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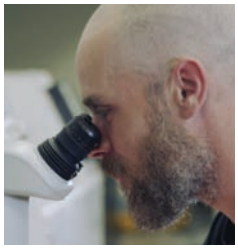

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Jailhouse Feminism

Something other than simple venality is making female trash talk all the rage—something unexpected, poignant, and, at the same time, awful to behold. It's the language of bondage and captivity, told by prisoners of the sexual revolution. *Mary Eberstadt*

COVER: ROMAN GENN

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NATIONAL REVIEW

MARCH 9 ISSUE; PRINTED FEBRUARY 19

Letters

Foucault among the Buckleyites

Michel Foucault

I was delighted to see Daniel Foster quoting Michel Foucault in your pages. Despite his reputation as being the typical French intellectual who is chic, impenetrable, and wrong—which he was, on occasion—Foucault took many positions we would recognize today as being right of center. He disavowed Marxism by 1973, supported Alexander Solzhenitsyn in his struggles against the Soviet state, and toward the end of his life was recommending that people read Mises and Hayek. I am presently writing a book about his last three lecture series before his untimely death in 1984, when he was taking seriously such questions as truth-telling and character development and, as he put it, "not being governed quite so much."

It is my hope that more conservatives take a second look at this scholar.

Nathan Harter
Christopher Newport University
Newport News, Va.

In his "Happy Warrior" column (February 3), Daniel Foster makes a persuasive case that today's Mount Holyoke co-eds (and I use that term advisedly) take their vaginas, or lack thereof, entirely too seriously. Eve Ensler's ubiquitous theater piece, and the controversy over its supposed exclusion of transgenders, make clear the feminist movement's latest strategy: If they can't completely eliminate sex, they'll damn well make it boring.

Yet in the course of an otherwise delightful column, Foster does not entirely avoid the whiff of the seminar room himself. Not only is there entirely too much Foucault for anyone more than five miles or three years from a college campus, but: *ouroboros*, *dialectic*, *hegemony*? Yes, this is William F. Buckley's magazine, but NR's founder used fancy words sparingly, and always with a hint of irony. By using academese to dismiss academia, Foster undermines his case against overintellectualism.

Ronnie Meyers
Paterson, N.J.

DANIEL FOSTER RESPONDS: Mr. Meyers, osculate my fundament.

AP/ALEXIS DUCLOS

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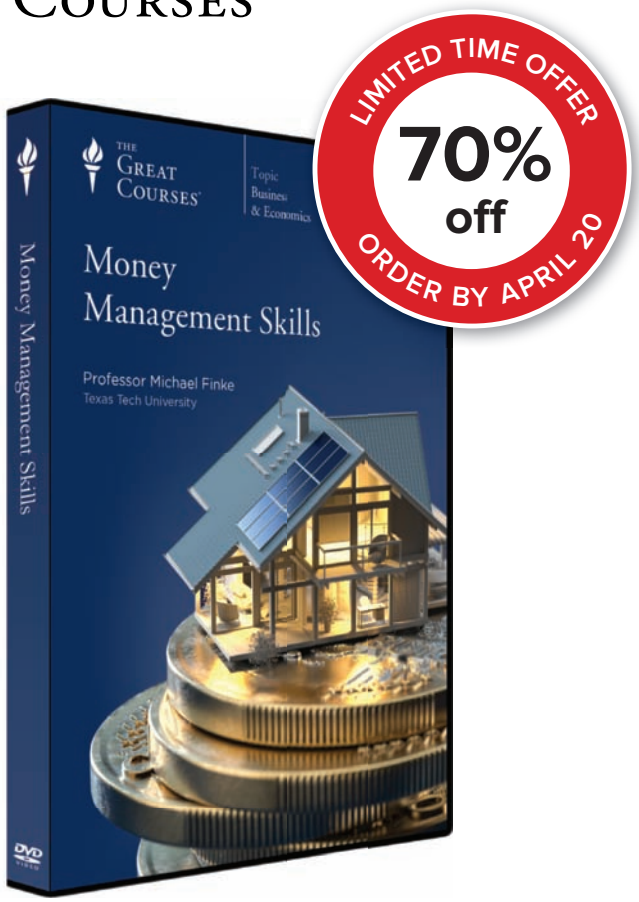

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The Week

■ Ruth Bader Ginsburg said she was not 100 percent sober during the State of the Union address. That's okay, Madam Justice: We're not sure the president was, either.

■ President Obama made two telling statements recently. At the National Prayer Breakfast, in a meditation on religiously inspired terrorism, he widened the focus thus: "And lest we get on our high horse . . . remember that during the Crusades and the Inquisition, people committed terrible deeds in the name of Christ." How many ways was this inappropriate? It was a false apology, as far as Obama is concerned: He does not consider himself among the mistaken *we*. It was a far-fetched comparison, equating deeds of 500 and 1,000 years ago with slaughters on today's front page. It played into the enemies' playbook, since the Crusades feature prominently in jihadist grievance. Then, in an interview with *Vox*, Obama referred in passing to the massacre at the kosher market in Paris: "You've got a bunch of violent, vicious zealots who . . . randomly shoot a bunch of folks in a deli in Paris." But the folks who died were Jews and the Islamist terrorists who killed them did so not randomly, but for that very reason. Obama says what should not be said, and will not say what should be said. Confucius said the first task of the gentleman was the rectification of names. Confusion results when leaders misuse and efface them.

■ Thanks to an invitation from House speaker John Boehner, Prime Minister Benjamin Netanyahu of Israel is set to address a joint session of Congress on March 3. Many Democrats are planning to boycott the speech. Vice President Joe Biden will not show. It is unfortunate that the occasion has become a partisan matter. (And who could have guessed, short decades ago, that the Democrats would be the boycotters and the Republicans the enthusiasts?) But chances are that Netanyahu will say important things about Iran, the Middle East, and the world. These are tense and dangerous times. Explaining why he is going ahead with the speech, Netanyahu has said, "The whole point of Zionism is that the Jewish people will no longer be spectators to the decision-making that determines our fate." Democrats who skip the speech may think they are striking a blow against Netanyahu and Boehner, but Israel will be the collateral damage.

■ Brian Williams, the carved lady on the prow of NBC's nightly newscast, was placed on a six-month leave without pay when one of his oft-told tales—about coming under RPG fire while riding in a helicopter in Iraq—turned out to be false. Williams's chopper in fact arrived on the scene well after another came under fire. Soldiers who were there flagged the error to *Stars and Stripes*; Williams's apologies were tepid; his bosses finally took the matter out of his hands. Why would Williams embroider, especially since covering a war from a combat zone should be glory enough for any civilian? To emulate the soldiers he admired? To be the bride at every wedding? Other Williams stories have come under scrutiny as well. There are many professions—entertainer, motivational speaker, politician—where stretching the truth is either not fatal (see "Biden, Joe") or positively welcome. Williams's profession, however, professes to give just the facts. It often doesn't, but getting caught was a direct hit to Williams's credibility.

ROMAN GENN

■ Jon Stewart announced that he will leave *The Daily Show* after a 17-year run. Begin with the nuances. Stewart had a real interest in authors, especially of history. He sometimes thwacked his own side (most memorably when he challenged Kathleen Sebelius to a race—she would sign up for Obamacare while he downloaded "every movie ever made"). Stewart's shtick was simple and predictable: edited video clips; profane reax. His audience was not great—*Family Guy* reruns often outdrew him—and it aged along with him. Still, he taught that audience both to think well of its received (left) ideas and not to think hard (since thinking correctly required only a freewheeling jokiness). He also, as Kyle Smith of the *New York Post* noted, gratified the pundit class by expressing their views without constraint; they in turn magnified his influence, by endlessly citing it. Wherever the next Stewart appears—in his *Daily Show* chair, or in some other incarnation—he is sure to get the same treatment.

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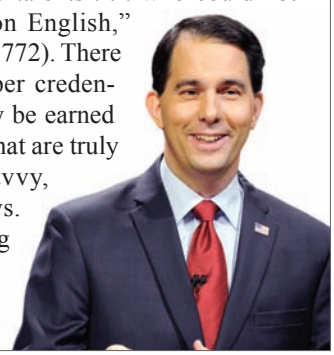
■ Democrats are filibustering a Senate bill to fund the Department of Homeland Security, which runs out of money on February 26, because the bill also blocks a number of President Obama's unilateral amnesties for illegal immigrants. At least six Senate Democrats have opposed some of those actions as extending beyond the president's authority but claim this is not the time or the way to challenge them. Ideally, some of these Democrats could be persuaded to allow the bill to advance in the Senate, amended to oppose just the president's most offensive action—the November amnesty for adult illegal immigrants. But the House may instead have to advance a bill that will put Democrats in a tougher political bind—offering to fund most of DHS in one bill, and the federal immigration bureaucracy, U.S. Citizenship and Immigration Services, in another, with the latter bill blocking the November amnesty. Adding some weight to the GOP's case is a Texas federal judge's decision to enjoin the implementation of that amnesty, pending a suit by 26 states over its costs. The states' case may succeed, but the legislature needs a strategy for fighting the executive branch's abuse of the Constitution that goes beyond lawsuits. Splitting the bill is the most plausible option we've heard.

■ Scott Walker is famously the presidential candidate without a college degree (he left Marquette half a year shy of graduating). Some people can get very snooty about such a lack: George Washington, our first non-collegiate president, was "a man of no talents . . . who could not spell a sentence of common English," said Aaron Burr (Princeton, 1772). There is a difference between paper credentials, whose equivalents may be earned otherwise, and attainments that are truly indispensable: political savvy, for instance, or correct views. That's what we'll be watching for, not news about his decisions in the mid 1980s.



AP/BENNY SIEU

■ Asked about evolution on a recent trip to England, Walker said he would "punt." After criticism he tweeted later the same day that "we are created by God" and that "faith & science are compatible." The question flummoxes a lot of Republican politicians. Many Americans—42 percent in Gallup's latest sounding, and probably a larger share of Republicans—do not believe in evolution. Since the question is irrelevant to governance, why ask it? Refusing to answer it, though, looks weak. Answering is also good preparation for Republican candidates in dealing with unfair questions from journalists. If any reporters want to change the pattern, they can start by asking Hillary Clinton, or Nancy Pelosi, when the life of a human being begins.

■ The sheer brazenness of President Obama's dissembling on gay marriage—confirmed by David Axelrod in a new book—might gall even the most hard-bitten of cynics. Obama, Axelrod writes, "was in favor of same-sex marriages during the first presidential campaign, even as [he] publicly said he only supported civil unions, not full marriages," but he felt that he could not admit as much for fear of losing black churchgoers. Thus was it confirmed that the "change" candidate had fallen back on a "sacred" religious belief that he did not possess, in order to mislead a group he claimed to be representing, in furtherance of a policy that he now openly describes as a "civil right." There is a word for this sort of conduct. But it is not "hope."

■ In 2013, the Supreme Court struck down a law defining marriage for the purposes of federal programs as the union of a man and a woman. Justice Kennedy, writing for the majority, did not bother to specify what part of the Constitution the law violated. Lower federal courts took the decision as their cue to start invalidating state marriage laws as well. A federal judge in Alabama has just done so. The chief justice of the state supreme court, Roy Moore, said that the ruling did not bind state officials handing out marriage licenses. The judge has been widely condemned for disobeying the supremacy clause of the Constitution, which puts federal law above state law; his defenders note that the Supreme Court has never said this clause makes the decisions of lower federal courts binding on state officials. Meanwhile, the Supreme Court is preparing to rule on a case about the constitutionality of traditional marriage laws. Justice Ruth Bader Ginsburg took it upon herself to pronounce that the country is ready for same-sex marriage to become the constitutional rule. Almost nobody raised an eyebrow. We already knew which way she leans on the question. We already knew that the process by which same-sex marriage is triumphing in the courts has nothing to do with the impartial application of law. Apparently it is no longer necessary even to go through the motions of pretending that it does. Spare Judge Moore, and the rest of us, any lectures about the majesty of the law.

■ The (too) slow process of building a Republican consensus on how to replace Obamacare continues. Senators Orrin Hatch (Utah) and Richard Burr (N.C.) proposed a slightly modified version of the health-care plan they devised with former senator Tom Coburn (Okla.) last year, and this time Representative Fred Upton (Mich.) is also on board. The plan would scrap Obamacare's individual and employer mandates, its definition of essential benefits, its federally supported exchanges, its Medicare rationing board, its medical-device tax: pretty much everything we know and don't love about Obamacare. It would cost much less than Obamacare, coerce much less, and yet also enable more people to get insurance coverage than Obamacare does. Its key provision beyond repeal would change the tax treatment of health insurance so that it no longer favors employer-provided coverage as heavily as it does today: People without access to such coverage would have a tax credit they could use to buy the insurance plan of their choice, from sellers located anywhere in the country. Hatch runs the Senate Finance Committee and Upton the House Energy and Commerce Committee. Paul Ryan, in charge of the House Ways and Means Committee, has spoken in favor of a similar plan in the past. The rest of the party should follow their lead—and quickly, because the Supreme Court could bring this question to a head in a few months.

■ Staples has not beheaded any Christians or roasted any pilots to death, but the office-supply chain has finally discov-

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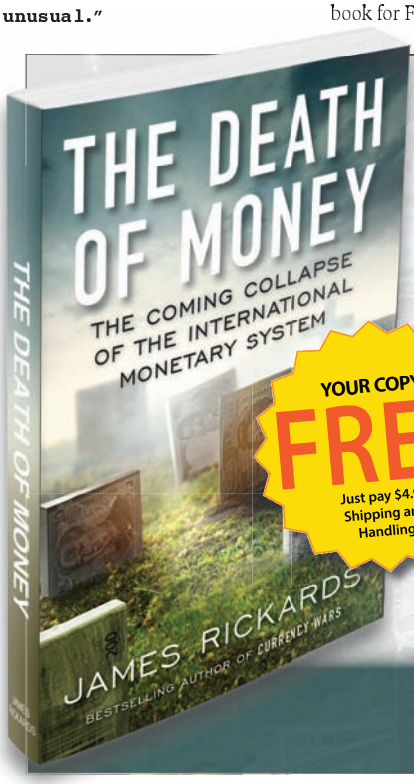

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ered what it takes to truly raise the passion of the Obama administration: cutting employees' hours in response to Obamacare. "When I hear large corporations that make billions of dollars in profits trying to blame our interest in providing health insurance as an excuse for cutting back workers' wages, shame on them," the president said. First, Staples does not make "billions of dollars in profits," or even a measly single billion in profits—Obama, like many Democrats, doesn't seem to know his millions from his billions. Staples had, in fact, been closing stores even as it prepared to acquire rival Office Depot: Such is life in a declining retail industry. Staples has adopted a policy that part-timers are not to be scheduled for more than 25 hours a week, which keeps them under the threshold past which it must subsidize health insurance for them under the Affordable Care Act, and at least one of its store managers published an oafish notice—publicized by *Buzzfeed*—threatening to fire part-timers who exceeded 25 hours. Obama and the Democrats put a tax on full-time

Off the Rails

In June 2011, an Amtrak train collided with a truck on U.S. Route 95, killing at least six people. This sobering accident near Reno, Nev., contrasts with the perhaps romanticized place of railroads in the American imagination. Few events seem to embody the fulfillment of the vision of a nation stretching "from sea to shining sea" as vividly as the completion of America's first transcontinental railroad in 1869. And rare is the American western film that does not feature in some way the nation's railroads.

Yet the reality is that American passenger railroads, dominated by Amtrak, deliver a standard of service far below that of other railroads around the world. The high-speed trains that connect urban areas in Japan and Western Europe put their counterparts in the United States to shame.

I was contemplating these facts in early February while sitting on an optimistically named "Acela" train to New York on a perfectly sunny day. At nine, the scheduled departure time, the screen at our track suddenly flashed the word "Delay." Further information was unavailable. Nobody could tell us how long the delay would last. Then, at ten, I received an e-mail telling me the train was canceled. I dashed to the kiosk and moved myself to a later train. About 15 minutes thereafter, an Amtrak employee announced that my first train had not really been canceled. I raced to the kiosk and switched back. Eventually, I arrived in New York, about three hours late. But the slow-as-molasses trip afforded ample opportunity to research comparative train data.

While Punch-and-Judy annoyances like the one I experienced are one metric of the professionalism of a train system, the best benchmark of the quality of a nation's railroads is safety, which is, after all, job one.

A good measure of safety is passenger miles traveled per reported passenger injury (defined here to include fatalities). A higher number is better: It means that a passenger can travel more miles before expecting to face an injury.

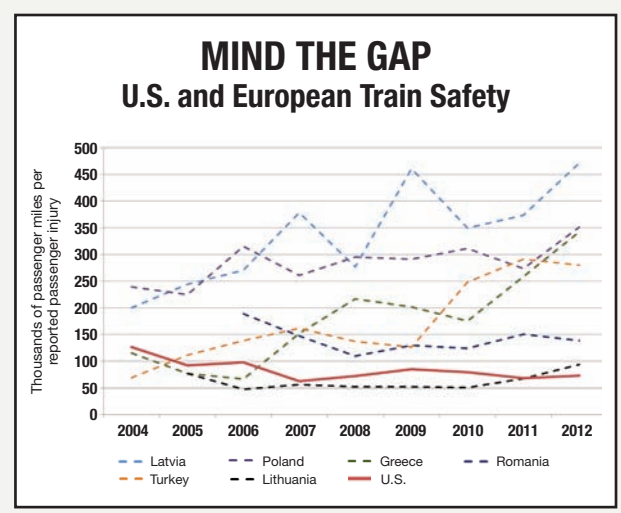
America's number is low. It is so dangerous compared with rail in the more prosperous regions of Europe that it is difficult to get the data from the U.S. and Europe on the same chart. Based on data spanning the period 2004–12, for example, to expect one transit-related injury, a passenger would need to ride the French railroad for 4.9 million miles or the German railroad for 4.1 million miles. Yet he would need to ride America's railroads for only 84,300 miles, on average, to sustain one injury. Adjusted for passenger miles traveled, Amtrak's passengers get injured 58 times as often as those on French railroads.

Even the worst rail systems in Europe are superior to the Amtrak-dominated American railroad system. As the chart below shows, America is less safe by the end of the sample period than even the worst European systems. Countries on the periphery of the European economy, such as Greece and Romania, surpass the United States by a substantial margin. Only Lithuania appears to be comparably dangerous.

The injuries, of course, are the tip of the iceberg. It is highly likely that running on time and other aspects of customer service are correlated with these safety data. Given the high standards of rail service in the developed countries of Asia (whose systems are not represented in our data), it is safe to conclude that America's is among the worst rail systems in the developed world.

The good news is that it would be easy to fix. Amtrak is the answer to the question "What would a railroad look like if it were run by the staff of the Department of Motor Vehicles?" If we end federal subsidies to Amtrak, and require it to liquidate, then private companies would buy up its stations and routes. These companies could then begin running our trains with a level of professionalism that Americans now experience only when traveling abroad.

—KEVIN A. HASSETT



How a Chicago Doctor *Shook Up* the Hearing Aid Industry with his *Newest* Invention

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Reported by J. Page

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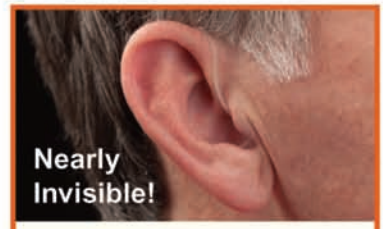

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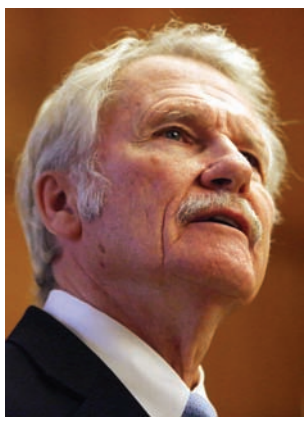
employment, and now they are complaining as businesses respond to the disincentives they themselves created.

■ For the third year in a row, Republican senator John Cornyn of Texas has introduced a bill that would require the states to treat concealed-weapon permits as they treat driver's licenses. This time, it has a chance of passing the Senate. In keeping with the principles of federalism, the Concealed Carry Reciprocity Act of 2015 would not create any federal standards for firearms permitting; it would not preempt states that do not currently offer such permits; and it would not nullify the local standards set by each jurisdiction. Instead, it would merely ensure that lawful licensees are not prevented from crossing state lines with their weapons. As the number of permit holders has increased of late, so have the opportunities for the innocent to fall foul of states' gun laws. It is time, Cornyn said, to "eliminate some of the 'gotcha moments,' where people inadvertently cross state lines" and end up in prison. A similar bill has been introduced in the House, and has a good chance at passage. Something for the next president, we hope, to sign.



John Kitzhaber

AP/STATESMAN-JOURNAL/THOMAS PATTERSON

■ It was a *Portlandia* love story: "Their relationship was based on a shared passion for a low-carbon energy future," the *New York Times* reported, and she convinced him to trade in his SUV for a Prius. John Kitzhaber was the Democratic governor of Oregon, and Cylvia Hayes, Oregon's first ladyfriend—they had five marriages between them, but not to each other—was an environmental consultant. She stands accused of using her relationship with the governor illegally to advance her business, and he has resigned barely a month into what would have been a fourth term. Among other things, she took $25,000 in "consulting" fees from the left-wing group Demos and began immediately holding events at the governor's mansion promoting one of its projects: the "genuine progress indicator," an alternative to GDP inspired by practice in Bhutan, until a few years ago an absolute monarchy under the "Dragon King." She accepted a six-figure "fellowship" from another liberal group—in exchange for undefined work—and then the Kitzhaber administration hired the group's head as the governor's highest-paid aide. Other odd facts came to light in the process, including Hayes's accepting a few thousand dollars to play the bride in a sham wedding to an Ethiopian seeking permanent U.S. residency and her involvement in an illegal marijuana-farming scheme. Federal and state criminal investigations are under way. Once again, the people who would manage our lives down to the food in our pantries and the fuel in our tanks have made a hash of their own.

■ The beleaguered citizens of Illinois, tired of years of overspending, overtaxation, and sluggish economic performance, this past fall elected a Republican governor, Bruce Rauner. Unfortunately, they also sent more or less the same legislature, mostly Democratic, back to work in Springfield, so Rauner, a former private-equity manager, won't get to disrupt the place in every way he might like. But he has come up with one clever way to help fix some of the state's structural dysfunction on his own, and it could come to the rescue of a lot of other blue states, too: He issued an executive order blocking, on First Amendment grounds, unions' ability to collect fees from state workers who have refused to join whatever union represents them. About half of Illinois's state employees are under union contracts, which are bleeding the state dry. Rauner's decision extends the logic of a 2014 Supreme Court case that ruled that quasi-public employees can't be compelled to contribute to unions, because such a rule abridges their rights to free association. Whether he might have extended the logic further than five Supreme Court justices will want to, we'll find out eventually. If his order stands, public unions in Illinois and elsewhere will see their membership rolls shrink and their coffers dry up. Taking a risk on a favorable decision might be more than just a good idea—to save a place like Illinois, it might be necessary.

■ On the matter of "net neutrality," the Federal Communications Commission is offering up a mess of new regulations—shoehorning items from a 2015 political agenda into a New Deal–era law, to provide a non-solution to a non-problem that it has no congressional mandate to address. Net neutrality is an ideological insistence that Internet service providers (ISPs) treat every bit of data the same way. They would be forbidden, for example, to give streaming video priority over e-mail traffic. The FCC rules contain the usual raft of special-interest corporate carve-outs—for voice-over-IP services, for television services coming from Apple and Sony—enacted with the usual cynicism, in this case the insistence that this is a question of free expression rather than self-interest and ideology. The free-speech angle is particularly silly: Net-neutrality advocates insist that unless these rules are adopted, ISPs could block or hamper access to news and information sites that are unpopular with political authorities or certain business interests. As it happens, we here at National Review operate one of those sites, and we trust that competition for ISP subscribers is sufficient to keep providers from simply blocking sites—something that could, theoretically, happen under current law, but doesn't. The Internet is a font of innovation and creativity not crying out for the subtle ministrations of federal regulators; in the event of truly destructive collusion between ISPs and third parties, targeted intervention by the Federal Trade Commission would be far preferable to preemptive regulation by the FCC.

■ Deah Barakat and Yusor Mohammed abu-Salah, newlyweds, and the bride's sister, Razan Mohammed abu-Salah, were shot to death in their Chapel Hill apartment complex by a neighbor, Craig Hicks. Police say the crime arose out of a parking dispute: Hicks was a bullying stickler for rules. His Facebook page revealed that he was also a fan of atheists (the Freedom from Religion Foundation, Richard Dawkins) and liberals (the Southern Poverty Law Center). Does that mean that atheists and the SPLC are waging an anti-Muslim campaign? Of course not: Men and movements are not responsible for isolated, unbalanced followers. Muslim groups want to

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make the murders a badge of persecution. The Palestinian Authority has asked for its officials to be part of the investigation. N.B.: Is that to solve the crime, or to get tips on how to polish their own skills?

■ Omar al-Hussein, a Danish-born Arab, shot up a café in Copenhagen as it hosted a discussion of freedom of expression. His intended target, Swedish cartoonist Lars Vilks—on Islamist death lists for drawing Mohammed's head on a dog—was not hit, but he killed Finn Norgaard, a documentarian. Hours later, he attacked a synagogue, killing Dan Uzan, a member of the community who was acting as a security guard. The next day, he opened fire on Danish police who had tracked him down, and was killed. The mix of placating and surveillance that European police have used to contain the many bad actors in their Muslim populations is clearly not working. They must drop the first and greatly step up the second. If they do not, more of the continent will be under the sway of freelance sharia enforcers. Can Europe's Muslims ever leave their ghettos? That would take a Europe confident of its principles, and willing to enforce them on all, even as it extends their benefits to all.

■ Abdul Fattah al-Sisi, president of Egypt, is extremely angry. Hundreds of his opponents, the Muslim Brothers, are in prison, a good few under sentence of death, and still his soldiers are ambushed and killed in the name of the Brothers. In a major speech to assembled clerics in Cairo, he exhorted Muslims to modernize and reform. Copts are the country's Christian minority, numbering at least 10 million, and last Christmas Sisi took his own advice and became the first Egyptian president ever to step into their cathedral. Almost all poor and underprivileged, Copts had been seeking work in Libya. The overthrow of Moammar Qaddafi left such itinerants at the mercy of groups such as the Islamic State, or ISIS, self-described as a caliphate. Sinister in black, a line of ISIS members marched 21 Coptic laborers down to the shore and had themselves filmed beheading these unfortunate men in a scene of bloody murder. Sisi called on the anti-ISIS coalition to broaden its scope, and Italy cautiously discussed the possibility of eventually sending a force of 5,000. It's a start.

Abdul Fattah al-Sisi

■ Peace in our time was the objective of German chancellor Angela Merkel and French president François Hollande when they flew into Moscow to beseech Russian president Vladimir Putin to be nice to Ukrainian president Petro Poroshenko. The truce they agreed (for the second time of asking) lasted all of 40 minutes in Debaltseve, a town with the strategic key to eastern Ukraine. The Ukrainian government registers 129 Russian infringements. Satellite images capture equipment moving in from Russia, or, in plain language, invading. The State Department is—wait for it—"greatly concerned," so greatly that "we call on Russia and the separatists it backs to halt all attacks immediately." This is supposed to cause sleepless nights and a change of heart in the Kremlin. There's a special and hard-to-translate term in Russian—*vranyo*—that means to get your way by putting on a show of lying and boasting. Putin hints at further land grabs and cold war if not world war, and he is certain to go as far as *vranyo* takes him. Given the necessary arms, which we have so far shamefully withheld, Ukrainians are able and willing to defend themselves and their nation.

■ Canada's supreme court in February unanimously ruled that physician-assisted suicide is a constitutional right under the country's charter. The longstanding prohibition of the practice in the federal criminal code, wrote the justices, "infringes the right to life, liberty and security of the person." The court ruled that any adult with an "illness, disease, or disability" that causes him suffering has the right to procure medical aid in killing himself. It instructed the legislature that it would have a year to craft laws along those lines. In the court's view, its decision does not "compel physicians to provide" such assistance. At least two provincial medical groups, however, are already drawing up regulations that would do so. Canada's charter ostensibly protects the right to freedom of conscience and religion. Physicians who object to killing their patients may soon find that their high court has as elastic an interpretation of this principle as it has of the right to life.

■ When President Obama made his deal with the Castros, a sweetener, for the democratic side, was the release of 53 political prisoners. In recent days, the regime has arrested 65 Cubans who attempted to attend Mass at the Sanctuary of Our Lady of Charity. Some of them had been among the 53 released. Will the Obama administration keep an eye on Cuba and its political prisoners? Or are they to be forgotten, now that the Cold War mentality has been banished and harmony ushered in?

■ At 90, Priscilla Sitienei attends Leaders Vision Preparatory School in Ndalat, Kenya, with seven of her great-great-grandchildren. The school turned down her application at first, but she persisted. A midwife, she wants to write down for posterity her knowledge of the practice, including herbal preparations. "I'd like to be able to read the Bible," she adds. "I also want to inspire children to get an education," which she describes as "their wealth." She wears the school uniform and lives in a dormitory with her classmates, who call her, affectionately, "Gogo," which means "Grandmother" in the local Kalenjin language. "We love Gogo because when we make noise she tells us to keep quiet," a ten-year-old boy told the BBC. Youth and maturity need each other. Gogo aims to set an example for children, but the green old age that she exemplifies speaks just as loudly to adults, for whom the excuse that they're too old to do this or that has just been made a little more implausible.

■ *Fifty Shades of Grey*, the brain disease that has sold 100 million books worldwide, begins its march through the multiplexes, playing, like the books, to hordes of auto-infectious women. The underlying fantasy is a very old one, which not all the blessings of liberty nor the naggings of feminism can eradicate: Bad man woos good girl, man becomes good (and girl has some fun along the way, maybe). It appears in ballads, with their handsome strangers and demon lovers, and in ostensibly respectable fiction

STEPHANE LEMOUTON/SIPA VIA AP

(*Jane Eyre*). What our age has added to the formula is prose concentrate (add water, read) and assorted sex toys.

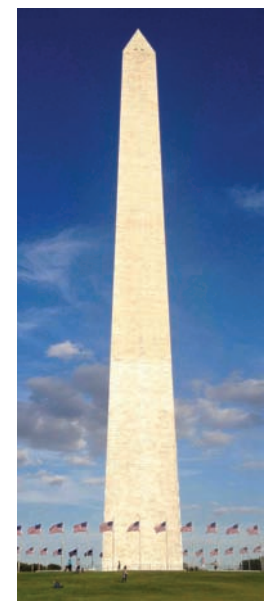
■ Harper Lee never published a second novel after *To Kill a Mockingbird*. Its release in 1960 was enough to give her fame and fortune, with its initial runaway success cemented by Gregory Peck's Oscar-winning performance as Atticus Finch and its status as an enduring and beloved staple in high-school curricula. Lee has spent the last five decades ducking the fame, living modestly despite the fortune, and declining to speak to the press or publish again. So the news in February that she would be releasing a new novel, at 88, caused quite a stir. Controversy over the book's provenance—it turns out to be a first-draft attempt at *Mockingbird* long ago set aside and now rediscovered by Lee's lawyer—has not dampened enthusiasm for its upcoming release (pre-orders for *Go Set a Watchman* have made it an Amazon best-seller). It would be unfortunate if Ms. Lee were being unduly pressured to publish it, and it may very well disappoint as literature. But however this surprising second act unfolds, it won't detract from the first.

■ A federal panel is ready to scrap a decades-old recommendation that Americans restrict their cholesterol consumption. Cholesterol has long been associated with heart disease, and the American Heart Association warned against it as early as 1961. But over the years the story got more complicated: A distinction between "good" and "bad" cholesterol was established, and it became increasingly apparent that since the body manufactures its own cholesterol at a rate determined genetically, the amount consumed in one's diet has little effect on overall levels. Now a draft report from the government's Dietary Guidelines Advisory Committee suggests that cholesterol should no longer be considered a "nutrient of concern," and that saturated fats are the main coronary culprit. To be sure, few areas of science have seen greater advances in recent decades than medicine, but the cholesterol story shows that when dealing with highly complex systems, even the best-informed scientists, using the best available data with the best of intentions, can draw conclusions that turn out to be incorrect. Science deserves all the love we can give it, but that love should not be blind.

■ For carrying her mattress around Columbia's campus in symbolic protest of an Ivy League administration's acquiescence to "rape culture," Emma Sulkowicz received awards from the New York City chapter of the National Organization for Women and from the Feminist Majority Foundation, appeared on the cover of *New York* magazine, and found herself at this year's State of the Union address as a guest of New York senator Kirsten Gillibrand (D.). All of which might be a just reward for true courage—if Emma Sulkowicz had been raped. But the student she accused, Paul Nungesser, a full-scholarship student from Germany, was cleared by the university on three separate occasions of charges leveled against him by Sulkowicz and two other accusers. One would not know this from reading mainstream news reports, hardly any of which sought Nungesser's side of the story, and all of which ensured that he was convicted in the court of public opinion. In early February, the *Daily Beast* published a long, thorough article about the accusations, including in it an extensive interview with Nungesser and several facts—including long text-message conversations—that throw serious doubt on Sulkowicz's claims. But the *Daily Beast*'s due diligence is small consolation for an apparently innocent man unjustly branded a "serial rapist." In the wake of *Rolling Stone*'s University of Virginia rape hoax, Paul Nungesser's show-trial-by-media, and other false accusations, it increasingly seems that men, too, have cause for fear on campus.

■ The University of California, Berkeley, recently hosted a lecture called "Queering Agriculture," and it was a fine example of the stream-of-social-consciousness school of academic writing. From the website description: "Queering and trans-ing ideas and practices of agriculture are necessary for more sustainable, sovereign, and equitable food systems for the creatures and systems involved in systemic reproductions that feed humans and other creatures. Since agriculture is literally [i.e., not literally] the backbone of economics, politics, and 'civilized' life as we know it, and the manipulation of reproduction and sexuality are a foundation of agriculture, it is absolutely crucial queer and transgender studies begin to deal more seriously with the subject of agriculture." Translation: No one has written about this topic before because sexual preference has nothing to do with agriculture. But that's no obstacle to a hard-core academic, and soon we can presumably expect "Queering Dentistry," "Queering Transmission Repair," and perhaps "Straighting Interior Design."

■ In 1884, near the end of the Washington Monument's decades-long construction, its pyramidal capstone was placed on display at Tiffany's, where visitors could jump across it and say they had "leapt over the top of the Washington Monument." That boast just got a shade less impressive, as a new survey has shown the tower to be 554 feet 7 11/32 inches tall, about ten inches less than its previous official height. (In typical Washington, D.C., fashion, the National Park Service will pretend that the revision didn't happen and continue to list the height as 555 feet 5⅛ inches.) The change may be partly due to settling after a 2011 earthquake, and about a quarter-inch is attributable to melting of the aluminum cap in numerous lightning strikes; but mostly it's just the result of a more accurate determination: The new survey achieved unparalleled precision by using GPS readings and a special sensor installed at the monument's tip. George Washington might well have been embarrassed by such a towering monument to him, but—having started out as a surveyor, and having been a lifelong seeker of technological improvements—he would no doubt be impressed at the ingenuity that went into the new measurement.



■ Martin Gilbert never met Winston Churchill, but he devoted much of his life to a study of the British statesman, serving as his official biographer. Churchill's son Randolph had begun the massive project in the 1960s, but Gilbert completed it over the next couple of decades, composing most of the 8 million words in what is commonly called the longest biography ever written. A

condensed one-volume version runs more than 1,000 pages. For most historians, this mammoth effort would have taken up a lifetime, but Gilbert never rested, publishing a total of 88 books on a range of subjects. He was famous for his meticulous archival research: "You must get everything," he told one of his assistants. "We must have it all here." Jewish history was a special passion, and he wrote books on the plight of the Jews under the Nazis, behind the Iron Curtain, and in Muslim lands. In the future, historians who want to understand the major figures and events of the 20th century will rely on Gilbert as a reference and guide. Dead at 78. R.I.P.

■ This side of WFB, there was no one in conservatism more worldly, informed, or interesting than Arnaud de Borchgrave. He was one of the most consequential journalists of the Cold War. Born in 1926, he was the son of a Belgian count and his wife, Audrey, who was the daughter of a British general. Arnaud escaped Belgium just ahead of the Germans. Lying about his age, he joined the Royal Navy at 15 or 16. He was wounded on D-Day. Working for *Newsweek*, he became the very image of the swashbuckling foreign correspondent. He covered 18 wars and interviewed everybody: from de Gaulle to Nasser to Saddam to Reagan. *Newsweek*'s editor, Osborn Elliott, wrote that "de Borchgrave has played a role in world affairs known to no other journalist." With Robert Moss, de Borchgrave wrote two best-selling thrillers, *The Spike* and *Monimbó*. He became editor of the *Washington Times*, making that newspaper a force to be reckoned with. He was James Bond–like, yes, endlessly suave and debonair. But he also had an extreme moral seriousness, especially where geopolitics was concerned. He has now died at 88. He once told a colleague, "All I need when I go on assignment is a tuxedo and a safari suit." We can see him in them now. R.I.P.

AT WAR

War Powering Down

PRESIDENT OBAMA has sent Congress a proposed Authorization for the Use of Military Force against the Islamic State. It's not immediately clear why. His administration says it already has such authority via at least three different channels. Indeed, although the president's proposal contains limits, he would still have ample legal authority to do whatever he wanted against the Islamic State.

So why is he proposing this legislation at all? Because it would constrain our politically realistic options in the war against the Islamic State and Islamism in general, and he wants a congressional imprimatur for waging a constrained war.

An instructive example of his motivations is the bill's repeal of the 2002 authorization for the use of force in Iraq. The president's declaration of the end of our war there did not, obviously, mark the end of that conflict. There is no obvious reason, besides putting an artificial coda on our war in Iraq, to repeal the authorization. Should the now-Iran-friendly Iraqi government begin violating U.N. Security Council resolutions or become a threat to the U.S., or should some new terror threat arise within Iraq's borders, the 2002 AUMF would give the president clear power to act. This president prefers the power to boast of putting a legal end to George W. Bush's Iraq War.

Worse, the president also would like the resolution to prohibit

Appealing to Congress to authorize the use of military force

REX FEATURES VIA AP

"enduring offensive ground combat operations" against ISIS, and to expire three years hence. These two restrictions are dangerous limits on the war powers of the executive, the most expansive prerogatives the Constitution gives him. In the Korean War, some American troops planned to be home by Christmas 1950, but it wasn't because President Truman was going to lose his authority to keep them there on Boxing Day. Restrictions on the conduct of a war are a generally inappropriate directive for Congress to give to the commander-in-chief. The only kind of president who would ask for them is one set on diminishing his own accountability.

The ground-troops stricture, while theoretically meaningless, could still as a political matter limit our commander-in-chief's and military's ability to do their job properly. The war on Islamic terror is not like many of America's past wars, and requires more flexibility, not less.

The 2001 resolution that authorized actions against al-Qaeda and affiliated entities does authorize any actions necessary against ISIS, because of the connection between those two groups. But as ISIS acquires affiliates and allies around the world—the horrific execution of 21 Coptic Christians in Libya was one example of its growing reach—it would make sense to have an authorization specifically targeting it and its affiliates, or even the global forces of Islamist terror.

Of course, such a declaration should not be passed only to ring hollow. This president's conduct of all three wars in which he has been engaged—in Afghanistan, in Iraq, and against ISIS—suggests that it would. We need a serious reassessment of American strategy against Islamic terror and a commensurate restoration of the defense budget, but these almost surely will have to come from a new president.

Until then, we hope President Obama will conduct the war against ISIS vigorously and responsibly. News that our best allies in the region, the Kurds, are pleading in vain for American arms and matériel is just one indication that the president is not interested in winning this war. His inadequate request for new authority to fight it is another.

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There is no such thing as 'presidency studies'

BY KEVIN D. WILLIAMSON

EXHIBIT A in the category "Questions Nobody Is Asking": Does Howard Dean believe that Wisconsin governor Scott Walker is qualified to be president?

"Qualification" has two related but distinct senses: The first entails the satisfaction of formal requirements, e.g., the qualifications for voting include being a U.S. citizen at least 18 years of age. The second sense of "qualification" means that one is in possession of certain skills or experience that suggest one can perform a given task: Howard Dean is not qualified to perform brain surgery.

This can get murky: Howard Dean is not qualified to practice medicine at all, in the sense that he does not have a physician's license, though he is qualified in the sense that he possesses a medical degree and did practice medicine for a time. The first sense of "qualification" carries the connotation of *credential*, which is what those who huff and puff over Scott Walker's lack of a college degree are going on about. That is precisely the wrong approach, and among those getting it wrong is the qualified/unqualified Doctor/Not-a-Doctor Dean himself, who suggested that Walker's lack of a B.A. marked him as "unknowledgeable" and therefore unqualified for the presidency.

The irony there is that Dean and Walker, a former presidential candidate and a likely one, share, despite their dramatically different backgrounds, precisely the same qualification (in the second sense) for the presidency: time served as governor of a state, the job in American politics that most closely resembles the presidency. Barack Obama comes from the Senate, and a state legislature before that, i.e., the jobs that most resemble service on the high-school student council.

Scott Walker did his time on the student council, too, at Marquette, a career in campus politics that already has been—because the intellectuals of our times do not rise to the seriousness of our times—the subject of a lengthy PolitiFact investigation, complete with claims—fabrications, really—from the Democratic party that Walker was kicked out of student government and out of Marquette for misbehavior while electioneering. (That's the nationwide Democratic party of the United States of America, incidentally, making dark and fictitious aspersions about a student-council race at Marquette in the 1980s. Mike Tate, chairman of the Wisconsin Democratic party, went so far as to use the phrase "nefarious activity," which is kind of cute.) Marquette confirms that Walker was a student in good standing who voluntarily withdrew from the university.

He never went back. This isn't that uncommon, and used to be quite a bit more common, with gentlemen exhibiting a measure of aristocratic contempt for academic formalities. Brooke Dolan of the Academy of Natural Sciences and the Office of Strategic Services studied zoology at Princeton before moving on to more interesting work in the 1930s and 1940s. Bill Clinton never bothered finishing his studies as a Rhodes scholar. Bill Gates has only an honorary degree from Harvard, having set aside his studies for more fruitful endeavors. Dolan could have been more careful with his homework: Leading a mission to Lhasa with Ilya Tolstoy, he caused a diplomatic incident when he suggested to the young Dalai Lama that the United States was ready to recognize a free Tibet. But does anybody believe that Bill Clinton would have been better off with another year of graduate school, or that Bill Gates suffered for his lack of sheepskin?

What, exactly, should Scott Walker—who has reshaped both the politics and the policy environment of his state while winning three elections in four years—have a degree in before he is "qualified" to be president? Presidency studies?

The bachelor's degree as general credential has a great deal of allure, not least to people who suspect—perhaps with some reason—that they are frauds, a feeling that frequently afflicts sons of privilege such as Howard Dean of Park Avenue and the Hamptons. A degree is the last fragment shored against the ruins of an intellectual fraud. Barack Obama doesn't speak a foreign language or play a musical instrument, exhibits no sign that any great book has left a mark upon his mind, has never, so far as the printed word can document, uttered an original thought or put forth an interesting idea—but he has a Harvard law degree. Journalism is not a field marked by notably high intellectual standards, but the four-year journalism degree enables the pretense that it is a profession, like medicine, rather than a trade, like lard-rendering.

It is a strange thing: College is in many cases a very expensive four- to six-year

ROMAN GENN

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Combats all-night bathroom urges and your embarrassment... *Yet most doctors don't even know about it!* You'll be surprised to find out why!

By Peter Metler, Health Writer

Thanks to a brand new discovery made from a rare prostate relief plant; thousands of men across America are taking their lives back from "prostate nightmares." This remarkable new natural supplement helps you:

- **MINIMIZE** constant urges to urinate
- **END** embarrassing "performance" let-downs
- **SUPPORT** a strong, healthy urine flow
- **GET** restful nights of uninterrupted sleep
- **STOP** false alarms, dribbles and underwear drips
- **ENJOY** a truly empty bladder & unblocked flow

More men than ever before are dealing with prostate problems that range from annoying to downright EMBARRASSING!

But now, urological research has discovered a new solution so remarkable that helps alleviate symptoms associated with an enlarged prostate (lost libido, sleepless nights, bladder discomfort and urgent runs to the bathroom). Like nothing before!

Yet 9 out of 10 doctors don't even know about it!

Here's why: Due to strict managed health care constrictions, many MD's are struggling to keep their practices afloat. "Unfortunately, there's no money in prescribing natural products. They aren't nearly as profitable," says a confidential source. Instead, doctors rely on toxic drugs that help but could leave you sexually "powerless" (or a lot worse)!

On a CNN Special, Medical Correspondent Dr. Steve Salvatore shocked America by quoting a statistic from the prestigious Journal of American Medical Association that stated, "... about 60% of men who go under the knife for a prostatectomy are left UNABLE to perform... *where it counts*!"

HERE ARE 6 WARNING SIGNS YOU BETTER NOT IGNORE!

- ✓ Waking up 2 to 6 times a night to urinate
- ✓ A constant feeling that you have to "go"... but can't
- ✓ A burning sensation when you do go
- ✓ A weak urine stream
- ✓ A feeling that your bladder is *never* completely empty
- ✓ Embarrassing sputtering, dripping & staining

PROSTATE PROBLEM SOLVED!

But thanks to this astonishing new natural discovery, you can now beat the odds. The secret? You need to load your diet with essential Phyto-Nutrients, (traditionally found in certain fruits, vegetables and grains).

The problem is, most Phyto-Nutrients never get into your bloodstream. They're destroyed by today's food preparation methods. (Cooking, long storage times and food additives)

YEARS OF RESEARCH

Thankfully, a small company (Wellness Logix™) out of Maine, is on a mission to change that. They've created a product that gives men who suffer with prostate inflammation new hope. They call it *Prostate IQ*™ And it's fast becoming the #1 Prostate formula in America.

Prostate IQ™ gives men the super-concentrated dose of Phyto-Nutrients they need to beat prostate symptoms. It's taken Wellness Logix, 2 long years of R&D to understand how to capture the prostate relieving power of this amazing botanical. But their hard work paid off. Experts say *Prostate IQ*™ is the most effective prostate supplement ever developed.

DON'T BE FOOLED BY CHEAP FORMULATIONS!

A lot of prostate supplements fall embarrassingly short with their dosages. The formulas may be okay, but they won't do a darn thing for you unless you take 10 or more tablets a day. *Prostate IQ*™ is different. It contains a whopping 300mg of this special "Smart Prostate Plant". So it's loaded with Phyto-Nutrients.

Plus, it's 100% bioavailable (which means it gets inside your bloodstream faster and stays inside for maximum results).

MEN RAVE ABOUT PROSTATE IQ™!

"***Prostate IQ***™ works! I get up less during my work day and didn't realize how much time it saves me!

- Jeremy Silver

"I'm doing much better with the bathroom trips, Going out with friends is stress free now!

- Marvin Simmons

"A buddy at work told me about this product and it DOES work great! Highly recommended!

- Augustus L

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For a limited time, the manufacturer, Wellness Logix, is offering a Risk-Free trial supply of ***Prostate IQ***™ just for asking! But you must act now, supplies are sure to go fast and the offer may not be repeated.

Call Now, Toll-Free!

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sleepaway camp for young adults who really are too old for that sort of thing, where the main lessons given are in status-signaling. The useful bits of my time as an undergraduate at the University of Texas could have been compressed into about three semesters and a lengthy newspaper internship. My subsequent experience—as a sometime adjunct professor, director of programs for college students and recent graduates, manager in the private sector, etc.—is that a person's holding a bachelor's degree or failing to hold one says exactly nothing about what, if anything, that person knows.

So, why the fetishization of the bachelor's degree?

Consider the bitterness of complaints, most recently from Millennials, about having to work at Starbucks or make $10 an hour doing banal office chores in spite of having a college degree—and the mountain of debt that so often goes with it. Later, those will become wry observations about having a degree that has nothing at all to do with one's job. There are two things at work: The first is the damaged but extant idea that a bachelor's degree is the Willy Wonka golden ticket to a comfortable middle-class life. The second is the related inability to distinguish between education and job-training. Neither one of those errors should be able to withstand much critical examination: No sensible person digging through the works of Hrotsvitha of Gandersheim thinks: "Man, this is going to lead to a really cushy job, someday." After leaving the Velvet Underground and getting his doctorate in medieval literature, Sterling Morrison became a tugboat man in the Houston ship channel. There was no degree in being a rock star, and no graduate program in post-rock-star studies. There is no degree in being Leader of the Free World, either, no credential for Scott Walker to put at the top of his curriculum vitae.

A related line of criticism is that it does not so much matter that Walker does not have a degree as that he quit and never came back, which suggests that he lacks the focus or the drive to stick with difficult tasks. Roger Kimball, one of the great critics and publishers of our time, regrets not finishing his own education, in his case a Ph.D. at Yale. "One should, I believe, complete what one begins," he explained. The criticism is a fair one, and a general one. In the specific matter of Walker, it would be preposterous to suggest that this governor—of all figures on the American political scene today—lacks perseverance. Wisconsin is neither a famously conservative state nor a famously Republican one. Every Republican officeholder of any consequence endures the machinations of the crime syndicate that is the Democratic party—Rick Perry's risible indictment on charges of vetoing a bill, Tom DeLay's indictment (by the same prosecutor's office) on charges of violating laws that had not been passed, IRS leaks, etc.—but very few have been subjected to what Walker endured as part of the investigation of his campaign's relationships with independent conservative groups, a truly outrageous Gestapo affair in which defendants were forbidden to defend themselves in public even as they were dragged through the mud. Walker came through—not exactly a happy warrior, but happy enough. Likewise, the bongo-banging, screaming, union-goon protests in Madison—in which some of his more energetic critics on the left threatened to murder his wife—did not prevent Walker from securing the passage of one of the most important public-sector reforms of our time.

So, "qualified," then?

If by that you mean that he performed admirably in his qualifying rounds in Madison, then Scott Walker is qualified indeed. If you mean that he possesses a piece of paper certifying that the dean of students has declared him ready to be president, the fact is, they aren't handing those out. Not really.

Is Scott Walker qualified to be president? Is Howard Dean qualified to judge? **NR**

A person's holding a bachelor's degree or failing to hold one says exactly nothing about what, if anything, that person knows.

Paul Krugman, Fiscal Fool

He was wrong about the effects of 'austerity'

BY RAMESH PONNURU

Paul Krugman made a kind of bet in April 2013—a bet he lost. He didn't put up any real stake, but his defeat weakens the case for fiscal stimulus and strengthens the case for what he calls "austerity."

The story begins in late 2012. The Federal Reserve had begun its third round of monetary expansion following the economic crisis of 2008. Keynesian economists were sounding an alarm about the deficit-cutting measures—a combination of tax increases and spending cuts—that were scheduled to take effect at the start of 2013. Rapid deficit reduction, they warned, would harm the economy. A letter from 350 economists referred to "automatic 'sequestration' spending cuts everyone agrees should be stopped to prevent a double-dip recession."

David Beckworth, a professor of economics now at Western Kentucky University, and I challenged this view. In an op-ed for *The Atlantic*'s website, we wrote that the Federal Reserve could offset any negative effect that deficit reduction might have on the economy.

We did not deny that the federal government's decisions on spending and taxes could affect the economy in certain ways. Increased tax rates could reduce incentives to work, save, and invest, as conservatives warned, and so could slightly inhibit long-term economic growth. No central bank could counteract this effect. Infrastructure spending could in theory raise the country's productive capacity, as liberals stressed: an effect no central bank could replicate.

Both of those examples involve changes in productivity. The familiar Keynesian story about the impact of deficit spending in a depressed economy does not concern such changes. Instead, increases in deficits are held to increase the total amount of dollars spent throughout the economy, and by more than the

increased amount of deficit spending. Spending exhibits a "multiplier effect" as people who receive the money spend some of it, and those who receive that additional spending do the same. That increased spending would in part take the form of higher inflation and in part of higher output. Reducing deficits would have the reverse effect, deepening an economic slump.

Beckworth and I argued that whether these stories played out in real life would depend on the conduct of the central bank. If, for example, a central bank targeted inflation rigidly and with perfect effectiveness, so that inflation was always 2 percent, then no amount of deficit spending would alter the total amount of economic activity. If higher deficits threatened to raise inflation to 2.1 percent, the central bank would tighten and total spending would be unchanged. If, more realistically, the central bank aimed for a range of inflation and usually stayed within it, then any stimulative effect of higher deficits, or contractionary effect of lower ones, would be severely constrained.

It's worth noting, to forestall confusion, that the central bank can offset the effects of fiscal policy even if no central banker has that specific intention. In the example above, the central bank need only stick to its inflation target regardless of what other parts of the government are doing. It's also worth noting that fiscal expansion and contraction can have local effects. Some studies, for example, showed that states or counties that received a lot of stimulus money did better than states or counties that received less. That's not at all surprising, and tells us nothing about how much the stimulus benefited the economy as a whole.

The upshot of the argument was that the positive effects of fiscal stimulus and the negative effects of fiscal contraction are wildly exaggerated and could be nonexistent. Had there been no stimulus legislation in 2009, for example, the Fed would surely have engaged in more quantitative easing. And the Fed would be able to keep the number of dollars spent growing at roughly the rate it wanted in 2013, whatever happened with sequestration.

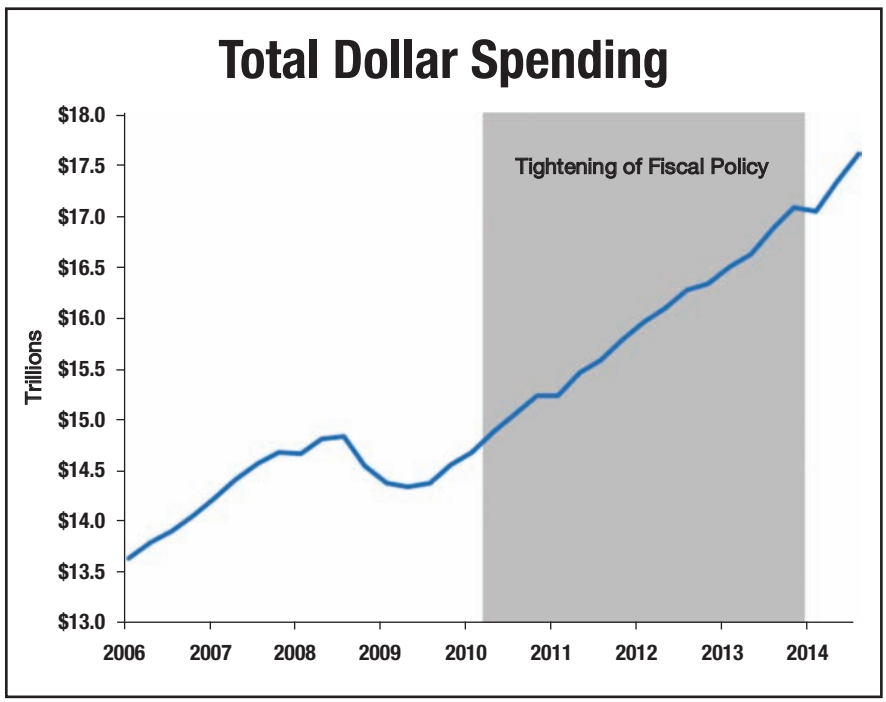
Which, as it turned out, was not much. Republicans and Democrats enacted a deal on New Year's Day of 2013 that averted some tax increases but merely delayed sequestration of federal spending by two months. In February, Krugman, the Nobel Prize–winning economist and *New York Times* columnist, wrote that sequestration would probably cost 700,000 jobs.

In April, the liberal economics writer Mike Konczal resurrected an op-ed that Beckworth and I had written for *The New Republic* in 2011 making the same basic argument about the power of monetary policy, which is associated with a school of thought sometimes called "market monetarism." He wrote: "We rarely get to see a major, nationwide economic experiment at work, but so far 2013 has been one of those experiments—specifically, an experiment to try and do exactly what Beckworth and Ponnuru proposed. If you look at macroeconomic policy since last fall, there have been two big moves. The Federal Reserve has committed to much bolder action. . . . At the same time, the country has entered a period of fiscal aus-

terity." Citing a weak report for economic growth in the first quarter of 2013, he said that the early results looked bad for the two of us.

Krugman concurred with Konczal, writing that "we are in effect getting a test of the market monetarist view right now" and "the results aren't looking good for the monetarists." Twenty minutes after that post, he wrote a more general comment about some of his favorite subjects. He explained that "again and again" events had proven his analyses and predictions right while showing his opponents in economic debates to be "knaves and fools."

Even at the time, there was reason for skepticism about the Konczal-Krugman claim. The preliminary report about growth in the first quarter of 2013 did not show a slowdown. Bentley University economics professor Scott Sumner pointed out on his blog that the growth of spending was roughly the same as it had been, and output growth higher than it had been, during 2012.



After further revisions to the data, we can now say fairly conclusively that growth accelerated at the start of 2013. Output (as measured by real GDP) grew by 0.1 percent in the fourth quarter of 2012 and by 2.7 percent in the first quarter of 2013. The growth rate for spending throughout the economy (measured by nominal GDP) went from 1.6 to 4.2 percent. Between the fourth quarter of 2011 and the fourth quarter of 2012, economy-wide spending grew by 3.5 percent. Between the fourth quarter of 2012 and the fourth quarter of 2013—in the midst of "austerity"—it grew by 4.6 percent.

Remember: It was Krugman who made this a "test." A slowdown in growth would invalidate the market-monetarist view and vindicate the Keynesian one. For knaves and fools everywhere to be vindicated, growth merely had to hold steady. It did better than that.

We can step back from this test, though, as Beckworth has done. He notes that by Krugman's measure, we have had "austerity"—that is, fiscal tightening—from 2010 on. Look at a graph of total spending throughout the economy over this period, though, and this austerity is undetectable: There is steady spending growth.

Compare the U.S. with Europe, and the monetary-offset view again triumphs. The euro zone, Beckworth points out, has gone through roughly the same amount of fiscal tightening as we have but performed much worse. The difference is that Europe has had a much tighter monetary policy.

It is, of course, possible that the economy would have grown even more over the last several years if federal spending had been higher. But Krugman's "test" did not involve such counterfactuals. He was so confident in his Keynesianism that he suggested that growth would slow because of sequestration. Looking at the record, it seems that his confidence was misplaced. **NR**

Lone Star Resilience

Falling oil prices are no longer a threat to Texas

BY ERICA GRIEDER

THERE are historical episodes, such as the siege of the Alamo, that Texans like to remember. And then there are those that we don't. Among the latter is the 1980s. At the beginning of the decade, the state was flush with oil money, and, for the first time in its history, as rich, seemingly, as the rest of America. Richer, apparently: The OPEC embargo that had devastated the national economy during the 1970s had had the opposite effect in Texas, where soaring oil prices fueled a decade of growth and ambitious acquisition. But when oil prices collapsed, so too did the state's newly built façade. In 1981, the price of oil hit a new record, at $37 a barrel. By 1986, it had fallen to about $10. Half of Texas's oil and gas workers lost their jobs. More than 1,000 rigs shut down. Tax receipts plunged. The state fell into recession. And it was quickly clear that people had written a lot of checks they wouldn't be able to cash if the oil stopped flowing. By the end of the decade, Texas had also seen a housing bust, and it led the nation in bank failures—a fact that was frequently and loudly mentioned in Congress in the debate over the savings-and-loan bailout.

Texans remember the 1980s. Those who lived through that period as adults remember it in traumatic detail. When oil prices began to slide last summer, these memories started becoming more vivid: the jobs lost, the houses foreclosed on, the friends who moved away, the peanut-butter dinners. In June 2014, crude oil was trading around $106 a barrel. By December, prices had fallen by half, and by January 2015, spot prices for West Texas Intermediate, a kind of crude oil, had dipped below $50, a sort of psychological Rubicon for millions of Texans.

Erica Grieder, a senior editor of Texas Monthly, *is the author of* Big, Hot, Cheap, and Right: What America Can Learn from the Strange Genius of Texas.

National observers have helped fuel the fears by warning that the drop in oil prices will have profound implications for the state. Since the beginning of the new century, Texas has been such an outlying economic success that the state's champions have taken to speaking of the "Texas miracle." Since the 2000 census, the state has added about 5 million people, bringing its total population to about 27 million. Between 2004 and 2014, it added some 2 million new jobs—about 30 percent of all the net new jobs in the country. The unemployment rate has been lower than the national average every month for more than eight years. Such statistics exist in apparently endless profusion, and critics of the state's lean-government model, or of Texas more generally, have been repeatedly frustrated in their attempts to poke holes in the story. Suspicions that the new jobs were disproportionately minimum-wage "McJobs," for example, have been scuttled by analysis from the Dallas Fed, which found that, between 2000 and 2013, Texas created jobs in every income quartile at a greater rate than the nation as a whole.

The slide in oil prices, though, has finally given the skeptics an opening. For much of the decade, oil prices have been high, and Texas has been a direct beneficiary of them. Its outsized performance against the backdrop of a sluggish national economy was perhaps unsurprising, given that the economies of energy-producing states tend to be countercyclical. But in December, JPMorgan economist Michael Feroli warned that Texas would, "at the least, have a rough 2015 ahead," and that it was "at risk of slipping into a regional recession." If it does, critics can do more than enjoy the schadenfreude: They can take Texas's travails as confirmation that the "miracle" was only a mirage.

Some are already anticipating such a conclusion. "California's economy is improving, and its budget is finally balanced," wrote *The New Yorker*'s Vauhini Vara recently. "These changes happen to come as Texas, the nation's biggest oil-producing state by far, is grappling with a collapse in oil prices." It was an odd comparison—Texas has a balanced-budget amendment, and California's economy has plenty of room for improvement. The *New York Times*' Paul Krugman wondered how the oil-price drop would affect major oil-producing states: "The big losers will be in the Dakotas and Nebraska, but that whole region has a population not much bigger than that of Brooklyn. The big enchilada is Texas; so how big a deal will the oil slump be there?" Plenty of Texans have been quietly asking themselves the same question, in varying degrees of panic. So let's ask it out loud: Is the sun finally setting on the Texas miracle?

An oil-price display in Midland, Texas, February 4, 2015

SPENCER PLATT/GETTY

Recent history suggests that the answer is no. The trauma of the 1980s looms large in memory, but we have a more current example of what happens to Texas when oil prices fall. In June 2008, oil was trading at an all-time high of $133.88 a barrel. By December of that year, the price had collapsed by about two-thirds, to about $41 a barrel. That decline was even more dramatic than the price drop between June and December of 2014. I was a Texas-based journalist during both slumps, but I don't remember hearing much discussion about the one in 2008. This absence of attention might have been due to the number of concurrent dramas playing out that year—the housing crisis, the Wall Street meltdown, Hurricane Ike, and the presidential election. In retrospect, we can say that the price drop didn't have catastrophic effects; at the time, we could have predicted as much, if we had been paying more attention.

Why could we have predicted it? The simple answer is that Texas has changed over the past few decades. In 1980, the state had about 15 million people; today, it has some 27 million. The economy has grown accordingly, and diversified substantially, over that time. Back then, Texas could be summarized as oil, land, cattle, and NASA. Today, as a result of NAFTA, globalization, technological change, and limited but reasonably effective government, we have all of that plus a lot more: manufacturing, trade, medicine, finance, cybersecurity, Aggies doing cutting-edge vaccine research, and Elon Musk launching rockets in Brownsville (of all places).

In short, Texas is no longer nearly as dependent on oil and gas as it once was. In the 1980s, oil taxes accounted for about 20 percent of the state's collections. Nowadays the figure has dropped to about 6 percent. In the 1980s, about 5 percent of Texas's work force was in oil and gas. By the 2000s, the figure had dropped to about 2 percent. Because oil and gas production is capital-intensive rather than labor-intensive, the industry's vicissitudes have a greater effect on output than on employment. But oil now accounts for much less of Texas's output, too: According to analysis from the Dallas Fed, oil and gas make up about 11 percent of Texas's GDP, compared with 18 percent in 1981.

It's worth adding the qualification that, in 2008, oil prices rebounded relatively

quickly. That may not be the case this time, as OPEC is maintaining high production levels despite the low prices. After six months of falling prices, however, Texas is hanging in there. In some ways, Texas has actually been coming out ahead so far, because cheap energy helps the rest of its economy. On January 12, the state's new comptroller, Glenn Hegar, projected that the state will collect $110 billion in taxes and revenues available for general spending over the next two-year period, compared with about $95 billion during the previous one. The explanation is that, although oil-tax collections are dropping, they are being offset by sales-tax receipts.

Over the coming year, low prices may dampen oil and gas production, in which case Texas will see more layoffs in the industry. These will have some ripple effects throughout the economy, and the impact will be quickly felt in the parts of the state where oil predominates, such as Midland and the Eagle Ford shale formation. And if low prices persist, the effects will become broader. Nonetheless, cheap oil will continue to encourage consumer spending, and should stimulate sectors such as manufacturing. In a well-diversified economy, volatility in the energy markets does not necessarily betoken a catastrophe.

This might be particularly true of Texas. The state has gone through an oil bust before, and it's easy to understand why the prospect of doing so again would make people nervous. But let's not overlook the fact that avoiding a repeat of the last bust has been an implicit goal of state policy for 30 years. The reason the Texas government no longer relies so heavily on oil-tax receipts, for example, is that since 1989 the bulk of oil-tax receipts have flowed into the state's Economic Stabilization Fund. The "rainy-day fund," as it's often called, was created as a sort of state piggy bank for excess revenues. Texans have obviously decided not to depend so much on oil.

The fund currently has about $7 billion in it, and the legislators who returned to Austin in January for the current session are, as usual, reluctant to make withdrawals from it. Texas is still, it seems, waiting for a rainy day, and the dropping oil prices haven't yet amounted to one. Those who remember the 1980s, perhaps, aren't doomed to repeat them. NR

Can Israel Survive?

Beset on all sides, it stands firm

BY MARIO LOYOLA

Jerusalem

In the weeks since the *Charlie Hebdo* and kosher-supermarket massacres in Paris, thousands of French Jews have contacted Israeli authorities to begin the process of *aliyah*, the "ascent" of emigrating to Israel. Many are likely to settle in the charming 19th-century "German Colony" of Jerusalem—where you will nowadays hear a lot of people speaking French.

Stopping by a Parisian-style bistro in the German Colony, I meet Meir Schweiger, a modern-Orthodox rabbi of the Pardes Institute of Jewish Studies. As I do with most Israelis, I ask Rabbi Schweiger how he sees the prospects for peace. He recalls how things were in the 1970s and 1980s, after he first moved to the Gush Etzion, a large block of settlements between Jerusalem and Hebron in the West Bank. Back then, he tells me, Jewish settlers routinely went shopping in nearby Palestinian markets. Palestinian businessmen were often well known among settlers and could move freely in and out of settlements with their employees.

Peaceful coexistence started deteriorating in 1987, with the first intifada, and ended altogether in the terrible second intifada of 2000 to 2003, which killed nearly a thousand Israeli civilians and ended only with the construction of a separation wall. Schweiger recounts that the al-Aqsa Martyrs' Brigade, the terrorist wing of Yasser Arafat's Fatah militia, went into nearby Palestinian villages to distribute weapons and incite violence. Now, says Schweiger, even those Palestinians who remained friendly to Israeli settlers say that they cannot guarantee their safety beyond the settlements. Attacks against Jewish settlers are routine; when a young Israeli family recently stopped to pick up a Palestinian hitchhiker, he doused them with acid, severely injuring a ten-year-old girl.

Mr. Loyola is a former legal counselor for foreign and defense policy to the U.S. Senate Republican Policy Committee.

In the West Bank, Palestinians now need permits or security escorts to enter Jewish settlements for work or study, as hundreds do every day. That's still better than the situation in the Gaza strip, where Hamas has been in control for most of the last decade. Because Hamas refuses to give up its missile stocks, and arms daily for war, the Gaza border is closed.

Closed, that is, except for the terror tunnels. At the start of last year's Gaza war, the Israel Defense Forces discovered and spent weeks destroying a staggering network of tunnels through which Hamas had hoped to infiltrate terrorists into nearby communities in Israel. As I descend into one such tunnel, at its debouche near a small kibbutz close to the Gaza border, my first reaction is disbelief that Palestinians would go to so much trouble merely to kill a small number of innocent civilians. As Rabbi Schweiger ruefully notes, Gazans have taken international charity—in the form of cement—and used it "not for survival, but for destruction, even self-destruction."

According to Palestinian human-rights activist Bassem Eid, charity is doing far more harm than good. "In my opinion," he tells me, "nobody is helping." According to Eid, Hamas's business model is to profit from the suffering of Palestinians: "The Palestinians have achieved nothing from intifada." But the international aid keeps pouring in from abroad—billions of dollars in some years, matching the GDP per person of some of the region's countries—mostly from unwitting taxpayers in Europe and America. Eid is among a small number of Palestinians who advocate an end to international charity, so Palestinians can embrace self-reliance and gain a stake in peace rather than war.

Visiting shops and restaurants in Israel, one often sees Arabs and Jews working together and getting along jovially, as they have throughout history. "But this time," says one young Israeli, "the difference is that we all know that any of those Arab friends could turn around and kill us, with the right trigger."

Israel stands, battered but battle-hardened, in many ways more successful than ever. Yet with the Islamist tide rising relentlessly throughout the region, how much longer can it last?

The Israelis stand united and confident,

committed to fighting for what they have. That's more than the Europeans can say, and maybe more than *we* can say. Still, Israelis are nervous about the future. When here, it feels as if there were always a hurricane just nearby, threatening to make landfall.

Across the Lebanese border to the north, Hezbollah gathers strength in spooky silence, armed with more rockets than most NATO countries. To the northeast, across from the Golan Heights, the Syrian state has all but collapsed, and the al-Nusra Front, an al-Qaeda branch, is vying with neighboring Hezbollah for control. To the southwest lies Hamas, arming again for war while Gaza crumbles. And in the broader Middle East, the modern state system seems to be collapsing as terrorist networks such as ISIS and Hezbollah learn to provide services and control territory while fighting.

At the moment, Israel's borders are quiet, but this is merely an interregnum in a missile terror war that began in 2005, when Israel withdrew from Gaza and Hamas began its steady stream of rocket fire. In recent years, Hamas and Hezbollah alike have embraced missile attacks as the strategy most likely to terrorize the Jews into abandoning the land. In the first phase of the last Gaza war, Hamas rained hundreds of missiles down on Israel every day and nearly managed to shutter Israel's main airport.

Missile terrorism poses a unique threat to the state itself, a threat out of proportion to its civilian toll. During the 2006 war with Hezbollah, which fired more than 100 missiles every day at Israel's northern cities, a million Israelis were forced to live in bomb shelters for weeks. If enough Jews had then decided to leave the land entirely, the Islamist vision of wiping Israel from the map might at long last have been realized. This time, when thousands of Hamas missiles filled the skies, Israel had the Iron Dome missile-defense system in place. Iron Dome cannot intercept all incoming missiles, but it still proved a game-changer. Rather than descending en masse into shelters as missile sirens blared in Tel Aviv, Israelis tell me, they stood watching on rooftops and during wedding receptions as the interceptors' contrails streaked upwards, cheering as one brilliant explosion after another lit up the sky.

But Hezbollah's missile arsenal, perhaps 20 times as large as that of Hamas, would overwhelm Iron Dome. And Hezbollah's Iranian masters are everywhere in the ascendant—and on the cusp of attaining nuclear weapons. Israel's hopes lie increasingly with a de facto alliance of Arab states—including principally Egypt, Jordan, and Saudi Arabia—that also see Sunni extremists such as ISIS and the Muslim Brotherhood as existential threats. Those states are increasingly wary of America because, in the apparent hope of achieving *any* nuclear deal with Iran, President Obama has been willing to accept and indeed strengthen Iranian hegemony over large swathes of the Middle East, including four Arab capitals, in addition to letting Iran keep all the elements of a nuclear-weapons program.

Congress looks set to insist on imposing sanctions unless Iran dismantles its nuclear-weapons program—something the Iranians have not the slightest intention of doing, not least because Obama has already agreed to let them keep it. A major clash is brewing between Obama and pro-Israel Democrats in Congress, dramatically raising the stakes on Israeli prime minister Benjamin Netanyahu's planned address to Congress in early March, just days before elections in Israel. Obama is pressuring Democrats to boycott Netanyahu's speech, a horrible message for an American president to send at a time when anti-Semitism around the world is reaching levels not seen since the days of the Nazis.

There are glimmers of hope for reconciliation, but they lie in a different direction than is commonly supposed. As the Israeli politician Naftali Bennet likes to point out, most of today's Israeli–Palestinian violence originates in Gaza, from which Israel withdrew, rather than in the West Bank, where Israel remains engaged.

Today's West Bank is indeed a much

When in Israel, it feels as if there were always a hurricane just nearby, threatening to make landfall.

more hopeful place than Gaza. As I cross Israeli checkpoints into the West Bank for the first time, I'm a bit nervous passing signs that warn of mortal danger ahead. But when I arrive in the bustling city of Ramallah, I am quickly at ease. It's a place full of normal people going about their business, like anywhere else. The street executions that are common in the ISIS and Hamas territories are nowhere to be seen. It's not impossible to imagine people of all kinds, including Jews, passing peacefully and safely through this area, as they did not long ago.

Some 70,000 West Bank Palestinians have permits to enter and work in Israel proper, and only a vanishingly small number of them have been linked to terror attacks. Eleven Israelis were stabbed on a bus in Tel Aviv recently, and Netanyahu is right to fault Palestinian leaders for inciting violence over such insane grievances as whether the government of Israel should permit Jews to pray on the Temple Mount. But life in Israel goes on—in the streets, at the markets, and on the bustling sidewalks that over a million Arabs and 7 million Jews share every day.

The Israeli elections slated for March are likely to turn on humdrum domestic issues as much as on national security. Israelis are increasingly indignant that everything seems to be more expensive here than in other countries—including even food products made in Israel. Like many Americans, most Israelis don't seem to understand that redistributionist policies are expensive, and after imposing them, they rail against the expense by demanding still more redistribution. On security issues, however, there is increasingly little daylight between Israel's parties. An ill-conceived "peace process" and Obama have seen to that.

During my visit to a spectacular planned city that is being built (with Qatari money) outside Ramallah, I have a chance to ask Bashar Masri, a prominent Palestinian-American businessman, this question: If a two-state solution is implemented, would Jews be able to live safely on the Palestinian side of the border? "Of course," Masri says, with a brimming smile. "We would welcome them with open arms."

Back in the German Colony, I relate my question, and Masri's answer, to Rabbi Schweiger. He responds with a look of incredulity, as if wondering what I could possibly expect him to say. **NR**

A Tragic National Pastime

America and its 'race rows'

BY JAY NORDLINGER

A FRIEND of mine was saying that she had seen *Selma*, the movie about the civil-rights era, and loved it. She was indignant, however: because it had been shut out of Academy Award nominations (she said). And there was an obvious reason for that: good old-fashioned anti-black racism.

I said that *Selma* had indeed been nominated for an Academy Award: two of them, including Best Picture. She said, "No, it hasn't." I said, "Yes, it has." There was another round of this. Then my friend stuck out her hand and said, "Betcha a hundred dollars." I stuck out *my* hand and said, "*Five* hundred." She demurred.

Then I cited a Bill Buckley line: "Never argue over anything factual. Argue over taste or opinion—but not about something that can be looked up."

I couldn't blame my friend for being convinced that *Selma* had been shut out—a million people and articles have said so, or implied so. "Snubbed" is the big word. The movie was "snubbed" by the lily-white academy, uncomfortable with black Americans and the black experience. You might think that a nomination for Best Picture was not much of a snubbing. (The other nomination is for Best Original Song.) But protesters and accusers believe that *Selma* should have received *more* nominations, particularly in the acting and directing categories.

The announcement of this year's nominations sparked another American "race row," as a British headline put it—another drama about race.

We were spared a race row last year, because *12 Years a Slave* received nine nominations (going on to win in three categories, including Best Picture). But no such luck this year. The academy must have rediscovered its inner racism in twelve months' time.

As it happens, the academy's president is a black woman, Cheryl Boone Isaacs. When the *Selma* furor began, she put out a diplomatic statement. It included the following: "Personally, I would love to see, and look forward to seeing, a greater cultural diversity among all our nominees in all of our categories."

Spike Lee, the famous director, participated in the furor or "row," of course. I thought of his reaction in 1990, when his *Do the Right Thing* received two nominations: for Best Supporting Actor and Best Original Screenplay. (The latter nomination was for Lee personally.) He said, "We got jerked out of Best Director, Best Film . . ." In short, "we wuz robbed." That's how he summed it all up to an interviewer, even specifying—charmingly, I think—how "wuz" should be spelled.

He was not done feeling robbed. The next year, he made the same statement, when his film *Jungle Fever* failed to win the Palme d'Or in Cannes. He said that, as before, racism was to blame. In the *Chicago Tribune*, Gene Siskel, the famous critic, wrote of Lee, "Why couldn't he allow that ten men and women simply preferred another film?"

That jury in Cannes included Whoopi Goldberg, the American actress, comedienne, etc. Lee said, "Don't give me the business about Whoopi Goldberg being on the jury this year. She's not necessarily allied because she's black."

He said a lot more, but let's return to this year: 2015. When *Selma* was "snubbed," Lee had some words of wisdom for Ava DuVernay, the film's director. You will pardon my asterisks: "Nobody's talking about motherf***ing *Driving Miss Daisy*." This is the movie that won the Best Picture Oscar in 1990. "That film is not being taught in film schools all across the world like *Do the Right Thing* is. Nobody's discussing *Driving Miss* Motherf***ing *Daisy*. So if I saw Ava today, I'd say, 'You know what? F*** 'em. You made a very good film, so feel good about that and start working on the next one.'"

It may be that *Selma* will win Best Picture this year, assuaging the prior hurt. (By the time you read this article of mine, you'll probably know the results.) But if not? Will Spike Lee and others accept, in Siskel's words, that voters simply preferred another film? Or will *Selma*'s loss be cited as proof of racism?

An academy voter cannot acquit himself of a charge of racism—not if he preferred another movie, he can't. He may have thought *Birdman* or *Boyhood* superi-

or to *Selma*, for reasons having nothing to do with race. But that will do him no good, once the charge of racism is made.

I see only two solutions to Oscar-related "race rows": equanimity in the face of disappointment, or quotas. Yes, quotas, whether explicit or implicit. These would be insulting and outrageous, of course: "black slots" at the Oscars. The very notion is repulsive. But the other route, equanimity in the face of disappointment, can be difficult, for all sorts of people.

One of the nominees for Best Picture this year is *American Sniper*. I know Republicans who believe that the movie's director, Clint Eastwood, was denied a personal nomination for directing because he is a known Republican. It may be—just as some voters may be racist. Or it could be that voters honestly thought five other directors were more deserving of nomination than Eastwood.

A bitterer pill than the *Selma* snub, real or imagined, was the dethroning of Jackie Robinson West, the baseball team out of Chicago. An all-black Little League squad, they won the national title last August, beating a team from Las Vegas. They lost the world championship to South Korea, but no matter: They were the "feel-good story of the summer," as many people have said. Thousands lined up in Chicago to cheer them in a parade. The team was received in the Oval Office by President Obama.

But, in the second week of February, they were stripped of their national title. Why? They had cheated, or the adults in charge of them had: by falsifying boundaries, falsifying documents, and bringing in ringers—ineligible players who could help the team win.

The head of Little League International, Stephen D. Keener, made the announcement with a heavy heart. Indeed, he said, "This is a heartbreaking decision." The players could be proud of their accomplishments on the diamond, he said, and they could cherish their memories—"but it is unfortunate that the actions of adults have led to this outcome." Keener also said, "For more than 75 years, Little League has been an organization where fair play is valued over the importance of wins and losses." He added that the "integrity" of the game should be preserved.

Little League International suspended or fired some of the guilty parties, put Jackie Robinson West on probation, and transferred the national title to the second-place team, the Las Vegans.

Immediately, Jesse Jackson, among other leaders and activists, swung into action. Did the reverend say that the cheating had disgraced both the team and the Chicago community that was so proud of it? Did he emphasize the virtue of honesty? Did he talk of the "wages of sin"? No. He claimed racism—and said, "This is persecution." For good measure, he called on the Las Vegas team to reject the transferred championship.

I agreed entirely with Tom Bevan, the executive director of *RealClearPolitics*. The charge of racism was "unfounded and disgraceful," he said. What's more, "it's hard to imagine a greater slander against the actual Jackie Robinson, who only asked—no, he demanded—a level playing field."

Race rows will always be with us, I suppose. They are virtually our national pastime, along with baseball. Race rows 'r' us. Some people thought that having our first black president would put a damper on these. It seems to have done nothing of the sort. By the way, Jesse Jackson used to be known as "the president of black America." And now? There is no reason for such an office, presumably. But what about later?

Many Americans, I believe, feel that racism is part of our national identity. They would be slightly uncomfortable without it. I get a clear sense that some people are actually *annoyed* that *Selma* received the Best Picture nomination (along with the other one). No nominations would have been a purer storyline.

I have known many people who are fearful of racial progress—fearful that the terrible past will be forgotten, America will be redeemed, and life will move on. Therefore, racism has to lie "just beneath the surface," liable to erupt at any moment. And victory can never be declared, for even progress is dangerous to declare: "We have so much more to do."

In 2010, an actress who goes by one name, Mo'Nique, won the Oscar for Best Supporting Actress. Articles noted that she was the fourth black actress to win this award. I wondered when we would stop counting—at the tenth one? The 20th? The 50th? Since that time, two more black actresses have won that award. The dazzling Lupita Nyong'o is No. 6, for the scorekeepers.

The world is full of victims—real victims—of all sorts of injustices, including racism. In the face of so much victimization, it is unseemly, even disgusting, to claim it where it doesn't exist. **NR**

AP/PABLO MARTINEZ MONSIVAIS/FILE

Jackie Robinson West in the Oval Office, November 6, 2014

MILEY CYRUS: KIKO HUESCA/EPA/CORBIS

Jailhouse Feminism

What the raging gets right

BY MARY EBERSTADT

NEVER mind fifty shades of movie promotion for a moment. Now that the children have left the room, let's take a look at something else going on out there, in the name of liberation and womankind, that requires explanation.

Slut-shaming, slut-bashing, slut culture, slut walks, slut pride, *Slut: The Play*, the StopSlut Movement, Sluts Across America, the UnSlut Project; "Slut Like You," the song; books titled "Sluts," "Slut!" "A History of Sluts," "The Ethical Slut," and "I Am Not a Slut"—the epithet hardly lacks publicity these days. What's happening to make this one the new four-letter "it" word?

From the point of view of the feminists responsible, the public proliferation of "slut" is a good thing—an attempt to "take back" a pejorative used for centuries to denigrate and deride. Repurposing the word, it's argued, will protect women from the damage done by "slut-shaming," or criticizing women for their sexual conduct. By "women," of course, is meant sexually active women of a certain type, the kind who in a different age were known as, well . . . you know.

Of course this approach takes for granted the sexual revolution's first commandment, which is that any such act ever committed by any woman is by definition beyond reproach. That said, one can otherwise sympathize with the feminists' intent here. Spurred in part by heartbreaking cases of teenage girls who suffered catcalling on social media and committed suicide, the sisters mean good. Trouble is, their initiative suffers mortally from the "Don't think of an elephant" paradox. The more the word "slut" gets hurled around, the harder it is not to think about its meaning, and the more likely it is to stick somewhere unwanted.

Take, for instance, a recent *Daily Beast* article that managed not one but two uses of the word in its title alone ("'Slut' Author's War on Slut Shaming"). The piece showcased author Leora Tanenbaum, a writer who has used the word "slut" in the titles of her books (*Slut! Growing Up Female with a Bad Reputation* and *I Am Not a Slut: Slut-Shaming in the Age of the Internet*). She now campaigns to ban the word from the lexicon.

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Again, is anyone seeing elephants?

In similar quixotic fashion, the *New York Times* also weighed in the other week on the question of what to do about the s-word—all the while deploying it not only in the title of the piece ("Should 'Slut' Be Retired?") but also a whopping 34 times in the text. Tanenbaum also tells the paper of record, apparently with no humor intended, "I think it is too risky right now to use that word"—when, between them, feminists and feminist-friendly media are doing more to keep "that word" in circulation than all the fraternity houses and biker bars in America combined.

Even so, something deeper is at work here than ideological tussling over a word that no halfway-civilized person would use anyway. The promiscuous slinging of "slut" is only the beginning of the obscenity- and profanity-saturated woman-talk these days, from otherwise obscurantist academic feminism on down to popular magazines and blogs.

The b-word, for example, has also enjoyed a renascence, as *Bitch* magazine and Bitch Media and the books *Bitch*, *Bitchfest*, *The Bitch in the House*, and *Bitches, Bimbos, and Ballbreakers* go to show. Well-off and well-educated women, particularly those of progressive mien, have been aping the vernacular of sailors in port for quite a while now, as Ariel Levy mapped nine years ago in *Female Chauvinist Pigs: Women and the Rise of Raunch Culture*. In a turn that hasn't gotten nearly the attention it demands, the language of contemporary woman has become a cacophony of rage punctuated by curses—especially when progressive-minded women are talking among and about themselves.

The interesting question is why. A cynic might say it's just smart branding. After all, sex sells; women talking about sex sells; and even women talking about women talking about sex sells, too. Everyone knows that slapping a salacious word into a title will pull more eyeballs to the screen or page. Maybe it's time the objects of exploitation got some of their own back. Why *shouldn't* enterprising modern women perform some commercial jujitsu exploitation, via the promiscuous use of "slut" and other rough talk, to sell their stuff? A play called "The Private-Parts Monologues" would have folded on opening night.

Yet listening in on some of the conversation today suggests an explanation other than simple venality. Something else is up out there making female trash talk all the rage—something unexpected, poignant, and, at the same time, awful to behold. It's the language of bondage and captivity, told by prisoners of the sexual revolution.

UNDERSTANDING as much means first having to listen to some of it, which isn't easy. First, there's the problem of jargon. The Kirkus review of *I Am Not a Slut*, for instance, clarifies that "the term 'slut' has 'metastasized' outward throughout our culture, with girls often reclaiming the term to defuse it in mutual conversation" and praises the author for "optimistically promoting the incremental elimination of societal slut-shaming with education and the self-actualization of young women." Where's Google Translate for academic feminism?

Second, when today's woman-talk is understandable, its tone is hard to take for a different reason: It is remarkably aggressive and angry. Fifty years ago, Susan Sontag wrote of what she called "camp sensibility"; this label quickly caught on, and signaled an ethos Sontag defined by artifice, stylization, "neutrality concerning content," and overall "apoliticism." Today's feminism exhibits instead what might be called jailhouse sensibility—a purposefully tough, at times thuggish filtering of reality that is deliberately stripped of decoration or nicety; snarling, at times animalistic; instantaneous in taking offense; in all, a pose toward life more common in a prison yard than among relatively well-off beneficiaries of higher education.

Promiscuity is practically sacramental in this place. It's all hook-up, all the time, as popular music by self-described "feminist" artists proves handily. In the aforementioned song "Slut Like You," a quintessential anthem of the day, self-described feminist singer Pink mocks the idea of falling in love, adding, "I just wanna get some" and "Wham bam thank you ma'am / Boo-hoo / I'm a slut like you." A 2010 video by singer Ciara, co-starring a mechanical bull, was so untoward that Black Entertainment Television declined to air it. Rihanna, who also professes to be a feminist standard-bearer, can make Miley Cyrus's performance at the 2013 MTV Video Music Awards look like Julie Andrews twirling in the Alps.

And on it goes. Many of today's so-called feminist singers can't warble without throwing in a pole dance or an homage to leather. Avril Lavigne, in addition to providing some of the soundtrack of *Fifty Shades*, has made a sexualized song and video about little-girl icon Hello Kitty. Kesha, Britney Spears, the defunct Pussycat Dolls, not to mention the queen cougar of them all, Madonna: The trick isn't finding a female vocal artist whose work is enthusiastically pornographic; it's locating any whose isn't.

Jailhouse feminism's unique level of anger is not exactly lost on feminists themselves. "Why Are Feminists So Angry?" asks Jessica Valenti in a recent piece in *The Nation*; her answer is that they are tired of fighting for the same things their mothers did. Feminist backlash ensues against any attempt, even the most anodyne, at rollback of the revolution. When the watchdog group Parents Television Council protested raunch at the 2013 VMAs, for example—which to many people might seem like shooting fish in a bucket—it was dutifully attacked by the blogger Amanda Marcotte as a "retro" and "reactionary" organization whose entire existence "is predicated on using children as a cover story for what they really want, which is an entertainment industry that treats grown adults like we are children."

Some might say it was ever thus—that feminism has always been angry. But there's a difference between the peevishness behind, say, "A woman needs a man like a fish needs a bicycle" and the potty-mouthed bile-o-rama now evident everywhere. Valenti's piece, for example, is tellingly accompanied by a picture of an irate woman holding a poster that reads, "I cannot believe I *still* have to protest this sh**." Measuring just by the yardstick of profanity, today's is not your mom's feminism after all.

Obscenity isn't just a pressure valve. It's a form of anger and aggression unto itself, typically spewed by people who feel threatened and want to act tough. Or, as Miley Cyrus, former Disney child star turned liberationist poster person, explained to *V Magazine* about her art: "Everything just kept sh**ting on me and sh**ting on me. So then I started taking all of those sh** things and making them good, and being like, I'm using it.

. . . So, that's how I started making art. I had a bunch of f***ing junk and sh**, and so instead of letting it be junk and sh**, I turned it into something that made me happy."

And today's feminist rage is often directed not at men but at women. Bell Hooks slams singer Beyoncé as a "terrorist" for "her impact on young girls." Writing in *The New Inquiry*, Anna Breslaw takes down lefty Tina Fey, whose "'nerdy' on-screen persona and adamant faux feminism masks a Thatcherite morality and tendency to slut-shame." Feminist blogs and magazines read similarly, like entries in *Mean Girls Gone Wild*. The *New York Times* even produces a dominatrix to report that "it pains and frustrates me to see this kind of judging and conflict within feminist communities."

It is well known that animals, when they are under terrible pressure at close quarters, turn on one another. Prisoners, for related reasons, do the same. The frenzy among many supposedly enlightened women these days is likewise pitiable and hard to watch. And what everyone outside their frantic conversation needs to understand is that feminism is in fact getting a big thing right here: Today's women *should* feel cornered.

Violence and implied violence are all over the popular culture—as exhibited by *Fifty Shades*, by Miley Cyrus's new video "exploring" sadomasochism, and by plenty of other music videos that do the same, including those of many of the industry's top names. Their commercial success implies a truly frightening appetite out there, sated only by watching women get hurt—and the stories that percolate from time to time about domestic violence in the entertainment industry suggest that not all bad apples fall far from artistic trees.

There's also the trash-talking and purported tell-all adventuring that has become a genre unto itself—Lena Dunham's *Not That Kind of Girl: A Young Woman Tells You What She's "Learned*," Michelle Tea's *The Passionate Mistakes and Intricate Corruption of One Girl in America*, and related graphic autobiographical works grimly praised for their brutal honesty, i.e., their willingness to spare no one, including family members and former romantic partners. Fans of these kinds of confessionals are legion enough to suggest that the appetite for watching women debase themselves and one another may be insatiable, too.

All of which leads, finally, to a sad and monumental fact. Beneath the swagger and snarl of jailhouse feminism is something pathetic: a search for attention (including, obviously, male attention) on any terms at all.

If that means being trussed up like a turkey, so be it. If loping about on TV in your birthday suit does the trick, so be that, too. And if getting smacked around from time to time is part of the package—if violence is what it takes to keep an interested fellow in the room—that is a price that some desperate women today will pay.

Feminism has become something very different from what it understands itself to be, and indeed from what its adversaries understand it to be. It is not a juggernaut of defiant liberationists successfully playing offense. It is instead a terribly deformed but profoundly felt protective reaction to the sexual revolution itself. In a world where fewer women can rely on men, some will themselves take on the protective coloration of exaggerated male characteristics—blustering, cursing, belligerence, defiance, and also, as needed, promiscuity.

After all, the revolution reduced the number of men who could be counted on to serve as protectors from time to time, and in several ways. Broken homes put father figures at arm's length, at times severing that parental bond for good. The ethos of recreational sex blurred the line between protector and predator, making it harder for many women to tell the difference. Meanwhile, the decline of the family has reduced the number of potentially protective men—fewer brothers, cousins, uncles, and others who could once have been counted on to push back against other men treating mothers or sisters or daughters badly. In some worse-off neighborhoods, the number of available men has been further reduced by dramatic rates of incarceration. And simultaneously, the overabundance of available sexual partners has made it harder to hold the attention of any one of them—as has the diminished social and moral cachet of what was once the ultimate male attention-getter, marriage.

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The result is that many, many women have been left vulnerable and frustrated. That's why a furious, swaggering, foul-mouthed ideology continues to exert its pull. Jailhouse feminism promises women *protection*. It promises to constrain men in a world that no longer constrains them in traditional ways—for example, via marriage or larger related moral codes. Into this vacuum, feminism speaks a message of ostensible hope: *We will rein men in by other means*.

This is the deeper meaning of draconian speech codes on campuses and elsewhere: They promise to limit what men can do and say, in a world in which the old limits on male behavior no longer apply. Women, for all their empowerment, are now more vulnerable than ever before, thanks to the changes wrought by the very revolution that feminism embraces: This is the unspoken, unacknowledged truth beneath today's furious and ultimately tragic conversation.

It's a predator's market out there. The fact that there's no cottage industry related to "stud-shaming," or even such a word, says it all. Many women are now exactly what feminists say they are: victims—only not in the way that feminism understands. They are captives behind enemy lines, but the enemy is not patriarchy or gender-norming. It's the sexual revolution itself. And like other people held hostage for too long by a hostile force, these women are suffering from a problem that has had a name for some time. It's Stockholm syndrome. **NR**

Conservatism as Counterculture

Or, the battle of Left and Right for the moral meaning of America

BY SHELBY STEELE

I was recently invited to make some remarks at a charity dinner for a cause that I strongly support. The organizers worried that, because their cause affected only Third World nations, they would have a hard time raising money from an American audience. Localism, it seemed, in everything from farm produce to charity giving, was the new vogue. People wanted to see their dollars at work locally rather than watch them disappear into the coffers of some international organization. Could I help them make the case for international giving?

On the night of the dinner it occurred to me to make the point that America was the world's exceptional nation—not that its people were superior, but that its wealth and power bestowed upon it a level of responsibility in the world that other nations did not have to bear. Exceptionalism as a burden, not a vanity, was my point. Through my wife I had had an involvement with a charitable organization that focused on the problem of obstetric fistula in Africa. On a visit to Africa in behalf of that group, I was pleasantly surprised to see how much we Americans were respected for our compassion and generosity, quite apart from our wealth and military power. The people I met saw something essentially good in the American people. On one blazing hot afternoon in a remote village in the nation of Niger, a local chieftain, dramatically bedecked in the head wrap and flowing robe of his desert people, told me through an interpreter that it was striking to him to meet people who would come halfway around the world to help his people—to visit, as he said in a phrase that mixed pathos with eloquence, "a country lost in the sun."

I recounted this story at the charity dinner simply to make the point that American exceptionalism in the world had as much to do with the largesse of our character as with our great wealth and power, and that causes like the one at hand only enhanced our reputation in the world as a fundamentally decent nation—a beacon, as it were, of human possibility. I thought this would be the easiest of points to make. And things were in fact going smoothly until I uttered the words "American exceptionalism." Instantly—almost before I could get the words out of my mouth—quiet boos erupted from one side of the banquet room. Not loud ugly boos, but polite remonstrative boos, the kind that respectfully censure you for an impropriety. I was shocked. This was a young, bright, prosperous American audience reproaching me for mentioning the exceptionalism of our nation. It was as if they were saying, "Don't you understand that even the phrase 'American exceptionalism' is a hubris that evokes the evils of white supremacy? It is an indecency that we won't be associated with."

In booing, these audience members were acting out an irony: They were good Americans precisely because they were skeptical of American greatness. Their skepticism was a badge of innocence because it dissociated them from America's history of evil. To unreservedly buy into American exceptionalism was, for them, to turn a blind eye on this evil, and they wanted to make the point that they were far too evolved for that. They would never be like those head-in-the-sand Americans who didn't understand that American greatness was tainted by evil. And you could hear—in the spontaneity of their alarm, like a knee jerking at the tap of a rubber hammer—that their innocence of this evil was now a central part of their identity. It was reflex now; they didn't have to think about it anymore.

In its hunger for innocence, post-1960s liberalism fell into a pattern in which anti-Americanism—the impulse, as the cliché puts it, to "blame America first"—guaranteed one's innocence of the American past. Here in anti-Americanism was the Left's all-defining formula: relativism-dissociation-legitimacy-power. Anti-Americanism is essentially a relativism—a false equivalency—that says America, despite her greatness, is no better an example to the world than many other countries. And in this self-effacement there is a perfect dissociation from the American past, and thus a new moral legitimacy—and so, finally, an entitlement to power.

If, at the charity dinner, I had found a way to sneer a little at America, I might have elicited a few cheers from the same side of the room (obviously an in-crowd) that had booed my reference to American exceptionalism. But cheers or boos, that side of the audience only reinforced what most Americans already suspect: that in the culture war between liberalism and conservatism that followed the tumultuous 1960s, liberalism won. That is, liberalism won the moral authority, the power, to set the terms of social relations among Americans—the manners, the protocols, the ideas of decency, the rules establishing how people must interact within the most diverse society in human history. Liberalism gave America a new "correctness" that enforced these new rules with the threat of stigmatization. There are still, certainly, ferocious debates between liberals and conservatives in many realms—economic policy, education, foreign policy, immigration, the environment, and so on. And these debates will surely grind on.

But post-1960s liberalism won a certain moral hegemony over the culture by establishing dissociation as the über human value—the value that arbitrates the importance and relevance of all other values. Even those timeless, conventional values that people in earlier times never thought to challenge now come under the purview of dissociation. Could a public official, for example, discuss the weakening of personal responsibility and the work ethic (two timeless values) in some segments of the black community as even a partial cause of the academic-achievement gap between blacks and whites in American schools? Of course not. It is simply unthinkable.

The über value of dissociation declares any emphasis on personal responsibility or the work ethic—or any other such self-demanding value—to be racist when used to explain minority weakness. Insistence on values such as these seems to put victims in double jeopardy. It makes them the victims of both oppression and their own irresponsibility—implying that their own choices

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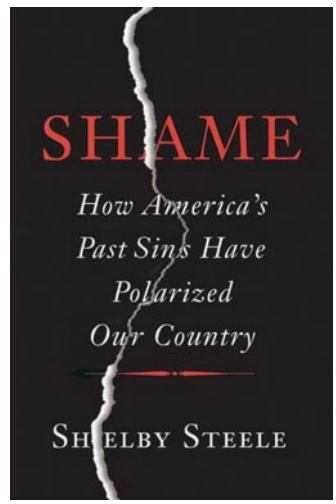
are as much a cause of their inferiority as the fact of their oppression. Dissociation suspends this kind of double jeopardy. Dissociation is a cultural template that tries to make America, and the greater Western world, entirely accountable for its past oppressions and all the damage done by them. Therefore the idea that the victims may be accountable in some way for their own ongoing weakness is just impermissible. It violates the assignment of guilt and innocence—who is culpable and who is entitled—that dissociation seeks to enforce.

When we look at American exceptionalism through the lens of dissociation, that exceptionalism is transformed into garden-variety white supremacy. Dissociation sees this exceptionalism as proof of America's evil character. It ignores two or three millennia of profound cultural evolution in the West, and it attributes the exceptionalism that results from that evolution to little more than a will to dominate, oppress, and exploit people of color. So in this new and facile liberalism, American exceptionalism and white supremacy become nearly interchangeable. Shift one's angle of vision ever so slightly to the left, and there is white supremacy; ever so slightly to the right, and there is American exceptionalism.



When you win the culture, you win the extraordinary power to say what things mean—you get to declare the angle of vision that assigns the "correct" meaning. When I was a boy growing up under segregation, racism was not seen as evil by most whites. It was simply recognition of a natural law: that some races were inferior to others and that people needed and wanted to be with "their own kind." Most whites were quite polite about this—blacks were in their place and it was not proper to humiliate them for their lowly position. Racism was not meant to be menacing; it was only a kind of fatalism, an acceptance of God's will. And so most whites could claim they held no animus toward blacks. Their prejudice, if it was prejudice at all, was perfectly impersonal. It left them free to feel compassion and sometimes even deep affection for those inferiors who cleaned their houses, or served them at table, or suckled their babies. And this was the meaning of things.

The polite booing I elicited by mentioning American exceptionalism at the charity dinner also simply reflected—for the booers and their cohort—the meaning of things. It was a culturally conditioned response. American exceptionalism was a scandal that one booed in the name of humility and decency. Dissociation from it was the road to the Good. And this was so sealed a matter that booing me was only an expression of one's moral self-esteem—the goodness in oneself bursting forth to censure a heretic.

But there is more to the story. After the polite boos from one side of the banquet room, there came a round of defiant cheers from the other side—as if the booers and the cheerers had staked out their own territories. Clearly the cheers were a challenge to the idea that American exceptionalism was somehow anathema, something to be booed. I appreciated the moral support, but I knew the cheers had very little to do with me. The tension in the room was between those embarrassed by American exceptionalism and those who took pride in it.

So there it was, within the space of mere seconds, the representatives of two very different Americas clashing over a single phrase: "American exceptionalism." Post-1960s liberalism had won the culture. The cultural confidence that liberals felt in this explains why they were the first to show their hand by booing—they just presumed that everyone (or at least every decent American) would be happy to boo American exceptionalism. And if people were too shy to actually boo, they would be happy to hear others boo. After all, the new liberalism orbited around the idea that this exceptionalism was the fruit of American evil. This was the established meaning of things. And they were no doubt shocked to hear their boos answered with a wave of polite cheers from the other side of the room. In other words, they were shocked to see that there was another America represented in the room, one that was not so reflexively anti-American. American liberals often think of themselves as a moral vanguard, as the last word in "social justice," yet here was a vigorous counterstroke. What to make of people who actually cheer at the mention of American exceptionalism?

Well, post-1960s liberalism had so won over the culture, and so congealed into the new moral establishment, that conservatism—as a politics and a philosophy—became a centerpiece in liberalism's iconography of evil. It was demonized and stigmatized as an ideology born of nostalgia for America's past evils—inequality, oppression, exploitation, warmongering, bigotry, repression, and all the rest. Liberalism had won the authority to tell us what things meant and to hold us accountable to those meanings. Conservatism—liberals believed—facilitated America's moral hypocrisy. Its high-flown constitutional principles only covered up the low motivations that actually drove the country: the self-absorbed pursuit of wealth, the insatiable quest for hegemony in the world, the unacknowledged longing for hierarchy, the repression of women, the exploitation of minorities, and so on.

Conservatism took the hit for all the hypocrisies that came to light in the 1960s. And it remains today an ideology branded with America's shames. Liberalism, on the other hand, won for its followers a veil of innocence. And this is the gift that recommends it despite its legacy of failed, even destructive, public policies. We can chalk up the black underclass, the near disintegration of the black family, and the general decline of public education—among many other things—to liberal social policies. Welfare policies beginning in the 1970s incentivized black women not to marry when they became pregnant, thereby undermining the black family and generating a black underclass. The public schools in many inner cities became more and more dysfunctional as various laws and court cases hampered the ability of school officials and classroom teachers to enforce discipline. Meanwhile, the schools fell under the sway of multiculturalism as well as powerful teachers' unions that often oppose reforms that would make their members more accountable. Students in these schools, after the welfare-inspired breakdown of the black family, were less and less prepared to learn. Affirmative action presumed black inferiority to be a given, so that racial preferences locked blacks into low self-esteem and hence low stan-

dards of academic achievement. "Yes, we are weak and noncompetitive and look to be preferred for this; our weakness is our talent." School busing to achieve integration led only to a more extensive tracking system (classes that are assigned by academic performance) within the integrated schools, so that blacks were effectively segregated all over again in the lower academic tracks. And so on. Post-1960s liberalism—on the hunt for white American innocence—has done little more than toy with blacks.

Yet it is conservatives who now feel evicted from their culture, who are made to feel like outsiders even as they are accused of being traditionalists. And contemporary conservatism is now animated by a sense of grievance, by the feeling that the great principles it celebrates are now dismissed as mere hypocrisies.

There is now the phrase "movement conservative." When I first heard it, I thought it oxymoronic. Conservatism is establishment and tradition, not protest and reform. But "movement" suggests struggle against injustice, the overcoming of some oppression. So it is telling that many conservatives now think of themselves as part of a "movement" and refer to one another as "movement conservatives." A great irony that slowly emerged out of the turmoil of the 1960s is that conservatism became the new counterculture—a movement that was subversive in relation to the established liberal cultural order. And, continuing this irony, liberalism became the natural home of timid conventionalists and careerists—people who find it hard to know themselves outside the orthodoxies of mainstream "correctness." And what is political correctness if not an establishment orthodoxy?

What drives this conservative "movement"? Of course there are the classic motivations—a commitment to free-market capitalism, smaller government, higher educational standards, the reinforcement of family life, either the projection of strength abroad or, conversely, a kind of isolationism, and so on. But overriding all of this is a cultural motivation that might be called the "pinch of stigma." The special energy of contemporary conservatism—what gives it the dynamism of a movement—comes from conservative outrage at being stigmatized in the culture as the politics in which all of America's past evils now find a comfortable home.

This stigmatization is conservatism's great liability in an American culture that gives dissociation preeminence, that makes it the arbiter of all other social values. Contemporary conservatism is, first of all, at war with this cultural stigmatization. Its ideas always swim upstream against the perception that they only echo the racist, sexist, and parochial America of old—as if conservatism were an ideology devoted to human regression. For conservatives, it is, in the end, a bewildering war against an undeserved bad reputation. And how do you fight a bad reputation that always precedes you?

This connection of conservatism to America's hypocritical past is the American Left's greatest source of authority. However trenchant conservatism may be on the issues, however time-tested and profound its principles, this liberalism always works to smother conservatism's insights with the poetic truth that conservatism is mere cover for America's evil. This ability to taint conservatism—its principles, policies, and personalities—with America's past shames has been, for the Left, a seemingly endless font of power. **NR**

Reform the Clean Air Act

We should balance pollution reduction with the need for growth

BY OREN CASS

Once every eight years comes a day perfect for hiding the most unpopular and ill-advised policy decisions. It arrives right after a second-term president's midterm elections, when he will never again face the ire of voters, and right before Thanksgiving, when the nation shuts down and travels home to visit family. And so President Obama chose Wednesday, November 26, 2014, to announce a substantial tightening of the Clean Air Act that will prevent industrial growth across large swathes of the United States. It could become the most expensive regulation in the country's history.

The action was a stark reminder of the Obama administration's consistent preference for burdensome regulation over economic growth, but the outrage that politicians and industry groups directed at the president was in many respects misplaced. Such aggressive regulation is exactly what the Clean Air Act—duly passed by overwhelming bipartisan majorities in 1970 and further strengthened by overwhelming bipartisan majorities in 1990—calls for. Showing disregard for massive costs is exactly what the Supreme Court, in a unanimous opinion authored in 2001 by none other than Justice Antonin Scalia (*Whitman v. American Trucking*), has instructed the EPA to do as it implements the Clean Air Act. And environmental groups won a lawsuit last April against the federal government for not moving quickly enough to meet requirements set forth in the Act.

The Clean Air Act, by virtue of decisions made and priorities chosen decades ago, is forcing Americans to accept substantial economic sacrifices that they cannot afford, in pursuit of environmental gains that they do not need and that are not worth the cost. Through sheer inertia it is continuing to tighten the screws on industry and energy in pursuit of ever greater environmental quality, even though the broad consensus supporting such a tradeoff has disintegrated and most Americans today see the former as a greater concern than the latter.

Yet as conservatives search for solutions to reverse income stagnation and reinvigorate the middle class, this issue rarely appears on the radar. It should. Rather than launching into paroxysms of rage over each new regulation, the way to move toward a more rational and pro-growth environmental policy is to reform the Clean Air Act itself. The goal should be to preserve the last 40 years of environmental gains while simultaneously prioritizing the need for industrial economic growth. In concrete terms, a major manufacturing outfit that hopes to double its size—doubling its employment, doubling its output, but also doubling its

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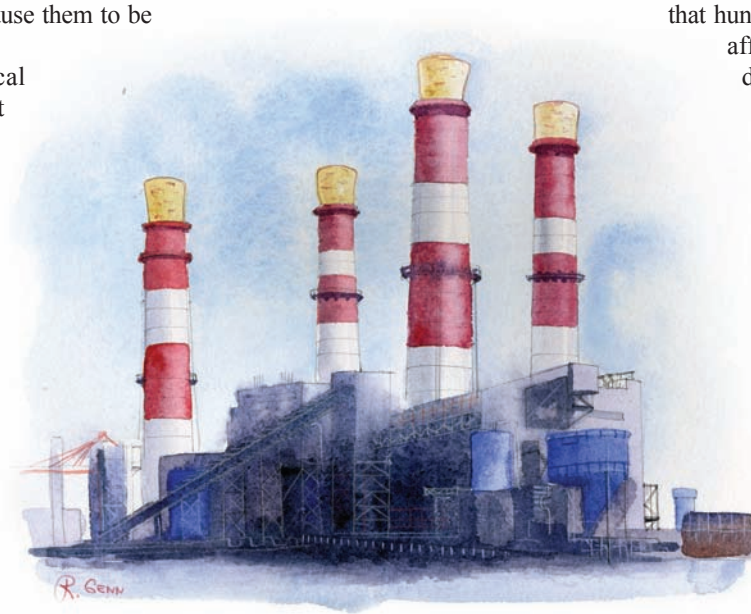
pollution as a result—should be able to do so. Today, too often, it cannot.

The right package of reforms has the potential to maintain environmental quality at or near current levels, reduce regulatory pressure, and produce a huge, market-driven, budget-neutral economic stimulus targeted directly at the energy and manufacturing sectors, which are striving to recharge the American economy.

THE year 1970 was a watershed in the history of environmental policy in the United States. While the American economy was enjoying the fruits of a remarkable 25-year run of growth and technological innovation, the public's concern over pollution was cresting. The prior year had seen a massive oil spill off the coast of Santa Barbara and the infamous Cuyahoga River fire in Cleveland. The first Earth Day was celebrated, the Environmental Protection Agency was created, and, on the last day of the year, President Nixon signed the modern Clean Air Act into law. The Act was, and still is, arguably the most powerful environmental law in the world. Even more than 40 years later, in a recent White House list of proposed regulations that would have an estimated annual cost in excess of $1 billion, the Act accounted for numbers one, two, and three.

The Act takes different approaches to different types of pollution, but its core mechanism works as follows, subject to variations from state to state: The EPA establishes "national ambient air quality standards" (NAAQS), determining the level of acceptable pollution in the air for each major pollutant based on what is deemed "requisite to protect the public health." For each pollutant, if the air quality in an area of the United States is better than this standard, then the goal must be to "prevent significant deterioration" (PSD). New facilities in that area are required to put modern pollution controls in place. If the area's air quality is worse than the standard, it is designated a "non-attainment zone" (NAZ), with drastic consequences. Existing facilities must install retrofitted pollution controls, and new facilities must install the best possible pollution controls while also finding other facilities in the area that will make offsetting pollution reductions to compensate for any new emissions. Significantly, major modifications to existing facilities cause them to be treated as "new" facilities.

Consider the hypothetical manufacturing plant that seeks to double in size. The expansion would represent a major modification and therefore lead to a review of the entire facility as "new." If it is located in a PSD area, it must now install pollution controls where before none were required—in both the "new" part of the facility and the old part. If it is located in an NAZ, it must install the best possible pollution controls and pay to offset its pollution. The plant's owners had wanted to create new jobs in the same way they always had, but they cannot do so now. An investment that once looked attractive might not go forward at all.



ROMAN GENN

If the goal is to improve environmental quality rapidly and regardless of cost, the Act's structure is understandable. In practice, it has been quite effective. Between 1980 and 2013, lead levels in the air fell 92 percent; carbon monoxide fell 84 percent; sulfur dioxide fell 81 percent; nitrogen dioxide fell 60 percent; and ozone fell 33 percent. These are significant achievements, and environmentalists are justifiably proud of the enormous public-health benefits that have followed.

But as the environment has improved, the rules have only gotten tighter. The EPA has repeatedly revised the standards necessary for the protection of public health by expanding the list of regulated pollutants and by lowering the thresholds that areas may not exceed. For instance, the EPA recently reduced the NAAQS for fine-particulate matter (perhaps the most harmful form of air pollution) to a standard more than twice as tight as that used by the European Union. Western Europe may be widely perceived as more environmentally conscious than the United States, but its fine-particulate-matter levels are more than 65 percent higher.

The Obama administration has proposed reducing the NAAQS for ozone, even though the limit was already lowered by the Clinton administration in 1997 and by the Bush administration in 2008, to its current level of 75 parts per billion (ppb). The EPA indicated that it is targeting a new standard of between 65 ppb and 70 ppb, but it will also consider a standard as low as 60 ppb. Environmentalists argue that scientific evidence shows that a 60-ppb maximum is necessary to protect public health, but air quality in most of the country (including in many national parks) exceeds 60 ppb and would violate that standard. As the standard is set ever lower, more areas of the country fail to meet it, become classified as non-attainment zones, and face onerous restrictions on economic growth, especially in the industrial and energy sectors.

The air gets cleaner and cleaner, but industrial operations become costlier and costlier. Researchers at MIT have estimated that Clean Air Act regulations have cost the manufacturing industry alone more than $20 billion annually and reduced the industry's profitability by nearly 10 percent. Other studies show that hundreds of thousands of jobs in affected industries have been destroyed, and that the income of the average worker in newly regulated industries has fallen 20 percent.

The treatment of new facilities drives much of this cost and amplifies the economic damage. Older, dirtier facilities continue to operate as they have rather than invest in upgrades that might improve their productivity while reducing their environmental impact. Large businesses benefit from barriers to entry that keep newer and smaller firms out, giving

them an incentive to advocate regulation that hurts them but hurts potential competitors more. A study reported in the *Journal of Political Economy* in 2000 found that construction of new plants in affected areas had declined by more than 25 percent. As Robert Stavins, the director of Harvard University's environmental-economics program, has explained: "Experience over the past 25 years has shown that this approach has been both excessively costly and environmentally counterproductive." In some cases, shutting out new construction has led to pollution levels that are higher than they would be if there had been no regulation at all.

THE Obama administration and its many allies in the environmental movement survey this scene and call for further regulation. In their estimation, as reflected in the cost-benefit analyses they publish to justify each new rule, every turn of the regulatory ratchet produces enormous benefits that dwarf any costs. Thus the EPA reports that its proposal for a new and lower ozone threshold would produce improvements in public health that it values at $19 billion to $38 billion annually, as compared with $15 billion in annual cost for the new standard.

Unfortunately, the EPA arrives at these dollar estimates through the juvenile approach of tallying up every possible benefit it can associate with its rule while ignoring all but the most obvious and immediate costs. The accounted-for benefits of reduced ozone include, for example, the economic output that would result from a parent's not having to miss a day of work to care for a child who had to stay home from school owing to air-quality-related health problems. Two-thirds of the predicted benefits are not related to reduced ozone levels at all. Instead, they are so-called co-benefits—other environmental benefits that could be achieved as side effects of the regulation.

The cost side of the ledger, meanwhile, includes only the actual dollars that companies will spend to comply with the regulation—the cost of purchasing, installing, and operating the new pollution-control technologies. Macroeconomic impacts on investment and employment and prices are ignored. So, too, are the broader social costs of crippled industries and unemployed breadwinners, and the lost opportunity of firms never born and innovations never pursued. Meanwhile, because existing technology will not be sufficient to meet the EPA's new standard, EPA analysts simply assume that better pollution controls will be developed in the future at reasonable cost. So one-third of the cost estimate is tied to existing technologies that companies could actually purchase today, and the other two-thirds comes from a hope that a better but still affordable technology will come.

This is not a cost-benefit analysis; it is a show trial. And it is business as usual for Obama's EPA. In 2012, the Obama administration put forward the "Utility MACT" (maximum achievable control technology) rule, mandating tight controls on mercury emissions from coal-fired power plants, and predicted $37 billion to $90 billion in benefits compared with only $9.6 billion in costs. But only $4 million to $6 million (that's "million" with an "m") of the projected benefits were to be achieved from the reduction of mercury and other hazardous pollutants. The rest of the regulation's projected "benefits" came from an expectation that its prohibitive expense would force plants to shut down entirely, a prospect that the EPA relished but was powerless to order directly.

The cleverly worded fact sheet released by the EPA highlighted the health benefits that would be produced by its regulation: "Until now there were no national limits on emissions of mercury and other air toxins from power plants. Uncontrolled releases of toxic air pollutants like mercury—a neurotoxin—can impair children's ability to learn." While it is true that uncontrolled releases of toxic air pollution can impair children's ability to learn, the anticipated improvement in children's average IQ as a result of the MACT rule was 0.0021 points. Susan Dudley, a former White House administrator who was responsible for monitoring regulatory costs, succinctly summarized the situation in congressional testimony about the rule: "On the benefits side of the equation, EPA quantifies or lists every conceivable good thing that it might attribute to a decision to set new emission limits, while on the cost side, it only considers the most obvious direct and intended costs of complying with the regulation."

To be sure, properly measuring the full cost of an air-quality regulation is not an easy task. But is it any more difficult than measuring the benefit of having fewer missed school days thanks to improved air quality, or measuring the ease with which not-yet-imagined pollution-control technologies will spring forth? National Economic Research Associates conducted an in-depth study on behalf of the National Association of Manufacturers to create just such an estimate for the new ozone rule, analyzing the true cost of the most stringent of the standards under consideration (60 ppb). Whereas the EPA had projected that this standard would impose direct engineering costs of $39 billion annually, the study predicted that the total economic cost would be more than six times as high: $270 billion per year, and the loss of almost 3 million jobs.

The truth is presumably somewhere between the EPA's estimate and the industry's, but under almost any responsible set of assumptions, the costs outweigh the benefits. One could focus narrowly on direct economic factors: On the benefit side of the ledger, count only the prevention of pollution-related property damage; on the cost side, count only the immediate cost of compliance. Or one could set broader guidelines and take into account all public-health benefits of reduced pollution. But then the full economic and social costs of slowed growth must enter the equation as well. Studies also show significant impacts of unemployment on everything from health and life expectancy to family stability to children's educational outcomes.

Perhaps one can assess the economic–environmental trade-off most easily through a historical lens. In the mid 1990s, under the Clinton administration, annual emissions of air pollutants targeted by the Clean Air Act were twice what they are today. Ozone concentrations in the air were 25 percent higher. That period is rightly remembered for its expanding economic prosperity. It is rarely cited as a time of unacceptable environmental degradation.

Among those who recognize the imperative to prioritize economic growth is President Obama—seeking-to-win-reelection President Obama, that is. When the EPA first attempted to move forward with its new ozone regulation in 2011, the president ordered it to stop, saying, "I have continued to underscore the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover." Only now, with swing states in the Midwest far from his mind, are regulatory burdens and uncertainty of so little concern.

THE Clean Air Act explains in its introduction that "growth in the amount and complexity of air pollution brought about by urbanization, industrial development, and the increasing use of motor vehicles has resulted in mounting dangers to the public health and welfare." That statement is out of date, and legislation premised on it strikes the wrong balance between environmental and economic concerns. But a federal statute is not a pendulum that will swing back of its own accord. It requires substantive reform.

A new balance, appropriate to America's current challenges, would secure the widespread gains in environmental quality to date while prioritizing economic growth over further environmental improvement. It would accept the additional pollution that naturally follows from the increased industrial output that is the explicit policy objective of both political parties. To shift the Act's fulcrum and strike a new balance, the discriminatory treatment of new facilities should be eliminated, so that companies can make new economic investments under the same rules that apply to existing facilities.

Imposing heightened requirements on new pollution-emitting facilities is one of the Act's primary mechanisms for improving air quality. Particularly in those areas of the country where air quality is worse than the EPA-established standard, those heightened requirements can be extraordinarily onerous and in many cases can shut off new investment. Removing the heightened requirements would allow existing industrial and energy-producing facilities to expand and would also allow new facilities to be built under the same rules that older plants must meet. The EPA would continue to set air-quality targets as it saw fit, but progress toward those targets would proceed more slowly. If that hypothetical factory wanted to double its size, it would be able to do so. If another firm wanted to build a competing factory with similar technology, it would be able to do that, too. States would retain the authority they have today to impose tighter regulations if their particular circumstances or policy preferences warranted such a course.

These reforms would be the economic equivalent of removing a dam. The current discrimination against new investments holds back a reservoir of capital that would surge forward were it not for the costs and restrictions now imposed. American industry sits downstream, eager to grow and create jobs but restricted in its ability to do so. An action such as the new ozone regulation raises the dam wall that much higher.

Eliminate the impositions on new investments and, as quickly as analysts could revise their models, a host of construction projects previously considered infeasible would become attractive. Upgrades to existing plants, which had been shelved for fear of triggering new requirements for the plant, would go back on the drawing board. Plans for new plants, which had been rejected because the plants could not operate profitably, would suddenly find willing investors. Entirely new businesses, which had been deemed unlikely to succeed while established businesses enjoyed a sizable cost advantage, would begin hiring. Competition would increase, economic efficiency would improve, and prices would fall. New areas of the country would open up for energy exploration. And manufacturers would find themselves better positioned against international competition.

Because the policy change would remove obstacles instead of creating a new program, it would entail none of the drawbacks commonly associated with a fiscal or monetary stimulus. There would be no cost to the government and no asset bubbles created by easy money or overinvestment in government-chosen sectors. No government bureaucracies would be empowered, and no markets would be distorted; to the contrary, regulations and market distortions would be removed.

For even greater impact, the elimination of discriminatory treatment could perhaps be structured as a five-year suspension of the current new-source rules. A new project started within the five-year period would benefit from the existing-source rules, and then, when new-source rules potentially returned, they would not apply to what would by then be an existing source. Firms would therefore have an even greater incentive to make investments quickly. Revisiting the rules after five years would also give policymakers the opportunity to evaluate the economic and environmental impacts of the change and determine whether they were achieving a satisfactory balance.

A new balance, appropriate to America's current challenges, would secure the widespread gains in environmental quality to date while prioritizing economic growth over further environmental improvement.

The effects on air quality would follow directly from the objectives of the reform. There would be no change from the existing facilities that are the vast majority of pollution sources. New and modified facilities would not operate free of all regulation; they would simply be subject to the standards that now apply to existing facilities. Thus, while one would expect improvements in air quality to slow, overall quality could degrade only as the result of much-needed economic growth. Meanwhile, the competitive pressure to cut costs through improved energy efficiency would continue to usher in technological improvements that tend to reduce pollution, though lessened regulatory pressure might slow that progress.

Perhaps as a final touch, the introduction to the Clean Air Act could be amended to note that in recent decades America has seen not "growth in the amount and complexity of air pollution," but significant declines instead; that it does not face "mounting dangers to the public health and welfare," but rather welcomes great improvements; and that to further the welfare of the nation, the Act will now focus on ensuring the continued use of existing pollution controls while encouraging economic development.

The point is not that federal environmental efforts have failed, or that environmental quality is unimportant. To the contrary, the Clean Air Act is a victim of its own success. Precisely because America has made so much environmental progress, a marginal investment in further economic growth now offers a far greater societal return than a marginal investment in further environmental quality. **NR**

Athwart

BY JAMES LILEKS

Art for Unemployment's Sake

Talk of Scott Walker's college career made me think of the highlights of my time in the halls of dear old U of Minnesota—the pipes clanking on a winter's day, the creak of the wood floor as the professor strolled from side to side, the gentle snore of a student in the back row. My first year I had an English class. Chaucer. *Ye parfit c'nick yclept Gwioin doth hither be swain* and so on. Reading this at 8 A.M. was like trying to untie wet shoelaces while wearing oven mitts.

The teacher was a short hunchbacked old man with a face like a long potato, dressed in an old suit with the obligatory elbow patches, smelling of pipe smoke, and he would point out the ribald parts for our amusement. Once he recited a naughty ditty that used the Homeric line "rosy-finger'd dawn" as a punch line for the discussion of the works of Sappho, something that would get him a week in the stocks nowadays, pelted with organic produce. It was a wonderful class. Don't remember a word of it.

That goes double for 19th-Century European Diplomatic History, which was taught by a brilliant man who walked back and forth as if pacing off for a duel; he grew red as the lecture advanced, until he resembled a moist tomato with a steel-grey buzz cut. Don't remember a word. I remember that Metternich was important, and it is important to know who Metternich was. But the sum total of three quarters seems to be the ability to say, "If only the Concert of Europe had not ended with the *Götterdämmerung*, no?" with a wry smile among other Educated Sorts and have everyone nod.

The only things that really stuck, as far as names and dates and accomplishments, were Russian Literature (taught by a strenuously attractive woman with Rooshian accent and feelink for soul) and Renaissance Art. In the latter case the teacher had been explaining Giotto and Vasari for years, but he was like one of those actors who'd played the same role for a thousand performances: It was still fascinating to him and inspiring to us—so when he stood in a dark room describing the genius of a statue, unaware that the slide projector was displaying the groin of David right on his face, no one laughed.

I had dinner with the art professor 30 years later and asked him if he knew he'd been lecturing with the buttocks of a Mannerist putto on his forehead. *Yes, well, it was unavoidable, wasn't it? Almost enough to make someone want to teach 20th-century art.* (Theatrical shudder.) *Almost.*

Alas, neither art history or Russian lit were my major. I was an English major, which qualified me to know that the previous sentence should read "Neither art history nor Russian lit was my major." (I think.) My college education took place outside the classroom: at my restaurant job, where I learned about business and human nature, and at the college newspaper, where I learned the skill of writing for a large audience with a deadline gun to your head. The newspaper had a circulation of 60,000; it came out five days a week. It was in the basement of the journalism school, but few of the people who worked on the paper went to J school, and vice versa.

That's correct: You could get a degree in journalism *without working on the paper.* This is like getting a degree in anatomy by studying the board game Operation when there's a room full of cadavers next door.

So Scott Walker didn't finish college? Eh. To say the obvious: A degree does not bestow wisdom any more than donning a clerical collar guarantees goodness. It's not as if the magic paper somehow activates all the information you absorbed in the previous four years and ties it together in unexpected ways, leaving you so dazzled you can hardly find your way off the stage. *My—my God! I knew critical literary theory, and I had a smattering of art history, but now that I have a degree I see glistening filaments that tie together the deconstruction of texts and the Renaissance's revision of the pictorial tradition! It's all connected!* And thus the graduate is not unemployable for one reason but for a fascinating matrix of reasons.

Imagine a job interview.

Do you have a college degree?

Yes, I am.

And which college?

University of California at Malibu? I have like a degree in television with an emphasis on reality shows? Basically a bachelor's degree in *The Bachelor*.

This position requires a certain familiarity with math.

Well, sure, we had to learn all that. Like, channel number 235 is going to be somewhere between 230 and 240, so if you're advancing the remote with the button that goes ten channels all at once, it's like, whoa, you should slow down when you get to the lower 200s.

What was channel 235, by the way?

Hey, now you're talking graduate-level stuff.

The degree shows you can finish something, but if you went $150K into debt to get a B.A. in a discipline that contains the word "science" but did not study, you know, *actual science*, then the matter of your judgment may take precedence over your evident persistence. Or not: A degree signifies your elevation to the priestly class. The elect. The class of credentialed Smart People who have inhaled the rarefied atmosphere in which Theory takes the place of Wisdom. Anyway, it's not like Walker can't finish the degree by unusual means someday.

Like an executive order. *There, your president is a grad. Happy now?* NR

Mr. Lileks blogs at www.lileks.com.

The Long View

BY ROB LONG

Transcript from the Al Jazeera Political Talk Show *The Irshad Group*

FEBRUARY 17, 2015

HOST AL-IRSHAD: "Issue One! We're Be-Headin' to a Crusade! In the aftermath of President Barack Obama's comments about the historical Christian crimes against Islam, which for once were reported on fairly in the Jew-controlled media, the issue of the Crusades is once again raised in the region. Question: Is this the beginning of the long-awaited payback period for followers of Islam against the filthy infidels to the north and west, I ask you Syndicated Columnist Qu'Turush!"

SYNDICATED COLUMNIST QU'TURUSH: "That's a ridiculously simplistic question and you are obviously a Jew-sympathizing homosexual. Even my wife, who could neither read nor write, would have formulated a more sophisticated analysis before I set her on fire for using scissors. But to answer your absurd question, the people of the Great Emerging Caliphate will have their long-promised vengeance and the bones of fools like you will be sharpened into spears to aid in the fight."

POLITICAL CONSULTANT SALIL FAQTB: "Can I just say—"

QU'TURUSH: "Do not interrupt me, woman."

SALIL FAQTB: "Okay, first, I'm not a woman. I'm a man. Here's how you can tell: I'm wearing a suit. I'm not the one wearing the dress."

QU'TURUSH: "I am wearing the ancient robes of my ancestors! Die! Die, dog!"

AL-IRSHAD: "Gentlemen, please. Salil Faqtb, please continue."

SALIL FAQTB: "I was just going to say that the Crusades really didn't have anything to do with Christianity per se. They weren't part of the Christian doctrine, and as such I think it's more useful to see the Crusades as random events, sort of spontaneous gatherings of people who suddenly found themselves on a trek together and were all like, Hey, are you going to Jerusalem, too? Hey, yeah, us too. How weird and random. Want to come with? That kind of situation."

QU'TURUSH: "I will now give you the supreme and most merciful gift, a swift and painless beheading."

BA'ATH STRATEGIST ALI BA'NASRI: "Can we return to the question? I worked a bit on the Obama 2008 campaign—mostly messaging and some outreach—and what's happening here is a pivot, and a smart one, from a pro-Israel and pro-European position to a more nuanced and complex view of the world, aided, I think, by the well-timed and restrained use of beheading and lighting people on fire—"

QU'TURUSH: "This is what I have been saying! Why is everyone behaving like a homosexual and not listening?"

ALI BA'NASRI: "—and as such it shows two things. One, that you can appeal to your base and also reach out to others; and two, that the Crusades remain a terrific wedge issue, even nine hundred years later."

QU'TURUSH: "What do you mean, even nine hundred years later? That is but a blink, a snap of the fingers!"

AL-IRSHAD: "Issue Two! The Toughest Hijab in the World! Democrats in the United States are reeling over polls that show a low amount of enthusiasm for current front-runner Hillary Clinton. Those on the left are clamoring for Elizabeth Warren, newly elected senator from Massachusetts, to step into the race with her personal brand of populist liberal activism. Question: Will Hillaryland prevail in driving all other contestants out of the race? I ask you, Qu'Turush."

QU'TURUSH: "This is an irrelevant question. Why is the unveiled whore wife of a syphilitic former president more politically viable than the unveiled whore senator who claims Bedouin ancestry? Both should be stoned publicly. Although I do admire the whore senator's position on credit-card fees, so perhaps when she is tossed from the minaret she will be allowed a blindfold as a sign of gratitude."

SALIL FAQTB: "Okay, see, right there. This is where we're turning off the middle. If both of those women were veiled properly and conducted their work from the home, under the supervision of their male relatives, there's nothing in the Koran that says that either one couldn't be a terrific president."

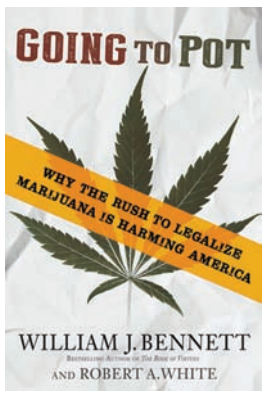
ALI BA'NASRI: "I think it would be exciting to have a female president of the United States. It would be, as we say, a game changer. And it would be an inspiration to young girls to see a proud and powerful female lead a nation from a cushion in her husband's house and to speak through him when he allows her."

QU'TURUSH: "Madness! This is why we are having a culture war! This is why parents are homeschooling their sons! Why don't we all just go have a bar mitzvah and sing in public while we're at it?"

AL-IRSHAD: "The answer is: Warren runs! Because it turns out she is also part Jew! Bye-bye!"

Prohibition And Its Discontents

CHARLES C. W. COOKE



Going to Pot: Why the Rush to Legalize Marijuana Is Harming America, by William J. Bennett and Robert A. White (Center Street, 240 pp., $26)

THAT this book is about as good a defense of the prohibition position as it is possible to make, *and* that it lost me within the first couple of pages, may, at first blush, seem rather strange. And yet what appears to be a paradox is, in fact, merely a problem inherent to the broader debate over drugs: that, most of the time at least, the two sides are essentially talking past each other.

In their introduction, authors William J. Bennett and Robert A. White—whom I will henceforth refer to collectively as "Bennett"—deploy a rhetorical trick that sets the tone for the remainder of the work. Running through the many deleterious health problems that are associated with marijuana's legal cousin, tobacco, Bennett supposes for the sake of argument that cigarettes are currently illegal and then asks whether anyone in his right mind would choose to legalize them. Evidently, the reader is expected to answer, "No." "Given everything we know about the health consequences of smoking tobacco," Bennett proposes bluntly, "most people would not vote to legalize cigarettes." Nor, it is implied in parallel, would alcohol get the nod. *My* response, however, was an emphatic "Yes!"—as, for that matter, it would be if the question were posed of almost any intoxicating substance currently on the market. We did not get off to a good start.

I chose a similarly contrarian path when it was suggested that Americans have to choose between investment in health care and education on one hand and the legalization of weed on the other. "It is perplexing," Bennett contends, "that we are so in favor of marijuana when there are ever-growing public-policy debates about mandating earlier education for our youth"—and, indeed, when "a large part of the Affordable Care Act was its mandate of health-care coverage." America, he proposes, has simultaneously elected to spend "money and political capital on strengthening the health, education, and productivity of our populace" *and* to push for the "availability of a drug that hinders, and negatively affects . . . those very efforts." This, he believes, is absurd.

Inasmuch as this juxtaposition serves to illustrate the pathetic intellectual inconsistency that is running riot within contemporary progressive thought, Bennett is here making a reasonable and timely point. (If you dare, try asking your average marijuana activist what he thinks of sugary soft drinks.) And yet one has to wonder how effective the point will be in convincing those *conservatives* whom Bennett hopes to prevent from jumping ship. Certainly, *my* reflexive reaction was that if we are being asked to choose between the welfare state and the excesses of liberty, then liberty must prevail. For Bennett, the fact that government spending on health and education necessitates claims on private behavior invites us to change that behavior from the ground up. For me, it represents a black mark against that spending. The Declaration of Independence tells us that governments are instituted among men to secure our liberties and to do little else besides. If new programs are violating those liberties, then they will have to go. Once again, Bennett and I are answering different questions. His: "Is marijuana sufficiently harmless to justify legalization?" Mine: "What right does the state have to determine what I may put into my body?" These approaches are irreconcilable.

"Of course I can manage the economy!–I've been running a huge personal *deficit for* years."

Still, while Bennett is unlikely to win me over, his offering will undoubtedly hit the target elsewhere. Most Americans do not possess my more doctrinaire libertarian instincts in this area, nor are they motivated by constitutional or philosophical abstractions. Rather, for many people, such questions hinge upon the trade-off. With that in mind, it should be said that Bennett has presented the strongest case that he could without slipping into obvious chicanery. As he claims, it is indeed true that a good number of politicians and voters at the bleeding edge of legalization are now regretting their decisions—or, at least, that they are wishing that the trailblazing had fallen to others. It is fair to record that marijuana now tends to be more potent than it was in the 1970s—although whether this matters a great deal is eminently debatable. It is reasonable to ask legalizers whether their reappropriated "my body, my choice" rhetoric applies also to harder drugs, and, if it does not, *why* it does not. And one can often discern a meaningful difference between the excellent arguments that can be marshaled in favor of so-called medical marijuana and the manner in which it is actually provided on the ground. Having read *Going to Pot*, critics of the legalizing trend will be well armed for the debate, and perhaps persuaded, as Bennett hopes, to "do their own research and not blindly accept the arguments on behalf of marijuana legalization or medicalization

without some critical thinking and common sense."

Equally impelled toward research, one hopes, will be both younger voters—who are simultaneously strongly in favor of legalization and ignorant of the arguments that can be mounted against their position—and riled-up libertarians, who can exhibit a nasty tendency to conflate the argument that drugs should be *legal* with the pretense that drugs are not, in fact, that bad for you after all. Didactically, then, Bennett has done us a favor.

A decade ago, only 33 percent of Americans supported legalization. Today, more than 55 percent do. Edmund Burke, who held that conservatives should be hostile to sudden changes, would undoubtedly find much to praise in this book—even if that praise were just for the devil's advocacy that is invariably necessary in the face of any heady rush toward change.

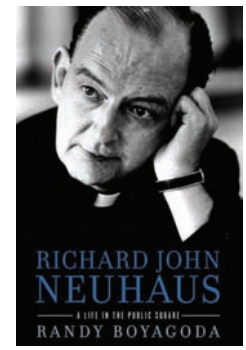
That being said, there are points at which Bennett's case can feel desperate. I daresay that more dogs are indeed sent to the animal hospital to have their stomachs pumped in states where marijuana is legal; and I am happy to concede that where incentives exist to manufacture drugs, more houses will be inadvertently burned down in the process. But I'm not sure that these facts tell us a great deal that is important. There is, moreover, only so much torture that the evidence can take. It is certainly true that those who have tried marijuana are more likely to try harder drugs than those who have not; and yet, as the Institute of Medicine confirms, there is "no conclusive evidence that the drug effects of marijuana are causally linked to the subsequent abuse of other illicit drugs." It is also true that some studies show marijuana to have a deleterious effect on the young-adult brain; but it is also true that these studies have been criticized or even contradicted by equally well-qualified sources. As for Bennett's regular implication that alcohol is less damaging to the body than marijuana, well, even the staunchly anti-weed group Project SAM doesn't believe that.

Where Bennett genuinely flounders, though, is in his apparent unwillingness to address the quandary as it actually exists on the ground. Far too often in America, it feels as if the debate over legal weed revolves around the question of whether the United States should be a country in which adults smoke marijuana *at all*, rather than whether or not the United States should be a country in which adults smoke marijuana *legally*. By all accounts, the former question is moot. Per a 2013 Gallup survey, just under two in five Americans have tried marijuana at least once, while 7 percent of the adult population (some 16 million people) claim to indulge regularly. Meanwhile, a staggering 700,000 people are arrested *every year* for marijuana offenses and, as of 2012, 40,000 prisoners at the state and federal levels are doing time for offenses involving marijuana. Their incarceration, according to RAND's Beau Kilmer, costs $1.2 billion per year. Other enforcement costs run significantly higher—both in financial terms and in the violence that they do to the Constitution. Even if one were to take at face value the medical claims offered in *Going to Pot*, after a fashion one would respectfully have to ask, "So what?"

Perhaps the most telling thing about this book is that its authors felt that their case needed to be argued at all. For almost a century now, the combination of social animus toward pot smokers and the well-developed sense that weed and crime were inextricably linked has served to so effectively harden Americans against marijuana that fruitful and patient debates have been impossible. Most famous among the prohibition era's artifacts, perhaps, is a 1936 propaganda movie named "Reefer Madness," in which high-school students who try the drug are depicted descending helplessly into suicide, manslaughter, rape, vehicular recklessness, and, finally, insanity. For decades, it was merely *presumed* that weed was bad news, and it was taken as an article of faith that the state should be empowered to do whatever it deemed necessary to fight it. In the last couple of years, however, the prohibitionists have come to realize that they can no longer rely on either old-fashioned hyperbole or the mindless acquiescence of the public, and that, in consequence, they will have to meet their critics on their critics' terms. In *Going to Pot*, Bennett has made an excellent attempt at marshaling the strongest arguments they can find against the relaxation of the laws. Despite their efforts, however, those arguments remain weak. **NR**

Neuhaus in His Time

GEORGE W. RUTLER



Richard John Neuhaus: A Life in the Public Square, by Randy Boyagoda (Image, 480 pp., $30)

DICKENS could not have called the iconoclastic years of the late 1960s and early 1970s the best of times and the worst of times, for in terms of moral discourse they were only the worst, and by any standard of civility and aesthetics they were also the ugliest of times, with their rampant naïveté and galloping self-righteousness. Richard John Neuhaus cut his teeth in those years, actually exulting in them, surrounded by a waxworks of philosophical malcontents including William Sloane Coffin, Harvey Cox, Joan Baez, and Tom Hayden. He joined, and sometimes led, their chorus, as when he said that the Vietnamese people were nothing less than "God's instruments for bringing the American empire to its knees." But he had the integrity to rebel against the rebellion, with sufficient balance to avoid the extremes of reaction. This would set him up for criticism as a "theocon" by cynics on right and left, the former still licking the wounds of the Age of Aquarius, and the latter applying the conceits of those muddled years as they now control the switching points of government and education. Neuhaus went on to become a leading spokesman for the role of religion in what he designated the Naked Public Square.

Fr. Rutler is a Roman Catholic priest of the archdiocese of New York. His latest books are Cloud of Witnesses *and* Principalities and Powers.

Novelist Randy Boyagoda, in this new biography, traces Neuhaus's intellectual and spiritual journey with admiration and sometimes bemusement, always sympathetic to his subject's earnestness and not blind to his flaws. Most of the latter were minor consequences of impatience with self-examination. There was, for instance, little temperance in the relentless activism of the heady civil-rights and Vietnam years, replete with an almost manic pursuit of conferences, workshops, demonstrations, symposia, speeches, writing, protocols, declarations, and affirmations, the sum of which was symptomatic of a national nervous breakdown. The pace of his schedule and the itch for publicity were moderated, but still compulsive, in his shift from Lutheranism to Catholicism. Boyagoda is of the opinion that, in the preparation of the Hartford Appeal, a joint statement of Evangelicals and Catholics, Neuhaus displayed a "tendency to grow impatient with particularly abstract conversation, and also with conversations that he wasn't personally, exclusively dominating."

The author indulges an unspoken Freudianism in treating his patient's relationship with his father, a conservative Lutheran minister, implying that the Young Turk could be passive-aggressive when debating his father on social issues—once, conspicuously, at a Missouri Synod convention. Readers may find it difficult to appreciate how important Reformation sensibilities were to many, back when mainline Protestantism was still a social force. A whiff of it continued in Neuhaus's mordant and amusing contempt for the World Council of Churches and its national subsidiary, years after they had shrunk and ceased being taken seriously. With inspired aplomb, he similarly and ritually shredded what he called the "sleazy old lady of American journalism, which continues to think of itself as our country's paper of record." Boyagoda finds something telling in the fact that Neuhaus was only a pallbearer at his father's funeral, and did not officiate. In fairness to the subject, I remember Father Richard attending my mother's funeral and remarking that it would be too emotional for him to speak at a parent's death. Of his mother, he often quoted with affection her comment, while knitting, that he wrote better than he spoke.

Neuhaus's activism was not at the expense of the Christian essence, as he founded a small "Community of Christ in the City," along with the Center on Religion and Society (which he directed), inspiring countless souls and guiding bright young people along right paths. With quiet magnanimity, he selflessly donated his salary, along with proceeds from books and honoraria, to charity. Boyagoda skims the relationship between Neuhaus and Cardinal O'Connor, who ordained him just one year after Neuhaus was received into the Church, having had only informal preparation, albeit with tutorials by the finest of mentors, Avery Dulles. The personality of Cardinal O'Connor is a subject for study outside such a book as this, but it would seem that the cardinal was impetuous in promises he made to his new convert, aware, as Neuhaus was not, that they were impractical. When O'Connor died, there rose up in Egypt a pharaoh who knew not Joseph. The intense and understandable loyalty of Neuhaus to his patron, mixed with a perception of unrequited merit, shifted to a public angularity toward Cardinal Egan, who had many other matters to face, burdened as he was with repairing the financial ruin he had inherited. Neuhaus abandoned nuance when he declared Egan a "public nonpresence."

Neuhaus had made sacrifices in his conversion (a word he did not like; he preferred to call it an "embrace"), not least of which was suddenly finding himself a small fish in a big pond. The One Holy Catholic Apostolic and Roman Church was not the Missouri Synod. His strength was a strength of mind eloquently expressed, but the life of the mind does not typically animate clerical bureaucrats and careerists. Invited to the Vatican for a "Special Assembly for the Americas of the Synod of Bishops," he was surprised to find himself "dead last" among 800 in attendance. "I am not accustomed to that back in my little world among the many little worlds of New York City. But this is Rome." The experience was tedious beyond anything he had known since the fourth grade. Nevertheless, he saw things through his own lens and, on one occasion, Pope John Paul II smiled and waved his hand, "which I chose to interpret as encouragement." His enthusiasm as a convert and benevolence by nature could be exploited, as when he vigorously defended the malevolent Marcial Maciel, founder of the "Legionaries of Christ."

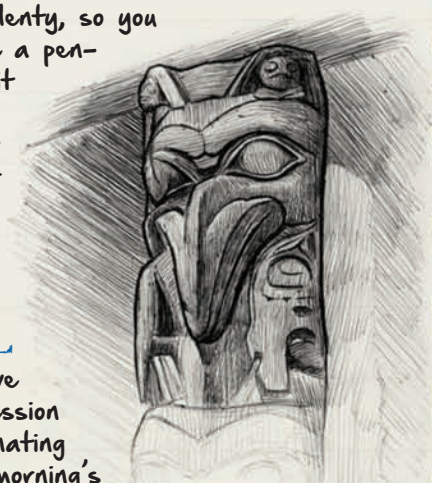
Father Richard John Neuhaus in 1996

RAY LUSTIG/*WASHINGTON POST* VIA GETTY

For some years, Neuhaus generously spent time and talent on journals—including NATIONAL REVIEW, of which he was the last religion editor—writing commentary with cultural references probably bewildering to the present degraded generation of policy wonks. Then he launched the monthly *First Things*, which has had a singular impact on civil as well as religious discourse. Its most controversial issue, in November 1996, with essays on "The End of Democracy," cost it many supporters, and even occasioned a tem-

DAY #4 ON THE NR 2015 ALASKA SUMMER CRUISE

-Well, after four nights on the Westerdam, you wouldn't have known that Mary and I once thought we "weren't cruisers." Good thing Jane and Mike convinced us to *really* check out those NR magazine cruise ads we'd looked at for years. They always sounded like fun. So, since we'd always wanted to go to Alaska, we figured, let's do it. Did we ever make the *right* decision! This voyage is a BLAST--everything my pals said it would be, and more. Take the ship: It's beautiful. The cabins: beautiful. The food: delicious (on Sunday we dined at the Pinnacle Grill--the osso buco was off the charts). The public spaces: beautiful. We thought, let's *live*--how about a couples' massage? Wow! The Greehouse Spa was *great!* Make new friends? We've made a bunch, including some of the NR speakers. Find quiet places? There are plenty, so you can read, write, nap ... draw! When we embarked Mary handed me a pencil and this notebook and gave me *that* look. So yesterday I took it into Juneau, saw this totem pole, parked myself in front of it and began drawing for the first time in years. It felt wonderful: I think I've still got it!)



Steve- Don't forget to tell the kids...
-I sat with Michele Bachmann on the bus to the glacier tour, She was sooo nice!
-That Rich Lowry said he'd sign my Lincoln book!

-They were right ☺ the verandah's perfect
-Ask if they got the email with the photos from the cocktail party with Pete Hegseth
-** I tried the escargot! Loved it! **
Love you too xoxo
♥ Mary

MORNING PANEL

Every "panel" is an exclusive and intimate 2 1/2-hour session that kicks off with a fascinating one-on-one interview. This morning's began with Jay Nordlinger quizzing Pat Caddell about the intricacies of polling and how Democrats play political hardball. It was fascinating, and Jay's way of getting to the heart of any matter is a sight to see. After a break there was an hour-plus panel with Art Laffer, Stephen Moore, Kevin Hassett, and Ramesh Ponnuru--yep, *all* of them--analyzing the state of the economy. One was better than the other. And we watched it sitting next to Governor Sununu and his wife (we started chatting afterwards about New Hampshire and Mary's hometown, and made a lunch date for tomorrow with our new pals, "John" and "Nancy").

SCENIC CRUISING

We sailed Glacier Bay today, so after the panel we headed to the Promenade Deck to watch the glaciers "calving." Stunning. But that wasn't the half of it: a bunch ("It's a pod, you goof" Mary just said) of whales out a ways was jumping around--I can't *believe* I got a picture of it! All of it is staggering to this big-city boy. Next to us while all this was going on were Charlie Cooke and Kathryn Jean

Lopez--gosh we had a great talk about the 2016 elections, the EU, the Pope, and even roller coasters. Well, we ended up having lunch with them, and Reihan Salam joined us (the dude is smart!). You see the ads, you wonder, because we sure did--are these speakers really going to be on the cruise? Are Katie Pavlich and Jonah (got him to sign my Liberal Fascism the first night!) and Yuval Levin and Rich, Ramesh, Eliana and the rest going to be on the ship? Well, they are! And they're accessible, inviting, fun, friendly.

AFTERNOON PANEL

Where to start? Pete Hegseth, Michele Bachmann, and John Hillen made mincemeat of Obama's national security and defense policies. They were brilliant--what a unique chance this was to hear smart people. And that came after a kick-off interview of Andrew Klavan by John Miller. Drew's take on the culture and on liberals, progressives, and occupiers was funny and brilliant. I wish he had another hour to talk. That was just one of eight sessions happening this week. When it ended I turned to say something to Mary, and she had such a look of contentment. I don't think she ever looked so beautiful. This cruise really is proving to be what it claimed: a true once-in-a-lifetime experience.

EVENING COCKTAIL PARTY

Great event! Out by the pool hundreds of NR guests were enjoying each others' company. We met up with Jane and Mike, and then several people just like us (Red State vote, Blue State address) joined in, and before you knew it a dozen of us were talking about the direction the conservative movement is taking and shared our local-level experiences. Then Jim Geraghty and Naomi Riley joined us. That was cool. It only ended when the steward came chiming his bells letting us know it was time for dinner.

LATE-NIGHT "SMOKER"

Now this is the way to follow up a sumptuous meal: H. Upmann cigars and cognac on the back deck! James Lileks and Rich Lowry had a bunch of us in stitches with stories on covering some prominent politicians. What a way to end a phenomenal day. Tomorrow ... Sitka!

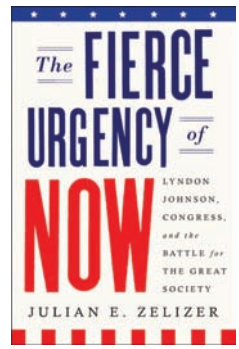
porary alienation between Neuhaus and his friend from early years Peter Berger; Neuhaus soon backtracked in nuance, but the wave the magazine caused showed how influential it had become. Even though his "proprietary presence" at *First Things* evidenced what Boyagoda calls "his penchant for expansive, at times excessive self-reference," his style could be delightful and artful, as he pointed the pen at miscreants such as the *National Catholic Reporter*, which he called, in one of his Mencken moments, "the foundering flagscow of the Catholic Left," and Frank Rich of the *New York Times*, whom he called a "toy Doberman."

One who was Zelig-like in his presence at significant events and among notables risked misperceiving scenes and people. Boyagoda spends several pages claiming that "what he regarded as direct collaborations with Martin Luther King Jr. . . . were minor for King if memorable to Neuhaus." Exaggerations of the relationship may have been "an understandable dramatic intensification in retrospect of his small but bona fide personal connection to one of the most significant figures in American history." The frequency of references to a close friendship with Dr. King, in their similarity and lack of detail, "suggest that the claim was overdetermined."

The writing of this fine book took five years, which were worth it; one is tempted to indulge cliché by calling it a page-turner. That is said with one qualification: The first 50 or so pages are devoted to an anesthetic account of Neuhaus's boyhood in Pembroke, Ontario, which could discourage a reader from slogging through to the next chapters. From what is said and not said, one could conclude that the author is a gentleman, and the same could be said of Father Neuhaus. His was not an easy life and it was made more difficult by the intensity with which he lived it. He had a gift for making friends, and a corollary ability to make foes, but the friends were the sort one should have, and the foes were the sort whose friendship would not be a compliment. This is a biography of an important life and if, in passing, there are indications that Father Neuhaus could be compelled by circumstance to belabor some very little things, he was always big about the big things, and he knew what are the first things of souls and society. **NR**

The LBJ Legacy

JOHN DANIEL DAVIDSON



The Fierce Urgency of Now: Lyndon Johnson, Congress, and the Battle for the Great Society, by Julian E. Zelizer (Penguin, 384 pp., $29.95)

Last year marked the 50th anniversary of the beginning of the Great Society—that burst of legislation under President Lyndon B. Johnson that ushered in civil rights and voting rights for black Americans, Medicare and Medicaid, and the War on Poverty and a host of other welfare programs. Although he is best remembered for his escalation of the Vietnam War, Johnson's Great Society is his more enduring legacy. It inserted the federal government into the lives of all Americans in new and permanent ways, changing the terms of our national debate about the proper role and scope of government.

That role is of course the subject of much debate today, and the half-century mark of the Great Society has therefore been accompanied by an effort on the Left to bolster LBJ's reputation as the father—at least one of them—of American progressivism and civil rights, especially as civil rights have increasingly come to be understood as government-conferred benefits. Commentators and historians have tended to emphasize Johnson's role in the Great Society more than that of the lawmakers in Congress who actually passed the bills, and for good reason: The Great Society was Johnson's agenda through and through. He considered himself to be following in the footsteps of his political hero, FDR, and fulfilling the promise of the New Deal for a new generation of Americans.

But for all that's been written about Johnson, not enough has been written about the other players and forces at work in the passage of the Great Society. This new book by Princeton historian Julian E. Zelizer challenges the conventional wisdom that the Great Society was primarily the work of one man. The key to its enactment was not the president himself or the popularity of liberalism, argues Zelizer, but "the specific changes between the summer of 1964 and the November elections that created unusually good conditions in Congress for passing domestic bills." The Great Society was the result of a convergence of factors that created an opening Johnson had the cunning and skill to exploit.

That's a fine thesis, as far as it goes, and Zelizer has written a thorough and engaging book. He carefully sets the legislative events in their proper context, showing, for example, how the 1965 march from Selma to Montgomery, which generated news footage of Alabama state troopers attacking peaceful protesters with nightsticks and electric cattle prods, placed pressure on lawmakers to act on voting rights.

But in recounting the social and political changes that made the Great Society possible, Zelizer perpetuates one of the great myths of modern American politics: that, beginning in the 1960s, Democrats became the party of civil rights and Republicans began a slow transformation into the party of obstruction and "white backlash." The conventional wisdom, according to this myth, holds that the rise of Richard Nixon and the eventual Republican capture of the South were made possible by racist southern Democrats' defecting after Johnson backed civil rights.

As tidy and intuitive as this tale must seem to contemporary liberals, it's a fantastical ruse. At the heart of Johnson's embrace of civil rights was not a sudden, urgent concern for the welfare of blacks, but the reorganization of the Democratic party. He understood, in ways few of his contemporaries did, that a grand political realignment of his party was necessary in a post-war, post–New Deal America. The rising suburban middle class in the

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South increasingly considered the GOP, not Democrats, the party that best represented its economic interests, and Johnson knew they would tend to vote Republican as their lot improved. Making an issue out of civil rights—and poverty, and education, and health insurance for the elderly—was a crucial part of Johnson's strategy to extend New Deal–style benefits to a broader constituency.

The problem for Johnson was that he introduced the Great Society at a time of unprecedented economic prosperity. In contrast to the New Deal, which was a response to an unprecedented economic crisis, the Great Society was sold as a normative measure, not an emergency one. Johnson declared the War on Poverty at a time when poverty had been in decline for decades and unemployment was less than 5 percent. Although he didn't put it in these terms, the idea behind the Great Society was to increase and spread government dependence.

This truth is hidden behind the conventional narrative about Republican racism. Of course racist southern Democrats opposed civil rights in the '60s, and of course there were also some racist Republicans. But Republicans who opposed the 1964 Civil Rights Act did so, generally, not for racial reasons but over concerns about the size and reach of the federal government into state, local, and private affairs. Republican opposition to the bill tended to be inspired by Senator Barry Goldwater's principled stance against federal overreach, not southern Democrats' beliefs about racial inequality. That Strom Thurmond joined the GOP after the bill passed should not impugn Republicans whose views had little in common with those of southern segregationists.

Zelizer has a chapter titled "How Barry Goldwater Built the Great Society," in which he argues that when the Republican party nominated Goldwater in 1964, it was "taking a stand against the expansion of the federal government that had been occurring since the 1930s." That's true, but Zelizer conflates this kind of conservatism with resistance to civil rights, which it manifestly was not. Goldwater's running mate, New York representative William E. Miller, was a co-author of the 1957 Civil Rights Act that Lyndon Johnson, then the Senate majority leader, had worked so hard to gut. Goldwater's vote against the 1964 bill may have been misguided, but it wasn't motivated by racism. Democrats, on the other hand, who opposed civil rights did so because they rejected racial equality on its face.

Although one would think it germane to the legislative history of civil rights, Zelizer glosses over previous attempts by Congress—during the Eisenhower administration—to pass civil-rights legislation. Johnson watered down the 1957 and 1960 civil-rights bills to placate southern congressmen while seeking recognition from civil-rights advocates for passing a bill. As Johnson put it himself: "These Negroes, they're getting pretty uppity these days, and that's a problem for us, since they've got something now they never had before: the political pull to back up their uppityness. Now we've got to do something about this—we've got to give them a little something, just enough to quiet them down, not enough to make a difference."

As Kevin Williamson has convincingly argued in these pages: "Supporting civil-rights reform was not a radical turnaround for congressional Republicans in 1964, but it was a radical turnaround for Johnson and the Democrats." Indeed, the GOP platform in 1964 called for "full implementation and faithful execution of the Civil Rights Act of 1964, and all other civil rights statutes, to assure equal rights and opportunities guaranteed by the Constitution to every citizen." It also demanded improvements to civil-rights laws to "end the denial, for whatever unlawful reason, of the right to vote," and expressed "continued opposition to discrimination based on race, creed, national origin or sex." As Zelizer's narrative unfolds, it becomes clear that almost every major bill in Johnson's Great Society was shepherded through the legislative process and ultimately passed by a bipartisan coalition of Democrats and Republicans. Neither the Civil Rights Act of 1964 nor the Voting Rights Act of 1965 would have been possible without the support of congressional Republicans. And yet Zelizer still manages to suggest a conflation of conservatism, racism, and Republicanism.

For the most part, Zelizer avoids the kind of blatant advocacy that can mar works of political history. Yet in his final pages he tips his hand and concludes that the Great Society "improved the lives of millions of citizens by creating a robust safety net, and it affirmed the principle that intervention by the federal government was a good way, perhaps the best way, to guarantee rights, to help the disadvantaged, and to improve the quality of life for all Americans." The remarkable history of the Great Society, we're told, shows how the skill of Johnson and his colleagues met with a unique historical moment and "broke the hold of conservatives" on Congress. Only by understanding how "forces of conservatism" were overwhelmed in Johnson's era, Zelizer writes, "will we ever have a chance of breaking the current gridlock in Washington."

It's a shame that this is Zelizer's takeaway. Gridlock in Washington is stronger now than ever—and some think that's a good thing, a final restraint on government. But the lessons of past bipartisan cooperation on issues such as civil rights and voting rights are distorted and lost, as they are to some extent in Zelizer's account, when they're grafted onto a flawed historical narrative about the modern Democratic party. You can't blame advocates of the Great Society for wanting better heroes, but a decent respect for the history of civil rights demands a more honest account than Zelizer has given. **NR**

Barry Goldwater's vote against the 1964 civil-rights bill may have been misguided, but it wasn't motivated by racism.

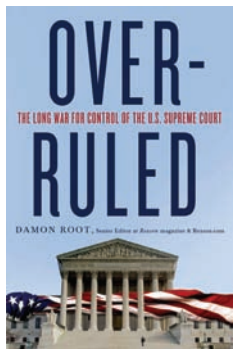
HAIKU

Deep in the forest
Smoke rising to the treetops
The arsonist laughs

—NAT BROWN

The Libertarian Constitution

CARSON HOLLOWAY



Overruled: The Long War for Control of the U.S. Supreme Court, by Damon Root (Palgrave Macmillan, 288 pp., $28)

In January, Senator Rand Paul (R., Ky.) caused a minor stir on the right by speaking in favor of "judicial activism." When legislatures do "bad things," he suggested, an "activist court" should overturn them. "Maybe," he mused, courts should begin not from a presumption of constitutionality but from a "presumption of liberty" when considering constitutional challenges to democratically enacted laws.

These remarks challenged the commonplace view that liberals are the proponents of judicial activism, egging courts on to invalidate the will of the majority in order to defend the rights of individuals, while conservatives are defenders of judicial restraint or judicial deference, upholding the authority of the majority to rule where it does not violate any clear constitutional provision. Key to the conservative position is the presumption of constitutionality, the idea that, out of deference to the majority's right of self-government in our democracy, the courts should place the burden of proof on those who challenge laws enacted by popularly elected legislatures.

Senator Paul's comments illustrate a third alternative now pressing for recognition; call it "libertarian constitutionalism." Unlike judicial conservatism, this approach does not emphasize the presumption of constitutionality and admonish courts to show deference to the will of the majority. It calls instead for judicial activism in defense of individual rights, but it distinguishes itself from judicial liberalism by emphasizing not only personal rights—such as sexual liberty—but also economic rights.

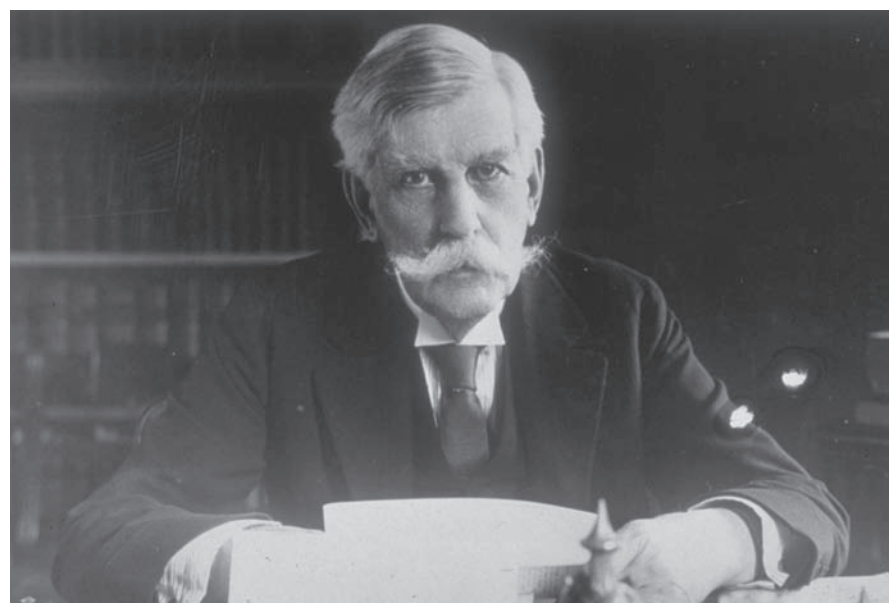
Reason magazine senior editor Damon Root's new book, *Overruled*, provides an informative and readable description, history, and defense of this libertarian constitutionalism. Root links this approach to the 19th-century champion of liberty of contract, Supreme Court justice Stephen Field. He also introduces the important figures in the modern libertarian legal movement and recounts their role in recent high-profile cases. In Root's telling, libertarian constitutionalism is here to stay and, he hopes, is on the rise.

The core of Root's argument is his critique of conservative judicial deference and his advocacy of rights-based judicial activism. According to Root, contemporary judicial conservatism is, embarrassingly enough, grounded in the progressivism of a century ago. The godfather of judicial restraint is Oliver Wendell Holmes Jr., who defended progressive-style interventions in the economy on the grounds that judges generally have an obligation to give effect to the will of the majority. On this account, the modern heroes of judicial conservatism—men such as Robert Bork and Antonin Scalia—are, paradoxically, following in the footsteps of the arch-progressive Holmes.

Faced with this critique and the proffered alternative, conservatives must decide whether to buy what the libertarian legal movement is selling. They should decline, for at least two reasons.

In the first place, judicial restraint is far older and more venerable than Root suggests. In tracing it to Holmes, Root ignores more than a century of American constitutional development. Holmes possessed a storied gift for the striking expression, but even he could not conjure the idea of judicial restraint out of thin air and impose it on his enchanted colleagues. He could appeal to this principle only because it was already deeply rooted in the traditional American understanding of the judicial power.

If Root had looked seriously at this earlier tradition, he would have found that John Marshall—the most consequential chief justice in the nation's history—was a proponent of judicial restraint. In *Fletcher v. Peck* (1810), Marshall held that judges should "seldom if ever" declare a law unconstitutional "in a doubtful case." In other words, when there are plausible arguments on both sides, courts should defer to the determinations of the lawmakers and uphold the law. Marshall's formulation certainly does not lend support to judicial activism of any kind, or to the idea that the constitutional judgments of courts should be informed by a "presumption of liberty" instead of the traditional presumption of constitutionality. Marshall, moreover,



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Oliver Wendell Holmes Jr.

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was speaking not only for himself but also for the Court's majority. This fact—and the fact that no one took issue with his admonition—suggests that his remark gives expression to the legal common sense of the founding generation.

In the second place, libertarian constitutionalism distorts not only the traditional understanding of the proper exercise of the judicial power, but also the Constitution itself. This problem appears in Root's summary of the clash on the right over *Lawrence v. Texas* (2003), in which the Supreme Court invalidated a Texas law forbidding homosexual conduct. Says Root: "It was the libertarian-conservative debate in a nutshell. Does the majority have the right to rule in wide areas of life simply because it is the majority? Or does individual liberty come first, a fact that requires the government to provide the courts with a legitimate health or safety rationale in support of every contested regulation?"

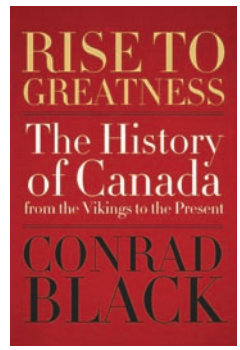
According to Root's libertarian alternative, the Constitution forbids morals legislation. This view, as Justice Scalia pointed out in his *Lawrence* dissent, would void state laws that are as old as, or rather older than, the country itself. It would treat prostitution and polygamy as constitutionally protected activities, since the laws prohibiting them rest not primarily on health or safety concerns but on the moral judgment of the majority.

Libertarian constitutionalism, then, does not really keep faith with the Constitution as the Founders understood it. No one can pretend with a straight face that those who framed and ratified the original Constitution and the Fourteenth Amendment—the generations of 1787 and 1868—intended to strip the majority of its authority to legislate with a view to moral ends, or to require all laws to meet a utilitarian test of their contribution to public health and safety.

Conservatism in general is an effort to preserve an inheritance. In the American context this must mean an effort to preserve intact the basic principles of the American founding. Libertarian constitutionalism, however, departs radically from those principles both in how it understands the role of judges and in how it understands the Constitution. The libertarian Constitution is not the American Constitution, and the allegiance of American conservatives must be to the latter and not the former. **NR**

The Epic of Canada

ANDREW ROBERTS



Rise to Greatness: The History of Canada from the Vikings to the Present, by Conrad Black (McClelland & Stewart, 1,120 pp., $50)

All too often Americans have taken Canada for granted—"Our Giant Neighbor to the North" has been voted the magazine headline most likely to make them turn the page—while Britons sometimes also dismiss Canadians as "our colonial cousins" with barely any more respect. Now here comes a book that proves that, for centuries, Canada has been subtly playing the Americans and the British off against each other, and in doing so has created one of the best countries in the world in which to live. It hasn't been its sheer size that has saved Canada from the domination of its neighbor or of what it used to call its "Mother Country" (Britain), or even of France, but instead centuries of immensely impressive statesmanship.

"In order even to be conceived," argues the author, Conrad Black, "Canada had to be, first, French so as not to be easily assimilated by the American colonists and revolutionaries, and then British, to have a protector to avoid being subsumed later into the great American project." After that, it needed to wrest autonomy from Britain while continuing to be protected from the United States, which it managed by 1867, yet all the while "it had to be resistant, but not offensive, to the inexorably rising power of America."

An enormous, underpopulated, and thus militarily weak country, Canada needed great diplomacy, especially as one-third of its people were ethnically French and thus culturally alienated from the British Crown. "It has been a protracted and intricate, unheroic, but often almost artistic survival process," says Black. "Canada was never threatened with a tragic or pitiable fate but has faced a constant threat to its will to nationality for more than two centuries."

Black, a Canadian citizen who has been a businessman in America and is a British peer of the realm, argues that Canada might well have suffered a tragic fate if she had lost the War of 1812, or if the British had made the cardinal error of entering the American Civil War on the side of the Confederacy, after which nothing could have saved Canada from being captured by the victorious, million-man veteran Union army. Black covers the outbreak of the first of these conflicts with admirable fair-mindedness. "The War of 1812 was a response by the Americans to Britain's high-handed exercise of her control over the world's oceans," he writes. "The unsubtle British and Canadian assistance to [the Indian chief] Tecumseh and his coalition in 1811 had naturally rankled with the Americans, and there were incidences of Indian raids from Canada into the United States that the Americans could hardly have been expected to tolerate in silence." It was in response to the Union victory in 1865 that, two years later, Canada formed itself into the world's first transcontinental, bilingual parliamentary confederation.

Starting this history as far back as the Vikings is a slight conceit—over 700 years are covered in 16 pages—and the book really begins with Samuel de Champlain's extraordinary voyages of exploration and conquest in the early 17th century, but Black is robustly politically incorrect when dealing with the issue of the native Canadians in the late 15th century. When the Europeans came to settle Canada, he states, there were probably about 200,000 native Indians living there, mostly nomadic. Their tribes tortured one another, including women, in endless wars that make pre-European Canada sound like a Hobbesian nightmare. "It was an interesting sociological

Mr. Roberts is the author, most recently, of Napoleon: A Life.

William Lyon Mackenzie King

WILLIAM C. SHROUT/THE LIFE PICTURE COLLECTION/GETTY

divertissement for arriving Europeans," Black writes, "but not an attractive life, and problems were compounded by an Indian tendency to define a treaty or pledge in temporary and flexible terms, subject to change according to circumstances. This was a legitimate cultural difference, but it led to great animosity, as the Europeans accused the natives of treachery and were accused in return of hypocritical sanctimony. Both charges were often accurate." Black had best prepare himself for a howl of outrage from the (admittedly now discredited) school of history that sees white settlers as the Original Sinners who destroyed the Eden-like idyll of the native peoples.

An attractive feature of Black's writing—and although this book is long, it bowls the reader along like an adventure story—is his ability to sum up the essence of major historical figures in a sentence or two. Thus Andrew Jackson was "a drummer boy in the Revolutionary War and veteran of successful operations against the southern Indians. He was a violent man who had survived much personal combat and many duels, and he was a fierce and Anglophobic nationalist." This talent for summation particularly comes in useful for some of the more obscure 19th-century Canadian politicians. This book never bores.

Canada was almost half French at the start of the American Revolution, but even by then the English had the whip hand there. French Canadians still refer to General James Wolfe's seizure of Canada during the Seven Years' War as "the Conquest," and it is clear that Black finds tiresome "the fickle mood swings of Quebec" in the modern era. He writes of the way the Quebecois' "non-French compatriots discreetly pick up the bill while the official Quebec apparat gambols in the trappings of subsidized nationhood." That said, he rightly lauds the "genius" of Canadian politicians over the centuries who have managed to keep a lid on the Quebec issue and prevented it from tearing the country in two.

"For 150 years," Black writes, "Canada's lot was the honorable but unglamorous one of tugging at the trouser leg of the British and Americans and even, in its most unpromising circumstances, of the French, trying to navigate between the ambitions and aversions of those countries, aligning now with one and now another, but almost never against any of them, while avoiding the extreme inflammation of Quebec nationalism." When the achievement is phrased in this way, the word "genius" is clearly valid.

As one might expect from the best biographer of Franklin Roosevelt, Richard Nixon, and the Quebec premier Maurice Duplessis, the 20th century looms large in Black's narrative. In the Great War, the Canadian Expeditionary Force numbered 425,000 men in Europe and won the important battle of Vimy Ridge in April 1917. In World War II, this nation of only 11.5 million saw over 1 million people volunteer for active service, an astonishing proportion of the population. It also produced $4 billion for the U.K. in Lend-Lease and ended the war with the world's fourth largest navy. In the immediate aftermath of the retreat from Dunkirk in 1940, two Canadian divisions were the only thing standing between the British beaches in southern England—where the Germans were hoping to invade—and London. Although Black calls Canada's diplomacy "unheroic," he makes it clear that its war record was anything but.

In a chapter titled "King and the Art of Cunning Caution," Black tells the story of William Lyon Mackenzie King, for 29 years leader of the Liberal party and Canada's prime minister during World War II. A spiritualist, King communicated with ghosts in a room adjacent to the one in which he received Winston Churchill, Dwight Eisenhower, King George VI, and Presidents Truman and Roosevelt. He also got on well with Charles de Gaulle even though (or perhaps because) neither spoke the other's language.

Black goes into the whole story of Canada's wars—two of the most important Allied conferences were held in Quebec in 1943 and 1944—with the élan of a writer at the top of his game, covering his subject with a staggering degree of erudition while not expecting too much knowledge from his non-Canadian readership. The narrative positively sparkles with ironic witticisms and aperçus that make this book as much a work of literature as of history.

Describing Canadian statesmanship as displaying "half feline precision, half the plucky earnestness of the eagle scout," Black argues that the present decade of American retreat provides Canada with a unique opportunity to shine. "Canada's hour, not of celebrity, much less of dominance, but of confidence and world significance, has struck," he argues persuasively, "whether Canadians . . . yet hear the peal of the summons or not." If, after this splendid book, they don't, the fault certainly can't be laid at the door of Conrad Black. **NR**

Film

Agnostic About Gnostics

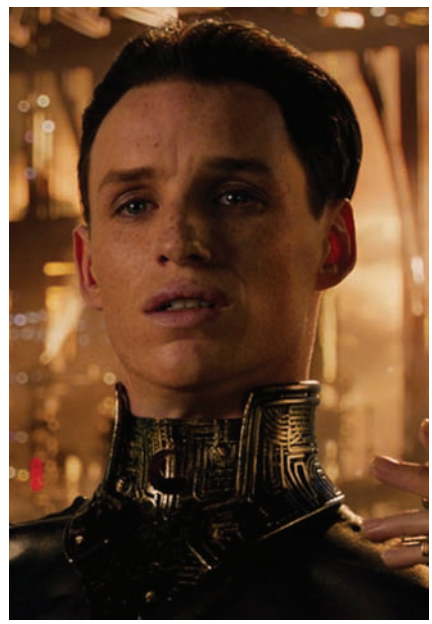
ROSS DOUTHAT

In certain ways, the Wachowski siblings—formerly the Wachowski brothers, before the elder's sex-change operation—resemble George Lucas and Peter Jackson, in the sense of being creators who were responsible for a signal work of pop fantasy, but whose subsequent filmmaking seems designed to poison our enjoyment of the thing that made them famous in the first place. With *The Matrix*, now more than 15 years old, the then-*frères* created an unsettling techno-gnostic fable encased in an action-movie shell, used their actors and special-effect innovations perfectly (and no, I'm not sure which category Keanu fell into), and deserved all the praise and box office that came pouring in. Since then, like Jackson with the never-ending *Hobbit* trilogy and Lucas with the *Star Wars* prequels and the Indiana Jones Sequel That Must Not Be Named, they've made a succession of bloated, self-indulgent epics that don't even come within hailing distance of the standard they set.

And the Wachowskis, unlike Jackson and Lucas, have—while torching their own legacy—also been losing almost-unimaginable amounts of money. Their two *Matrix* sequels at least justified the investment, however artistically disappointing the results, but since then they have lost tens of millions of dollars, first on *Speed Racer* and then on *Cloud Atlas*—and now, depending on overseas grosses and promotion costs, they could lose the magic hundred million on the critically savaged *Jupiter Ascending*.

But I come to praise, a little, rather than to just bury the siblings' strange one-hit career. (I'll leave the official last rites to the accountants at Warner Brothers.) No, *Jupiter* isn't secretly a good movie; no sane moviegoer would call any of the Wachowskis' recent films "good." But neither is it just an empty spectacle or a franchise spinoff or a *Hobbit*-style milking of an exhausted cash cow. The siblings stopped making sequels a decade ago, and they're clearly determined, amid all the spectacle, to remain filmmakers of ideas.

And it must be said that the big ideas themselves, as in the original *Matrix* (a blockbuster that launched a thousand philosophy papers), are actually moderately interesting. The first is the aforementioned gnosticism: The Wachowskis are fascinated with the idea of malign subdeities creating invisible prisons, whether it's the machines who built and preside over the Matrix, the South Korean cloners who feature in one of the intertwining stories in *Cloud Atlas*, or now the starfaring elites of *Jupiter Ascending*, who treat entire planets as their factory farms, harvesting the population's precious genetic material in order to keep themselves forever young.



Eddie Redmayne as Balem Abrasax

The second idea is what Sonny Bunch of the *Washington Free Beacon*, in an essay on the Wachowskis, calls their obsession with "the mutability of man." In *Cloud Atlas*, they depicted the transmigration of souls by having the same actors play different parts (often to absurd effect) across lines of time and race and gender. In *The Matrix*, they gave us a vision of reincarnation and recurrence, of digital life as a space where adepts can transcend the limits of the flesh. The interplanetary world of *Jupiter* is filled with clones and hybrids and experiments—human-wolf hybrids, talking lizards, a girl with what look like giant mouse ears—and its plot is set in motion by another transmigration or a recurrence: Our heroine, Jupiter Jones (Mila Kunis), is an illegal-immigrant housecleaner in Chicago who turns out to be genetically identical to a galactic royal from House Abrasax, which means (among other things) that she literally owns Planet Earth.

As a story, *Jupiter* can be enjoyed only if you tune out everything involving Kunis and her love interest, a soldier played limply by the usually more charismatic Channing Tatum (the canine make-up he's been caked with doesn't help), let your eyes glaze over during the action sequences, and just focus on the bad guys from Clan Abrasax: Balem (Eddie Redmayne, elsewhere Oscar-nominated for playing Stephen Hawking), Kalique (Tuppence Middleton), and Titus (Douglas Booth), all of them conniving against one another, plotting against their newly discovered relative, and masticating scenery that's best described as high interstellar baroque.

That focus will deliver you a silly space-opera experience that falls somewhere below *The Fifth Element* and above *The Chronicles of Riddick* on the spectrum of sci-fi you might enjoy reliving while channel-surfing on a lazy Saturday. It will also, knowing what we know about the Wachowskis, give you an interesting sense of the tensions in their transhumanist vision.

Balem and Co. are obviously gnostic villains (Abrasax = Abraxas, an archon from the gnostic pantheon), sneering down at hapless earthlings from their garish space yachts and, like other Wachowski bad guys, lecturing the proles about the importance of pyramidal hierarchies. But they're also the fulfillment of precisely the process of liberation-without-end that the Wachowski vision tends to celebrate and embrace: They're true escapees from the bonds of flesh, human beings living beyond all limits, creatures recreating themselves whenever they see fit. They're the Matrix's Agent Smith, yes—but they're also Neo, at the end of his flesh-transcending journey, and not necessarily transformed for the better.

It's clear from all their films (and from their very lives) that the Wachowskis are eager pilgrims on that journey. But, in the face and fate of Balem Abrasax, you'll see a hint that they're not entirely sure they'll like what's waiting at the end. **NR**

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Happy Warrior

BY DANIEL FOSTER

The Darwinian Tradition

I've always been interested in the application of Darwinian and ersatz-Darwinian thinking to areas outside biology proper, and back when I was merely a *future* grad-school dropout, I spent a goodly amount of time reading about Darwinian assumptions in cognitive psychology, politics, ethics, and the like. So while I'm not a scientist, I know a little bit about the theory of natural selection.

That's why, during the Left's pile-on over Scott Walker's unartful dodging of a recent question on evolution, I couldn't help screwing with the blogger Charles F. Johnson, who'd tweeted, "Yeah, who cares about evolution? It's just the basis for all of modern biology & medicine. A stunningly ignorant article," in response to Brother Kevin Williamson's argument that "nobody really cares what Scott Walker thinks about Darwin."

Johnson's claim here is supposed to signal his membership in the smart tribe, in what we've come to identify round these parts as the "I f***ing love science" set. But, as I pointed out to Johnson and our several thousand interlocutors, his comment was actually very silly.

Speciation (sometimes called macroevolution) is the piece of the Darwinian synthesis that most scandalizes a certain subset of believers in the Abrahamic faiths, but it is almost completely irrelevant to the practices of working biologists save for—you guessed it—evolutionary biologists. Much less is it the "basis" for, say, modern podiatry or urology. Indeed, one can think of precious few instances in which any matter of medical import would turn on whether *Homo habilis* was really an australopith.

Johnson, like so many others ritualistically affirming their "belief" in "evolution," seems to have conflated the latter with the formless blob of secular commitments that passes for "science" in his circles. Most relevantly, he seems to have conflated evolution with *genetics*, which does play a central role in biological and medical practice, and which few of any faith question.

In the end I agree with the cognitive scientist Jerry Fodor, who points out that Darwin's theory is basically natural history plus statistics—that it's true, it's just much less interesting than everybody seems to think. But more interesting, to me, than the question of what we should "believe" about "evolution" is the question of what counts as a legitimate basis for that belief.

See, I had some fun snarking at Johnson for being out over his skis on Darwin, but maybe what was really called for was a little humility of my own.

Let me explain. Folks on the right have been hammering home the point that scientism is the secular religion of the Left. But that reveals just as much about religion as it does about secularism, does it not? Because the average Charles F. Johnson stands in precisely the same relation to the body of knowledge that is "science" as the average lousy Catholic (to use myself as an example) stands in relation to the body of knowledge that is his faith. As with the believer Johnson takes to be the enemy of science, his understanding is highly limited by time and by will, attenuated by misremembered facts and figures or shoddy schooling, and mediated by a number of experts whose word he accepts, more or less, on pure authority.

Critically, *none* of this is a reason for the crappy Catholic to stop believing—or for Johnson to. The sociologist Gabriel Rossman, responding to the Walker fracas, made this point ably:

> Specifically because I am a conservative, I believe in deference to legitimate authority and the limitations of human reason. One particular manifestation of this is that I think we should embrace scientific orthodoxy even when we don't personally understand it. To jump on people for demanding affirmation of science but without being able to distinguish allopatric from sympatric speciation makes about as much sense, and for similar reasons, as jumping on people for affirming belief in democracy without being able to explain the Arrow impossibility theorem or the median voter theorem, or for calling themselves Christians but without being able to explain "consubstantiality" (or for that matter, for being excited about just having just learned [*sic*] the word "eschatology" . . .). It's a good thing when people embrace the consensus of legitimate experts. When people start thinking things through for themselves and bullying those who naively accept orthodoxy this is when you get anti-vaxxers, truthers, religious heresy, etc.

Though he's raining hard on my parade, Rossman is of course correct. There's a rich conservative intellectual tradition, reaching from Plato to Burke and beyond, the upshot of which is that we can't always count on every man's having carefully reasoned his way to the truth—that the best we can hope for, in most cases, is that he has been instilled with the correct prejudices.

I'd add only that the word "legitimate" is doing most of the heavy lifting behind "authority" in Rossman's formulation. In Sunni Islam, for instance, the *ulema*, or clerical elite, are supposed to govern the faith, interpreting the Koran and the sayings of the Prophet and instructing believers. But their authority is not universally recognized, as any of the several Yazidis who survived Mt. Sinjar might be able to tell you.

I'd also add that another of conservatism's central insights—that speed kills—gives us reason to favor authorities of the eschaton over those of the immanent. The prejudices instilled by religion (or democracy, for that matter) are, if not eternal, at least geologic in their mutability. The prejudices of science—or "science"—are blink-and-you-missed-it fads in comparison. To give just one example, one of the things I learned as a future grad-school dropout is that it wasn't too long ago that evolution was, to paraphrase Charles F. Johnson, just the basis for all of modern eugenics. NR

Mr. Foster is a political consultant and a former news editor of National Review Online.

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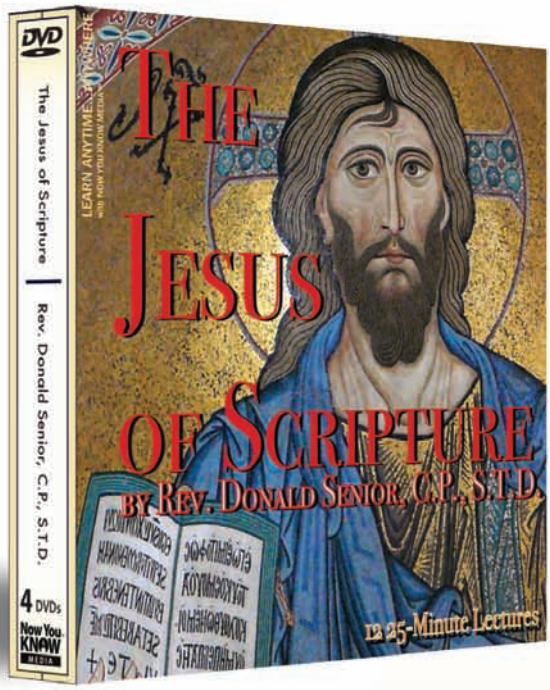

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