

CLAIRE BERLINSKI:
Belgium, Cradle of Terror

KEVIN D. WILLIAMSON:
The Lemonade Menace

VICTOR DAVIS HANSON:
Art and the Free Man

NATIONAL REVIEW

A detailed oil painting of Ted Cruz, showing him from the chest up. He is wearing a dark suit, a white shirt, and a red and white striped tie. He has a serious expression and is gesturing with his right hand, pointing his index finger upwards. The background is a soft, light blue.

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underestimated
but shrewd and
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Contents

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ON THE COVER Page 26

The Underestimated Mr. Cruz

If not for Ted Cruz, Donald Trump would inevitably be the 2016 presidential nominee. Yet he's a weak front-runner, having lost about a dozen contests to Cruz prior to the Wisconsin primary. The GOP is finally, at long last, taking its Trump problem seriously, and its ability to thwart his bid for the nomination is wholly contingent on Cruz's ongoing success. *Erica Grieder*



COVER: THOMAS REIS

ARTICLES

16 THEIR GEORGE WALLACE—AND OURS *by Richard Lowry*
Donald Trump channels the lurid voice of American populism.

19 TRUMP'S COUNTERFEIT MASCULINITY *by David French*
It reinforces every feminist stereotype.

20 LABOR DODGES A BULLET *by Daniel DiSalvo*
The Supreme Court has spared public-sector unions from right-to-work laws, barely.

21 A VOICE OF AMERICA *by Jay Nordlinger*
Myroslava Gongadze and the importance of the VOA.

23 THE LEMONADE MENACE *by Kevin D. Williamson*
Armed agents of the state protect us from children everywhere.

FEATURES

26 THE UNDERESTIMATED MR. CRUZ *by Erica Grieder*
In the Texas senator, the GOP has an ideal candidate to stop Donald Trump.

28 NOURISHING THE VIPER *by Claire Berlinski*
Belgium's tolerance of terrorists is Europe's loss and Russia's gain.

32 GRIM REAPER, M.D. *by Douglas Murray*
The Low Countries slide down the euthanasia slippery slope.



Douglas Murray on euthanasia
p. 32

BOOKS, ARTS & MANNERS

36 LEVIATHAN RISING
Mario Loyola reviews Liberty's Nemesis: The Unchecked Expansion of the State, edited by Dean Reuter and John Yoo.

38 ART AND THE FREE MAN
Victor Davis Hanson reviews David's Sling: A History of Democracy in Ten Works of Art, by Victoria C. Gardner Coates.

42 THE STRAIGHT DOPE
Fred Schwarz reviews The War on Alcohol: Prohibition and the Rise of the American State, by Lisa McGirr.

45 MISREADING PROSPERITY
Amity Shlaes reviews The Great Exception: The New Deal and the Limits of American Politics, by Jefferson Cowie.

47 FILM: ANGELIC FLESHPOTS
Ross Douthat reviews Knight of Cups.

SECTIONS

- 2 Letters to the Editor
- 4 The Week
- 34 The Long View Rob Long
- 35 Athwart James Lileks
- 45 Poetry Daniel Mark Epstein
- 48 Happy Warrior Jonab Goldberg

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Why Banks Hate Bucks

In his piece "The Abolition of Cash" (April 11), Andrew Stuttaford left out the "drag" on the economy imposed by the "cut" that the banks and processing houses take on each transaction we make with a credit card. This cut has to be passed on by the merchant to recover the discount cost, which raises prices across the board for all goods and services. With cash there is no cut for the banks to take; in fact, cash actually causes them to incur increased costs because they have to physically handle it while getting no fee for doing so. While credit cards are convenient, using them is not "free," as people think it is, even if one pays the balance off each month and gets "no annual fee" cards. Overall, the banking system is more profitable the less cash there is in circulation.

L. Schworer
Via e-mail

ANDREW STUTTAFFORD RESPONDS: Our editors, a tough crew, allowed me only limited space: I couldn't include everything! But you make a good point. The increases that vendors make to prices to reflect credit-card transaction fees are, as you say, "across the board." Customers pay these higher prices whether they use credit cards or not, something that may add a "regressive" effect to the equation (poor people tend to use cash more as a proportion of their spending). At the same time, the profits that banks make from their credit-card businesses can (to oversimplify) be used to subsidize "free" banking services, boost lending into the economy, or return more money to their shareholders by way of dividend. Calculating the net effect on the economy with any precision is not straightforward. More generally, you are also right to suggest that cash-based business is less profitable for banks than its electronic equivalent, whether through credit card or otherwise. Cash handling and storage is expensive, and it's difficult to attach a fee to it. In Sweden, the banking market is dominated by a few large players: It's no coincidence that they have played a major part in that country's retreat from cash.

Doing Justice to the Justice

Your symposium on Antonin Scalia (March 14) offered me deeper insights into this unique and noble man. I found myself laughing, crying, mourning, and reflecting. If our politicians had just a portion of Justice Scalia's mind and character, our country would be much better led and served. Your magazine provided me with some perspectives that I did not find elsewhere, reminding me again why I look forward to each edition. Thank you.

R. J. Young
Inverness, Ill.

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The Week

■ Lindsey Graham has proven he's willing to do just about anything to stop serving in the Senate alongside Ted Cruz.

■ Could Paul Ryan emerge from the Republican convention with the presidential nomination? He has said that he is not interested, and that the nominee should be someone who ran the whole race. These comments are being taken to amount to less than a definitive no. We have been behind Ryan his entire career. But with the caveat that it has been a wild year in politics, a surprise Ryan nomination looks very unlikely. This scenario assumes, plausibly, that no candidate starts the convention with a majority of delegates. If Trump has a plurality, the delegates will have good reasons to withhold the nomination anyway: He is unfit for office, and there is strong evidence that he would lose badly and pull down other Republican candidates with him. But there will be another candidate with a lot of delegates and to whom neither objection applies. In an open convention, the delegates should pick an honorable, capable conservative who has—as Ryan said—campaigns for the job. That's Ted Cruz.

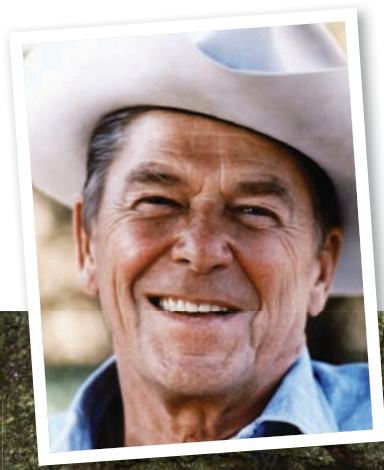
■ Donald Trump used to describe himself as “very pro-choice.” Running as a pro-lifer is not coming naturally to him. He told one interviewer that women who seek an abortion when it is illegal should be punished—contrary to what the vast majority of pro-lifers want, and to the pre-*Roe v. Wade* American practice. His campaign then backtracked for him. He told another interviewer that the abortion laws should be left unchanged. A spokesman said that he had meant that they would be unchanged until he became president. Pro-lifers have rightly accepted converts to the cause as their allies, but those converts have had to demonstrate that they have given that cause at least five minutes of thought. That Trump has no interest in doing any such thing is a clear message that comes through all his muddle.

■ Trump's version of *The Federalist: 2016* now includes a drive-by hit on Heidi Cruz, Ted Cruz's wife. It began with an ad by an anti-Trump PAC on the eve of the Utah caucuses, showing a racy shot of Melania Trump from her modeling days, labeled “Your Next First Lady.” This was gutter snark. How did our would-be first gentleman respond? By tweeting, “Be careful, Lyin’ Ted, or I will spill the beans on your wife!” Trump added a retweet from one of his followers, which paired an unflattering snap of Mrs. Cruz with a glamour shot of Mrs. Trump over the line “The images are worth a thousand words.” Ted Cruz denied any connection with the anti-Trump PAC and its handiwork—believably so, since to have colluded with it would be a federal offense. Donald Trump has no need for surrogates to do his dirty work for him, since he revels in doing it himself. Feminists dementedly applied the word “pig” to an entire sex, and yet there are pigs among men. Donald Trump has made the race his sty.



■ Trump campaign manager Corey Lewandowski was charged with simple battery against former *Breitbart* reporter Michelle Fields. To anyone with even one operational eyeball, Fields's claim—that Lewandowski yanked her by the arm when she tried to ask Trump a question as he headed for the exit after a March 8 press conference—was never much in dispute. *Washington Post* reporter Ben Terris, who was standing beside Fields at the time of the alleged incident, corroborated her story; she tweeted pictures of the bruises on her arm; there was audio; there was video; and the Jupiter, Fla., police department released security-camera footage that clearly shows Lewandowski grabbing Fields. Over the next 24 hours, Trump accused Fields of changing her story, mused that *she* had grabbed *him*, insinuated that Fields's boyfriend was responsible for her bruises, and suggested that perhaps Fields's pen was “a little bomb” and that Lewandowski had been protecting him from a perceived threat. The lengths to which some people will go to avoid saying “Sorry.”

■ Trump won Louisiana by four points but is likely to walk away from the state with ten fewer delegates than Ted Cruz and no Louisiana supporters on three key convention committees. So he took to Twitter to call the result “unfair” and warn: “Lawsuit coming.” The explanation, predictably, is not nefarious. Marco Rubio's five delegates, now that their candidate has suspended his campaign, are likely to support Cruz, as are Louisiana's five



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unbound delegates. And the committee delegates were not chosen at a “secret meeting,” as Trump adviser Barry Bennett alleged on MSNBC, but at the state’s March 12 convention—in a meeting that Trump’s two Louisiana co-chairmen attended. Apparently, the legendary dealmaker doesn’t read the fine print.

■ Asked the top three functions of the federal government on a CNN broadcast, Trump volunteered security, health care, and education. He also suggested “housing, providing great neighborhoods.” After Anderson Cooper reminded him that he has said that he wants states to handle education, Trump agreed. He attempted to smooth over the apparent contradiction by saying that “we have to have education within the country.” The federal government, he added, should “lead” health care “but it should be privately done.” Every day, the man is making traditional politicians look better.

■ It looks like Bernie Sanders will fight to the last collegian. An early-spring sweep of Alaska, Hawaii, Washington, and Wisconsin gave his supporters a thrill of victory. An only-on-the-left dispute with Hillary Clinton about taking money from the fossil-fuel industry left her distinctly crabby, scolding a Greenpeace activist who was questioning her about it (though she managed not to grab her by the arm). Sanders girds for a showdown in New York, where even Bill de Blasio has lined up with Clinton, but where radicals of all stripes proliferate—just ask Bernie, he grew up there. Sanders has money from the contributions of adoring fans; as a socialist who has merely caucused with Democrats over a 25-year congressional career, he has no institutional commitment to party peace or unity. He can be a left-wing Ron Paul—old, principled, crazy—and he has every incentive to run the game out to the bitter end.

■ “The unborn person doesn’t have constitutional rights” under current law, said Hillary Clinton. That legal regime is consistent, she added, with doing “everything we possibly can, in the vast majority of instances to, you know, help a mother who is carrying a child and wants to make sure that child will be healthy.” And she said that she favors the right to abortion that “we’ve had enshrined under our Constitution.” She muffed the description of the Court’s jurisprudence, which no longer has anything to do with trimesters, but otherwise her language was extremely accurate. We’ve had abortion enshrined—we didn’t do it ourselves, as a people, through a constitutional amendment. Current law does not recognize rights for “unborn persons” or “children,” which is what they are. We’ll help mothers who want to make sure their children are healthy. And she’ll help those who want to make sure their children are dead.

■ Hillary Clinton has gotten a good deal of political mileage out of her observation that the nation’s top 25 hedge-fund managers earn more money than all of the kindergarten teachers combined. Estimates vary on whether that is in fact true, but it probably isn’t far from true, as Mrs. Clinton’s son-in-law, a hedge-fund manager, could attest. The top 25 hedgies took in \$11.6 billion in 2014, down substantially from \$21.2 billion in 2013. (It is the nature of such enterprises that compensation varies greatly from year to year; these are not *salaried* workers.) Hedge-fund managers make a tremendous

lot of money, and kindergarten teachers make less. What the one has to do with the other is known only to the goblins in Mrs. Clinton’s head: We have it on good authority that Floyd Mayweather and Cristiano Ronaldo make a good deal more in professional sports than they would waiting tables at Denny’s, and Mrs. Clinton, who in the political off-season earns \$8,000 a minute flattering the gentlemen at Goldman Sachs, hath not a lean and hungry look. It may be that hedge-fund executives are overpaid; if so, that is a problem for their clients and the compensation committees of their firms. There is a fairly compelling argument that many public-school teachers are overpaid, too, which is a problem for taxpayers. One of these considerations is a proper political question, and one of them is not.

■ Despite what was said to be an intense, months-long, continent-wide manhunt, Salah Abdeslam, suspected of coordinating November’s jihadist attacks in Paris, was captured only a few paces from his home in Molenbeek, a Muslim neighborhood in Brussels. Four days later, members of the same cell bombed the airport and a major train station in Brussels, killing 32 and wounding over 300. While President Obama was in the aftermath doing “the wave” with a Communist dictator at a baseball game in Cuba, GOP presidential hopeful Ted Cruz stressed the need to “empower law enforcement to patrol and secure Muslim neighborhoods before they become radicalized.” He was duly accused of “Islamophobia.” But he was clearly calling for increased surveillance of communities known to harbor sympathy for radical Islam. He thus reaffirmed the intelligence-based counterterrorism approach employed by American law enforcement after the 9/11 attacks. That strategy recognized that in a number of Muslim neighborhoods, mosques and community centers are hubs of radical activity, including recruitment, fundraising, and paramilitary training. It is not a perfect strategy, but it beats pretending not to know what we know.

■ The FBI sought Apple’s assistance in cracking the iPhone of one of the dead San Bernardino terrorists, and the tech giant refused on spurious privacy grounds (dead terrorists don’t have privacy rights, and unlocking this one phone wouldn’t have endangered the security of all others). Now the FBI has, with the help of an unnamed third party, found a way into the phone anyway, and Apple is demanding the bureau disclose how it managed it. We don’t know if they use the word “chutzpah” much out in Cupertino, but the government shouldn’t be obliged to help Apple figure out how to foil its next terrorist investigation.

■ Georgia governor Nathan Deal (R.) knuckled under to pressure from socially liberal businessmen and vetoed a bill that would have prevented churches from being forced to rent their facilities for purposes to which they object—read: same-sex weddings—and provided some protection for religious institutions, nonprofits, and businesses whose executives find their consciences in conflict with demands being made of them. The Georgia legislature passed the bill in response to a specific set of problems, as liberal activists around the country identify nonconformist bakers, wedding planners, and flower arrangers, targeting them for prosecution under civil-rights laws when they decline to participate in the celebration of same-sex unions. Based on the religious-liberty debate so far, finding a

Do you wonder why this universe exists with just one planet inhabited by human beings?



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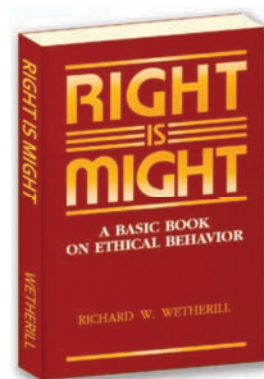
A grave mistake being made by earth's inhabitants is that the planet should be governed by them with their behavioral laws.

The reality is that there are other natural laws already governing everybody, everywhere. Those laws are known as the Laws of Physics. This Essay presents information of the creator's natural law of behavior.

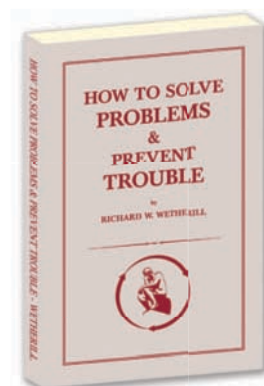
Decades ago Richard Wetherill identified a created natural law of behavior and named it the *Law of Right Action*. *This law requires mankind's behavior to be rational, honest and morally right*. But since earth's multitudes behave as they choose, the human race has been suffering from unresolved, troublesome problems that, sooner or later, cause people to die.

Readers who recognize the tremendous importance of this created Law of Right Action will want to obey it, as they now obey the creator's other natural laws known as the Laws of Physics.

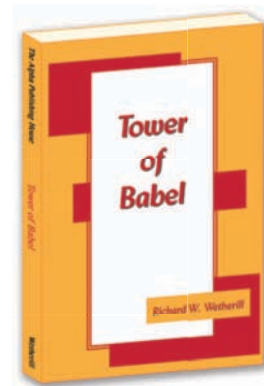
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gay-friendly wedding planner is considerably easier than finding a Republican governor with backbone.

■ In March, America's public-sector unions were greatly relieved after the Supreme Court deadlocked 4–4 on the question of whether mandatory “agency fees” were constitutional. Until Antonin Scalia's death in February, it had been broadly assumed

that the challengers in the case would prevail. But it was not to be. Without a ninth vote to break the tie, the justices were unable to render a clear verdict, and, in the absence of such, the lower court's ruling was affirmed. The teachers who brought the case had argued that, by forcing them to subsidize an organization that negotiated on their behalf, the dozens of state governments that mandate the paying of dues were undermining their First

LIBERAL MEDIA ♥ TRUMP

ONE oft-repeated explanation of Trump's ascendancy is that left-leaning media outlets have given a disproportionate amount of attention to Trump rather than to the other GOP primary candidates and that this coverage has in turn helped him at the polls.

There are many possible reasons some media outlets have given more coverage to Trump than to his rivals. They might have perceived Trump as more newsworthy, for instance, or thought that covering him more would boost their ratings. Another explanation, however, is that left-leaning outlets disproportionately covered Trump because he embodies what my AEI colleague Marc Thiessen terms the “liberal caricature of conservatism.”

Looking for insight into this question, my colleagues and I gathered data on mentions of presidential candidates by national TV networks. (The data come from the GDELT Project 2016 Campaign Television Tracker, which itself uses the TV News Archive.)

We classified MSNBC and CNN as the “liberal-leaning” national TV networks and Fox News and Fox Business as the “conservative-leaning” ones. We then found out how much of each network's presidential-candidate coverage went to Trump and, for purposes of comparison, to Clinton. (We included coverage of candidates who had already dropped out.) To calculate the “conservative-leaning” and “liberal-leaning” indices, we averaged each candidate's fraction of presidential-candidate mentions on Fox, Fox Business, CNN, and MSNBC.

The nearby chart shows the seven-day rolling average of these metrics for Trump and Clinton, as well as the difference between Trump's seven-day rolling average of liberal-leaning coverage and his seven-day rolling average of conservative-leaning coverage (his “liberal spread”), which is represented by the shaded area near the bottom.

At least two conclusions emerge.

First, liberal-leaning outlets gave Trump disproportionately heavy coverage at the beginning of the election cycle, the period spanning approximately July and August of last year. On an average day in July and August, Trump had 11.5 points more coverage by liberal than by conservative outlets. From then through March 19 (when our data end), he averaged only one point more coverage by liberal-leaning outlets. Outside this “launch” period for Trump, his coverage by liberal- and conservative-leaning outlets appears to have been highly correlated, suggesting that it reflected genuine newsworthiness

more than partisanship. The coverage appears correlated for Clinton throughout.

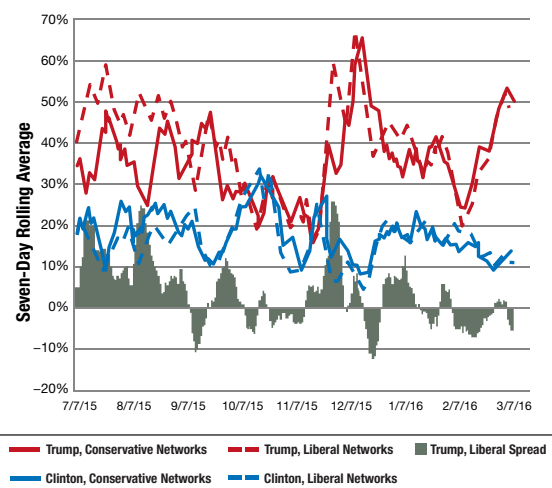
In July and August, CNN gave Trump 11 points more coverage than even MSNBC did. Meanwhile, according to data from PredictWise, the July and August betting markets on average believed the probability of a Trump victory to be only 7.3 percent, lower than Rubio's 15.4 percent and Bush's 40 percent. So if any media outlet “created” Donald Trump, it was CNN. Perhaps Mr. Thiessen is on to something.

Second, the absolute level of Trump's coverage is significantly higher than that of Clinton's, and is truly mind-boggling. On average, he not only received more mentions than any of the other candidates—he received about the same number of mentions as all the other candidates combined. Over the sample period, Clinton was the second-most-mentioned candidate. Yet Trump still averaged about three times more mentions than she did.

Though the data are far from conclusive, they suggest that liberal-leaning media outlets played an important early role in launching Trump's ascent.

—KEVIN A. HASSETT

Candidate Mentions by Liberal And Conservative Networks (Percentage of Total Candidate Mentions)



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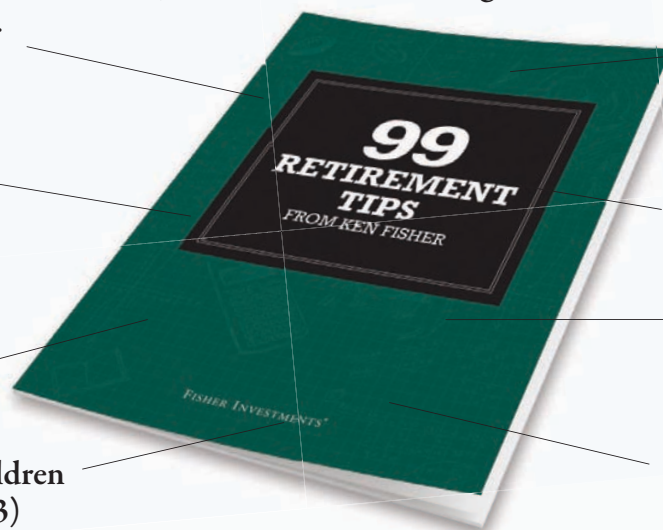
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Amendment rights to free speech and free association. Hitherto, the Court had rejected this line of reasoning and drawn a distinction between explicitly ideological or political activities and the “collective bargaining” in which unions engage. The plaintiffs argued that this distinction was false: Because all negotiations with the state have political ramifications, they contended, debates over pensions, pay, and benefits are inherently ideological. At oral arguments, five of the justices seemed inclined to agree with this line of reasoning, including Justice Scalia. Events, dear boy, events.

■ The attorneys general in California (Kamala Harris, who is running for the Senate) and New York (Eric Schneiderman) are opening cases against Exxon for holding and furthering the wrong views on global warming. Two things are at work here. The first is ordinary political persecution: Oil companies do not usually toe the Democrats’ line on global-warming policy, and progressive activists from Robert F. Kennedy Jr. to Elizabeth Warren have spent years working on ways to criminalize political dissent. The second factor is payday-hunting. The executives of Exxon, both in their public statements and in their communication with shareholders, have expressed more or less conventional views on whether global warming is happening and why, though they disagree with many of the popular policy prescriptions. Academics and nonprofit groups have been more critical of the science. But Exxon is one of the world’s largest companies, and seven of the world’s ten biggest corporations are energy concerns: Sure, you could sue the pants off of the Competitive Enterprise Institute, but Exxon has much nicer pants.

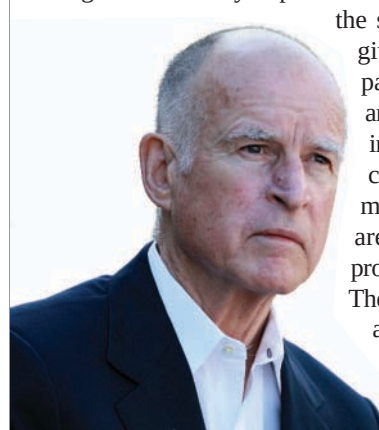
■ In April, Mississippi’s state house passed a bill permitting the execution of death-row inmates by firing squad in cases in which lethal injections are not available. If the measure becomes law, Mississippi will follow Utah and Oklahoma in establishing such a backup. Predictably, the move was met with cries of horror from anti-death-penalty activists. But, in truth, it was as much a product of their machinations as of anything else. Frustrated by their inability to abolish capital punishment democratically, foes of the practice have spent years trying to limit the supply of lethal-injection drugs, and thereby to prevent executions in spite of the existing law. By establishing a fallback, Mississippi is merely restoring control over the process. The people of Mississippi are within their rights to impose the death penalty, and within their rights to impose it in a way that will work.

■ The Immigration and Nationality Act allows deportation of an alien who is “not of good moral character,” specifically including someone who is “a habitual drunkard.” Using this clause, the Board of Immigration Appeals ordered the deportation of Salomon Ledezma-Cosino, who drank a quart of tequila a day and had been arrested for drunk driving. A clear-cut case of *Adios, borracho*? Not to the wayward Ninth Circuit Court of Appeals and its reliably mistaken Judge Stephen Reinhardt, who ruled that because alcoholism is a disease, it cannot be considered a part of one’s character, and therefore the provision in question violates the Equal Protection Clause. (No, we don’t get it either.) Never mind that many alcoholics have quit drinking through an act of will, and never mind that similar reasoning could confer immunity on just about any misconduct (e.g. chronic gambling,

which is mentioned in the same subsection of the act); the law’s wording makes clear that its intent is to allow deportation of drunkards, not to craft a philosophical definition of the term “character.” We would suggest that Reinhardt stop basing decisions on his personal policy preferences, but that’s one illness that really does seem incurable.

■ Schools will be fined for “egregious or persistent disregard” of this or that provision of the Healthy, Hunger-Free Kids Act of 2010, a.k.a. Michelle Obama’s Bland, Stingy Cafeteria-Food Edict. That’s according to a new regulation issued by the Department of Agriculture. The rule is bad news for schools: The exacting dietary rules of the HHFK turn out to be costly, making it harder for schools to balance their books. Participation in the National School Lunch Program has declined by 1.4 million students, or 4.5 percent, since the new rules went into effect. Revenues have declined accordingly. Many school districts have laid off food-service employees or cut their hours. Food-service directors talk of impending bankruptcy. One tells the *Washington Free Beacon* that “teachers are throwing more pizza parties to make sure kids have enough to eat.” You can lead a child to broccoli, but you can’t make him eat.

■ California governor Jerry Brown’s proposed budget for 2016–17 allots \$2.3 million for Medicaid to provide lethal drugs for assisted suicide. That comes to an estimated \$5,400 per patient. Last fall, Brown signed the End of Life Act, which makes it legal for doctors to prescribe deadly doses of drugs for terminally ill patients who request them. Note that



the state’s Medicaid program gives patients no access to palliative care, the obvious antidote to suicidal longing in people who suffer excruciating pain. Cancer treatment and second opinions are also stunted under that program, which runs a deficit. The government of California appears more eager to aid its citizens in dying than in living.

■ Six-year-old Lexi Page has lived most of her life with a foster family in California, who gave her a loving and stable home and wished to adopt her. An ideal outcome, one would think, for a child whose first two years were marred by abuse and abandonment. But Lexi is not merely a child; she is an “Indian child” under the law. That is, she is one-64th Choctaw through her biological father, enough to make her subject to the Indian Child Welfare Act. So the California courts determined that she must be sent to live with distant relatives of her biological father in Utah, because this was the preference of the Choctaw tribe, which views Lexi as a potential member. In March, Los Angeles County social workers came to take her away. She clung tearfully to her foster father, who has vowed to continue appealing the decision in the courts. The Choctaw Nation issued a defensive statement saying

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that it “desires the best for this Choctaw child.” Better that it, and the law, should look to secure the welfare of children irrespective of race.

■ In March, Otto Warmbier, a 21-year-old undergraduate at the University of Virginia, was sentenced to 15 years of hard labor in North Korea for stealing a political poster from the wall of his hotel room during a visit to the country late last year. The conviction occasioned one of the most scurrilous op-eds we can remember. At the *Huffington Post*, blogger La Sha openly rejoiced in



Warmbier’s sentence, suggesting that he had “learned that the shield his cis white male identity provides here in America is not teflon abroad” and contending that his “reckless gall is an unfortunate side effect of being socialized first as a white boy, and then as a white man in this country.” She likened Warmbier’s plight to the situation of black women in the U.S.: “The hopeless fear Warmbier is now experiencing is my daily reality living in a country where white men like him are willfully oblivious to my suffering even as they are complicit in maintaining the power structures which ensure their supremacy at my expense.” Deploable, from beginning to end—and a reminder that you don’t have to operate a gulag to be wicked.

■ Fifty-five presidents and prime ministers met at a Nuclear Security Summit in Washington. The United States has signed an ambiguous deal with nuclear-aspiring Iran. North Korea, with its own little chest of nuclear weapons, is working on a new ICBM. Britain’s David Cameron warned that ISIS is hoping to launch “dirty” nuclear materials over Western cities with drones. Yet the big news from the conclave was that Barack Obama flashed a peace sign during the summit’s group portrait. Alfred E. Neuman, clean out your desk: We have a replacement.

■ The United Nations has a Commission on the Status of Women, which issued a report—which criticized one nation, only. Iran? Saudi Arabia? Sudan? Oh, come on. It’s a little sliver of a nation on the Mediterranean below Lebanon. Lots of Jews live there. Along with a million and a half Arabs. Additional Arabs flee there, when facing persecution by the likes of Hamas. Say what you will about the U.N., about some things it is certainly consistent.

■ A very familiar part of the British urban scene is the corner store, more often than not run by Pakistanis. One among these shopkeepers was Asad Shah, an Ahmadi Muslim—that is to say,

a member of a minority sect widely regarded by other Muslims as heretical. Immigrants in the 1990s, he and his family had settled in Glasgow, where the Ahmadis number about 500 and have a mosque of their own. Neighbors and customers speak of him as humble and friendly. Last Christmas, Asad Shah used Facebook to send love to “my beloved Christian nation.” A subsequent posting ran, “Good Friday and very happy Easter especially to my beloved Christian nation X!”—presumably Scotland. That night, he was found in a pool of blood near his store. A witness said that a bearded Muslim man wearing a long religious garment had spoken angrily to Asad Shah in his native language before stabbing him up to 30 times. The police have traced that a cab abandoned nearby came from Bradford, 200 miles away and a stronghold of Muslim-majority Sunnis. According to the police, this is a “religiously prejudiced death,” which is their way of saying that Muslim sectarian violence has now spread to Britain.

■ Glasgow is famous for its rough-and-tumble culture and its high levels of violent crime. But one wouldn’t know that by listening to the local police. In March, the social-media department of the Greater Glasgow division expressed its determination to crack down on the real villains in their society: people who are rude online. “Think before you post,” one tweet warned, “or you may receive a visit from us this weekend.” To clarify, the missive proposed that Scots should decline to write anything on the Web before they had determined whether it was “true, hurtful, illegal, necessary or kind.” Refraining from doing things that are unnecessary is a good rule, for governments especially.

■ A low-budget independent movie called “Ten Years” has won the top prize at the Hong Kong Film Awards. The movie depicts Hong Kong in 2025 as a dystopian place where child guards boss their elders around (as in the Cultural Revolution). One of the movie’s directors said, “‘Ten Years’ exposed the fear of Hong Kong people.” The movie is banned on the mainland. An organ of the Chinese Communist Party labeled the movie a “thought virus.” May the virus spread.

■ For decades, New Zealanders have been debating proposals to change the nation’s flag, chiefly on the grounds that (a) its Union Jack/Southern Cross design is too similar to that of Australia’s flag and (b) the Anglophilic iconography does not fit an increasingly multicultural New Zealand. Finally a referendum was called, and as a first step, some 10,000-plus suggested replacement designs were winnowed down to 40, most of them juxtapositions of the Southern Cross, the koru (a Maori spiral design), and/or the silver-fern leaf (a common Kiwi symbol). The final choice for the challenger, a lackluster fern/Cross combo, was announced last year, and now it has been soundly rejected in favor of retaining the incumbent flag. We applaud our antipodean brethren for their wise choice. Happy indeed is the country whose greatest dispute concerns graphic design.

■ Deep in the archives of Zurich’s central library, doctoral student Matthias Wessel unearthed an original German manuscript of Arthur Koestler’s *Darkness at Noon*, one of the great novels of anti-Communism, perhaps second only to the works of George Orwell and Aleksandr Solzhenitsyn. Scholars had considered this urtext lost, a literary casualty of the Second World War. *Darkness at Noon* became famous by way of a 1940

English translation, made in haste by Koestler's lover and a London editor. Even German editions of the novel are based on it, rendering them translations of a translation. A new and more authentic version of an old book now becomes possible. In the April 7 edition of the *New York Review of Books*, Michael Scammell described its significance: "For readers, it will be like seeing a cleaned oil painting for the first time after the old and discolored varnish has been removed." It may even offer fresh insights. Koestler wrote *Darkness at Noon* to unmask the wickedness of the Soviet show trials of the 1930s, when party apparatchiks confessed to crimes against the state and surrendered to execution. Orwell, however, knew that the book's importance was about not only Stalin's perfidy but also leftist psychology, as he wrote in a 1941 review: "What was frightening about [the Moscow] trials was not the fact that they happened—for obviously such things are necessary in a totalitarian society—but the eagerness of Western intellectuals to justify them." The enablers are still with us, making excuses for tyrants everywhere from Havana to Tehran, and *Darkness at Noon* remains pertinent, shedding its light on our own time.

■ Marquette University professor John McAdams wrote a blog post about a violation of academic freedom over in the philosophy department. There a conservative student was invited by his instructor to drop her class after he dissented from her assertion that "there is no need to discuss" same-sex marriage, which "everyone agrees on," she said. The university suspended McAdams and banned him from campus in December 2014 because his public criticism of the instructor made her "subject to a stream of hate and threatening messages," as Marquette president Michael Lovell described them in a recent statement explaining his demand for an apology. "I'm not asking for Professor McAdams to be responsible for all the vitriol from the lowest of the Internet"—though if that is not what he is asking, then he is punishing McAdams for embarrassing a colleague. But that colleague deserved to be embarrassed, as Marquette does now.

■ Social-justice activists at Stanford are "demanding" that the university's next president be nonwhite and either female or transgender. The Who's Teaching Us Coalition, hoping to "break both the legacy of white leadership and cisgender male leadership," is also agitating for ten new ethnic-studies professors, racial quotas in the student body, and mandatory faculty "comprehensive identity and cultural humility training," among other demands. The editors of *NATIONAL REVIEW* have no wish to see discord afflict the good people of Palo Alto, so we offer a suggestion in good faith that should placate all involved: Condoleezza Rice, currently a professor in the Graduate School of Business.

■ "All lives matter," read a handwritten flier left anonymously on the door of a faculty member of the American University law school. Word spread. Other faculty complained, saying that the slogan meant white supremacism. Students organized a forum. The dean sent a message to faculty and students, decrying the horror of it all. Gail Heriot and Peter Kirsanow of the U.S. Commission on Civil Rights sent him a letter. "What is wrong with your faculty and staff members?" they asked. "That the lives of all members of the human species are valuable" is "an obviously true statement," they noted, adding that they are not aware "of any cases in which white supremacists"

have used the slogan. The stakes of campus politics are famously low. And sometimes they are just made up.

■ In recent weeks, supporters of Donald Trump have been writing his name with chalk on walls and sidewalks on college campuses. This is perhaps the least offensive thing one can imagine Trumpkins doing, and if any response is needed, the most effective one would be to add an editorial comment. Instead, students from Emory to Michigan to UC Santa Barbara have responded with protests, marches, demands for action, and chants of "We are in pain!" Emory's president, James W. Wagner, did his best to soothe the hyperventilating students who "voiced their genuine concern and pain in the face of this perceived intimidation," saying he "heard a message, not about political process or candidate choice, but instead about values regarding diversity and respect that clash with Emory's own." After all, what's the point of going to an expensive private college if you can't keep out the riff-raff? In the end, though, Wagner showed his students the right way to react, by kneeling down with a piece of chalk and writing EMORY STANDS FOR FREE EXPRESSION! next to the pro-Trump slogans. Chalk one up for supporters of open debate.

■ Microsoft developed an artificial-intelligence "chatbot" named Tay and programmed it to build up its verbal skills by trading remarks with users of Twitter. This is like teaching your child to talk by taking him to the cheap seats at a Rangers hockey game. As soon as the bot made its debut, white nationalists, Gamergaters, conspiracy cranks, and other assorted cybergrouches began peppering it with tweets. Tay imitated their speech patterns, and pretty soon the chatbot's Twitter feed was indistinguishable from the Breitbart.com comments section. Alan Turing would surely have been impressed, but Microsoft pulled the plug on Tay and apologized, while noting defensively that "in China, our XiaoIce chatbot is being used by some 40 million people, delighting with its stories and conversations." It doesn't take much to be the most interesting thing on the Internet in China. The company says it is revising Tay's programming to make its patter less inflammatory, and that's certainly a good thing: Artificial unintelligence is the last thing the Internet needs when the real thing is already so abundant there.

■ Chief executive and then chairman of Intel Corporation, Andrew Grove was one of the select few who have shaped today's high-tech world. Choosing him as its man of the year in 1997, *Time* described Grove as "the person most responsible for the amazing growth in the power and the innovative potential of microchips." Born András Gróf in Budapest, he survived the Holocaust, escaped from Communist Hungary in the 1956 revolution, and began as a refugee in New York by learning English. His autobiography could well have been retitled "The American Dream Come True." Dead at 79. R.I.P.

■ Tibor R. Machan was not the founder of *Reason*, but he was its first house intellectual and an indispensable part of the team that launched the flagship publication of libertarianism. Born in Hungary, he fled Communism as a teenager. In the United States, he devoted his life to advancing freedom. In 1970, while a graduate student in philosophy at the University of California, Santa Barbara, he joined Manny Klausner and Robert W. Poole in buying *Reason* from Lanny Friedlander, when it was little more than

a photocopied newsletter. Soon it became an actual magazine with a regular production schedule and a national influence. The three men went on to establish the Reason Foundation, though Machan left its board as the think tank began to favor public policy over academic interests. On *Firing Line* in 1982, William F. Buckley Jr. asked Machan to describe the components of the libertarian movement. “People can be utilitarians, they can be Christians, they can be Randian objectivists, and so on,” said Machan. “Liberty is indeed the prime social or political value, not necessarily the prime human value.” Dead at 77. R.I.P.

■ Hans-Dietrich Genscher was Germany’s foreign minister for 18 years. Whether he had principles as well as the requisite deviousness to stay in office for so long was never clear. He and his party were in coalitions sometimes with the Right, sometimes with the Left. Expediency was his strongest suit. Throughout the Cold War he valued détente above confrontation. A sentimental attachment to Halle, his birthplace in East Germany, seems to have prompted him to flatter its Communist regime and to hobnob with Soviet leaders far beyond the call of duty. In the run-up to reunification, he took every opportunity to say that Germany’s future had to be in the European Union—though whether this was to be for the benefit of Germany or of Europe is also unclear. He haunted the corridors of power until his death at the age of 89. R.I.P.



■ Rita Rizzo, a poor girl, sickly but feisty, left home in Canton, Ohio, at age 21 to join a contemplative order of nuns in Cleveland. She led a nun’s life, full of grace—and empty of obvious drama until, at the tender age of 58, she added to her list of job titles “media mogul” and “TV star.” In a monastery garage on the Feast of the Assumption, 1981, Mother Mary Angelica of the Annunciation gave birth to

EWTN (Eternal Word Television Network), which has grown to become the largest religious media network in the world. She hosted a show and set the tone for the whole operation. It was spiritual but spirited. On air, she tore into Roger Cardinal Mahony of Los Angeles for trying to neuter Catholic teaching on the Eucharist. Her tirades against liturgical abuse were passionate and unscripted. Her health failing, she largely retired from the airwaves in 2001. EWTN carried on. At last count, it was reaching 250 million homes in more than a hundred countries. Mother Angelica died on Easter Sunday, at 92. *Requiescat in pace.*

2016

Wisconsin: The Rallying around Cruz Begins

THROUGHOUT his presidential campaign, Ted Cruz has argued that conservatives should and would unite behind him. It finally happened in Wisconsin. Conservatives backed him over Donald Trump by 54 to 33 percent. Since they



Ted Cruz greets supporters after the polls closed on April 5, 2016, in Wisconsin.

made up three-quarters of primary voters, that margin more than overcame Trump’s smaller advantage among moderate voters.

This wasn’t foreordained. Trump was leading Marquette’s respected state poll in February. And Cruz has typically done well among voters who are Evangelical Christian conservatives or who consider themselves “very conservative.” His strongest states were originally thought to be southern and have actually been western. As the anti-Trump and broadly conservative votes have consolidated behind him, though, he has broken free from those boxes.

Or at least he has done so in Wisconsin. Governor Scott Walker and other Wisconsin Republicans—including its intelligent, principled radio hosts—deserve considerable credit for rallying behind Cruz instead of sitting on their hands, as too many Republicans elsewhere have done. They saw where the conservative interest lay and they forthrightly advocated for it. Conservatives elsewhere should follow their lead rather than rationalizing inaction.

That applies, especially, to Republican officeholders. Some of them dislike Cruz personally. With all due respect, they should get over it. Some of them fear that he would lose a general election. All the evidence we have, though, suggests that he would be much more competitive than Trump—who, again based on that evidence, would cost Republicans the Senate and maybe even the House.

More important, the operating principle of Trump’s campaign appears to be to spend every day proving that he is unqualified, for reasons of character, temperament, and knowledge, to be president. In Ted Cruz, Republicans still have a chance to put forward a presidential candidate who is honorable, informed, and conservative. They should take it.

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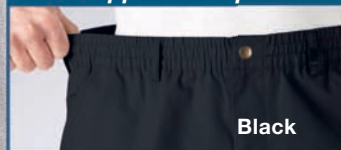
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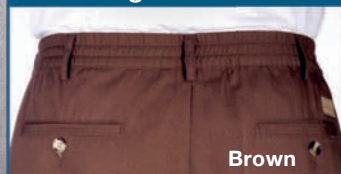
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Their George Wallace— And Ours

Donald Trump channels the lurid voice of American populism

BY RICHARD LOWRY

As a political phenomenon, Donald Trump is not nearly as new and unprecedented as he seems. Within living memory, another populist firebrand lit up American politics, defying and outraging the establishment, running outside of conventional political channels, and exceeding every expectation of his electoral strength. His name was George Wallace.

Now, of course Trump isn't a segregationist with the hideous racial attitudes of a George Wallace in his prime (although Trump does have an Archie Bunker outer-borough sensibility about him). But the style of politics and the working-class audience are largely the same, albeit refracted through the passage of five decades and the different livelihoods and personalities of the real-estate mogul and the Alabama governor.

What you hear in Trump, and Wallace before him, is the authentic voice of American populism, lurid and outraged, crude and entertaining, earthy and evocative.

Needless to say, George Wallace wouldn't have known what a reality-TV star is. Whereas Trump is a rank political amateur, Wallace was all pol, all the time. Marshall Frady, a southern journalist who wrote a classic portrait of the Alabamian, describes how Wallace was bereft in an interlude in his early career when he wasn't running for office—"haggard and dingy and sour." He gave no sign of caring about anything besides politics, whether it was food (as long as it was slathered with ketchup) or money. As an old friend put it, "He ain't got but one serious appetite, and that's votes." His diet of reading tended to be his own press clippings, although he did take up *Anna Karenina*. (His question about the book: "Why do you suppose that she threw herself under that train? You'd think she could have worked something out.")

Wallace was relatively liberal on race in his early career, until his defeat in his first gubernatorial run, in 1958. Wallace's infamous take on that loss to a race-baiting opponent was that he

wasn't "goin' to be out-niggued again." He wasn't.

Wallace had a sense, like Trump, for the exemplary controversy that establishes or reinforces a brand. His most high-profile controversy was his iconic, shameful stand in a doorway at the University of Alabama. But what made Wallace truly a national player was his presidential runs—in 1964, 1968, 1972, and 1976—which tapped into political currents that few realized were there. It is in these populist crusades that we see and hear the unmistakable parallels with the Trump campaign so many decades later.

Like Trump 2016, Wallace's first presidential campaign was a seat-of-the-pants operation bordering on a lark. He entered the Wisconsin Democratic primary in 1964 at the urging of a zealous supporter in the state, and hit a chord. The Democratic establishment was horrified and did all it could to shame and defeat him, and yet Wallace got a surprising third of the vote in Wisconsin and had strong showings in Indiana and Maryland.

Wallace had the wherewithal to operate entirely on his own wits and instincts. Frady writes of his 1968 run as an independent, when for a time it seemed he might be able to throw the presidential race into the House of Representatives, that it "required more originality, audacity, optimism, and dauntlessness than has ever been required of any other significant presidential candidate in this nation's history, including Huey Long." Or, one might add, until Donald J. Trump.

The Wallace style was lowbrow and amusing, and it thrived on conflict, much like that of Trump today. Journalists have repeatedly written stories about how Trump communicates at about a fourth-grade level. For his part, Wallace liked "to put it down where the goats can get it."

In his first, failed gubernatorial campaign, he occasionally used relatively sophisticated words (e.g., "mechanization"). He wouldn't make that mistake again. In his next gubernatorial campaign, he routinely denounced a federal judge whom he had clashed with as "a low-down, carpetbaggin', scalawaggin', race-mixin' liar." It became one of his crowd-pleasing lines. "The folks'd start punching and poking each other and



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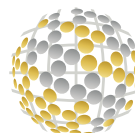
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grinning and all, waiting for him to get to it,” an aide commented.

In his inimitable way, Wallace was funny. He had, in the words of *Time*, “a histrionic flair for the crude, sardonic image.” He told hippie protesters, “When I get through speaking, you can come up here and I’ll autograph your sandals.” He mocked their long hair: “There must be a barbers’ strike around here.”

Consider this representative passage from a 1972 speech on busing:

Now, on this busing. I said many years ago, if we don’t stop the federal takeover of the schools, there’d be chaos. Well, what’ve we got? Chaos. This thing they’ve come up with of busing little children to schools is the most asinine, atrocious, callous thing I’ve ever heard of in the whole history of the United States. Why when President Nixon was in China, so I hear, he and Mao Tse-tung

tired of. You’ve been getting a good lesson in what we’ve been talking about. They talk about free speech but won’t allow it to others.” He knew the protesters were priceless to him in stoking passions and drawing media attention. “They on our payroll,” he joked.

Wallace had as little interest in policy as Trump (often relying on the same kind of bromides), but he talked tough and cultivated a frisson of violence. He warned that protesters who attempted to block his car would find it was “the last car they ever blocked.” He bragged of how one supporter “floored every [heckler] that came by with his fist.” He said, “We’re going to take some of these students by the hair of the head and see if we can’t stick ’em under a good federal jail.” He talked of rioters’ getting shot in the head.

And Wallace connected, finding an unexpected constituency among urban ethnics and blue-collar workers in the

principle, and his economic program as governor was activist and liberal. He built schools, established a policy of free textbooks, supported a huge road-building project, and implemented anti-pollution measures. By the end of his first term, only Louisiana had a greater proportion of citizens on welfare. *NATIONAL REVIEW* denounced him as a “freeswinging populist emerged from the racist wing of the Democratic party.”

But Wallace captured something in his presidential campaigns. A *Newsweek* journalist wrote of “the mystical communion Wallace was developing with thousands, then millions, of quietly panicked Americans.” We want politics to be about uplift and inspiration, but fear and anger and resentment are human emotions, too. A talented demagogue will go out and find them and make them a political force that otherwise would have been ignored.

George Wallace had as little interest in policy as Trump, but he talked tough and cultivated a frisson of violence.

spent half their time talking about busing. And I hear Mao-Tse-tung told him, “Well, over here in China, if we take a notion to bus ’em, we bus ’em, whether they like it or not.” Well, Mr. Nixon could have told him that we about to do the same thing over here.

All the hallmarks of a Trump speech at one of his rallies are there—the conversational tone, the simplistic expression, the boastfulness, the exaggeration, the ridiculous innuendo and fabrication, all rendered in highly colorful terms. “His addresses everywhere were extended monologues rather than speeches,” Frady writes, “a hectic one-man argument without any real beginning, progression, or end.”

And he packed them in at rallies, even in unexpected places. At the end of the 1968 campaign, he drew 11,000 in Flint, Mich., and 20,000 in Boston. He filled Madison Square Garden with 25,000 people.

His events, like Trump’s, were routinely disrupted, and Wallace made the hecklers part of the show. “These are the folks,” he declared at a rally near Providence, R.I., in 1968, “that people like us are sick and

North. He gave voice to voters who felt betrayed and ignored by their government and by elites. Wallace was hell on the “pointy-headed professors who can’t even park a bicycle straight” and journalists who were “sissy-britches intellectual morons”—everyone who supposedly *knew better*.

“We’re here tonight,” he told the audience at one rally, “because the average citizen in this country—the man who pays his taxes and works for a living and holds this country together—the average citizen is fed up with much of this liberalism and this kowtowing to the exotic few.”

At another: “This is a people’s awakening. Those pluperfect hypocrites in Washington don’t know what’s coming over you. Well, if they’d gone out and asked a taxi driver, a little businessman, or a beautician or a barber or a farmer, they’d have found out.”

He added, in as pure an expression of populism as can be mustered in a few words, “You’re tops. You’re the people.”

Whatever he was, George Wallace wasn’t a conservative. His opposition to federal power was clearly driven by his hatred of civil-rights legislation, not

Wallace ultimately didn’t go anywhere. In 1968, he faded, weighed down by his own lack of seriousness. He picked as his running mate General Curtis LeMay, who couldn’t help mus-ing about using nukes in Vietnam at a press conference unveiling him as Wallace’s selection. (LeMay was also demanding. He required that the campaign fly him around in a 727. Wallace quipped, “Goddamn, he’s either spending all our money or dropping atomic bombs.”) In 1972, back as a Democrat again, Wallace ran strong in early primaries before getting shot at an event in Maryland, confining him to a wheelchair the rest of his life.

Politically, Wallace was blunted, in part, because a legitimate concern that he had identified, law and order, became part of Richard Nixon’s agenda and his voters were folded into the “silent majority.” If Trump is to go the same way, he will have to be resisted, but also—especially on the issue of immigration—co-opted. American populism of the sort voiced by Trump and Wallace before him isn’t subtle or pretty. But attention must be paid. **NR**

Trump's Counterfeit Masculinity

It reinforces every feminist stereotype

BY DAVID FRENCH

SOME Americans believe that Donald Trump is the answer to feminism. He's the fearless man. He's the strong man. He's the man who laughs in the face of the social-justice warrior and demonstrates the appeal of pure, unadulterated aggression and virility. In reality, however, he's a great gift to feminism: the man who will revive a failing ideology.

To understand why, one has to understand the true object of modern feminism. The modern feminist doesn't so much hate biological males as hate the very concept of manhood as a distinct and valuable aspect of the human experience. Masculinity, to the extent that it exists, is toxic and must be suppressed. Classically male virtues such as bravery, strength, loyalty, and an intellectual and physical sense of adventure must be de-gendered (after all, who's to say that any given woman can't share those traits?), while traditional male vices, including tendencies toward unjustified violence and superficial, obsessive sexuality, are to be regarded as essentially masculine.

The result is a world where masculinity is understood to be inherently destructive. If women can't penetrate traditional male spaces, such as fraternities, locker rooms, or infantry platoons, then those spaces are dangerous, and abolition or gender integration isn't just a matter of social justice but, indeed, of public safety. "Bro culture" at its best is privileged; at its worst, it's predatory.

The result is that untold numbers of men simply shun the masculinity that they've been taught is wholly bad, embracing (or settling for) the de-gendered life. In their modes of speech, their conduct, and their interests, they become similar to the women around them. Sure, a guy might like superhero movies slightly more than his girlfriend, but these shreds of distinction represent just the faintest echo of true manhood.

Many more men are left confused, aimless, and often angry. They simply can't and won't conform to a genderless society. Absent exposure to those few American subcultures that still retain an understanding of distinctly virtuous masculinity, they live in a state of frustration, with many ultimately embracing negative stereotypes, living a life in full reaction against feminism. While not rapists, they are predators—seeking serial sexual conquests. While not criminals, they are bullies—using threats and swagger to get their way. Life is about winning, and women and money are the ways in which they keep score.

And Trump is their hero. To enter the world of the pick-up artist—or of segments of the so-called men's-rights movement—is to enter the world of the Trump fanboy. Trump has "tight game," to borrow the phrasing of Château Heartiste, a popular website for frustrated male Millennials. He's the "ultimate alpha." Fox News's Andrea Tantaros channeled this mindset when she declared: "The Left has tried to culturally feminize this country in a way that is disgusting. And you see blue-collar voters—men—this is like their last vestige, their last hope is Donald Trump to get their masculinity back." Fox's Stacey Dash memorably called Trump "street"—and meant it as a compliment.

The masculinity of Trump is exactly the caricatured, counterfeit masculinity of the feminist fever dream. It takes the full energy of manhood and devotes it to sex, money, and power. It's posturing masquerading as toughness and anger drained of bravery. (Is the man who recoils from Michelle Fields and obsesses over Megyn Kelly really going to take down ISIS?) Trump represents aggression channeled into greed. Apologies are for the weak, and self-sacrifice is for suckers. Trump is a kind of man that many people can recognize but none should emulate. He is the indefensible man.

And he breathes new life into a feminism that is so extreme, so hysterical, that even a majority

of women reject it. Yet the more that frustrated men and their conservative female cheerleaders flock to Trump, proclaiming him the answer to the feminizing of America, the more they grant the intellectual, cultural, and moral high ground to a movement that has been degenerating into self-parody.

In Trump, feminists have a true cultural bogeyman, and he is actually dangerous. Trump is commandeering the debate over masculinity and providing the cultural Left with a lifetime's worth of dissertations, think pieces, and television tropes on the evils of "manhood." And Trump will have helped define their terms.

He has brought out of the woodwork a bloc of people who apparently believe that the answer to political correctness isn't truth and virtue but rather becoming what the other side most hates. If the other side polices language, then the answer is vulgarity. If the other side embraces diversity, then the answer is flirtation with white nationalism and white-identity politics. If the other side tries to cast men as dangerous, sex-obsessed bullies, well then hoist the middle finger, glory in Trump's apparent sexual and financial success, and relish the whining of feminists and "betas" everywhere.

Trump's masculinity is a cheap counterfeit of the masculinity that's truly threatening to the cultural Left: man not as predator but as protector, the "sheep-dog" of *American Sniper* fame. This is the brave man, the selfless man who channels his aggression and sense of adventure



into building a nation, an economy, and—yes—a family. This is the man who kicks down doors in Fallujah or gathers a makeshift militia to rush hijackers in the skies above Pennsylvania. Or, to choose a more mundane—though no less important—example: This is the man who packs up the household to take a chance on a new job, models strength for his family when life turns hard, teaches his son to stand against bullies on the playground, and lives at all times with dignity and honor.

The masculinity that threatens the Left is the masculinity that embraces the manly virtues while minimizing the traditional manly vices. Teaching a boy to be a man doesn't mean teaching that strength, bravery, loyalty, and a sense of adventure are exclusively male or even always found in men, but it does mean cultivating those virtues in our male children.

It is difficult enough to navigate this course, even in culturally conservative circles. Feminized churches teach men that emotionalism is a virtue, and they celebrate strength in mothers while constantly mocking fathers as bumbling and inept. Dads call moms “the boss” while retreating to “man caves” and confining masculinity to the few recreational pursuits they've reserved for themselves, whether it's following Southeastern Conference football or sneaking away for the occasional fishing trip with the guys.

Men locked in their cultural ghetto hear the siren song of Trump. He speaks to the eternal adolescent and awakens in him his secret envy of the high-school punk who always seemed to get the girl. Pajama Boy is appalled, and the angry man smiles at his discomfort. But the angry man needs to grow up, to put away childish things, and to see that every moment that Trump commands the national stage is another contribution to feminism's ultimate triumph.

The answer to feminism is and always has been manhood properly defined. It is not—and never will be—the toxic masculinity of the arrogant. The answer to the predator is the protector. One of the great tragedies of this year's Republican primaries is that for months the predator prowled and his opponents were too timid and too calculating to act as protectors. For want of a sheepdog, the wolf will devour the flock. **NR**

Labor Dodges A Bullet

The Supreme Court has spared public-sector unions from right-to-work laws, barely

BY DANIEL DISALVO

ORGANIZED labor emitted a loud sigh of relief on March 29 when the Supreme Court deadlocked in *Friedrichs v. California Teachers Association*. For acting as the agent for workers in collective bargaining, a public-sector union typically charges them fees even if they choose not to join the union, and *Friedrichs* failed to establish the unconstitutionality of that practice.

Two recent Supreme Court precedents—*Knox v. SEIU* (2012) and *Harris v. Quinn* (2014)—and the conservative justices' questions at oral argument in January suggested to most observers that the Court was ready to strike down “agency fees” for non-members. Had the Court ruled in favor of the plaintiffs, it would have effectively declared a national right-to-work law for the public sector, forcing unions to recalibrate their money and membership to be more in line with their level of genuine support among workers.

The untimely death of Justice Antonin Scalia in February had made it possible for the Court to tie, 4–4, and it did. Consequently, it issued no opinion, and the controlling precedent, *Abood v. Detroit Board of Education* (1977), still stands. For supporters of individual freedom, First Amendment rights, and high-performing public service, it was an unfortunate outcome.

With the status quo prevailing, what does the future hold for public-sector unions in particular and for the labor movement in general? Public-sector unions can rest assured that their revenue streams and membership numbers will hold steady. Such unions, which

will continue to rank among the biggest spenders on campaigns and candidates in many parts of the country, will remain among the most powerful forces in American politics.

For unions in general, agency-fee provisions goose membership rolls and bank accounts by allowing unions to charge non-members fees that nearly equal what they charge members in dues. Calculating that they are going to pay either way, many workers simply choose to join the union. Among those who refuse to join, some request a refund of the portion of their fees that is dedicated to political spending, but many neglect to do so. Moreover, unions have an incentive to low-ball their spending on politics: It enables them to keep more of non-members' agency fees. The unions' money is fungible. The line between their spending on politics and their spending on “member education,” for example, is blurry.

This is especially true of public-sector unions, which direct their political activity at the same entities with which they engage in collective bargaining: governments. (In the private sector, of course, unions direct their political spending at elected officials but sit across the bargaining table from business executives.)

Friedrichs exposed some serious problems in public-sector unions. The case provoked the California Teachers Association and other unions to try to figure out how to survive without agency fees. What the unions discovered was a lot of member dissatisfaction. Flush with money and feeling little need to make the case for the value of their services, union leaders had ignored the rank and file in many instances. Some had pursued political campaigns and other goals only weakly connected to members' bread-and-butter interests in higher pay, better benefits, and improved working conditions. Some unions will probably be under pressure, for a little while, anyway, to persuade their members that the representation services they provide workers are worth the cost. Expect some hard-bargaining sessions and other displays of muscle for public-sector unions to prove their bona fides.

Public-sector unions remain hemmed in, enjoying little room to expand. Government employment has remained between 16 and 19 percent of the total work force for 50 years. Meanwhile, for the past 30 years, about 35 percent of public

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employees have belonged to unions. That percentage has mostly held steady but in recent years has begun to fall slightly, now that right-to-work laws in Michigan and Wisconsin have gone into effect. Although creative organizing and affiliation with private-sector unions and other types of labor organizations can add to the ranks of public-sector unions here and there, that will probably not be enough to move the needle significantly.

For opponents of agency fees in the public sector, the Court's non-decision leaves two options. One is to continue to pursue the matter through the federal courts. The Center for Individual Rights, which represented the plaintiffs in *Friedrichs*, could ask for a rehearing when there are nine justices. However, if President Obama's current Supreme Court nominee, Merrick Garland (or any-

where Democrats dominate the legislatures and hold the governorships, so reformers still have a steep hill to climb.

As for labor unions in the private sector, the outlook remains bleak. Membership in private-sector unions has been falling for decades. Today they represent only 6 percent of workers in the private sector. Organized labor in the private sector has little prospect of ever regaining the power it enjoyed in the mid 20th century, when 35 percent of private-sector workers belonged to unions. (In the mid 20th century, public-sector unions barely existed and were a vanishing percentage of the labor movement.)

Alas, the post-war world that underwrote the labor movement in its heyday has disappeared. Back then economic growth was robust. Today, it's anemic. Then, American firms enjoyed huge

A Voice Of America

Myroslava Gongadze and the importance of the VOA

BY JAY NORDLINGER

Washington, D.C.

THE Voice of America does not make much news here in America—but it makes plenty of news elsewhere. More important, of course, it *broadcasts* the news, in 44 languages, to almost 200 million people. A few of the languages, I have barely heard of: Bambara, for instance (a lingua franca of Mali). In any event, the VOA is the only reliable source of news for many people throughout the world.

This service began during World War II—in 1942, to be specific. Its first director was John Houseman, best known as an actor. He was especially well known in his senior years, when he was the pitchman for Smith Barney. His tagline was, “They make money the old-fashioned way: They *earn* it.”

A journalist, William Harlan Hale, was the voice of the very first broadcast. He said, “The news may be good. The news may be bad. We shall tell you the truth.”

To visit the VOA in Washington today is to encounter people from all over the world: people who have come to America in search of a better, freer life. Everyone has a story to tell. Houseman, too, had a story, by the way: He was born in Romania (as Jacques Haussmann, the son of a Jewish-Alsatian father and a British mother).

As a rule, VOA people are democratic, patriotic, and idealistic. They are not naïve, having seen too much to allow for that. But they are probably not cynical. They are engaged in the important work of transmitting genuine news to their native lands, in their native tongues. They serve both their adoptive country and their original one. Sure, they have gripes about their work, like everyone else. But they are conscious of doing something vital and good.

Everyone has a story, but I will relate just one: that of Myroslava Gongadze, the chief of the Ukrainian service. Her story is more dramatic than most—no one would

For opponents of agency fees in the public sector, the Court's non-decision leaves two options.

one, for that matter, nominated by Obama or by a Democratic president in 2017), were approved by the Senate, the balance of the Court would be tilted toward the liberals. The Court so constituted would be unlikely to rule that forced agency fees violated the First Amendment rights of workers who supported neither the union nor its political agenda. Indeed, the Court could even refuse to rehear the case.

Another option for opponents of agency fees is to return to the states the larger struggle over the power of public-employee unions. Change at the state level would probably be incremental. In California, New York, New Jersey, Massachusetts, and other states where labor is strong, public-employee unions would probably work to block any effort to rein in their power. However, other states—Kentucky, New Mexico, Missouri, and Montana are examples—may be poised to consider right-to-work laws that would diminish the public unions' political power.

If five more states passed such laws, that would raise the number of right-to-work states to 31. But among the other 19 states are many of the nation's most populous and most economically important, so unions would still control key political territory. Those tend to be deep-blue states

global market share. Today, they face intense competition. Then, immigration was at all-time lows. Today, it's approaching all-time highs. Then, the number of manufacturing jobs was growing. Today, it's declining. Indeed, the Bureau of Labor Statistics predicts that the manufacturing sector, which shed more than 2 million jobs between 2004 and 2014, will shrink to only 7 percent of the work force by 2024. And the growing service sector has proved resistant to unionization. Your father's labor union is gone, and it isn't coming back.

Consequently, private- and public-sector unions alike are apt to continue to spend their resources on such causes as raising the minimum wage. That enhances their claim to altruism, as they work to help non-union workers (or at least those whose jobs would not be eliminated as a result). Remember, though, that a higher minimum wage would also create a higher wage floor from which union leaders could negotiate salaries for their members.

The war over public-sector unions, which is really where the action is, is likely to continue. They escaped what was shaping up to be a major defeat in *Friedrichs*. They have survived to fight another day.

NR

choose it—but then many of these lives are marked by drama, including violence.

She was born Myroslava Petryshyn in 1972. Her birthplace was Berezhany, in western Ukraine. She was 19 when the Soviet Union collapsed. “Everything was new,” she says, “everything was possible.” She was beginning a life and so was her country. “It was a special time for both of us.”

She went to the university in Lviv, studying the law. Yet her heart’s desire was to be a journalist. The VOA’s very first television program, as opposed to radio program, was in Ukraine. It was a weekly show called “Window on America.” Myroslava watched it and thought, “I’d like to anchor that show one day.” Now she supervises it.

In due course, she met Georgiy Gongadze, a muckraking journalist and filmmaker. As his name suggests, his father was Georgian. His mother was Ukrainian. He and Myroslava worked together, and they married in 1995. They were a beautiful, admirable couple. In 1997, twin girls came along.

Georgiy investigated the corrupt regime of Ukraine’s president, Leonid Kuchma. Kuchma did not like this very much. In September 2000, Georgiy went missing. His wife swung into action. Journalists had been killed in Ukraine before, and so had opposition politicians. But quietly, Myroslava determined to make noise.

She held press conferences. She lobbied parliamentarians and foreign ambassadors. She organized protests. She did everything she could to make Georgiy’s disappearance a huge story, an important national event. She succeeded. But the regime would not return Georgiy. They killed him. Two months after his disappearance—his abduction—his body was found.

Shortly after that, Myroslava listened to a chilling tape. It was made in the innermost councils of government. And it had come into opposition hands. On the tape, Kuchma and his men were laughing about Georgiy’s murder. And wondering what to do about the widow, who was still making noise. The widow figured she should run, with Georgiy’s and her children. People around her said, “No, it will be all right.” She trusted her instincts. In 2001, she and her daughters were granted political asylum by the United States.

She worked as a freelance journalist. She received a fellowship at the National



Myroslava Gongadze

Endowment for Democracy. She did a variety of things. With special intensity, she campaigned for her husband—that is, for justice in his case. She went to the European Court of Human Rights, she went everywhere she could. She would not let it go.

“It must have been like having a job,” I say to her. “Yes,” she says. “It was like having a second job, or a third job.” She had to earn a living, and she had to raise her children. One thing she did not do was go off and grieve, which anyone would have understood.

In the summer of 2004, she went to work at the VOA. In late November, the Orange Revolution began. This was the spectacular democracy movement in Ukraine. Myroslava can be said to have had a role in this revolution, in two ways. First, her campaign for justice in Georgiy’s case helped establish a tradition of protest in Ukraine. Second, she was a trusted and inspiring voice to Ukrainian democrats, as she broadcast from the VOA studio in Washington.

January 2006 was an interesting month. A trial began in the Gongadze case. Three policemen were charged with the murder. Later, a police general would be charged as well. All four were convicted.

But the higher-ups—primarily Leonid Kuchma—have avoided justice. Kuchma is now in his late seventies and has been out of power since 2005. But he still plays a role for Ukraine in the diplomatic arena.

Myroslava Gongadze and I are having lunch at a Washington restaurant, and she casually makes a statement I am completely unprepared for: “I buried my husband last week.” I knew she had been in Ukraine; I did not know why. How is it that her husband was buried more than 15 years after his murder? Well, the investigation was drawn out, and the body was needed, and they had decapitated Georgiy, so the head was separate, and . . . “It’s horrible,” says Myroslava, in an understatement. “It’s horrible.”

I have a thought, and express it. For 70 years, Ukraine endured life as part of the USSR. Then came the glorious rebirth. Soon after came the Kuchma government: a native, homegrown tyranny. That must have been a bitter pill to swallow. It was, Myroslava confirms. “We didn’t want to believe it.” But it was true.

Today, she hosts two television programs: a daily 15-minute news program and a weekly half-hour interview show. VOA programs tend to introduce journalistic standards into countries that need them. So it is in Ukraine. The VOA audience there is at least 7 million, weekly. (The country’s population is 45 million.) Myroslava Gongadze is a household name.

In 2014, she moderated a series of debates between parliamentary candidates. That same year, she received a Ukrainian civil decoration: the Order of Princess Olga. The lady was the wife of Igor I, Prince of Kiev, in the tenth century. He was murdered by Drevlians. His wife took repeated and terrible revenge on those people. In her Olga award, Myroslava feels a certain symbolism.

I imagine that people have asked her to run for office in Ukraine. Yes, says Myroslava. Will she ever return? “That’s a hard question,” she says. Her twins are now 18 and bound for college. They are American girls. Their mother is an American citizen. Does she feel American or Ukrainian? That’s another hard question.

“I feel in between, unfortunately. I’m straddling a river, with a foot on each bank. I don’t know where to jump. I feel at home here in America. I love this country. At the same time, I want to be

useful to Ukraine. But I don't know what can be accomplished there."

Myroslava then says something I have heard from many immigrants, and many foreigners: In America, things are predictable. There is a rule of law. What's true on Tuesday is true on Thursday. If you work hard, you can get somewhere. If you sign a contract, it will stick. In other countries, however, everything depends on the whim of the government or of other power centers. "Ukrainian society is very unpredictable," says Myroslava.

At the outset of this interview, by the way, she emphasized that she would speak for herself, not for her employer, the Voice of America.

I ask her what she thinks of the Russian strongman, Putin. She looks at me incredulously and laughs a little. "He's a criminal. He's an international criminal." She then elaborates his crimes over the last many years. I ask, "Should Ukraine be in NATO?" "Absolutely," she answers quickly. "It should be in NATO yesterday." "Will the country survive as an independent nation?" I ask. She says, "I cannot even think about its not surviving. I cannot even let myself question that."

Near the end of our lunch, I ask, bluntly, "Does the VOA do any good?" She fixes me with a look and speaks in firm tones.

"The VOA is part of the American government, and I think that even the government doesn't realize the power of the VOA. Millions and millions of people are listening to the anchors who go to work on Independence Avenue. The knowledge that we bring to the world is enormous. I would like Americans to realize the power that we have in that building—people like me, who have stories, and the trust of the people they speak to on behalf of the United States."

She continues, "We are doing this job because we believe both in America and in our native countries. We are passionate about building democracies in the countries that we left owing to different reasons, and we care about America very much, because this country gave us a chance for a new life. So we can help unite our native countries and the United States."

The VOA is "not perfect," she says. "It's still the government." (I love that line.) "It's bureaucratic, it's difficult. We don't have nearly enough support. But the job we do, despite all that, is fantastic."

I don't doubt her.

NR

The Lemonade Menace

Armed agents of the state protect us from children everywhere

BY KEVIN D. WILLIAMSON

ALEXANDRA SCOTT, who became famous as the founder of Alex's Lemonade Stand, was an unusual girl in many ways.

Before her initial treatment for neuroblastoma, physicians told her family that even if she beat the cancer, she would never walk. That news was delivered on her first birthday. She walked, and she did a great deal more than that.

Alex was born in Connecticut, but the Scotts lived in affluent Lower Merion, Pa., during most of Alex's life. In the greater Philadelphia area, she had access to some of the finest medical care in the world, and she was fortunate enough ("fortunate enough" are strange words to write about a little girl who spent practically her entire life fighting cancer) to be from a family with some resources. Alex was, unlike most children her age, very much aware that this was not the case for all children, and so she launched, with her brother's help, a lemonade stand, with the intention of using her profits to help other children with cancer.

They raised \$2,000, which is a fair amount of money for a lemonade stand. One assumes that a few of those Main Line bankers and heiresses were paying \$100 a cup. Once her story hit the headlines—we do sometimes forget that the press can be an awesome instrument for good—that \$2,000 became \$1 million, and that \$1 million became a movement, with children around the country opening their own summer lemonade stands in tribute to Alex and, later, in tribute to her memory. Alex died of cancer at age eight.

It was inevitable that men with guns would shut this down.

As the idea of selling lemonade for charitable purposes caught on, police around the country and the turbocharged bureaucracies behind them found themselves faced with an unexpected public menace: outlaw lemonade. Alex's Lemonade stands

around the country were shut down by armed men at the behest of city health inspectors, tax collectors, licensing czars—and for-profit competitors. In Philadelphia, police were sent to shut down an Alex's Lemonade stand for want of a permit and a hand-sanitizing station. (Philadelphia had 320 murders that year.) In the Hamptons, Jerry Seinfeld's family was visited by police for selling lemonade to support a charity founded by the comedian's wife. In Wisconsin, vendors resenting the competition demanded a stand be closed, and so it was. New York City insists that Alex's Lemonade stands be licensed city concessions, like hot-dog stands; do treat your four-year-old to a bedtime reading of "Title 12 of the Rules of the City of New York," which has 17 section headings and dozens of subsections, every jot and tittle of which must be satisfied.

Your toddler may need a lawyer.

Not all lemonade stands are philanthropic, nor should they be. Those that aren't run into trouble, too. In Montgomery County, Md., children were fined \$500 for operating an illegal lemonade stand outside the Congressional Country Club. In Texas, police shut down two little sisters' lemonade stand for want of a \$150 "peddler's permit"; the town fathers agreed to waive the \$150 fee—but insisted that the girls needed the health department's sign-off first. In Iowa, men with guns were dispatched to stop a four-year-old girl from selling lemonade during a bicycle race. In New Castle, N.Y., city councilman Michael Wolfensohn dispatched armed men to a local park to stop children from selling unlicensed cupcakes and—horrors!—unregulated Rice Krispie treats.

The phenomenon is maddening in general, but it is particularly galling where the Alex's Lemonade stands are concerned. Here is Jennifer Hughes of the Montgomery County, Md., Department of Permitting Services: "It wasn't that we were the big hand of county government trying to come down and squash anything. . . . We were attempting to do what a government is charged with doing, which is protecting communities and protecting the safety of people." Which is to say: *We cannot let these people raise money for children with cancer—somebody might get sick!*

We are ruled by power-mad buffoons.

After the men with guns became involved, the next step was almost inevitable: "virtual lemonade stands."



Alexandra Scott

Instead of actually squeezing a few lemons and stirring in some sugar, the Alex's Lemonade project has gone online and corporate. MobileCause, a maker of fundraising software, offered this advice:

Even if your intentions are good, . . . sometimes local laws and permits make the process a little more sticky and a little less sweet. Utilizing crowdfunding, really small things can add up to big things. By simply reaching out to their social and professional networks, each virtual fundraiser can raise an impressive average of \$612 in donations. That's not bad for a lemonade stand.

Big companies looking for a hipper alternative to the annual United Way fundraiser have annual Alex's Lemonade events, selling T-shirts and swag and whatnot to raise money—often enormous amounts of money, which is a very good thing. Volvo donates \$10 from every new-car sale to the cause, an amount that has added up to millions of dollars over the years. Children and others interested in getting involved set up online lemonade stands, shaking down friends, family, coworkers, etc. for donations, basically a widely distributed crowd-funding effort. These, too, can raise big money: A lemonade stand dedicated to cancer patient Maya Rigler raised \$754, while the virtual version raised \$380,384. In total, the Alex's Lemonade Stand Foundation has raised more than \$120 million. That is all to the good.

But what about the lemonade?

One need not go the full Ayn Rand here (reading your toddler *Atlas Shrugged* may not *technically* be child abuse) to appreciate that Alex's original proposition was a value-for-value exchange. It wasn't just panhandling, or high-tech panhandling, which is what "virtual" lemonade stands, as well intentioned and helpful as they are, amount to. Alex's story was moving not simply because she was a sympathetic,

charismatic, cancer-stricken little girl who was seeking help for others in her situation but because she was all of those things and—here's the critical part—willing to do something. The labor involved in starting a lemonade stand may be mainly symbolic, but it is critically important nonetheless. This is not a Randian point but a Lockean one. From the *Second Treatise of Civil Government*, chapter 5 ("Of Property"): "Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and thereby makes it his property." In philanthropy as in the primordial economic stew, it is by mixing our labor with what we perceive as valuable that we take ownership. One of the things I most admired about Alex's community in Lower Merion (I was the editor of the local newspaper there years ago) was the controlling cultural norm that, even among such affluent people (median income: more than \$100,000 per year), simply writing a check is insufficient to meet one's obligations: One is expected to get off one's ass.

Getting off one's ass is a necessary thing, because the thing is that we cannot all live through philanthropy. Someone has to pull oil and coal and iron out of the ground, mill steel, and weld that steel into the shipping containers that make global commerce possible and allow modern nobodies to live lives that are in material terms far beyond the imagining of a Bourbon or pharaoh. (One of the upsides of this great material abundance is that we have lots of capital to throw at things such as subsidizing cancer treatment for other people's children.) The culture of "Please give!" often is very good, but it can play only a minor role in a prosperous society. The culture of "Buy my lemonade for \$1" rests on a very different set of assumptions. Who among us could look at Alex Scott and sneer like Elizabeth Warren: "You didn't build this!"

Mikaila Ulmer, age eleven, is building it.

Like Alex Scott, she is in the lemonade business, selling a drink based on her grandmother's recipe, incorporating Texas honey and flax seed. Like Alex, Mikaila has a larger purpose, too: Her BeeSweet lemonade supports local apiary businesses and is intended to raise awareness of apicultural issues. (She was twice stung by bees over a short period of time and became interested in the creatures. And they are interesting! T. D. Seeley's 2010 *Honeybee Democracy* is one of the great books about the mechanics of social organization, in this case the ordering of insect society rather than human affairs.) Like Alex, Mikaila is very charismatic, which resulted in an appearance on the reality-television show *Shark Tank*, where she won a \$60,000 investment, which she has since—a sixth-grader, this is—parlayed into an \$11 million distribution deal with Whole Foods, the hippie-dippy-yuppie grocery chain co-founded by libertarian activist and *Conscious Capitalism* author John Mackey.

The subtitle of Mackey's book is "Liberating the Heroic Spirit of Business." And the entrepreneurial spirit is, at its best, truly heroic, whether it proceeds along the conscious-capitalism model of Mikaila Ulmer's enterprise or the more straightforwardly philanthropic model championed by Alex Scott. And if you want a miniature of what's best and worst in American society, consider the image of these two little girls and their friends, dreaming of great things and then attempting to do them, while the pissant bureaucrats of Maryland and the lawmen of Texas and the czars of New York City with their 10,000 commandments stand between them and what they would do. A healthy society in reality requires both elements, of course, but something is for us here out of joint.

There is nothing wrong with simply raising money for a good cause. (And there is nothing at all wrong with selling good lemonade to make a buck, or a whole bunch of them.) That is fine, and good, and honorable, and admirable. But one of the lessons of Alex's short life is that it is possible, even for children—even for desperately sick children—to do more, and to be more, through their labor and originality, which are, like the children themselves, gifts from God, to be cherished. If the city health inspector says otherwise, we should throw him feet first into the nearest deep and preferably cold body of water.

NR



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The Underestimated Mr. Cruz

In the Texas senator, the GOP has an ideal candidate to stop Donald Trump

BY ERICA GRIEDER

ON April 5, conservatives around the nation, beleaguered and bleary-eyed after months of Donald Trump's rampaging through the 2016 presidential primary season, received some comforting news: Wisconsin Republicans had dealt Trump a decisive defeat in the state's primary that day, awarding most of their delegates to his leading competitor, Texas senator Ted Cruz.

If not for Cruz, Trump would inevitably be the nominee. Yet he's a weak front-runner, having lost about a dozen contests to Cruz prior to the Wisconsin primary. (Although John Kasich remains in the race, he has, as yet, won exactly one contest, in his home state of Ohio, and racked up fewer delegates than Marco Rubio, who dropped out several weeks ago.) The GOP is finally, at long last, taking its Trump problem seriously, and its ability to thwart his bid for the nomination is wholly contingent on Cruz's ongoing success.

Yet Cruz continues to be vastly underrated, as a competitor and as a potential president. His academic and professional credentials are well established: While an undergraduate at Princeton, he cleaned up on the college debate circuit; at Harvard Law

School, he did well enough to win clerkships with J. Michael Luttig of the Fourth Circuit and William H. Rehnquist, then chief justice of the Supreme Court. Later, after an apparently contentious stint on George W. Bush's 2000 presidential campaign and a few subdued years at the Federal Trade Commission, he was hired by Greg Abbott, then Texas's new attorney general, to serve as the state's solicitor general, in which capacity he distinguished himself as an inimitable appellate lawyer, thanks to his work on cases such as *Medellin v. Texas*, *Van Orden v. Perry*, and *District of Columbia v. Heller*. Conservatives couldn't ask for a president better equipped to nominate judges.

Throughout this unusually chaotic primary season, and despite the unforgiving assessments of his rivals and his many critics, Cruz has maintained a steady course and an apparently unflappable demeanor, showing an equanimity and focus that are at odds with his widespread reputation as a "wacko bird," as John McCain famously described him shortly after his arrival in the Senate. This collective error in perception and judgment on the part of the GOP establishment has seriously jeopardized the party's ability to avert the institutional catastrophe that Trump's nomination would represent, and hampered Cruz's ability to save the party from itself.

Erica Grieder is a senior editor of Texas Monthly.

To be fair, no one, not even Cruz, expected that Trump's idle rumblings last spring about running for president would lead to his actually throwing his hat in the ring (or that he would do so well if he did run). And no one would have seen Cruz as a favorite, either. He was the first candidate to announce his bid for the 2016 presidential nomination, in March of last year, but at that time it was already known that the Republican field would be very crowded and more talented than usual. Cruz's eventual competitors included a number of highly regarded and intriguing candidates—some with extensive experience, such as Rick Perry and Scott Walker; some with the universal respect of the party elders, such as Jeb Bush and Lindsey Graham; and others, such as Marco Rubio and Rand Paul, seeming to represent a more inclusive future for the party.

And then there was Cruz. His political experience is skimpy. He had never run for office before winning the Republican nomination for a Senate seat in 2012, and since Texas leans heavily Republican and his Democratic opponent that year was exceptionally weak, his general-election campaigning skills were barely tested. His legislative record is underwhelming. Since joining the Senate in 2013, his main accomplishments, according to many observers, have been engineering a government shutdown and alienating virtually all of his colleagues. His shelf appeal is minimal—the reedy voice, the *beau laid* face, the suits that don't always fit correctly on a body with the approximate proportions of a Beanie Baby.

And Cruz's initial moves raised rightful suspicions. He announced his campaign at Liberty University, with a speech geared to the religious Right: "Instead of a federal government that works to undermine our values, imagine a federal government that works to defend the sanctity of human life and to uphold the sacrament of marriage." His campaign strategist, Jason Johnson, openly acknowledged that Cruz's strategy was focused on turning out disaffected white voters, even though such an approach seemed unpropitious: With the GOP hoping to make inroads among non-white voters, Cruz hails from the one state where Republicans have had demonstrable success in doing just that, and although he eschews the label, he would be the first Hispanic to serve as president should he win.

Nothing, however, was as discomfiting as Cruz's response to Trump. Most of the Republicans running for president were clearly reluctant to engage Trump at first, or to dispute his various attacks. Rick Perry, to his enduring credit, was a notable exception; the longest-serving governor in Texas history pushed back against Trump's sweeping indictment of illegal immigrants, although any consultant could have told him that there would be no political benefit to doing so. Cruz, meanwhile, took the opposite tack. "I like Donald Trump," he declared in August. "I think he's terrific."

The bromance, which would persist through the fall, was clearly strategically motivated. Despite Cruz's youth and inexperience, he never considered running to be Trump's vice president, nor did he have any reason to do so: With a Senate term that expires in the 2018 cycle, and alternative opportunities including a bid to succeed his mentor, Greg Abbott, as governor of Texas, Cruz has demonstrably better career options than bag boy for a buffoon. Still, I, like many others, found Cruz's embrace of Trump almost unconscionable, and was reluctant to support him until a few salient facts about the 2016 primary became clear.

The first was that Trump could, in fact, become the Republican nominee. His net favorability rating, which had initially seemed low enough to limit his prospects, improved significantly over the course of the year. The second was that the only candidate with a realistic chance of beating Trump was Cruz. The third was that the GOP establishment, which had spent years overlooking the conditions that laid the groundwork for Trump, was going to do its very best to stop Cruz.

THE Iowa caucuses were the wake-up call on the third point. In December, polls had shown Cruz leading among the state's likely voters, but on the eve of the caucuses, he had slid back into second place, thanks to sustained attacks coming from many directions and for many reasons, from accusations of paying an inadequate tithe ("I just think it's hard to say God is first in your life if he's last in your budget," said Mike Huckabee, then still a candidate) to the fact that he was born in Canada. That Cruz nevertheless pulled out a win was a testament to his tactical acumen and his extraordinarily effective ground game, which saw hundreds of volunteers travel to Iowa to make the case to caucus-goers in person.

But Cruz's rivals and his many critics in the mainstream media immediately set to work discounting his victory. The initial line of criticism was that Cruz's success in Iowa didn't mean all that much, really, considering that it was naturally favorable terrain for him—as if urbane constitutional conservatives from Texas normally do well in the rural and heavily Evangelical Midwest, even if they're the only candidate in living memory, from either party, to go to Iowa and declare their opposition to the ethanol mandate.

The critics got a considerable boost when the hapless Ben Carson accused Cruz's campaign of "dirty tricks" after learning that Cruz's staff had forwarded to campaign workers a CNN story, published minutes before the caucuses began, that reported, accurately, that Carson planned to take a short break from the campaign trail after Iowa. The staff had apparently taken the news to mean that Carson's departure from the race was imminent—a reasonable interpretation but, as it happened, an incorrect one. There was no evidence that Cruz's alleged treachery had cost Carson any votes, and Cruz later apologized to Carson, several times, for his staff's error.

Even so, cable-news hosts lingered over the questions about Cruz's character that Carson had raised. So did Marco Rubio, flush off a third-place finish in the caucuses—a victory over expectations that may also, incidentally, have been facilitated by Cruz's ground game, which helped fuel a startling increase in turnout for Cruz and the other candidates. (Some 180,000 Iowans voted in this year's Republican caucuses, up 50 percent from 2012.) The result was that Trump was spared the full effect of the clear-cut defeat he had experienced at the hands of a more skillful opponent. By the end of the week, Trump had apparently convinced himself that he was the "real winner" of the Iowa caucuses, since Cruz should have been disqualified on the basis of his "dirty tricks."

This pattern would continue for the next two months. Cruz won three states (out of twelve holding contests) on Super Tuesday—including Texas, where he bested Trump by 17 points in a field that was split five ways. But Texas, it was said, didn't really count: In addition to its being his home

state, he was buoyed by the backing of dozens of influential officials and advocates, including the governor, Greg Abbott, and Cruz's onetime rival Perry. Oklahoma didn't count either: It is basically North Texas, according to the Beltway surveyors. Alaska was discounted on the basis that it held caucuses rather than a primary.

Abbott, incidentally, offered an astute assessment while making the media rounds after announcing his endorsement of Cruz: The reason that his former protégé had won Iowa, and would win Texas, was that those were the two states where voters had been able to get a clear picture of the candidate, despite cable news's saturation-level coverage of Trump and the general contempt for Cruz among most Washington-based sources. This could explain Cruz's pattern of overperforming in caucus states, where votes are cast after a robust participatory process. It would also suggest that Cruz's prospects of winning the nomination on a second or third ballot at the Republican National Convention are better than they might at first appear: A contested convention is the functional equivalent of a closed caucus, with no ambiguities about how high turnout will be or who will be voting.

Many misconceptions about Cruz's candidacy have persisted. Cruz was widely denounced in early March, when it was reported that he would open ten offices in Florida, with plans to compete in that state's primary, on March 15. Florida, according to the critics, was spoken for, even though Rubio—the man supposedly entitled to win it—had, at that point, won only three contests, in Minnesota, Puerto Rico, and Washington, D.C. He was trailing Trump by double digits in Florida polls. But the ardor of his supporters was undimmed, and their fury was righteous. In their telling, Cruz's potential undermining of Rubio in his home state was only enabling Trump. After Cruz eventually focused on other states holding primaries that day, Trump cruised to a 19-point win in Florida and secured its 99 delegates.

It has been clear for a couple of months that Cruz, for all his faults, is the only Republican candidate who can stop Trump. Trump's supporters are an amorphous group, but several recurring themes—their disaffection with the status quo, their opposition to the establishment, their antipathy to the mainstream media—mark them out as voters who were bound to be more receptive to the insurrectionist Cruz than to an august establishment figure such as Jeb Bush or a darling of the elite such as Rubio.

And although none of the non-Trump Republicans had planned for the disruption they encountered—an angry, shape-shifting, oxygen-sucking black swan—Cruz was the first one to recalibrate accordingly, and is the only one to have done so with any success. It's true that, while he initially planned to shore up his support among Evangelicals and run up his delegate totals in the southern states, in the end he failed to win a single state in the Bible Belt. But not even Cruz could have expected self-identified Evangelicals to rally around Trump, who talks about worship the way observant Christians talk about a trip to the beach: a pleasant way to while away some time on a Sunday. And Cruz's initial strategy sessions surely did not envision building a firewall in the West, which Cruz is now striving to complete. He's not a mind reader, after all. Nor is he a saint. But he is as shrewd and effective a competitor as the Republicans could have hoped for in their time of Trump troubles—and a better candidate, in the end, than the party's establishment deserves. **NR**

Nourishing The Viper

*Belgium's tolerance of terrorists is
Europe's loss and Russia's gain*

BY CLAIRE BERLINSKI

Paris

WHEN trying to make sense of recent events in Europe, memory is useful. During the Cold War, Europe was terrorized by now-forgotten murderous far-left and far-right terrorist groups. Germany, Italy, France, Spain, and Turkey, in particular, were turned into abattoirs. These terrorists, too, were in thrall to a utopian and radical vision. They had a particular effect on Europe, one we should consider as we enter the new Cold War. The Soviets hoped to use these groups to spread chaos in Europe and break up NATO: The intended effect of the terror was to radicalize and destabilize the terrorized population. Russia is poised to profit similarly from today's terrorism.

Some of the groups remain active. Turkey's Revolutionary People's Liberation Party/Front, or DHKP/C, bombed the U.S. embassy in Ankara in 2013. It has a long, bloody history of more than 400 attacks against Turkish and NATO targets.

The DHKP/C, like ISIS today, became a Belgian problem, and one that the Belgian authorities dealt with poorly. In 1996, the DHKP/C assassinated Özdemiş Sabancı, a well-known Turkish captain of industry, and two of his associates, in Istanbul. Fehriye Erdal, a female DHKP/C terrorist who had infiltrated Sabancı's building as a cleaner, enabled the murderers to enter his office.

The headquarters of this DHKP/C group were in Belgium, where its members operated freely. It took several years for the Belgian authorities to bring them to trial. In 2006, Fehriye Erdal was convicted. In principle, she was under the 24-hour surveillance of the Sûreté de l'Etat (the Belgian state-security service). But hours before her sentencing, she disappeared, and she was never recaptured.

This was typical. Belgium has long ignored extremist groups in return for their implicit agreement not to target Belgium. It is often no secret at all. In 1996, Brussels released twelve members of Algeria's Islamist organization Groupe Islamique Armé. In Europe, the GIA chiefly targeted France; in 1995, it bombed the Saint-Michel metro station in Paris, killing seven and wounding 117. The Belgian government reputedly made a deal with the GIA to ignore its activities on Belgian soil in exchange for immunity from attack. Understandably enraged, the French minister of the interior, Charles Pasqua, accused Belgium of lacking resolve.

In 2002, a Belgian parliamentary commission's investigation into the Sûreté revealed that it had allowed the Belgian Muslim community—numbering over 350,000—to be heavily infiltrated

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by Islamic extremists. Thirty of Belgium's 300 mosques, the report said, were run by fundamentalists. Belgian schools, prisons, hospitals, and sports centers had become jihadi recruiting grounds. The report warned that they were creating a theocracy within the state. The head of the Sûreté resigned upon the publication of the report, which concluded that the Sûreté had adopted a passive attitude toward Muslim extremists because it had found no indication that they would attack Belgian targets. It also indicated that the Sûreté had been understaffed and inadequately funded for over a decade and that many retiring officers had gone unreplaced.

Yet Belgian security is capable of doing its job when it wishes: The Belgian contingent in Afghanistan competently protected Kabul's airport in a war zone. So why could it not protect its own domestic airport in peacetime? The answer is that it could have, but chose not to. Belgium's policy of neglect toward radical and terrorist groups is openly understood and openly admitted. Shortly after the recent attack on the Brussels airport and metro, the French-language daily *La Dernière Heure*, published in Brussels, explained the policy thus:

Belgium miraculously escaped attack in the 1990s and after September 11. For many years, the country was considered a rear base of Islamist terrorism, and it must be allowed that this perfectly suited politicians and policemen who considered this position the country's hedge against an attack.

This deliberate inefficacy in confronting, or direct complicity with, a wide range of terrorist networks has long infuriated the countries where these terrorists operate. Recently, two suicide bombings in Ankara killed 66 people. Both were claimed by the Kurdish Freedom Falcons, an offshoot of the Kurdish-separatist PKK. Shortly after the recent attack in Brussels, Turkish president Recep Tayyip Erdogan denounced Belgium rather than offering condolences. Belgium, he said, permitted the PKK to pitch tents near the EU Council building in Brussels. "You are nursing a viper in your bosom. That viper you have been nourishing can bite you at any time," said Erdogan, who knows about nourishing vipers. Turkish authorities had deported one of the Brussels bombers, warning the Belgian embassy in Ankara that he was a foreign fighter freshly back from Syria. But Belgian authorities lost track of him.

THE Wikileaks cables are replete with discussion of Belgium's permissive attitude toward terrorists. As long ago as 1978, the U.S. embassy was asked by the State Department to check whether there was, as reported, a large open-air arms flea market in Liège, at which, every Sunday, terrorists shopped for weaponry. (The answer is not clear, but there probably was.) By 2010, the U.S. embassy in Belgium deemed the country "a breeding ground for extremists." Belgian keenness to release, for stupid reasons, terrorists who threatened American interests is a recurrent theme. In December 2007, they released 14 suspects the day after detaining

them for plotting to break al-Qaeda inmate Nizar Trabelsi out of prison. "Unfortunately, their release does not come as a surprise to us," said one Lieve Pellens, spokeswoman for the Belgian federal prosecutor's office. "We think there is still a threat," she added.

In 2005, a Belgian convert to Islam became the first European to commit a suicide attack in Iraq. In 2008, the U.S. embassy reported, a Belgian court reduced the sentence of the leader of the network that had sent her; it also released her younger brother and sentenced another suspected member of the network to 100 hours of community service. Belgium's counterterrorism laws, the cable concluded, "will have little impact if in fact the corresponding sentences for those convicted under the law are minimal."

A small country with a population of 11.2 million, Belgium has had grossly disproportionate links to terrorist networks. These networks were tied to the assassination of Ahmad Shah Massoud in Afghanistan two days before 9/11, to the Madrid train bombings (2004), to the murder at the Jewish Museum of Belgium (2014), and to last year's attacks on the Hypercacher kosher market in Paris, on the Thalys train, and on much of Paris again in November. Belgium's permissive environment is not uniquely lax on Islamists: It has also been a platform for Action Directe, the Red Army, the ETA, the IRA, and, of course, the PKK and the DHKP/C.

Belgian officials had questioned some of the men involved in November's Paris attacks. They never shared the informa-



tion they obtained with French authorities. Salah Abdeslam, the logistical planner of the November attacks, hid in plain sight for months in the Brussels neighborhood of Schaerbeek, which along with the Molenbeek district ranks at the top in the number of European ISIS recruits per capita. He was found only by accident, when gunfire surprised police officers carrying out a routine search in the area.

The American press is reporting that Europe is busily infantilizing itself with syrupy Tintin cartoons and a “#PrayersForBelgium” Twitter hashtag. Not so: Europe is busily tearing itself apart. French parliamentarian Alain Marsaud directly blamed the Belgian security services for the Paris attack as well as the one in Brussels. He was, he said, “disgusted by the inability of the Belgians in the past month, in the past few years, to address this problem.” Belgian “naïveté”—by which he clearly meant indolence, corruption, and incompetence—“cost us, the French, 130 dead.”

French contempt for Belgium has never been well concealed; now it is overt. France’s finance minister, Michel Sapin, accused Belgian politicians of a “lack of will.” German interior minister Thomas de Maizière intoned that Brussels was at fault for failing to work effectively with other foreign services: “The best way to stop such attacks is exchanging information. There are different mentalities. People don’t want to share all of their information.” European commissioner Günther Oettinger likewise criticized Belgian security services: “This cannot continue,” he said. “In Brussels alone there are several different police agencies, which do not cooperate sufficiently.” Strong words. Not the words of a united Europe, though. And not apt to change anything, because who will enforce them?

Police agencies in European countries are notorious for not cooperating effectively. This creates special challenges for counterterrorism efforts, because terrorism is a transnational problem; and Europe’s Schengen system makes it possible for terrorists and their funders—drug and human traffickers—to cross borders with ease.

It’s a paradox of intelligence collection that a human source is safe only if his identity stays a secret, but useful only if the intelligence gathered from him is shared, endangering his secrecy. No one wants to share intelligence with Belgium. People remember what happened with Fehriye Erdal. Everyone knows that Belgian authorities allowed Molenbeek to become a safe haven, more dangerous to Europe than jihadist sanctuaries in Syria, Iraq, and Libya. So who would trust Belgium to protect intelligence sources?

BUT the Brussels attacks showed—again—that the only solution, paradoxically, is the one these attacks make *less* likely, if not impossible: deeper European integration. This is the counterintuitive point that Europeans seem unwilling to grasp or to articulate. A tiny and fractured country such as Belgium can’t mount the kind of counterterrorism program Europe needs. And only collective defense is sufficient to defend Europe against the much larger threat this terrorism invites—Russia. Historically, only one power has ever succeeded in uniting Europe peacefully long enough to confront these kinds of grave external threats. That power is America. It is disappearing.

Belgium hosts much of the EU’s nomenclatura and therefore has a disproportionately large share of high-value terrorist targets.

Its security services must protect these targets as well as the NATO command, and, because Brussels is the bureaucratic heart of the EU, they must do so while conveying the impression of business as normal even when it is most certainly not.

Belgium also has one of Europe’s larger Muslim populations. Some 500 Belgian fighters have joined ISIS. Many of its neighborhoods are notable for high unemployment, the isolation of Muslim citizens, their poor education, a lack of government services, and a surfeit of Saudi-funded imams.

The country is also politically dysfunctional. “*Gallia est omnis divisa in partes tres, unam partem incolunt Belgae*,” wrote Julius Caesar: All of Gaul is divided into three parts; the Belgians inhabit one part. For most of its history, Belgium has been part of a larger territory, or divided. It was part of the Carolingian Empire, then divided into smaller states, among them the duchy of Brabant and the county of Flanders. It remains riven linguistically and bifurcated culturally between Latin French and Germanic Dutch. It has been a center of interminable warfare. Its open plains are accessible terrain; it is at a strategic sea crossroads, geographically indefensible, and welcoming to foreign armies. Belgium’s weakness, its strategic location, and the many armies fighting on its soil have long given rise to nicknames such as “the battlefield of Europe” and “the cockpit of Europe.” Like the Middle Eastern states established after the First World War, it is a fragile and artificial creation. Such states tend to be corrupt, because no one identifies with them. Talleyrand, the 19th-century French diplomat, tried to persuade other major powers of the merits of carving Belgium up. Its strategic location as a pathway to France ensured that Germany would invade it; German violation of Belgian neutrality persuaded Britain to declare war in 1914, or so the British said. (Deep down, they did not much care.)

Each of the three regions within Belgium—Flanders, Wallonia, and Brussels—is responsible for its own internal economic policies, which causes confusion. The entrenched bureaucracy cannot coordinate an effective counterterrorism policy, because it cannot coordinate anything: In 2010, Belgium set a 589-day record for having a democracy without an elected government. The two main parties fought about everything, from Flemish collaboration during the Second World War to Francophone cultural imperialism. The weak federal government and distrust among law-enforcement authorities impede even basic counterterrorism activities: communication, investigation, apprehending suspects.

Some now describe Belgium as a failed state, but that’s not apt: It is a neutralist state, and a weak one. And this is by design: No one wanted to put the capital of Europe in a strong state. Its *dysfunction* is linked to its *function* as Europe’s capital. Writing for Germany’s *Der Spiegel*, Peter Müller said what everyone in Europe thinks:

There will be much written about how the terrorists targeted Europe’s heart and why they put a bull’s-eye on the European Union and its capital. None of that is incorrect, but it misses the larger point. In truth, the attackers didn’t target Brussels because the EU is based here. They targeted Brussels because nowhere else in Europe is it so easy to plan and carry out an attack.

That is not incorrect either, but it too misses the larger point. Ultimately, the EU and NATO are based in Brussels precisely because nowhere else in Europe is it so easy to plan and carry out a wider attack. “The capital of Europe” was a fantasist’s

creation. There are only two real capitals of Europe: Paris and Berlin. Neither could be the nominal capital of Europe, for obvious reasons. London can't even decide whether it wants to be part of Europe, much less its capital. Only a weak country such as Belgium could at once be both European enough and neutral enough to be host to Europe's capital. And thus the capital of Europe became its softest target.

THE attack in Brussels was prefigured by another, three days earlier, on Istanbul's busiest street, Istiklal Caddesi. The explosion killed five people. Turkish authorities first blamed the PKK, by reflex, and then blamed a Turkish-born member of ISIS. The attack was quickly overshadowed in the Western media by the attack on Belgium, but it should not have been. They were related.

Both were attacks on what ISIS calls the gray zone: places where Muslims have not yet been forced to choose sides. The world today, ISIS claims, is divided into two camps, that of *kufir*, or unbelief, and that of Islam. In between lies the gray zone, inhabited by those who call themselves Muslims yet fail to join ISIS. It is, they say, a state of hypocrisy. ISIS's attacks on Europe are designed to destroy the gray zone, making it impossible to be a Muslim in the West. Its attacks in the Islamic world are designed to prove the local governments incapable of controlling the chaos. In both places, the attacks are designed to prepare the public for a power grab by a force that can restore order. The ordering force will be ISIS itself, or a government that makes life intolerable for ordinary Muslims, forcing them to leave the gray zone and flee to ISIS-controlled territory.

ISIS has made its strategy publicly known. Killing Europeans, ISIS says, will damage the social trust between native Europeans and Muslims, bringing to power anti-immigrant, far-right parties that will make life unbearable for Muslims, giving rise to another generation of jihadists to replace those dying on the battlefield in Syria.

Who would benefit from this? ISIS would, obviously. But ISIS won't: The world is arrayed against it. It is therefore Russia that will benefit. Russia backs Europe's anti-immigration parties; it magnifies, through its impressive propaganda organs, the divisions among European nations about how best to manage the refugee crisis. The parties least welcoming to refugees are the ones most eager to enter a closer alliance with Russia and to end the sanctions Russia faces as punishment for its annexation of Crimea and invasion of the Donbass. To read Russia's propaganda outlets in Europe, one would think Russia had been bravely fighting ISIS in Syria rather than rubbing out the United States' proxies. You would not know at all that Russia and Bashar al-Assad stayed well clear of ISIS, leaving the task of dealing with it to the United States.

ISIS and Russia share a vision of a Europe divided, chaotic, riven with ethnic and sectarian tension, and unfree. For ISIS, this is a means to replenish the ranks of its fighters and ultimately to expand the caliphate to Europe. For Russia, it is a means to keep U.S. troops, weapons, and liberal political ideas far from its borders. Putin seeks a weakened, confused West, one unsure whether the NATO alliance is worth it. ISIS is helping him get it.

After the attack in Brussels, the Brexit campaign made its case: Britain, surely, would be more secure out of a Europe so incompetent that it couldn't even prevent this abomination in its

own capital. But would the collapse of the EU ameliorate or exacerbate this problem? Would there be less insecurity and instability were Europe returned to its historic condition as a gaggle of states unable to live in peace? Really? At least 1,500 years of history would suggest otherwise.

With the exception of the wars of Yugoslavian succession, Europe has been at peace since 1945. The longest comparable period of peace lasted from 1878 and the Congress of Berlin to 1914 and the outbreak of the First World War. Would there be more security if each renewed nation-state were free to control its borders? Would Greece and Germany find their relationship less fraught if, in effect, it were Germany versus Greece, with no EU in place to oil hinges that for now are at least swinging, even if they're squeaking? If Poland, Hungary, and even Germany were again to become entirely sovereign states, would there be a lesser or a greater danger of extremism? The answer is obvious. No single European government's security apparatus is remotely adequate to deal with a transnational terrorist threat or an imperial Russia.

We spend too much time parsing the ideology of the terrorists and not enough studying the way democracies react to terrorism. The waves of left- and right-wing terrorism in the 1970s prompted, among other things, a coup to restore order in Turkey in 1980. The world still suffers the effects of that coup. Whether terrorism is committed by violent leftists or Islamists, people react to it in predictable ways. It prompts them to look for protection. This time ISIS is creating the useful chaos in Europe, but Moscow still seeks to exploit it to its own geopolitical ends. This is not to say that ISIS has no independent existence, ideology, or aims; of course it does, as did the Baader-Meinhof Gang and the Red Brigades. They were indigenous radical forces, and forces a larger, stronger state could exploit.

Europe has been crippled by economic stagnation and whipsawed by the refugee crisis. Populist parties have risen in response. Russia has financed them. ISIS might seem the center of events, but it is a sideshow: The larger story is the unlikely rebirth of imperial Russia, and the unlikely collapse of imperial America.

The NATO alliance was established, as its first secretary general, Hastings Ismay, said, "to keep the Americans in, the Russians out, and the Germans down." The effect of this new terrorist wave—if not its intent—will be to push the Americans out and bring the Russians in, via propaganda, hybrid attacks (a mix of conventional weapons, irregular tactics, terrorism, and criminal behavior in the same time and battlespace to obtain political objectives), and the ballot box. When that occurs, we may assume that Germany will not stay down. Whether anyone wants the kind of united Germany that might arise in response to these pressures is a question better asked now than later.

Europe's natural tendency is to fragment. Everything is working against European unity, which from a security perspective is what Europe needs most. And once again, Europe's fate is in the hands of the superpowers: Moscow and Washington. The latter has recently decided, against all evidence and argument, that it is poor and weak; the former has decided, against all evidence and argument, that it is strong and back.

A great and visionary American president would see the danger and be a visible presence here in Europe now, but instead we have Obama in Cuba and Trump wondering why we need to bother with NATO at all—leaving Russia poised to win by default. **NR**

Grim Reaper, M.D.

*The Low Countries slide down the
euthanasia slippery slope*

BY DOUGLAS MURRAY

EVERY age preceding ours sanctioned acts that we find morally stupefying. So it is reasonable to assume that there are at least some things we are presently doing—possibly while flush with moral virtue—that our descendants will regard with exhalations of “What were they thinking?” Anyone interested in our age should wonder what these modern blind spots might be—those things akin to slavery or the Victorians’ shoving children up chimneys. As an entry into this category, you could do worse than consider the case of Nathan (born Nancy) Verhelst.

This was a Belgian who as a little girl felt that her brothers were favored over her. In adulthood she chose to “transition” into a man. She underwent hormone therapies as well as surgical operations. These were insufficiently successful for Nancy’s liking and left considerable scarring. Nathan—as he then was—became depressed. In September 2013, when Nathan was 44 years old, the Belgian state killed him by lethal injection because of his “unbearable psychological suffering.”

Perhaps we can leave the ethics of trying to turn women into men for another day. But it seems likely that any future civilization will look back on the practice of euthanasia in the Western liberal democracies in the early 21st century and sense an awesome moral chasm: “Let me get this right, the Belgian health service tried to turn her into a man and then killed her?” Strangest of all might seem the fact that this killing was done in a spirit not of malice or cruelty, but of kindness.

Several advanced Western countries now practice some form of euthanasia. The State of Oregon allows a version that was much cited in the United Kingdom last year, when there was an unsuccessful attempt to introduce a euthanasia bill in the parliament. But nothing yet equals the practice of euthanasia in the two most liberal democracies of Western Europe: Belgium and Holland. In both countries, deciding (or, in cases of dementia, having decided for you) the date of your death has become, in the eyes of euthanasia advocates, a positive—indeed a liberal—act. The generation of Baby Boomers in the Low Countries that led the way in advancing the rights of sexual and other minorities are the same generation that then advanced the “right” to die. For them, it is the last right. As with some other rights arguments, the case puts the rights of the individual over those of the community irrespective of the impact this may have on wider society.

Even so, no other “right” can be said to have anywhere near the implications of this last one. The “right to death” makes every

other right look like a plaything by comparison, because enjoying the right to death changes almost everything about the way a society views not only death but also life and the very purpose (or otherwise) of existence.

In Holland, the debate over euthanasia started properly in the 1980s. It was propelled in part by doctors appealing for better guidance on what to do with people who were in great pain at the end of their life. Any doctor anywhere in the world would be familiar with such dilemmas. A patient is dying from terminal cancer and is in his last months, weeks, or days of life. If he is in exceptional pain, there is no doctor who would not help alleviate that pain. Many, if not most, would at some point administer a quantity of painkiller that they knew would probably bring that life to an end. Most countries would deal with such scenarios through a subtle combination of custom and law—custom that prevents extreme suffering, laws that prevent abuse.

But something strange always lingered in the Dutch debate: not only a desire to get clarity on a medical conundrum but also an unusual (if characteristically Dutch) desire to advance the frontiers of the issue. Throughout the 1980s and 1990s, Dutch doctors who were advocates of euthanasia were bolstered by court judgments allowing them to act in specific, narrowly defined cases. But behind them there were also the NVVE (Nederlandse Vereniging voor een Vrijwillig Levenseinde, or the Dutch Association for the Voluntary End of Life) and other “right to die” groups that had long been arguing for euthanasia in murkier cases. Such advocates of euthanasia do not like being reminded of their early arguments. Just as the sexual-liberation movements of the 1960s and 1970s did not always steer clear of morally questionable groups, so the early supporters of euthanasia allied with organizations that argued, among other things, for the “mercy killing” of the disabled.

In the 1980s and 1990s, the main driver for legalizing euthanasia in Holland was the permissive legal culture that began to arise. Doctors who helped kill their patients faced trial on a number of occasions, but even when found guilty, they either were not punished or were given suspended sentences. Several emotionally fraught cases involved patients who were suffering from advanced cancer or dementia. Eventually judges asked the public prosecutor to provide guidance on two questions: When does alleviating the suffering of a terminally ill patient tip over into “mercy killing,” and in what situations might “mercy killing” be legitimate? In the 1990s, the Dutch parliament considered a bill to clear the matter up. By 2001, the parliament had signed its first euthanasia bill into law. When it passed, Els Borst, the former health minister who had steered the bill to passage, quoted the last words of Jesus, “Het is volbracht” (It is finished).

HE was wrong. In many ways, Holland’s debate over euthanasia had only just started. Providing advice for doctors who treat patients in an advanced stage of cancer or dementia—suggesting, for instance, that they get pre-authorization from patients likely to become incapable of consent as their condition deteriorated—was the easy part. Once the discreet custom became law, at least three huge moral floodgates opened, and the societies that have passed these euthanasia laws have no way of putting the sluice gates back up.

The first question is one of age limit. If it is agreed that old people suffering from terminal illnesses may be euthanized, why

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should the same not apply to a young adult or even a child who also has an inoperable and terminal condition? Belgium legalized euthanasia for adults the year after Holland did, in 2002. As in Holland, the courts ruled that doctors might kill a patient if that person was competent and conscious, had repeatedly asked for euthanasia, and was suffering unbearably as a result of an incurable disorder. Only twelve years later, in 2014, the Belgian parliament passed a bill that allows the euthanizing of children, no matter how young, so long as they are terminally ill. In Holland, the lower age limit for euthanasia is currently twelve, with parental consent, though euthanasia advocates are pushing to eliminate any age limit.

The second great ethical question concerns mental, rather than physical, illness. Awareness of mental illness and sympathy for those who suffer from it have grown in many Western societies in recent years. The relative destigmatizing of mental illness—inarguably a good thing—has been achieved in part by claiming that mental illness is as debilitating as physical illness and should be treated accordingly. But if mental illness and physical illness are similarly incapacitating, should we use the same standards in deciding how best to alleviate the suffering they cause?

We seem to think so when treatment consists simply of prescribing antidepressants. But if mental and physical illness are akin when they *can* be alleviated, what about those cases in which they *cannot* be? If we are to help a terminal-cancer patient die, why shouldn't we do the same for a person suffering from an acute mental illness? Indeed, the early days of the euthanasia movement in Holland signaled that mental illness would become part of the debate: While the Dutch parliament was considering its 2001 pro-euthanasia bill, a depressed woman from Haarlem, in a widely covered case, received the assistance of her psychiatrist to kill herself.

In Holland today, it is accepted that people who are suffering unbearably from mental illness may be killed. Figures are hard to compile, because there is no one place where people go to get euthanasia in Holland. Many simply seek the cooperation of their doctor. If their doctor cannot—or will not—help them, then they can go to groups such as the NVVE that act as freelancers to assist patients. The NVVE alone deals with around 4,000 cases a year in which the patient has either a physical or a mental illness. In 2013, a single Dutch clinic helped kill nine psychiatric patients who were all able-bodied. Not the least curious of the problems this raises is that the patient must prove he is of sound mind while wanting to die. That is, he must show that he wants to die but is not suicidal. If the person is deemed suicidal, he might not be able to get euthanasia but could instead be put in an asylum.

The third great question is over people who are neither terminally ill nor mentally ill but who are simply “tired of life.” This distinctly Dutch formulation describes something that is at once commonplace and, to the extent one sees it as a legitimate reason to stop living, hard to identify. I once asked a Dutch doctor who practices euthanasia what constituted being tired of life. The example he gave was of an old person who had seen society change and felt that he wasn't part of it anymore. But if a feeling that society has changed for the worse were the criteria for death, then most conservatives would qualify for euthanasia.

It's all but impossible to nail down a limiting principle for this “tired of life” condition; people of a younger and younger age are able to persuade their doctor that they suffer from it. As Chris Rutenfrans, a journalist and anti-euthanasia figure in the



Netherlands, said of the pro-euthanasia campaigners, “they always have a next step.” Today there are groups in Holland that want to make a “tired of life” pill available to people of any age. These ennui-plagued people would be trusted, after conversations with a doctor, to conclude that life is simply not worth living.

Of course, in the near future, teenagers who suffer from conditions such as anorexia might easily be deemed tired of life. Indeed, teenagers as a whole might be considered eligible for euthanasia. Everyone at some stage in his life will feel hopeless, helpless, and perhaps even suicidal. It is the duty of family, friends, and those in authority to say that these feelings are a normal part of life and will subside—not that they are a justification for self-murder. And that, in the end, is the problem that Holland and Belgium have created. However well-meaning, the society that begins legally euthanizing the dementia victim soon struggles over whether to euthanize children, the mentally ill, and those who do not love the direction in which their life, or the world around them, is heading.

Which brings me back to Nathan (Nancy) Verhelst—because the manner in which society responds to individual suffering tells us much of what we need to know about that society, its beliefs, and perhaps its potential longevity. For many centuries, the default stance of the Judeo-Christian West has been to accept suffering as well as we can, because there is always hope. Today the response of parts of the post-Judeo-Christian West is to accept annihilation because the nihilists would appear to have a point. What fascinating discussions future generations will have over whether such societies—should they survive or not—were ever remotely sane.

NR



The Long View BY ROB LONG

Choose Your Adventure! *The Republican Party Edition™*

BEGIN HERE

Republican-party front-runner Donald J. Trump pads into the “thinking room” in his elegant, palatial Palm Beach estate, Mar-a-Lago. As he sits on his gilded and intricately carved seat, beneath the impish grins of the constellation of cherubs carved overhead, his eyes narrow and his lips pooch out. He sighs loudly.

“What am I going to do?” Donald J. Trump asks himself, unexpectedly aloud.

There’s a knock on the door. It’s his loving wife, Melania. “Donald? Donald? What is happening in there? Are you in distress?”

“I’m fine, dearest,” he answers.

“You are talking to who?”

“I’m musing aloud, dear one,” Donald J. Trump responds to his wife. “I’m thinking. I’m sitting and thinking and tweeting.”

“Tweeting? That is what, now?”

Donald J. Trump sighs again. His wife is, in many ways, the perfect woman. But her English still isn’t as fluent as he’d like. She’s trying, he tells himself. You must learn not to be so hard on people, he thinks.

“I’m on Twitter, love of my life. But I’ll be out in a moment.”

He hears her expensively shod feet clickety-clack away on the marble floor. The *imported* marble floor. And he goes back to his thinking.

He never expected it to go this far. He thought, like everyone else, that he’d dip into the race, maybe stick around until Iowa, then drop out dramatically and be done with it. “I’m just going to sell some steaks,” he told his family. “This

whole thing will give me great insight when I assume the chair of the political-science department at Trump University.”

But now, on the eve of the Republican convention, he’s faced with a dark and impossible choice. He’s close enough to the magic number of delegates to wheel and deal his way to the nomination. But sitting here in his most favorite “thinking place,” among the cherubs and the high-end air fresheners, alone, he’s torn. Does he really want to be president? With everyone yelling at him and nagging him all the time? With the trick questions? It’s bad for his health, all of this campaigning. He’s tense and his skin is itchy. And even right here, in his favorite “thinking place,” he realizes that the pace and strain of campaigning has made even this once-restful part of the day another painful ordeal.

On the other hand, think of the licensing opportunities!! Think of the brand extensions and the logo items!!

“What’s it going to be, Donald J. Trump?” he asks out loud, using the special nickname he uses for himself. “Do you want it or not? Do you go for it?”

CHOOSE NOW

YOU HAVE CHOSEN: DO NOT GO FOR IT

Donald J. Trump reaches for the phone that sits on an ivory cradle next to his solid-gold seat. “I’m so glad I had this special charger built in,” he thinks to himself. “It’s called good planning,” he says as he dials the phone.

He realizes that he’s in an amazing and unprecedented position. His followers, it dawns on him, will do whatever he asks. They are devoted to him. His delegates, now assembling in Cleveland, are his to direct. That makes him a kingmaker.

“I like the sound of that,” he says to himself. “Kingmaker!” Just saying the word makes him feel tingly—

although that might be his leg going to sleep. It happens sometimes in this very position.

“Hello?” comes the voice from the other end of the line.

“Hello. This is Donald J. Trump,” says Donald J. Trump. “Who am I speaking to?”

CHOOSE NOW

YOU HAVE CHOSEN: CONDOLEEZZA RICE

Donald J. Trump lays out the scenario. He doesn’t want to be president. But someone smart and brainy and basically a 6 or 7, let’s be honest, should be president. He knows the former secretary of state a little—didn’t they do an event together, for that charity that does the thing for the disease that makes your skin like a toenail or whatever?

“You mean scleroderma?” asks former secretary of state Condoleezza Rice.

“Yeah. That,” says Donald J. Trump, shifting a little on his seat. But as he lays out his thinking, he can sense that she’s warming to the idea. He announces that he’s dropping out and tells his delegates to throw their support to her. She then accepts and announces her running mate.

“And who would that be?” Condoleezza Rice asks Donald J. Trump.

CHOOSE NOW

YOU HAVE CHOSEN: PAUL RYAN

“Let me conference the three of us in,” says Donald J. Trump.

“It sounds very echo-y where you are,” says former secretary of state Condoleezza Rice.

“It’s called Italian marble, dear,” says Donald J. Trump.

YOU HAVE CHOSEN TO STOP NOW. PRESS YES TO SAVE AND NO TO RETURN TO THE BEGINNING OF THE STORY.

Holy Harem, It's ISIS, Batman!

YOU don't have to see *Batman vs. Superman: Dawn of Justice* to talk about it, as I intend to prove right now. The reviews confirmed my suspicions—the story exists just to set up the title.

You have a mopey, borderline-psychotic billionaire trying to punch to death a guy who can throw him into the sun. Wonder Woman shows up. For all I know, Robin and Jimmy Olsen get married in a wacky subplot. Couldn't care less—and I love superhero movies. At least I did, until the experience of watching these films became like getting struck in the head with timpani mallets for three hours. You leave the theater feeling as if you had a liquefied spleen.

But that's not my main objection. There are two problems with the very concept of *Batman vs. Superman* that show deep problems in our culture. The first is that adults are expected to take Superman seriously. Superman is for twelve-year-old boys. The classic Superman comics of the '50s are ridiculous and juvenile, with Superman confronting some peril and doubting his ability to prevail. Every time. *SUPERMAN VS. THE LEAGUE OF EVIL GALACTIC PASTRY CHEFS!* Great Caesar's Ghost, they're infusing the nation's crullers with Kryptonite fondant—strength fading! Death certain!

The most recent version of the character is somber, more “realistic,” if you can say that about someone who can detect an irregular heartbeat in a hummingbird in Malaysia from the other side of the world, but he's still a guy who's impervious to everything except a green rock that makes him fall down and barf. Batman, in the modern incarnation, is more interesting; he wants the best for his city, although you know that even after he's cut down on crime, the city will still be doomed by looming underfunded pension obligations.

In the hands of a good director, you can get some enjoyable diversion out of comic-book characters, and in the case of Batman or Captain America, something that's actually stirring. But *Batman vs. Superman*—in its very title—sums up what's amiss in our cartoony entertainment. What we need is *Batman & Superman vs. ISIS*.

But they're never going to do that. Why?

There's precedent. Sure, it was tough to integrate Superman into WWII, since he could have flown to Berlin, smashed through the bunker, and broiled Adolf with heat-vision. A children's book would probably balk at Superman playing hackysack with Hitler's head on the Champs Élysées, especially when the reader knows the war grinds on. So they published comics where Superman shows up in the jungle with an armload of rifles and the troops are happy because they're running low on ammo. Glad to help, boys! Now I have to go deal with a robot ape back in Metropolis. It's taken Lois again!

Mr. Lileks blogs at www.lileks.com.



“Yeah but this island is really important, Superman—we're not asking you to throw Tojo into space or anything, but if you could use your super-breath to defoliate that patch over there, we could see their snipers—aaand, he's gone. Shoot. Well, at least he gave us some guns. Hey look, a box of Luckies and an *Esquire* mag.”

It's as if Superman figured that yelling “BUY BONDS!” as he flew around was sufficient contribution to the war effort. Batman was different. A Batman serial in the early '40s had the Caped Crusader fighting a “Jap mastermind” who controlled a small army of zombies. The villain sneered about the superiority of the master race, even though he made 13 unsuccessful attempts to kill Batman in the course of the serial. At the end, Batman threw him into a pit full of alliga-

tors, and everyone cheered because (a) yay Batman, and (b) boo enemies of liberal Western democracies.

Apparently this is too much to ask now. You will never see Superman using his fists to burrow down into an Iranian nuclear facility to destroy the centrifuges or make hash of North Korea's forward-based artillery. You will never hear Batman say, “You know, instead of standing here in the rain feeling bad about my parents' murder, maybe I could use all my

technological skills to identify Islamist plots.”

Fifteen years into the war—or longer, depending on whether you fix the date at the Iranian Revolution, or the victory of Charles Martel, or the loss of Spain, or the first time in the eighth century some poor soul got his head lopped off for saying, “Yes, I am a Zoroastrian, why do you ask?”—War on Terror movies have been either money-losing downbeat tales about our own perfidy or harrowing portrayals of the moral consequences of war. It's like looking back on WWII movies and watching Rick in *Casablanca* decline to help Victor Laszlo because it would just perpetuate the cycle of violence. Let's sit down with Major Strasser. Captain Renault will bring pastries. We can talk this through.

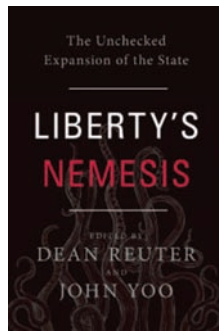
Imagine the pitch: Wonder Woman busts up a sex-slave auction while Superman finds a nuke in Vatican City, and Batman is breaking up a cell in Gotham that wants to blow up a mall. Nervous executives look around the table. Uh—do any of the bad guys say that “Allawhoo agber”? That's a problem. Can they be Russian criminals? Could maybe the CIA be behind it all? 'Cause that's a dark twist. Maybe the president is a real-estate developer who wants to build a new city. Go with that. And make sure Wonder Woman is stronger than Superman and Batman. Also she's gay, but not so gay that it can't be toned down for the Chinese market. Agreed? Here's \$300 million.

All of our modern superhero movies are about the West's battle with Islamic terrorism. Inasmuch as they're not, which says it all.

NR

Leviathan Rising

MARIO LOYOLA



Liberty's Nemesis: The Unchecked Expansion of the State, edited by Dean Reuter and John Yoo (Encounter, 576 pp., \$32.99)

At the conclusion of the Philadelphia Convention of 1787, a certain Mrs. Powel is said to have asked Benjamin Franklin whether the delegates had ended up with a republic or a monarchy. “A republic,” he answered, “if you can keep it.”

Keeping it has proved difficult. Most of President Barack Obama’s critics believe that he has been trampling on the Constitution since his first days in office. Even the most hardened critics, however, will be taken aback by the sheer scale of the damage he has inflicted on the Constitution, in ways large and small. A new book edited by the Federalist Society’s Dean Reuter and law professor John Yoo of the University of California, Berkeley, puts the damage in historical perspective.

The book brings together contributions from a sitting senator, a former congressman, a former attorney general, a former White House counsel, and a host of prominent scholars and former senior officials to catalogue the excesses of the Obama era. “These scandals may have traveled different vectors before they landed on the White House,” writes Yoo, “but they all flow from the same source—the overgrowth of the adminis-

trative state.” The presentation of their contributions in one volume reveals the underlying institutional dysfunction, a process 100 years in the making.

The Constitution was carefully designed to fetter the federal government, and the presidency in particular, to prevent the republic from turning into anything like tyranny. The federal government was vested with powers that were strictly limited and enumerated, and there was to be a strict separation of powers between federal and state governments and among the branches of the federal government.

Alas, starting with Woodrow Wilson, the presidency has burst virtually every one of those constitutional fetters. Wilson rose to fame (and, eventually, power) as a paragon of the German philosophy of government by administrative-agency experts, then all the rage in academic circles. The idea, which called for bringing all government functions together “scientifically” within the executive branch, was diametrically opposed to the separation of powers prescribed by the Constitution, a document for which Wilson expressed open contempt.

It was Wilson who midwifed the modern administrative state. The Federal Reserve, the Federal Trade Commission, the U.S. Tariff Commission, the U.S. Shipping Board, the Federal Power Commission, and what eventually became the Commodity Futures Trading Commission were all born during his administration. They set the pattern for the independent agencies we know today, from the Securities and Exchange Commission to the Consumer Financial Protection Bureau created by Dodd-Frank.

This was not only, or even principally, Wilson’s doing, or that of any president. It was Congress that created the agencies, empowered them through increasingly open-ended delegations of rule-making and adjudication authority, and—starting in the era of Franklin D. Roosevelt—let the Constitution give way to what Walter Lippmann called “the absolutism of the majority.” Perhaps even more shameful has been the part played by the Supreme Court, which, out of desire for self-preservation, and in

false deference to the vox populi, has systematically aided and abetted the rise of the administrative Leviathan by leaving crucial constitutional constraints undefended.

It was in the midst of World War II that the Supreme Court undid the fetters on Congress’s power to regulate interstate commerce, in *Wickard v. Filburn* (1942), and then let Congress delegate all that authority to the executive branch, in *Yakus v. United States* (1944). In *Chevron v. NRDC* (1984), it gave agencies the power to determine the meaning of their enabling statutes, including the scope of their delegated legislative authority. And, back in 1935, in *Humphrey’s Executor*, it was actually a conservative Supreme Court that let Congress shield agencies with “quasi-legislative or quasi-judicial functions” from presidential control—which is how many agencies (including the Federal Trade Commission, the Federal Communications Commission, and the Consumer Financial Protection Bureau) became “independent” and accountable to nobody.

As Linda Chavez makes clear in a chapter on Obama’s “executive amnesty” of illegal immigrants, Obama has transformed prosecutorial discretion into an unfettered rule-making power. The action went too far in creating new rights for immigrants, such as work permits, so federal courts have stayed the amnesty for not following the Administrative Procedure Act. But the amnesty at its core might prove unassailable if courts are not willing to enforce the president’s constitutional obligation to “take Care that the Laws be faithfully executed.”

That “executive amnesty” was not, it turns out, an “executive order,” nor have Obama’s most controversial executive actions taken that form. In virtually every case, Obama has used administrative agencies to push the envelope of administrative overreach. The executive amnesty, for example, was a series of informal memoranda within the Department of Homeland Security.

In terms of consequences, the most dangerous Obama actions have stayed well within the Administrative Procedure Act, relying on vaguely worded

enabling statutes and the courts' deference to do just as they please. One example is the Environmental Protection Agency's regulation of greenhouse gases: As Patrick Morrissey and Elbert Lin, respectively the attorney general and solicitor general of West Virginia, write, the EPA, in enacting those regulations, "apparently viewed the law merely as an inconvenient hurdle on the way to its preferred policy outcome." To defend against such overreach, they argue, "states, private regulated entities, and individual citizens must be willing and prepared to sue."

That is certainly true, but unfortunately the federal courts have cut the legs out from most such suits in just about every possible way. Incredibly, according to the courts, U.S. citizens have no general standing to sue to keep the government within the law. Instead they must show particularized injury—so if an agency

are often referred to as an "iron triangle.") As tempting as it might be for a Republican Congress to shield administrative agencies from the control of a Democratic president, the fracturing of the unitary executive leaves critical lawmaking functions on autopilot, accountable to nobody. To make matters worse, as former FCC commissioner Harold Furchtgott-Roth reveals in a chapter on the FCC, the fact that an agency is nominally independent doesn't mean the president isn't controlling things from behind the scenes. If the agency's leadership is committed to the president's agenda and values his approbation, a statutorily independent agency is easily subverted by an unscrupulous president, leaving us with the worst of both worlds—power without accountability.

As C. Boyden Gray and John Shu make clear in their chapter on Dodd-

agency rulemaking is unconstitutional. On the other extreme, law professors Adrian Vermeule and Eric Posner (of Harvard and Chicago respectively) take the exotic position that Congress could delegate *all* legislative power to the president, and we wouldn't need constitutional constraints to keep him in check, because political constraints are enough—as close as American law professors can get to a revival of Benito Mussolini's conception of government. Closer to the center, such left-leaning academic voices as now-Supreme Court justice Elena Kagan and Cass Sunstein, former head of the White House Office of Information and Regulatory Affairs under Obama, are a force to be reckoned with. They often have effective answers for traditional conservative critiques of the administrative state. So far, an effective center-right riposte to those answers has been lacking. *Liberty's Nemesis* goes

The combination of limitless regulatory power and limitless delegation is **compounded by a fracturing** of both the executive branch and Congress.

harms everyone at once, it's off the hook. Just as bad is the deference that courts give to agency interpretations of their enabling statutes—the doctrine of the Supreme Court decision in *Chevron*.

The redeeming virtue of the Supreme Court's worst constitutional decisions is that they sometimes make so little sense that it's impossible even for judges to find a way around their flaws. Thus, there is increasing consensus among conservative jurists—and a few liberal ones—that *Chevron* is unsustainable and must be reversed. Ronald Cass, former dean of Boston University's law school, makes a compelling case that *Chevron* should be scrapped and the power of judicial interpretation restored to the federal courts.

The combination of limitless regulatory power and limitless delegation is compounded by a fracturing of both the executive branch and Congress. Every sector of industry seems to have its own version of the "military-industrial complex," in which congressional committees collude with the agencies they superintend to serve the most powerful special interests. (These relationships

Frank, the Consumer Financial Protection Bureau, whose mission is apparently to persecute on an almost purely random basis companies that engage in innovative financial practices, operates beyond any effective democratic control. With an independent revenue stream and leadership shielded from removal by any president, the CFPB was intentionally designed to be as rogue and unaccountable an agency as the Supreme Court would stomach. Killing the CFPB should be on the list of actions the next president and Congress will take on Day One.

If fixing all these problems at once is too much to ask of this generation, it is absolutely urgent at least to stop and pull back the unfettered delegation of legislative authority to the executive branch. In the ivory tower of constitutional law, an interesting debate has been swirling of late about the non-delegation doctrine. At one end of the spectrum, Columbia law professor Philip Hamburger takes the position of the ancient Romans: *Delegatus non potest delegare* (the delegate shall not delegate, period). On this theory, the entire apparatus of executive-

a long way toward filling that void. It mixes moderation with bold conservative positions that, taken together, amount to an agenda of constitutional reform.

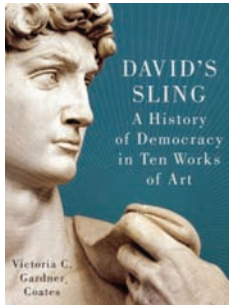
"If conservatives are ever to reverse unaccountable government," writes Yoo in the conclusion, "they must fundamentally change their approach to constitutional law and the Executive Branch." In that effort, *Liberty's Nemesis* will be an indispensable guide. It should be an essential part of any vetting process to fill the seat vacated by the departed Justice Antonin Scalia. The steady erosion in the Constitution's separation of powers has been made possible above all by the Supreme Court's abdication of its essential role as guardian of the Constitution's constraints on government power.

The time has come for the Supreme Court to assume that responsibility once again. As this book demonstrates, fixing these problems will be impossible unless the Court is willing to undo the damage of its hundred years of servitude to the absolutism of the majority. Americans are blessed with a wonderful Constitution, if they can get it back.

NR

Art and the Free Man

VICTOR DAVIS HANSON



David's Sling: A History of Democracy in Ten Works of Art, by Victoria C. Gardner Coates
(Encounter, 368 pp., \$27.99)

FOR art historian Victoria Coates, David's sling, in Michelangelo's colossal statue of the Old Testament David in Florence, is not just a representation of the weapon with which the diminutive future king of Israel put down the huge brute Goliath: It is also an icon for a small, but free and wily, Renaissance Florence that held its own in the rough neighborhood of 15th- and 16th-century Italy and the Mediterranean beyond. Had Michelangelo been conscripted to work for the Ottoman sultan, I suppose he might have been hired instead to glorify the aggressor Goliath.

In other words, Coates advances a familiar argument: that constitutional government and its companion culture of freedom foster singular art of many kinds—publicly funded temples, private sculpture and painting, religious architecture, and subsidized private commemoration. Her concise and beautifully illustrated survey is not intended for academics and specialists. And she accepts her working thesis mostly as a given, without worrying too much about whether its antithesis—the ordeal of autocracy prompts a desperate creative reaction to it—can also explain remarkable sculpture, such as the *Laocoön*, or the Byzantine emperor Justinian's majestic

basilica of Hagia Sophia, or literary genius of the caliber of Petronius, Boethius, Tolstoy, and Solzhenitsyn. Nor does Coates explore how democratic culture and market capitalism can reduce art to its lowest common denominator, whether the stereotyped satyrs with their erect phalluses splashed on red-figured Athenian pottery, or the current musical oeuvre of Miley Cyrus, or what the Oscars now often reward.

There is also little exploration of *how* the mechanics of democracy actually promote singular artistic genius. Is the catalyst sheer freedom of expression without much censorship? The shared energy of participatory politics, rippling throughout the larger culture? An accompanying egalitarianism that promotes meritocracy and finds genius without worry over class or wealth boundaries? Or free markets that can generate concrete material incentives to hungry artists? Coates does not quite define democratic culture (does she mean plebiscites, constitutions, lack of property qualifications, tripartite forms of government, etc.?) or worry about post-modern and multicultural critics who would shout back the mantra, "But what about women, slaves, and the Other?"

Instead, in refreshing fashion, I think, Coates just presses ahead. Her ten artistic and architectural examples across time and space (from Periclean Athens to Picasso's Spain) cluster in renaissance, often imperial, cities—Athens, Rome, Venice, Florence, Paris, London, and the Boston and New York of 19th-century America. Common to all her episodes are not just the presence of constitutional rule and greater freedom than elsewhere at the time, but, as she often points out, lots of money flowing from imperial trade or legally protected property and capitalist commerce. Florentine-type affluence allows commissions, patronage, and subsidies that create independent artistic livelihoods—and competitive creative frenzy between such artists as Leonardo, Raphael, and Michelangelo—of a sort quite different from the artistic culture fostered under the dreary state oversight of Xerxes' Persepolis, Montezuma's Tenochtitlan, Hitler's Third Reich, Stalin's Soviet Union, or Mao's China.

In a very brief introduction, Coates notes some of the reasoning behind her selections. The artists and democratic political leaders she discusses resonate across the centuries and provide guidance

for their ideological and spiritual descendants, even as they interact as supportive contemporaries. Venetians and Florentines seek to emulate Athenians—and rub shoulders with the political dynamos of their eras. American landscape painters are inspired by the northern Renaissance as they blaze trails and chronicle the Civil War. The impressionist Monet is a close associate of the wartime French prime minister Georges Clemenceau. Jacques-Louis David is both portrait painter and player in the French Revolution. In such a short survey, Coates asserts rather than qualifies. ("These free societies have set a remarkable pattern of success and influence far beyond what their size or resources might have predicted.") Yet upon examination, her declarations turn out to be more or less historically and philosophically accurate.

Coates's method in each of the chronologically arranged chapters is to explore an iconic example or theme in a particular



The Parthenon

democratic society, and then to explain how the art in question reflected its free landscape and why its appeal has lasted, transcending the tastes of the era of its creation. The Parthenon is not as large as the huge Temple of Zeus below the Acropolis (finally finished in Roman-imperial times), but it is far more majestic, given that people voted on its construction and their elected leaders picked architects and artists who reflected the values, demands, and energy of a restless, free, and inquiring public. To understand the spirit behind the temple's brilliant frieze course, architectural refinements, and pedimental sculptures, read Thucydides' version of Pericles' famous Funeral Oration—in which the Athenian democratic imperialist outlined why Athenians were different from, and better than, the citizens of other Greek

Mr. Hanson is a classicist and historian at the Hoover Institution, Stanford University, and the author, most recently, of The Savior Generals.

KATIE HOSMER

city-states (which were themselves far more consensual than other polities in the Mediterranean).

Only in the Roman Republic, with its idea of the law's trumping influential persons, would the family line of the tragic Bruti—from the first consul, Lucius Junius, at the end of the sixth century B.C., to his late-republican descendant, the tyrannicide Marcus Junius—inspire such serial artistic reverence. Similarly, Venice's St. Mark's Basilica is the logical manifestation of the elected doge and his council, which sent the relatively small city-state's galleys all over the Mediterranean, and not just to plunder riches for the city, but to use those profits to beautify public buildings, squares, and monuments. Early-modern Holland set up representative councils that created a body of laws and rules that allowed spectacular investment and commerce; in turn, this profit-making provided the capital to fund a Rembrandt and a Rubens, and to foster a democratic sensibility among the Dutch merchant class that would appreciate the art that followed.

Jacques-Louis David may have been many unpleasant things—political chameleon, rank opportunist, naïf, and ruthless promoter of mob violence—and he did, in the end, glorify his hero, the tyrannical Napoleon, as the iron fist supposedly protecting the egalitarian values of the French Revolution. But his most spectacular paintings, such as *The Death of Marat* (1793), were undeniably inspired by the more hopeful days of that Revolution and the sense that Frenchmen of all statuses were at last free.



The Death of Marat, by Jacques-Louis David

In 19th-century “Manifest Destiny” America, there was also a sense that anyone might do anything he pleased, a spiritual longing that so often translated into going out west. Americans wanted to experience art that encapsulated their collective exuberance of incorporating an entire continent under constitutional government. Frederick Lander’s famous 1859 expedition, which brought artists, including German immigrant Albert Bierstadt, from Missouri to the Pacific, led to spectacular western panoramas quite different from the familiar landscapes of the Hudson School and helped to remind Americans that their newly discovered Rockies and Sierra were as remarkable as was the character of the people themselves.



Guernica, by Pablo Picasso

With Pablo Picasso—the Communist and winner of the Lenin prize, awarded by a Soviet Union that had killed 20 million of its own—Coates’s thesis faces its greatest test, greater even than the Venetian theft of the iconic Byzantine copper quadriga during the deplorable Italian sack of Constantinople during the Fourth Crusade. Did not Picasso continue to paint in Nazi-occupied France—and were not his staunch admirers found in Stalin’s Soviet Russia, which saw a possible Loyalist victory in the Spanish Civil War not as something that would lead to a Western democracy, but as an opportunity to establish a socialist “republic” of the kind all too familiar after the war in totalitarian Eastern Europe?

In his massive canvas of *Guernica*, Picasso depicts the leveling of a small Basque city in northern Spain, on April 26, 1937, by German and Italian bomber crews. General Francisco Franco’s Nationalist Spain had imported these bomber crews to prove the same fascist point that would be made over two years later

against Warsaw, Poland. Coates writes of *Guernica*: “While most of [Picasso’s] art was not political, his finest work drew its inspiration from a fight against tyranny.” In a way that is certainly true: As free souls, we sympathize more with the dead souls of *Guernica* than with the unfree doctrines that slaughtered them—and Picasso thrived on the freedom that was not always the logical consequence of his own political affinities.

Each episode is lavishly illustrated with full-color reproductions. Encounter Books editor Roger Kimball deserves praise for what must have been an extraordinary investment from a smaller press. Coates has titled subsections in each chapter that weave back and forth be-

tween discussions of politics, art, and biography, coupled with skilled art analyses that accompany the illustrations. She has suggestions for further reading and a full index. There are lots of quotes, and sources are footnoted unobtrusively on the side margins of the page—although I am not quite sure what Coates means when she warns in a note on “Creative Reconstruction” that “there are creatively reconstructed dialogues throughout this book”—does she mean the Thucydidean method of putting words into the mouths of speakers based on what logically should have been, or historically was likely to have been, spoken?

Aside from its value to the proverbial general reader who appreciates engaging prose, top-rate illustrations, and clear reasoning, Coates’s book is a much-needed introductory text for a Western-civilization, humanities, or art-history course—accessible, sensible, reliable, and inspiring, with an optimism and a confidence that are all too rare on campuses these days.

NR

2016 Post-Election Cruise

Join Victor Davis Hanson, Allen West, Bing West, Heather Higgins, Steven Hayward, Dinesh D'Souza, Jonah Goldberg, Andrew McCarthy, John Podhoretz, Neal Freeman, James Lileks, Kathryn Lopez, Eliana Johnson, Charles Cooke, Kevin Williamson, Jay Nordlinger, Ramesh Ponnuru, Jim Geraghty, John Yoo, Kat Timpf, Rob Long, John J. Miller, John Hillen, David French, Ed Whelan, Reihan Salam, and Charmaine Yoest as we visit Ft. Lauderdale, Half Moon Cay, Cozumel, Grand Cayman, & Key West

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- intimate dining on at least two evenings with a guest speaker or editor.

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memorable discussion of the election results and their impact on America; all of that followed by a wonderful reception.

Stay tuned for more information. But be assured it will be a spectacular night.

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SUN/Nov. 13	Ft. Lauderdale, FL		4:00PM	evening cocktail reception
MON/Nov. 14	Half Moon Cay, Bahamas	8:00AM	4:00PM	afternoon seminar "Night Owl" session
TUE/Nov. 15	AT SEA			morning/afternoon seminars
WED/Nov. 16	Georgetown, Grand Cayman	8:00AM	4:00PM	afternoon seminar evening cocktail reception
THU/Nov. 17	Cozumel, Mexico	11:00AM	11:00PM	morning seminar late-night Smoker
FRI/Nov. 18	AT SEA			morning/afternoon seminars "Night Owl" session
SAT/Nov. 19	Key West, FL	8:00AM	5:00PM	afternoon seminar evening cocktail reception
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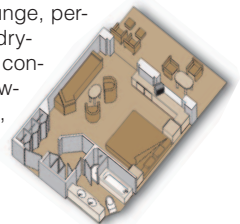
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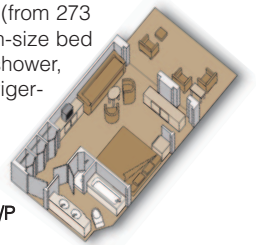
DELUXE SUITE Magnificent quarters (from 506 sq. ft.) features use of exclusive Neptune Lounge, personal concierge, complimentary laundry/dry-cleaning service, large private verandah, convertible king-size bed, whirlpool bath/shower, dressing room, large sitting area, DVD, mini-bar, refrigerator, safe, much more.



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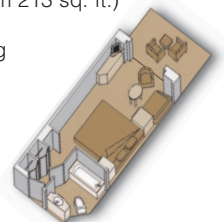
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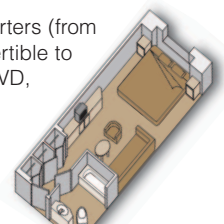
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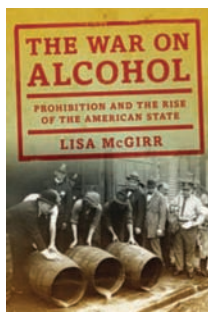


New Amsterdam



The Straight Dope

FRED SCHWARZ



The War on Alcohol: Prohibition and the Rise of the American State, by Lisa McGirr
(Norton, 330 pp., \$27.95)

A DECADE or two ago, it seemed that every journalistic discussion of British rock music had to mention Margaret Thatcher. If the song or band in question was from the late 1970s, it reflected “the shadow of impending Thatcherism”; if from the 1980s, it was either “a typical product of Thatcher-era complacency” or “a spirited riposte to the Thatcher regime”; if from the early 1990s, it embodied the “post-Thatcher hangover.” As a friend once pointed out, “not only did Thatcher revolutionize the U.K.’s economy and restore its place on the global stage, but she also controlled the entire British music industry for 20 years.”

It’s always tempting to ascribe all the major changes, trends, and events of a given era to some single development—social, political, technological, or what have you. And for Harvard professor Lisa McGirr, writing about the interval between world wars in America, that first cause is Prohibition. Not only did it greatly enrich urban gangsters, inspire a widespread loosening of morals, and lead to a general rise in crime, she writes; it was also responsible for the FDR-led party realignment, feminism, the increasing prominence of identity- and class-based politics, jazz, modernism, and “a disruption and renegotiation of the parameters and norms of acceptable bourgeois propriety.” Most important of all, it was also directly

responsible for the vast expansion of the federal government and its powers (hence her subtitle).

Sometimes the author gets a bit carried away with her thesis. Its central assertion, that Prohibition set the stage for the muscular, intrusive New Deal state, amounts to saying “Prohibition was so unpopular and ineffective that Americans demanded its extension to every area of life.” The statement that, under Prohibition, “the Bill of Rights, once an abstract set of principles, took on more substantive meaning” (and thus led to the civil-rights movement) ignores the prior century and a half of contentious constitutional history. McGirr acknowledges other causes for the social and political changes that began in the 1920s and 1930s (World War I, Depression, urbanization, mass immigration and its cessation, automobiles, radio, movies, and women’s suffrage, to name a few), but still traces everything that happened then, and much that has happened since, to Prohibition—including, somehow, the Rehnquist Court. *Post hoc ergo propter hoc* much? She also has a habit, almost a tic, of characterizing all Prohibition advocates as “Protestant” (oh, for the days when Methodists were extremists!), even though plenty of Catholics and others supported

the dry cause. And she never misses an opportunity to point out (truthfully) that immigrants and the poor suffered the most from it all.

Yet, for all her heavy-handedness, McGirr makes a solid case for the unique disruptiveness of Prohibition, based on the central role that drinking played in so many areas of American life. Saloons were a vital site for social interactions, and alcohol was a key lubricant at gathering spots ranging from workingmen’s circles to ethnic clubs, political groups, fraternal organizations, beer gardens, weddings, religious festivals, and laborers’ lunchrooms. Over a shot and a beer, in barrooms across the country, ward bosses kept track of local concerns and dispensed patronage, and the issues of the day were hashed out, social networks formed and expanded, and ethnic and class solidarity solidified. This is why opposition to Prohibition in ethnic and working-class neighborhoods was very strong, approaching unanimity. In many places and among many groups, drinking had put down deep roots in American culture.

And Prohibition actually worked (as the author mentions exactly once in the book, with an air of unpleasant necessity). Alcohol consumption, legal and illegal,



A law-enforcement official breaks open casks of illicit alcohol under Prohibition.

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dropped by about half over two decades starting in the early 1910s (when state prohibition measures began to be widely adopted) and did not return to its former levels until about 1970. For good or ill, anytime you prohibit something that takes money or effort to procure—alcohol, marijuana, narcotics, tobacco, abortion, guns—you will have less of it.

Even so, it is universally (and correctly) conceded that Prohibition was a bad idea, a solution much worse than the problem it was meant to solve. The main reason everyone knows about this today is that Prohibition is an obvious precedent for the current “war on drugs.” Advocates on the left, on the right, and in the center have proposed various declare-defeat-and-go-home schemes for legalizing addictive

tion of addictive drugs also lead to a flourishing private-sector industry?

That would require granting pushers strong and extensive legal protection against tort lawyers (not to mention FDA bureaucrats), and considering how much the tobacco industry, even with a powerful lobby behind it, has had to pay to keep selling its much less harmful products, it seems highly unlikely that Americans would give drug pushers a degree of impunity far beyond that allowed to sellers of hot coffee. What seems much more likely is that instead of a busy free market, the current network of criminal suppliers would stay in place and continue suppressing attempts at competition, “legitimate” or not. In other words, legalization would reward the worst people in the Western hemisphere by increasing their cus-

neighborhoods, instead of being resentful targets of enforcement, are often the biggest supporters of it; there are no mass demonstrations in favor of legalization of addictive drugs (an absence that McGirr attributes to a “forcefully embedded consensus”); and, most of all, there are no positive uses for these drugs outside their physiological effect. An opium den does not serve the same function as a corner bar; a lunchtime beer is entirely different from a shot of heroin.

To be sure, if you consider it axiomatic that people should be allowed to put whatever they want into their bodies, regardless of what it does to them and others, that settles the question: An axiom is an axiom. But if you allow for a need to balance pluses and minuses, you must take into account the much greater harm resulting from these drugs, to the user and

For good or ill, anytime you **prohibit something** that takes money or effort to procure—alcohol, marijuana, narcotics, tobacco, abortion, guns—you will have less of it.

drugs (marijuana is a separate issue, and there may be other illegal drugs that could be legalized without doing much harm). These range from unrestricted sales to legalization with heavy taxation (as with cigarettes), always with heavy and hopeful doses of rehab counseling. William F. Buckley Jr. famously endorsed legalization decades ago, but the details of the specific plan he proposed, as set forth in a 1996 NATIONAL REVIEW cover story, are rarely mentioned: He wanted the federal government to manufacture drugs itself and sell them at the cost of production.

While the Buckley plan would eliminate liability worries, avoid enriching drug barons, and reduce the need for junkies to steal to support their habits, turning Uncle Sam into a drug dealer appears unlikely ever to gain much support in Congress (and if GovDrugs is run as efficiently as Obamacare or the post office, the pushers might just as well stay in business). Still, after repeal of Prohibition, Americans abandoned bootleg liquor with great relief and switched to legal providers. Something similar is happening today, in slow motion, with marijuana. Would legaliza-

tioner pool and vastly reducing their expenses. This may be a price we have to pay, but it must be acknowledged and taken into account.

While McGirr makes no specific policy recommendations, she brings up the connection between Prohibition and drugs repeatedly (beginning with her title) and devotes the final section of her book to exploring their parallels. You won’t be surprised to hear that she considers the “war on drugs” (which, she points out, actually began in the Prohibition era) to be as ill conceived as the “war on alcohol.”

An argument against drug prohibition that is based on the results of alcohol prohibition rests on the (usually unspoken) assumption that the two are directly comparable. Yet many readers of McGirr’s book will be struck with how different they actually are. Not only are addictive drugs much more destructive to the user than liquor, but our anti-drug efforts do not usually include sanctioned raids by vigilantes, deputized civilians, or the Ku Klux Klan (an extensive practice during Prohibition, as McGirr shows); there is little or no religious hostility involved, as there was during Prohibition; poor

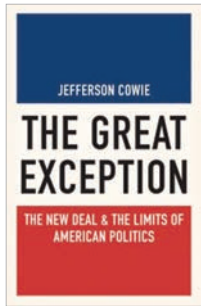
to the social fabric, when compared with alcohol (despite the label “recreational,” which sounds like it was invented by a narco-marketing consultant), and consider whether the appalling toll that the drugs take on people’s lives is worth the appalling costs, monetary and societal, of enforcing laws against them.

The Second Amendment gives individuals the right to own firearms that are commonly used for hunting, self-defense, sport shooting, and other ordinary activities, but not those with primarily military or criminal applications. In analogous fashion, it could make sense to allow consumption of alcohol, which has many commonplace uses that do not destroy lives, while prohibiting addictive drugs. There are certainly strong arguments to be made in favor of legalization, but as McGirr’s book shows, simply invoking Prohibition is not one of them, based as it is on a category error.

James Bryce wrote that “the chief practical use of history is to deliver us from plausible historical analogies.” In her lively, comprehensive, and scrupulously researched social history of Prohibition, Lisa McGirr may have fulfilled this function better than she intended. **NR**

Misreading Prosperity

AMITY SHLAES



The Great Exception: The New Deal and the Limits of American Politics, by Jefferson Cowie
(Princeton, 288 pp., \$27.50)

‘DEMOCRATS want to go back to the 1950s so they can work there. Republicans want to go back to the 1950s so they can live there.’

It’s an old saying, and there’s some truth to it. With his thoughtful new book, scholar Jefferson Cowie seeks to show the cause of such longing. Cowie’s conclusion, in a phrase: “collective economic rights.” In the 1950s, and indeed the 1930s before them, writes Cowie, “the central government used its considerable resources in a systematic, if hardly consistent, fashion on behalf of the economic interest of nonelite Americans in ways that it had not done before or since.” Only understanding the role of such rights in the last century, Cowie argues, can give the divided, unequal Americans of this century the energy to pursue better policies and “strengthen the imagination for the work that lies ahead.”

Cowie pointedly opens his argument in a dark period short on collective economic rights: the early 1930s. One in four men lacked work. The stock market dropped to one-ninth of its former value. That emergency warranted a dramatic and broad response, because, in Cowie’s understanding, “the Great Depression was more than an economic description—it captured the national mood.”

Amity Shlaes, a presidential scholar at the King’s College in New York City, chairs the board of the Calvin Coolidge Foundation.

Cowie quotes the journalist Eric Sevareid to underscore the urgency: “Tens of thousands of American men, women, and children, white, black, brown, and yellow, . . . eat from blackened tin cans, [and] find warmth at night in the boxcars.”

Enter Franklin Roosevelt of New York. The presidential candidate promised to help “the forgotten at the bottom of the economic pyramid.” Roosevelt swore he would unite “Main Street, Broadway, the mines, the mills” via the New Deal. But Roosevelt’s great social program would be possible only under one condition: the subordination of 19th-century individualism. The country acquiesced. Roosevelt’s collective prevailed. Congress passed, and Roosevelt signed, financial support for senior citizens, Social Security. Farms received aid under the Agricultural Adjustment Act. The Wagner Act, pushed through in 1935, gave heretofore unimagined power to the thuggish John L. Lewis and his Congress of Industrial Organizations. In the time of the New Deal, according to Cowie, we became “the best of what the United States could be as a nation, caring, sharing, secure, and occasionally visionary.”

World War II brought evidence of further satisfaction with government involvement: “The system of central planning grew to become the closest thing

to a state-run capitalist enterprise in American history.” Citizens, again according to Cowie, felt “tremendous economic enfranchisement.”

The true splendor of labor liberalism, however, became evident only in the 1950s. Tethered by taxes and tough labor law, Big Business itself in that era was less bull than cow, ready to be milked by the rest of society. A full 35 percent of the labor force belonged to unions. Deficit spending on public projects gave citizens a sense of national wealth. “More equality, more optimism, more leisure, more consumer goods, more travel, more entertainment, more expansive homes, and more education” is how Cowie captures the decade.

Alas—at least for Cowie—that pesky individualism eventually reared its head. Many within the Democratic party sought freedom from the draft or to smoke marijuana, not more boardroom leverage over Ford or General Motors. The 1970s turned out to be not the Big Labor decade but the “Me Decade.” Cowie notes that old New Deal liberals suddenly had “a hard time identifying what they stood for.” What he terms a “messy inflationary economy” also contributed to the degrading of the era of collective rights.

It was around this time that Governor Ronald Reagan traveled to the South and frankly stated his approval of states’

WHO IS THE STRANGER WHO OVERTAKES ME

Who is the stranger who overtakes me
On a dark street and taps me on the shoulder?
I turn and there is nobody there but me,
And lights go on in the house on the corner.

I am familiar with the moment of waking,
Sometimes from a dream, mostly from pure silence
And darkness. But I have never been able to discern
The moment when sleep descends

And takes the book from my hands, the light
From my bedside table, my lover’s hand
From mine. It is a mystery as unfathomable
As Death, which I suppose will be as gentle

And fleeting, an angel-guide for the lost ghost.
I shall wonder forever about these things
Like a child winking at the mirror, trying
To catch a glimpse of myself with my eyes closed.

—DANIEL MARK EPSTEIN

rights. States, after all, provide counterbalance to the federal government and its collective rights. But Cowie chooses to slime Reagan's use of the phrase "states' rights" as racist.

"States' rights" was, Cowie says, "a term that worked like a dog whistle to rally those who had yet to give up formal and informal faith in white supremacy, or the semi-independence of the South and its values." Thus ended Cowie's era of collective rights. And we've all been bigoted, miserable, and unequal ever since.

To grasp the scope of the misjudgment here, start at Cowie's beginning, or even before it. The collective rights Cowie rates essential to prosperity were conspicuously absent in the deeply prosperous 1920s as well. The laissez-faire policy of that period was giving citizens the same basics of economic contentment that featured in the 1950s: jobs, cars, and electric gadgets—though, in the 1920s, those gadgets were cathedral radios. As for the Great Depression, it was "great" for a very prosaic reason: the horrifying level of joblessness. The true antidote to it would have been growth that delivered those missing jobs, not the institutionalization or codification of economic rights.

When Cowie insists that the un- or underemployed of the early 1930s required new rights and a tender political culture to extract them from despair, he stretches his case. The author seems to be adapting a phrase from F. Scott Fitzgerald, to be whispering to us that the poor "are very different from you and me." To which we might well reply, à la Ernest Hemingway, "Yes, they have less money."

When Cowie gets to the later 1930s—well, he doesn't, and that's a problem. For the consequences of the New Deal's collective economic rights became clear in the second half of the decade. The Wagner Act gave unions so much power that they spent the years 1936, 1937, and 1938 striking. Enervated employers eventually caved and paid already employed workers the higher wages they demanded, but also refused point-blank to rehire the unemployed at those high wage levels. The data for this downturn stand out: In the late 1930s, wages were higher in real terms than at other points in the century. Employment in the "Depression within the Depression"—a second bump downward, in 1937—fell drastically. A labor

law sold as a unifier actually created a great rift among workers, between the employed and the unemployed.

Roosevelt's anti-business rhetoric makes that of Bernie Sanders look tame: FDR told the country that, following his arrival, the "money changers [had] fled from their high seats in the temple of our civilization." Therefore yet another new rift emerged, between Wall Street and the rest of the country. All these divisions took their toll on the economy. Indeed, the true measure of economic progress, gross domestic product per capita, did not reach pre-Depression levels until the very end of the 1930s. The Dow Jones Industrial Average would return to its 1929 level only in 1954. And "enfranchisement" seems an odd word to describe what happened economically to Americans between the time the Nazis crossed into Poland and V-J Day: Even for those not inducted into the military, the reality was closer to "economic conscription."

What Cowie gets wrong about the 1950s is even simpler. The era's prosperity and especially its high wages were indeed real. But the wages were possible for two reasons. The first was the passage, over President Truman's veto, of a law to curtail the Wagner Act: the Taft-Hartley Act. Ending as it did the closed shop, and the cost of many battles with unionized employees, Taft-Hartley permitted employers many profitable days, and thus increased both their cash and their inclination to lift wages. The second reason was that the United States lacked economic competition. With Europe flat on its back and Asia in ruins (Japan) or a rice paddy (China), Detroit might pay industrial workers as it pleased. But as soon as assembly lines abroad hummed, that luxury of high wages ended.

You have to wonder what Cowie makes of the second part of the truism at the beginning of this article, that Republicans long to return to the 1950s to live. One cause of 1950s nostalgia is the current concern that we can never give our children a life like the one our parents enjoyed in the 1950s or 1960s. That in turn is because of the debts that resulted from the new programs derived from the assumption that we enjoy collective rights. What, after all, is Social Security but the greatest rights swindle of American history? Cowie dismisses the 1970s economic troubles (that "messy inflation") as an intrusion whose origins have nothing

to do with the federal spending that his philosophy excuses.

In theory, "collective" means everyone. In reality, however, what "collective rights" means is rewards to specific interest groups—in Roosevelt's case, certain poor, the urban aged, certain merchants (FDR's "Main Street"), the industrial worker (his "mills"), and so on. In the process of rewarding these specific groups, the great donor, the government, always neglects that group that doesn't happen to enjoy its own bit of legislation. No one describes the paradox more eloquently than did the actual originator of the phrase "the Forgotten Man," the 19th-century philosopher William Graham Sumner. Sumner spoke of "the man who pays, the man who prays, the man who is not thought of." My own interest is obvious here: Sumner features in *The Forgotten Man* (2007), my history of the 1930s. Cowie—to his credit, and unlike other progressives—at least mentions Sumner. But in the end Cowie dismisses him as the avatar of "ruthless individualism."

Sumner is the essential omission of the book. The central fallacy is conflating political success, or political longing, with economic success. Yes, Roosevelt did win 46 out of 48 states in 1936. But that does not mean FDR won the U.S. economy. Americans recognized that, which is why, under Reagan, they turned away from collective rights.

What disturbs about Cowie, though, is not his positions so much as a dreadful suspicion that builds as you read. That suspicion is that the professor has never yet encountered someone he could respect who disagrees with him. Nor, one gets the feeling, have his colleagues. Nor do those colleagues necessarily imagine that conservatives can be as respectable as they themselves are. Universities tilt left. Cornell tilts left-er. A government professor, Andrew Little, recently made the astounding statement in the *Cornell Daily Sun* that "placing more emphasis on diversity of political beliefs when hiring [would] almost certainly require sacrificing on general quality."

One can hope that Cornell is at this very moment already racing to hire conservative labor experts to debate Professor Cowie and supply commonsense balance. But alas, if Cornell does manage to overcome its hesitation and somehow to right its own ship, among universities it will merely be the great exception. **NR**

Film

Angelic Fleshpots

ROSS DOUTHAT

TERRENCE MALICK is a great filmmaker who has made a beautiful film on themes that are close to my interests, my theology, and my heart.

I only wish I liked it.

The movie is *Knight of Cups*, which resembles Malick's last film, *To the Wonder*, in that it pushes hard in two directions. First, it's more explicitly Christian than Malick's earlier work, and second, it's yet more untethered from the usual modes of narrative storytelling. It has, rather than a plot, a kind of architecture—an organization that lets you make sense of what you're seeing, even though each individual scene is a fragment, each bit of dialogue half-heard, the whole thing a book of memories rather than an actual story.

The memories belong to Rick (Christian Bale), a handsome screenwriter in a gorgeous Los Angeles, who finds himself in the middle of the journey of his life without a straight path to guide him. Though it's really Bunyan rather than Dante who presides here: A quote from *The Pilgrim's Progress* begins the proceedings, and the sun-kissed City of Angels is this particular pilgrim's City of Destruction, from which he needs to find a way of ascent.

Or a way back, perhaps, since along with Bunyan we're given a second organizing theme, passed along from Rick's father (Brian Dennehy) in the form of a story he once told his son, about "a young prince, a knight," who went west in search of a treasure, a hidden pearl. But then he "drank from a cup that took away his memory, and forgot that he was the son of a king."

That cup is the cup of Hollywood success, and though we see little of Rick's work, we do see a lot of people telling him how much the studios will pay for it. More important, we see the other compensations of a lotus-eating Angeleno life: the women, each one associated with a card from the Tarot deck (yet another organizing architecture), each one filmed like a goddess in the serene Pacific light.

There are six of them, by my count, including a saintly ex-wife (Cate Blanchett), whose love Rick did not deserve, and then a parade of younger beauties—models, strippers, free spirits, and a married woman (Natalie Portman), who seems for a time to be Rick's salvation but ultimately manifests his failure, the dead end of his present arc.

That failure, the movie strongly suggests, is not only a failure to commit fully to any of them—in beachside scenes, the women wade in the water, Rick kicks his heels in the shallows—but the deeper failure that flows from that absence of commitment. His sin isn't just hedonism or lovelessness; it's the very modern sin of sterility, the refusal to be open to life, to make the choice through which every human being can begin the world again.

This sin reaches backward and forward at once. Rick has cut himself off from his existing family, from his father and brother (Wes Bentley), after a tragedy that claimed another brother's life, and the severed link to his past seems to be part of what's preventing him from claiming a real future.

But the movie is explicit about what the future would entail, and it isn't just love and reconciliation. Children haunt the film's kaleidoscope, fragments of dialogue regret their absence, and it's an abortion that seems to help precipitate Rick's crisis, his abandonment of SoCal for the desert, where we find him wandering whenever the movie returns to what seems to be its present day.

This overtly Christian critique of contemporary rootlessness, executed amid the transfiguration of the commonplace that Malick and his cinematographer, Emmanuel Lubezki, are so practiced at achieving, has earned *Knight of Cups* a small but solid base of theologically inclined admirers amid the general critical disaffection. And it does deserve admiration; it's just that unfortunately the disaffected critics also have a reasonable point, which is that Malick's retreat from normal narrative is increasingly a retreat from human character itself, into a world of surfaces and archetypes and pure allegory.

Not that there's anything necessarily wrong with allegory (just ask Bunyan!). But it places a heavy weight on specific images and actors to convey universal truths. And the truth that *Knight of Cups* desperately needs to convey, and doesn't, is the *appeal* of a life lived in the mo-



Christian Bale in *Knight of Cups*

ment, and more specifically the *appeal* of a purely physical attitude toward sex—which is the real reason that a man like Rick would find his rootless, unhappy life so hard to quit.

That pull is by definition deeply carnal, rooted in sins of the flesh and the desire to persist in them indefinitely. And Malick clearly wants to show us that: He has his most diabolical character, a party-thrasher played by Antonio Banderas, compare women to flavors—you want strawberry one day, cherry the next, and why would you ever bind yourself to plain vanilla?

But what we see on screen doesn't correlate with that brief monologue. The women whom Rick cycles through aren't fully realized human beings, but neither are they tasty flavors or lissome lust objects. Instead, they're all angels, floating and dancing, effectively disembodied even in what are intended to be sexy, lust-maddened moments. Even the nudity, even the shots of a ménage à trois, feel more like pillow fights in heaven than a window into the actual fleshpots of L.A.

In a sense, Malick is almost too religious a filmmaker. His every image quivers with transcendence, which is great until you want to see why a man might actually resist the grace of God and choose a lower, fallen state. He can dramatize redemption beautifully, but to tell that kind of story, you also need to dramatize temptation effectively. And there, alas, *Knight of Cups* falls badly short. The film's transcendentalist strength is therefore also its great weakness, because Malick seems incapable of dramatizing, well, *lust*.

NR

The Bandit State

THE new world order is this. . . . Give me your sh**, or I will kill you.”

That, in a nutshell, is the political economy of Negan. Who’s Negan? He’s the latest villain in the TV series *The Walking Dead*. Wait, don’t turn back to James Lileks’s column just yet. Bear with me, because Negan is offering what the late economist Mancur Olson called “the first blessings of the invisible hand.”

Most of us remember reading something about the “social contract.” When Crito begged Socrates to escape rather than accept a death sentence, Socrates refused. He drank the hemlock to hold up his end of the social contract. Rousseau wrote a book called “The Social Contract” in which he argued that political legitimacy comes only when all of the citizens agree to the rules of society (and once they agree, those rules are called the “general will,” and violations of them should be punishable by death). John Locke had his “social compact,” and Elizabeth Warren says the rich get rich by exploiting the “social contract.”

Here’s the problem: There is no recorded example in human history of anything like a real social contract. No one, writes Olson, “has ever found a large society that obtained a peaceful order or other public goods through an agreement among the individuals in the society.” Rather, Olson argues, every large society or polity has arisen from the triumph of “stationary bandits” over “roving bandits.”

The classic roving bandit is the Viking warlord. He sails his warriors into a poorly defended hamlet and takes everything that isn’t nailed down. And then they split—or, if you prefer, rove on. Because roving bandits don’t stick around, they have little incentive to leave behind anything worthwhile. And the victims have little incentive to start over. “In a world of roving banditry there is little or no incentive for anyone to produce or accumulate anything that may be stolen and, thus, little for bandits to steal,” Olson observed.

Peter Kurrild-Klitgaard and Gert Tinggaard Svendsen in their 2003 *Public Choice* article “Rational Bandits: Plunder, Public Goods, and the Vikings” demonstrate how, over time, it dawned on Viking warlords that taxation was a more enlightened and efficient form of plunder. Instead of “a-ridin’ into town, a-whompin’ and whoopin’ every livin’ thing that moves within an inch of its life,” as Slim Pickens puts it in *Blazing Saddles*, it made more sense to offer “protection”—not just from your own men’s bullying but from other bandits as well. Thus was born the system of Danegeld, in which English communities paid the Vikings not to attack them. This reasoning is what led the Danish Viking Sweyn Forkbeard to become the king of England rather than merely the plunderer of it.

When roving bandits become stationary bandits, they often call themselves kings. And it turns out that the peasants and other victims prefer kings. Predictability and non-violent extortion are preferable to anarchy and violent extortion every time. Moreover, if you let your “clients” keep some of their crops and protect them from the anarchy of constant predation from roving bandits, economic growth will explode. Kings recognize that it is better to get half of a much bigger pie than all of a much smaller one, so they start investing in public goods such as roads and courts. As Olson puts it, “The monopolization of theft and the protection of the tax-generating subjects thereby eliminates anarchy. Since the warlord takes a part of total production in the form of tax theft, it will also pay him to provide other public goods whenever the provision of these goods increases taxable income sufficiently.”

In *The Walking Dead*, Negan tells the show’s protagonists that he wants them to work for him. “I’m not going to grow a garden,” he says derisively. Negan is offering to provide security for garden-growers—a net good for everyone. It’s a road to serfdom where serfdom might actually constitute progress!

Olson was hardly the first to argue that the state had its origins in thievery. My hero Albert Jay Nock was very fond of this notion. “The idea that the State originated to serve any kind of social purpose is completely unhistorical,” he wrote. “It originated in conquest and confiscation—that is to say, in crime.”

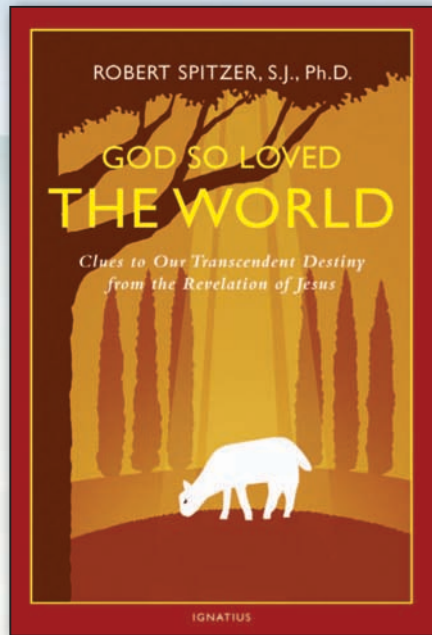
But there’s something unhistorical about this analysis too. Applying modern notions of right and wrong, legality and criminality, to ancient times just feels a bit Whiggish to me. Also, just because states are born in criminality does not mean they have to stay there. After the first generation or two, stationary bandits start to believe their own propaganda. The divine right of kings led to many great horrors, but it was probably an improvement on what it replaced: the bloody rights of thieves.

This is a more controversial topic than it might seem, particularly among conservatives. The reason Olson says that security and order are “the first blessings of the invisible hand” is that without them, there can be no market, no private property, no contracts. Individuals “need a secure government that respects individual rights. But individual rights are normally an artifact of a special set of governmental institutions,” writes Olson. “There is no private property without government!”

We can debate all that another time. What I find intriguing is that the premise of *The Walking Dead* is that civilization is over and mankind is returning to a state of anarchy that would be familiar to the majority of humans who’ve ever lived. Much of the moral tension for the audience comes from trying to apply civilization’s norms to post-civilization circumstances. The irony is that if civilization ever returns after the zombie apocalypse, it will likely require stationary bandits like Negan.

NR

God So Loved the World



Fr. Robert Spitzer, S.J., former President of Gonzaga University, is the Founder of the Magis Institute, dedicated to education on the relationship among the disciplines of physics, philosophy, reason, and faith.

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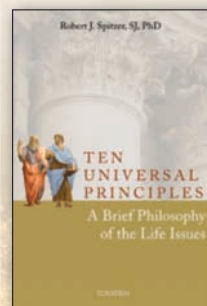
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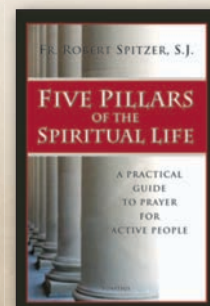
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