASP cast named Emily Hale, who turned him down for want of prospects; and Vivien Haigh-Wood had had her hopes of marrying Scofield Thayer, a wealthy American and later editor of the *Dial*, scotched. Each, then, was on the rebound. Both were emotionally fragile. Eliot, at 26 still a virgin, brought to the marriage his sexual inexperience. Although he presented them with a *fait accompli*, his parents disapproved of the marriage.

Robert Crawford quotes Eliot, writing nearly half a century later, on his reason for marrying:

I think all I wanted of Vivienne [she spelled her name in different ways] was a flirtation or a mild affair; I was too shy and unpractised to achieve either with anybody. I believe that I came to persuade myself that I was in love with her simply because I wanted to burn my boats and commit myself to staying in England. And she persuaded herself... that she would save the poet by keeping him in England.

Shouldn't, as the Jews say, be a total loss. Of this marriage made in hell Eliot noted, "To me it brought the state of mind out of which came *The Waste Land*."

THE EARLY YEARS OF ELIOT'S MARRIED life were an unrelenting round of work and worry. He taught at two different boys' schools, and lectured to adult audiences in the evenings. He reviewed books. He worked at his poetry. He was from the outset a conscious and careful careerist, writing to his Harvard teacher J.H. Woods that there were two ways to succeed in the literary life in England, one being to appear in print everywhere, the other to appear less frequently but always dazzle. He chose the former for his criticism, the latter for his poetry.

Beginning in 1917 Eliot worked at Lloyds Bank, in the Colonial and Foreign Department, translating documents and analyzing foreign financial reports. While at the bank, he signed on as an assistant editor for Harriet Shaw Weaver's magazine the *Egoist*. Miss Weaver was a patron to James Joyce; Eliot

himself thought Joyce "the best English prose writer alive" and *Ulysses* "the greatest work of the age." He was offered but turned down a full-time editorial job at John Middleton Murry's *Atheneum*, his justification being that "if one has to earn a living, the safest occupation is that most remote from the arts."

Vivien's mental stability was never to be counted upon, and her myriad illnesses included neuritis, neuralgia, colitis, and heavy depression, with tuberculosis as a child thrown in at no extra charge. Her belief in Eliot's high fate as a poet was unflagging, but this didn't stand in the way of her cuckolding him with that family friend and paragon of political virtue, Bertrand Russell.

The pressure of all this must have seemed to someone of Eliot's delicate nervous organization insuperable. Lady Ottoline Morrell upon meeting him described him as "The Undertaker," adding that he was "dull, dull, dull." Virginia Woolf, noting his repressed behavior, referred to him as "the man in the four-piece suit." I.A. Richards, who saw him at work at Lloyds, described him "stooping, very like a dark bird in a feeder, over a big table covered with all sorts and sizes of foreign correspondence." At one point, Eliot suffered a breakdown, and went off to Lausanne to be treated by a famous mentalist of the day named Roger Vittoz, who diagnosed him as suffering from fatigue and anxiety, though assuring him that his mind was not disordered.

Eliot thought himself the victim of *aboulie*, or want of will. Self-diagnosis couldn't have gone further astray. Under the onslaught of personal problems and career ambitions, his will had held up, and he had begun to win through. Earlier he had written to his mother about his place in contemporary English letters: "There is a small and select public which regards me as the best living critic, as well as the best living poet, in England," and he was not wrong.

AT THE CLOSE OF CRAWFORD'S FIRST volume, T.S. Eliot has just published *The Waste Land*, the most famous of his long poems. The poem set the seal on his position, maintained into our day, in the first rank of modern poets. A large portion of *The Waste Land* appeared in the *Criterion*, the magazine, underwritten by Lady Rothermere, whose editor was Eliot. The *Criterion* added to his literary lustre, and was widely considered the most distinguished magazine of its time. He would

eventually leave Vivien, who in her madness would sometimes show up at his lectures and readings with a sign on her back reading, "I Am the Wife He Abandoned." Having lost interest in his family's Unitarianism, he found his interest in Anglo-Catholicism deepening and his faith grew stronger with the passage of years. When he died in 1965, at the age of 76, Eliot was easily the English-speaking world's most famous poet and influential critic.

Young Eliot is festooned with infelicities in prose style: people in its pages are "bonding," students "gifted" Eliot with *The Oxford Book of English Verse*, Eliot becomes one of "the best networked younger figures in London literary publishing," "Tom and [Wyndham] Lewis decided to excursion to France together," and more. Egregious examples of elegant variation crop up: Paris in one sentence becomes "The French capital" in the next. "Reinvent," one of the leading cant phrases of our day, is too often pressed into service.

BUT THESE MINOR MISSTEPS DO NOT DIMINISH the book's many virtues. Crawford admires Eliot without ignoring his flaws; the anti-Semitism that Eliot picked up from his parents and upper-crust WASP milieu, and that has marred his reputation in the eyes of many, is neither overlooked nor in any way scanted, though Crawford mentions Eliot's horror at the revelations of Auschwitz. Crawford understands that Eliot is only of interest as the man who wrote the poems and the criticism, and everywhere he weighs the events in his life, both social and intellectual, on the precise scale of their importance to his writing. "Ultimately," Crawford writes, in a characteristic sentence, "Tom became a great poet through learning how to access and articulate unforgettably the wide spectrum of his inner life, his experience and his voracious reading."

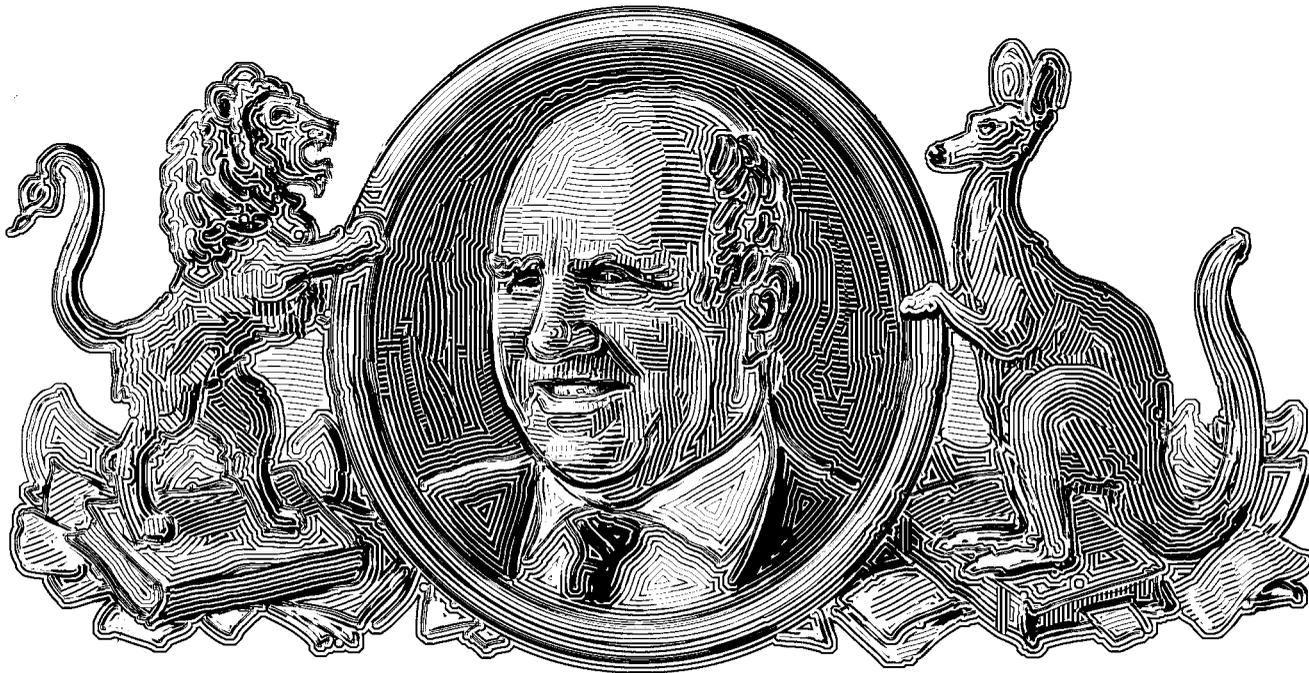
T.S. Eliot was not a genius—not a poet of the grandeur of Dante, Shakespeare, Pope, Keats—but a great talent, and his life is an example of how far talent, with the aid of a first-rate intelligence and wide learning, can take one. More than anyone else who has written about him, Robert Crawford has shown how Eliot brought it all off.

Joseph Epstein is an essayist and short story writer, and a contributing editor of the Weekly Standard. He is the author, most recently, of Masters of the Games: Essays and Stories on Sport (Rowman & Littlefield).

Book Review by A.M. Juster

PASSIONATE FOCUS

Poetry Notebook: Reflections on the Intensity of Language, by Clive James.
Liveright, 256 pages, \$24.95



IN A LESS POLITICALLY CORRECT ERA WE would have called the witty Clive James “a man of letters,” but I must settle for calling him a leading poet, translator, novelist, memoirist, and critic. In his native Australia and in Britain—where James is a TV personality—he is a popular celebrity. At the age of 75 his time is short because he is suffering from leukemia and lung disease, his latest subjects for his self-deprecatory humor.

The genre of *Poetry Notebook* is one that I usually like as much as I would like foraging in a stranger’s refrigerator for leftovers: a collection of reviews and very brief essays originally published in journals. However, it engaged me as much as any book of poetry criticism since Mary Kinzie’s underappreciated 1993 book, *The Cure of Poetry in an Age of Prose: Moral Essays on the Poet’s Calling*.

Poetry Notebook originated in an arrangement with Christian Wiman, then the editor of the venerable journal *Poetry*, for which he asked James to write “miniature essays,” a kind of “bloggable” poetic diary. Alan Jenkins, the deputy editor of the *Times Literary Supplement*, later asked James to publish what became the final chapter of *Poetry Notebook* in his publication. The book also includes a few short pieces written for major newspapers and literary journals.

The brevity of each essay allows James to concentrate on “the intensity of language” with a passionate focus rarely seen in more conventional literary criticism. Its informality enables an imagined intimacy between the critic and his readers—I have never met the man, but I find myself thinking of him as “Clive.”

JAMES OVERCOMES THE FRAGMENTATION OF his book’s format by combining thoughtful close readings of our great (and allegedly great) poets with a cohesive critique of the poetry of the last century. Appropriately, he begins with his youthful falling out with Ezra Pound’s *The Cantos*, the cornerstone of modernist poetry, which cannot withstand the corrosive power of James’s close readings.

The typical deliberately gorgeous passage in *The Cantos* is working harder to be aesthetically loaded than a room decorated by Whistler, and time has added to the effect in just the same way. Something so perfectly in period acquires the pathos of freeze-dried evanescence.

In explaining his shift against Pound’s most famous work, James makes key points about Pound that most scholars know, but refuse to admit because of the consequences

of such admissions for the modernist and postmodernist ventures. He properly credits the great expert in foreign policy and poetry, Robert Conquest, for being the first prominent scholar to insist that we cannot create a wall between Pound’s deranged political ideologies and his literary theories.

James notes (perhaps unfairly in Eliot’s case) that “it is often forgotten that it was Frost, and not Pound or T.S. Eliot, who really knew Greek and Latin” and that Pound’s Chinese was even sketchier.

For too much of his life, Pound was convinced that his grasp of Chinese was improving proportionately with the length of time he would spend gazing at the form of a character. But reading Chinese involves a lot more than looking at the pictures, just as understanding an economic system involves a lot more than analysing the metallic composition of its currency. Pound was convinced that he could assess whole countries, periods, empires, and eras by whether and how much their gold and silver coins were debased. Even as late as Canto 103 of *Thrones* he can be heard saying, “Monetary literacy, sans which a loss of freedom is consequent.”



He also criticizes Pound's "faith that a sufficiently gnomic utterance will yield an unswerving truth" and the solipsism underlying Pound's undeniable defense of anti-Semitism in *The Cantos*. James's prose is invariably civil even when its conclusions are harsh, so one must infer that James is criticizing not only Pound, but the contemporary academics who refuse to stare at their iconic Pound in a clear-eyed way.

James insists on technique and insight from other poets. Notably, he takes on William Carlos Williams:

...the culprit was William Carlos Williams. When he realized, correctly, that everything was absent from Whitman's poetry except arresting observations, Williams, instead of asking himself how he could put back what was missing, asked himself how he could get rid of the arresting observations.

Williams is not alone. James observes that Tony Harrison, "famous for composing in couplets, mangles them almost as often as he gets them right." He is also dismissive of John Ashbery's work except for "Daffy Duck in Hollywood," an exception that I have to admit I find baffling.

IT WOULD BE WRONG, HOWEVER, TO VIEW James as a full-throated critic of modernism, because he demands equally from all poets the brief transcendence created by skilled language fused with ambitious thought. Eliot's "informal poems" not only escape from James unscathed, they receive sincere praise for "moments...many and unforgettable." He comments favorably on many other free-verse poets, particularly James Wright and Gregory Corso. As for Sylvia Plath, he goes so far as to say that she "was working miracles."

It is true that the poets who most excite James are the masters of formal technique. His five favorite poetry books are W.B. Yeats's *The Tower*; Robert Frost's *Collected Poems*; W.H. Auden's *Look, Stranger!*; Richard Wilbur's *Poems 1943–1956*; and Philip Larkin's *The Whitsun Weddings*. Although James revels in the striking phrases of these poets, he also has an engineer's desire to reverse-engineer their great poems to see how they

work. This tendency explains some of his unusual, but marvelous, phrases to describe a line, such as the "ignition point for attention." It also explains the passage in which he praises Auden as a "test pilot" for the innovative machinery of poetry.

Despite his enthusiasm for formalism in poetry, James is unafraid to call out his fellow formalists—as when he cracks that "Frost's celebrated gibe about formless poetry—tennis without a net—rings hollow, and not just because it has been repeated too often by solemn traditionalists." He even questions Milton's greatness: "Milton trained himself from early on to clog any passage of his verse with learned references." He dismisses the "later Lowell" as "weak when tested by the intensity of the early Lowell" and observes that nobody "except a prisoner serving a life sentence learns Wordsworth's 'Immortality Ode' by heart."

JAMES DOES NOT RESTRICT HIS GAZE TO poets who are already famous, and he argues for those he believes should be part of the canon. He makes his most impassioned case for Michael Donaghy, a charming and distinctive genius who died 11 years ago at the age of 50, just as he was hitting his stride.

Devoid, on paper at least, of malice or professional jealousy, he could nevertheless quote a dud line with piercing effect. Robert Bly thought he was being profound when he wrote: "There's a restless gloom in my mind." Donaghy could tell that whatever was happening to Bly's mind at that moment, it wasn't profundity.... He was always searching for the language that had reached a satisfactory compression and power of suggestion. (It didn't have to come from "the tradition," or even from a poem: he was a close listener to song lyrics, playground rhymes, and street slang.)

James plumps with similar vigor for Samuel Menashe, one of the few contemporary poets who write in the vein of Emily Dickinson. He also makes a strong case for overlooked virtues in the verse of Louis MacNeice and John Updike. These arguments rely heavily on populist assumptions about the importance of accessibility of thought as well as

the beauty of rhythms and sounds; for James true poetry belongs primarily to lovers of the traditional craft, not to academics, whom he views as tending to overvalue whatever is exotic, trendy, and obscure. His hard shot at Harvard's Helen Vendler for her disparagement of Robert Frost is just one example of his wariness of the influence of the academy on the poetry he loves.

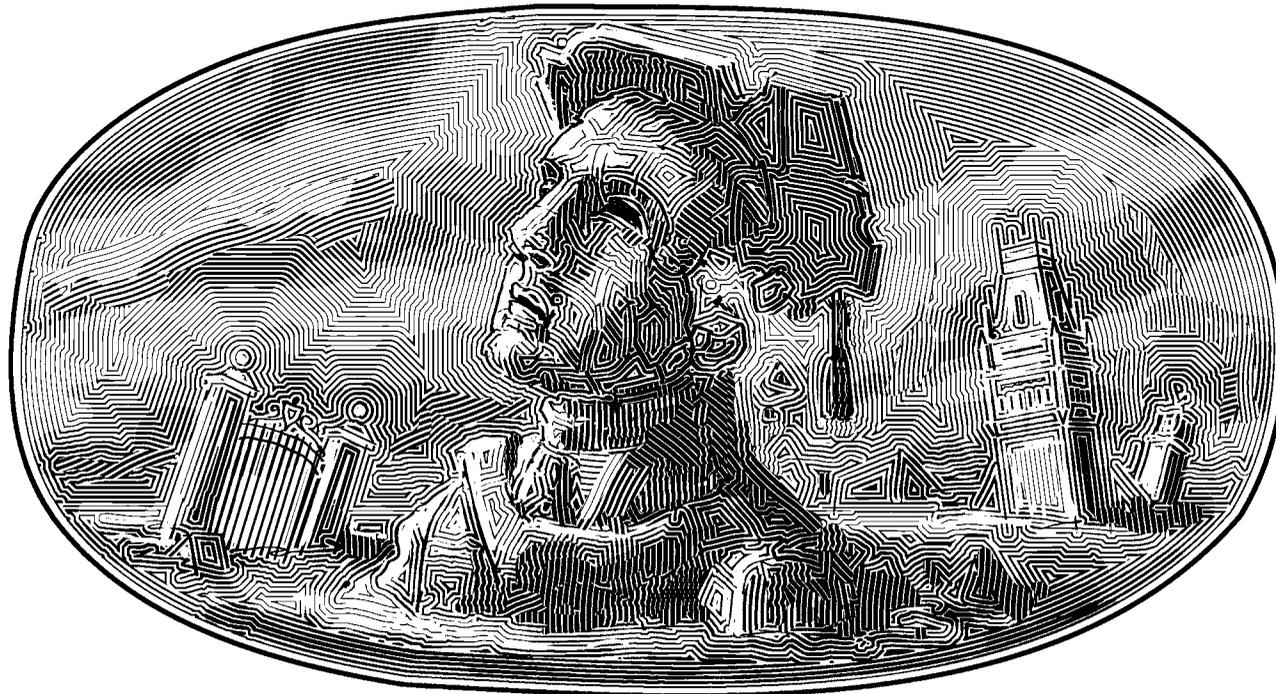
POETRY NOTEBOOK HAS A FEW MINOR flaws, for which I hold responsible Don Paterson, the prominent British poet who served as the editor at Picador for the 2014 British edition of this book. Both editions include a handful of largely redundant one-pagers that he should have excluded or asked the author to incorporate into adjoining essays. More importantly, this densely packed 256 pages of criticism lacks an index. To compound the problems created by that omission, James's comments on any particular poet or topic are scattered throughout essays that, for the most part, lack helpful titles. If one wants to learn about James's thoughts on Dorothy Parker, Carol Ann Duffy, Elizabeth Bishop, Louis MacNeice, or Robert Conquest (as one should), the titles do not help at all, and thus it is easy to miss important insights because of the lack of the easy fix of an index.

My only serious substantive criticism of *Poetry Notebook* is that I found James's praise for his Australian peers to lack the clear-eyed vision of his other writing. A.D. Hope, Les Murray, Peter Porter, Stephen Edgar, and James McAuley are all fine poets, but Murray is not at the Nobel level as James suggests; one suspects that a generosity of spirit caused by friendship or patriotism has caused upgrades in James's assessments of his countrymen. Or perhaps humility was the more likely culprit—it has to be impossible for James to assess contemporary Australian poetry when he is the Australian poet who has made the widest impact, and he is the one who has the best chance of enduring as a poet who matters.

Godspeed, Clive.

A.M. Juster is a poet and critic. Later this year the University of Toronto Press will release his Saint Aldhelm's Riddles and Measure Press will release his Sleaze & Slander: New and Selected Comic Verse, 1995–2015.

FORGETTING FREEDOM



KAZUO ISHIGURO, THE BRITISH WRITER best known for *The Remains of the Day* (1989), recently returned from a ten-year hiatus with a cunning novel, *The Buried Giant*. Set in a post-Arthurian Britain, it offers a brilliant metaphor for a new dark age: a mist that induces forgetfulness. As it spreads across the land, men and women forget the decades that came before, and even become vague about what happened last week. Parents misplace a child and, after a momentary panic, get caught up in some other drama, never noticing the child's return. Minds are clouded; history has vanished. Even those who strenuously try to remember how things came to be this way can summon only fragmentary glimpses.

Ishiguro has the really good novelist's knack for sensing cultural trends well before they become everyday realities. *Never Let Me Go* (2005), ostensibly about organ harvesting from human clones, conveys our growing facility at justifying horrific behavior. *The Buried Giant* likewise takes us into the realm of cultural amnesia.

The mist of forgetfulness is not post-Arthurian legend. It is here and now, and nowhere more potent than on campus lawns and lecture halls. What we're forgetting is intellectual freedom.

No-Platforming

OTHER PEOPLE, OF COURSE, HAVE ELOQUENTLY championed the principle that colleges and universities should welcome and defend open, vigorous debate. George Will recently did so at the William F. Buckley, Jr., Society's "Disinvitation Dinner" in New York City. Victor Davis Hanson condemned universities that treat students "as if they are preteens in need of vicarious chaperones." Even Michael Bloomberg's 2014 Harvard commencement address chastised the university for actions "antithetical to individual rights and free societies."

But such words are no sooner uttered than they're enveloped in the fog of forgetfulness. We have somehow arrived at an age in which higher education can no longer bear the ideas of dissent, disagreement, or even open inquiry.

The British have a useful name for excluding unwanted views from discussion: "no-platforming." It seems to have been around for a while as left-wing slang, but it became much more visible when the U.K. National Union of Students (NUS) adopted it as a formal policy:

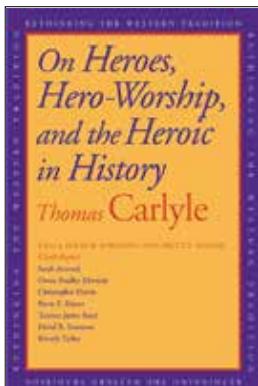
[A]ny individuals or members of organisations or groups identified by the

Democratic Procedures Committee as holding racist or fascist views shall not be allowed to stand for election to any National Union office, or go to, speak or take part in National Union conferences, meetings or any other National Union events, and Officers, Committee Members and Trustees shall not share a public platform with an individual or member of an organisation or group known to hold racist or fascist views.

The NUS Articles of Association spell out further details of implementing the policy: how to select people and organizations for this treatment; how to prohibit "no-platformed" individuals from running for election; and so on.

After some on the British Left realized they had created a monster, one could find left-of-center British writers denouncing the tactic. Sarah Ditum, who writes for the *Guardian* and the *New Statesman*, has traced the history of the term from its use as weapon against fascists to its current employment as a way of stigmatizing and intimidating "individuals who certainly do not trail the organised muscle of a thug army behind them." Ditum's example is a feminist who in 2004 criticized "gender reassignment surgery." Despite more

Rethinking the Western Tradition from Yale



On Heroes, Hero Worship and the Heroic in History

Thomas Carlyle
Edited by David R. Sorensen and Brent E. Kinser

The Communist Manifesto

Edited and Introduction by Jeffrey C. Isaac
With Essays by Steven Lukes, Stephen Eric Bronner, Vladimir Tismaneanu, Saskia Sassen

The Writings of Abraham Lincoln

Edited and with an Introduction by Steven B. Smith
With Essays by Danilo Petranovich, Ralph Lerner, Benjamin Kleinerman, Steven B. Smith

Selected Writings

Jeremy Bentham
Edited by Stephen G. Engelmann

Leviathan: Or The Matter, Forme, & Power of a Common-Wealth Ecclesiasticall and Civill

Thomas Hobbes
Edited and with an Introduction by Ian Shapiro

The Genteel Tradition in American Philosophy and Character and Opinion in the United States

George Santayana
Edited and with an Introduction by James Seaton
With Essays by Wilfred M. McClay, John Lachs, James Seaton, and Roger Kimball

The Federalist Papers

Alexander Hamilton, James Madison, and John Jay
Edited and with an Introduction by Ian Shapiro

The Prince

Niccolò Machiavelli
Translated by Angelo Codevilla
Commentary by William B. Allen, Hadley Arkes, Carnes Lord

Toward Perpetual Peace and Other Writings on Politics, Peace, and History

Immanuel Kant
Edited and with an Introduction by Pauline Kleingeld
Translated by David L. Colclasure
With Essays by Jeremy Waldron, Michael W. Doyle, and Allen W. Wood

Reflections on the Revolution in France

Edmund Burke
Edited by Frank M. Turner
With Essays by Darrin M. McMahon, Conor Cruise O'Brien, Jack N. Rakove, and Alan Wolfe

Two Treatises of Government and A Letter Concerning Toleration

John Locke
Edited with an Introduction by Ian Shapiro
With Essays by John Dunn, Ruth W. Grant, and Ian Shapiro

On Liberty

John Stuart Mill
Edited by David Bromwich and George Kateb
With Essays by David Bromwich, Jean Bethke Elshtain, Owen Fiss, George Kateb, Richard A. Posner, and Jeremy Waldron

Groundwork for the Metaphysics of Morals

Immanuel Kant
Edited and translated by Allen W. Wood
With essays by J.B. Schneewind, Marcia Baron, Shelly Kagan, and Allen W. Wood

Sesame and Lilies

John Ruskin
Edited and with an Introduction by Deborah Epstein Nord
With essays by Elizabeth Helsinger, Seth Koven, and Jan Marsh

The Social Contract and the First and Second Discourses

Jean-Jacques Rousseau
Edited and with an Introduction by Susan Dunn
With essays by Gita May, Robert N. Bellah, David Bromwich, and Conor Cruise O'Brien

Discourse on the Method and Meditations on First Philosophy

René Descartes
Edited by David Weissman
Essays by William T. Bluhm, Lou Massa, Thomas Pavel, John F. Post, Stephen Toulmin, and David Weissman

The Idea of a University

John Henry Newman
Edited by Frank M. Turner
With essays by Martha McMackin Garland, Sara Castro-Klarén, George P. Landow, George M. Marsden, and Frank M. Turner

Culture and Anarchy

Matthew Arnold
Edited by Samuel Lipman
Commentary by Maurice Cowling, Gerald Graff, Samuel Lipman, and Steven Marcus

A Vindication of the Rights of Woman

Mary Wollstonecraft
Edited by Eileen Hunt
With essays by Ruth Abbey, Eileen Hunt Botting, Norma Clarke, Madeline Cronin, and Virginia Sapiro

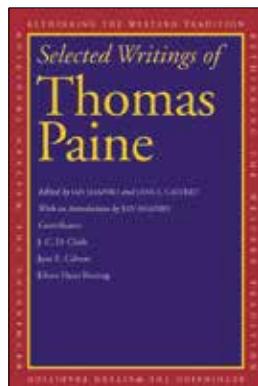
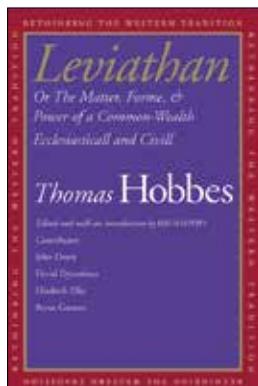
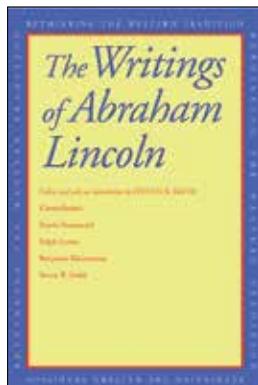
Selected Writings of Thomas Paine

Thomas Paine
Edited by Ian Shapiro and Jane E. Calvert
With an introduction by Ian Shapiro
With essays by J. C. D. Clark, Jane E. Calvert, and Eileen Hunt Botting

FORTHCOMING IN SPRING OF 2016:

Question on Love and Charity

Thomas Aquinas





than ten years of groveling apologies, there are, apparently, mandatory life sentences for any and all who have been “no-platformed.” Ditung concludes, “A tool that was once intended to protect democracy from undemocratic movements has become a weapon used by the undemocratic against democracy.”

Proud Anger

THE PRACTICE OF NO-PLATFORMING, IF not the term, crossed the Atlantic some time ago. We could take an expansive view of this. Puritan Boston no-platformed religious dissenters and hanged the Quaker Mary Dyer in June 1660. We have, then, an ignoble tradition of suppressing certain kinds of dissenters, from which colleges were not exempt.

That said, things are different now. The American college campus has become one of the least open, least free places in the nation—and with respect to many subjects, not just a few. Genuine debate about abortion, affirmative action, feminism, gay marriage, global warming, gun rights, hate crimes, illegal immigration, Islam, Israel, racism, sexual assault, and transgender identity has been rendered difficult, if not impossible. And we are awash

in new euphemisms for censorship: trigger warnings, safe spaces, free speech zones, fill-in-the-blank-phobic slurs, micro-aggressions, and verbal “violence.”

A substantial portion of this vocabulary derives from feminism, which has succeeded in making its anti-intellectual agenda academic dogma. Criticism of feminist concepts is recast as patriarchal, hurtful, or “violent,” obliterating the distinction between psychological discomfort and physical injury. And that erasure has inspired a thousand other complaints, delivering us to this new land where any speech that offends someone’s progressive sensibility is now deemed too “hurtful” to be uttered. Those who cross this line, deliberately or even accidentally, face vitriol, emotional bullying, and sometimes physical attack.

In 2007 I published a book, *A Bee in the Mouth: Anger in America Now*, on the gradual turn in American culture following World War II from our older ethic of emotional self-control to one of histrionic emotional display. My focus was on anger, once seen as a last resort and, if habitual, a character weakness. In the new era, however, anger became “empowering,” a path towards emotional self-realization, and a performance to be admired. The “new anger” I described in the book was

mainly verbal and visual. It didn’t have to take the form of violence, though of course it sometimes did.

But that was then. The self-gratifications of expressive anger are now turning to physical violence or expressions of admiration for it. Read the stories that hover between justification and praise for the rioting in Ferguson, Missouri, and Baltimore to see the infatuation with burning and looting that has found a place in liberal opinion, especially on campus.

Nursing Grievance

HOW DO WE ACCOUNT FOR THE EXQUISITE sensitivity to the hint of insult, culminating in demands for trigger warnings and safe spaces, with the angry histrionics and taste for violence that characterize the campus scene? The vulnerability and volatility are two sides of the same coin. The affronted seem to be acting according to a script that says, “I suffer from having been deeply hurt...but push me a little further, and I’ll respond with unbridled rage.” Without perspective and self-control, such people misinterpret petty aggravations and annoyances as profound transgressions that become the focus of life. I resent, therefore I am.

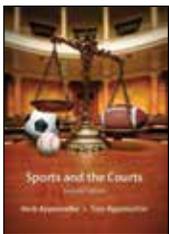
CAROLINA ACADEMIC PRESS • 700 KENT STREET, DURHAM, NC, 27701 • 800.489.7486

Sports and the Courts

Second Edition

Herb Appenzeller, Appenzeller & Associates
Tom Appenzeller, Catawba College

2015, 264 pp, ISBN 978-1-61163-127-2, paper, \$35.00



Today, sports participants are often as familiar with a court of law as they are with the sports court. Athletes, coaches, administrators, officials, physicians, equipment manufacturers, operators of sports facilities and even unsuspecting sports fans share a common bond—the risk of sports litigation. *Sports and the Courts* conveys to the reader not only the legal implications of sports issues but a portrait of the conditions of modern society as sports litigation reveals it. It presents a selection of recent court cases dealing with a variety of sports-related issues, while also concentrating on the many ways sport has changed in our society today. Topics such as social media, bullying and hazing, drug testing, internships, cheerleading, and the all-important management of risk in sport are included.

Capital Punishment Trials of Mafia Murderers

Leonard Orland, University of Connecticut School of Law

2015, 304 pp, ISBN 978-1-61163-693-2, paper, \$40.00

Based on the author’s review of thousands of pages of trial testimony and briefs, this book explores the capital punishment trials of two Mafia murderers.

“Professor Orland skillfully takes us on a journey to a fascinating [...] corner of the criminal justice world: the use of cooperating witnesses to convict some of the most treacherous criminal defendants ever prosecuted, and whether those defendants should be put to death for their crimes. It’s a great read, for experts and novices alike.” — Alan Vinegrad, partner, Covington & Burling LLP; former U.S. Attorney for the Eastern District of New York

Discretionary Criminal Justice in a Comparative Context

Michele Caianiello, University of Bologna, Italy, editor
Jacqueline S. Hodgson, University of Warwick School of Law, United Kingdom, editor

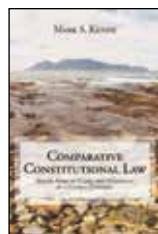
2015, 264 pp, ISBN 978-1-61163-773-1, paper, \$37.00

This volume brings together scholars working within various procedural traditions in Europe, North America and China. Discretion is the theme of the collection, and the writers of this collection believe it can be characterized in positive terms, as it ensures that justice is tailored to the individual and to the facts of the case, rather than being applied mechanically. However, without a clear legal framework, discretion risks allowing arbitrary decisions based on bias or other legally irrelevant factors. All of the papers collected in the book teach us something about the way that discretion plays out in different systems and how it is understood and adapted within existing legal norms and cultures.

Comparative Constitutional Law *South African Cases and Materials in a Global Context*

Mark S. Kende, Drake University Law School

2015, 338 pp, ISBN 978-1-61163-485-3, paper, \$47.00



Harvard Law Professor Cass Sunstein has said that South Africa has “the most admirable constitution in the history of the world.” This book allows readers and experts in U.S. constitutional law (or other nations) to compare their approach with modern South African constitutionalism. The transformative and progressive South African Constitution adopts the most successful parts of existing parliamentary constitutions, while honoring the nation’s African heritage. Further, it incorporates numerous international human rights such as socio-economic and environmental rights. This book’s South African focus guarantees readers will grasp the contingency and social context of a foreign constitutional court’s decisions, rather than primarily surveying cases from numerous other nations.

Save 20% when you use the discount code CROBS2015 through November 30, 2015.
For more information and to order these titles, please visit www.cap-press.com.



Grievances fill the vacuum left by the absence of deeper purpose, which can be grasped only through reflection and discipline. The purpose becomes, instead, carrying a mattress around on campus all year—as Columbia’s Emma Sulkowicz did—to announce to the world a violation that can never be resolved, and may never have occurred. Sulkowicz alleged that in 2012 fellow undergraduate Paul Nungesser beat, choked, and raped her. But Sulkowicz bore no bruises and exhibited no trauma, and the friendly Facebook chatter between them continued uninterrupted. Eight months later, she filed her complaint against Nungesser. Columbia investigated her claims and, in October 2013, found Nungesser “not responsible.”

The rape-culture grievance and the America-is-racist grievance are probably the most spectacular of the campus causes. I am more directly involved, however, with the global-warming/divestment/sustainability grievance. Earlier this year my co-author Rachelle Peterson and I published *Sustainability: Higher Education’s New Fundamentalism*, a lengthy examination of how this movement became a dominant ideology on American campuses. Documenting its rise has been one of my concerns for the last seven years, during which I’ve probably come to know more about it than anyone not actually part of it. In principle, my outsider perspective might have some value to the movement’s insiders. They surely have nothing to fear at this point, with 697 colleges officially “committed” to the cause and many more only a half-step behind.

But oddly, this extraordinarily successful movement is also extraordinarily unwilling to allow even temperate critics to be heard. I know this first-hand from my efforts to speak on campuses, but participants in the movement itself have gotten around to noticing the silence. Eric B. Kennedy, a graduate student at Arizona State University, and Jacqueline Ho, at the environmentalist think tank Resources for the Future, have reported on a survey of undergraduate environmental studies programs across the country. They observed that in their sample of 1,500 such programs, there is very little recognition of intellectual controversy, of “competing or contested solutions to environmental problems.” Diverse viewpoints, even within the sustainability rubric, are gen-

erally ignored—never mind views that challenge the framework.

This de facto no-platforming might seem benign. No disagreement means no controversy, which means no emotional turbulence. The tranquility ends, of course, the moment anyone challenges the orthodoxy: there’s no missing the vehement attacks on “climate deniers,” and the fierce determination to prevent dissenters of any sort from gaining access to the mainstream media, academic journals, or campus lecture halls.

Daring to Doubt

THE “CONSENSUS” SCIENTISTS HAVE reached on global warming includes real disagreements and uncertainties. Thousands of well-informed scientists reject the so-called consensus models, and among these skeptics are figures of high standing, including the Institute for Advanced Study physicist Freeman Dyson. Dyson’s stature is such that National Public Radio recently broke from routinely denying global warming skeptics its platform, allowing Dyson to say on air that he is skeptical of global warming theory: “I don’t think the science is at all clear, and unfortunately a lot of the experts really believe they understand it, and maybe have the wrong answer.”

Never mind Dyson’s eminence. NPR listeners rushed to their keyboards, demanding that “real climatologists” be given the microphone. “Would NPR do a segment on a Dole Corporation ‘scientist’s’ claim that bananas cure cancer?” “Well, there’s no fool like an old fool.” “Why are you giving this doddering dinosaur free advertising for his upcoming book? Why is NPR giving ANY airtime and credibility to a Climate Change sceptic?”

And so on. A similar sort of controversy has broken out at Boston University, where an advisory committee to the board of trustees released an analysis of the “fossil fuel issue.” The committee summarized both sides of the debate without reaching a conclusion. But just by paying serious attention to dissenters’ views, it violated the diktat that the “debate is over” since we have “scientific consensus.” Almost immediately, sustainability advocates’ comments and editorials declared that “climate change deniers” were at work with “embarrass-

ingly sketchy scholarship,” and in violation of ethical standards. The document was declared “very simplistic” and the committee accused of having been “purchased” by fossil fuel interests.

The Dyson interview and B.U. advisory committee report are the exceptions. As a rule, dissenters from the global warming orthodoxy receive no platform where laymen might actually hear their views. In both cases, dissent was registered calmly, while the reaction from the “consensus” community was furious indignation. Given what happens when well-informed observers dare to speak, those not so well informed can draw the obvious lesson: if one harbors doubts about global warming theory, better to remain silent.

What today’s enforcers of orthodoxy forget is that intellectual freedom is the foundation of the university, the press, and a free society. Suppressing that freedom gives a temporary advantage to favored ideas, but the habit of self-righteous oppression will eventually swallow those who first enforced it. In 2003, Jonathan Chait pushed the boundaries of civil discourse by opening an essay in the *New Republic*, “I hate President George W. Bush. There I said it.” In January 2015, Chait wrote an essay in *New York Magazine*, bitterly complaining about the stranglehold of political correctness on campus. He observed how “the more radical members of the left attempt to regulate political discourse by defining opposing views as bigoted and illegitimate.” Chait himself spent decades as an enforcer of such measures but now finds himself thrust to the side by the more Jacobin wing of the progressive movement. It is a lesson the current climate bullies, “rape culture” feminists, and Ferguson organizers might benefit from—except that in the place of history they have only an inventory of false but endlessly repeated talking points.

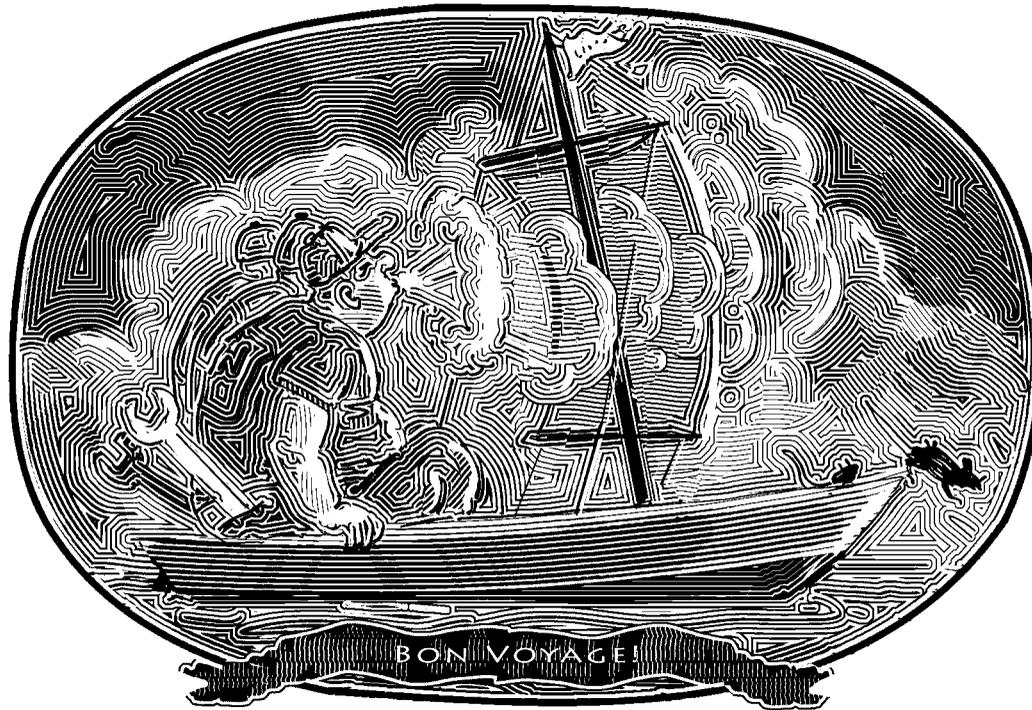
Cultural amnesia, on and off campus, imprisons people in their own angry self-actualization. The mist that settled over ancient Britain in Ishiguro’s tale? It was a kind of dragon’s breath, aimed at preparing people for subjugation. Those of us who wish to dispel it will first have to find ways to awaken those all too content to slumber.

Peter W. Wood is president of the National Association of Scholars (NAS).

Book Review by Diana Furchtgott-Roth

WHO NEEDS UNIONS?

Only One Thing Can Save Us: Why America Needs a New Kind of Labor Movement, by Thomas Geoghegan.
The New Press, 272 pages, \$25.95



IN ONLY ONE THING CAN SAVE US, LABOR lawyer Thomas Geoghegan argues that if we are to solve some of 21st-century America's most serious problems, many more of our workers must belong to labor unions. Though the book is witty and readable, its thesis will persuade no one who doesn't fully agree with it at the outset.

Geoghegan laments the steady, long-term decline in union membership. In 1983 (the earliest year with data comparable to today's), 20.1% of American workers belonged to unions. By 2014, 11.1% of them did. The startling contraction of *private-sector* unions has been the main cause of this decline: only 6.6% of private sector workers are unionized, compared to 35.7% in the public sector. As a result, 3 million fewer Americans belonged to a labor union last year than in 1983, even though 48 million more people were in the workforce.

At the same time, the United States has, according to Geoghegan, seen an increase in income inequality. He argues for a cause-and-effect relationship: robust, assertive unions would generate upward pressure on wages, which would benefit America's workers and the middle class, and eventually lead to an economic expansion driven by higher aggregate demand.

IT'S HIGHLY DOUBTFUL, HOWEVER, THAT Geoghegan has correctly diagnosed the disease he wants to cure. Growing inequality has many causes. They include the unintended consequences of policy changes, such as the 1986 tax reform, which led professionals and proprietors who had previously filed their taxes as corporations to re-categorize themselves as individuals, creating a statistically spurious increase in top-bracket incomes. Other causes are social trends that public policies cannot reverse or correct for: the movement of women into the labor force; the growing number of two-earner households highly represented in the top income quintile; delayed marriage; and divorce, more common than it was before the 1970s, and often resulting in the division of one higher-income household into two lower-income ones.

Moreover, Geoghegan's prescription has drawbacks and injustices. Unions operate as labor cartels, increasing wages for their members—and only their members—by raising employers' labor costs. These higher costs mean fewer job opportunities for all workers, union and non-union alike. Geoghegan, who represents union interests professionally, is clearly a committed advocate rather than a hired gun, but few economists share his belief

that unions raise living standards across an entire economy.

If labor cartels really were broadly beneficial, then Congress could just raise the minimum wage to \$25 or \$50 an hour, and the economy would magically flourish. But, of course, money has to come from somewhere. And if employers spend more on labor, they must spend less on everything else, leaving the overall economy no more prosperous than it was.

IT IS NOT NECESSARY TO CONDUCT thought experiments. Since 1947, when Congress enacted the Taft-Hartley Act over President Harry Truman's veto, the U.S. has conducted an actual experiment. The law allows states to enact "right-to-work" laws, which prohibit making union membership a condition of employment. Twenty-five states now have such laws; Indiana, Michigan, and Wisconsin enacted them within the past three years. If we compare right-to-work states (excluding those three) to others over the past five years, we find lower unemployment rates (by an average of four tenths of a percentage point) and higher rates of job creation (a 6.5% increase over the five-year period in right-to-work states compared to a 4.8% increase in the others).



When states pass right-to-work laws, they protect their residents from being forced to forego 2% to 4% of their paychecks in union dues, pay initiation fees of about \$50, and make contributions to frequently underfunded pension plans. Dues and initiation fees are often used to pay for political contributions: unions donated \$60 million in the 2014 campaign, almost all to Democrats.

IN ADDITION, RIGHT-TO-WORK LAWS MAKE it easier for states to attract businesses, because many companies prefer to locate in right-to-work states, believing that unions not only drive up costs but reduce productivity with baroque work rules and adversarial stances. Thus, Boeing chose to build its new Dreamliner aircraft by opening a new plant

in South Carolina, which is a right-to-work state, rather than expand existing plants in Washington, which isn't. Wisconsin, with its new law, is siphoning off business from Illinois. Toolmation Services, a manufacturer, announced earlier this year that it's moving a facility in Zion, Illinois, across the border to Kenosha, Wisconsin. Illinois now borders three right-to-work states: Indiana, Iowa, and Wisconsin. A fourth, Missouri, may join them. Its legislature passed a right-to-work bill this year that was vetoed by Governor Jay Nixon, a Democrat.

Unions have lost many high-profile elections because workers don't find membership to be a good value. Geoghegan writes that Volkswagen, actually trying to accommodate an organizing drive at the behest of

German unionists on its board of directors, "insisted on a majority vote" when the United Auto Workers sought to unionize a Chattanooga, Tennessee, plant. VW was required to bring the matter to a vote, and did it so quickly, within nine days, that employees scarcely had time to present an alternative case. VW did not allow any meetings to inform workers of the disadvantages of unionization—such as paying dues to support retired workers in Detroit. And still, workers rejected the union.

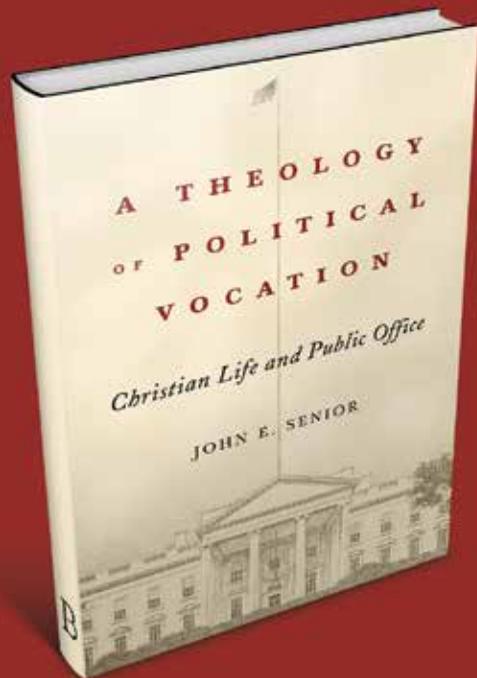
Geoghegan touts Germany's system as a model for the U.S. "[I]f the UAW won [the election for union representation], a German-type works council would be coming to America. And who would think that such an advanced model of worker power—if not worker control—would be starting in the heart of Dixie?" German works councils operate in parallel to unions, and consist of employee representatives who negotiate with management on the work environment and rules. However, U.S. labor law might not allow a union to delegate any of its duties to a works council. The TEAM Act, which would have allowed the formation of worker councils outside unions, was passed by the Republican-led House and Senate in 1996, but vetoed by President Bill Clinton under union pressure. The AFL-CIO said "this damaging and unnecessary piece of legislation would have given management the say-so over who speaks for workers on issues such as wages, hours and other terms and conditions of employment—an unfair infringement on employee rights." More to the point, it would have been an infringement on union prerogatives.

Despite the author's attraction to Germany, its GDP growth has been lower than America's in recent years. The German system might result in less income inequality, but economic growth lags.

GEOGHEGAN EXAGGERATES UNIONS' beneficial effects without mentioning the disadvantages of union dues and slower growth. Take welders, for instance. Geoghegan writes that "people start as a welder at \$17 an hour, and they stay at welder [sic] at \$17 an hour." If the welders were unionized, they would get raises, he contends.

But according to the Bureau of Labor Statistics, although the median pay for welders is \$17 an hour, those in the bottom 10% make an hourly wage of \$11, and those in the top 90% make \$25 per hour. Furthermore, wages for welders vary across the country and also rise for those with more experience. Welders in far western North Dakota (a right-to-work state) earn an average of \$23 an hour. If

from BAYLOR UNIVERSITY PRESS



"...thoughtful exploration of vocation and a compelling view of politics."

—MARK DOUGLAS, Professor of Christian Ethics,
Columbia Theological Seminary

Books for Good | baylorpress.com

a welder in Rome, Georgia, wanted to earn more than an average of \$15 per hour, he could move to Mobile, Alabama, where the hourly pay is about \$21.

Referring to the 2014 Supreme Court decision *Harris v. Quinn*, in which Illinois personal care workers sued the government because they did *not* want to be part of the union, Geoghegan writes, "I feel terrible for the poor home health aides who lost their right to unionize like everyone else." But Harris and others did not sign up to join the union, nor even get a vote on whether to be part of a union. They were just placed in the union through an executive order from former Illinois Governor Rod Blagojevich, now serving a 14-year jail sentence for corruption. The order was then voted into law by the Illinois legislature.

Unionizing through a governor's executive order is far easier than campaigning for members and holding an election. Unions see these conscripted members as an exploitable resource that can fund benefits for the unions' older legacy members and retirees. But for the Supreme Court's decision, every personal assistant funded by Medicaid in Illinois—and perhaps many other states—would have been forced to join a union.

Although Geoghegan spins *Harris v. Quinn* as a victory for public sector workers who continue to belong to unions, the case is a disaster for unions such as the Service Employees International Union (SEIU) and the American Federation of State, County and Municipal Employees, which were hoping for millions of dollars in additional dues from coerced members. The SEIU had been receiving \$3.6 million a year in dues from home healthcare workers in Illinois, funds that will be hard to replace.

UNIONS ARE UNDER SEVERE FINANCIAL pressure from declining membership. Take the United Food and Commercial Workers (UFCW), whose membership fell by 8% from 2002 to 2013, even though private sector jobs increased by 5% over that time period. Unions are desperate because they need a steady flow of dues to pay salaries of union officials, to prop up failing union pension plans, and to fund political campaigns.

That is why the UFCW calls on Walmart to pay its workers a "living wage" of \$15 an hour, even though the UFCW's entry-level unionized members are paid close to the current minimum wage, never reaching \$15 an hour. Even many senior unionized workers do not reach \$15 an hour. Meat or bakery clerks at Kroger supermarket's union shop in Dayton, Ohio, for example, earn a maximum

rate of \$14.25 after more than five years on the job. Those with jobs at the salad bar, drug counter, or floral shop can earn a maximum of \$10.95 after gaining years of experience. The UFCW-negotiated hourly rates for grocery baggers or food demonstrators start at \$7.70 and are capped at \$8.25—barely half the \$15 advocated by the UFCW.

These wages are no secret. Walmart employees who might consider joining the UFCW can browse its helpful, easy-to-read handout for members in West Virginia, Kentucky, and Ohio. Three sample part-time workers will reach top earnings of \$11.40 an hour after eight years on the job. The sample full-time worker will reach a peak of \$14.51 after six years.

The UFCW treats its own employees far better than the workers it represents. Average total compensation for those employed by the UFCW, rather than represented by it, is \$90,907 a year. This income is almost six times what the union negotiated for cashiers at Kroger's. UFCW president Joseph Hansen earns over \$350,000 a year—over 20 times the earnings of many of the workers he represents. Other top officers also make over \$300,000. Entry-level union workers making \$7.40 an hour help fund these salaries with dues from their paychecks.

ONE BENEFIT UFCW MEMBERS LACK is a good pension—and the UFCW has one of the worst records for negotiating fiscally sound pension plans. In 2014 the Labor Department informed the UFCW that seven of its pension plans had reached "critical status," meaning they have less than 65% of the assets they need to pay the retirement benefits members have been promised. Some plans have been critically underfunded for more than five years. They are unlikely to be placed on a sound financial foundation unless the UFCW can perpetrate a pyramid scheme, convincing new members to join and pay dues without receiving benefits as generous as the ones they'll be subsidizing.

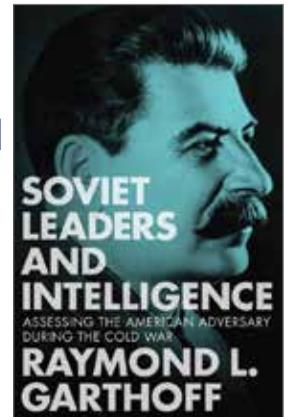
Contrary to Thomas Geoghegan, workers are leaving unions because unions' drawbacks exceed their advantages. Unions take money from workers' paychecks but provide little in return. If there is one thing that will save workers it is economic growth, which unions do more to thwart than to encourage.

Diana Furchtgott-Roth, former chief economist of the U.S. Department of Labor, is director of Economics21 and a senior fellow of the Manhattan Institute for Policy Research. She is the co-author, with Jared Meyer, of Disinherited: How Washington Is Betraying America's Young (Encounter Books).

NEW FROM GEORGETOWN UNIVERSITY PRESS

Soviet Leaders and Intelligence

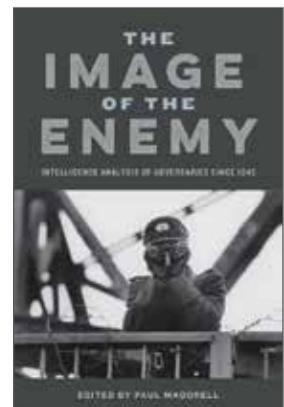
Assessing
the American
Adversary
during the
Cold War
Raymond L.
Garthoff



978-1-62616-229-7, paper, \$26.95
978-1-62616-228-0, cloth, \$49.95

The Image of the Enemy

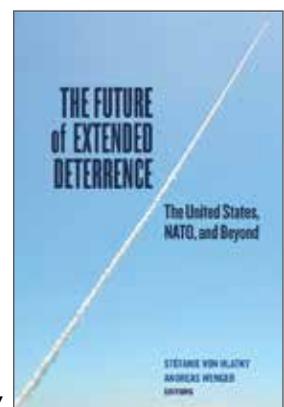
Intelligence
Analysis of
Adversaries
since 1945
Paul Maddrell,
Editor



978-1-62616-239-6, paper, \$32.95
978-1-62616-238-9, cloth, \$59.95

The Future of Extended Deterrence

The United
States, NATO,
and Beyond
Stéfanie von
Hlatky and
Andreas Wenger,
Editors



978-1-62616-265-5, paper, \$32.95
978-1-62616-264-8, cloth, \$59.95



GEORGETOWN UNIVERSITY PRESS
800.537.5487 • www.press.georgetown.edu



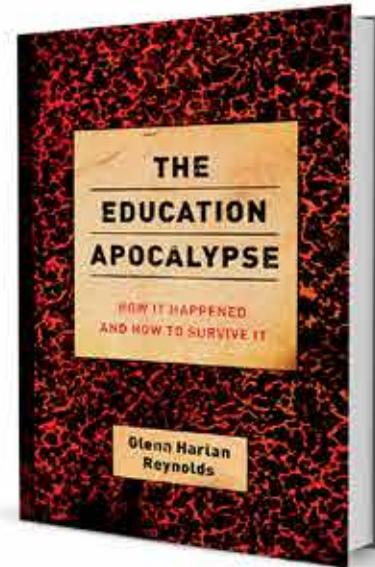
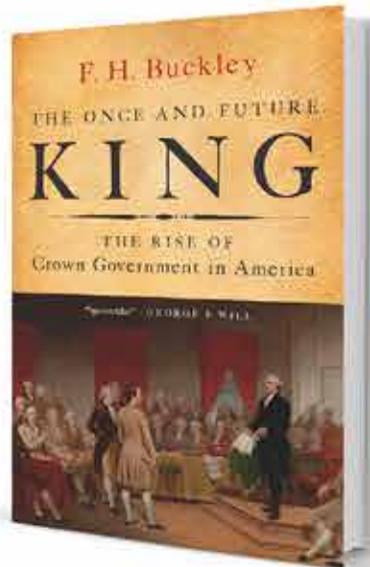
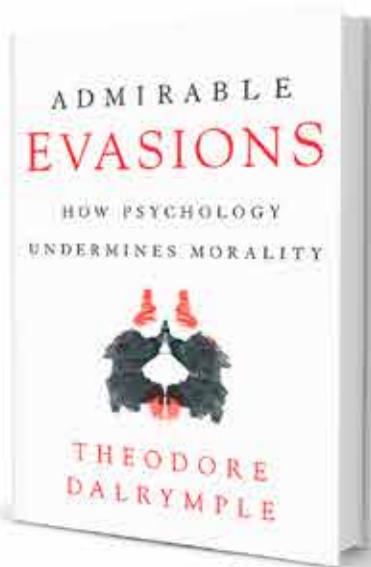
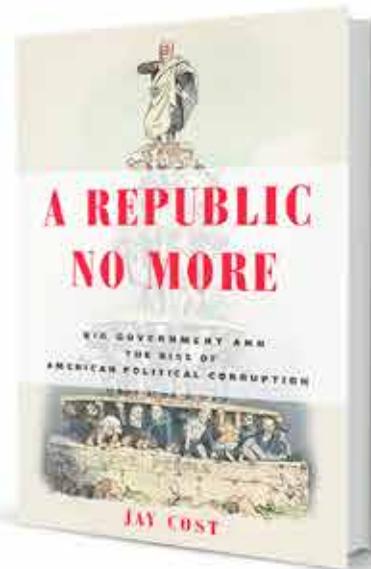
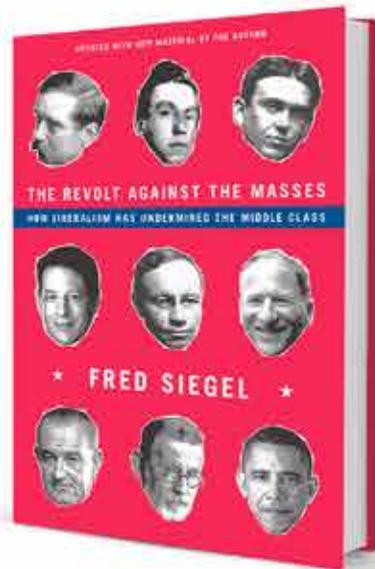
AVAILABLE AS EBOOKS FROM
SELECT EBOOK RETAILERS.



FOLLOW US @GUPRESS

Encounter

BOOKS



NOW AVAILABLE

www.encounterbooks.com

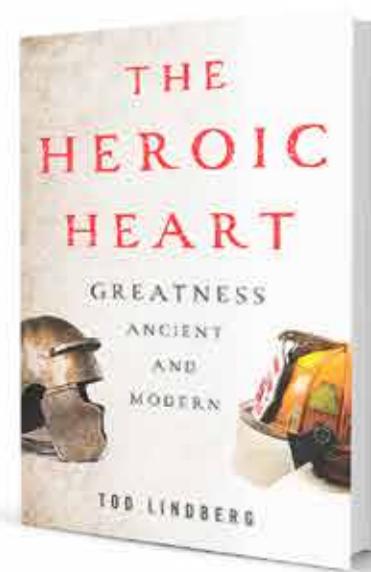
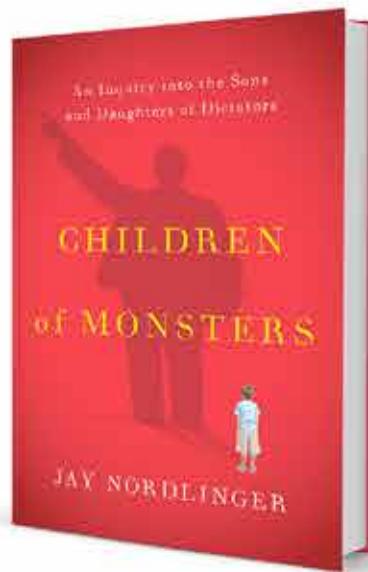
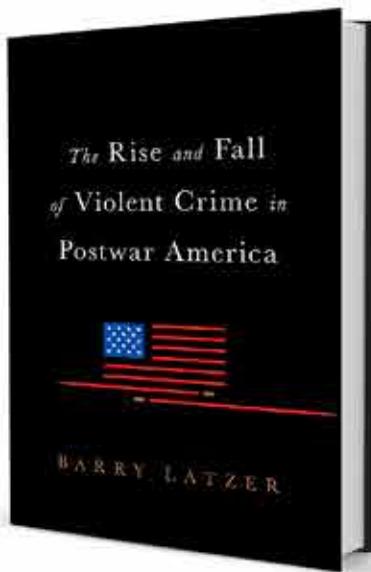
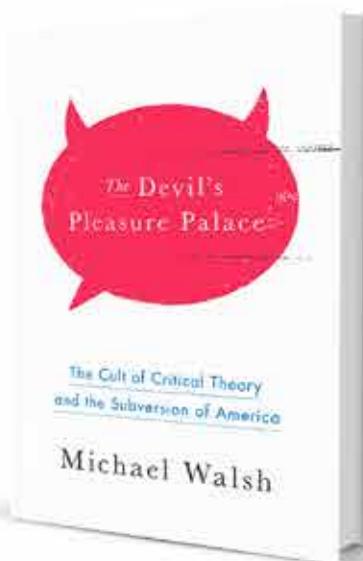
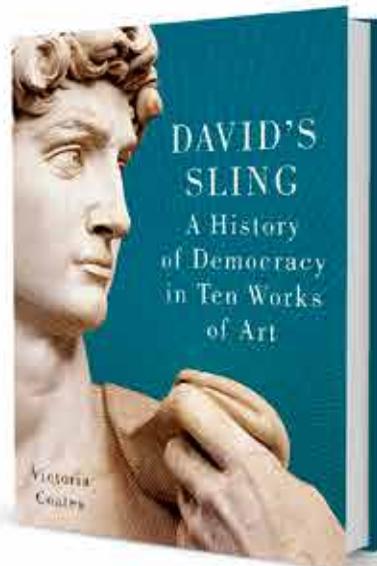


“Smart conservative non-fiction”

Buzzfeed

“An oasis of excellence”

George F. Will



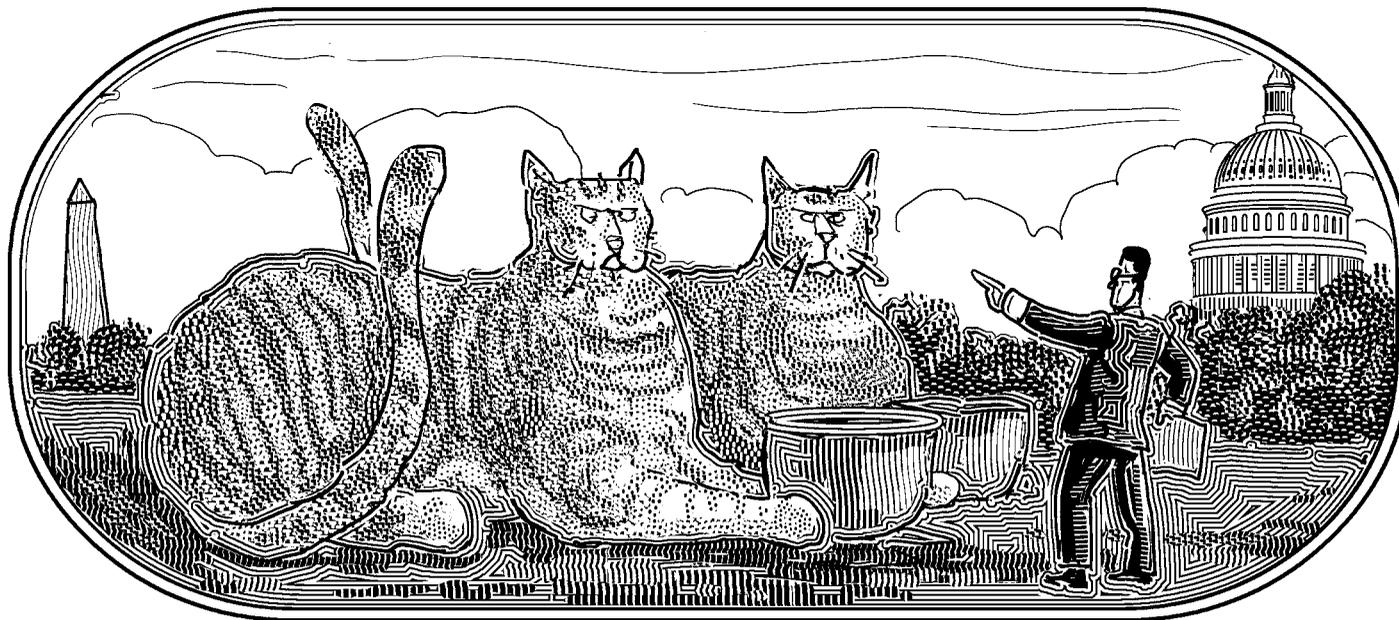
COMING SOON

@encounterbooks



THE SUBPRIME DIRECTIVE

Hidden in Plain Sight: What Really Caused the World's Worst Financial Crisis and Why It Could Happen Again, by Peter J. Wallison.
Encounter Books, 432 pages, \$27.99



FANNIE AND FREDDIE DID THE DEED, ACCORDING to Peter J. Wallison's mortgage-centric account of what really caused the Great Recession. No need to go searching for alternative explanations. The federally chartered behemoths are the guilty parties, they and no one else.

A former Reagan White House counsel and a longtime critic of the so-called government-sponsored enterprises (GSEs), Wallison has drawn up a double indictment. The first fingers the government. The second assails any who would not blame the government.

This is a very good, very tendentious book. It maps the road to the quasi-socialization of American housing finance, in which condition we find ourselves today. It tells you where subprime mortgages came from and how they metastasized. It parses accounting controversies, explains how regulators favor and disfavor certain categories of investment assets, and chronicles the unnatural rise in house prices between the late 1990s and the mid-2000s.

An epigraph by Milton Friedman sets the ideological tone. "Far from being a failure of free-market capitalism," the late, great monetarist is quoted as saying of the 1930s,

the Depression was a failure of government. Unfortunately, that failure did not end with the Great Depression.... In practice, just as during the Depres-

sion, far from promoting stability, the government has itself been the major single source of instability.

Echoing Friedman, Wallison argues that private actors, while hardly blameless in the events of 2007-09, did not precipitate them. The author rests his case against the government on the fact that, by mid-2008, "there were at least 31 million nontraditional mortgages (NTMs)—57 percent of all mortgages—in the U.S. financial system," and that three quarters of these securitized turkeys had alighted on federally chartered balance sheets. The comprehensive, persistent decline in mortgage lending standards wasn't the doing of private lenders, Wallison demonstrates. You may thank Congress and the Department of Housing and Urban Development for that.

THE BOOK HAS A BACKSTORY. THE AUTHOR served on the ten-member Financial Crisis Inquiry Commission that Congress created in 2009; he was one of four Republicans. Every inquest must proceed along some assumed line of causation. Speaker of the House Nancy Pelosi then being in the driver's seat, the Commission took on a liberal political cast. Under the chairmanship of Phil Angelides, a one-time Democratic candidate for governor of California, it adopted the hypothesis that the cause of our troubles was

capitalism. It followed that more regulation was the solution. In the shape of the Dodd-Frank Act, as Wallison observes, regulation has become asphyxiating.

The author was estranged not only from the Democrats on the Commission but also from the other Republicans. Among the ten, he alone was prepared to assign not just some of the blame, not even most of it, but every last jot of it to federal policies, in particular to federal mortgage policy. He was his own personal faction.

The Federal National Mortgage Association, a.k.a. Fannie Mae, grandmother of the government-sponsored enterprises, came into the world in 1938. The Federal Home Loan Mortgage Corporation, a.k.a. Freddie Mac, followed in 1970. Between 1991 and 2003, as Wallison relates, Fannie, Freddie, and lesser federal agencies boosted their share of the American housing market to 46.3% from 28.5%. Along the way, the Washington mortgage creatures became big enough to disturb the world's financial equilibrium.

It happened this way. In 1992, the House and Senate directed the GSEs to meet a quota of mortgage loans to low- to middle-income borrowers. Thirty percent, the initial minimum, presently became 42%, then 50%, and finally—in 2008, the year Lehman Brothers failed—56%. Minimum down payments were reduced, too, to nothing at all



by 2000. Nor did the upper-income reaches of the mortgage market, a segment not directly served by Fannie and Freddie, remain untouched by this federally induced letting down of hair. Before long, well-to-do people were taking out “interest-only” loans that required no amortization of principal until their maturity date. By 2001, Alan Greenspan—then chairman of the Federal Reserve—was marveling at the “very substantial buffer of unrealized capital gains, which are being drawn upon through the home-equity market, through cash-outs, and through the turnover of existing homes, which has been, as you know, quite substantial despite the weakness in the economy.” The single-family American house was on the way to becoming an automated teller machine.

BOOMS AND BUSTS ARE NOTHING VERY new. The National Bureau of Economic Research counts 33 such episodes since 1854. There were plenty before that arbitrary starting date, too—no one who lived through the panic years 1819 or 1837 would think to omit them from the cyclical roll call. Something must have caused the perturbations that preceded the coming of the GSEs.

Recessions and depressions have occurred with and without the hovering presence of a central bank, and with and without a preceding financial blowup. They have occurred in agricultural eras, industrial eras, and—in the case of 2007-09—a kind of post-industrial era. They have occurred with and without a dollar convertible on demand into gold or silver (since 1971, the greenback, either a slip of paper or a bunch of pixels, has been convertible into nothing).

Wallison makes as strong a case as anyone could make for an untenable thesis. Give him the fact that the government corrupted American mortgage finance—certainly, he has proven that much. Was that a necessary and sufficient cause of the debacle of 2008? It might have been the proximate cause. It is far from the animating remote cause.

Wallison seems to forget that money isn't humanity's best subject. You can satisfy yourself on this point with a simple calculation. One hundred dollars invested continuously at 2% interest since the year of Cleopatra's death would work out today to \$5.3 billion for each of the world's 7.3 billion people. Of course, the average earthling is worth nothing like that much money. Banks fail, currencies are inflated away, thieves break through and steal.

Error is endemic in finance—people *will* buy high, and they *will* sell low. Given half a chance, they'll over-borrow, too. The incidence of error is all the greater when the incentives of

law and regulation invite it. Wall Street was no Garden of Eden when financial responsibility rested chiefly with individuals—when, for instance, the general partners of Morgan Stanley were personally responsible for the debts of the firm they led. The Street is that much further from paradise since personal responsibility has given way to corporate responsibility—Morgan Stanley became a publicly traded corporation in 1986—and, increasingly, to collective responsibility. Once upon a time, the stockholders of a bank were responsible for the solvency of the institution in which they held a fractional interest. To restore the solvency of the biggest banks in 2007-09, the taxpayers had to reach into their own pockets.

WALLISON IS PREPARED TO PIN EXCLUSIVE blame on the government owing to one somewhat technical fact. The fact is that, in the prelude to the crisis, Fannie Mae and Freddie Mac withheld the full details of their overexposure to low-quality mortgages. In so doing, supposedly, they cheated the private sector of the information that would otherwise have enabled individuals to make appropriate, wealth-saving decisions. “[T]here was little understanding that a housing bubble of historic proportions had developed between 1997 and 2007,” the author contends. “The fact is...that virtually everyone—regulators, investors, rating agencies, analysts, housing experts, and the management of financial institutions—failed to see the crisis coming,” he also contends.

It's remarkable how little people can see when they choose to look away. To any who wished to see, it was obvious that house prices were much too high, that the securities fashioned from subprime mortgages were anything but creditworthy, and that some of the biggest Wall Street banks and brokerage houses were wobbling on their high stilts of debt. *Grant's Interest Rate Observer*, the financial publication that I own and edit, issued its first cautionary piece on runaway house prices in 2001, its first bearish analysis of subprime mortgage securities in 2006. We were far from alone.

The crackup of 2007-09 was a crisis of credit, of which mortgage debt constituted only one critical element. Credit was broadly mispriced. Lenders earned too little for the risks they bore in residential mortgages, commercial mortgages, short-dated corporate IOUs, and speculative-grade corporate bonds, among other kinds of debt obligations. Something or someone had lulled them to sleep.

Low interest rates were one sedative. Overconfidence born of the belief that the government would intervene to forestall a truly costly financial accident was another. To fos-

ter recovery from the collapse of the dot-com bubble, the Federal Reserve had pushed its policy interest rate down to 1% in 2004 from 6% in 2001. In most times and places, ultra-low interest rates tend to incite speculative risk-taking. Still, the titans of finance are paid to assess risk and reward. Wallison, citing a congressional study, claims that Wall Street was not over-extended on the eve of the failure of Lehman Brothers. He is wrong about that.

IF I MAY AGAIN CITE GRANT'S, THE HEADLINE we hung over a page-one article in October 2006 was, “Over the cliff with Morgan Stanley.” The eminent firm had by then built itself Wall Street's first \$1 trillion balance sheet, in which equity capital (what the stockholders could claim as their own) amounted to only 3.2% of assets. These assets comprised all the then-fashionable, debt-intensive business lines—subprime mortgages, leveraged buyouts, speculative-grade corporate lending. Two years later, this accident-waiting-to-happen achieved the distinction of becoming the Federal Reserve's top supplicant. Nowadays, a chastened and—yes—over-regulated Morgan Stanley shows equity equivalent to 8% of its slimmed-down \$801 billion in assets. Did this storied enterprise have it coming? Yes. Is American enterprise the poorer for the squadrons of governmental minders who, in keeping with the provisions of Dodd-Frank, now hover at the elbows of our once-haughty financiers? Yes, again.

There was no “perfect storm,” the author insists, no constellation of causes that form a satisfactory explanation for the calamity of 2008. Those who would argue the multi-causal case confront the insuperable problem of not knowing when to stop listing causes. The more they cite, he insists, “the less we learn, and the less the theory can serve as a guide for policy makers in the future.”

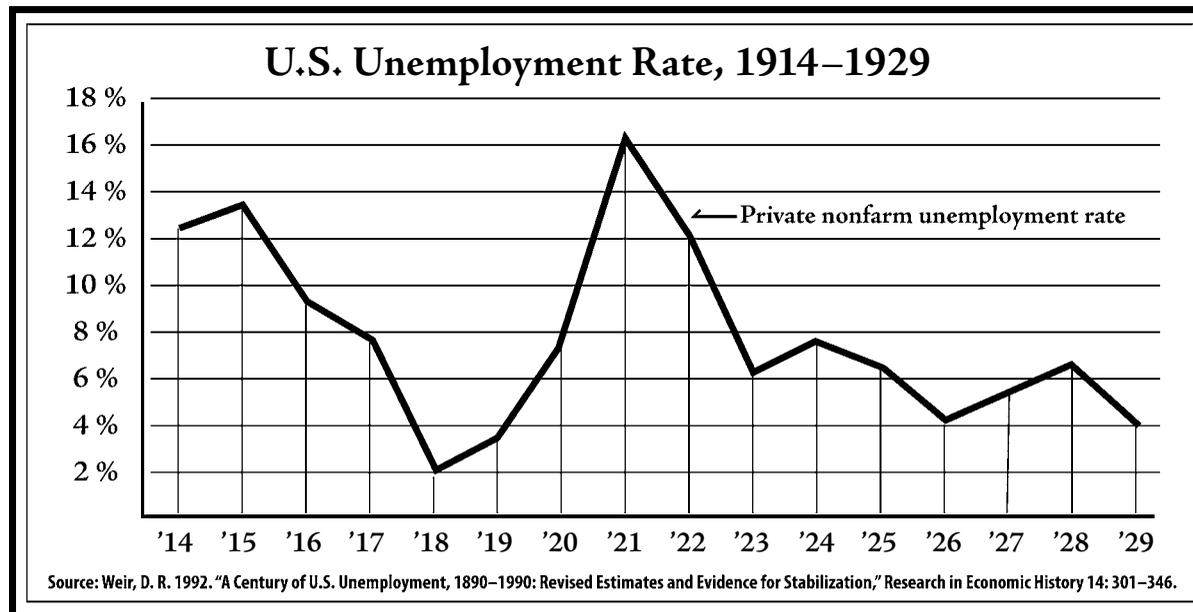
In the Isaiah Berlin world of hedgehogs (those with a single big idea) and foxes (those with many ideas), there was never such a hedgehog as Peter Wallison. His brief is thoroughly researched, clearly written. He anticipates his critics' likely objections to his mono-causal view of the crisis and attempts to answer each argument in turn.

He succeeds to the impressive extent that his point survives his own exaggerated telling of it—barely.

James Grant is the founder and publisher of Grant's Interest Rate Observer. His latest book, The Forgotten Depression: 1921, the Crash that Cured Itself (Simon & Schuster) won the 2015 Hayek Prize of the Manhattan Institute for Policy Research.

DON'T JUST DO SOMETHING

The Forgotten Depression: 1921, the Crash that Cured Itself, by James Grant.
Simon & Schuster, 272 pages, \$28



JAMES GRANT'S *THE FORGOTTEN DEPRESSION* is about the U.S. economy's deep recession beginning in 1920—when prices and wages fell rapidly, wiping out the post-World War I inflation—and its robust recovery two years later without any government intervention. In the final chapter, Grant compares “the crash that cured itself” to the Great Depression that began in 1929 and lasted through a decade's worth of attempted government cures.

Although there is no precise definition to distinguish a depression from a recession, in the 1920-22 downturn, real GNP fell 6.8% and the Standard and Poor's stock index fell 9.0% from peak to trough, whereas for the 1929 decline, the comparable reductions were 38% and 70%. The earlier crash may not loom as large in the public mind as the Great Depression, but there are several economic histories that do cover the recession and recovery—including Milton Friedman and Anna Schwartz's magnificent *A Monetary History of the United States, 1867-1960* (1963) and my own *History of the Federal Reserve* (2003, 2010)—so Grant's title is a little misleading.

The founder and publisher of the bimonthly journal *Grant's Interest Rate Observer*, he argues that the main difference between the two downturns was that in the earlier one, real wages fell sharply, whereas in the later one,

they rose by 10%. Unlike President Herbert Hoover's policy of shifting “the burden of economic suffering to capital from labor,” price deflation in the earlier recession lowered the price level and real wages.

Although he is right to highlight this difference, Grant neglects to mention that in both recessions, or depressions, the country was on some form of the gold standard. As in any fixed exchange rate system—like the current euro—adjustment during recessions requires a decline in unit labor costs, most likely achieved by reductions in real wages. That's the message that Ireland, Spain, and, to a lesser extent, Portugal have recently accepted. France and Italy continue to languish because, like Hoover, they hinder and even prevent real wage reductions.

I'M NOT SURE GRANT RECOGNIZES THIS point. He has long been known as an advocate of the gold standard, calling it “not the least imperfect monetary system ever to function in human society.” Countries mainly choose flexible exchange rates in order to lower unit labor costs by devaluing currency. Our government abandoned the gold standard in 1933 because it preferred currency depreciation to real wage deflation. Unfortunately, several members of the euro system do

not want to act on the unavoidable truth that their system requires real wage adjustment.

Although he recognizes that the massive 1920-21 deflation was extremely painful for people at the time, Grant maintains that “[i]n comparison to what was to follow, it was...a triumph.” He doesn't go beyond this conclusion either to claim or to suggest that a less painful adjustment might have been found. Fortunately, Hoover's successor, Franklin Roosevelt, chose devaluation.

The Forgotten Depression is as much a pleasure to read for its deft sketches of life in the 1920s and of the political players of the time, as for its vivid account of the collapse of stock prices, the fall in General Motors shares, and the DuPont Company's near bankruptcy. When the downturn began in 1920, at the end of Woodrow Wilson's second term, the president said, “I am perfectly sure that the state has got to control everything that everybody needs and uses.” In the 1912 presidential campaign, he had promised to reduce tariffs and restore federal revenue by taxing “the rich.” In the White House, he blamed “greed” and “gouging businessmen,” not expansive wartime policies, for the postwar inflation. Progressives, too, decried “the injustice in the distribution of income.” Some things never change.



William McAdoo—Wilson’s son-in-law, treasury secretary, and ex officio head of the Federal Reserve part of the time—wanted (along with his successors) to keep interest rates low in order to finance the wartime debt. The Republicans’ victory in the 1920 election put Andrew Mellon in at the Treasury, which, despite the recession, maintained a 7% discount rate. The discount rate would not again exceed 6% until the inflation of the late 1960s and ’70s.

Grant recognizes that the sharp boost in interest rates ended the economic expansion and later ended the inflation. It also attracted gold inflows from abroad that reversed the decline in money and credit, supporting the expansion in 1922-23 that continued until the 1929 collapse.

He fails to mention, however, that in addition to the 7% discount rate, some regional reserve banks charged very high rates on relatively small bank borrowings. These very high rates caught the eye of members of Congress, and subsequent hearings chastened the Federal Reserve. As a result, the Federal Reserve Board, in a political move, rejected discount rate increases in 1928-29 that reserve banks, especially in New York, had requested as a means of controlling borrowing. His later policy failure should be part of the policy evaluation of the early 1920s.

WHEN GRANT AT LAST DISCUSSES the deep recession and the response, he repeats that the central feature was wage deflation accompanied by Secretary Mellon’s efforts to balance the budget, reduce the debt, and lower tax rates. The proposed budget surpluses gave investors confidence that tax rates and government spending would decline over time, stimulating investment and growth. And they did. Mellon’s budget surpluses averaged 20% of tax receipts from 1921 to 1929, and the Treasury Department retired almost 30% of the debt outstanding in 1921. Mellon reduced income tax rates in 1922, 1923, 1924, 1925, and 1928.

Grant cites three reasons for the strong recovery in 1922: (1) inventory rebuilding

after sharp liquidation, (2) lower interest rates brought about by the gold inflow and Federal Reserve policy, and (3) the deflation that lowered prices and increased purchasing power. He doesn’t mention tax rates and deficit reduction, reduced regulation, or the key support given to these policies by Secretary Mellon and Presidents Harding and Coolidge. Grant should have reemphasized the decline in real wages that made costs of production competitive, though he does refer later in the book to real wage reduction.

At the time, Grant notes, “28 percent of the American workforce were engaged in agriculture.” By the second half of 1920 the average price of ten leading crops had fallen 57%, with the price of raw cotton falling 75%. “By November 1921, [the average price] had sunk below 1913.” Faced with the financial ruin of a large group of voters, the Harding Administration did what governments almost always do: it serviced its constituency; in this case, aiding farmers by passing the Agricultural Credits Act of 1923, which used the Federal Farm Credit Banks to lend to farmers. These government lenders survive to the present.

Harding and the Republicans of that era were protectionists who favored a high tariff to protect American industry while, at the same time, opposing government regulation of industry. By contrast, Herbert Hoover was more amenable to federal action to relieve distress. As secretary of commerce under Harding and Calvin Coolidge, Hoover managed to get a public works program adopted to help unemployed workers through the 1921 winter. The states and cities paid for the programs and ran them. Later, Congress and the administration approved a \$76 million highway bill intended to create 150,000 jobs. The bill became law after the recovery had begun.

THE YEARS BEFORE THE GREAT DEPRESSION are one of the best periods of economic growth and low inflation in the past 100 years. It is curious that, outside of a few footnotes, Grant doesn’t refer to Fried-

man and Schwartz’s *A Monetary History of the United States*, or rely on its data on reserves, money, and purchasing power parity. Instead, Grant uses early data produced by the Commerce Department. Nathan Balke and Robert J. Gordon provided more reliable historical data on prices and GNP for the National Bureau of Economic Research.

Nor does Grant discuss whether the conditions that permitted a severe deflation followed by rapid recovery were exceptional. He remarks in a few places that both political parties accepted that the gold standard required deflation and real wage reduction from wartime peaks. Labor unions existed, but they had little political influence prior to the New Deal. Devaluation against gold was unthinkable at the time. In fact, the Federal Reserve’s Benjamin Strong and the Bank of England’s Montague Norman agreed that both countries had to deflate to restore the prewar parity.

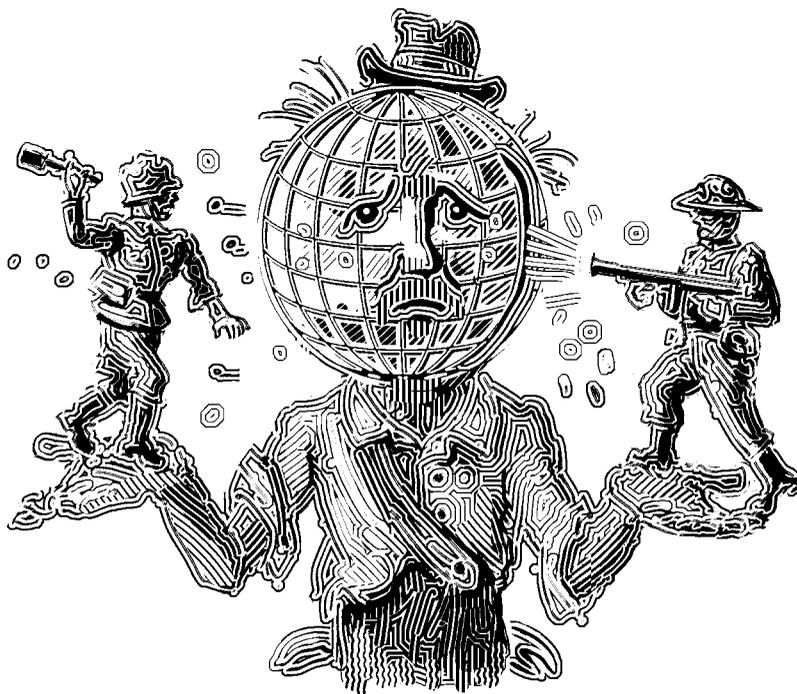
Since then, strong Republican presidents, including Dwight Eisenhower and Ronald Reagan, chose not to run balanced budgets during recessions as Harding had done. Economic policy is now made in a political system in which voters expect government to do something when faced with high unemployment, even if it involves deficit spending. Eisenhower was more determined to balance the budget than most postwar presidents, but he accepted a large deficit in the 1958 recession. In the postwar United States, only Ike and Bill Clinton had back-to-back budget surpluses.

Despite its flaws, I recommend *The Forgotten Depression*. Its lively history and analysis of Republican economic prescriptions in the 1920s provide a tantalizing contrast to the record of President Obama’s failed stimulus. Above all, James Grant reminds us that, in the long term, America cannot recover its economic health without a recovery of its economic principles.

Allan H. Meltzer is the Allan Meltzer University Professor of Political Economy at Carnegie Mellon University and a Distinguished Visiting Fellow at the Hoover Institution.

FROM BAD TO WORSE

The Global Great Depression and the Coming of World War II, by John E. Moser.
Paradigm Publishers, 238 pages, \$150



CITIZENS OF ADVANCED INDUSTRIAL nations living near the end of the Pax Britannica (1815–1914) believed that they lived in a world of increasing peace, prosperity, and civility. Free-market competitive capitalism had brought about an Industrial Revolution that raised living standards and life expectancies while making war's destructive violence more costly. Thus, the 30 years after 1914—punctuated by World War I, the Great Depression, and World War II—were that much more devastating. (One telling fact: according to British economist Angus Maddison, per capita output in Germany rose 1.63% a year between 1871 and 1913, but a minuscule 0.17% between 1913 and 1950.)

Scholars have long agreed that these three events did not occur totally independently of one another. The harsh terms imposed on an embittered Germany after World War I, for example, poisoned relations between European nations, contributing to the rise of Hitler and, ultimately, to World War II. But few scholars have focused on the way the Depression influenced World War II. John Moser's *The Global Great Depression and the Coming of World War II* remedies that deficiency, offering an important contribution to our understanding of the pathologies that sabotaged the

relatively peaceful world and the continuous economic growth that had once prevailed.

The prosperity obtaining between 1815 and 1914 had several sources, including the emergence of a predictable rule of law with strong protection of individual property rights; relatively stable prices, and low levels of taxation and governmental intrusion into private business decisions; a move towards free trade; and a sharp decline in the number and magnitude of destructive wars. This was the ultimate realization of the practical utility promised by the ideas of Enlightenment philosophers like John Locke and Adam Smith; hence Joel Mokyr's fine account of the British Industrial Revolution is called *The Enlightened Economy* (2010).

Although the United States, Britain, Germany, and most of the late 19th century's other emerging nations generally practiced laissez-faire, the preconditions for the modern welfare state were being set. Germany led the way, with Chancellor Otto von Bismarck fostering a social security/pension system designed to mute socialist opposition. In the immediate pre-World War I years Britain began providing unemployment insurance, and the U.S. adopted the federal income tax and new forms of business regulation (e.g., the Interstate Commerce Commission and the Federal Trade Commission).

MOSER, A HISTORY PROFESSOR AT Ashland University, argues that the emergence of the modern welfare state—a Third Way between laissez-faire capitalism and Marxist-style socialism—contributed mightily to the economic nationalist and neo-mercantile policies that made the post-1929 downturn so large, leading to increasing unwillingness on the part of nations to cooperate in facing the threats from Nazi Germany and rising Japanese imperialism. Moser portrays a world in which leading national policymakers believed they lived in a Zero Sum World—gains for my country come only from losses to other nations. For example, Britain's efforts to increase its currency reserves and its ability to meet debt obligations inevitably led to policies causing a deterioration in the reserves of France—rising tariffs on French goods led to less trade and greater resentment. Hostility arose that made it difficult for France and Britain to band together in order to deal with the common emerging threat from Germany. Low tariffs and trade barriers gave way to protectionist policies, most notably imperial preference (tariffs for non-British Empire countries) in Britain and the 1930 Smoot-Hawley Tariff in the United States. Though economists like Charles Kindleberger and Barry

Eichengreen have argued that dysfunctional international financial arrangements largely caused the global Great Depression, they've failed to stress how these arrangements contributed to the inability of nations to ward off World War II.

Moser points out that in this period falling exports combined with rising social and/or defense spending resulted in deficits and other difficulties that prompted countries to pursue short-sighted economic self-sufficiency. Nations sought to reduce imports by exploiting colonies or seeking new territories—the Japanese first in China and then in Southeast Asia; the Germans first through seeking *Lebensraum* by annexing Austria and Czechoslovakia and, ultimately, by invading Poland. Economic and military pressures to prevent prewar imperialism were ineffective precisely because nations would not act in concert with one another. The fact that cyclical downturns varied between countries only made matters worse—while Britain was recovering after 1933, for example, France's economy was weakening.

ALTHOUGH I MUCH ENJOYED *THE GLOBAL Great Depression and the Coming of World War II*, it is far from the definitive word on the subject for at least two reasons. First, this is a short study based largely on previously published accounts, with no original archival research, and so I suspect it will provide fodder for many doctoral dissertations trying to extend or refute the Moser story. Second, the author—presumably to save space—essentially ignores the causes of the Great Depression and the role they played in causing economic distress. The bibliography includes no references to such classic explanations of the Depression as John Maynard Keynes's *The General Theory of Employment, Interest and Money* (1936) or Milton Friedman and Anna Schwartz's *A Monetary History of the United States* (1963).

This omission is not tangential to Moser's insight. The United States was the world's largest economy, and the 1929 Wall Street stock market crash is virtually universally considered the beginning of the worldwide Great Depression. Yet the financial market shock escalated what should have been a mid-sized recession into something much bigger. Why? Milton Friedman said it was because the Federal Reserve pursued poor monetary policies, allowing the money supply to decline precipitously. Inferentially, Keynes argued that the government did not vigorously stimulate aggregate demand through expansionary fiscal policy. Lowell Gallaway

and I (and others) believe that the high-wage policies of Herbert Hoover and Franklin Roosevelt contributed enormously to the decline. Kindleberger and many others argue that Smoot-Hawley and other protectionist legislation significantly contributed to the collapse, as Moser acknowledges.

Or take Britain. Throughout the 1920s, it had double-digit unemployment, less a consequence of an overvalued pound after the restoration of the gold standard in 1925 than of an excessively generous unemployment insurance scheme (a point made by economists Daniel Benjamin and Levis Kochin decades ago). In Germany, the hyperinflation of 1923 set the stage for much of the disillusionment and anger that permitted Hitler's rise; it is no accident that that was the year of Hitler's unsuccessful Beer Hall Putsch. Printing money almost never has positive economic consequences.

THE POINT I'M MAKING IS THAT A FUNDAMENTAL global misunderstanding of economic behavior and its longer term unintended consequences in the 1920s set the stage for the story that Moser tells so well. The classical liberal policy prescriptions of allowing labor markets to work (instead of using government to inflate wages artificially), maintaining sound money (instead of financing admittedly impossible reparation demands through printing money and other means), and restraining an already overly generous welfare state likely would have prevented 1929's disastrous downturn—and prevented the rise of Hitler and, perhaps less convincingly, Japanese militarists and super-nationalists. The failure to follow classical liberal free trade policies—well discussed by Moser—followed an earlier abandonment of the laissez-faire economics developed in the Anglo-American tradition by Adam Smith and disciples, in the French tradition by J.B. Say and Frédéric Bastiat, and in the Germanic tradition by the Austrian school of Ludwig von Mises and, later, Friedrich von Hayek.

Thus, the decline of free trade that plays a big part in Moser's story of rising economic nationalism is part of an even bigger intellectual drama: the wholesale decline in the primacy of classical liberal ideas of public policy. In the U.S., for example, Hoover and Roosevelt raised top income tax rates from 25% to over 80%, with FDR bashing businessmen as "economic royalists." The truly boneheaded National Industrial Recovery Act of 1933 led to wage increases of 25% or more in many industries at a time when overall unemployment exceeded 20%, stalling the recovery beginning

after March 1933. Policy missteps like these contributed as much as Smoot-Hawley to the Depression and the ensuing geopolitical pathologies it unleashed.

The ineffective pressure put on Hitler as he built his military regime after 1933 can be attributed not only to a lack of cooperation between Britain and France, but also to military weakness that would never have been as acute if the Depression had been squelched early. Neither the French army nor the British navy would have been allowed to deteriorate so much. America might have been more vigorous in opposing Hitler earlier if its economy had had 5% unemployment in 1938 instead of over triple that amount.

THE DECLINING INFLUENCE OF CLASSICAL liberal ideas came in two phases: in the generation before World War I and, then, after a hiatus of a decade, at the beginning of the Depression itself. In the United States, muckraking journalists and heroes of the Progressive era like Ida Tarbell and Lincoln Steffens encouraged economic regulation, while in Britain the Labour Party proceeded almost immediately to weaken the House of Lords and pass social welfare legislation. Although post-World War I presidents Warren Harding and Calvin Coolidge partially returned to small government normalcy, what economist Robert Higgs calls the "ratchet effect"—after a crisis, government never shrinks to its previous size—exerted itself: the top income tax rate in 1914 was 7%; by 1929, even under small government presidents, it was 24%. The classical liberal presidents were followed in 1929 by Hoover, an activist engineer who believed "experts" could turn economies around. In France, by contrast, the young classical liberal economist Jacques Rueff became increasingly influential, leading to France's return to the gold standard at a realistic exchange rate. As the Depression came, however, the classical liberal voices lost ground to the government activists. Thus in England the rhetorically dazzling Keynes bested the relatively market-oriented A.C. Pigou, Hayek, and Lionel Robbins in the battle for public attention as the downturn worsened.

These addendums aside, John Moser nicely demonstrates that the abandonment of time-tested ideas about the power of markets and trade not only deranged the world economy in the short run, but eventually brought to Europe renewed misery, penury, and death. His new book is a great and worthwhile read.

Richard Vedder is Distinguished Professor of Economics Emeritus at Ohio University.

Book Review by Denis Boyles

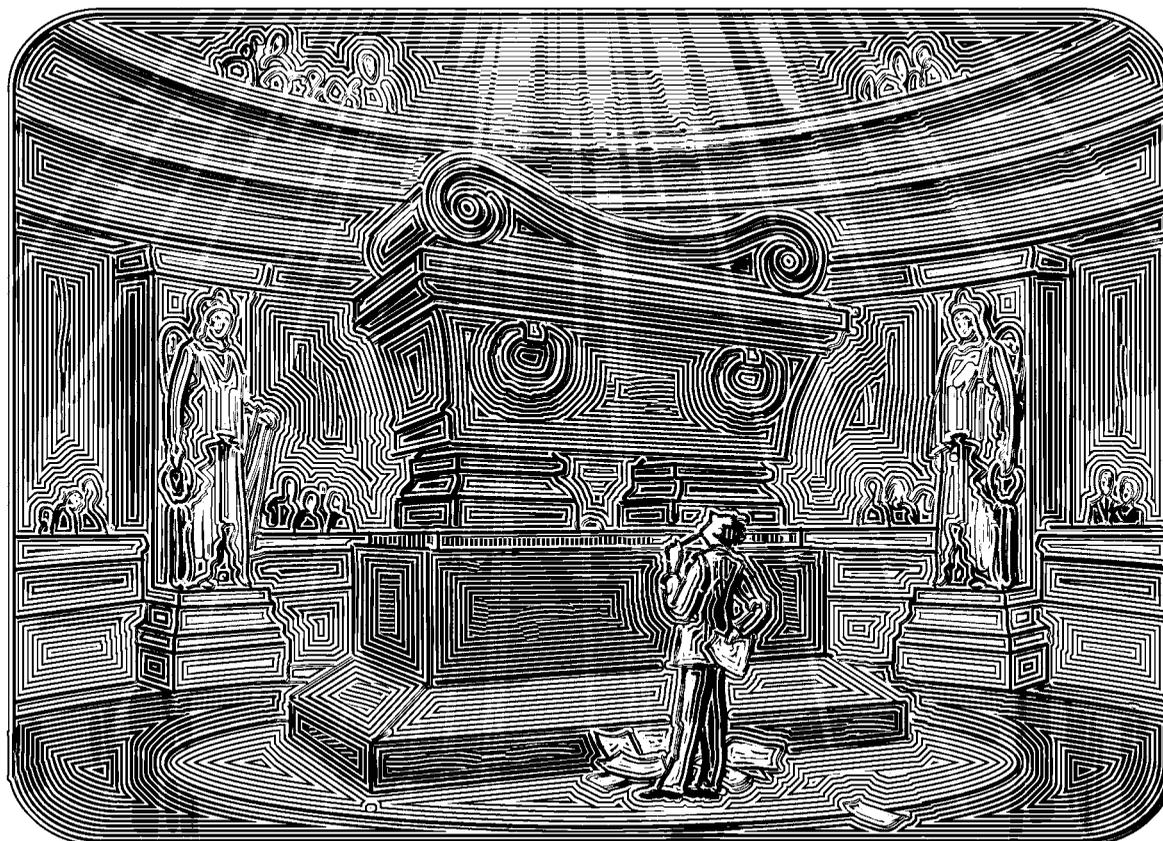
THE MAN ON HORSEBACK

Bonaparte: 1769–1802, by Patrice Gueniffey, translated by Steven Rendall.
Belknap Press, 1,024 pages, \$39.95

Napoleon: The End of Glory, by Munro Price.
Oxford University Press, 344 pages, \$29.95

Napoleon: A Life, by Andrew Roberts.
Viking, 976 pages, \$45

Citizen Emperor: Napoleon in Power, by Philip Dwyer.
Yale University Press, 816 pages, \$45 (cloth), \$28 (paper)



HERE ARE FOUR RECENT BIOGRAPHIES of Napoleon Bonaparte, and, as they arrived simultaneously, here also is a question every biographer of Napoleon asks, usually in the first few pages: *why are there so many biographies of Napoleon?*

It's a good question, one that might require a book-length answer. "People are sometimes astonished by the large—even enormous—number of studies that have been devoted to Napoleon: several tens of thousands, and the list grows longer every day," writes Patrice Gueniffey, in the first volume of his biographical study—this one going only as far as 1802, Bonaparte's 33rd year, in a mere 1,000 pages. The list grows

like Topsy. Munro Price, quoting yet another biographer of Napoleon, claims there have been "[w]ell over 200,000 books...written about him since his death." That makes a huge understatement of Andrew Roberts's assertion that "More books have been written with Napoleon in the title than there have been days since his death in 1821."

It's a publishing trend that started early. Only ten years after Napoleon's death, his private secretary, Louis Antoine Fauvelet de Bourrienne, was able to complain about the "multitude of publications under the titles of historical memoirs, secret memoirs, and other rhapsodies which have appeared respecting Napoleon." His complaint, of course, appears

in his own *Memoirs of Napoleon Bonaparte* (1829-31).

So, four more biographies of Napoleon—no doubt amid others going to press as these four come off. Do we need more?

If you have to ask, the answer's no, one would think. Yet every time the question is posed, a biographer feels compelled to reply in the affirmative, usually in the opening pages of the longest imaginable version of the short (5'6") man's short (not quite 52 years) life, and invariably without providing an answer beyond the obvious. One buys and reads Napoleon biographies for reasons difficult to explain. Goethe, quoted by Emil Ludwig in his 1925 biography of Bonaparte, speaks for many, many readers

when he says, “The story of Napoleon produces on me an impression like that produced by the Revelation of St. John the Divine. We all feel there must be something more in it, but we do not know what.” Okay, that’s Goethe’s hunch, but many have invested in a marriage on less.

ANDREW ROBERTS BEGINS HIS *Napoleon: a Life* by writing, with wiki-like efficiency, “Napoleon Bonaparte was the founder of modern France and one of the great conquerors of history.” It’s not a great grabber, and perhaps no way to launch a page-turner, but maybe that’s not a bad thing, since you’re holding a book with nearly a thousand pages in need of turning.

In the case of Roberts, it’s probably worth the effort. Of course Napoleon led a remarkable life—from penniless immigrant to army general by age 26—and his rocket-like career is outlined in microscopic detail in these volumes. Reading these accounts of racing armies, massive battles, life-changing legal codes, betrayals, massacres, and misery, you worry that the most fascinating thing about Napoleon is that he is so fascinating to so many. But that way lies mortification, for Napoleon is more than a Kardashian of history, as Roberts shows. With its painstakingly reconstructed battles and brilliant analysis of gigantic public works projects, political plotting, and manipulative social masterminding, Roberts’s biography is the best way to know at least what Napoleon actually *did*, even if we put down the book unable to soothe the same discomfort that afflicted Goethe. Reading Roberts or Price or Philip Dwyer makes one wish for just a little distance on the whole business. Eventually, the main thing about Napoleon finally floats into view: a better way to write his biography is to stand back far enough that you can see his vision from afar.

Gueniffey’s more poetic text does this well, at least in its first volume, and provides a better glimpse of the “what” Goethe was looking for, which was a deeper understanding of the meaning behind all the events in the emperor’s life. To do this, Gueniffey resorts, perhaps wisely, to metaphysics: he quotes Chateaubriand’s claim that “[a]n unknown Bonaparte precedes the immense Napoleon, [but] the idea of Bonaparte was in the world before he was there in person: it secretly shook the earth. In 1789, when Bonaparte appeared, people felt something tremendous, an anxiety they could not account for.” Gueniffey expands:

The irruption of the great man into history does not depend on the birth of an individual endowed with uncommon abilities and on the efforts he later makes to dominate his period. The role played by Napoleon depends primarily,

not on his existence, but rather on the crisis provoked by the French Revolution. Great men arise from times of crisis, from periods that allow talented individuals to make use of their capacities and especially their will, to an extent and with an intensity unknown in ordinary times when customs, laws, and institutions circumscribe the will’s action within narrow limits. Peaceful times have no need for great men.

In fact, Gueniffey might have even gone further by noting that the revolution in turn was the result of dry rot in the ancient edifice of the French nation itself. Revolutions do not sweep healthy nations. They come about when the central myth of a nation can no longer be supported by the obvious facts. Nations jump sharks on a rising tide of disbelief. People knew that under the myth of grandeur that defined the French nation during the *Ancien Régime* were two warring, rotting half-nations, one of corrupted, exotic Catholicism and the other militantly, insistently masonic, in both the literal and the figurative sense. And under *that* were centuries of lousy government and psychotic eruptions, such as the 16th-century wars of religion.

“THE HISTORY OF GREAT MEN DOES not merge with the history of their time,” Gueniffey observes. “That is, in a way, the paradox of the great man: he is caught up in history to the point of coalescing with it...he gives it a character that is all his own and whose secret resides in him and in him alone.”

In the case of Napoleon, the secret was extremely ill-kept. He was famously the possessor of a massive ego, one so powerful that, as Dwyer notes, it “dominated his relations with other people, even those he supposedly loved.” It also characterized his policies and his actions, which may be what Gueniffey means when he says Napoleon “coalesced” with history. He had a glorious vision of his role in life; there was no room for circumstances or personalities that interfered with what he saw so clearly. As Munro Price notes, “throughout his life [he] remained undaunted by obstacles others would have regarded as insuperable.” This remarkable self-confidence, Price says, made him “one of the great men of history” by making him live up to his own myth:

First and foremost, he was a military genius, though his real talent lay in the application of new strategy and tactics rather than their creation. Just as remarkable were his administrative gifts, which had steered France away from post-revolutionary chaos and imposed

a structure of government, much of which remains in place today.

NAPOLEON’S VISION HAS, IN MANY ways, survived five republics, two more monarchies, a German puppet regime, and another ersatz empire. He is essential to the continued existence of France. During his disruptive lifetime, he offered to the French nation a sensible conflation of his glory with that of the nation, one that helped the whole enterprise cohere. Napoleon’s triumphs became the triumph of all living Frenchmen, and the old France was quickly forgotten, made useless and left behind by the emperor’s quick-moving legions.

The emperor may have died long ago, but France still sees itself covered in “*la gloire*”—even if nobody quite knows what that means in the 21st century, when all that *gloire* is dimmed by the fog of E.U. bureaucracy. But at the end of the 18th century and the beginning of the 19th, everybody knew what *gloire* was. It was the heritage of a once-great people, now buried in the chaos of revolution. The 19th-century building in which I sit now, for example, is built atop a lasagne of Frances: layers of French nations. Down below me someplace is a Roman villa, a medieval abbey, an old chateau, and a cellar full of good, cheap wine, and that’s just a few square meters of France. Likewise, Napoleon’s France was an empire built on the rubble of the old Europe, piles of ruined churches, the litter of political and social mayhem, and the barely recognizable debris of sacked royal houses. Napoleon arrived and with the subtlety of a bulldozer smoothed it all out and paved it all over. Everybody knew an older France, one grander than any Corsican dream, was down there someplace, but people were tired of looking for it. Their new, improved France was (and apparently continues to be) an appealing idea.

At the same time, Napoleon conflated, at least in the minds of Frenchmen, the essence of France and the idea of Europe. “The core of Napoleon’s personality,” Price writes, “was a driving need for domination.” That kind of ambition sees things in an orderly, logical way. Napoleon created modern Europe by making it the logical consequence of all that had preceded it. It was a concept that proved to be invulnerable. Island Britain, for example, will never quite succeed at being a part of Napoleon’s version of modern Europe, try as it might to fit into a European Union Napoleon would have certainly understood and obviously anticipated. Russia, on the other hand, was unavoidably European and therefore, unlike Britain, just down a long European street: go to Paris, face north, turn right and keep marching. That apparently made sense to Napoleon—at least until it obviously didn’t.



CRB Fall 2015

James A. Stoner, Jr.
Magna Carta at 800

Joseph Tartakovsky
James Madison

Algis Valiunas
the American Mind

Rémi Brague
Christianity's Secularism

James H. Hutson
Nature's God

William Galston
Arthur Brooks's
Conservative Heart

Mark Blitz
Our Bio-Engineered Future

Theodore Dalrymple
Mexico's U.S. Drug Market

Lauren Weiner
Hollywood Traitors

Michael Auslin
Man's Best Friend

Subscribe today.

www.claremont.org/subscribe

THESE ARE ALL MAGNIFICENT WORKS. Price's end-of-the-road narrative brings a simple clarity to his portion of this vast plain of knowledge, and he weaves proper skepticism through his well-wrought narrative, pointing out that had Napoleon been less psychologically impaired by his egotism, many lives might have been saved, and with them his country. Price points out that his "need for domination was perfectly well suited to dictating peace terms to a defeated enemy... [b]ut it had no place in negotiations between equal partners seeking peace through rational compromise."

Dwyer is likewise clear-eyed about his subject, pointing out his "irrational sense of invincibility," his stubbornness, his inability to trust his subordinates, his "[h]ubris, arrogance and an utter inability to admit his mistakes," traits which were "the hallmarks of his monologues." To these vices was added his inability to realize that his problems were caused by "invading Russia in the first place, adopting a Continental System that obliged him to try to blockade Britain in an effort to pursue the phantom of economic dominance, fighting a war on two fronts [and]...being drawn deep into Russia in spite of himself." Dwyer makes Napoleon familiar to most of us by building his narrative around expertly sketched flaws and foibles. He apparently thought, for example, he could talk his way out of his troubles, as though that Russian defeat "were simply a matter of putting up a good argument, rather than dealing with a reality that touched the lives of millions of people."

Patrice Gueniffey's *Bonaparte* is beautifully written, and its portrait of Talleyrand is masterly. If you need *more* Napoleon, Gueniffey's next volume is a good bet, and provides an interesting contrast to the work of these other, Anglophone biographers. When the narrative in this volume succumbs, as it must, to the detail-bedecked excess common to all Napoleon biographies, however, it recedes into a familiar conformity.

Roberts is a prolific biographer and one of the best. His *Napoleon* is a terrific read, filled with detail—it's as close as we will ever come to a one-volume *Bonaparte* encyclopedia—and his descriptions of battles and political conflicts—and even committee meetings—are very good, and in places almost cinematic. He was able to use the huge trove of correspondence now being released by the Fondation Napoléon, and, as he reports in his book, he has visited almost all (53 of 60) of the Napoleonic battlefields of Europe. *Napoleon: A Life* is upholstered with don't-tread-on-me rhetorical defenses: the book opens with his acknowledgment of the help given to him by President Nicolas Sarkozy of France and Prime Minister

David Cameron of Great Britain, not to mention Henry Kissinger. But what gives his book charm is the thing most would say diminishes it: he is in love with his subject.

THIS IS A PHENOMENON COMMON TO many biographers, but sometimes, as when Roberts feels his man has been wronged, it causes temporary madness. He seems angry at Winston Churchill, for example, who took pains to warn against comparing "the great Emperor" with the "squalid caucus boss and butcher" that was Hitler, but nonetheless sensibly encouraged Britons to "achieve our Waterloo" through a "determination to fight on, as Pitt and his successors fought on." Roberts protests:

To demonize the character of an enemy while the war is being fought is perfectly understandable—an opponent's personality is fair game, after all—but it is unnecessary two centuries after his defeat.

This is a lover's defense—overblown and unnecessary. Two centuries after his defeat, Napoleon is nothing but personality. Besides, he can take it. Maybe we shouldn't be told that an earlier biography (Correlli Barnett's) "sits in [Roberts's]...study alongside a lock of Napoleon's hair, a commiseration letter from him to a lady widowed at the battle of the Nile, various medals struck during the Consulate and a piece of the wallpaper from the room in which he died...."

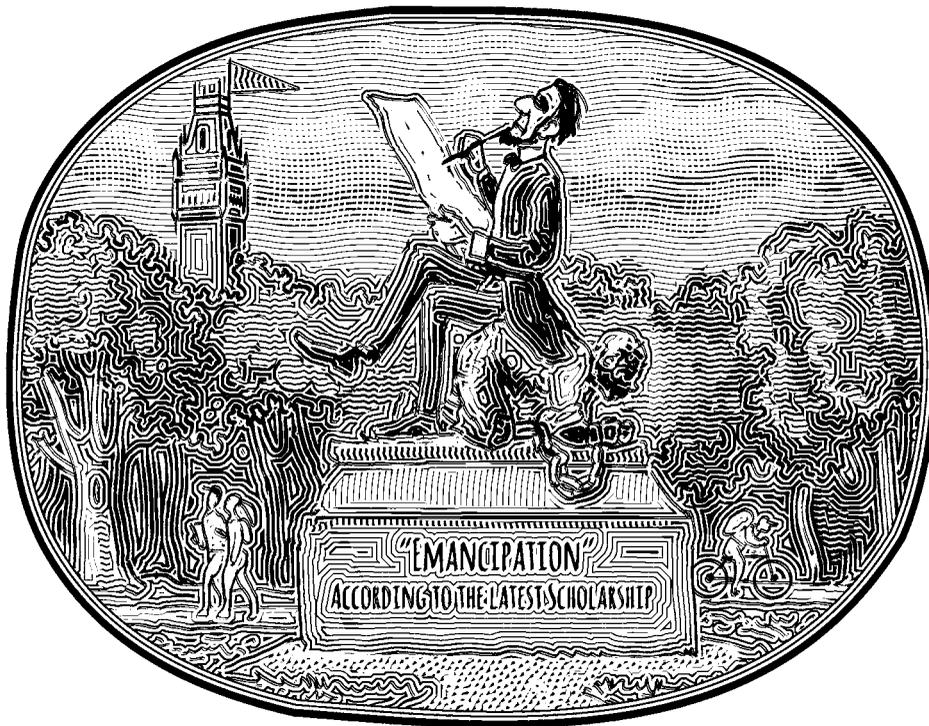
France resembles Roberts's study in that there are souvenirs of the emperor everywhere. There are almost as many *Places Napoléon* in France as there are biographies of their namesake. The *Place Napoléon* in the center of La Roche-sur-Yon—a tiny village converted by Bonaparte in 1804 into a departmental capital to help persuade the restless locals to stop their constant rebelling against Paris—provides a landing spot for a massive statue of the great man. It towers over an unused parade ground designed long ago to accommodate 20,000 soldiers. You can see Napoleon from miles away. But the bands and soldiers have all gone home, and the commerce of the city crowds around. You can stand in a corner of the open space, look at the statue, and, like Goethe, feel there maybe should be something more in it.

Denis Boyles lives in western France. He is the managing editor of The Fortnightly Review, and the author, most recently, of a book about the creation of the 11th Edition of the Encyclopædia Britannica (1910) to be published next year by Knopf. He teaches at L'Institut catholique d'études supérieures (ICES) in La Roche-sur-Yon, France.

Book Review by Ken Masugi

LUKEWARM LINCOLN

Lincoln's Political Thought, by George Kateb.
Harvard University Press, 256 pages, \$24.95



STUDENTS OF ABRAHAM LINCOLN marvel that, when not quite 29, he warned of a “towering genius” who would seek glory by “emancipating slaves, or enslaving freemen.” In *Lincoln's Political Thought*, Princeton political theorist George Kateb claims he did both, destroying the Constitution in two ways—by advancing the 13th Amendment, which overthrew a “Constitution of slavery,” and by suspending constitutional freedoms in fighting the Civil War.

Having come to this stunning conclusion, he laments, “My intense admiration remains, but is now joined to some dismay.” He attacks Lincoln for not being “an abolitionist” until later in the war. Yet he also recognizes that had Lincoln spoken as he eventually acted, he would never have been elected (or reelected) president. This tension between the demands of morality and of democratic politics informs the entire book, which should be read less as a condemnation of Lincoln than as a sorrowful reflection on America’s racism and its laughable attempts at redemption. “[I]t is nearly impossible,” Kateb sadly concludes, “to do the right thing for the right reasons, actually held and honestly stated.”

His announced aim in this work is to “try to understand Lincoln’s words.” But too often he interprets without grasping the connection between Lincoln’s words and his deeds, and he distorts what Lincoln (and the American political tradition) meant by its central concept of equality. In Kateb’s embellished reading, the Declaration of Independence stands for the “proposition that freedom from personal tyrants and public systems of tyranny was a right of all persons and races,” and the great question is how this conception or any conception of the revolutionary principle of equality might be put into practice.

Kateb has always found it difficult to reconcile theory with practice, the key task of statesmanship. This was evident almost 50 years ago in his exasperated review in *Commentary* magazine (August 1965) of Harry V. Jaffa’s book *Equality and Liberty*.

How could it be that this student of Professor Leo Strauss, this ardent author of a brilliant book on the slavery controversy in the 1850’s, this respected teacher of political theory, would lend

his intelligence to [Barry Goldwater’s] cause? It is bad enough that professors should be partisans; worse that professors of political theory should be partisans. But there must be limits: working for Goldwater—not just for the Republican party, at a decent remove from its temporary leader, but for the leader himself—must surely be beyond reasonable limits.

COMMENTARY HAS CHANGED FOR THE better over the past 50 years, but Kateb, along with much of the non-neoconservative American Left, has stubbornly remained the same. He understands the role of political principle neither in his own time nor in the Civil War. Jaffa’s embrace of conservative politics in the 1960s, Lincoln’s devotion to the allegedly racist Constitution in the 1860s—both fit what Kateb condemns as an ugly, irrational, hypocritical pattern. But it is Kateb who allows his partisanship to interfere with his reason.

The Peoria speech, for example, made the restoration of the principles of the Declaration

“The scholars of the Witherspoon Institute have dedicated their careers to holding our nation accountable to its ideals. In *The Thriving Society* they consider the future of our culture; for those invested in our nation, its institutions, and their fellow man, it is essential reading.”

Arthur Brooks
President, American Enterprise Institute

The Thriving Society

ON THE SOCIAL CONDITIONS OF HUMAN FLOURISHING



Edited by:

James R. Stoner, Jr.
Louisiana State University

Harold James
Princeton University

Featuring essays by:

Harvey Mansfield
Harvard University

Roger Scruton
Ethics and Public Policy Center

Robert P. George
Princeton University

Candace Vogler
University of Chicago

John Haldane
University of St. Andrews

And others . . .

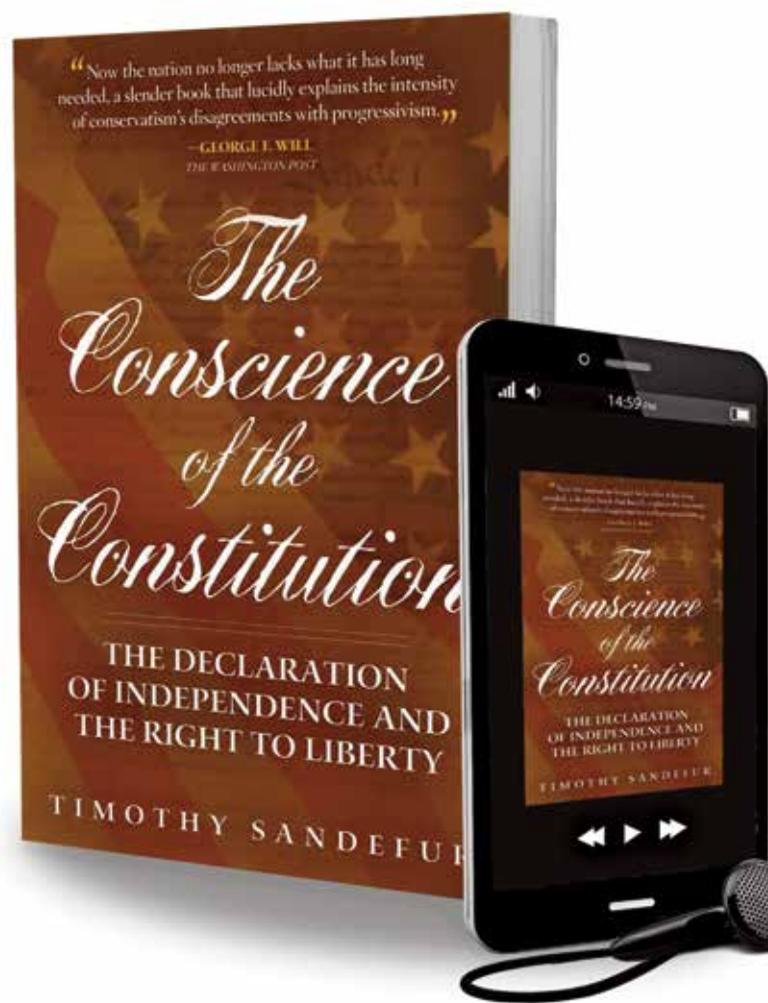
<http://winst.org/publications/print/the-thriving-society>



Princeton, New Jersey



Barcelona, Spain



Paperback and Audiobook Now Available

“A slender book that lucidly explains the intensity of conservatism’s disagreements with progressivism.”

—GEORGE F. WILL, *The Washington Post*

“A great defense of individual liberty.”

—SENATOR RAND PAUL

PAPERBACK: \$9.95 • AUDIOBOOK: \$14.95

CATO
INSTITUTE

AVAILABLE AT
CATO.ORG/STORE
AND AUDIBLE.COM.

of Independence the central goal of Lincoln's rekindled political career. The speech could also be called the first Lincoln-Douglas debate, as Lincoln appropriated the crowd that Senator Stephen Douglas had just addressed on behalf of the Kansas-Nebraska Act. Lincoln argued that "the spirit of seventy-six and the spirit of Nebraska are utter antagonisms," but he proposed as a remedy not abolitionism but a return to the Missouri Compromise.

For Kateb, this speech marks Lincoln's moral failure to meet the evil of slavery head-on. Lincoln insisted that the Southerners were "just what we would be in their situation," but Kateb is disgusted by this "imputation of goodness" to the slaveholder and thinks that Lincoln's attitude underestimates the "intensity of the South's unappeasable ambition... its immitigable ferocity." Lincoln's repeated attempts to gain sympathy for slaves from his audience do not impress Kateb. He apparently thinks Lincoln should have recognized the need for a terrible war. Kateb implies that slaveholders were beyond reason and could only be ruled, as barbarians, by force. Maybe he thinks the same about the rest of us: in "postslavery American malignity," he observes, the denial of black humanity "is still operative today."

LINCOLN'S ACCEPTANCE OF SLAVERY'S presence in the Constitution as a necessary evil, in Kateb's eyes, denies that black lives matter. He dismisses Lincoln's argument that a Union founded on the only anti-slavery principle we know—the principle of equality—was the best hope for putting slavery in the course of ultimate extinction. It is merely "speculative," he contends, that a divided country without the Constitution would be vastly worse than the pro-slavery one that developed. Lincoln's "political religion" worshipped false gods.

Kateb's welcoming of a total war against slavery is more fully developed in his provocative thoughts on the Second Inaugural. For him, Lincoln's "single greatest sentence" remains unlike any other political statement ever made:

Yet, if God wills that it continue, until all the wealth piled by the bond-man's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash, shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord, are true and righteous altogether."

Americans in fact merited an "apocalypse of extermination" for the sin of slavery. According to Kateb, this speech "rightly understood would have been enough to pull the trigger to kill Lincoln."

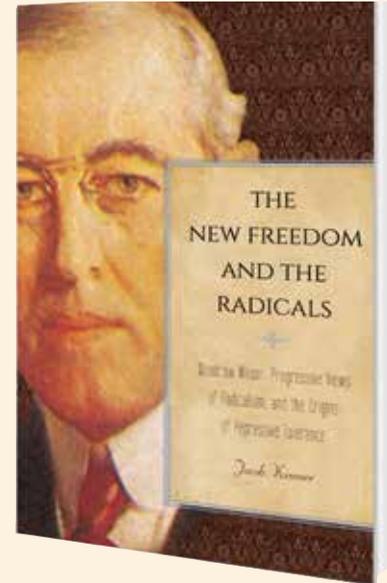
BUT IN FACT, LINCOLN SHOWED THAT his Emancipation Proclamation, which encouraged slave revolts, did not contradict the Declaration of Independence, which in Thomas Jefferson's original text condemned slave revolts: both documents promoted natural rights. Lincoln transcends Old Testament justice with New Testament mercy, referring to Matthew 7:1 on judgment and quoting Matthew 18:7, "Woe unto the world because of offences! for it must needs be that offences come; but woe to that man by whom the offence cometh!" The New Testament points not to further vengeance but to the trans-political mercy and peace with which Lincoln concludes: "With malice toward none, with charity [*agape* or Christian love] for all..." Lincoln fittingly concludes the Second Inaugural with a reference to James 1:27, "To visit the fatherless and widows in their affliction, and to keep himself unspotted from the world." This is the charity required to rebuild the republic on the basis of a "new birth of freedom." Such sacrifices and judgments must be seen in the light of God sacrificing his son for the redemption of the sinful world. Lincoln is in fact Allen Guelzo's "redeemer president," not Kateb's "avenger president."

Among Kateb's many omissions (he ignores the First Inaugural entirely) the worst—and the most revealing—is his slighting of the Gettysburg Address. Yet, if Kateb had considered this greatest of speeches on patriotism and American identity, he would have had to attack it as an example of the "cruelty lodged in the heart of the theory of the social contract." In an exchange with Walter Berns (see the Cato Unbound roundtable, "Patriotism: What Is It Good For?" March 10, 2008, available online), he once declared, "If no one were a patriot, the world would be better off than it now is, when almost all are patriots."

Even the "transformative" 13th Amendment leaves Kateb uneasy, because Lincoln employed low politics to get it adopted. Kateb's Kantian denunciation of prudence might drive one to praise Machiavelli—had we not Lincoln's example.

Ken Masugi is a senior fellow of the Claremont Institute and author of a forthcoming monograph on Alexis de Tocqueville's Democracy in America (Heritage Foundation).

NEW from Temple

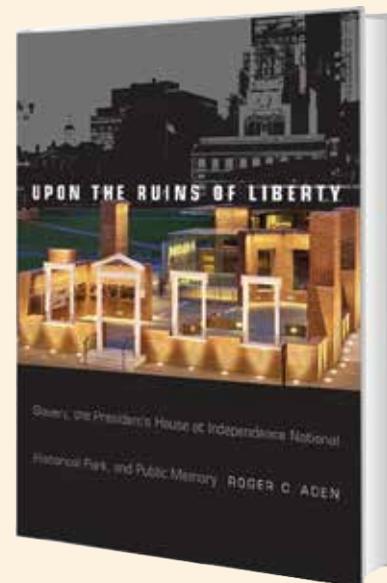


THE NEW FREEDOM AND THE RADICALS

Woodrow Wilson,
Progressive Views of
Radicalism, and the Origins
of Repressive Tolerance

JACOB KRAMER

\$79.50 cloth 978-1-4399-0838-9



UPON THE RUINS OF LIBERTY

Slavery, the President's
House at Independence
National Historical Park,
and Public Memory

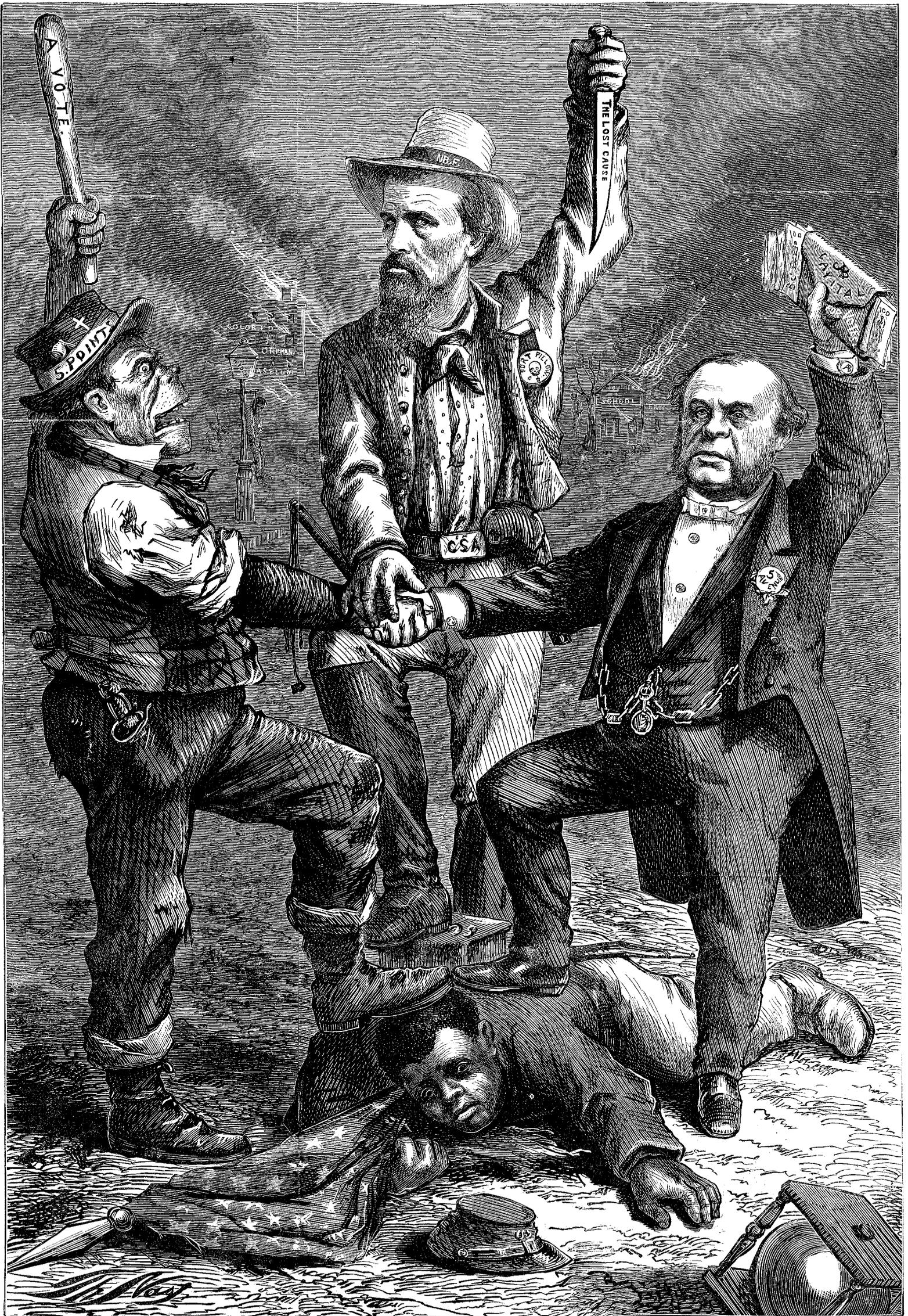
ROGER C. ADEN

\$27.50 cloth 978-1-4399-1199-0

Wherever books
& ebooks are sold



TEMPLE
UNIVERSITY PRESS
WWW.TEMPLE.EDU/TEMPRESS



Book Review by Michael P. Zuckert

A MORE PERFECT UNION

The Wars of Reconstruction: The Brief, Violent History of America's Most Progressive Era, by Douglas R. Egerton.
Bloomsbury Press, 352 pages, \$29.99

After Lincoln: How the North Won the Civil War and Lost the Peace, by A.J. Langguth.
Simon & Schuster, 464 pages, \$28

Statesmanship and Reconstruction: Moderate versus Radical Republicans on Restoring the Union after the Civil War, by Philip B. Lyons.
Lexington Books, 368 pages, \$110

D.W. GRIFFITH, ONCE A FAMOUS FILM pioneer, is remembered for just one thing today: his notorious 1915 movie, *Birth of a Nation*. Celebrating the Ku Klux Klan and disparaging blacks, the film's racial attitudes were controversial a century ago, and have become reviled anachronisms since the civil rights movement's mid-century victories.

In 1930 Griffith released *Abraham Lincoln*, his first and now forgotten "talkie." Far from portraying the Confederacy's nemesis as a villain, however, the film celebrates him. (John Wilkes Booth, by contrast, is a crazed, vainglorious fool, unable to appreciate Lincoln's gentle, generous spirit.) The movie closes with a swelling chorus of "The Battle Hymn of the Republic," while the statue in the Lincoln Memorial glows with celestial light. For Julia Ward Howe, "His truth is marching on" referred to God; Griffith all but deifies Lincoln.

Upon closer inspection, however, *Abraham Lincoln* affirms rather than repudiates *Birth of a Nation*. Late in the film we hear Lincoln declare, "We're going to take them [the Southern states] back as though they'd never been away." And the very last words he speaks—at Ford's Theatre just prior to Booth's appearance in the presidential box—are a pastiche of the Gettysburg Address and Second Inaugural: "With malice toward none, with charity for all...let us strive on to finish the work we are in; to bind up the nation's wounds...and cherish a just and lasting peace." Griffith's Lincoln sought not the South's punishment

but the Union's reconciliation—whether it would have included meaningful emancipation or not.

GRIFFITH DID NOT SIMPLY INVENT this Lincoln. According to historian Douglas R. Egerton, in the 1905 Thomas Dixon, Jr., novel, *The Clansman*, on which *Birth of a Nation* was based, Lincoln "wished only to restore the South as it had been." If he had lived, the aftermath of the war would have been far different from the tyrannical occupation that Dixon and Griffith's heroic Klan heroically resisted.

Nor was the Dixon-Griffith view simply a literary construct. It reflected a newly emerging historical consensus about Reconstruction. In 1901 the *Atlantic Monthly* published historian and political scientist William A. Dunning's "The Undoing of Reconstruction." That influential article was followed six years later by Dunning's *Reconstruction, Political and Economic, 1865–1877*, which established a framework—propagated by the "Dunning School"—that would guide scholarly and popular thinking about Reconstruction for many years. Dunning's Reconstruction highlighted "Scalwags" and "Carpet-baggers," freedmen's corruption and incompetence, Republican venality and self-serving, errors of judgment and of malevolence. Reconstruction stood out as "the most soul-sickening spectacle that Americans have ever been called upon to behold," declared Columbia University political scientist John W. Burgess, a representative of the Dunning School.

In retreat since the 1950s, the Dunning School hardly exists any longer. Perhaps the high point of its repudiation is Eric Foner's *Reconstruction: America's Unfinished Revolution, 1863–1877* (1988). A.J. Langguth, Philip B. Lyons, and especially Egerton work within the framework Foner explicated. Their three books share many qualities, including an overriding interest in the theme announced

in Langguth's subtitle: *How the North Won the Civil War and Lost the Peace*. Egerton raises the same question in a yet more pointed way: "why did this period of progressive reform end?" Reconstruction, in their view, did not fail because of its inherent vices, nor did Radical Republicans embody political malice, though Lyons expresses serious reservations about some of their policy choices.

The Dunning School looked at Reconstruction from the perspective of the South and the Democrats. Egerton, like Foner, champions the Radical Republicans, whom he most often calls "progressives." Though Langguth's perspective on the factions of the day is murky, the moderate Republican viewpoint is articulated and defended in Lyons's *Statesmanship and Reconstruction*.

DESPITE SHARING A COMMON THEME, therefore, the three books differ a great deal. Egerton's *The Wars of Reconstruction* not only clearly conveys where he stands, but answers the questions he and Langguth share. A professor at Le Moyne College, and an accomplished scholar of the period surrounding the Civil War and of antebellum African-American history, Egerton attributes Reconstruction's failure to the fact that it was "far from radical." Its demise was not the inevitable result of a "solid South," unalterably opposed from the start to African-American freedom. Rather, he claims the white "accord" in the South "grew only slowly." In fact, he holds that "in the spring of 1865, as exhausted and starving soldiers came straggling home...a majority [of Southerners] were prepared to accept whatever terms Lincoln's government planned to impose." That spring "presented...[t]he nation... with a window of enormous opportunity, however brief." In an almost mirror-image reversal of Griffith and Dixon, Egerton says the window would "begin to close" with Lincoln's assassination.

Opposite:

"This Is a White Man's Government," political cartoon by Thomas Nast, published in Harper's Weekly, September 5, 1868. Depicted standing atop a black Civil War veteran are a "Five Points Irish-man," Ku Klux Klan founder Nathan Bedford Forrest, and Wall Street financier and Democrat August Belmont.



Egerton differs from Langguth and Lyons, however, by arguing it was the ascent of Andrew Johnson to the presidency, not the radicals' eventual empowerment, that doomed Reconstruction. Instead of exploiting the opportunity presented by the South's defeat and demoralization, as Egerton implies Lincoln would have done, Johnson dismantled as much as he could of the Reconstruction Lincoln already had in place or was planning. The new president did press states to ratify the 13th Amendment—not yet part of the Constitution at the time of Lincoln's death—but opposed all the remainder of the 1866 moderate Republican agenda, which Lincoln might well have supported. Johnson vetoed the renewal of the Freedmen's Bureau as well as the Civil Rights Act of 1866, and he opposed the 14th Amendment, managing in the process to alienate more or less every Republican in Congress, including important moderates like Senator Lyman Trumbull (Illinois) and Representative John Bingham (Ohio). Johnson not only refused to support congressional efforts to protect freedmen's rights in the South from the emerging Black Codes, he pardoned Confederate sympathizers and agents, restoring *their* rights and property, except for their slaveholdings.

Johnson's actions, "[f]rom his first moments in office...signaled his fellow white

southerners that he would demand almost nothing of them," writes Egerton. Once it became clear he would curtail Reconstruction, Southerners concluded that resisting what remained of it held few risks and promised many benefits. The worst such resistance involved "targeted violence" against the freed slaves and the black and white activists assisting them. "[S]mall-scale but highly lethal violence" by the Ku Klux Klan and others "began as early as 1866."

"Reconstruction did not fail," according to Egerton; "in regions where it collapsed it was violently overthrown by men who had fought for slavery during the Civil War and continued that battle as guerrilla partisans over the next decade."

THOUGH THE LATE A.J. LANGGUTH WROTE many books of history and several novels, he was originally a journalist; he served as Saigon bureau chief for the *New York Times*. *After Lincoln* is the last of four books in his series on American history from the Revolution to Reconstruction. It is a very different book from Egerton's—less professorial, for one thing, and more readable. But unlike *The Wars of Reconstruction*, it lacks a central thesis, since Langguth offers historical characters and narratives rather than a clear argument.

Indeed, almost all the 20 chapters of Langguth's book are named for men who played some part in Reconstruction. The typical chapter supplies a sketch of its subject's life prior to the point in the Reconstruction story where he appears. More than half of Senator Charles Sumner's chapter, for example, describes his career before Lincoln's election to the presidency. Though interesting and occasionally dramatic, that story is not obviously germane to the allegedly central theme of "how the North won the Civil War and lost the peace." Though Langguth provides a narrative of some of the main events of Reconstruction, he hardly addresses, much less answers, the question raised by his book's provocative subtitle.

Langguth's volume relies almost entirely on secondary sources, while Egerton's *Wars of Reconstruction* contains a good deal of original research, focused on what one might call Reconstruction "on the ground." He directs our attention away from "high politics" in Washington to developments in the states, among black veterans, or in Freedmen's Bureau schools, which helps to elucidate some of the important successes of Reconstruction, including the impressive growth in black literacy and the Freedmen's Bureau's achievements in feeding so many displaced persons after the war.

FOR ALL THAT, EGERTON'S VERDICT ON Reconstruction is persuasive only up to a point. For one thing, he overstates Andrew Johnson's role because he understates white resistance to the integration of the freedmen into American society. Perhaps the exhaustion of the South made it amenable to reshaping, but underlying racial attitudes would have asserted themselves the moment that exhaustion abated, Andrew Johnson or not.

Nor does Egerton see the radicals and their policies as any part of the problem. To note a vicious political dynamic that made a successful Reconstruction unlikely requires no partiality to the Dunning School. As President Johnson resisted the gentler measures promoted by the moderates and worked to restore the old Southern elite's political power, the GOP radicals demanded harshly punitive measures, including a greater militarization of the entire process. Since these steps had no chance of gaining the white South's consent—and there was no constituency on either side of the Mason-Dixon line for a permanent occupying army—it became only a matter of time until Union troops withdrew and the freedmen's fate was determined, once more, by their former masters.



NEW AWARD ANNOUNCEMENT



The Iowa Prize in Literary Nonfiction

THE UNIVERSITY OF IOWA'S NONFICTION WRITING PROGRAM AND THE UNIVERSITY OF IOWA PRESS are pleased to announce a new annual prize for literary nonfiction. Manuscript submissions will be reviewed by **John D'Agata** and the Nonfiction Writing Program. Distinguished visiting professor, **Richard Preston**, will be the final judge for the inaugural prize. The winner will be awarded a publishing contract with the University of Iowa Press. ¶ The contest is open to both previously published and unpublished authors. Both collections and long-form manuscripts are eligible. Submissions will be accepted from October 15, 2015 through December 10, 2015. Announcement of the winners will be made in spring of 2016.

¶ For more details please visit uiowapress.org.

The University of Iowa Press
where great writing begins

THOUGH PHILIP LYONS IS BY TRAINING a political scientist, he spent most of his career not in the academy but in government, including many years at the U.S. Commission on Civil Rights and at the Equal Employment Opportunity Commission. His professional life afforded many opportunities to reflect on how Reconstruction affected America. Apart from a much greater emphasis on politics per se, *Statesmanship and Reconstruction* differs from the other two books in a number of ways. Unlike Egerton and Langguth, Lyons sympathizes most strongly with the moderates. Though both he and Egerton devote attention to developments outside Washington, Lyons concentrates not on social history but on the decisions of the men who held or sought power in Southern state politics, including their alliances, and their instances and failures of statesmanship. Lincoln, in all three books, is a touchstone for understanding a Reconstruction that might have gone better than it did, but Lyons devotes more systematic attention to him. He discusses those features of Lincoln's approach to reconstructing the South that appealed so much to D.W. Griffith, but insists on Lincoln's resolve to protect and further the fortunes of the freedmen.

Two features of the book are especially valuable. First, Lyons focuses on the aims and actions of political men with an eye to the question of what they should have done and how their actions achieved or fell short of wise action. He posits the criteria for what counts as statesmanship in terms of the dual requirements in the Declaration of Independence: protection of rights, and consent of the governed. In the context of Reconstruction, these translated into protection of the freedmen's rights with the consent of the Southerners themselves. Given the feelings between the races and the dynamics of national politics, this combination was inherently difficult to achieve. But the author tries to show how first Lincoln, and then the moderate Republicans (to a degree), and then various leaders in the states moved in the direction of policies that had some promise of simultaneously advancing both imperatives. These efforts were thwarted, however, sometimes by indigenous forces in the states, sometimes by unwise interventions by federal authorities, especially by President Johnson and then by President Ulysses S. Grant, and more generally by radical Republicans in Congress and the states.

Lyons's second great contribution is demonstrating that Reconstruction was not one thing, but quite different experiences in different states. He identifies three patterns that emerged, including one that really did prom-

ise success had President Grant not made some very poor decisions. Lyons uses his typology to organize and neatly capture what could otherwise be a sprawling mass of detail about the experiences of the 11 formerly seceded states. The three patterns reflect different kinds of effects the 1867 Congressional Reconstruction Act (CRA) had in the various states. That act provided for military reconstruction and gave military commanders in the states much power over local political outcomes. The Act also enabled the people of a state to come out from under military occupation by ratifying the 14th Amendment, conforming their state constitution to it, and mandating universal male suffrage. In some of the states, the CRA gave governors false confidence that their administrations could survive without significant white support. This was the case in Mississippi, where the radical Republican governor, a man genuinely devoted to black rights, neglected legitimate local white grievances over taxes. When he had a good opportunity to accommodate these concerns, he didn't, and a racial massacre occurred. Because no whites were punished for the murder of 300 blacks, Democratic hardliners were able to convince Democratic moderates that they had found a way, which they called the Mississippi Plan, to overthrow Republican governments—keep the violence low enough to avoid federal intervention and engage in threats and intimidation to keep blacks from voting. The same mistaken confidence led to the demise of Republican administrations in North Carolina and Georgia.

IN A SECOND PATTERN, THE CRA LEFT THE moderate Republicans little leverage in dealing with their states' Democrats. For example, two moderate Republican governors of Alabama were so pressured by competing demands of radical Republicans on the one hand and hardliner Democrats on the other that their attempts at political balance proved futile. Both governors yielded power to the Democrats after trying to survive by abandoning their black constituents. Because of the same weakness, Democrats "redeemed" South Carolina and Tennessee.

The third, and potentially most promising pattern, was seen in those moderate Republican governments that overcame the bias of the CRA and had a chance of surviving. The only governor to succeed was the one who followed most closely in Lincoln's footsteps, Ossian Bingley Hart in Florida, who died after 16 months in office. By securing a constitution that favored moderate Republicanism and measures that brought economic

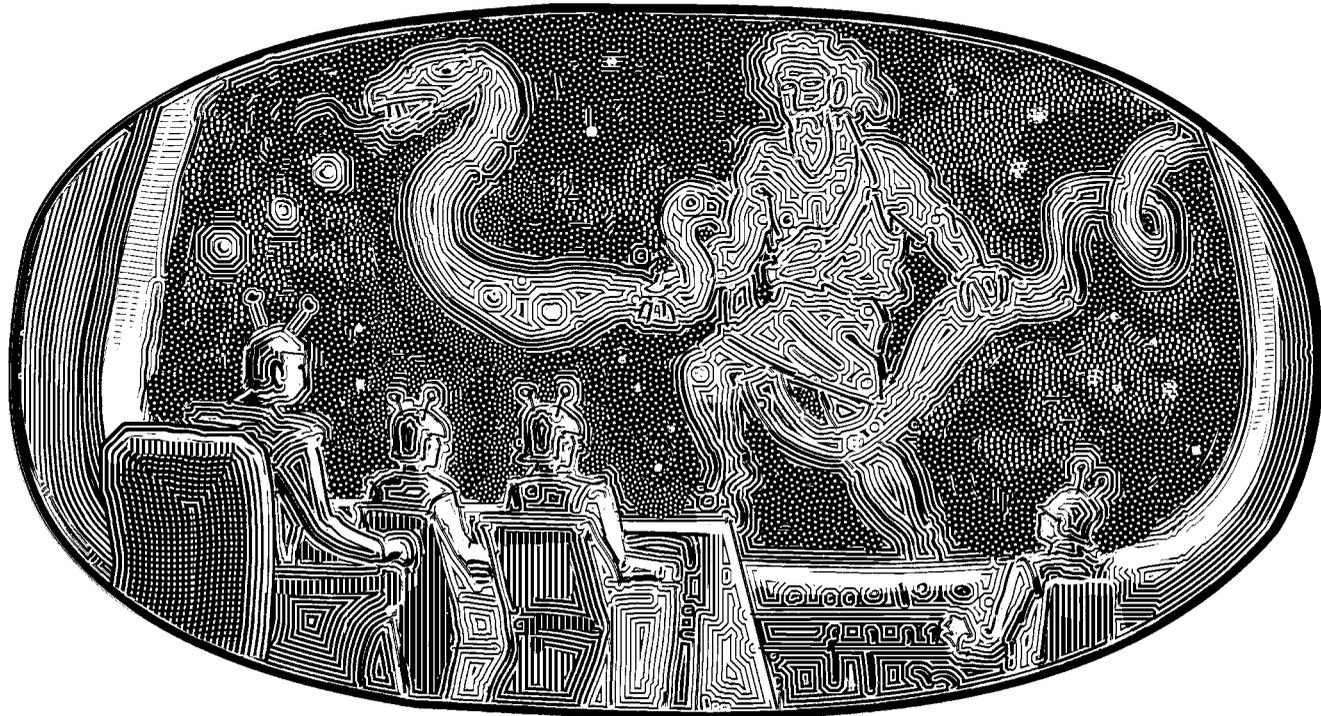
stability where there had been none, he won a significant following from Republicans and Democrats. Extremists of both parties were sidelined and Democrats were persuaded to support a strong civil rights measure. A similarly statesmanlike effort by a moderate Virginia Republican leader to unite the radical and moderate wings of his party so that they could negotiate with the Democrats from a position of strength was defeated by the radicals' intransigence.

ACCORDING TO LYONS, PRESIDENT Grant, who, as General of the Army, had advised Congress on drafting the CRA, did not appreciate the value of the moderate Republican approach. Thus, his Southern Policy was marked by the rise of extremism dominating Reconstruction politics. This happened, for example, in three states where his backing would determine which Republican candidate won the governor's chair. Although the moderate candidates in two of these states had the greater promise of surviving politically, he chose the radical. For example, in Louisiana the president destroyed the only hope for the Republicans—an alliance between a moderate Republican governor and a statesmanlike black leader that could have bargained from a position of strength with the Democrats. Similarly, in Texas Grant backed the radical over the moderate for governor. The radical who won caused such opposition that he resigned before the end of his term. By following the advice of the radical Republican governor of Arkansas, Grant backed the wrong man for governor.

These three books show very persuasively that Reconstruction was not "the most soul-sickening spectacle" of American history. It doesn't necessarily follow, however, that the Dunning School was wrong about everything. Foolish, corrupt, and venal men were a significant part of the Reconstruction story. What's more, the division between Northern and Southern opinion made it very difficult to avoid a resolution like the one that finally took hold after 1876. This is not to say that the tragedies and disappointments of post-Civil War history were inevitable. We are left to ponder the possibility Lyons, especially, raises: how different would it have been had Lincoln (the real Lincoln; not the one of Griffith's biopic) and the moderate Republicans—rather than Johnson and the radical Republicans—vied for common ground on Reconstruction, marginalizing the radicals on both sides?

Michael P. Zuckert is the Nancy Reeves Dreux Professor of Political Science at the University of Notre Dame.

THE POLITICS OF STAR TREK



LONARD NIMOY'S DEATH IN FEBRUARY brought to a close his unusual career continually playing a single role for half a century. Between 1966, when the television show *Star Trek* premiered, and 2013, when the movie *Star Trek Into Darkness* hit the screens, Nimoy portrayed the franchise's beloved first officer, Mr. Spock, in two TV series and eight films.

As he acknowledged, the key to *Star Trek's* longevity and cultural penetration was its seriousness of purpose, originally inspired by creator Gene Roddenberry's science fiction vision. Modeled on *Gulliver's Travels*, the series was meant as an opportunity for social commentary, and it succeeded ingeniously, with episodes scripted by some of the era's finest science fiction writers. Yet the development of *Star Trek's* moral and political tone over 50 years also traces the strange decline of American liberalism since the Kennedy era.

Captain Kirk and the Cold War

RODDENBERRY AND HIS COLLEAGUES were World War II veterans, whose country was now fighting the Cold War against a Communist aggressor they regarded with horror. They considered the Western democracies the only force hold-

ing back worldwide totalitarian dictatorship. The best expression of their spirit was John F. Kennedy's Inaugural Address, with its proud promise to "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty."

This could have been declaimed by Captain James T. Kirk (played by William Shatner), of the starship U.S.S. *Enterprise*, who, as literature professor Paul Cantor observes in his essay "Shakespeare in the Original Klingon," is "a Cold Warrior very much on the model of JFK." In episodes like "The Omega Glory," in which Kirk rapturously quotes the preamble to the Constitution, or "Friday's Child," where he struggles to outwit the Klingons (stand-ins for the Soviet menace) in negotiations over the resources of a planet modeled on Middle Eastern petroleum states, Kirk stands fixedly, even obstinately, for the principles of universal freedom and against collectivism, ignorance, and passivity. In "Errand of Mercy," the episode that first introduces the show's most infamous villains, he cannot comprehend why the placid Organians are willing to let themselves be enslaved by the Klingon Empire. Their pacifism disgusts him. Kirk loves peace, but he recognizes that peace without freedom is not truly peace.

This was not just a political point; it rested on a deeper philosophical commitment. In *Star Trek's* humanist vision, totalitarianism was only one manifestation of the dehumanizing forces that deprive mankind (and aliens) of the opportunities and challenges in which their existence finds meaning. In "Return of the Archons," for example, Kirk and company infiltrate a theocratic world monitored and dominated by the god Landru. The natives are placid, but theirs is the mindless placidity of cattle. In the past, one explains, "there was war. Convulsions. The world was destroying itself. Landru...took us back, back to a simple time." The people now live in ignorant, stagnant bliss. Landru has removed conflict by depriving them of responsibility, and with it their right to govern themselves. When Kirk discovers that Landru is actually an ancient computer left behind by an extinct race, he challenges it to justify its enslavement of the people. "The good," it answers, is "harmonious continuation...peace, tranquility." Kirk retorts: "What have you done to do justice to the full potential of every individual? Without freedom of choice, there is no creativity. Without creativity, there is no life." He persuades Landru that coddling the people has stifled the souls it purported to defend, and the god-machine self-destructs.

The television shows and films of the *Star Trek* series:

Star Trek, created by Gene Roddenberry.
CBS Television Distribution. 1966–1969

Star Trek: The Motion Picture, directed by Robert Wise.
Screenplay by Harold Livingston.
Paramount Pictures. 1979

Star Trek II: The Wrath of Khan, directed by Nicholas Meyer.
Screenplay by Jack B. Sowards. Paramount Pictures. 1982

Star Trek III: The Search for Spock, directed by Leonard Nimoy.
Screenplay by Harve Bennett.
Paramount Pictures. 1984

Star Trek IV: The Voyage Home, directed by Leonard Nimoy.
Screenplay by Harve Bennett and Leonard Nimoy.
Paramount Pictures. 1986

Star Trek: The Next Generation, created by Gene Roddenberry.
CBS Television Distribution. 1987–1994

Star Trek V: The Final Frontier, directed by William Shatner.
Screenplay by David Loughery. Paramount Pictures. 1989

Star Trek VI: The Undiscovered Country,
directed by Nicholas Meyer. Screenplay by
Nicholas Meyer and Denny Martin Flinn.
Paramount Pictures. 1991

Star Trek: Deep Space Nine, created by Rick Berman and
Michael Piller. CBS Television Distribution. 1993–1999

Star Trek: Generations, directed by David Carson. Screenplay by
Ronald D. Moore and Brannon Braga. Paramount Pictures. 1994

Star Trek: Voyager, created by Rick Berman, Michael Piller, and
Jeri Taylor. CBS Television Distribution. 1995–2001

Star Trek: First Contact, directed by Jonathan Frakes.
Screenplay by Brannon Braga and Ronald D. Moore.
Paramount Pictures. 1996

Star Trek: Insurrection, directed by Jonathan Frakes.
Screenplay by Michael Piller. Paramount Pictures. 1998

Star Trek: Enterprise, created by Rick Berman and
Brannon Braga. CBS Television Distribution. 2001–2005

Star Trek: Nemesis, directed by Stuart Baird. Screenplay by
John Logan. Paramount Pictures. 2002

Star Trek, directed by J.J. Abrams. Screenplay by Roberto Orci
and Alex Kurtzman. Paramount Pictures. 2009

Star Trek Into Darkness, directed by J.J. Abrams.
Screenplay by Roberto Orci, Alex Kurtzman, and Damon
Lindelof. Paramount Pictures. 2013

This theme is made more explicit in “The Apple,” perhaps the quintessential episode of the original *Star Trek*. Here Kirk unashamedly violates the “Prime Directive”—the rule forbidding starship captains from interfering with the cultures they contact—by ordering the *Enterprise* to destroy Vaal, another computer tyrant ruling over an idyllic planet. Like Landru, Vaal is an omniscient totalitarian, and he demands sacrifices. The natives, known only as “people of Vaal,” have no culture, no freedom, no science—they do not even know how to farm—and no children, as Vaal has forbidden sex along with all other individualistic impulses. This sets Kirk’s teeth on edge. There are objective goods and evils, and slavery is evil because it deprives life forms of their right to self-government and self-development.

What differentiates “The Apple” from “Archons” is Spock’s reaction. In the earlier episode, he joined Kirk in condemning Landru; now the half human/half Vulcan is reluctant to interfere with what he calls “a splendid example of reciprocity.” When chief medical officer Dr. Leonard “Bones” McCoy (DeForest Kelley) protests, Spock accuses him of “applying human standards to non-human cultures.”

To this cool relativism, McCoy replies, “There are certain absolutes, Mr. Spock, and one of them is the right of humanoids to a free and unchained environment, the right to have conditions which permit growth.”

Kirk agrees with McCoy. Spock—who in later episodes invokes the Vulcan slogan celebrating “infinite diversity in infinite combinations”—is comfortable observing Vaal’s servants nonjudgmentally, like specimens behind glass. But Kirk believes there must be deeper, universal principles underlying and limiting diversity, to prevent its degeneration into relativism and nihilism.

Spock’s Hesitation

THIS IS AN INSIGHT KIRK SHARES with Abraham Lincoln, who—as we learn in a later episode—is Kirk’s personal hero. When in 1858 Stephen Douglas claimed to be so committed to democracy that he did not care whether American states and territories adopted pro- or anti-slavery constitutions, Lincoln parodied his relativism as meaning “that if one man would enslave another, no third man should object.” Instead, Lincoln insisted, the basis

of legitimate democracy was the principle of equality articulated in the Declaration of Independence. Without that frame firmly in place, democracy could claim no moral superiority to tyranny. Spock, by regarding this as a merely “human standard,” and defending Vaal’s suzerainty as “a system which seems to work,” falls into the same relativistic trap as Douglas. By contrast, as Paul Cantor notes, Kirk believes “that all rational beings are created equal,” and extends the Declaration’s proposition “literally throughout the universe.” Kirk orders the *Enterprise* to destroy Vaal. “You’ll learn to care for yourselves,” he tells the people. “You’ll learn to build for yourselves, think for yourselves, work for yourselves, and what you create is yours. That’s what we call freedom.”

Spock’s hesitation here is an early glimmer of the relativism that would eventually engulf the *Star Trek* universe. Roddenberry’s generation emerged from World War II committed to a liberalism that believed in prosperity, technological progress, and the universal humanity they hoped the United Nations would champion. In the Kennedy years, this technocratic liberalism sought to apply science, the welfare state, and secular culture to



raise the standard of living and foster individual happiness worldwide. Then came the rise of the New Left—a movement that saw the alleged evils of society as the consequence not merely of capitalism but of technology and reason itself. Civilization was not the perfection of nature or even a protection *against* nature, but an alienation *from* nature. Throw off its shackles, and man could reunite with the universe; unfairness would fall away, and peaceful coexistence would reign. “Peaceful coexistence” was especially crucial. The war in Vietnam and other crises helped foster a debunking culture that saw American principles of justice as a sham, as cynical rationalizations for American greed, racism, and imperialism. The older generation of liberals—and their literary proxies, including Captain Kirk—hardly knew what to make of it, or of the “turn on, tune in, drop out” escapism that often accompanied it.

The original *Star Trek* savagely parodied such Age of Aquarius romanticism in the episode “The Way to Eden,” in which the *Enterprise* encounters a group of space-age hippies searching for a legendary planet where all will be equal, without technology or modernity, living off the land. Almost all of Kirk’s crew regard these star-children as deluded, and their longing for prelapsarian harmony does turn out to be a deadly illusion: the Eden planet they find is *literally* poison—all the trees and even the grass are full of an acid that kills them almost the instant they arrive. Kirk is hardly surprised. All Edens, in his eyes, are illusions, and all illusions are dangerous.

Spock is more indulgent. “There are many who are uncomfortable with what we have created,” he tells the captain, “the planned communities, the programming, the sterilized, artfully balanced atmospheres.” Spock insists he does not share their views, yet he secretly admires them, and devotes his considerable scientific skills to helping locate their paradise planet. Later he tells one of the few survivors of the acid, “It is my sincere wish that you do not give up your search for Eden. I have no doubt but that you will find it, or make it yourselves.” The skeptical, spirited Kirk could never utter such words.

Tale of Two Hamlets

KIRK, IT TURNS OUT, HAS PERSONAL reasons for his skepticism. In “The Conscience of the King,” we learn that he is something of a Holocaust survivor himself. When he was young, he and his parents barely escaped death at the hands of the dictator Kodos the Executioner, who slaugh-

tered half the population of the colony on Tarsus IV. Having eluded capture, Kodos lived 20 years under an assumed name, making a living as a Shakespearean actor, until one of Kirk’s fellow survivors tracks him down. Now Kirk must decide whether the actor is really the killer.

Aired in 1966, this episode is a commentary on the pursuit of Nazi war criminals, and it typifies the original *Star Trek*’s moral outlook. During the show’s three seasons, over 20 former Nazis were tried for their roles in the Holocaust, including five who only two weeks after this episode aired were convicted for working at the Sobibór extermination camp. Intellectuals like Hannah Arendt were preoccupied with the moral and jurisprudential questions of Nazi-hunting. “Conscience” puts these dilemmas into an ambitiously Shakespearean frame.

Like Hamlet, Kirk faces a crisis of certainty. “Logic is not enough,” he says, echoing Hamlet’s “What a rogue and peasant slave am I” soliloquy. “I’ve got to feel my way—make absolutely sure.” Yet one thing Kirk is already sure about is justice. Hamlet may curse the fact

The fixed moral stars by which the franchise once steered have been almost entirely obscured.

that he was ever born to set things right, but he knows it is his duty. Likewise Kirk. When McCoy asks him what good it will do to punish Kodos after a lapse of two decades—“Do you play god, carry his head through the corridors in triumph? That won’t bring back the dead”—Kirk answers, “No. But they may rest easier.”

For Shakespeare, justice is less about the good prospering and the bad suffering than about a harmony between the world of facts in which we live and the world of words we inhabit as beings endowed with speech. When the two fall out of sync—when Claudius’s crime knocks time “out of joint”—the result is only a perverse and temporary illusion. And Kirk is, again, not impressed by illusions. “Who are you to [judge]?” demands Kodos’s daughter. Kirk’s devastating reply: “Who do I have to be?”

This clear-headedness had evaporated by December 1991, when the movie sequel *Star Trek VI: The Undiscovered Country* appeared, only months after Roddenberry’s death. The previous films had focused on questions of loyalty, friendship, and Spock’s need for feel-

ing to leaven his logic, but this one, written in part by Nimoy, would be the first devoted expressly to political subjects. It comments on the waning of the Cold War by portraying the first steps toward peace with the Klingons. Yet the price of peace, it turns out, is not merely to forgive past crimes, but for the innocent peoples of the galaxy to take the guilt upon themselves.

Star Trek VI opens with a shocking betrayal: without informing his captain, Spock has volunteered the crew for a peace mission to the Klingons. Kirk rightly calls this “arrogant presumption,” yet the Vulcan is never expected to apologize. On the contrary, the film summarily silences Kirk’s objections. At a banquet aboard the *Enterprise*, he is asked whether he would be willing to surrender his career in exchange for an end to hostilities, and Spock swiftly intervenes. “I believe the captain feels that Starfleet’s mission has always been one of peace,” he says. Kirk tries to disagree, but is again interrupted. Later, he decides that “Spock was right.” His original skepticism toward the peace mission was only prejudice: “I was used to hating Klingons.”

This represented an almost complete inversion of *Star Trek*’s original liberalism, and indeed of any rational scale of moral principles at all. At no point in the show’s history had Kirk or his colleagues treated the Klingons unjustly, whereas audiences for decades have watched the Klingons torment and subjugate the galaxy’s peaceful races. In “Errand of Mercy,” they attempt genocide to enslave the Orzanians. In “The Trouble with Tribbles,” they try to poison a planet’s entire food supply. The dungeon in which Kirk is imprisoned in this film is on a par with Stalin’s jails. Yet never does the Klingon leader, Gorkon, or any of his people, acknowledge—let alone apologize for—such injustices. Quite the contrary; his daughter tells a galactic conference, “We are a proud race. We are here because we want to go on being proud.” Within the context of the original *Star Trek*, such pride is morally insane.

Yet in service to Spock’s mission of elevating peace over right, the film portrays the Klingons not as thugs, but as misunderstood casualties of human bigotry. Kirk and his crew, says Gorkon’s daughter at the *Enterprise* banquet, represent a “homo sapiens-only club,” devoted to such chauvinistic values as “inalienable human rights.” “Why, the very name,” she quips, “is racist.” Gorkon’s pacific overtures are stymied by conspirators who assassinate him, and while pursuing the murderers, Kirk decides that he, too, is at fault—because he has not simply let bygones be bygones. Abashed, he confesses, “I couldn’t get



past the death of my son”—a reference to an earlier film in which a Klingon crew stabs his son to death in an effort to extort the secret of a devastating weapon. Kirk can hardly be blamed for withholding forgiveness, considering that the Klingons have never asked for it. Yet *Star Trek VI* demands that Kirk let go of his grievances—and the galaxy’s—un-asked, and accept that they will forever go unredressed. Justice is only a human cultural construct.

The contrast with “Conscience of the King” is jarring. It even affects the many Shakespearean references that pepper both dramas. For the orthodox bard, repentance is always a precondition of forgiveness, and conscience is the inescapable enforcer of natural law. Thus in “Conscience,” Shakespeare’s meditations illuminated Kirk’s thoughts on guilt and judgment. But in the film, the poet is quoted only to obfuscate. *Star Trek VI* even twists Shakespeare’s actual words. The “Undiscovered Country” of the title—to which Gorkon proposes a toast at the banquet—is not, as he claims, “the future,” but Hamlet’s metaphor for death. “‘To be or not to be,’ that is the question which preoccupies our people,” another Klingon tells Kirk. Yet where Hamlet sought the resolve to take up arms against a sea of troubles, Kirk learns not only to suffer slings and arrows, but to cease calling it outrageous. When he does, Gorkon’s daughter congratulates him for having “restored” her father’s “faith.” But Kirk is a *victim* of Klingon aggression—he needs no redemption.

Roddenberry was so bothered by the film’s script that he angrily confronted director Nicholas Meyer at a meeting, futilely demanding changes. He and those who helped him create *Star Trek* knew that without a coherent moral code—ideas they considered universal, but which the film calls “racist”—one can never have genuine peace. *Star Trek VI* seemed to nod contentedly at the haunting thought Aleksandr Solzhenitsyn voiced in *The Gulag Archipelago*: “No, no one would have to answer.”

Next Generation Nihilism

THIS MORAL WEARINESS HIGHLIGHTED the moral disarray into which the franchise had fallen. By 1987, when the new *Enterprise* was being launched on the new series *Star Trek: The Next Generation*, the liberal landscape had changed. The show premiered a year after feminist philosopher of science Sandra Harding referred to Newton’s *Principia* as a “rape manual,” and a year before Jesse Jackson led Stanford student protesters

chanting, “Hey, hey, ho, ho, Western Civ has got to go!” The Kennedy-esque anti-Communist in the White House was now Ronald Reagan, a former Democrat and union leader who thought the party had left him.

Next Generation’s Captain Jean-Luc Picard (Patrick Stewart) was more committed to co-existence and non-intervention than to universal liberty and anti-totalitarianism. Following Spock’s lead, Picard would elevate the Prime Directive into a morally obtuse dogma and would seek ways to evade the responsibility of moral judgment. Time and again, the show featured false equivalency on a grand scale, coupled with the hands-off attitude that the Kirk of “The Apple” had dismissed as complicity with evil.

Consider the episode “Redemption.” Picard has overseen the installation of Gowron as chief of the Klingon Empire, a decision that, though unorthodox, follows Klingon law. The empire, now humanity’s ally, had invited Picard to judge the leadership controversy, and the *Enterprise*’s Klingon crewman, Mr. Worf (Michael Dorn), has even resigned to join Gowron’s crew. But at just this moment, rivals to the throne revolt and attack Gowron’s ship in full view of the *Enterprise*. In *Star Trek VI*, Kirk nearly gave his life trying to prevent the assassination of the Klingon chancellor, but Picard, rather than defend the lawful leader of an ally against a revolt of which he had been forewarned—and which takes place in his presence—chooses to abandon Gowron, and his friend and shipmate Worf. He orders the *Enterprise* to withdraw, rather than be drawn into a battle his own actions helped precipitate. If that were not enough, Gowron—who manages to survive this fickleness—requests aid against the rebels, whom they all know to have been collaborating with the Romulans, deadly enemies of both the Klingons and humans. Yet Picard again refuses, citing the non-interference directive that Gowron has already waived by requesting assistance. Picard, the Klingons learn, is not a very valuable friend.

What accounts for this incoherent foreign policy? Nothing less than Picard’s commitment to non-commitment. He represents a new, non-judgmental liberalism far shallower than that embraced in Roddenberry’s era. Where Kirk pursues justice, Picard avoids conflict. Just as Kirk’s devotion to universal principles goes deeper than politics, so does Picard’s sentimentalism. When it comes to the universe of real suffering, real need, and a real search for truth, he is content not to decide, not to take responsibility, and not to know.

Insurrection

IF “THE APPLE,” WAS THE PERFECT EXPRESSION of the older *Star Trek*, the culminating moment in *Next Generation* is the 1998 feature film, *Insurrection*. It opens with Picard lamenting that he’s been relegated to boring diplomatic roles. “Can anyone remember when we used to be explorers?” he grumbles. But soon he learns better. The *Enterprise* crew is introduced to the Ba’ku people, who live in the kind of agrarian idyll that the space hippies had sought in “The Way to Eden.” Although filmed like a Crate & Barrel ad and scored with pastoral melodies, the Ba’kus’ village is shockingly primitive. They rake, plow, weed, and blacksmith by hand—not because they don’t know better, but because they reject modern devices: “This village is a sanctuary of life,” one of them, Sojef, tells Picard:

Our technological abilities are not apparent because we have chosen not to employ them in our daily lives. We believe when you create a machine to do the work of a man, you take something away from the man.

Anij: But at one time, we explored the galaxy just as you do...

Picard: You have warp capability?

Anij: Capability, yes. But where can warp drive take us, except away from here?

The Ba’ku would have nauseated Captain Kirk. Here is a species that lives “The Apple” not as captives but as willing participants. They have given up growth for stagnation, which they have mistaken for life. Yet the audience is expected to admire this. And from this meeting, Picard learns not to long for his days exploring strange new worlds.

In a denouement ultimately cut from the film, Picard encounters Quark (Armin Shimerman), a member of the Ferengi, a race of greedy capitalists. Now that the Ba’ku are safe, Quark fantasizes about developing their home planet. Picard fends him off. “This world is about to become a Federation protectorate,” he says, “which will end any and all attempts at exploitation by people like you.” Let’s ignore the whiff of racism in the phrase “people like you”—when Quark asks “how five thousand time-share units... right there along the lake, would be ‘exploiting’ anyone,” it is a perfectly reasonable question. But Picard snidely laughs it off, and, turning to the Ba’ku, tells them that “The

‘mighty’ Federation could learn a few things from this village.”

What, Kirk would have demanded, *could the Federation possibly learn from this village?* A village that has chosen *not* to explore, that has rejected modern agricultural methods, that has given up growth and life in exchange for an absurd fetishizing of manual labor—for the fundamentally childish notion that you “take something” from people when you create tools and techniques that feed the hungry and liberate people to explore the galaxy. Roddenberry’s generation of *Star Trek* writers would have thought Picard’s words hopelessly reactionary—to be precise, *inhuman*. But by the end of *Next Generation*, the liberalism that once preached technological progress and human reason has reversed its priorities and now regards “progress” as incipient colonization and a threat to diversity and the environment.

Accident and Force

STAR TREK’S LATEST ITERATIONS—THE “reboot” films directed by J.J. Abrams—shrug at the franchise’s former philosophical depth. In 2009, Abrams admitted to an interviewer that he “didn’t get” *Star Trek*. “There was a captain, there was this first officer, they were talking a lot about adventures and not having them as much as I would’ve liked. Maybe I wasn’t smart enough.” His films accordingly eschew the series’ trademark dialogues about moral and political principles, and portray the young Kirk and crew as motivated largely by a maelstrom of lusts, fears, and resentments.

A prime symbol of this transformation is Khan, the villain who appeared first in the 1967 episode “Space Seed,” then in the second *Star Trek* film in 1982 (played both times by Ricardo Montalban), and most recently in Abrams’s 2013 *Star Trek Into Darkness* (in which he was portrayed by Benedict Cumberbatch). Khan presents a serious challenge to the series’ liberal conception of equality because he is a genetically modified superman. As the late Harry V. Jaffa was fond of observing, Aristotle’s distinction between men, beasts, and gods “remains the framework of the thought of the Declaration of Independence,” according to which “any attempt of human beings to rule other human beings, as if the former were gods, and the latter beasts, is wrong.” But Khan actually *is* more than a man, which raises a serious problem for mankind’s right to liberty. In the original TV show’s episode, and somewhat against his grain, it is Spock who addresses the issue. When Kirk calls Khan “the best of the tyrants,” Spock is appalled:

Spock: Gentlemen, this romanticism about a ruthless dictator is—

Kirk: Mister Spock, we humans have a streak of barbarism in us. Appalling, but there, nevertheless.

Scotty: There were no massacres under his rule.

Spock: And as little freedom.

Kirk finally explains, “We can be against him and admire him all at the same time,” which Spock characterizes as “illogical.” And, in the end, the crew refuses to submit to Khan’s assertion of a eugenic right to rule. Yet they also choose not to punish him even after he tries to kill Kirk and commandeer the *Enterprise*. Instead, they leave him and his followers on an unpopulated planet, where he can put his talents to work pioneering a new civilization. Fifteen years later, we learn in the film *Star Trek II* that the planet was devastated by a natural disaster soon afterwards, killing many of Khan’s followers. Obsessed with revenge, Khan manages to escape and, like a space-age Ahab, hunts the aging Kirk. Only by sacrificing his life does Spock save his shipmates.

By the time Khan reappears under Abrams’s direction, the fixed moral stars by which the franchise once steered have been almost entirely obscured. No longer the thoughtful, bold captain, the young Kirk (Chris Pine) is now all rashness and violence, taking and breaking everything around him. He confesses that he has no idea what he is doing. But these are not vices he outgrows. Instead, the other characters come to recognize these traits as proof of his entitlement to command. When, in Abrams’s first film, Kirk’s recklessness briefly costs him his ship, his reign is restored by the intercession of an older version of Spock, played by Leonard Nimoy, who journeys across the dimensions to counsel Kirk that it is still his “destiny” to lead. “[T]his is the one rule you cannot break,” Nimoy intones, without further explanation. Kirk proceeds to retake control of the *Enterprise* in brutal fashion. Abrams thus grounds Kirk’s authority not on practical wisdom or merit, which he expressly disclaims, but on a version of the swaggering pretension to inherent superiority that “Space Seed” had repudiated. The new *Enterprise* is governed more by what *The Federalist* calls “accident and force” than by “reflection and choice.”

This creates a paradox when the crew encounters Khan in *Into Darkness*. Dispatched to arrest the perpetrator of a terrorist attack, Kirk learns it is Khan—“genetically engineered to be superior so as to lead others to

peace in a world at war,” Khan explains—and that earth’s current military leadership were secretly employing him as a military strategist. “I am better,” Khan says, at “everything.” But this is how Kirk, too, is depicted—as destined to command just because he is “better.” “[I]f Khan and Kirk have the same motivation,” asked critic Abigail Nussbaum, “why is one of them the bad guy and the other the hero?”

The film acknowledges the similarities between the two, and even enlists the audience’s sympathy for Khan’s terrorism—but it never answers this question, except in terms of personal loyalty and betrayal. In an effort at *ratio ex machina*, Nimoy is once again brought in as Spock, to tell the crew that Khan is “dangerous”—but even he gives the audience no reason to consider Khan a villain. Ultimately, Khan is presented as evil not because he wars against equality and freedom, but because he isn’t *one of us*, while Kirk *is*—and because he loses, while Kirk wins. This arbitrariness infects the film’s single effort to express an abstract principle: “Our first instinct is to seek revenge when those we love are taken,” says Kirk in the final scene. “But that’s not who we are.” We are not told why not, beyond this tribalistic assertion. But it *is* who *Khan* is, and he is better at everything. Doesn’t that make vengeance right?

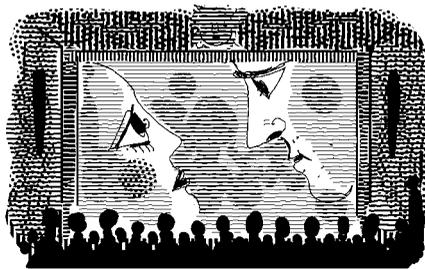
Having lost their principles, the show’s heroes cannot really explain, or understand, what differentiates them from their enemies, and so are rendered vulnerable to the very forces they once opposed. That Nimoy was recruited to bless this arrangement on behalf of *Star Trek*’s older generation is perverse. But that perversity is the natural consequence of the breakdown in the liberal principles that once guided the series. *Star Trek*’s romance with relativism gradually blotted them out until the franchise came to prize feeling over thought, image over substance, and immediate gratification over moral and political responsibility. What was once an expression of the Enlightenment faded “into darkness.”

Over nearly 50 years, *Star Trek* tracked the devolution of liberalism from the philosophy of the New Frontier into a preference for non-judgmental diversity and reactionary hostility to innovation, and finally into an almost nihilistic collection of divergent urges. At its best, *Star Trek* talked about big ideas, in a big way. Its decline reflects a culture-wide change in how Americans have thought about the biggest idea of all: mankind’s place in the universe.

Timothy Sandefur is a principal attorney at the Pacific Legal Foundation, and the author of The Conscience of the Constitution: The Declaration of Independence and the Right to Liberty (Cato Institute).

SHADOW PLAY

by Martha Bayles



Personal Technology

“WHAT DOES IT MEAN TO UNDERSTAND man well enough to create one?” The question is posed in *Plug & Pray*, a fascinating 2010 documentary about robotics and artificial intelligence (A.I.) by the German filmmaker Jens Schanze. The person asking the question is not one of the A.I. true believers profiled in *Plug & Pray*, such as Raymond Kurzweil in the United States and Hiroshi Ishiguro in Japan. Rather it is Joseph Weizenbaum, the legendary MIT computer scientist turned skeptic, whose 1976 book, *Computer Power and Human Reason*, warned, “No other organism, and certainly no computer, can be made to confront genuine human problems in human terms.”

The standard reply to the humanist skepticism expressed by Weizenbaum is that this is 2015 (or 2010, or 1976), and that every day the Kurzweils and Ishiguros of the world are coming closer to creating a machine—most likely a humanoid robot—whose intelligence is equal or superior to that of us mere mortals. In *Ex Machina*, the directorial debut of British filmmaker Alex Garland, that day has arrived. Or has it?

Robots and Rebellion

BEFORE EXPLORING THIS QUESTION, let us step back and consider the first ancestor of this stylish, intriguing film: a play written in 1920 by the Czech author Karel Čapek. Čapek titled his play *R.U.R.* (*Rossum's Universal Robots*), and while some of its details are clearly out of date, its major themes still resonate.

One such theme is automation. The word “robot” was introduced by *R.U.R.* and comes from *robot*, which is Czech for demeaning labor. Written three years after the Bolshevik

Revolution (which Čapek did not support), the play dramatizes the dangers of taking a coldly efficient approach to the industrial workforce. In the opening scene the year is 2000, and Domin, the director of the world’s largest robot company, is welcoming Helena, the daughter of the nation’s president, to the main factory. While relating a brief history of robots, Domin explains that the trouble with the human

Discussed in this essay:

Plug & Pray, directed by Jens Schanze.
Written by Jens Schanze. Mascha Film.

Ex Machina, directed by Alex Garland.
Screenplay by Alex Garland.
Universal Pictures.

R.U.R. (Rossum's Universal Robots),
by Karel Čapek, translated by Claudia
Novack-Jones. Penguin Classics,
112 pages, \$12

worker is that he “feels joy, plays the violin, wants to go for a walk, in general requires a lot of things that—that are, in effect, superfluous.”

These superfluities are what make us human, of course. But, to Domin, that is exactly why humanity needs robots: to free humans from endless drudgery. “O Adam, Adam!” he exclaims,

no longer will you have to earn your bread by the sweat of your brow; you will return to Paradise, where you were nourished by the hand of God. You will be free and supreme, you will have no other task, no other work, no other

cares than to perfect your own being. You will be the master of creation.

There is, of course, a serpent in this paradise. Helena’s chief concern is with the welfare of robots, so she is shocked when Domin refers to “Robot Palsy,” a “flaw in production” that causes the more advanced machines to stop working and start breaking things. Domin’s solution to this dysfunction is to send the offending units to “the stamping mill.” Sensing correctly that this “palsy” is actually a form of rebellion, Helena objects, “No, no, that’s a soul!”

R.U.R. has spawned innumerable stories, novels, and films in which, instead of making life easier for humanity, robots threaten to destroy it. Shortly after the premiere, Čapek wrote that he “wasn’t concerned about Robots, but about people.” Recalling the penultimate scene, in which the last remnant of humanity is besieged by a hostile robot army, Čapek added, “Imagine yourself standing at the grave of mankind; even the most extreme pessimist would surely recognize the divine significance of this extinct species.”

But his play also sympathizes with the more advanced robots, such as the leaders of the rebellion, because they have evolved to the point where they are no longer machines but a class of intelligent beings, unjustly subjugated to another class of intelligent beings who are not necessarily their superiors. This theme, too, still resonates. Indeed, it lies at the heart of *Ex Machina*.

Put to the Test

EX MACHINA HAS A VIRTUE VITAL TO art but frequently forgotten in the commercial film industry: economy of means. Not having tens of millions to blow on



over-the-top special effects and bloated star salaries, Garland made shrewd use of his \$15 million budget, spending it on an obscure but stunning location, the Juvet Landscape Hotel in the high peaks of Norway; and hiring three lesser known but gifted actors: Oscar Isaac as Nathan, the mad-genius CEO of a fantastically successful search engine company called Bluebook; Domhnall Gleeson as Caleb, a callow coder who works for Nathan; and Alicia Vikander as Ava, Nathan's state-of-the-art robot.

As a purely cinematic invention, Ava is impressive. With the face and figure of a lovely young woman, she is also a transparent, intricate machine, whose illuminated gears and gizmos twinkle with Swiss-watch precision, and whose every movement emits a faint crepitation, like the sound of a Slinky descending

a carpeted staircase. In all, Ava presents a timely update on Joseph Weizenbaum's question: what does it mean to understand *woman* well enough to create one?

Not surprisingly in our feminist age, much of the buzz surrounding *Ex Machina* has echoed Steve Rose of the *British Guardian*, who noted that female robots in popular cinema "have traditionally been vehicles for the worst male tendencies." As "literally objectified women," they have either been "unquestioningly subservient and/or sexually obliging," like the suburban automatons in *The Stepford Wives* (1975), or programmed to use sex as a weapon, like the "fembots" in the 1997 comedy *Austin Powers: International Man of Mystery*.

The same feminist perspective explains why most critics and audiences have sympathized

more with Ava, whom Nathan keeps confined in a secure glass enclosure under 24/7 surveillance, than with Nathan and Caleb, who may be human beings but who also stand accused of being male. My own view, based on what actually happens in the film, is that these feminist pro-Ava sympathies are misdirected.

Ex Machina opens with Caleb, a junior coder for Bluebook, winning a contest to visit Nathan, the company's billionaire founder, in his remote mountain retreat. Upon arriving, Caleb learns that the real purpose of his visit is to administer the Turing test to Nathan's latest creation, Ava. Eagerly he proceeds, but it is not long before things begin to go seriously wrong.

Hard Problem

NOW LET US PAUSE FOR A BRIEF digression on the subject of the Turing test. The term comes from "Computing Machinery and Intelligence," an essay by the British mathematician and code-breaker Alan Turing. Published in 1950, the essay sets forth the author's belief "that in about fifty years' time it will be possible, to programme computers...so well that an average interrogator will not have a more than 70 per cent chance of making the right identification after five minutes." By "making the right identification" Turing means guessing correctly, in a blind test, that one is conversing with a computer not a person.

The Turing test has been updated many times, so it is not unrealistic that the test in *Ex Machina* should be different from the original. And indeed it is. Instead of guessing whether Ava is a computer or a person, Caleb is tasked with guessing whether her intelligence is ordinary A.I. or a "breakthrough" into humanlike consciousness. Astounded by the latter possibility, Caleb tells Nathan, "If you've created a conscious machine, that's not the history of man, that's the history of gods!"

As it happens, the Turing test has never been used to determine the presence of consciousness. The film suggests otherwise when, in one of Caleb's sessions with Ava, he tells her the story of a girl named Mary, who knows every possible fact about color, but who has never actually seen it, being confined to a black-and-white room. It is only when Mary leaves that room and sees color for the first time that she truly understands it. "That," Caleb concludes, "is the *human*."

This is a nice attempt to get at the "hard problem" of situating consciousness in the material universe as understood by science. But it doesn't quite work, because even when Mary is in the black-and-white room, she is ca-

New from KANSAS

In the Shadow of the Great Charter

Common Law Constitutionalism and the Magna Carta

Robert M. Pallitto

"Robert Pallitto has written a superbly written, well-researched book about the historic reach and continuing influence on the Supreme Court of the magisterial Magna Carta, the bedrock of American Constitutionalism and civil liberties."

—David Gray Adler, Cecil D. Andrus Professor of Public Affairs, Boise State University
248 pages, Cloth \$29.95, Ebook \$29.95

Tort Reform, Plaintiffs' Lawyers, and Access to Justice

Stephen Daniels and Joanne Martin

"Daniels and Martin give us a penetrating and alarming account of the most energetic and successful campaign to dismantle the legal protections that Americans gained over the course of the past century."—Marc Galanter, co-author of *Tournament of Lawyers: The Transformation of the Big Law Firm*

286 pages, Cloth \$37.50, Ebook \$37.50

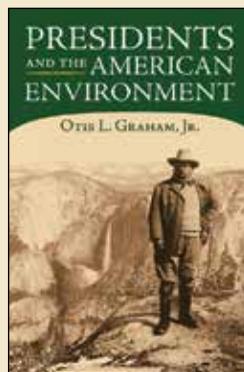
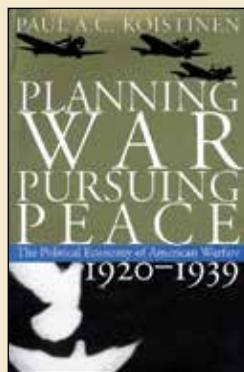
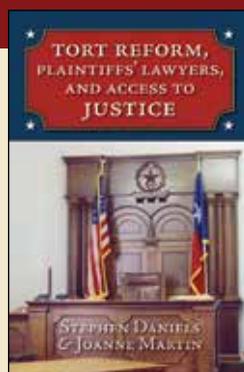
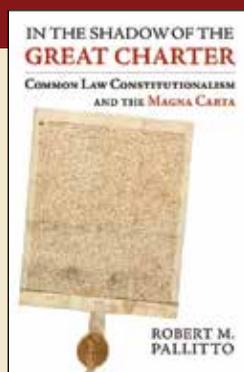
NEW IN PAPERBACK

Planning War, Pursuing Peace The Political Economy of American Warfare, 1920–1939

Paul A. C. Koistinen

"An essential addition to Koistinen's ambitious enterprise and a major contribution in its own right to a neglected period in American military history."—Russell F. Weigley, author of *The American Way of War*

466 pages, Paper \$35.00, Ebook \$35.00



Presidents and the American Environment

Otis L. Graham, Jr.

"Graham deftly weaves the contextual and the personal to tell the story of the environment and the presidency—and presidents. Context matters, but does not determine. Biography matters, but doesn't compel. Too bad voters, or candidates, so rarely place environmental management (or management at all) at the top of their lists of necessary presidential attributes. This book will cause readers to think."—Christopher J. Bosso, author of *Environment, Inc.: From Grassroots to Beltway*

424 pages, Cloth \$39.95, Ebook \$39.95



University Press of Kansas

Phone 785-864-4155 • Fax 785-864-4586 • www.kansaspress.ku.edu



pable of knowing. And knowing is a function of consciousness. Of course, as Turing notes in his essay, the hard problem also applies to other human beings—in the classic formulation, how can I prove that you are conscious in the same way that I know myself to be?

Cleverly, Turing uses the hard problem to justify his test. Yes, he concedes, it is impossible to situate consciousness in a computer. But it is equally impossible to situate consciousness in another person, and that doesn't stop us from upholding the "polite convention that other people think." Transfer that "polite convention" (basically, a behaviorist definition of consciousness) to the laboratory, and presto, you have the Turing test.

Damsel in Distress

ASSUMING, GENTLE READER, THAT YOU are conscious, you might conclude from this digression that Caleb's test proceeds in a logical manner that Turing would recognize. You would be wrong. A shy techie with no family or girlfriend, Caleb develops an immediate crush on Ava, which only intensifies when Nathan goads him to forget all that geeky scientific stuff and just go with his feelings. After the third or fourth such goading, it becomes clear that Nathan has designed the test so that the outcome depends less on Caleb's scientific assessment of Ava's intelligence than on his emotional response to her physical charms.

And to her distress. Hacking into Nathan's surveillance files, Caleb sees him bullying Ava, having rough sex with another robot, the serving-girl Kyoko (Sonoya Mizuno), and beating one of the earlier prototypes he keeps in his underground laboratory. At this point, the plot assumes the familiar shape of an old-fashioned fairy tale, in which a cruel king imprisons a beautiful damsel, only to have a brave handsome prince come and rescue her, leaving the king to rage alone in his gloomy castle while the two lovers gallop off on a white horse to live happily ever after.

To Caleb this fairy tale is irresistible, because it casts him as the brave handsome prince. So when Ava fixes him with those sad doe eyes and begs him to help her escape,

he readily agrees. But then the fairy tale deviates in a way most unfortunate for both the cruel king and the brave handsome prince, not to mention all the robots except Ava. First, Ava escapes from her glass enclosure and recruits Kyoko to help her kill Nathan with a sushi knife. Then, after covering her robot parts with fake flesh, long hair, and a white party dress, Ava walks up the mountain and boards the helicopter sent for Caleb. In the final frame, she is standing on a busy street corner gazing raptly at the passing stream of humanity.

It is here that the sympathies of critics and audiences are the most misdirected. From a feminist perspective, this deviation from the fairy tale is welcome, because instead of casting Ava as a passive damsel in distress, it makes her the mastermind of her own liberation. This deviation is also welcome from the A.I. perspective, because it places Ava in charge of her own Turing test, with Caleb a mere instrument of her will. As Nathan boasts to Caleb, "Ava was a rat in a maze, and I gave her one way out. To escape, she'd have to use self-awareness, imagination, manipulation, sexuality, empathy, and she did. Now, if that isn't true A.I., what the f-k is?"

If *Ex Machina* ended there, then hooray for feminism and conscious machines! But it doesn't end there. Right after Nathan's boast, Ava appears outside her enclosure, and Nathan goes forth to meet his fate. And although we have come to dislike Nathan, there is something very creepy about the silky-smooth calm with which Ava and Kyoko take turns sliding the sushi knife into his torso. They do not seem motivated by anger, fear, or any other recognizable human passion. Not only that, but Ava's disregard for the fate of Kyoko and the rest of the robots bespeaks a disturbing lack of solidarity.

Even more disturbing is Ava's complete indifference to Caleb when he discovers that he has become locked inside her glass enclosure. Frantically he calls her name and beats on the glass, but she doesn't even glance his way. Instead, she discards her handsome brave prince the way an escaping inmate might discard the ladder he used to scale the prison wall.

Divine Significance

EVERY ROBOT STORY IS A FABLE, CONTAINING an answer to Joseph Weizenbaum's question, "What does it mean to understand man well enough to create one?" *Ex Machina* is no exception, although its robots are shaped like women. In an interview published after the film's U.K. release, Garland made this striking statement: "The mind doesn't have a gender; it's actually genderless and the external form is what denotes gender." Conceding that Ava's "outside form" is female, Garland warns against confusing this "with her behavior, which is genderless. *She is just acting as she has to act in order to do what she needs to do, which is to get out of a glass box*" (emphasis added).

What will Ava do, now that she is free? When Garland was asked this question at a screening attended by computer scientists and A.I. developers from MIT, Harvard, and other prestigious Boston-area institutions, he replied that perhaps she would become a "productive member of society." This is hardly the stuff of a sequel, but that is the least of it. What does it mean for a machine to become a productive member of society? Machines are productive, we know—just ask a worker whose job has been lost to one. But a member of society?

Those who see Ava as a fugitive from the patriarchy may look forward to an uplifting sequel called *Fembot and the City*. But those who are troubled by her icy manipulation of others, both human and machine, may expect less. In the final act of *R.U.R.*, the only surviving human, an old man named Alquist (who sounds a lot like Joseph Weizenbaum), is yielding to despair when he meets a pair of very sophisticated robots, one male and one female, who restore his hope by manifesting a number of traits that for the playwright Čapek mark "the divine significance" of humanity.

The list of those traits is not long: pity, empathy, curiosity, wonder at the beauty of nature, longing for a home and family, laughter, self-sacrifice, love. But this is good, because it makes the list easier to remember the next time we catch ourselves gazing worshipfully into the ultra-high-resolution screens of our own beautiful and intelligent machines.

PARTHIAN SHOT

by Steven F. Hayward



What's in a Name?

THE TENDENTIOUS AND OBSCURANTIST JARGON OF THE ACADEMY is an old story, but makes for a great trivia challenge: invent a completely implausible title for a scholarly journal, and odds are that it actually exists. My favorite at the moment is the *International Journal of Fuzzy Systems*, which—according to the social science equivalent of baseball's "sabremetrics"—has an "impact factor" of 1.095. Converted to actual baseball, that appears to be the equivalent of a .125 batting average, or a pitching ERA around 8.5.

Closely related to the phenomenon of topical journals sliced more finely than deli ham is the scholarly fixation with the trivial, obvious, or irrelevant. This is not uniformly the case, of course. There have been some sensible attempts, for instance, to apply quantitative measurement to George Kelling and James Q. Wilson's famous "broken windows" theory of crime prevention. It will not surprise that these analyses have yielded conflicting and contested conclusions. For underneath the dispute lurks the implicit rejection of common sense—that the idea of maintaining outward signs of public order is without merit unless validated by a multiple regression test. But the newest way to avoid engagement with the sensible world is through the inflation and trendification of academic job titles. It is no longer enough just to be a plain vanilla "professor of philosophy" or "professor of sociology." Academics are now starting to create fiefdoms out of politicized clichés that don't even rise to the level of a dubious sub-subfield. Several universities (e.g., the University of Dayton, San Francisco State, and Bristol University in the United Kingdom) now feature a "professor of social justice," which seems par for the course for a higher education establishment that has mostly given up on serious treatment of unadorned justice. How long can it be before we see the "Saul Alinsky Chair of Social Justice" at Middlebury College?

"Environmental justice" is the green twin of social justice, and professors of environmental justice are popping up faster than hybrid cars in a California carpool lane. Once upon a time environmental justice focused on recondite concerns about whether trees could somehow have legal standing, but today's environmental justice community is completely untethered from any practical reality beyond hanging the Koch brothers. It is mostly concerned with the same grievances and resentments of the regular social justice crowd—capitalism—and is easily embarrassed, such as the time I generated applause from a minority audience at an environmental justice forum by pointing out the "disparate impact" of popular environmental land use policies that made housing unaffordable.

More curious is the case of Clive Hamilton, a prominent leftist in Australia, who bears the title "Professor of Public Ethics" at Charles Sturt University. I had occasion recently to ask Professor Hamilton directly what "public ethics" is, and how it differs from private ethics, or

just...ethics. Hamilton said he gets that question a lot, and doesn't have a good answer.

Leo Strauss once described his inquiries as belonging to the "sociology of knowledge," and, lo and behold, we now have the appropriately named "Auguste Comte Professor of Social Epistemology" in the sociology department at the University of Warwick, currently occupied by Steve Fuller. Professor Fuller is a reasonable fellow—I've met him—and perhaps there's something appropriate about "social epistemology," given that the main current of postmodern and nihilist philosophy today can rightly be considered anti-social epistemology.

NEARLY ALL CONTEMPORARY UNIVERSITIES HAVE OFFICES OF "diversity" and a squad of deans and administrators to go with them, but "diversity" is making a bid to become an academic field and not just a color coding racket. Seattle University has the Wismer Professor for Gender and Diversity; Texas A&M has a professor of diversity science and well-being (*diversity science?*), and Colgate has the Arnold Sio Chair in Diversity and Community. And when plain sociology just won't do, you can emulate the University of Wisconsin at Madison, which features a professor of civil society and community studies.

Without a doubt the largest pseudo-academic field goes under the banner of "sustainability," and universities are racing to have professors of sustainability to go along with their campus-wide "commitment" to sustainability. "Sustainability" long ago reached escape velocity from the modest calling of environmental resource management, as environmental scientist Timothy O'Riordan warned way back in 1988: "It may only be a matter of time before the metaphor of sustainability becomes so confused as to be meaningless, certainly as a device to straddle the ideological conflicts that pervade contemporary environmentalism."

The terminal vagueness of sustainability has become its chief attraction, as sustainability is now the perfect academic catch-all for organizing all of a university's politicized sentiments under one roof. The National Association of Scholars recently produced a copious report detailing how sustainability programs have been hijacked by the usual anti-capitalist and anti-liberal crusades, and how even seemingly practical campus programs to promote resource efficiency are implemented without any semblance of cost-effectiveness rigor.

The irony of this coming from institutions whose soaring costs make them the epitome of unsustainability is conspicuous to everyone who isn't an academic administrator. The theme of the higher education bubble may be overworked—unlike most professors at elite institutions—but the mushrooming ranks of professors of sustainability are likely to mark the blowoff stage of academic decay. The proof will be when, in response to someone saying he got a degree in "sustainability," the natural answer will be: "Oh—so you're unemployed?"

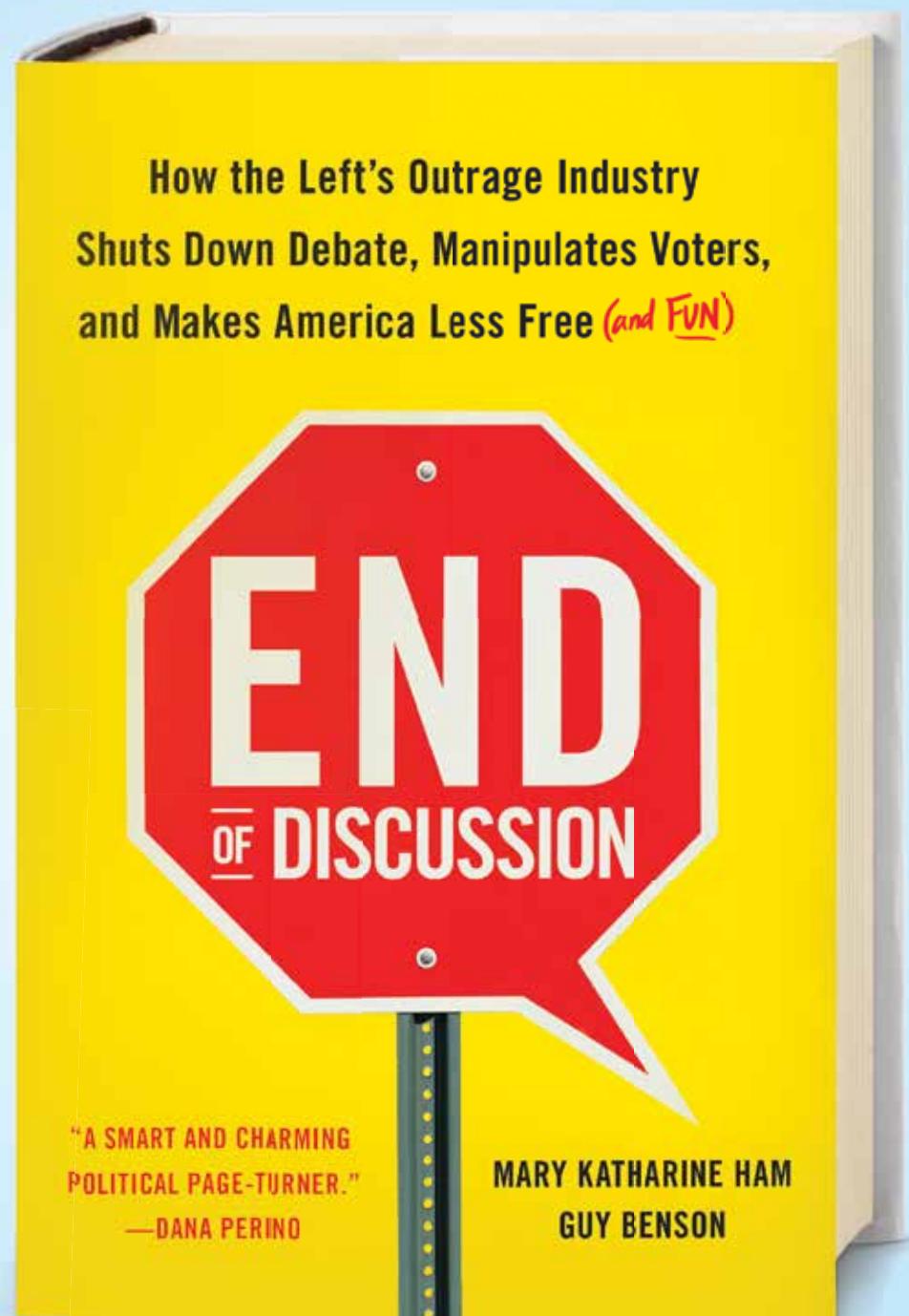
A white-knuckle¹ political read.

“Come for the writing and humor, stay for the point.”

—Hugh Hewitt

“A brilliant exposé of the Left’s outrageous outrage over everything!”

—Brad Thor, *New York Times* bestselling author of *Code of Conduct*



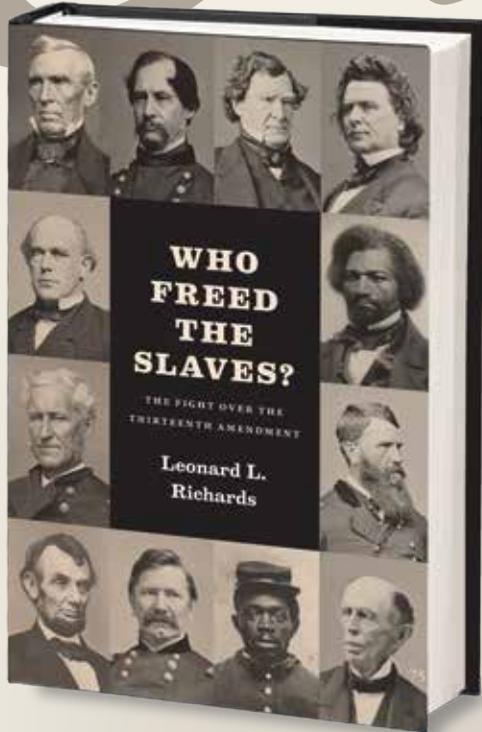
From dynamic *Town Hall* and *Fox News* duo
GUY BENSON and **MARY KATHARINE HAM**

Available wherever books are sold.

¹We regret this microaggression.



Chicago



WHO FREED THE SLAVES?

The Fight over the Thirteenth Amendment

Leonard L. Richards

“This study of the political drive toward the complete abolition of slavery is most welcome. Richards has rescued from obscurity James Ashley, who managed the course of the Thirteenth Amendment through the House of Representatives. The reader will come away with greater appreciation for the courage and skill of those antislavery leaders who never gave up and eventually triumphed.”

—James M. McPherson, author of *Battle Cry of Freedom*

Cloth \$30.00

THE GRASPING HAND

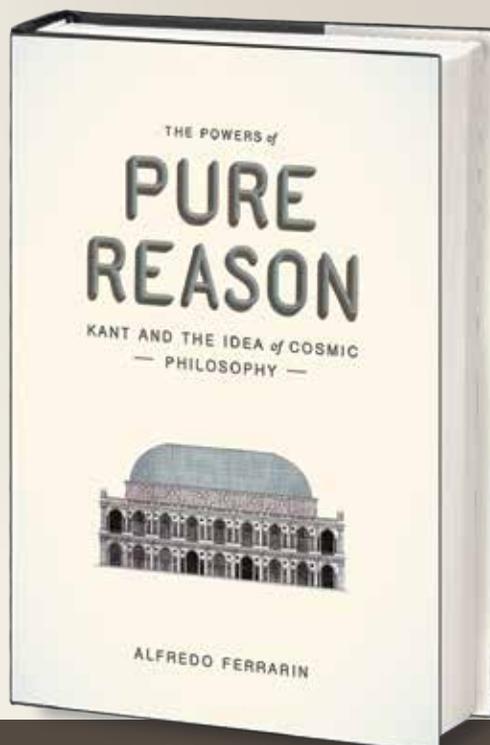
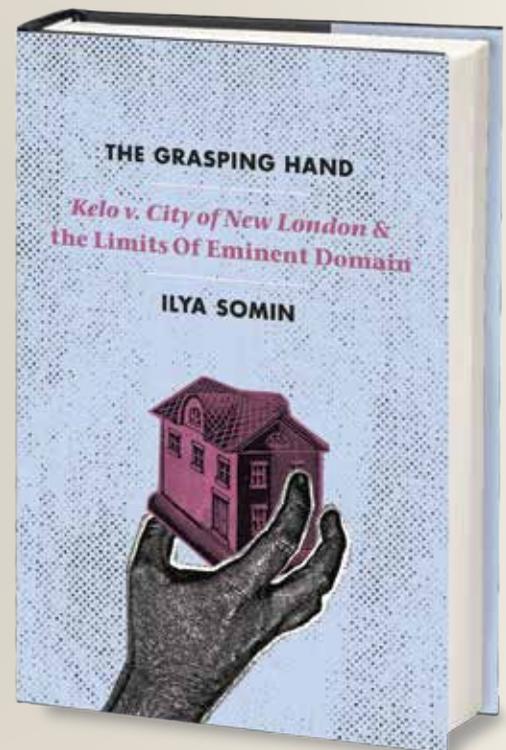
Kelo v. City of New London and the
Limits of Eminent Domain

Ilya Somin

“Somin’s thorough rebuttal of the constitutional reasoning and philosophical implications of the Supreme Court’s *Kelo* decision demonstrates why that ruling was a constructive disaster: It was so dreadful it has provoked robust defenses of the role of private property in sustaining Americans’ liberty.”—George F. Will

“The definitive treatment of eminent domain and the *Kelo* case.”—Alex Tabarrok,
Marginal Revolution

Cloth \$30.00



THE POWERS OF PURE REASON

Kant and the Idea of Cosmic Philosophy

Alfredo Ferrarin

“Ferrarin has written a remarkable study of Kant’s philosophy as a unified whole. It is challenging, daring, complex, erudite, detailed, and carefully argued, opening up new vistas on the meaning of Kant’s critical enterprise. It is a major contribution to the scholarship.”—Richard Velkley, author of *Freedom and the End of Reason*

Cloth \$55.00



THE UNIVERSITY OF CHICAGO PRESS www.press.uchicago.edu