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Perspectives from the Right

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Incidents on 57th Street

Those who are “the ones who they’ve been waiting for” descended on the Midway Plaisance on October 30th to self-energize, cheer, lament, and breathe in the mixture of self-congratulation and dread, thick in the mid-autumn air. Yes, three days before the 2010 Midterms, President Barack Obama and his admirers needed to come to Chicago’s South Side to get out the vote. This begged the question, “If he cannot rely on urban blacks and the professorate to vote early and often, then who can he rely on?” and the corollary question, “What’s worse than a thumpin’, a throttlin’?” Still, the crowd was treated to an old-fashioned leg-tingling, the kind they’ve craved since Barack told the girls they were getting a puppy. The hip-hop artist Common performed, Ransom Notes sang the National Anthem, and Nero fiddled. We certainly hope President Obama comes back soon—in two years, and for good.

Although we at Counterpoint remain some of the strongest supporters of building the Milton Friedman Institute—we went as far as to argue in our inaugural issue that we need a Milton Friedman Memorial Stadium—it is with great sadness that the development of this important institution must come at the cost of one of the finest Hyde Park landmarks, the Seminary Co-op Bookstore. What the Co-op lacks in amenities and spaciousness, it more than made up for in its voluminous selection, labyrinthine layout, and decidedly dungeon-inspired entrance. Eschewing modern conventions, the Seminary Co-op always offered the bare minimum in services—no comfy chairs to sit in, no chic coffee shop serving gourmet fair trade Colombian coffee. It was a bookstore for bibliophiles: it boasted easily the best selection of academic books this side of the Library of Congress. Thankfully, the Seminary Co-op is simply moving, not being destroyed, but with talk of a “spacious,” “modern,” “user friendly” bookstore being its future, one simply has to feel sorry for those students at the U of C that will never know the joy of the appropriately austere Co-op.

The success of Davis Guggenheim’s latest documentary Waiting for “Superman” has reinvigorated the education reform movement. For the first time ever, broad consensuses have been drawn between liberals and conservatives over the terrible state of our public school systems, and the compliant nature of the teachers’ unions in this problem. Charter schools and voucher programs are cropping up across the country, with strong support from urban Democrats and conservative Republicans hoping to supply our moribund school system with some much-needed dynamism and choice. The University of Chicago, we can proudly say, is leading the way on this initiative by sponsoring our very own charter school, right here in Chicago. And last spring this charter school graduated its very first homegrown senior class. We certainly wish the best for the students coming from this school, but given their strong success already—over 96% of the student body has been accepted to college—we can be assured that they won’t need it.
For those hip to it, the publication of the 2010-11 course offerings invited a chuckle and a groan. John Mearsheimer, the author of *The Israel Lobby and US Foreign Policy*, who recently graduated from publication in Pat Buchanan's *American Conservative* to publication on Hezbollah’s Al-Manar website, will be conducting a course next spring entitled “Zionism and Palestine.” The course will cover Zionist theory, early emigration, and Israeli history. We believe that Professor Mearsheimer is rightfully granted the great degree of academic freedom to study and teach what he will, even if it is in areas like political theory and comparative politics in which he has not published. We hope this course will give him a chance to bone up on Zionist theorists and political actors like Jabotinsky or Ben-Gurion and the complicated legacies of their thinking. Perhaps he will even revise a few misbegotten theses about the agenda of the Jewish state. But in all likelihood, through his lecture will percolate the very animus that caused him to declare the heads of the major Jewish-American organizations “New Afrikaners” and to insinuate that deputy-level Jews with dual loyalty were misdirecting Bush foreign policy. This is the University of Chicago, so we can rest assured that there will be better classes to take.

The University of Chicago is a place built upon an idea of the unity of knowledge. Scientists and philosophers are meant to cross Ellis Avenue and so we require biology majors to read from the humanities and English majors to demonstrate competency in mathematical, natural, and physical sciences. Recently this ideal was diminished by one researcher’s reaction to the decision of a federal judge that President Obama’s executive order expanding the funding of embryonic stem-cell research violates the Dickey-Wicker Amendment, an annual act of Congress prohibiting federal funding for embryo destruction. A professor whose research includes pediatric stem-cell transplantation, John Cunningham told local public radio, “As we go through this process of stopping and going and stopping and going, it really retards our ability to make decisions based on science.” Scientific discovery, while engaged in the generally positive interest of easing man’s estate, is not an ultimate good. Rather, human ingenuity should serve humanistic aspiration. Whether nascent human life should be treated as a natural resource is a question of deep importance for any nation and should be answered by the best political mechanisms we have: legislation and litigation. This is imperative, lest we retard our moral agency.

Whether it is due to the opacity of the topics covered, or the difficulty of the texts themselves, academic presses rarely publish books that appear on bestseller lists. Therefore when Friedrich Hayek’s classic *The Road to Serfdom*, originally published by the University of Chicago Press in 1944, shot up to the top of the Amazon.com bestseller list earlier this year, the only person who could say he was not surprised was Glenn Beck. Beck, known as one of the more inflammatory and conspiratorial conservative talk show hosts, did a series of shows on Hayek’s classic work, relating Hayek’s message about the totalitarian nature of command economies to “President Obama’s attempt to socialize our nation.” Now while Beck’s hyperbolic message may be confused, we at *Counterpoint* applaud any force that convinces 156,000 people to purchase any book by Hayek, who taught on the Committee on Social Thought from 1950 to 1962. Now all we need to do is convince the University to insert *The Road to Serfdom* back into the Core…

From Milton Friedman, MA ’33, to Gertrude Himmelfarb, MA’44 PhD’50, to Robert Bork, AB’48 JD’53, some of the great (conservative) intellectuals of the last half-century have been tutored at the University of Chicago. Those gigantic names sometimes seem to be from a UChicago of a different age, and perhaps even a conservatism of a different age. But to those who allege the end of conservatism, that intellectual conservatism has evaporated and been replaced with a populist program, there is a simple rebuttal: Yuval Levin, MA’01 PhD’10. The editor of *National Affairs*, fellow at the Ethics and Public Policy Center, and former Bush domestic policy advisor completed his dissertation at the Committee on Social Thought last May. He delivered a splendid public lecture on his topic, “Burke, Paine, and the Great Law of Change”, arguing that the origins of the modern partisan divide are in the debate over the French Revolution—a convincing case about the power of pure reason and the wisdom of tradition whose outline is found in Dr. Levin’s recent book on the American science debates, *Imagining the Future*. We wish Yuval Levin a career marked by successes. Already, every time Dr. Levin shows a rare Washingtonian ability to see past the policymaking weeds we are proud to call him a Chicago Boy.
With the sudden awakening of the American people to the risks of personal debt, our recession politics have seen an outburst of moral financial fervor at our collective debt. The next few years will likely see budget committee confrontations over how to reduce the budget deficit, and perhaps even chip away at the national debt. Yet, the national debt may not be our biggest worry. The debt in state employee pension funds is both more immediate and possibly more difficult to remedy.

The overpromised and underfunded state pensions are likely to require future taxpayers to make up the difference between funds on hand and the promises of the past few decades. If nothing is done by the end of the decade, multiple states, including Illinois, will face unfunded obligations at around 30% of projected revenue, essentially raising taxes by a third with no new programs to show for it. On its face, this obligation is inextricable from the primary roles of state government. Few Americans oppose public education, police forces, or fire departments. State pensions are part of the competitive wages states pay teachers, policemen, and firemen, and are essential to the provision of those necessary services. But the faulty structure of most state pensions means that once insolvency hits, those paying the retirees’ income will be the taxpayers of the present—as opposed to the taxpayers of the past who actually benefited from the teachers, policemen, and firemen in their productive years. This amounts to a massive transfer of wealth, and not one aimed at the poor or the elderly writ-large, but a bells-and-whistles pension package given to a certain subset of the elderly, those who decided to work for the state.

This future crisis will be a result of the unique situation of public employees and their politician employers, as well as deceptive accounting. The long-term solution will be to correct those distortions through mechanisms that mirror the pensions of the private sector. The problem, we will see, is that even if the distortions are corrected by responsible governance, the full gap between funds and promises cannot be overcome.

The Defined Benefit Swindle

Before elaborating on why public sector pensions are so different from private sector, it is instructive to show how the pensions differ. To be sure, private sector pensions have also been insolvent, even to the point of default—Exhibit A is United Airlines’ woes last decade. There are two basic types of pension plans: defined benefit and defined contribution. Ninety percent of state and local workers have defined benefit (DB) plans. An ever-increasing majority of the private sector, meanwhile, has defined contribution (DC) plans, as do all new workers in just two states that have already reformed: Alaska and Michigan. There are also hybrid plans in both the public and private sectors.

The customary example of a defined contribution plan is a 401(k). With a DC plan, the employer and employee have a set amount to contribute (often a percentage of salary) to a fund that pays out upon retirement. The employee can choose what to invest in, and is able to make decisions about the level of risk he is willing to incur and in which financial instruments he wants to invest. Upon retirement, an annuity can be

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Laboratories of Insolvency: Autumn 2010
purchased as insurance against outliving one's assets. Some advantages of defined contribution plans include an inability to be underfunded (because there is no payout obligation—you get what is put in) and easy portability.

Defined benefit plans, as the name would suggest, guarantee the annual benefits for the retired workers generally based on a formula including factors like final salary and years of work. A typical retired public worker will be annually promised the average of the three final years of their salary multiplied by the number of years they are employed by the state and a constant factor, typically .02. This annual benefit is then increased in each year of retirement by a cost-of-living adjustment. Thus a school teacher with 30 years of service and a three-year average final salary of $60,000 will be due $36,000 in his first year of retirement. Some states have reduced the .02 factor, extended the three-year average to a five-year average, capped cost-of-living adjustments, or taken other measures to reduce the amount owed to retired state workers.

Unlike DC plans, which only pay out what they collect, defined benefit plans first calculate a payout and then try and figure out how to collect for it. The amount owed to the worker is projected by state actuaries and based on a number of assumptions: lifespan, estimated age of retirement, salary growth, and inflation. This calculated obligation lends itself to a further calculation: the Annual Required Contribution, an estimate of what needs to be contributed during the years of work to a fund that will be invested and equal the liability when it is time to pay out to the retiree. An essential element of the calculation of the Annual Required Contribution is the expected rate of return. The expected rate of return, a way of converting future liabilities into present dollars, is assumed by most states to be around 8% annually. Eight percent has, in fact, been the median annual return on pension assets over the past twenty years, but it is not guaranteed. Therefore, in the wake of the 2008 stock market crash (2008 saw 37.22% losses in the S&P 500), the combined state pension plan official estimates show $452 billion in underfunding, with assets of $2.3 trillion and liabilities estimated as a present day $2.8 trillion. Somehow, this gap is going to have to be made up, whether by increasing assets through increased contribution or by lowering liabilities in a variety of ways to be further explored.

The timeline for reform to fill this substantial gap depends on the states. States will continue to pay out of their assets even if they do not grow at expected rates or project to meet liabilities. There is no automatic mechanism to assure solvency, and the attrition will begin in the next decade. Even if the states hire no new workers and the pension funds earn 8% annual returns, Illinois and three other states will run out of assets before 2020. In 2030, 31 of the 50 states will run out of assets and resort to tax revenues to fund the remaining liabilities.

### Measuring our Debt

The acknowledgement of $452 billion in present dollars in pension underfunding sounds like a disaster, but realistic accounting makes the problem harsher. States are still assuming that $1 today can become $1.08

#### Date of Insolvency

On the left is a map demonstrating each state’s date of insolvency. The darker states will go insolvent soonest, beginning with Illinois in 2018. The numbers presume 8% returns and no additional pensioners. On the right is a map showing the severity for state budgets after the date of insolvency. The darker states will need to devote the largest percentage of their projected budget to the repayment of pension obligations; Ohio, Colorado, and Rhode Island are over 50%, most states are between 20% and 40%. The shortfall is averaged over the five years after projected day of insolvency. Source: Rauh and Novy-Marx (2010).
next year simply because 8% has been a recent median of pension growth. When it has been hard to match the 8% expectation, the boards that operate the plans have invested in riskier assets like private equity, paying a steep price in 2008.

Economists agree that risk is a factor that should lower the expectation and thereby increase the present value of the future liability, changing the methods of accounting. To demonstrate this point, consider the following two options in an investment game. In each, we are investing in the present day to try to reach a $100 liability owed in 20 years.

In the first, we will put the investment in stocks, which carry risk. We target an 8% rate of return so we assume an 8% discount rate. In this situation, the present value of the future $100 is $21.45; we wash our hands and declare ourselves fully funded, retiring from the pension board before we ever need to be held responsible for meeting the payout.

In the second, we will put the investment in a risk-free account like 20-year Treasury notes, implying a discount of 4.5%. To fund $100 in twenty years we will have to put away $41.46 now.

Why is there such a disparity? Shouldn’t the present value of $100 in 20 years be the same? The answer is risk. The stock buyer is not assured of $100 in 20 years. If he wanted to assure himself of $100, he could buy the equivalent of insurance. This is called a “put option.” The put option would cost the stock-buyer $20.08, leading to a total cost of $41.53, a number slightly higher than the bond buyer’s $41.46 in part because the stocks could earn more than $100.

To have a responsible and realistic estimate of our actual level of underfunding, we need to convert estimates of future liabilities into present value. To do so, we must apply the correct discount rate. This rate, in fact, depends on the possibility that the obligations could be defaulted on...

“To have a responsible and realistic estimate of our actual level of underfunding, we need to convert estimates of future liabilities accounting into present value. To do so, we must apply the correct discount rate. This rate, in fact, depends on the possibility that the obligations could be defaulted on...”

A fifteen-year Treasury bond will have a 3.5% discount rate; multiple economists recommend that this discount rate be used. If 3.5% rightfully replaces 8% in our equation, our $2.3 trillion in assets no longer needs to catch up to $2.8 trillion in liabilities. Instead, we will have to meet $5.1 trillion in liabilities. No longer are states underfunded by a half-trillion dollars, but by $2.8 trillion. A more recent tally suggests that there is only $1.9 trillion in aggregate state assets, so we can safely speak of a $3 trillion hole.

Few Options for Reform

The question now before us is how we can reduce these future liabilities. Many options have been tried on a state-by-state basis, with the more diligent reformers considerably delaying the date of insolvency. Two economists, Joshua Rauh of Northwestern University and Robert Novy-Marx of the University of Rochester, have looked at the effects of various reforms on an aggregation of state pension plans. Their findings tossed cold water on even the most aggressive reformers.

Cost-of-living adjustments (COLAs) are a popular source of reform because they affect current retirees, where the bulk of the present problem lies. The benefits given to a retiree under the common defined benefit system are predetermined with a cost-of-living adjustment raising the annual payout to keep the benefit’s purchasing power equal from year to year. In other words, there is an annual increase in payouts to a retiree of the inflation rate or another factor, say, 2%. Rauh and Novy-Marx estimate that a decrease in the COLA by one percentage point would knock liabilities down by 11%. Some states, however, have already chipped away at their COLAs. Georgia has even eliminated COLAs for new workers, while new workers in Illinois have COLAs capped at half of inflation. These are steps in the right direction that show COLA reductions are politically possible, but because COLA reductions have already been enacted, additional COLA reductions would have a more muted impact. COLA reductions are both politically tenable and they have the ability to lower benefits for current retirees (the bulk of the problem).

The early retirements disproportionately common among public employees have given fodder to public outrage. On this issue we are quick to cite the astonishing number of ex-police officers in New York City who are collecting benefits and not yet 50. While such examples are real and demonstrate gross inefficiencies—how much
are we paying them over a lifetime for 25 or so years of service?—the larger problem is white-collar public employees retiring between age 55 and 65, while still able-bodied and vigorous. Such cases of early retirement are generally incentivized by the defined benefit plan's structure. In the median case, for each additional year of early retirement, 3% is deducted from the employee's benefits. This amounts to a 3% reduction in annual benefits in exchange for an extra year of benefits. Combining the reduction in annual benefits with the increase in years retired, the average 60 year old will gain 4-6 months in total benefits for each additional year he chooses to retire. The pension fund is paying more in benefits so that the employee works less; something has been severely mismanaged.

Making early retirement actuarially fair (i.e., early retirement is neither incentivized nor disincentivized) makes sense and is probably politically feasible, but only affects current workers and would reduce liabilities by just 1-2%.

For those familiar with the Social Security debate, a basic fact of reform and a refrain of any reformer is that we are living longer now than we were when contours of the system were first worked out. Many contend that the retirement age must be lifted to keep up with the ever-growing life expectancy. However, years-of-vigor expectancy has not increased proportionally to the increase in life expectancy. Our ratio of workers to retirees will only continue to get lower and lower. Raising the retirement age should still be periodically done, especially in white-collar professions, even though it will never fix the problem completely. Many states have full retirement ages below even 65, absurdly behind not only the private sector but also the federal government. Rauh and Novy-Marx estimate that moving state pensions immediately to Social Security parameters—early retirement at 62, full at 67, and (for the most part) actuarially-fair retirement—would reduce liabilities by about a quarter. However, the pension funds would still be $1.5 trillion underfunded.

**Making the Case: The Touchy Politics of Pension Reform**

All this doesn't even begin to address the political obstacles. The Social Security parameters would have to be phased in to account for public employees who are well into planning for a retirement under current parameters. This would thus lessen the impact of such radical reforms. The most aggressive pension reformer, Gov. Chris Christie of New Jersey, has proposed eliminating COLAs, increasing the retirement age to 65, reducing the discount rate to 7.5% (it should still be lower), and increasing employee pension contributions to 8.5%. That Governor Christie stops two years short of Social Security parameters is a telling sign: such parameters are not politically tenable, at least not now.

These reforms are met with massive opposition by widely sympathetic groups: public employee unions. These unions include the nation's largest, the National Education Association (NEA), and the 2010 election cycle's biggest spender, the American Federation of State, County, and Municipal Employees (AFSCME). These groups have the ability to fund ad campaigns against the politicians who seek to shear state pensions. Democrats are particularly vulnerable considering how much they rely on public sector union's organizations, especially after the decades' long exodus from the once strong base of private sector unions. Since politicians so rarely bite the hand that feeds them, the pensions have escaped a regular trimming.

Popular perceptions of fairness are also very important to any reform's success. Politicians who plan on reforming the pension system need to be able to change popular perceptions about public employee compensation, especially in the case of teachers. Chris Christie's example is particularly masterful. Any pension reform will, by definition, reduce the wages of public employees (wages are equal to the sum of salary and benefits). That is to say, any pension reform will decrease what schoolteachers are paid. This sounds like a grave injustice, victimizing the most altruistic among us. But for most individuals choosing between working in the public or private sector, the public sector will give higher total wages during a lifetime of work. Salaries are lower but benefits are much higher for public employees. Therefore, reducing pensions will actually bring current workers' wages on par with the private sector, even though public employees' wages still will be slightly more backloaded.

Having more backloaded pensions than an average market employer befits the political process. Politicians are judged on their budgets in the short term, not the state’s long term fiscal security. **“Having more backloaded pensions than an average market employer befits the political process. Politicians are judged on their budgets in the short term, not the state’s long term fiscal security.”**
defined benefit plans for the politicians.

The politicians independent of the public employee unions (generally Republicans, although Republicans often cater to police and firefighter unions) will be in the best position to make such reforms. However, not all Republicans will be immune to union attacks, and few can use the bully pulpit well against the seemingly altruistic. Perhaps state governors—both Democrat and Republican—will find the unions more amenable if they wield the bully pen, namely, the power to decertify the public employee unions via executive order, thereby withholding their privilege to collectively bargain. This is not simply quid-pro-quo politics. There is a reasonable case against the existence of public employee unions. One need not look further than Franklin Roosevelt, who argued that collective bargaining could not “be transplanted into the public service” because no power in any state should dictate terms to the government, the embodied will of the people. Moreover, it might do some good for the employees themselves who are currently forced to fork over thousands to the union in annual dues that fund the union’s apparatus and aid political campaigns the employee may not even support.

After making this case with pulpit and pen, governors should pursue incremental reforms: raising the retirement age, increasing the penalty for early retirement, cutting COLAs, changing the calculation of final salary from an average over three years to five, eliminating the counting of untaken sick days, and increasing the employee contribution. This will reduce the problem; in some states, it will do so entirely.

Filling the Hole: Ambitious Reforms

The political challenge might not be so great; some public sector unions have supported minor cuts so as to not “kill the goose that lays the golden egg,” as a Minnesotan AFCSME official said. “Killing the goose” for them means ending the defined benefit plan that guarantees such a rich payout. While these incremental steps should certainly be taken for current workers, for workers not yet qualified for pension guarantees, a defined contribution plan that mimics the private sector’s makes good sense. Public employee unions would not like it, and there is no reason why they would: moving state employees to defined contribution plans would end the pattern of extraordinary, bank-busting benefits for state employees. Some public employees would be happy to invest their pension, but one imagines most recognize that they have been promised something pretty lavish.

Defined contribution plans, however, correct the major distortions that have brought the current crisis about. For one, politicians would no longer be able to put off wages in the form of generous pensions. DC might lower wages for public workers by lowering benefits (this is not necessarily the case, however; a 2006 study at MIT said that because of lower administrative costs, among other reasons, private sector DC tends to earn better than DB). Yet it is more likely to focus the conversation on public employee salaries and stop the sleight-of-hand backloading of wages that appeases the unions. Pensions would not be invested in such risky assets trying to meet guaranteed levels of asset growth; rather, individuals could choose the level of risk they felt comfortable with. No longer would states be able to hide behind gimmicky discounting rates—you have what you have. In addition, states would not be pressured to increase the benefits during bubbles, only to have them burst and be unable to retroactively decrease the guarantee—this would have protected California and other states that thought the tech bubble permanent. DC would also increase portability, allowing for greater transition of talent between the public and private sectors. The goose-killing caucus has it right.

While moving new and unvested workers onto defined contribution plans would make sure our pension problem never reappeared, we still need to deal with the $3 trillion gap. Looking at the above reforms with a dose of prudent pessimism, it seems a nation of Chris Christies with sympathetic legislatures might approach an underfunding of $1.5-2 trillion. States would still have to divert a fifth or so of revenue to pay pension obligations, and no state is ready to cut spending by a fifth; the states that can constitutionally run a deficit would, and the states that cannot would sell poorly rated bonds as a quick fix. Thinking long term, the only thing states could do is pray for 9% investment returns every year.

But what about default? United Airlines gave its unfunded pension a one-third default in bankruptcy court. Is that what the states will do, dwarfing United’s puny $3.2 billion settlement? The answer is no. States are not incorporated entities like municipalities and corporations; they are sovereign entities. By their state constitutions, paying back bonds is, in most cases (with the exception of educational spending), the primary priority of state governments. Even in the municipal bankruptcies of Orange County, California and New York City, municipal pensions were untouched. There is literally no precedent of rewriting public employee pensions in fiscal peril—other things are cut to make room, including bond repayment. Most likely, states will not be able to pay their bonds and the federal government will deem states too-big-to-fail and bail them out—this is, at least, what California bond holders are banking on.

If the federal government is destined to bail out roughly two score states, then perhaps this is an area where federal power can be used wisely to preempt the worst of the calamity. Bailing out those states that switched to
defined contribution plans too late, offered to increase benefits in times of plenty, or otherwise mismanaged the requisite contributions will switch the burden from the responsible states alone to everybody, including the better managed states—a dangerous moral hazard but a likely necessary one. If everyone is going to be penalized regardless of merit, the penalty should at the very least be lessened. Thus the federal government should provide a carrot (e.g., grants or tax-subsidized bonds for the pension accounts) in exchange for meeting several benchmarks in their pension accounts: e.g., COLAs less than or equal to inflation; full retirement age of no less than 65; and all new workers on defined contribution plans. The benchmarks should be general enough to avoid one-size-fits-all solutions. While the federal government would be increasing its debt, the federal government is a sovereign entity that also can print its own money, giving it an outlet, albeit a noxious one, from the paralysis of pension obligations.

The Governmental Accounting Standards Board should also mandate that state employee pensions discount liabilities based on the risk-factoring market value—akin to the 3.5% discount rate mentioned above. This would, at the very least, end the systematic devaluation of liabilities for the sake of present politicians’ political cover.

There are two additional options that can certainly be combined to meet the gap in public pensions: revenue increases and retroactive reductions in benefits. Let’s say every state immediately makes the reforms it needs to make and the gap between aggregate assets and liabilities is down to roughly $1.5 trillion. Tax-increases would be needed to raise revenue. Without reform, a state like Illinois would owe $2,000 per household each year after the fund goes insolvent in 2018. While reform would lower that number, the tax would still increase the pressure on many families and cause many to leave Illinois for states not set to go bankrupt for decades, like nearby Iowa and Wisconsin. There may be a place for tax increases, but states should be fearful of many negative consequences.

Retroactive reduction is at once the most controversial and the most just solution. Based on accounting that used an 8% discount rate, multiple states fed the present crisis caused by the boom of the late nineties when the boom of the late nineties caused (according to accounting that used an 8% discount rate) pension assets to exceed liabilities. So that the state did not make money from the employees’ pensions, the states retroactively increased liabilities, rebalancing the funds. Now in the lean years, the same accounting shows liabilities exceeding assets. Could we not retroactively reduce liabilities?

One possible method is a constitutional amendment in the states that reduces the benefits of workers and current retirees. Another possibility is a court challenge by the taxpayers in which the contracts are deemed unfairly obtained and rewritten. The challenge could (correctly) allege that the contracts are products of self-dealing—the politician-public union relationship considered akin to a CEO who hires his wife at a bloated salary. While public interference in private contracts is often accepted by courts, public contracts are thought to be protected from public interference, as courts are wary of making all public contracts vulnerable. Precedent therefore tells us that the odds are against courts throwing out the current contracts, although it is not a foregone conclusion. What courts would decide in the eventual emergency remains the one trillion dollar question.

While the agenda to pursue is not entirely clear, the extraordinary heft of this problem may require extraordinary means of solving it. It will require both a political program in addition to the economic one: using more stick than carrot with the labor unions, co-opting the language of fairness to properly portray the problem at hand. It will test our legal procedures. How sacrosanct are these promises? At what social cost do state obligations become untenable? We may need to live with the moral hazards we create, with justice misapplied. This will not be a fiery trial, but a mundane slog through actuarial tables. Still, we need steadfast leaders. The state pension crisis isn’t about simple tweaks in accounting practices, but about past irresponsibility and the historic shame that will be ours if our offering to the next American generation is intractable debt. Q
Self-Defense and the Role of Government

Standing Up for the Second Amendment

By Alastair Cleve

After America’s War of Independence had been won, the country was in a desperate state. Wartime liabilities were haunting the Treasury, political order was descending into feudalism, and borders were under attack by Native Americans. The new Republic was fragile. Worse still, it was painfully clear that the Articles of Confederation were desperately weak. America needed a stronger central government, buttressed by real legal authority. What grew out of this need was the Constitution. While it gave the federal government much more authority than the Articles it replaced had provided, the Constitution nonetheless strictly limited the powers of Congress reserving all unenumerated powers to the people or the states. Despite the relative clarity of the document, however, the debate over certain sections still rages, and while Alexander Hamilton’s objections to the inclusion of the Bill of Rights appear to be, in retrospect, remarkably prescient, the fact remains that the Bill of Rights exists and is the basis for a tremendous body of Constitutional law.

Of the Bill of Rights’ provisions, perhaps none is as divisive in modern America as the Second Amendment: its meaning and significance are incessantly debated. Certain intellectual communities have even gone so far as to declare its death—a necessary externality of modernity. Because guns are implicated in homicide, the thinking goes, their distribution and sale ought to be heavily regulated—even restricted. I argue, however, that many of these points are moot. The effect of negative externalities of Constitutional rights is not an argument against those rights. I am not forbidden to use a racial slur, despite the potential negative externality of psychological harm. Likewise, I ought not be forbidden to own a gun, despite the potential for harm. In summary, Constitutional rights exist a priori; the Founding Fathers consciously removed them from the scope of government action. Consequently, they may not be infringed. It was with this in mind that the Supreme Court recently reaffirmed this fundamental American right.

On June 28, 2010, the Supreme Court of the United States made history when, in a 5-4 decision, it held that the Second Amendment is incorporated into the Due Process Clause of the Fourteenth Amendment such that the Second Amendment applies to the states. In Otis McDonald, et al. v. City of Chicago, Illinois, et al., 561 U.S. ___ (2010), the Court held that Chicago’s gun registration law violated Otis McDonald’s right to own a gun in his home for the purposes of self-defense. Justice Alito, in the majority opinion of the Court, held that the Second Amendment applied to the states through the Due Process Clause of the Fourteenth Amendment: namely that the Second Amendment could be considered fundamental to American liberty. In a concurring opinion, Justice Thomas argued that the Second Amendment was incorporated by the Privileges or Immunities Clause of the Fourteenth Amendment, an opinion that, if it had been held by the Court, would have overturned several important cases and dramatically redefined the relationship between the federal and State governments.

In order to understand the McDonald decision, we must understand the legal context in which the case arose. On March 18, 2008 the Court heard oral arguments in District of Columbia et al. v. Heller, 554 U.S. ___, concerning a 32-year old law which forbade citizens in the District of Columbia from possessing usable firearms in their home for the purposes of self-defense. Mr. Heller was a special police officer authorized to carry a handgun while on duty at the Federal Judicial Center. Heller filed a petition with the District of Columbia in order to maintain a gun in his home. When his petition was rejected, he filed a lawsuit in the Federal District Court for the District of Columbia.

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seeking “to enjoin the city from enforcing the bar on the registration of handguns, the licensing requirement insofar as it prohibit[ed] the carrying of a firearm in the home without a license, and the trigger-lock requirement insofar as it prohibit[ed] the use of ‘functional firearms within the home.’” Justice Scalia and the Court held the D.C. law unconstitutional.

The Second Amendment is divided into two clauses: a prefatory clause and an operative clause. The prefatory clause reads: *A well regulated Militia, being necessary to the security of a free State.* The prefatory clause, argued the petitioners in *D.C. v. Heller*, limited the scope of the operative clause, which reads: *the right of the people to keep and bear Arms, shall not be infringed.* This collective-rights argument rests on the understanding that the mention of the “Militia” in the prefatory clause limits the keeping and bearing of arms to militiamen only. The individual-rights argument, pushed by the respondent and supported by Justice Scalia, urges that this is not the case: rather, the prefatory clause merely provides a reason for the Second Amendment. As Justice Scalia pointed out, the Amendment could be rephrased: “Because a well regulated Militia is necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.” Or, as legal scholar Nelson Lund has written: “Imagine if the First Amendment said, ‘A well-educated Electorate, being necessary to self-governance in a free state, the right of the people to keep and read books shall not be infringed.’ Surely no one would suggest that only registered voters (i.e., members of the electorate) would have a right to read.”

What’s more, Justice Scalia meticulously explored the meanings of each of the words of both clauses of the Second Amendment. The “right of the people,” he argued, refers to an individual right. “Only individuals have rights,” legal scholar Stephen Halbrook wrote, “while the United States and the states have ‘powers.’” Consider other instances of the phrase *the right of the people*: it appears in the First Amendment and appears in the Fourth Amendment, which was itself meant to protect the First and Second Amendments. It also appears, in the plural, in the Ninth Amendment. “All four of these Bill of Rights guarantees protect individuals from government action; none of them delegate or reserve powers to governmental bodies,” Halbrook writes. It is also worth mentioning that the phrase “the right” appears in the Sixth and Seventh Amendments, and, it is argued, the article *the* qualifies the right as preexisting. Halbrook comments: “It would be rather curious if ‘the people’ means only such persons as the government selects. To suggest that ‘the right of the people’ means only a command issued by a government to persons appointed by the government demeans the very nature of a bill of rights.”

Justice Stevens asked whether “the people” of the Second Amendment really did mean the same thing as “the people” of the First and Fourth Amendments. The Court, Stevens argued, limited the scope of application of the Second Amendment to “law-abiding, able citizens,” yet that same class of citizens is not similarly limited in the First and Fourth Amendments. However, what Justice Stevens forgot is that even irresponsible citizens have those rights. All sides admit that constitutional protections are not infinite, and “the people” of the First Amendment may not protect speech such as slander. If free speech does not include slander, then it is reasonable to suggest that “the people” of the Second Amendment does not include the right to keep and bear arms as a felon. Furthermore, the Second Amendment is not a protection against criminal investigation, like the protection against unwarranted search and seizure in the Fourth Amendment. Criminal rights are not the same as civil rights, and the Second Amendment clearly falls into the latter category.

The collective-rights analysis also fails a logical test: the logical fallacy of denying the antecedent. Legal scholar Stephen Halbrook explains:

Rephrasing the amendment as a conditional (hypothetical) syllogism, its first premise would state: If a well regulated militia is necessary to the security of a free state (*p*), then the right of the people to keep and bear arms shall not be infringed (*q); that is, *p* implies *q*. If one then asserts *p* as a second premise, then the conclusion *q* would follow. Logicians speak of this syllogism as being valid by reason of *modus ponens*. Yet the denial of the antecedent, should it be expressed in the second premise, fails to imply the denial of the consequent in the conclusion; that is, even if a militia is not necessary for the existence of a free state, the people still have the right to keep and bear arms. To say that ‘not *p*’ implies ‘not *q*’ is to commit the logical fallacy of denying the antecedent.

In other words, the prefatory clause gives a reason for the operative clause, the substantive part of the Amendment. It does not limit it in any way. The denial of the prefatory clause does not have any effect on the truth of the operative clause.

Justice Stevens, in his dissent, argued for precisely the opposite: that the “Second Amendment was adopted to protect the right of the people of each of the several States to maintain a well-regulated Militia.” Stevens said “it was a response to concerns raised during the ratification of the Constitution that the power of Congress to disarm
state militias and create a national standing army posed an intolerable threat to the sovereignty of the several States.” A great part of Justice Stevens’ argument rested on the Court’s previous ruling in United States v. Miller, 307 U.S. 174 (1939), that the Second Amendment “protects the right to keep and bear arms for certain military purposes, but that it does not curtail the Legislature’s power to regulate the nonmilitary use and ownership of weapons.” However, even if we read the Second Amendment as protecting only the right of the States to form militias, then the Constitution is silent on the subject of the individual right to keep and bear arms. In such a case, Congress is not empowered to regulate such activity.\footnote{Of course, one can make the argument that Congress could regulate the Second Amendment through the Commerce Clause, Art. 1 §8. However, it must be acknowledged that much of what Congress currently regulates under the Commerce Clause requires a very loose reading of the Constitution. Presumably, the intrastate manufacture and sale of guns for private possession would be outside the realm of federal authority.} Furthermore, the Tenth Amendment would require that such regulation be relegated to the States only and not to the Federal Government. Nevertheless, in McDonald v. Chicago, the right to keep and bear arms was held to be incorporated into the Fourteenth Amendment such that States themselves cannot prevent citizens from keeping and bearing arms.

Prior to the American Revolution, the crown attempted to suppress gun ownership as a means of suppressing revolutionary sentiment. The colonists considered the right of keeping and bearing arms to be a natural English right: Britain was usurping their rights; they were not, in fact, attempting to assert new rights. Despite debates amongst the Founding Fathers about the necessity of including a Bill of Rights, there was wide-scale agreement as to the right embodied in the Second Amendment. Both Federalists, such as Hamilton and Adams, and Anti-Federalists, such as Jefferson, saw the right as inviolable—as preexisting. The Second Amendment merely states that this preexisting right shall not be infringed. Historically, the right itself was secured in 1689 against the abuses of the Stuart Crown, and Jefferson and the other anti-Federalists pushed for its enumeration as a right in the Bill of Rights as a measure to guard against usurpatory government similar to that under King George III. In U.S. v. Cruikshank, 92 U.S. 542 (1876), the Court wrote that the Second Amendment did not create a right to bear arms but rather recognized and guaranteed a preexisting fundamental human right. The question of the framers’ day was not whether Americans should be allowed to keep and bear arms, but whether that statement should be explicitly stated in a Bill of Rights or left unmentioned.

It is often suggested by advocates of strict, unconstitutional gun control laws that such laws are needed to protect the people—that is, to promote the general welfare. The petitioners in Heller cited legislative history as a defense, which amounts to saying that once a right is transgressed, that transgression is automatically constitutional. Much of the current legislation on gun control can be traced back to the worst piece of legislation ever passed by Congress: the Eighteenth Amendment. The Eighteenth Amendment (1919), which established Prohibition, prevented the manufacture, sale, or importation of intoxicating liquors for thirteen years. It was repealed in 1933 by the ratification of the Twenty-First Amendment. Prohibition created the incentive for the creation of large black markets for the sale and consumption of alcohol. Given the illegality of alcohol, large cartels and organized crime families became involved. As is often the case, bad men use guns, and those bad men used many guns. Organized crime used lethal force, and, in response, serious legislation, beginning with the National Firearms Act of 1934, was passed in order to curtail the use of firearms. The Second Amendment had been severely bruised by the Eighteenth Amendment.

With the repeal of Prohibition, alcohol was legal, and market forces were allowed to clean up the liquor industry. Despite this, however, organized crime persisted. The negative externalities of Prohibition still needed to be addressed. As is often the case, Congress authorized progressively stricter gun control legislation in an attempt to curtail gun violence. Rights were no longer relevant. Nevertheless, a new war has been initiated: the war for the recovery of that preexisting right: the right to keep and bear arms. In 2008, the Court held that Mr. Heller had the right to own a gun in his home, enforceable against the federal government. And, finally, in 2010, the Court held that Mr. McDonald also had that same right, fundamental and enforceable against state and city. The Second Amendment was now incorporated. Writing for the McDonald Court Justice Alito defended liberty:

Two years ago, in District of Columbia v. Heller, we held that the Second Amendment protects the right to keep and bear arms for the purpose of self-defense, and we struck down a District of Columbia law that banned the possession of handguns in the home. The city of Chicago and the village of Oak Park, a Chicago suburb, have laws that are similar to the District of Columbia’s, but Chicago and Oak Park argue that their laws are constitutional because the Second Amendment has no application to the States. We have previously held that most of the provisions of the Bill of Rights apply with full force to both the Federal Government and the States. Applying the standard that is well established in our case law, we hold that the Second Amendment right is fully applicable to the States. \(\Box\)
Religious freedom is deeply ingrained in the American consciousness. For that reason, the laws passed recently in Europe that prohibit certain forms of dress associated with Islam, such as the French ban on Islamic face covers, colloquially called the burqa, are alien to American sensibilities. They may well violate the United States Constitution. But for Americans to condemn these laws outright, without understanding Europe’s unique situation, is unfair. Today, Europe finds itself in a situation where the encroachment of radical Islam is not merely a security liability, but—as a political system trying to impose Sharia law—poses a significant threat to the liberty of the European people. The burqa ban and similar laws are a response to the threat posed by this extreme form of Islam to the idea of equality under the law, especially for women. To criticize such laws without acknowledging Europe’s dire circumstances, and without proposing alternative security arrangements, is to avoid confronting the reality of a growing danger within European society that must be dealt with.

By definition, the goal of radical Islamic movements is the involuntary imposition of Sharia law on populations—Muslim and non-Muslim alike—through coercive means. Those radical movements are growing in size and influence around the world, but particularly in Europe. According to Bernard Lewis, Professor of Near Eastern studies at Princeton and a noted scholar of Islam, there is a growing presence of Wahhabi teaching in Europe. Wahhabism is a “peculiarly violent and fanatical version [of Islam],” which advocates a return to the “true and authentic traditions of Islam.” Such traditions include Sharia law, as evidenced by its implementation in Saudi Arabia, a theocracy of Wahhabist Islam. Lewis notes that Wahhabist Islam is an interpretation with an increasing number of adherents. It is also a version that is “particularly strong among Muslim communities in Europe,” a consequence of the Wahhabists controlling Islamic education in these countries. This, in combination with the increase in Europe’s Muslim population—which Omer Taspinar, a Senior Fellow at the Brookings Institute, projects will double by 2015—would naturally lead to a rise in the number of Muslims adhering to Sharia political law, further increasing the tension between Wahhabist Islam and European civilization.

It is wrong to assume that such radicalism is the norm. Many Muslim countries, like Turkey or Qatar, do not operate according to strict Sharia law, and most Muslims want to live peacefully with their neighbors, including those who do not agree with their religious views. The key to this moderation is tolerance. According to Bernard Lewis, tolerance is the key to Islamic moderation. These “moderate” or more secular Muslims also fall under the protection of the laws like the burqa ban, because if extremist Muslims begin imposing Sharia law by violence or intimidation, the moderate Muslims will lose their ability to exercise true religious choice.

Many cities in Europe with large Muslim populations have neighborhoods where extremist Muslim movements have become the governing authority. These neighborhoods, though ostensibly part of greater liberal Europe, are essentially governed by the same practices the religious police of Saudi Arabia enforce upon their nation. This happens either through violence and intimidation or through legal means; in Britain, for example, there are now five Sharia law courts. These courts are arbitration tribunals, which means that their rulings are legally binding as long as both parties agree to abide by the court’s decisions, thereby allowing for the legal implementation of Sharia law. This observation is corroborated by journalists and commentators like Claire Berlinski, who, in an article in National Review Online,
cites the French suburb of La Courneuve, where women veil themselves out of fear of Islamic “morality patrols”, groups of Islamic men who wander the streets enforcing Sharia. Those found in violation of Islamic law are beaten and sometimes killed. In addition, these same men, naturally, are uniquely prone towards domestic violence, using it as a tool to control woman, who, because of the prevalence of radicalism in their neighborhoods, are effectively denied the protection of the law. In one example, Afshan Azad, a British actress and member of a Muslim family, had to flee from her home after she was attacked by her father and brother because she was in a relationship with a non-Muslim man.

The incident with Afshan Azad is particularly instructive because it shows the pernicious treatment that women receive in radical Islamist societies that impose Sharia law. Honor killings—where relatives murder a family member for abandoning the ways of faith—are all too common in these communities. Women, of course, are usually the victims of honor killings. Phyllis Chesler, a professor of psychology and woman's studies at Richmond College in New York, has studied honor killings in Europe and North America. According to her study, radicalized Muslims commit around ninety percent of such killings. But the violence does not just stop in Muslim homes or neighborhoods. There are numerous examples of radical Muslims committing violent acts against non-Muslims—the assassination of filmmaker Theo van Gogh after van Gogh made a film critical of Islam; the British subway bombings in July of 2005; and the perpetual threats against Kurt Westergaard, for drawing a cartoon of the Prophet Mohammed, the worst of which have forced him to live in hiding.

As the influence of radical Islam increases in Europe, it is instructive to see its most likely end in a state that does follow Sharia law. Saudi Arabia provides the best example. In that country, vicious and often sadistic punishments, such as amputation of limbs, are the penalties for crimes like robbery. Practicing any religion besides Islam is prohibited, and conversion from Islam is punishable by death. Another example of the barbarity of Sharia law is the Saudi treatment of homosexuals. Being homosexual or engaging in homosexual acts are capital crimes. Basic political rights, such as freedom of speech, are non-existent.

Saudi Arabia also has very inequitable gender laws. Male relative must always accompany women outside of their home, and women must always wear full covers. Women have no choice about whom they marry, and female children can be married to older men. Spousal rape is not a crime. In many instances, rape victims are punished as well as the rapists if the victim in question was not in the company of a male relative at the time of the attack. For example, in the Qatif girl rape case, a rape victim was sentenced to six months in prison and ninety lashes for being alone with a man (not one of her attackers) who was not a relative; the sentence was increased due to the international attention to the woman's plight.

With the increase of radical Islam's influence on Europe, it is not hard to envision a continent disturbingly similar to Saudi Arabia. However, it is not easy to determine what Europe should do in response to the growing tide of Islamic radicalism. Many in Europe have lost the will to fight even for the most fundamental and important aspects of the Enlightenment creed such as equality and respect for human rights. That is to some extent because the continent has embraced multiculturalism so completely. The doctrine of multiculturalism holds that all cultures are equal. This means that there is nothing special about a given society, and, in particular, that there are no meaningful aspects of a culture that make it inherently better than any other. Multiculturalism was useful in causing Europe to rethink the cultural “arrogance” that characterized its colonial empires; but when applied indiscriminately—when people became unconvinced about the moral rightness of the Western tradition of human rights—multiculturalism can disarm a society confronted by a violent threat. After all, if there is nothing special about our way of life, then why should anyone sacrifice to preserve it?

Europe began losing confidence in its history and traditions because of the unparalleled destruction brought on by the two World Wars, which disillusioned a large segment of the European population about the ability of enlightened societies to prevent massive social upheaval, conflict, or injustice. Since 1945, Europe has declined culturally, steadily losing its faith in its core Western system of thought, and sustaining its independence because of the umbrella of American protection. Now, there is an internal threat from which America cannot protect Europe and which the continent is ill equipped to fight: a vast wave of Muslim immigrants who have brought with them a belief system that encompasses the secular as well as the spiritual, and, just as importantly, unquestionably accepts the absolute truth of what they are saying and doing.

Thus, attempts by countries like France to counter the advance of Sharia law is a welcome sign of resistance, even if the methods used seem intolerant. Such action
represents hope that Europe has not completely lost its faith in the values that made it the birthplace of modernity. Europeans are increasingly willing to use the government to assert the primacy of human rights over Sharia law. That is the reason for the burqa ban and other similarly constructed laws. Naturally, it would be better to use less coercive ways of reviving the best traditions of European culture. Ideally, such a revival should be social, cultural, and/or religious in nature, not driven by the government. If Europe could reassert its faith in the values of freedom, human dignity, and political equality, it could better assimilate its Muslim minority without restricting their freedom through government action. But, Europe's demographic situation makes such a revival next to impossible.

As previously mentioned, the Muslim population in Europe is growing rapidly because of their higher birthrates. While Muslim women in the EU have 3.5 children, European women only have 1.4 children. Does this mean that Europe will eventually become a Muslim state? Perhaps the rapid growth of native-born European Muslims and the constant influx of North African and Turkish Muslims, when combined with the very low birth rates of non-Muslim Europeans, suggests that Muslims, over time, will be the majority in Europe. However, this is just data extrapolation, and there are things that can change. For example, Europe can decide to limit or cut off immigration from Muslim countries. But such an action, while slowing the growth of the Muslim population, would do nothing to assimilate the Muslims currently in Europe. New Muslims tend to self-segregate, and Europeans do little to encourage them to enter the broader society, further undercutting the assimilative power of Enlightenment ideals. As Muslim populations increase, this tendency to self-segregate will increase; Muslim communities will become larger and, thus, more attractive to new immigrants. This means that Europe, already weakened by decades of multiculturalism, is now facing a constant influx of Muslims lacking both the tools and the will to assimilate them by bringing them into the broader society. As the ethnic European population declines, their influence in assimilating new Muslims will also decline, preventing them from countering the teachings of Sharia with traditional, Enlightenment values. Considering the influence of Wahhabist teaching on the continent, it is likely that Europe will become more and more like Saudi Arabia rather than Atatürk’s Turkey within a few generations—unless the wave of radicalism among new Muslim arrivals and the current Islamic population is somehow turned back.

This raises the fair question of whether Muslims can assimilate into the broader European society with its history of religious tension and Christian rule. Certainly, Europe has a history of religious persecutions, and many in America feel that France's burqa ban is another manifestation of that tendency. However, Europe has secularized considerably during the last century, and it is unfair to view the continent in the light of its 19th century values. Yet, even with residual religious tension, it is possible for Muslims to accept Enlightenment values. Reuel Marc Gerecht, a senior fellow at the Foundation for Defense of Democracies, wrote about his Pakistani roommate’s Muslim parents in a Wall Street Journal Symposium on moderate Islam. He said that, while the parents were devout, they always welcomed him, an infidel, into their home; they even accepted their children’s decision not to follow Islam. This is an example of Muslims accepting Enlightenment values of tolerance and choice while remaining above any lingering religious tensions. Thus, while Muslims do not have to accept all of Europe’s traditions, they do need to subscribe to its Enlightenment values.

It is in this context—the decline in cultural assimilation coupled with the tremendous growth in the Muslim compared to non-Muslim populations—that various governments resort to legal restrictions as a form of cultural resistance. The burqa bans and similar laws in Europe are at least a welcome sign that these governments intend to resist the coercive imposition of Sharia law on Muslims of all stripes, particularly women. The burqa and other face coverings are the physical representation of violence and oppression towards women. By outlawing the burqa, governments make it more difficult for “morality patrols” to target women who do not wish to comply with Sharia law. The point of the ban, then, is not to violate, but rather affirm real religious choice for Muslim women, to remove the elements of Sharia law that most visibly symbolize the antipathy of radical Islam towards human dignity, and, hopefully, to promote tolerance and moderation in the Muslim community.

To be sure, there are reasons to be critical of the new bans and other restrictions. For one thing, they may not work; fundamentalist morality patrols will find other ways to identify their victims, and even the best of laws cannot guarantee a perfect success rate. In addition, the ban does not help women who are members of a radical Islamic household; they will continue to be oppressed. Another criticism is the illiberal nature of the ban, because the bans restrict the freedom of those women who do genuinely want to dress in the manner called for by Sharia law. However, the fact is that Muslim men in many semi-autonomous European neighborhoods are using the burqa as a form of religious control; it is a direct threat to the progress of the last century in establishing women’s rights and it is an unambiguous challenge to what radical Muslims view as a permissive and overly sexualized Western culture. Banning the burqa is not ideal, but is at least an attempt—by governments
without a lot of other options—to protect women from the violence and oppression that now characterizes the treatment of women in Saudi Arabia.

In that sense, the burqa bans and similar laws are a sign that Europe has not completely lost its faith in the values and culture that gave birth to freedom and democracy. There are other signs as well. More and more European politicians are finding the courage to talk about the threat posed by radical Islam. Women’s groups and other non-governmental organizations are trying to help Muslim women endangered by the morality patrols. If Europe can relearn its faith in the value of freedom, human dignity, and political equality, it could better protect those most vulnerable to the dangers of Sharia law without having to restrict religious freedom.

It is very easy to criticize Europe for passing the burqa bans, and there is justification for doing so. But any criticism should acknowledge and respond to the dangerous reality on the continent. Americans of both political persuasions have seen the French burqa ban, and similar laws, as illiberal and wrong. The right has criticized the laws as attacks on religious freedom and the left views them as xenophobic reactions to an increasing Muslim population. Both sides are wrong. The fact is that Europe is facing an internal, existential threat to its culture and values. There is a growing population of radicalized and violent persons in Europe who fanatically believe that the religious and civil spheres cannot be separated, that women are not equal before the law, and that those who hold different views are, at best, second class citizens and, at worst enemies to be suppressed or killed. That population wants to impose its views on the rest of society, and is already beginning to do so. In a situation with so many bad options, banning the burqa may be the best of all unpalatable choices.  

Why Affirmative Action Must End

Ending Unfair Admissions Practices

By Cory Liu

Imagine for a moment that you were the head of a committee charged with giving awards to the 100 fastest runners in the United States, and you had to choose between two proposals. The first proposal calls for a series of track meets to be held across the country, with the 100 fastest runners being selected. The second proposal is identical to the first and also calls for a series of track meets across the country, except for one change – instead of simply choosing the 100 fastest runners, you are to select the fastest ones that allow for the group’s racial composition to match a pre-determined ratio.

If giving the awards to the fastest runners is the only objective, then the first proposal is clearly superior. The extra condition in the second proposal would make it so that if the racial composition of the 100 fastest runners did not conform exactly to the ratio, slower runners would have to be chosen to fill the racial quota. Affirmative action in the college admissions process is remarkably similar to the second proposal above. Though one’s high school transcript and test scores largely determine one’s chance of admission, applicants are judged on their academic competitiveness only after being sorted into racial groups and incoming classes are chosen to have a racial composition that matches a particular ratio. In doing so, colleges trade away students who have demonstrated more academic promise for the sake of producing a particular racial composition.

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A look at the statistics shows the concrete effects of this policy. Thomas Espenshade and Chang Y. Chung from Princeton University conducted a study showing how racial preference in college admissions at ten selective private universities translated into 230 extra points on the SAT for African-Americans on a 1600 scale, 185 points for Hispanics, and a loss of 50 points for Asians. They found that the elimination of affirmative action would result in as much as a one-half to two-thirds decline in acceptance rates for African-Americans and Hispanics, and a one-third increase for Asians.

Robert Lerner, PhD '84, and Althea K. Nagai, PhD '86, from the Center for Equal Opportunity found similar results by reviewing admissions data at several major universities. At the University of California, Berkeley, African-Americans scored 330 points lower than whites on a 1600 scale, Hispanics scored 210 points lower, and Asians scored 10 points higher. At the University of Virginia, African-Americans scored 180 points lower on a 1600 scale, Hispanics scored 50 points lower, and Asians 10 points higher. At the University of Michigan, Ann Arbor, African-Americans scored 230 points lower, Hispanics scored 130 points lower, and Asians scored 50 points higher. They also calculated that given identical SAT scores and high school grades, an African-American student is 111.1 times more likely to be admitted to the University of Virginia, and 173.7 times more likely at the University of Michigan, Ann Arbor. A Hispanic student is 151.23 times more likely to be admitted to Michigan, and 4.84 times more likely at Virginia. In contrast, the difference between Asians and whites is statistically insignificant at Virginia, while Asians are 0.76 times as likely to be admitted to Michigan.

Proponents of race-based affirmative action defend it by arguing that admissions committees are seeking to build a community that would benefit from racial diversity, and that such preferences help admissions committees take into account the fact that minorities face unique difficulties and challenges because of their race. However, while these are noble intentions, race-based affirmative action is a flawed policy that does not truly advance these goals.

Diversity is certainly important in the creation of a community of students. Whether through visiting a foreign country or joining a community of students on a college campus, whenever we meet people who are different from us, we begin to pay attention to ideas, customs, and practices that we previously took for granted, allowing us to inquire into the reasons behind them.

The problem with race-based affirmative action is that it only recognizes one kind of diversity, a kind of diversity based on an artificial and superficial system of classification. As many proponents of racial equality have pointed out, race is a societal construct. Consider the term “Asian,” which millions of Americans, myself included, are forced to identify with. The category “Asian” covers over half of the world’s population, including the nations of China and India, whose peoples are as distinguishable in appearance as blacks and whites in America. “Asian” essentially means “anywhere east of Europe.” The term is meaningful only in that it suits the descriptive needs of most Americans.

The artificiality of race is also illustrated by the problem posed by multiracial applicants. Let us imagine for a second, a student with distant Hispanic ancestry – so distant in fact that it makes him no different from any other white student in terms of his cultural background or personal experience of hardship or discrimination. Yet under the racial system, that student can list himself as having “Hispanic” ancestry, ancestry which gives him preferential treatment. This highlights two important problems with affirmative action. One, that there is no clear-cut definition of how much ancestry is needed to claim membership in a race, and two, that there is no easy way to verify the truth of a person’s claim of racial membership. We wouldn’t believe this person for a second if he told us he was Hispanic, but that would not make a difference on his college application. How can we reliably distinguish between a full Caucasian and a person who is 1/64th Hispanic simply on the basis of appearance? College admissions committees don’t even have appearances to go on; all they have is self-identification with a race.

By claiming that preferential treatment on the basis of race supports diversity, colleges act on a very narrow definition of diversity. People can learn from encountering others who differ from them in a variety of ways other than race. Imagine a student from a strongly Christian community encountering a Hindu for the first time, a punk rock musician meeting a lover of Mozart, a future theoretical physicist having dinner with a friend who reads the works of Aristotle in the original Greek. The number of ways in which we can learn from those who are different from us is immeasurable. Yet affirmative action gives preferential treatment only on the basis of a crude and arbitrary system of classifying people.
A second argument for affirmative action is that the unique challenges faced by minorities should be taken into consideration when evaluating their applications. It is certainly a noble goal to give preferences to promising applicants who did not have the same privileges and opportunities that many others had. But this raises the question of how it is possible for an admissions committee to accurately gauge the degree to which a given candidate suffered from a lack of opportunity. How can an admissions committee determine the extent to which any individual candidate deserves preferential treatment? Colleges do not ask recipients to demonstrate how racial discrimination has harmed them before giving them preferential treatment. They make these judgments on the basis that the applicant is a member of an underrepresented minority. An underrepresented minority is a racial group that would be unable, without affirmative action, to put forth enough competitive applications to achieve a percentage of students in a college class equal to its percentage in the general population. African-Americans and Hispanics are underrepresented minorities, while Asians are overrepresented. In other words, admissions committees simply take the fact that certain racial groups have weaker applications as sufficient reason to give preferential treatment to members of that racial group.

They act as if African-Americans and Hispanics, simply because of their race, must have all suffered from discrimination that warrants preferential treatment. They also act as if Asians, because of their higher than average level of achievement, could not have suffered from lack of opportunity due to racial discrimination, even though during the same time as segregation, many Japanese-Americans were forcibly relocated to internment camps on the basis of their race. Furthermore, affirmative action neglects to consider how non-racial factors can affect one’s opportunities. An African-American from a wealthy, privileged family receives the same preferential treatment as one from a poor, inner-city neighborhood. A first-generation Asian immigrant whose family is barely making ends meet is treated no differently from one with access to the best education.

Race-based affirmative action is a crude and utterly ineffective method for creating a truly diverse student body. How could someone genuinely concerned with these issues justify using such narrow criteria? If colleges truly wanted people with diverse ideas, customs, and practices, they would ask their applicants to submit additional information asking for such information. If they truly wanted to recognize the hardships of promising students from underprivileged backgrounds, they would give preferential admissions based on their families’ economic situations. Instead they seek only to achieve a particular racial composition.

When affirmative action was first instituted, such a goal was certainly reasonable and appropriate. In an environment where politicians had run on platforms of segregation and African-Americans were denied admission on the basis of their race, requiring a concrete goal of increasing the number of African-American students admitted showed that one was truly committed to diversity and equality of opportunity. But in today’s environment, in which it is both illegal and politically suicidal to act in such a blatantly racist manner, affirmative action only serves to perpetuate a narrow-minded view of diversity and equality of opportunity.

The United States has become increasingly diverse since affirmative action was first instituted – the Census Bureau estimates that white Americans will make up only 46 percent of the population in the year 2050. Now that the country has become so much more racially and culturally diverse, with interracial marriage reaching an all-time high, race is becoming an increasingly crude and superficial method of categorizing people. Rather than serving to eliminate racism, affirmative action has become a vehicle for perpetuating this divisive system of classification. Because of the clear disconnect between affirmative action and the actual promotion of true diversity and equality of opportunity, it seems to institutionalize the notion that minorities are less capable, and therefore need special preferences based on unsound pretenses. In such an environment, it is impossible to have a truly race-blind culture, in which one’s race is an attribute no different from one’s height or weight. America’s colleges and universities would do best to abandon race-based affirmative action in favor of methods that truly promote diversity and equality of opportunity.
It is entirely understandable why the political and moral arguments about same sex marriage have been so draped in emotion. Marriage is, after all, one of the longest surviving institutions of our society, and a restructuring of its traditional constitution may signal no less than a profound social and political transformation, unprecedented in the history of civilization. Equally deeply held are sentiments about the legitimacy of homosexual love and concerns about the state entering the bedroom—comparing the efforts for equal recognition of same-sex unions to the Civil Rights Movement.

But with Judge Vaughn Walker’s overturning of California’s Proposition 8, we have been reminded of the central role of government in this debate; as it is only government that can sanction a redefinition of marriage by enacting it as law. Moreover, Judge Walker sought to transcend the sentimental battle being waged and use the power of the bench to promote a rational understanding of the debate. One of the primary claims of the Walker decision was that there exists no “rational basis in singling out gay men and lesbians for denial of a marriage license. Indeed, the evidence shows Proposition 8 does nothing more than enshrine in the California Constitution the notion that opposite-sex couples are superior to same-sex couples.”

Without getting into the prerequisites of the decision—whether marriage is a right, whether a rational basis test should be used—this article merely wishes to dissent from Judge Walker’s conclusion that social science provides no basis for protecting traditional heterosexual marriage, laid out in, among other “evidence,” Finding of Fact No. 55: “Permitting same-sex couples to marry will not affect the number of opposite-sex couples who marry, divorce, cohabit, have children outside of marriage or otherwise affect the stability of opposite-sex marriages.” Essentially, this is bunk. There is a rational, social scientific case to be made in favor of protecting traditional heterosexual marriage, and there too exists ample evidence to suggest that expanding the definition of marriage beyond procreative bounds and ignoring the important role gender plays in successful marriages could vastly weaken the network of social pressures that enable heterosexual marriage to be successful.

Because Judge Walker implicitly defined empirical-social science as the rational basis for lawmaking, this argument must be driven by the social scientific. It is driven by observational studies, quasi-experiments and complete experiments, and qualitative research as well. It

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is not a religiously-driven piece. There will be no appeals made to the Bible, natural law, or morality in general. I do not wish to evaluate the legitimacy of the claims of a “natural right to marriage,” nor do I wish to analyze the myriad ways in which same-sex marriage violates Thomistic natural law; these tasks, though crucial to the debate over same-sex marriage and often wise, are not the intended domain over which this article is written.

Social science can prove three very important points in this regard: 1) Traditional marriage provides many positive social goods, and societies in which traditional marriage is weak tend to be substantially worse off socially and economically. 2) These benefits are themselves unique to heterosexual marriage and the childrearing orientation of said marriages. 3) Redefining marriage can have disastrous effects on the social desirability of heterosexual marriage, which can further weaken marital bonds amongst the marginal marriages in our society. This in turn can minimize the social prominence accorded to marriage and, in the end, hurt the poorest among us.

On the Benefits of Marriage to Individuals and Society

Marriage benefits everyone involved far more than any perceived cost could and it is one of the simplest and most easily isolated positive variables in modern civil society. The societal benefits of high rates of successful marriages are simply staggering. By successful marriage, we mean marriages that do not end in divorce. One need only witness that single mothers represent the largest impoverished segment in American society to fully appreciate the chasm between married and single, never married in this country.

According to a study by Robert Rector, one of the intellectual heavyweights in the welfare reform debate, on the impact of fathers in reducing poverty, “even when married couples are compared to single parents with the same education level, the married poverty rate will still be about 70 percent lower.” Rector also indicates that this differential cannot be accounted for simply through combining the two incomes. There is a multiplicative effect of marriage on the income earning potential of both spouses. Inequality is one of many negative social phenomena strengthened by our weakening marriages. Again, Robert Rector’s study of marriage and poverty cannot be overstated: ending the “marriage gap” in America would help make great strides in eliminating the “wage gap” between most racial groups.

Traditional marriage, in fact, offers many great economic benefits to every person involved. A 2005 study of older married couples concluded that “[m]arried couples seem to build more wealth on average than singles or cohabiting couples. Marriage reduces poverty and material hardship for disadvantaged women and their children. Minorities benefit economically from marriage. Married men earn more money than do single men with similar education and job histories.” Consider a 2003 study by esteemed political sociologist Robert Putnam on the disparities between regions with high rates of successful marriages versus regions with low rates: across the board, “[h]igh marriage regions] have better schools, lower crime rates, high voter participation, and generally higher standards of living. Even controlling for income disparity, we see many of these same trends, and that these regions are simply of better social arrangements.” For a variety of social and biological reasons, marriage makes people better earners.

Marriage also has a remarkable effect on our economic betterment and on our social-personal benefit. In a meta-analysis of the relevant social science research, 16 scholars associated with the Institute for American Values (including former policy advisor to President Clinton, Professor William Galston, PhD ’73, and University of Chicago sociology professor Linda Waite) have declared that there are “[t]en[s]ix findings widely agreed upon about marriage.” Among these findings is that traditional marriage “increases the likelihood that fathers and mothers have good relationships with their children.” Other social arrangements, like cohabitation or single-parent households “[a]re not the functional equivalent of traditional marriage.” Similarly, a traditional marriage not only increases the likelihood of having good parental relations with the children as adults, it also increases probability that those children will themselves have a healthy marriage. Conversely, “[g]rowing up outside an intact marriage increases the likelihood that children will themselves divorce or become unwed parents.” The illegitimacy issue, far from correcting itself, self-perpetuates this culture of poverty.

The study continues: marriage itself is not merely a historical curiosity, but is rather a “virtually universal human institution” that “has important biosocial consequences for adults and children.” According to the study:

Marriage influences the biological functioning of adults and children in ways that can have important social consequences. For instance, marriage appears to drive down testosterone in men, with clear consequences for their propensity to aggression. Girls who grow up in non-intact families — especially girls who are exposed to unrelated males in their homes — are more likely to experience premature sexual development and, consequently, are more likely to have a teenage pregnancy.

The implications of this are essential to understanding why marriage is itself a social good. The “biosocial consequences” suggest something significant
about the ways in which marriage has been traditionally constituted. Interestingly enough, marriage is also associated with better physical health as well. Things like infant mortality, life expectancy, quality of life, and myriad other demographic health statistics all are improved by being a part of a stable nuclear family.

Marriage also drastically reduces dangerous external behaviors, like having multiple anonymous sexual partners or substance abuse. This is actually a rather unremarkable observation insofar as one could simply think about the married couples one knows and reflect that, yes, they are less likely to have many sexual partners or get caught up in heroin or cocaine. It is still worth mention; the unremarkable are too often overlooked.

The above argument is intended to serve more than just the current debate about same sex marriage, but society overall. It appears that marriage is one of the more universal institutions that have always corresponded to the general welfare of society. The stronger the social desirability of marriage and the more stable these marriages, the more powerful the social pressures to behave prudently and justly in a society. Wherever marriage has been weakened institutionally, like the inner cities following the Great Society, higher levels of crime and poverty follow.

If we recognize marriage as the indirect cause of sundry improved states, then we should ask: What about marriage makes it such a solid social institution for improving the lots of those involved? For the sake of the same-sex marriage question, we have to ask if gender is among those factors.

The Inexorable Link between Gender and Marriage

Sociologically, we must establish that there is something unique about the social arrangement of traditional marriage: that it is indeed significant that marriage is made up of one man and one woman, and that gender is of specific importance in deriving any sort of social positive from marriage.

Let us begin, therefore such an examination with looking at the gendered nature of marriage. Emile Durkheim, who has been recognized as one of the founding fathers of sociology, believed that the physiological differences between men and women assure that the two “complement one another,” thus achieving a “sexual division of labor which is the source of conjugal solidarity.” In other words, the function of the different genders within the marriage system assists in maintaining its cohesion, and, in other words, its success. These particularities of the gender roles in marriage are not only beneficial, but seem to be more or less universal. In the words of esteemed French anthropologist Claude Levi-Strauss—certainly no conservative—“the family—based on a union, more or less durable, but socially approved, of two individuals of opposite sexes who establish a household and bear and raise children—appears to be a practically universal phenomenon, present in every type of society”. Thus far from being an arbitrary creation of social convention, “marriage is a social institution with a biological foundation.” Sociologist Kingsley Davis described the “universal societal interest in marriage and definition” as being entirely derived from a “social recognition and approval of a couple engaging in sexual intercourse,” which is rooted in the inherent benefits it provides in “rearing offspring.”

The natural basis of marriage (and other similarly defined social institutions) is derived from the notion that society needs to perpetuate itself. There is an evolutionary aspect to the natural/traditional construction of marriage, which contributes to the general fitness of society... The traditional family structure, of which marriage is the building block, is not something that arbitrarily developed, but was selected because it created the optimal relationship for the raising of children.”
d’être for marriage, even among atypical marital arrangements, has always been progeny. To refute the procreative basis for traditional marriage, some will rightly point out that many heterosexual marriages are either unwilling or incapable of having children, and the law has never stated that such marriages are essentially illegitimate. However, although there are cases in which procreation is impossible for heterosexual couples, there are no cases in which it is possible for same-sex ones. The tiny exceptions to the norm, non-procreative heterosexual marriages, say nothing about the institution itself. The legalization of same-sex marriage counts for no less than a redefinition of marriage because it will for the first time in history define the procreative nature of marriage out of marriage itself.

Still, a list of quotes is not enough, and many today believe marriage’s benefits are entirely (or even mostly) due to the importance of having to put another person either ahead of you, or at least on equal footing with you, regardless of the sexual composition of the marriage. This is the tactic favored by, for example, Jonathan Rauch, one of the more conservative advocates of same-sex marriage. In his book Gay Marriage: Why It Is Good for Gays, Good for Straights, and Good for America, Rauch defines marriage as essentially a legal contract defining terms of long-term relations and a pledge of mutual aid and support between two partners. Marriage, he says, “is putting one person ahead of all others.” According to Rauch, “if marriage means anything at all,” it is knowing “that there is someone out there for whom you are always first in line.” Yet many of the benefits of traditional marriage are predicated on more than just the decentralization of one’s own concerns: being married brings with it cultural expectations based on both sexes. According to a 1992 study by Shirley Glass in the Journal of Sex Research, “Women are less approving than men of...extramarital affairs,” and see marriage as something far more permanent and serious than men. By only encompassing the mores of a single sex, the external benefits of marriage may be considerably less for same-sex marriages than it would be for traditional marriage.

But it goes beyond simply talking about the social mores of men in general: this has to be extended to the homosexual community writ large. One must take into account that the social mores in the gay community may be different than those in the straight community. Consider relative rates of infidelity between homosexual men in committed relationships versus those of heterosexual men. The University of Chicago’s National Opinion Research Center’s 1994 National Health and Social Life Survey—one of the most comprehensive and meticulous studies of American sexual practices—found that over 75 percent of heterosexual men and 90 percent of heterosexual women had been sexually faithful to their spouse. In a 2004 follow up, it was determined that homosexual men in “committed relationships” were found to be completely sexually faithful only 14.5 percent of the time, a significantly lower proportion.

Why is this significant? Because the cultural expectations that come with heterosexual marriage may simply not transfer over well to same-sex marriage: the social mores of the homosexual community, from what we can gather, are simply not as conducive to producing highly functional monogamous relationships.

What proponents of same-sex marriage often ignore is the gendered nature of the benefits received by each spouse within the marriage itself. As previously mentioned, marriage actually has a major effect on properly socializing men, both from a behavioral side and a physical side. Married men, when compared to others in their cohort, consistently have lower rates of delinquent and antisocial behavior. The aforementioned meta-study by the IAV goes as far as to state that: “[m]arried men drink less, fight less, and are less likely to engage in criminal activity than their single peers. Married husbands and fathers are significantly more involved and affectionate with their wives and children than men in cohabiting relationships (with and without children).” The significance of this is not merely that it is marriage that civilizes men, but rather the social connectivity and dependency with one woman that causes men to restrain some of their more animal nature.

One of the reasons that this is a product not simply of any marriage-like social organization but of traditional marriage, is because of the known biological impact of marriage. Men in traditional marriages have both lower rates of testosterone and, more importantly, lack the great fluctuations in testosterone rates that often lead to violent, barbarous behavior. It is the constant physical and emotional presence of a woman that provides the key civilizing influence.”
lack the great fluctuations in testosterone rates that often lead to violent, barbarous behavior. It is the constant physical and emotional presence of a woman that provides the key civilizing influence. So, at the most fundamental level, there does exist a biological basis for traditional marriage as well.

Thus, we must ask ourselves: by expanding the definition of marriage, are we not running the risk of (unintentionally) weakening the social prominence of these gendered and procreative roles? By decoupling marriage from childrearing, the social desirability of marriage changes, and becomes less circumstance-driven and more temporal. From this, marriage becomes a less important social relationship, and becomes simply one of many in the social fabric. The idea that we can simply will marriage to not be about procreation but instead about companionship or love simply ignores the reason marriage exists in the first place: if marriage really were merely the recognition of the love between two persons, then it never really follows why it is universally held in such deserved esteem.

Behavior at the Margins:
A Look to Welfare to Understand
Unintended Consequences

Let us now ask ourselves some fundamental questions: could altering the institution of marriage to include same sex couples really weaken it? On what basis could one claim that altering the definition would in any way endanger traditional marriage?

As would be expected, we do not fully comprehend the extent to which the broad network of incentives and disincentives move someone to get married or not. Nor can we completely grasp the fullest extent and the specific ways in which, each incentive impacts any given marginal actor. These actions fall at people at the margins, people, in this case, who are on the fence about getting or staying married. There may not be a huge percentage of the population in this subset, but it is a sizable enough number that it does greatly affect broader statistics. Yet it seems that providing even the tiniest change in government incentives, changes that would by their very nature seem imperceptible to most people, do in fact have wide-reaching and, often, unforeseen consequences. The law of unintended consequences is unconcerned with intentions and good will, and we test it at our peril.

Let us look for example at some of the more ambitious public policy initiatives in the last 60 years. Consider the case of welfare. Welfare is a very powerful comparison to draw to the same-sex marriage debate, if for no other reason than it too drastically altered the relationship between those involved in marriages and the social desirability of being married. Broadly speaking, in the 19th and early 20th centuries, welfare payments were traditionally limited to “widows and orphans” funds. The idea was that the state would step in and help when fate had dealt a person a particularly bad hand; especially considering the outcome was decidedly not the fault of the person receiving the payment. At first, this understanding, though stable, became far too limited for those who sought to raise the poor from poverty, and the basic intentions of the program, the basic logic of its existence, had to be radically altered.

As the century progressed, the idea of welfare began to encompass more and more people, and the provisions for widows and orphans became simply for single mothers. Aid to Families with Dependent Children (AFDC) was designed to give extra aid to all single mothers below the poverty line. The argument about single parenthood was mostly that it was unfairly stigmatized; that the only thing single mothers needed was more money, and that the role of the father could be approximated by a well-structured school and after-school environment. The idea that anyone would choose to be a single mother, that somehow making it slightly less terrible would be an attractive choice to anyone, seemed patently absurd.

And yet this was exactly what happened: marriage rates in the inner cities plummeted, the number of people on welfare skyrocketed, and the average time spent on welfare more than tripled. Charles Murray’s groundbreaking study Losing Ground showed the ways in which these welfare payments had served to “subsidize the very pernicious behavior it was meant to remedy… illegitimacy and non-work soared because the total package of welfare benefits paid to women for having an out-of-wedlock child came to be greater than the take-home pay from a minimum-wage job. From an economic point of view, getting married [became] dumb.”

What had happened was that, at first, there were only a few cases where mothers intentionally chose single-with-welfare over marriage. But as time went on these cases began to increase, and given the open-ended nature of the program, there was little incentive to ever get off welfare. To put it differently, the lifestyle provided for by welfare was far from perfect, but it was better than the alternatives. The stigma of being a single mother gradually decreased over time, to the point where in many poverty-stricken communities, it became not uncommon to hear teenage girls yearn to be mothers first and foremost and be completely apathetic (if not downright hostile) to the idea of marriage.

In their seminal book Promises I Can Keep, sociologists Kathryn Edin and Maria Kefalas, PhD ’98, after having interviewed hundreds of single mothers in some of the poorest neighborhoods in America, found that many of the girls in the program knew full well that their life was going to entail being a single mother, and yet they chose
it nonetheless, because “girls from poor neighborhoods often see motherhood as the one aspiration which they can achieve and at which they can excel. While their middle class counterparts assume that college and careers are in their future, poverty-stricken teenagers look for ways in which their lives in the inner city can be improved. Babies are often their answer.” The young mothers often come from broken homes themselves, so the imperative to get married is simply non-existent; as a multitude of studies have shown: the single best predictor of the married state of an individual is the success or failure (or nonexistence) of their parents’ marriage. This suggests that the valuation of marriage is largely dependent on what values were inculcated by the social state of their parents, and that the changing nature of stigma can have a multiplicative effect.

Women who wanted to get married had to compete, socially, for young men with women who had no problem having sex and bearing children without any commitments or demands on the man’s responsibility. Socially, this made women who want to get married less desirable, and more burdensome. This also extended to the single mothers themselves; once they had decided to have children and not get married, their prospects for getting married declined greatly. For the most part, the idea of getting married to someone who already had a child with another man scared away most potential husbands. Thus the greatest social incentive was for the single mother to stay single; AFDC simply made it less costly to do so. In many ways, what had started as a program to promote greater freedom for young mothers, had in fact constrained the young girls’ ability to choose in the first place.

Essentially, the network of costs taken into consideration when dealing with motherhood was far more complicated than proponents of expanding the welfare state ever considered. The fact that the social cost of being a single mother has declined drastically in the last forty years is probably the single greatest explanatory factor in dealing with the marriage issue. So the slightest change in the incentive structure for marriage, in this case the moderate increase in the availability of welfare to single mothers, drastically affected the social value of marriage.

The decline in marriage in the last 50 years is regrettable. It remains to be seen what can solve this problem. Culture, as far as we can both define and measure it, seems to play the largest part in the deterioration, although changing financial incentives and the expansion of the welfare state almost certainly played a crucial role as well. What we do know is that seemingly permanent institutions, like what marriage seemed to be up until 1965, are far from permanent, particularly if they are held together only through social convention.

Unsurprisingly, the dissolution of the urban family has had the most devastating effect on the poor minority communities. Consistent with our studies of the relationship between marriage and poverty, the poorest members of our society have been the most injured by the decline in marriage.

In 2002, 68 percent of African American children and 44 percent of Latino children were born out of wedlock, compared to just 29 percent of white children. And just as strong as the racial component in explaining differentials in marriage rates are class distinctions. In one of the more remarkable social consistencies, only 5 percent of college-educated mothers have children out of wedlock, a number largely unchanged from its 1950s counterpart. On the other hand, over 25 percent of mothers without a high school degree have children outside marriage; more than triple the rate of the 1950s.

Sociologist Brad Wilcox put it this way:

The nuclear family is alive and well in the white middle and upper classes, whose members, ironically enough, often style themselves as social liberals and continue to partake—at least until they marry—of many of the fruits of the counterculture. But “bourgeois bohemianism” has not taken hold in the Bronx. The poor have not been well served by the hedonistic drift of mainstream popular culture since the 1960s. For millions of children growing up in poor, minority communities in America, the conventional family has all but disappeared. And that spells trouble for them and for the nation.

In other words, the impoverished in America felt the brunt of liberal social policies of the 1960s, and the white middle and upper class has been largely unaffected. The social liberalism associated with the upper classes did not destroy families amongst the “bourgeois bohemians” but amongst the poorest of the urban poor. Like liberalizing what constituted proper sex, liberalizing the definition of marriage would primarily affect those marriages most at the margins: the urban, minority poor. The evolution of more liberal social mores, far from liberating the urban poor, has locked them in a destructive culture that simply perpetuates the stark inequality liberals had hoped to alleviate, a situation that would be furthered by further distancing marriage from procreation.

Granted, the welfare state was far from the only factor in destroying inner city marriage: contraception, working mothers, and no-fault divorce laws—all more-or-less good things in and of themselves—greatly weakened marriage as well. But to add to this list an additional financial incentive against marriage simply broke the proverbial dam, allowing the floodwaters of illegitimacy and immutable urban poverty to overtake the inner cities and ravage the nuclear black family. Because of the high monetary costs associated with marriage, which is partially
why the average age of each spouse at the time of marriage has increased so much, the decreased social capital from marriage provides a tremendous disincentive towards marriage to those who are on the margins.

Therefore it appears that the network of causality vis-à-vis marriage is rather complicated and deals within a multilayered reality that does not lend itself to simple solutions. These many factors influence marriage in ways that go far beyond the simple accounting issues brought up by proponents of the welfare state. Whilst operating on purely well-intended motives, and moved by the economic plight of the single mother and the general unpleasantness of the social stigma associated with single parenthood, social reformers simply did not comprehend the extent to which marriage as an institution can be changed. They looked at all the cultural pressure to marry, and the social cost of not being married, and they presupposed that this institutional disincentive would counterbalance the new financial incentives for out-of-wedlock births. What they did not understand was that these social institutions are themselves extremely dynamic and dependent on forces beyond our control.

For every additional out-of-wedlock birth, the social stigma of having another out of wedlock birth decreased by a non-insignificant number. If, as previously stated, the single biggest predictor of illegitimacy is the marital status of the said person’s parents, then it would be expected that the incidence of illegitimacy would climb higher and higher over time. The most troubling aspect, apart from the negative externalities associated with having a very high illegitimacy rate, is that, within the inner cities, the demographics are shifting towards single motherhood and away from stable family structures. Once you have the negative shock to the institution that eats away at its legitimacy, over time the weakening of the institution becomes perpetuating; as time goes on it becomes more and more acceptable to be a single mother. Financial considerations to the contrary are undermined by welfare.

Unraveling the Social Fabric and Expanding the Definition of Marriage

This is why broadening the definition of marriage to incorporate same sex marriages is a dangerous proposition for the health of marriage itself. The weakening of the traditional marriage, by a myriad of social policies and changes, is something that is impossible to ignore. Changing the definition of marriage to deal with non-procreative couples would alter the basic understanding of what the institution means. Like altering the very meaning of welfare did—transitioning from something for those who were in dire straights through no fault of their own (i.e. widows and orphans) to something that merely addressed poverty—changing the logic behind marriage itself can unravel the very social institution same-sex marriage proponents wish to partake in. The impact of changing the very nature of the institution could be grave, just as changing the incentives towards getting married could change the desirability of marriage; the extent to which this end is likely is hard to determine, but given our previous attempts at altering the very social definition of marriage, prudence may be the best course of all.

What supporters of reforms to traditional marriage often tend to ignore, is that these institutions are constituted in a specific way for a reason. It is almost certainly unwise to allow anyone to drastically alter the social arrangements, such as the way we treat unwed parenthood, if their only consideration for why an institution is the way it is, is that it was just “created that way”. There is something of an evolutionary mechanism found in society: the features of any given institution may not be ideal, but they are selected to some degree of fitness.

The steadfast belief that traditional marriage, as it just happens to be constituted everywhere, is just “a mere historical coincidence” is a dangerously ill-conceived notion that is based upon unsound assertions. The fact that marriage serves a fundamental reproductive purpose, which by its very nature a same sex marriage cannot have, and that many of the mores around marriage seem to have reproduction in mind should make those attempting to completely overhaul the system a bit more cautious in their approach. The extent to which this is natural, and is not merely a social convention, is the level to which altering it is acceptable and not something that could bring with it dire social consequences.

Same sex marriage supporters need to be able to recognize our inability to fully know what the subtle results of big policy changes will be, particularly to social institutions. The claim that having government legitimize gay marriage will not change the institution of marriage for the worse because you are incapable of imagining it altering your own decision-making is extraordinarily arrogant. It presupposes not only a natural equality of rights, but, rather, a natural uniformity of preferences, means, and values. The fact that reformers themselves cannot imagine it affecting their decision-making does
not mean that it will not affect the decisions made by others. In fact, the welfare example suggests that what affects upper middle-class social behavior has a rather different impact on poorer communities.

The extent to which research exists on this issue suggests that the “unimaginable” effects on marginal marriages—the effects on the desirability of marriage—tend to only affect members of the lowest social classes. The nature of marriage amongst those with high socioeconomic status is rather unchanged from what it was 50 years ago. Almost all of the deteriorations in the vitality of marriage, and the rise of the “single-never-married” category, are amongst the most affected by the cost of unsuccessful or non-existent marriages: the poor. Liberal social and economic policies, far from leading the poor out of poverty, have (unintentionally) trapped the poor in a rather vicious cycle of poverty. And, given the vital role marriage plays in poverty alleviation, one can only conclude that further weakening the institution of marriage will only serve to further the destructive cycle of poverty.

Same-sex marriage by definition contradicts the very logic of the institution of marriage. By dealing with solely non-procreative marriages, same-sex marriage advocates never elaborate why there is a governmental interest in recognizing other types of adult relationships.

The fact of the matter is that government has no real interest in promoting marriage if it is not inextricably linked to procreation. The promotion of loving relationships, while certainly not a bad thing in and of itself, has no obvious public good, and much of the public benefits of marriage are at least particularly predicated on its gendered nature. Which, of course, leads us to the more libertarian side of the arguments, that the government should not be in the marriage business at all, and that it is something that is best left up to private institutions to mediate.

The problem with that argument is that it too ignores the basic nature of marriage, and the ways in which the government has gone about validating said marriages since time immemorial. If we are to think of marriage as an entirely separate legal contract, one made between consenting adults and mediated by, say, a church, there would not exist a separate legal apparatus to deal with marriages. Furthermore, the laws on the nature of divorce—things like the no fault divorce laws from the 1960s—are such that actualizing a government disengagement from the marriage issue would simply be impossible. Although the bulk of the lawmaking on the marriage issue has been left up to the states, there have been many notable instances when the federal government has stepped in and made declarations on marriage. From the anti-bigamy laws of the 1860s, to the federal tax laws on married couples from the 1970s, the federal government has played a rather large role in dealing with the marriage issue. It is these family related tax issues, in fact, which provide those wishing to have government disengage from the current law the biggest obstacle: privatizing marriage would essentially have the effect of eliminating many tax benefits accorded to married couples, eliminating a tremendous incentive to get married.

Barring a constitutional amendment, separating government from the business of marriage is not something that has a feasible outcome. But those of us opposed to the expansion of the definition of marriage must take seriously the feelings of iniquity brought to the homosexual community over the absence of a serious relationship similar to marriage. A more than judicious outcome would be the expansion of civil unions to same sex couples, one that brings with it a lot of the benefits of marriage, but leaves aside the cultural implications marriage entails. The privileges afforded to civil unions could be very similar to the more intimate ones detailed in marriage: visitation rights, inheritance, etc.

It is even possible to conceive that the civil union alternative might actually strengthen traditional marriage. It would set aside a completely separate legal entity that was designed entirely to recognize an eternal loving bond, and keep marriage primarily about family. A strong civil union alternative would remind heterosexual couples that marriage means more than just being in love with each other; it must mean being prepared to raise children in the best environment possible. This very well could move us away from the idea that marriage is whatever we want it to be, and instead have it focus on what it has always been.

The central idea here is that there exists a sound case to be made against same-sex marriage that is based
on neither religious belief nor bigotry. And those who do oppose same-sex marriage must be mindful of the immense personal case made by gays for what they do believe to be a civil rights issue.

The sanctity of marriage must remain above reproach here; it is a fundamental building block of all societies, one whose absence or weakness causes great social dislocation and disorder. The complex network of incentives and social pressure does suggest that altering anything about marriage can have unforeseen disastrous effects. It is absolutely crucial that we recognize that marriage is both a natural phenomenon, with a biological basis, and that altering this institution without fully thinking through the implications of marriage being a natural institution. If the idea of decoupling marriage from progeny leads to the further destigmatization of having children outside of marriage, then we have to ask if condemning these children to poverty was worth it?

Judge Walker’s declarative predictions over how same-sex marriage could not affect heterosexual marriages is simply one that is not only unsubstantiable, but contrary to what we do know about what happens when you do tamper with the foundation of the institution of marriage. Walker’s decision, far from being based on the facts of the case, was driven by partisan analysis masquerading as objective analysis. There exists, whether Judge Walker wants to admit to it or not, a solid social scientific case to be made for having the state solely recognize traditional heterosexual marriage.

Tampering with the institution of marriage can have disastrous societal implications, even if these attempts are made with the best of intentions. It is therefore absolutely imperative, for best facilitation of the raising of children, and therefore the absolute betterment of society, that the United States government recognizes and therefore supports traditional heterosexual marriage as being something worth protecting and promoting.

**Appendix:**

_Monogamous marriage isn’t the only universal form of marriage. What about Polygamy?_

Ross Douthat, op-ed columnist for the New York Times, has in fact invoked this argument by stating that “[w]hat we think of as ‘traditional marriage’ is not universal. The default family arrangement in many cultures, modern as well as ancient, has been polygamy, not monogamy. The default mode of child-rearing is often communal, rather than two parents nurturing their biological children.” Perhaps, but these societies often abandoned these practices once faced with social competition from societies built around the more stable and successful monogamy, and so one is left wondering why Douthat believes these societies are to be seen as a model for our own.

Moreover, one must remember that polygamy was a practice largely relegated to the upper crest of the aristocratic elite in a few societies, and furthermore, it was a practice that still had clearly gendered roles for the spouses; each woman would be responsible for raising the children they had with their husband. It was a fundamentally procreative marital relationship that, although not wholly optimal for the raising of children, still provided the natural gender relationships vis-à-vis the parents.

_How can you assert that declining marriage causes societal decline? Isn’t that confusing correlation with causation?_

While it is dangerous to state that the decline in marriage is entirely the cause of societal breakdown in the inner cities, it usually is a leading indicator of the rise in crime, poverty, and general social discord. While it is true that crime rates have continued to decline in the face of the worsening state of marriage, what this fails to consider is the differential crime and marriage rates within specific communities themselves. Furthermore, when counterfactual situations have arisen, specifically poor neighborhoods with very high levels of familial stability, the murder rate, as an example, is much lower than the levels of poverty would predict. Granted, this will never be perfect: in a situation predicated on observational studies and quasi-experimentation, you can never get the same levels of epistemological certainty that you might in an ideal experiment.

So at some level, no, we cannot be sure for certain that the decline in marriage has caused much of the social dislocation and deterioration from the last 50 years. However, as a sociological phenomenon it is well agreed upon that the health of marriage in a society is strongly related to the well being of civic society.

_Isn’t marriage just a social construction—like slavery—that exists solely as a creation of man?_

Although social convention certainly plays a large role in the modern conception of marriage, the biological elements of marriage—the unique bond between a man and a woman preparing to raise a family—suggests that there is something extra-conventional about marriage. Essentially, if marriage were completely a conscious creation of man, and nothing more, it would not be based on basic biosocial relations. Marriage, by virtue of contributing towards the better rearing of children, plays a natural role in basic human biological interaction.
What is the role of government? Former University of Chicago economist Ronald Coase would have us believe that the role of government is twofold: to reduce transaction costs and to solve market failures. This would involve the protection of contracts, the development of tort law, some physical infrastructure, and a common defense. It might also be advisable to have some basic market regulations protecting public goods and utilities. Many libertarians believe that government's fundamental role is to provide a default setting in which the rules are the same for everyone and in which market competition is protected. Added to this is the belief that individuals ought to be allowed to contract with one another. If dissatisfaction with the terms of this default system arise, individuals may create their own terms through contracts—so long as they do not violate the fundamental rules of society. This leads to the development of private associations, universities, roads, arbitration courts, and much else.

Despite government's necessity, the libertarian's allegiance belongs to the individual, not to society. Government is necessary for the sake of the liberty of the individual. Libertarians defend Mill's Harm Principle, which states that assuming the individual does not harm another individual, his behavior should not be prohibited. Admittedly, certain market transactions produce tremendous negative externalities, which is why legislation exists to protect underground aquifers from ground pollution or why it is illegal to drive while inebriated. Nevertheless, the libertarian is always skeptical: could water be privatized such that the owner is incentivized to protect his water, thereby making environmental protection laws unnecessary? Does physical infrastructure need to be maintained by the state, or could private individuals do a better job? Are strict labor market regulations—such as the Americans with Disabilities Act or the Federal Minimum Wage—actually necessary? Do trade barriers really benefit the country? Outside of the exceptions already made, the libertarian is awfully skeptical of government involvement: he recognizes that private individuals are, on average, twice as efficient as the government. He believes that much physical infrastructure can be privatized, that strict labor market regulations only serve to increase unemployment and fatten the pockets of organized coalitions, and international free trade creates competition, thereby putting downward pressure on prices and upward pressure on quality. The libertarian is equally skeptical of social legislation: laws against marijuana, for example, ought to be abandoned. Currently, they feed organized crime and lead to drug violence and excessively high rates of incarceration. Not only would the legalization of marijuana save lives, it would also help the public purse by reducing the number of individuals who are incarcerated at $20,000-30,000 per year.

So far, we have only discussed the ends of government sanctioned by a few economic and philosophical principles. But, what about morality? What is the role of morality in a government? Despite popular characterization, libertarians are very moral individuals: they subscribe to the belief that the individual's rights must always be preferred, except in extreme cases. They have the right to choose their own government and secure those rich blessings of organized liberty. Individuals do not, however, have the right to thrust moral institutions upon the personal behaviors of other individuals. Consequently, the libertarian sees no role for the government within the institution of marriage. If two or more individuals wish to contract special arrangements between themselves, they may. But, the institution of marriage as it currently stands violates the core of libertarian morality. It selects a special group of individuals and provides special legal rights to those individuals. In summary, it violates the Equal Protection Clause of the Fourteenth Amendment.

While libertarians would prefer the complete disengagement of government from the institution of marriage and the State, they would not do away with the government altogether. They believe that government is necessary for the sake of the liberty of the individual. However, they would like to see a significant reduction in the size and scope of government, and a shift towards more decentralized and market-based solutions to social problems.
of marriage, we argue that, if it must exist, then it must be open to all individuals such that it no longer rests in violation of Constitutional right. Consequently, we support same-sex marriage, and, by extension, polygamous marriage—so long as all parties agree to the terms of the contract. And it is with this in mind that I shall address some common arguments against the libertarian position.

Libertarians often receive the argument that the institution of marriage cannot be eliminated because it would be too difficult or would cause too much trouble. However, many institutions—such as the Interstate Commerce Commission (ICC)—have been eliminated without significant trouble. Society did not fall apart. Furthermore, the argument that the elimination of the institution would be too troublesome is dangerous to liberty: by that measure, many of history’s greatest injustices would not have been undone for fear that they cause undue unrest. Difficulty is never an adequate argument for inertia in the cause of liberty, which the libertarian holds as most important.

Similarly, libertarians reject the argument that traditional marriage must be defended on the ground’s that it has existed for centuries. This amounts to the argument that tradition for tradition’s sake is desirable: that we ought not to experiment with new ways of ordering society or producing goods and services. If the Founding Fathers had believed this, we would still be Englishmen. If Henry Ford had believed this, we would not have an assembly line. Creative destruction—both economically, socially, and politically—is necessary to the growth and prosperity of a free society. To deny a free society the fundamental right of social, economic, or political experimentation is to condemn that society to stagnation and ultimate decay. Stubborn conservatism in the face of new ideas is a threat to liberty itself.

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It is furthermore argued that traditional marriage is necessary to provide a good and proper home for children: that the institution has existed for centuries. That the institution exists in modern American society to protect children is not an argument for its continued existence. By that argument, slavery is desirable, for it has existed for centuries. Perhaps aristocracy, too, is desirable, given its long history. Historically, marriage began as a form of ownership: it was the means by which men could lay claim to their property, women. Over time, it evolved, and, in many cases, conferred the advantage of increased chances of survival. In short, marriage was, in many ways, a microcosm of society itself. It was a way of organizing people. That children are products of marriage has less to do with marriage itself and more to do with human sexual behavior. Humans, like most species, have been successfully raising children for centuries without the intrusion of third-party institutions. In fact, heterosexual marriage is not the leading factor contributing to child success: stability is. There is no evidence to support the claim that gay men and women are unable to maintain stable homes.

A common rallying cry for proponents of traditional marriage is that, without it, our society would descend into mad decay. We would lose our moral compass, and individuals would no longer know how to behave. This type of thinking is paternalistic at its core: the suggestion is that we do not know how to live. Institutions are necessary to ensure that suitable moral behavior is ensured. This argument has been repeated ad nauseum to justify countless hierarchical institutions: women were originally thought unfit for participation in a democracy. The separation of races was considered necessary for racial and social purity. Should they mix, moral and social decay would ensue. Society would soon fall apart. If individuals were given too much choice, anarchy would take place. Such thinking is certainly unsupportable, yet its appeal remains strong.

One common measure of social decay is the rate of divorce. It is assumed that just because higher crime rates in cities occurred after the rate of divorce began to increase is evidence that traditional marriage must be protected and promoted. What is often overlooked is the logical flaw of the argument: just because one event occurs before another does not imply causation, much like correlation does not imply causation. Higher crime rates in inner cities are likely attributable to higher levels of poverty, not to higher levels of divorce. Furthermore, violent crime in the United States has continued to decrease in recent years despite a non-decrease in the rate of divorce. Clearly, society is not falling apart.

Furthermore, while a high divorce rate is seen as a sign of social decay, libertarians suggest that it is the obvious consequence of the free expression of civil right. Why should it not be the case that the divorce rate rise as women were granted equal civil rights? It is likely more accurate to suggest that the current divorce rate
accurately represents the proportion of marriages that are unhappy. The suggestion that the low divorce rate of the nineteenth century is an indication of happiness is wholly unsupportable. Much more likely is that, under tremendous social and legal pressure, the rights of countless women were usurped in the name of tradition. Their happiness was less important than social stability. Insofar as marriage reflects the active flexing of the right to pursue happiness—a most fundamental American right—is the extent to which marriage is a good thing. In many ways, divorce is social tort law. If I feel that my partner has violated his obligations in our marriage contract, I have the right to terminate the contract—i.e. divorce him—and seek compensation in a court. In this way, divorce is both highly American and highly democratic.

Fundamentally, libertarians do not believe that it is the role of government to promote one activity over another because the former activity confers positive externalities. The most successful societies are the freest societies, and, experimentation, necessary to the very fabric of a free and democratic society, must not be trampled. If marriage must exist, then, by extension, let everyone participate in it. If, however, we are truly serious about our principle of freedom, we would eliminate the special legal privileges regarding marriage and allow individuals to make decisions for themselves. We would allow individuals to choose the living arrangements that they find most propitious to their happiness. And, if they choose to contract obligations between themselves, then it is the only obligation of government to uphold the terms of that contract. That is the true spirit of liberty.

Beyond Gay Marriage

The Real Threats to Marriage and Why They Matter

By Ajay Ravichandran

Judge Vaughn Walker’s recent ruling invalidating the controversial California ballot initiative Proposition 8 has reignited our ongoing debate over same-sex marriage. As in previous iterations of the argument, conservative opponents of expanding the legal definition of marriage to include same-sex couples have focused on the threat this change poses to existing marriages and families. They have emphasized the risk that allowing gay couples to wed could create a cultural climate that makes marriages harder to sustain for straight men and women and deprives children of access to the uniquely beneficial childrearing environment that the two-parent family provides.

These claims have, of course, been hotly contested by proponents of gay marriage. However, relatively few figures on the mainstream American right have questioned the view that conservatives worried about the state of marriage in the contemporary United States should see same-sex unions as their main concern. This notion, however, is very much worth doubting. There were approximately 100,000 same-sex weddings and commitment ceremonies in the U.S. during 2008. During the same year, the lifetime probability of a straight American couple’s first marriage ending in divorce remained at around 40 percent, the number of cohabiting opposite-sex couples rose to roughly 6.8 million, and the share of children born to unmarried mothers reached 39.7 percent. Even if social conservatives are right about the dangers posed by same-sex marriage, the vast gap between the relative magnitudes of these phenomena suggests that widespread divorce, cohabitation, and unwed motherhood pose far more serious threats to marriage in America. More importantly, these three trends undermine the features of traditional marriage which conservatives rightly prize in a far more direct and fundamental way than same-sex unions possibly could—they weaken marriage’s status as a cultural institution, reduce its ability

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to inculcate both civic and personal virtue, undermine its role in the domestication of men, and exacerbate growing economic inequality by confining the enormous tangible benefits of marriage for both parents and children to American elites. Social conservatives should not be the only ones concerned—all those on the American right who worry about the growth of the state, and all Americans who rightly fear growing social stratification and the corrosion of their fellow citizens’ character, have reason to fear the decline of traditional marriage.

Character and the Good Society

In order to examine one of the most important ways in which the trends discussed above threaten traditional marriage, it is necessary to first consider the importance of character for a well-ordered society. It is often assumed in our culture that all one has to do to be a good person is to understand the rules which specify proper conduct and to conform one’s actions to those rules, with the latter typically understood as a necessary consequence of the former. However, this assumption violates some of our basic intuitions and the way most people experience life. First, it seems unduly optimistic to suppose that merely knowing what we ought to do will always be sufficient to make us actually do it—most people have found themselves in a position where they held the abstract conviction that some difficult or even moderately inconvenient action was morally obligatory but lacked the will to actually perform it. Second, it would appear to follow from the assumption in question that a person whose fear of social disapproval leads him or her to strictly observe all moral rules is just as morally good as someone whose actions flow from deeply felt compassion and respect for others, yet this notion seems to violate our moral intuitions about praise and blame. It therefore seems reasonable to suppose that states of character like courage and generosity are at least as important as rules in bringing about right conduct.

Character takes on a special importance in connection with political life, where its advocates must contend with a different enemy—those who believe in enlightened self-interest. This view underlies the persistent tendency of participants in contemporary political discourse to see their goal as crafting a system of rewards and punishments (whether government regulations, constitutional constraints, or market incentives) which will virtually guarantee desirable results, regardless of the character of the people who implement them, by investing all those involved with a personal interest in obtaining those results. While this assumption is typically not put forward in the extreme form as I have presented, the general frame of mind which it reflects does appear to be quite widespread. While enlightened self-interest of this sort certainly has a role to play in politics, it cannot be the sole or predominant force governing conduct in the political sphere. The most obvious reason for this is that any given self-interested actor confronting a system of rules has a motive not to obey the rules, but to disobey while hiding that disobedience from others in order to avoid sanctions and preserve consensus. Since everyone governed by a given system of rules has the same incentives, political life will break down if participants are motivated by self-interest alone. People must have some desire to see the rules upheld even if those rules seem likely to disadvantage them in some cases. Society must therefore concern itself with virtues like justice and impartiality as well as interests. Furthermore, while people may often be motivated by self-interest alone to take part in many of the characteristic activities of political life, such as deliberation and compromise, they will likely find it difficult to do so if they do not also possess virtues which include willingness to extend trust and a disposition to respect others.

How can a society cultivate virtue in its citizens? Because character-formation is, in essence, a process of modifying desires and inclinations, only a person with a remarkably strong will could succeed in developing good character traits through his or her own direct efforts. For most of us, virtues can only be inculcated through indirect processes in which other people or institutions act upon us. Most of these involve some form of habituation, in which repeated performance of actions associated with a given virtue (which must itself be induced by social expectations and the work of parents and similar figures) gradually leads to the development of the virtue itself. The efficacy of habituation in developing both virtues and vices seems intuitively obvious, as is evident, for example, from the frequent injunction to not “make a habit of” some generally inappropriate action which may be justified in a particular circumstance so as to avoid developing the character trait associated with that action.

“Marriage is one of the most important institutions through which a society can habituate its citizens into the exercise of essential virtues. This is because the essence of marriage as it has been and to a large extent continues to be understood is a metaphorical ‘dying’ of each individual spouse into a union which is more than the sum of its parts.”
Marriage and the Cultivation of Character

Marriage is one of the most important institutions through which a society can habituate its citizens into the exercise of essential virtues. This is because the essence of marriage as it has been and to a large extent continues to be understood is a metaphorical “dying” of each individual spouse into a union which is more than the sum of its parts. When two people are married, we typically expect them to act as a unified entity with shared pursuits and concerns to a much greater extent than we would if they stood in any other relationship to one another. A husband whose wife loses her job is expected to share her distress and help her with the problem in a way that he would not were he anyone other than a close blood relative. The sexual exclusivity that continues to be a central feature of the marriage bond, even after many others long associated with it have vanished, suggests that spouses are meant to form a completed whole (emotionally as well as physically) with one another in a way that differs fundamentally from the workings of their other relationships.

When two people are expected to feel and act in this way toward one another, they are likely to gradually become capable of sacrificing their personal concerns for larger interests, feeling genuine loyalty to others, and working cooperatively to achieve shared ends. These virtues are obviously important both for good personal conduct and for political life in a free society. While many other social institutions and practices, including voluntary associations and a proper upbringing, help to cultivate these qualities as well, marriage plays a distinctive role in doing so because it ties the same two people together for an extended period. The longer duration allows for the development of more intense concern for one another, and the link to the same specific individual ensures that the capacities for loyalty and self-sacrifice which marriage develops can be exercised in relation to real, flawed human beings rather than the idealized constructs which people often form of their other relationships.

Additionally, the fact that married couples are typically expected to bear and raise children facilitates the development of other forms of selflessness that a well-ordered society needs to function. The experience of childrearing shapes citizens’ character beneficially in at least two main ways. First, the deep love for one’s children that is both a necessary requirement for and an expected accompaniment to even minimally competent parenting gives people who can participate in political life a felt interest in how decisions made in the present will affect future generations. This regard for the welfare of those who will come after them will obviously lead to wiser political decision-making and help to make concrete the great 18th-century British statesman (and father of modern Anglo-American conservatism) Edmund Burke’s understanding of a well-ordered society as a “partnership … between those who are living, those who are dead, and those who are to be born.” In a similar way, the social expectation and felt desire to provide a stable environment for one’s children can lead people to curtail self-destructive or irresponsible habits and thereby habituate them into the practice of important virtues.

The Impact of Divorce

The permissive attitude toward and widespread occurrence of divorce reflected in the extraordinarily high probability that new marriages today will be dissolved strike at this understanding of marriage in an especially direct and fundamental way. This fact, along with phenomena like our willingness to let divorcees occupy prominent public positions and even to lecture us on family values (conservative icon Newt Gingrich, for example, has been divorced twice), makes clear that our society attaches virtually no stigma to divorce. A society which is entirely indifferent to divorce, in turn, must to a large extent have implicitly accepted the view that marriage is nothing more than a contract between the spouses that can be dissolved when one or both of them no longer wish to continue it and has no purpose apart from the satisfaction of their subjective preferences—this is likely why the contractual view of marriage has a certain familiar ring to modern ears that it probably would not have had in earlier historical periods. Furthermore, a society in which marriages can end so easily would seem to be one which attaches very little, if any, importance to maintaining the expectation that most people will marry for life.

Both of these features of our contemporary divorce culture undermine the capacity of marriage as an institution to perform its character-forming functions. The understanding of marriage as a contract strikes at the premises which must underlie any character-forming institution by encouraging people to view the purpose of marriage as the satisfaction of their pre-existing desires and inclinations and thus precluding the notion that those desires might need to be altered by the experience of married life. Also, by causing each spouse to be acutely conscious that the other could end their union at any time, this contractual view of marriage introduces an instability to the marriage bond that makes it much harder for married people to give themselves to one another in the wholehearted way that is needed for marriage to cultivate virtue in them. Why take the massive emotional risk of investing so much of oneself in another person when the wider culture gives him or her nearly total freedom to leave you at any time? While someone deeply in
love may be willing to commit him-or herself in this way even under these conditions, most people are unlikely to be so attached to their spouses that this risk will not reduce their willingness to “die into” their marriages in a meaningful way.

Furthermore, in view of the considerations regarding character-formation discussed above, it seems clear that for marriage to perform its character-forming role there must be robust social expectations both that most people will marry for life and that married life will be lived in a certain determinate way. Since marriage inculcates virtues primarily by shaping the desires and inclinations of married couples, it makes little sense to trust that unformed desire alone will lead most people to get and stay married. Sharing one’s life with someone else in a meaningful sense is enormously difficult and demanding, as the brief discussion above suggests and observation of actual marriages amply confirms, so it seems unduly optimistic to expect even all but the most passionate lovers to marry spontaneously if left entirely to themselves. The fact that rise in the divorce rate from 9.2 per thousand married women in 1960 to 16.9 per thousand in 2008 has coincided with uninterrupted declines in the percentages of both men and women who are married provides some evidence for this view. Therefore, society must exert pressure on people to marry and to live as married couples. By virtually dissolving the expectation that most people will marry for life, a culture of widespread divorce makes it much harder for marriage to shape character. Additionally, the expectation that marriage is for life allows the institution to mold spouses in a distinctive way. Because each spouse knows that he or she must remain with the same person until death, they must develop mutual trust and a capacity for cooperation that will begin as adaptations forced by necessity and evolve through habituation into deeply felt attitudes. Social acceptance of divorce strikes at this feature of marriage most directly and thereby further undermines its ability to cultivate virtue.

The instability which our divorce culture introduces to the marital bond also weakens the institution’s status as one which most people are expected to participate in. It does so by causing many people to fear that marriage will eventually terminate in a messy and bruising divorce and to therefore postpone marriage in favor of cohabitation in order to ensure compatibility. This claim derives support from the fact that those with the most direct exposure to divorce are the most likely to prefer cohabitation – adult children of divorce are 61% more likely than children from intact families to endorse the view that cohabitation before marriage is desirable and 47% more likely to be cohabiting themselves. One might think that this is a welcome sign because it could increase the likelihood that more stable marriages will eventually form, but most available evidence suggests that couples who cohabit before marriage are actually more likely to divorce after they marry. This phenomenon could be a selection effect caused by differences between the characteristics of people who choose to cohabit before marriage and people who do not which might make the former likely to divorce. However, a 2009 study published in the *Journal of Family Psychology* found that premarital cohabitation after engagement was much less likely to precede marital separation than cohabitation before engagement. A plausible explanation for this difference is that couples who cohabit after getting engaged have already bound themselves to one another through a social practice which is inextricably linked to marriage. Therefore, they are already subject, to some extent, to the social expectations governing marriage. While these expectations have been significantly weakened by the forces discussed above, there is still a residual norm of marriage for life which likely affects their conduct. Cohabiting couples lack this reason to stay together, so it makes sense that they would be more likely to divorce. Therefore, this disparity only underscores the importance of a feature of marriage which our divorce culture undermines.

None of the discussion above is meant to suggest that no divorces should occur. There are doubtless many genuinely abusive spouses whom no one could reasonably be expected to remain married to as well as spouses who are so fundamentally incompatible with one another that they are incapable of truly realizing the goals of marriage. However, for marriage to perform its social role properly, divorce must be the unfortunate exception to a rule of lifelong marriage that most citizens live by. The remarkably high probability of first marriages ending in divorce and the extent to which repeated divorce has become socially acceptable in our society make clear that we have moved too far in the direction of complete freedom to dissolve marriages at any time and that it would be wise to reverse course somewhat.

“...if men were left entirely to their own devices a large share of them would be deprived of the character-forming discipline of childrearing, which can also play a role in curbing their anti-social tendencies through the interest it gives them in creating stable environments for their children.”
Marriage and the Domestication of Men

The character-forming role of marriage takes on a special importance in connection with men. There is substantial reason to think that men are naturally more prone to aggressiveness and antisocial behavior than women are. Neurochemically, human males have significantly higher levels of chemicals which create a greater tendency toward aggression. Furthermore, the historical record seems to suggest that men, especially young men, become more and more likely to engage in violent and disruptive behavior as they are cut off from the restraints imposed by political and cultural institutions. Soccer hooliganism in Great Britain and youth gangs in American cities are two recent examples of this phenomenon. Since people cannot engage in unstructured aggression and violence without viewing others as undeserving of their respect in some way, marriage can play an important role in dampening the aggressive tendencies of men. By imposing social expectations that require the typical man to live a shared life with a woman for an extended period of time, the institution can help to habituate men into developing the sort of regard for their fellow humans that will make them less prone to violent and anti-social behavior.

There is also a greater need for social institutions to play a role in ensuring that men are shaped by the experience of raising children. Biologically, men lack the same incentive that women do to attach themselves to a particular set of biological children and help to raise them. This is because the principal goal which evolution by natural selection sets for all organisms is the maximization of the number of their genes which they transmit to the next generation. For men, this goal is best achieved by having children with as many women as possible in view of the relatively low cost of impregnating any given woman. Therefore, if men were left entirely to their own devices a large share of them would be deprived of the character-forming discipline of childrearing, which can also play a role in curbing their anti-social tendencies through the interest it gives them in creating stable environments for their children.

The Economic Benefits of Marriage

The role of marriage in binding the typical man to a specific woman and their children is important for another reason as well: the fact that the institution brings two adults together in a single household is an important source of its tangible economic and social benefits. This is in large part because married couples often specialize, with both spouses focusing on the household tasks and other functions to which they are best-suited; this produces improved efficiency in household management in the same way that the division of labor does in other contexts. This tendency likely flows from the stability and permanence that are still viewed as fundamental to the marriage bond to a large extent. Because spouses can reasonably expect to live together for the bulk of their lives, they feel comfortable making themselves somewhat vulnerable by developing certain important skills at the expense of others. The deep emotional union which married couples are expected to enter into with one another also facilitates specialization by giving them the cooperative capacities necessary to integrate disparate tasks into a harmonious whole.

The financial behavior of married couples also tends to differ substantially from those of unmarried couples and single individuals in other ways. For example, a 1992 study of retired Americans found that the continuously married had accumulated roughly 75 percent more wealth than both never-married people and divorcees who did not remarry. There are likely at least three principal reasons for this difference. First, because married couples can maintain the same standard of living at a lower cost than unmarried couples and single people due to the economies of scale and gains from specialization which they enjoy, they will have more money available to save at any given level of income and therefore would be able to accumulate more wealth than the unmarried even if both groups had similar propensities to save and invest. Similarly, because of both the permanence and the deep connection that are meant to characterize the marital bond, both spouses will likely contribute more of their incomes to savings held in common than will be the case among unmarried people. They will feel more confident that they will benefit from the arrangement due to the moral gravity that saving for one’s own benefit can never have. Furthermore, married men typically earn between 10 and 40 percent more than unmarried men with similar skills. This fact provides both an additional explanation for marriage’s role as a wealth-generating institution and another example of how marriage can improve tangible well-being. It seems plausible that the responsibility for the welfare of another human being which the social expectations surrounding marriage impose on both spouses would generate additional motives to be productive.

Additionally, it seems plausible to view marriage as providing a sort of insurance against unpredictable events like serious illness and job loss, for at least two reasons. First, the social expectations that spouses will share a deep emotional union give them a responsibility to help one another in such situations. As was noted earlier, a married woman who loses her job has a person whose social role it is to help her weather the difficulty and get back on her feet in a way that a cohabiting or
single person simply does not. Furthermore, married couples tend to receive more support and assistance from both friends and extended families than do the unmarried. Part of this difference is likely explained by the character-forming effects of marriage discussed earlier, which likely provide married couples with a capacity for loyalty and self-sacrifice that enables them to form deeper relationships with others. Also, marrying embeds both spouses in a wider network of social expectations and connections with other family members that enables them to benefit from the obligations of mutual aid that form a substantial part of those expectations.

The Impact of Marriage and Divorce on Children

Marriage also improves the well-being of children to a remarkable extent. This is likely due in large part to the higher level of economic well-being which married families enjoy. For example, a 2002 study by Adam Thomas and Isabel Sawhill of the Brookings Institution estimated that if the share of children raised by married parents had remained the same between 1960 and 1998, the child poverty rate would have dropped from 45.6 percent to 28.4 percent among African Americans and from 15.4 percent to 11.4 percent among whites; this difference probably flows in large part from the generally greater amounts of resources that married parents have in virtue of their lower living costs and higher family incomes. However, children raised in married families also tend, on average, to display better educational performance and fewer behavioral and psychological problems than those raised by unmarried parents. There are likely at least two important reasons for this disparity. First, because marriage is a social institution surrounded by strong community expectations, married parents are held accountable by society as a whole for the welfare of their children in a way that parents united only by personal affection or not united at all are not. Furthermore, because children provide a concrete manifestation of the deep emotional union that spouses are meant to enter into with one another, they are likely to assume a central role in the lives of married parents in a way that they will not in relationships where there is no social expectation that the parties involved must form a unified whole in a meaningful way. Also, the same features of marriage that facilitate specialization in other areas likely do so with regard to good childrearing as well, allowing married parents to become better at caring for their children than unmarried ones.

Additionally, children tend to suffer significant harm when their parents separate. Penn State sociologist Paul Amato has estimated that if the United States had maintained the level of family stability that prevailed in 1960 into the present, children would do dramatically better on several important indicators of educational performance and psychological well-being; for example, the nation would have seen about 70,000 fewer suicide attempts by children. Research of this sort is often criticized for failing to separate the effects of divorce from those of the conflict between spouses that often precedes separation, but Amato and a colleague found that two-thirds of contemporary parental divorces do not stem from high-conflict marriages. Divorces of this sort can actually be more harmful to the emotional and moral development of children than those which end high-conflict marriages because children find it much harder to believe in the possibility of deep love and commitment when they see their parents drift apart. Furthermore, children whose divorced parents remarry have life outcomes which are comparable to those raised in single-parent families—this is likely because children do best in a stable environment and face great difficulties adapting to the drastic changes which accompany moving from one household to another. These changes cancel out any additional resources the new marriage may provide.

Marriage and Inequality

Examining the various tangible benefits of marriage discussed above suggests that the institution’s capacity to provide them flows from two features which the trends under discussion work against—the sharing of a household by two people over an extended period and the social expectations governing the content of marriage, especially the depth of the emotional union that the spouses are expected to share. Unwed motherhood does the most direct harm to the latter in its connection with childrearing, since it deprives children of access to the additional resources that a two-parent family can provide and the improved parenting produced by gains from specialization. As discussed above, the culture of widespread divorce weakens the social expectations surrounding marriage through its implicit suggestion that marriage is a contract like any other and, obviously, makes it harder for couples to share a life for an extended period. It thereby makes it less likely that spouses will feel the strong emotional bond that allows marriage to serve as a form of insurance or have incentives to pool their financial resources. Cohabiting couples lose access to the benefits provided by those social expectations by forming a private arrangement whose content is entirely unregulated by community norms.

All of this information provides ample reason for concern about the rising numbers of both adults and children in America who are living without the benefits that married families can provide. However, the substantial aggregate rise in those numbers has not been dis-
tributed equally, and the trends contributing to that rise have therefore also exacerbated the growing problem of economic inequality. Rates of marriage, divorce, unwed childbearing and unmarried cohabitation are all vary significantly between the college-educated and those without college degrees—these categories are a good proxy for high-income and lower-income Americans in view of the increasing returns to higher education in recent years. Marriage rates are increasing among the college-educated as they fall for the rest of the country, and the divorce rate among the college-educated has fallen by 30 percent since the early 1980s while the rate for others has risen by 6 percent. The disparity in rates of unwed motherhood is even more striking; a recent study estimated that 50 percent of mothers without college degrees are unmarried, while only 7 percent of college-educated mothers have children out of wedlock. 60 percent of women who dropped out of high school between the ages of 19 and 44 have cohabited for some time, compared to only 37 percent of women with college degrees. These statistics are especially troubling because the disparity they reflect not only contributes to existing inequality but has the potential to entrench it well into the future. As was noted earlier, the children of divorced couples are much less likely to marry than are those from married families, and the same is true of those raised in single-parent families. Therefore, it is possible that the tangible benefits which marriage provides to children could become increasingly concentrated among higher-income Americans.

The sorts of trends which are the principal focus of this article likely contribute to the overall decline of marriage mentioned earlier as well as its disparate impacts on different socioeconomic groups by undermining the social expectation that the typical person will marry. Widespread cohabitation undermines the privileged status of marriage as a social institution in at least two ways. First, once it becomes sufficiently widespread, it provides a viable path to the enjoyment of sexual and emotional intimacy that does not require compliance with the demanding social expectations which surround marriage—therefore, the ability to control socially approved access to these goods ceases to be a tool that the community can use to enforce those expectations. Second, a child who grows up seeing many cohabiting couples and interacting with them regularly will simply not be able to view marriage as an expectation in the same way that one does not will be—the widespread occurrence of a socially disapproved phenomenon necessarily normalizes it to some extent, regardless of what figures with authority within the community might say. Widespread unwed motherhood likely has a similar normalizing effect.

In the absence of strong social expectations that the typical member of society will marry for life, it seems reasonable to expect that marriage will increasingly be confined to wealthier people. Without prompting from society, the only motives that people can have to marry for life are romantic love and interest in the tangible goods marriage provides. The former varies greatly in stability and intensity over time for most people, and it is therefore unlikely to acquire the depth needed to ground a lifelong partnership unless it is channeled fruitfully through a social institution like marriage. The latter is likely to provide a stronger motive to people from wealthier backgrounds. There are two principal reasons for this fact. First, the desire to pass on one’s social status to one’s offspring, which is common among high-status social groups, gives prospective parents from wealthier social strata a stronger desire to provide their children with the advantages that come with growing up in a married family. Second, the tangible benefits of marriage are likely to appear only over time as children are born, spouses begin to specialize, and unforeseen calamities occur; in contrast, the demanding expectations the institution imposes on married couples begin to govern their conduct from the moment they wed. Since most people tend to discount future benefits, the tangible benefits of marriage must be substantially greater in magnitude than the cost of meeting the expectations that govern it for marrying to be worthwhile. Many of those benefits derive from increased efficiency in the employment of couples’ material resources, so people who expect to have more of those resources will be more likely to face a cost-benefit ratio that would make marriage seem desirable.

The Decline of Marriage and the Future of Conservatism

It should be clear by this point that the trends undermining marriage in contemporary America pose a serious threat to the future of conservatism. The nature of this threat is at least threefold. First, and most obviously, by weakening one of the most important non-state mechanisms for improving economic well-being and providing social insurance and confining that institution to the already wealthy, widespread divorce, unwed motherhood, and cohabitation contribute to a growing inequality that will likely generate hostility toward the established order and strengthen tendencies toward massive state interference in the allocation of wealth and opportunity if it is not halted. The second aspect of the threat arises from the role of marriage as a character-forming institution. As was noted earlier, people motivated solely by rational...
self-interest will not observe any set of rules governing conduct in the sincere and consistent manner that is necessary for a society to function properly because they will have no reason to in a case where their own interests are at risk. If they are not educated in virtues such as loyalty and concern for others that give them reasons to value a system of rules for its own sake, they can only be motivated to follow the system consistently through the use of penalties that raise the cost of not doing so. The most obvious tool for administering such penalties is the state, and the breakdown of a major character-forming institution is likely to generate calls for increased state intervention in many spheres of life; the calls by figures like UCLA public policy professor Mark Kleiman for state-employed home nurses to teach parenting to single mothers is perhaps a harbinger of this new reality. Furthermore, if a society is to maintain a relatively small state, people must be capable of cooperating voluntarily to solve social problems. Behavior of this sort requires capacities for loyalty and self-sacrifice which marriage plays an important role in cultivating. As it becomes increasingly difficult for people to work together to improve their lives, they will look to government more and more for aid.

Finally, the changes in marriage being wrought by widespread divorce, cohabitation, and unwed motherhood threaten a defining feature of American life: our egalitarian culture. For generations, visitors to the United States from overseas have observed that even when Americans differed significantly in their degree of material prosperity, they understood themselves as sharing a common culture and treated one another as equals in a way that was and remains remarkably rare. However, for this sort of attitude to persist, all citizens must inhabit the same basic form of social environment—otherwise, they will lack the shared experiences and standards needed to sustain a common culture and mutual respect. The growing marriage gap between the wealthy and everyone else, combined with the increased geographic and social segregation by income that tends to accompany growing economic inequality, has made sustaining this common social sphere very difficult. Living in a community where most people marry for life differs markedly from living in one where marriage is weak. The institution’s role in facilitating cooperation and respect for social norms means that communities of the former sort will maintain a level of order and stability that those of the latter type cannot. Such disparities will have a substantial impact on the capacity of Americans from different classes to meet in shared social spaces and relate to one another in a meaningful way. If conservatism as a tradition of political thought is to have any content, one of its most fundamental principles must be a concern for protecting established modes of life from radical change, and a radical change is exactly what the marriage gap threatens to effect.

**How Should Conservatives Respond?**

With the specter of growing inequality, social breakdown, and increased statism in view, one might expect this article to conclude with a comprehensive policy agenda for defending marriage against the forces undermining it. And there are indeed some policy measures that might make a difference. For example, it seems plausible that the already-weak marriages of Americans without college degrees might be threatened even further by the economic pressures generated by efforts to balance work with childrearing, especially in view of the way in which the demand for low-skilled American labor has declined in recent years due to technological change and foreign competition. For this reason, various conservative writers and thinkers, including Ramesh Ponnuru of *National Review* and former Treasury Department official Robert Stein, have advocated changes to the tax code which would reduce the tax burden on families raising children. Ideas of this sort, which remove tangible obstacles faced by people who want to stay married for life, are worth considering.

However, efforts to make people into better spouses in order to prevent divorce or to change public attitudes about marriage so that more people want to get and stay married, which many social conservatives favor and which would seem to be the only sorts of policies that address the problem at its root, strike me as misguided. The fact that the practices discussed in this article are both freely chosen and widespread enough to threaten marriage suggests that marriage is declining in large part because a large swath of Americans truly misunderstand the institution’s importance and value it less than previous generations have. In presenting this problem as one that government policy can solve, such self-proclaimed conservatives ignore the core conservative insight that cultural institutions and norms can only emerge through gradual evolution. Conservatives should realize that any defined group of people cannot possibly possess the sort of knowledge needed to rebuild an institution as complex as marriage from scratch and that the coercive power of the state is too blunt an instrument for the task of molding mores and attitudes. Yet my view does not commit us to inaction in the face of efforts to fundamentally alter or destroy existing institutions. Rather, it is conservatives’ understanding that social institutions evolve in large part to restrain and channel powerful human impulses, coupled with our awareness that these institutions cannot be reconstituted through conscious effort, that leads us to resist attempts at rapid change so fiercely. We realize that the very impulses the institutions are meant to control
will make people eager to change them and that it will be nearly impossible to restore them once they are gone.

This is not to say that we should simply lament the problems confronting marriage in America and do nothing to address them. However, any efforts to solve those problems must seek to effect cultural change in the only way that is viable. This requires the rejection of state power in favor of a person-by-person and community-by-community effort to persuade people of the value of marriage as it has historically been understood. Rather than embracing futile marriage promotion initiatives, people who worry about the state of marriage in our society should cultivate genuine love for and loyalty to their own spouses, help friends struggling to preserve their marriages, and raise their children to value the institution properly. Only direct personal interactions can possibly change the attitudes that shape behavior and thereby make some progress toward restoring an institution as vital to social order and personal well-being as marriage to its proper place in our society.

A Symposium on Reopening The Conservative Canon

We asked:

There are many conservatives who have been forgotten today, along with many non-conservatives, from whom conservatives should learn and perhaps even claim. Tell us about one.
Jane Austen
By Joseph Bingham

Jane Austen bears a mixed reputation in modern America. To a sizeable portion of Americans, she is either an early literary lightweight romance novelist, an early feminist progressive heroine, or both. Both perceptions are deeply misguided. Austen is neither Romantic nor progressive; she is the prototypical social conservative—defending a way of life that embraces social mores and traditions as the proper boundaries within which to seek fulfillment. Against the visions of sentimental and Romantic contemporaries who glorified passion, nature, and unconventionality, Austen advocated rationality, control, and thoughtful conformity as the proper way to virtue.

Sense and Sensibility is the simplest example of Austen's critique of sensibility (understood as the ideal of a Werther-esque capacity for depth of feeling) at the expense of sense. Marianne Dashwood is a near-caricature of the Romantic ideal, constantly frustrated by social mores and expectations. On the other hand, her older sister Elinor, while she feels similar passion, typifies reason, self-restraint, and consciousness of propriety. Marianne's rebellion in the face of social disapproval threatens to lead to her emotional and social undoing; Elinor's control assures that even if she does not achieve her ideal romantic match, she will be a moral heroine, because she has behaved honorably and discreetly. The chief crime of the villain of the tale is his violation of sexual norms, and the truly virtuous character of a love object is revealed when he chooses to honor a loveless engagement.

Pride and Prejudice offers a similar narrative evaluation of social convention, if less neatly arranged. The novel makes no bones about assuming that libertinism and the brazen flaunting of public morality are wrong (Sandra Tsing Loh could never have been an Austen heroine). But it also offers subtler moral lessons. The protagonist, Elizabeth Bennet, is admirable for her character, but particularly for her judgment—her ability to discern the best course of action as dictated by considerations of ethics and social norms, and her ability to discern others' successes and failures. Social failings may be tolerated, but they should not be ignored. Thus when Mary sits at the piano too long, or when Lydia converses indiscreetly with the young men, Elizabeth recognizes these social faux pas as potential moral failings, not just because they may lead to moral errors of greater gravity, but because social conventions impose their own independent moral obligations. They exist for a reason—ladies are expected to limit their playing time in the interests of charity or fairness, so that each person may display her accomplishments without unpleasantness, and discretion and restraint in interaction between the sexes protect against—well, read Pride and Prejudice; it's precisely what happens to Lydia. Austen believes that once these judgments about prophylactic boundaries become social norms, they become moral obligations not fully contingent on the dangers against which they guard.

Even in Austen's portrayal of scenery, one may detect her skepticism of Romantic excess. For example, upon visiting the Pemberly estate, Elizabeth Bennet is "delighted. She had never seen a place for which nature had done more, or where natural beauty had been so little counteracted by an awkward taste." The beautiful house and the surrounding landscape are arranged in a perfect marriage of human ingenuity and design with natural beauty—each tempering the other to mutual advantage. The relationship between the wildness of nature and the influence of human design, like the relationship between passion and reason, or between personal judgment and social propriety, is best negotiated cautiously, with reason and restraint ruling impulse at every turn.

For the modern reader, Austen's most difficult work tends to be Mansfield Park. The protagonist, Fanny Price, is exceptionally meek and soft-spoken, if not timid. The qualities that recommend her are her judgment and backbone, demonstrated only gradually and under duress. A pivotal episode involves various characters' decision to put on a play in the family's home, a decision that Fanny sees as deeply improper, both because of the play's subject matter and the inadvisability of single young men and women acting out intimate romantic roles. To the modern reader, this episode verges on incomprehensible. As we have no sense of the impropriety of any relationship between single people, it is hard to fathom a problem with interactions between the sexes that fall short of sex. But Austen's judgment is firm that Fanny, the only character in her cohort to stand against the performance, is in the right, further emphasizing her view that standards of propriety are there to protect important social and moral values, and carry their own moral mandate. Once acting is publicly deemed an indiscriminate or sexually suggestive endeavor, the judgment becomes a self-fulfilling prophecy—young people participating in the theater, a forbidden fruit, will feel sexual exhilaration and thrills tending in dangerous directions. The effect may be, in

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the words of Thomas Gisborn (an 18th-century writer whose pamphlet condemning home theater Austen had read) “to destroy diffidence, by the unrestrained familiarity with the persons of the other sex, which inevitably results from being joined with them in the drama[...]

In the end, the same impropriety she recognizes in the decision to hold the play results in the ruin of two of the would-be performers. The causal relationship is not clear—did the flirtation begun in rehearsals spark the future affair, or is it simply the characters’ same impropriety making itself known in a different situation? In any case, “Fanny,” says her cousin, “is the only one who has judged rightly throughout; who has been consistent. Her feelings have been steadily against it from first to last.” Modern readers who condemn Fanny for her meek personality fail Austen’s moral test: it is Fanny’s passion, her discerning judgment, and her moral backbone which recommend her as a strong character. She does not skewer people with her wit, but she stands up to them with her convictions.

Austen is aware that being bound by limiting considerations does not always lead to an ideal result—in *Persuasion*, the protagonist has lived a life of loneliness following her rejection of a marriage proposal on the advice of an older woman, whose judgment she trusted more than her own. Yet a policy (deferring to those with more experience) that does not always lead to optimal results may yet be the proper policy *ex ante*—given the chance to go back, knowing only what she knew then, Anne would make the same decision again.

Austen is not advocating a blind adherence to every social convention without consideration. In the first place, moral, legal, and social obligations are, to Austen, inseparable. *Sense and Sensibility*’s John Dashwood, is not legally obligated to provide for his sisters, and social convention is ambiguous. However, when he fails to provide generously for his sisters, it is wrong not as a failure to properly conform with social norms, but as a failure to conform with a particular moral understanding of social norms—a failure of charity, which dictates a particular interpretation of his social duties. Further, Austen clearly judges social failures to be potentially less severe than other moral failure; in *Pride and Prejudice*, it is the socially adept character who is despicable, and the socially misguided character who is honorable—though he is perfected only when he acknowledges and corrects his social failings. And it is clear that Austen was uncomfortable with elements of the social structure of her day—while she presents Mrs. Bennet’s moaning about the inheritance system’s potential mistreatment of women as improper, the unfairness itself is made painfully clear. In addition, Austen regularly pokes fun at conventional wisdom (consider *Pride and Prejudice*’s famous opening line). But, while the individual’s role may be to critique, chide, or even mock social mores, it is never to *flow* them. To do so is to violate the moral contract through which we assist each other in virtuous living.

Austen is not famous for her moral teachings; she is famous for her dry wit. It is her deliciously snarky humor that makes her books impossible to put down, and impossible not to pick up again. But the same wit and perceptiveness that make her so adept at recognizing, sketching, and skewering people and their foibles make her especially suited for recognizing the wisdom behind a strong system of social mores. People are weak, self-excusing, and fallible. But a shared moral culture is—or can be—a means of shoring each other up against our own easy errors.

Austen teaches us that people flourish best when they seek fulfillment within society as it is structured according to the accumulated wisdom of tradition. To disregard convention as morally and practically inferior to “fulfillment” in the lesser sense of impulse-satisfaction is to risk attaining neither the satisfaction of our desires nor the fulfillment that comes with a tempered moral character. Austen herself, as far as we know, never found love; she certainly never found marriage, and dwelt in the least desirable position in her social strata—a woman without a husband or inheritance. Yet every reader must be grateful that Jane Austen’s life went precisely as it did: her loss was our gain. Her wisdom, like her wit, was her gift to us.
Perhaps the single greatest uniting intellectual belief held by those in the right of center coalition is the primacy of the Constitution in defining the relationship between Americans and their government. The wisdom of the Founders, generally, and of the Constitution in particular, is not merely viewed to be of anthropological or historical importance. Rather, it provides an indispensable framework from which to understand our nation and her laws.

This view, often referred to as Originalism, has been one of the major areas of intellectual vitality within the conservative movement. And when telling the story of Originalism, rightfully or wrongfully, most conservatives begin with the role of the legal thinkers and organizers, from Robert Bork, AB’48 JD’53, to Antonin Scalia to Theodore Olsen to Edwin Meese. But this picture is only half complete. The great intellectual revival of the founders occurred two decades before the birth of the Federalist Society. Started, not by lawyers and legal scholars, but by political philosophers, these scholars were concerned with the conflict between America’s founding principles and the state of modern American politics. Four young scholars, Harry Jaffa, Herbert Storing, PhD ‘56, Walter Berns, PhD ‘53, and Martin Diamond, PhD ‘58, all students of the political philosopher Leo Strauss, helped revive academic and political interest in the thought of founders.

Unfortunately, and unjustly, Martin Diamond’s major intellectual contributions remain unrecognized and obscured. This is partially due to the scarcity of his output—a dozen or so academic articles and three books—and his untimely death. Yet Diamond’s scholarship cannot be ignored. His efforts led to the rediscovery of a conservatism grounded in the principles of the American Founding during the intellectual transitions taking place in the 1970s. Diamond is not an Originalist per se: he was a philosopher, not a lawyer, but Diamond laid the intellectual foundations necessary for originalism to flourish. Representative of his work are his fantastic book *Founding of the Democratic Republic*, his essay on the Federalist papers for the Strauss-Cropsey History of Political Philosophy, and the essays “The Declaration and the Constitution: Liberty, Democracy, and the Founders” and “Ethics and Politics: the American Way.”

Diamond, in good Straussian tradition, viewed the Founding as something largely built upon the primacy of ideas. His work can be seen as a response to arguments put forth by prominent progressive historians, particularly Charles Beard, who emphasized a materialistic reading of the founding, one that was built on “discovering” the economic advantages built into the Constitution. These progressive historians ultimately conclude that the Constitution betrayed the democratic spirit of the Declaration and established a pseudo oligarchy. Diamond’s view, in contrast, was of the Constitution as much democratic as it was republican. For Diamond, the ultimate form of the Constitution could be derived wholly from the principles and ideas of the Founders themselves.

Diamond argued that underneath all the great institutions devised by the Constitution and the extensive debate over its ratification rests a very simple yet staggeringly challenging political question—how do we “create a system of institutions and procedures that would satisfy their complex aim [which was] powerful and yet free government resting on majority rule?” Diamond understood that “for the founding generation it was liberty that was the comprehensive good, the end against which political things had to be measured; and democracy was only a form of government which, like any other form of government, had to prove itself adequately instrumental to the securing of liberty.” The Constitution provided the proper mechanism for ensuring this liberty, and the democratic republicanism of the Constitution became the only workable system through which such an end could be achieved.

In other words, understanding the Constitution as the framers themselves understood it was key to understanding the American polity. Even with regards to the “enormous social and economic change, the constitutional system imparts to America a remarkable political continuity. Accordingly, it is not merely filial piety but sound political science to study carefully the Constitution (emphasis in the original).”

Diamond recognized that the Constitution is important in that it was, at the time, the most radically democratic system yet conceived that had not devolved into rank majoritarianism or tyranny. “Democracy” Diamond argued “had to be made safe for the world, not the other way around.” The insights of the founders and of the constitutional system they created was to minimize the pernicious effects of an unrestrained *demos*, all the while maintaining the ordered liberty necessary for

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the flourishing of our “commercial republic.” Federalism was the mechanism created, which, when combined with a separation of powers, allowed for the single best tempering of legislative or executive tyranny.

A constant theme throughout all of Diamond’s work on the framers is his emphasis on the virtue of the types of compromises often struck by the founders. The compromises sought were based on a fundamental agreement over the basic principles of the Constitution, and the act of compromising sought to mediate all of the major regional concerns with the general welfare of the polity writ large. These compromises, over things like the size of the House of Representatives or the term length of Senators, reflected their general principled agreement, and these compromises, far from being capricious or arbitrary were rather dialectical in their design; the moderation espoused in the great constitutional compromises embodied the “Aristotelian wisdom” of the founders. Diamond looks to compromises like the 3/5ths compromise, however, as unfortunate defects of the political situations at the time. Diamond emphasizes that “politics is the art of the possible,” and in that, for the Constitution to move forward, unfortunate compromises had to be made.

Diamond recognizes the American founding as the culmination of the best amalgamation of post-Machiavellian thought, namely Lockean liberalism tempered by a Montesquian fear of unadulterated power. Thus Diamond’s vision of American modernity differs greatly from the conceptualization of the more-famous Allan Bloom, namely that this very Lockean modernity sows the seeds of its own demise and can perhaps lead to a milder version of the same sort of nihilism that lead Germany into the intellectual arms of the Third Reich. Unlike Bloom, Diamond sees something particularly virtuous in this version of modernity, and that the American project, with its inherent skepticism of centralized authority and its respect of an ordered liberty, is the best means to oppose such tyrannical devolution. In this regard, Diamond modifies the usual Straussian condemnation of the modern political project and instead tempers it with an American exception, one built on the “moral and political strength” of our founding documents. Considering the dual tendencies of progress and return, Diamond suggests that the Founders engaged in a stark embrace of both—progress in that it was the new science of politics leading the way, but also return, in that the Founders recalled the thought and modes of Athens and Rome.

What distinguishes Diamond’s thought from that of other contemporary Struassians was not merely his reluctant embrace of what Strauss called “first wave modernity” but with it a rejection of doing politics in a theoretical way. Just as generations of conservative thinkers had found much to worry about the utopianism of Rousseau and Marx, Diamond found similar trends buried within the Classics. Or, more accurately, Diamond recognized the great virtue of a tempered, liberal “science of politics” of the modern sort if it recognizes classical criticisms of democracy. Diamond embraces the vision of human nature—“greed and vainglory [to rule] under the guise of virtue of piety”—found in the Framers’ writings.

Diamond embraces the anti-utopianism of the Framers not simply as building a nation on top of amoral Hobbesian grounds, but as something that “rises repeatedly high enough above the vulgar level of mere self interest in the direction of virtue.” These “modern virtues are lower than the ancient virtues, but they are uniquely achieved in the American regime.” Tocqueville’s doctrine of “self interest rightly understood” provides for Diamond the corollary to the Framers which allows their work to shine in its proper light: morality and civic virtue exist in the American polity before government, and it is essentially the role of the Constitution to enshrine these and to not dilute or interfere with them. This was the dramatic intellectual turn Diamond had made late in his life: understanding the Founders as they understood themselves implied going beyond the limitations of the Enlightenment and into their writings.

In spite of the conservative slant of much of his later writing, Diamond always hesitated to embrace the conservative label. It was not because his ideas themselves weren’t very similar to those of American conservatives—although it must be stressed that conservatism before the 1970s was not nearly as Constitution oriented as it is currently—but rather that he felt the American political tradition should not be the purview of one ideological group over another. The fact that many of Diamond’s ideas regarding the founders have been so fully embraced by today’s conservative movement would both greatly please and yet dishearten him, pleased that his project of trying to understand the founders as they saw themselves has continued in such a serious manner, but saddened that it has become an ideological talking point. For a man that considered himself a teacher first and foremost, we can say that an entire generation of conservative scholars are, whether they know it or not, his students.
The division of “left” and “right” in our political discourse quite literally began with the arrangement of chairs during the French Revolution. On the left stood the Jacobins, revolutionaries ready to wreak havoc in the name of syllogism and abstraction. On the right stood the conservatives, skeptics of human imaginings, defenders of the old order, supporters of moderation. Since then, the right, when at its best, has embodied a “first, do no harm” kind of politics. Yet while caution is certainly a helpful policymaking disposition, not all things are equally worthy of conservation, so conservatives need principled direction to buttress this disposition. Conservatives must do their best to answer the question, “First, do no harm to what?”

Hans Jonas might be an unlikely source for a compelling answer to this question. A pupil of Heidegger and member of Hannah Arendt’s cohort, Jonas’ perspective on matters of practical politics were almost universally anathema to what we see as the conservative line. He was suspicious of capitalism, opposed the Vietnam War, considered the atomic arsenal a starting point from which to criticize the modern age, and even published a work, *The Imperative of Responsibility* (1984), that has since become a foundational text for European Greens. His influence on present-day conservatives is generally limited to a few concerned with topics of bioethics.

Still, Hans Jonas is not a philosopher who can be boiled down into a few axioms, or who was only interested in a few themes. Jonas wrote incisive, touchstone works about an array of topics from Gnosticism to post-Holocaust theology that are difficult to corral at first glance into a coherent oeuvre. There is, however, a trajectory to his works that suggests a larger project conservatives would do well to consider.

*The Gnostic Religion* (I 1934, II 1954) was an ambitious work that delineated the relation between that ancient cult and the premises of modernity. Gnosticism, put simply, believes the world to be ruled by an evil demiurge, and goodness only possible through the shirking of material interests and human conventions. One then attains transcendent *gnosis* (knowledge) and unites with God. In Gnosticism, Jonas found a nerve shared with Heideggerian existentialism. Both worldviews are characterized by a dualism that sets human beings over and against the world because of the absence of God. This correlates with the basic belief of both the Gnostic and the existentialist that the universe is not ordered for the good. Jonas therefore warned of the Gnostic elements latent or fully-fledged in the modern age: nihilism, abandonment of convention, finding freedom only in death, abiding pessimism, and absolute separation of the transcendent and the immanent. The origins of these ideas could all be traced to the challenge posed by the revolution wrought by Bacon and Copernicus: if humans do not belong to a sacred order, then where are the grounds not only for belief in God, but in nature or meaning?

To Jonas, the crisis of modern times was vividly evidenced by the abandonment of concern for fellow man, and the gaping “ethical vacuum” left in its aftermath. This vacuum was made possible because humans saw their accumulated obligations and laws as mere human inventions. They saw knowledge as a tool for man to homogenize, subordinate, and mechanize nature. The world around them became worthy only for what it could offer them—not for what it was. For humans gazing at the world around them in the centuries since Francis Bacon, there was no essence. This was articulated well in a letter to Jonas by his Weimar-Jewish contemporary, Leo Strauss: “Gnosticism is the most radical rebellion against *physis*. Our problem now is to recover *physis*.” *Physis*, from Ancient Greek, means the essence-purpose of the organic. The project was to recover the teleological understanding of nature in which ethics could be grounded.

Leo Strauss made his contribution with the magnificent *Natural Right and History*, which argued for the reviving of the teleological understanding of human affairs. Jonas provided *The Phenomenon of Life: Toward a Philosophical
Christopher Lasch
By Ajay Ravichandran

The intellectual and social historian Christopher Lasch began his career as an Old Left historian and ended it, with his death in 1994, as a self-proclaimed populist avowedly hostile to both Left and Right. A superficial glance at Lasch’s work is likely to inspire at least as much doubt as confidence about his potential as a source of conservative insights. The most obvious sign of his heterodoxy, when viewed in the context of a Right that sometimes seems to be defined by Tea Party activists and Republican back-benchers railing against the Obama administration’s hatred of free enterprise, is his lifelong opposition to capitalism. However, the anti-capitalism displayed in Lasch’s mature works of history, The True and Only Heaven: Progress and its Critics and the essays collected in The Revolt of the Elites: and the Betrayal of Democracy, has much to offer conservatives. Lasch’s mature anti-capitalism and the commitments which underlie it provide correctives to certain conservative positions and help to deepen our understanding of some of our most fundamental principles.

Lasch’s anti-capitalism derives in large part from a deeply conservative concern, namely his fear of the free market’s tendency to undermine the civic virtue necessary for a well-ordered society. His sharpest attacks on capitalism concern the way in which it makes it difficult for the typical person to manage a small property holding or practice a craft. Capitalism institutes an increasingly complex division of labor that turns most work into menial drudgery and deprives the typical person of meaningful ownership of and responsibility for his or her economic life. Lasch sees the judgment and sense of responsibility these nearly-vanished modes of life require as necessary prerequisites of good citizenship. He also points out that once the free market has liberated acquisitive individualism from societal restraint to some degree, it does not remain confined to an economic sphere designed to channel it constructively. Instead, it spreads beyond its proper limits to invade institutions like the family, institutions that play an important role in cultivating the virtues that make a democratic-capitalist society possible.

Lasch’s critique of capitalism is linked to another important strand of conservative thought: its discomfort with optimism about the future of human societies. He
is quite skeptical of the claims by supporters of free markets that their system can regulate itself merely by appealing to the rational self-interest of economic agents and produce abundance for all in the long-term by providing disproportionate gains to the few in the short-term. Lasch sees these notions as two among many of the utopian fantasies peddled by believers in progress, which he understands as the idea that struggle and difficulty can be eliminated entirely from human life. He sees this sort of optimism as blind to both the unpredictable vicissitudes of history and the flaws in human nature, which can only be ameliorated through the difficult work of cultivating both personal and civic virtue in oneself and others. In Lasch’s view, belief in progress is an error that can lead to two undesirable outcomes. It can produce an unwarranted confidence in inevitable improvement, whose frustration then creates a bitter disillusionment that leads to near-withdrawal from life altogether. He finds both attitudes objectionable because they show no regard for the satisfactions that can only be had in a world where struggle and endeavor are necessary. These include the dignity and meaning that come only from the sense that one has triumphed in the face of obstacles and the self-transcendence that can result from intense and sustained engagement in a difficult task. Lasch therefore rejects both optimism and pessimism in favor of a disposition he calls hope, which he characterizes as a willingness to “[assert] the goodness of life in the very face of its limits.”

Finally, Lasch has a distinctive understanding of the American political tradition which cuts across conventional categories and has much to offer conservatives. He traces this vision to the praise many of the Founders lavished on small farmers and craftsmen for their genuine independence and the character-forming potential of their trades. Lasch finds it exemplified most fully, however, in view widely held during 19th-century debates over industrialization and wage labor that the American experiment could not survive if a large class of citizens were made entirely dependent on others for their livelihood. These people would thereby be deprived of the dignified autonomy and close ties to family and community necessary for both a flourishing life and the discharge of civic responsibilities. Lasch takes these examples and others to show that the dominant political ideal in our history has not been the absolute negative freedom from state power which many contemporary conservatives exalt. Instead, he sees the American ideal as a society which offers every citizen substantial scope to exercise responsibility in both political and economic life as well as opportunities to form strong connections with his or her fellows. In Lasch’s view, fulfilling this ideal requires the creation of an economic order that gives people real control over their work and strong families and communities which both allow for genuine interpersonal relationships and cultivate the civic virtues needed for equal participation in political life. Such a society must be protected both from intrusive public bureaucracies, since they hamper personal initiative, and market forces, which destroy community and meaningful work.

In these three strands of his mature thought, Lasch both points to tensions in the conservative political tradition that are often overlooked and provides more substantive accounts of central conservative positions. By arguing against capitalism using substantially conservative premises, he points out fundamental conflicts among some of our central commitments - conflicts that even the Right’s most ardent defenders of the free market would do well to take seriously. His treatment of progress goes beyond dour skepticism about the possibility of improvement, a worldview that leads many to find conservatism dull and uninspiring, to offer a positive defense of the world that believers in progress seek to destroy. This approach provides the materials for a deeper and more nuanced opposition to the progressive impulse. And his understanding of the American political tradition provides a way for conservatives to speak to the genuine economic anxieties that many of our fellow citizens feel without lapsing into me-too-ism. Conservatives who are troubled by their ideological allies’ entirely unqualified praise of laissez-faire capitalism and the simplistic certitudes that pervade much right-of-center commentary would do well to deepen and nuance these dogmatic positions by rediscovering the mature work of Christopher Lasch.
Lionel Trilling
By Yiftach Ofek

Lionel Trilling (1905-1975) would probably have been surprised to find his name mentioned in a symposium dedicated to forgotten conservative writers. Apart from a youthful affiliation with the more radical ideas not uncommon in Jewish intellectual circles in the 1930’s, Trilling adhered for most of his life to what was known as “anti-Communist Liberalism.” Liberalism—as he himself described it in the preface to the book that brought him fame and renown, fittingly entitled The Liberal Imagination (1950)—was to Trilling “not only the dominant but even the sole intellectual tradition” in the United States. From his point of view, at the time there were “no conservative or reactionary ideas in general circulation”, there were merely conservative or reactionary “impulses.”

Still, for his consistent adherence to political liberalism, Trilling remained a great skeptic. Had he lived, he may even have gone as far as announcing a public break with liberalism itself. But he never quite went that far. That task was left to his students, writers like Norman Podhoretz and Gertrude Himmelfarb, who, heeding to their teachers’ critique of both liberalism and the “conservative or reactionary ideas” that opposed it, created a new conservatism that changed forever the face of politics in this country and beyond.

The new conservatism created under Trilling’s influence saw in liberalism a tendency to dehumanize us. By giving us an ever-increasing freedom, it allowed us to cultivate hedonism; by being agnostic about the type of life we should lead, it fostered nihilism; by pushing us always towards an ever greater individualism, it harbored the seeds of anarchy; by emphasizing our right to property, it turned us into property-protecting automatons, content under our mechanistic state apparatus. It was a tendency that was different only in degree from the one found in the tyrannical regime of the Soviet Union. Writing on George Orwell, Trilling celebrated the author’s insight that “Russia, with its idealistic social revolution now developed into a police state, is but the image of the impending future and that the ultimate threat to human freedom may well come from a similar and even more massive development of the social idealism of our democratic culture”. Yet what prevented the liberal democratic regime from spiraling down the path of tyrannical monstrosity was what Trilling identified as “culture”, and culture’s most insightful expression was literature.

Thus Trilling turned his gaze away from politics and toward literature, but always stood at what he termed “the bloody crossroads where politics and literature meets.” “One does not go there gladly”, Trilling dryly told his readers, “but nowadays it is not exactly a matter of free choice.” Literature was to Trilling a powerful tool—indeed, a political tool—in exciting what he termed our “moral imagination”: that element which is ultimately what makes us human. It was the moral imagination which separated democracy from barbarity.

But not in all literature could the moral imagination be sought. In fact, most of the literature produced in Trilling’s time reflected the very opposite of his ideals. Trilling found contemporary literature characterized by a quality that he identified as “the disenchantment of our culture with culture itself.” It seemed to him that “the characteristic element of modern literature, is the bitter line of hostility to civilization which runs through it”. It was a reckless, dangerous quality that in the 1960’s came to fruition; more powerful in its ambition, more powerful in its destructiveness. Foreseeing its results already in 1940, Trilling told his readers how to resist.

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In that year Trilling published his essay “Elements That Are Wanted” in the anti-Stalinist magazine *Partisan Review*. There he recommended his readers, coming from various leftist backgrounds, to turn their attention to the politics of none other than the conservative T. S. Eliot. In the essay’s introduction, he noted how a hundred years earlier, the liberal John Stuart Mill encouraged his similar-minded friends to read the works of—who was then considered conservative poet S. T. Coleridge, not because of a “romantic” longing, but because Coleridge saw “further into the complexities of the human feelings and intellect.” Therefore, Mill continued, Coleridge was able to “[offer] something practical” to add to a “short and easy politics.”

By recommending conservative literature to his prejudiced readers, Trilling was in fact doing the same thing. He believed that the “individualism at its most anarchic” of Mill’s time was “in large part of the ideology with which we today combat”—the anarchic tendencies of a freedom unrestrained. It was thus specifically conservative literature that would enable us to see further into man’s soul.

This insight would open us to the possibilities of humanity, and help us in resisting dangerous intellectual currents that liberalism—being open as it is to all ideas and points of view—was bound to let in through the back door. Trilling always knew that liberalism, once the great defender of civilization, contained within itself the seeds of its own destruction. And as the 1960’s proved him correct, as he witnessed “the present ideational and ideological status of sex, violence, madness, and art itself,” we understand better his meaning in that aforementioned preface: “It has for some time seemed to me that a criticism which has at heart the interests of liberalism might find its most useful work not in confirming liberalism in its sense of general rightness but rather in putting under some degree of pressure the liberal ideas and assumptions of the present time.”

As we said, Trilling never followed his own advice to its natural conclusions. The person who should with reason be referred to as the most eminent literary critic of the twentieth century was so preoccupied with liberalism’s tenets that he could never admit that he was anything but an adherent. Luckily for us, it doesn’t matter. What matters is that we keep reminding ourselves of those “elements that are wanted”; of those qualities of the human spirit that are crushed under tyrannies and threaten to perish under liberalism as well. What matters is that we hold steadfastly to the “moral imagination” that Trilling wrote about in beautiful, eloquent prose, and—in line with his profession—open a book. Preferably, one of Trilling’s. Qp
Reviews:

America at the Fault Lines

A review of Fault Lines by Raghuram Rajan

By Seth Weidman

America's liberal tradition has had the aid of wise words from many outsiders: Thomas Paine was British, Alexis de Tocqueville was French, and Friedrich Hayek was Austrian. Raghuram Rajan's new book, Fault Lines, is to the world economy and the U.S. economy what those books were to the United States; a fresh look is critical. The book provides a distinctive account of the causes of the global financial crisis because Rajan is a sort of universal outsider: born and raised in India, he received his undergraduate degrees and MBA from Indian universities before getting his Ph.D. in economics from MIT, before spending his career teaching at the business school—Booth—long considered the ideological and methodological opposite of MIT's. Despite conducting path-breaking, acclaimed research in financial economics—he was the inaugural recipient of the Fischer-Black prize presented by the American Finance Association—he has never been afraid to advocate perspectives heretical among his fellow economists, most notably by predicting an impending financial crisis in 2005.

Each year, the world's leading central bankers and monetary economists meet at the Jackson Hole Conference in Wyoming. Alan Greenspan had just announced that he would step down as chairman of the Federal Reserve and the implicit purpose of the conference was to celebrate his legacy. He had presided over “The Great Moderation”; during his tenure, the U.S. economy had seen relatively steady growth interrupted only by short and shallow recessions in 1990-1991 and 2001. The contrarian Rajan presented a paper arguing that the financial system had, in fact, become increasingly unstable, as low interest rates had encouraged companies to take on excessive amounts of “tail risk”. This meant companies were producing higher returns simply by taking bets on risky assets, which produced higher-than-average returns in good economic times, but had very low probabilities of producing enormous losses (two typical examples are mortgage-backed securities and credit default swaps). Given that many companies were placing similar bets,—in mortgage-backed securities, for example,—if the underlying economic conditions which gave these assets their value worsened, liquidity could quickly dry up and the financial sector could be pushed to the brink. Criticized at the time (most savagely by Larry Summers), Rajan's presentation now seems remarkably prescient.

In Fault Lines, Rajan tells the story of the 2008 Financial Crisis not as fortune teller but as an economic historian. His account of the events leading to the financial crisis stretches back much farther than most others, and casts a far wider net of blame. Due to technological advancement, which has disproportionately rewarded skilled workers, and inadequate investments...
in education to help the workforce keep pace with the new skills required of it, income inequality has risen substantially in the United States since the 1970s. Rajan does not fall into the usual trap of focusing on incomes at the very top, instead noting that both the “90/50 differential”—the difference between what workers at the 90th percentile of the income distribution and the 50th percentile make—and the “90/10 differential” have increased substantially. Putting aside questions of whether consumption inequality has actually increased (as opposed to income inequality), this shows that there is at least a justified perception that inequality has increased. This has naturally led the American public to lean on their politicians for more income redistribution. Given, however, that Americans have an instinctive aversion to crude redistribution, politicians have turned to credit, especially for housing, as a means to indirectly help their constituencies without directly taxing the rich to give to the poor. This is especially true because jobs that are lost during recession take increasingly longer to recover. This problem is, of course, still with us: if another sudden recession were to strike, Rajan argues, the inevitable pressure on politicians to extend inefficient short-term solutions, such as stimulus packages, would still be there. This is a major fault line, still threatening to destabilize the world economy.

This is one area in which Rajan overstates his case. It is true that the United States has experienced increases in income inequality in the past several decades, and it is true that, to some extent, this inequality has led to corresponding declines in equality of opportunity. However, there is a much simpler explanation for why the government has been using credit to redistribute income, and one that has nothing to do with inequality of opportunity—politicians always have incentives to redistribute income to the middle class to garner support for votes. Indeed, this explanation is consistent with the evidence; from 2001 to 2007, the percentage of income used to finance debt payments actually fell slightly among the lowest income quintile—on the other hand, it had the highest rise among the second-highest quintile, the “60-80” quintile. Thus, most of the people to whom credit was extended could not justifiably be said to be the victims of a lack of opportunity, even if Rajan’s points about inequality increasing are correct. Nonetheless, if the extension of credit was in fact driven by normal political calculations and not reversible trends such as income inequality, this fault line could be even deeper and more serious than Rajan states.

Rajan’s independent streak comes through in his description of the other fault lines. Commentators usually take a one-sided view of phenomena such as the U.S. savings rate, which has been spectacularly low in the past several decades as homeowners have used the increasing values of their houses to borrow and our government spending has grown like ivy. But there are two sides to every economic transaction: if one country spends more than it saves and therefore borrows, the rest of the world must on net save more than it spends to make up the difference. Thus, U.S. consumption cannot merely be driven by private and public U.S. demand; equally important are the savings and investment decisions of the rest of the world. Similarly, when the U.S. imports more than it exports, it sends more dollars overseas than it brings in; those dollars are held by foreign investors, who reinvest those dollars in the U.S. through dollar-denominated assets. Thus, Rajan’s list of fault lines takes into account the inherent interdependency of the world economy—if the rest of the world saves more than it spends, the U.S. must necessarily spend more than it saves, which in turn means it must necessarily import more than it exports. It is with this framework of the interdependency of the global economy in mind that Rajan gives a panoramic, comprehensive, and endlessly insightful tour of the worldwide economy in the past several decades. The book is worth reading for this section alone, and it additionally leads Rajan to his next fault line.

Since World War II, many countries, most notably Asian countries such as Japan, South Korea, Taiwan, and more recently China, have had periods of growth at rates rivaling anything else achieved in human history. They accomplished this largely by subsidizing and favoring export-focused industries, which allowed them to grow despite weak domestic markets. This has led to not only some spectacular success stories, but also huge distortions. Japan is a perfect example: while it grew spectacularly from 1950 to 1973, today the only strong Japanese industries are those focused on exports. For example, most readers could name several Japanese and Asian car companies off the top of their heads, but likely couldn’t name a single major, international, private Asian financial institution or consulting firm. These growth policies not only left these countries’ economies vulnerable, but because a country that exports more than it imports must necessarily save more than it invests, they created a savings glut that found its way largely into the U.S. Treasuries. This was a major factor in keeping interest rates low throughout the late 1980s and 1990s, leading to the housing bubble. Before the economy can stabilize, Rajan argues, countries such as Japan and China must make their economies less dependent on exports.

Rajan’s unique perspective as an outsider comes through most in the way he writes about the United States. The accounts of the financial crisis one reads in the United States—the stuff of the editorial pages of the Wall Street Journal and the New York Times—usually implicitly promote or subscribe to the myths we
have about our political system. The United States, an argument might go, is a country in which the government has done much to ensure equality of opportunity through encouraging homeownership and subsidizing higher education; nonetheless, Republicans have insisted on not regulating the financial sector, allowing their free market ideology to blind them to the obvious excesses in which Wall Street was indulging at the expense of Main Street. On the other side, stories abound about how the United States is a country in which free enterprise has always promoted growth, innovation, entrepreneurship, and a higher standard of living, whereas liberal Democrats’ attempts to redistribute income through the extension of credit have been neutral at best and, at worst, counterproductive and dangerous by distorting the operations of the free market. Rajan at first appears to be “in the middle”—he argues that the policies of subsidizing housing credit fueled the housing bubble, but also notes that both the Greenspan Fed and the compensation structure of Wall Street encouraged the kinds of risks that endangered the financial system. Implicit in Rajan’s analysis, however, is a deeper argument about the United States’ place in the world. Rajan’s story of the financial crisis, as far as the United States is concerned, is one of a country which is a victim to both the short-term aspirations of its politicians and longer-term economic forces.

“Implicit in Rajan’s analysis, however, is a deeper argument about the United States’ place in the world. Rajan’s story of the financial crisis, as far as the United States is concerned, is one of a country which is a victim to both the short-term aspirations of its politicians and longer-term economic forces.”

Currently the United States is headed toward running the largest deficit in its history, on top of the fault lines Rajan highlights in the book. The question of whether the U.S. can change course and avoid a similar disaster in the future hinges most generally on whether American institutions remain corrupted, like those of a developing nation, or whether we take the needed reforms to seal the domestic and international fault lines.
A Culture War Of Economics

A review of The Battle by Arthur Brooks

By Bryant Jackson-Green

A merica is at a crossroads and faced with a choice—one that will determine whether or not we remain committed to the American ideal of economic freedom and liberty or embrace an ever-expanding government. This is the sum of the argument made by Arthur C. Brooks, President of the American Enterprise Institute and former professor of Business and Government Policy at Syracuse University, in The Battle, the most recent (and perhaps the most heavily promoted) book to come out of AEI. The book sets out for itself the formidable task of not only explaining the roots of the momentous debate between the proponents of free markets and statism, but offering “a plan of defense for free enterprise,” with “nothing less than the soul of America” up for grabs. How successful it is in doing this, however, is a somewhat more complicated question.

Brooks’ latest work certainly has had the advantage of a well-stratagized format and release. At approximately one-hundred-thirty pages of content, it’s a quick read. It can be run through in hours, making it uniquely accessible for those without the time, will, or patience to plod through more dense, academic tomes. In an age of 24-hour cable news, blogging, and twitter, some compromises may need to be made in order for the printed media to stand a chance in changing minds and influencing voter opinion, so with this goal in mind, its length might be seen as an advantage. A three-part series in the Washington Times in July on the “New Culture War over Free Enterprise,” along with several other well-received op-eds in the Wall Street Journal, succinctly and forcefully laid out the primary thesis of his book, which, when coupled with an aggressive online presence and heavy media touring by Brooks, made The Battle one of the “must have” political books of the season. If nothing else, it is a victory for AEI’s promotional team.

But there is, unsurprisingly, a tradeoff for the increased accessibility: the book is far too brief—and, perhaps primarily for this reason, lacks the detail and rigor one would expect from a highly-respected policy analyst and academic such as Brooks. It’s as if most of the effort behind the book has gone into marketing the book and less into thoroughly developing its arguments. But keeping in mind that this book has come out in time for reading before the 2010 election season, and is almost assuredly intended to persuade middling and conservative-leaning lay voters, oversimplified lines of reasoning might be the most effective for the intended audience.

Regarding, first, its merits, one the more laudable accomplishments in this book is Brooks’ ability to present a concise, cogent explanation of the financial crisis and how it has been exploited as a pretense to dilute the American capitalist system into something much closer to its social democratic counterparts in Europe. According to Brooks, the narrative on the left has been to explain the crisis centers around five major points: that “government was not the primary cause of the economic crisis;” that only it is capable of understanding and fixing it; that regular home-owners on “Main Street” are all victims of corporate excesses; that only stimulus spending will fix the economy; and that the middle class will remain immune to costs of such spending, the burden of which will supposedly be carried by the wealthy. Point by point, Brooks refutes this picture, emphasizing the oft-overlooked influences of state-backed lenders Fannie Mae and Freddie Mac, policies encouraging lending to the severely under-

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qualified (see the Community Reinvestment Act of 1977 and its subsequent strengthening in the 90s) as leading causes of the crisis, countering the grossly oversimplified, misleading narrative of Wall Street “greed” as the root cause of the crisis. To the extent that Wall Street was culpable, the moral hazard leading up to the crisis, to say nothing of the impact further moral hazard created by a taxpayer-backed bailout will have in the future, implicated government policy as being first and foremost to blame.

The role of government in precipitating the events of the crisis and in increasing the expanse of the state is, of course, a bipartisan project, another key point that Brooks does not neglect to expound upon. While the Democratic Party has been the driving force behind most of the more recent expanses in the size of government, the fiscal misconduct of the most recent Republican administration and Congress gives conservatives hardly any high ground to stand on now. The justly maligned Troubled Assets Relief Program (TARP) was a Republican initiative in 2008, costing $700 billion. A few months later, it was the auto industry’s turn for a Republican handout: $17.4 billion went to General Motors and Chrysler. Conspicuously missing, however, is an account of what the nation has spent on the wars in Afghanistan and Iraq since the beginning of the former in 2001. Recent estimates cite the cumulative cost of the two wars as surpassing $1 trillion, when related foreign aid and veteran costs are considered as well. Regardless of one’s views on the merits of either war, an assessment of their cost would have shown a surprising degree of frankness from Brooks, so it is a little disappointing that it was not mentioned, even by way of a defense or justification. One can, it seems, expect only so much criticism of the right from the President of AEI.

One can take issue, however, with the superficially appealing central narrative of a “new culture war,” with the fate of American “free enterprise” hanging in the balance. It’s not that the American capitalist system isn’t threatened,—anyone following the major legislative disgraces of the past two years, from TARP to the more recent Healthcare and Education Reconciliation Act, should at least be able to identify these programs as a step in the direction of a social democratic welfare state—but some of the key assumptions underlying this vision are thwarted by a closer examination of some major issues.

The most glaring instance of this is the 70% - 30% divide Brooks cites as making the partition between supporters of the American free enterprise system and European style socialism. According to Brooks, when we examine public feeling on capitalism, taxes, business, and government, a “clear and consistent pattern” demonstrates that “70 percent of Americans support the free enterprise system and...are unsupportive of big government.” On the other hand, between 20 and 30 percent opposes markets in favor of “government solutions.” It very well may be that, when posing the general question, “is capitalism a better system than socialism,” most Americans will chose the former. Socialism is, of course, rather un-American: unlike most European nations, we simply do not have a tradition of a politically viable socialism. But upon closer examination, it becomes increasingly obvious that this majority has a very poor understanding of what free enterprise entails, or for that matter, of basic economics.

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Regarding the government practice of stimulus as a means to pick up the economy, for example, 60% of Americans favor “additional government spending to create jobs,” according to a June Gallup Poll on 2010 Congressional Legislative Priorities. When questioned on how they want to solve the crisis in the major entitlement programs, Social Security and Medicare, a greater number of Americans support raising taxes to address the issue, while only 31% favored raising the retirement age. Granted, the latter option could only postpone the inevitable, and a greater percentage of those who supported raising taxes came from the 18 to 29-year-old demographic. But unless state-sponsored safety nets and stimulus smack of laissez-faire, these views seem to undermine, or at the very least complicate Brooks’ thesis, which was intended to have been a clean overview of what the conservative economic policy stance could and should be (I’m not naive enough to hold my breath), The Battle is a decent book, ironically thwarted by the simplicity that was one of its greatest advantages. For those who would like a considerably more thorough, intellectual and stronger work, I highly recommend looking into Arthur Brooks’ other major books: Gifts of Time and Money: The Role of Charity in America’s Communities (Rowman & Littlefield), Who Really Cares: The Surprising Truth about Compassionate Conservatism (Basic Books, 2006) and Gross National Happiness: Why Happiness Matters for America—and How We Can Get More of It (Basic Books, 2008).
A Cause That’s To Die For

A review of *Cutting the Fuse* by Robert Pape and James K. Feldman

By David Benson

The University of Chicago’s Professor Robert Pape, PhD ’88, has weighed in yet again on the causes of suicide terrorism with his newest book *Cutting the Fuse: The Explosion of Global Suicide Terrorism and How to Stop It*, co-authored with James K. Feldman. Pape and Feldman continue to contend that the primary cause of suicide terrorism is foreign occupation. This assertion contradicts the prevailing logic that suicide terrorism is a product of radical Islamic theology. Unsurprisingly, this contention has both advocates and detractors.

Obviously not all occupations produce suicide attacks, and Pape and Feldman introduce three conditions that make suicide attacks more likely. The first, of course, is occupation by a foreign power. The second is the failure of previous efforts at coercion, usually in the form of previous uprisings. Finally, social distance, usually in the form of religious difference between the occupied region and the occupying force, plays a role. To defend this position, Pape and Feldman cite evidence from the nearly exhaustive database of incidences of suicide terrorism around the world that they have compiled with the help of several students here at the University of Chicago.

Pape and Feldman contend that the high correlation between suicide attacks and occupation makes a grand strategy of off-shore balancing advisable. Off-shore balancing is a strategy which a nation might engage in when it is not located within the region of a threat. A state can rely on non-invasive measures including Naval and Air Forces, as well as economic measures, to prevent the rise of a regional hegemon.

Empirically, it is very difficult to challenge the assertions that Pape and Feldman make. It is manifestly true that almost all of the cases of suicide terrorism occur within areas of occupation. One troubling case is of course Al Qaeda, where few people other than members of Al Qaeda recognize the presence of American troops on the Arabian Peninsula as an occupying force. Even more troubling is the case of Pakistan—Pape and Feldman have created what seems to be an *ad hoc* explanation called “Indirect Occupation” to explain the incidences of suicide attacks within Pakistan, which is not occupied in any meaningful way. Even putting aside these relatively few cases, the number of cases which relate to some form of occupation is striking and significant.

However, in the conclusions, Pape and Feldman run into some trouble. Ashworth *et al.* have already pointed out that Pape’s methodology selects on the dependent variable and therefore is not actually able to establish causality. It is therefore problematic that Pape and Feldman seem to suggest that occupation “causes” terrorism. In the book, they are very careful to state that it merely triggers it, which implies a necessary but insufficient condition rather than a causal relationship.

Given that the data as it exists cannot speak conclusively about motivations, it seems likely that Logic of Suicide Terrorism (LST) imposes costs on powerful actors...
and constraints on weak ones. LST imposes a cost on powerful actors because even when they are acting against overwhelmingly weaker actors, those weaker actors can almost assuredly extract blood and treasure when there is a military occupation. This means that while powerful actors remain powerful and have a relatively free hand when dealing with weak actors, there is a relatively high cost associated with occupation.

On the other hand, LST imposes a fairly strong constraint on weak groups, in that it seems they are only able to muster individuals for suicide attacks in the presence of an ongoing occupation. Altruistic suicide appears actually fairly difficult to get someone to do. It is further possible that something like an occupation makes people feel that opportunity costs related to suicide are dramatically lower, increasing willingness for suicide attacks. It is also possible that most potential suicide attackers must be tightly controlled in a way possible only in areas where terrorist groups are located, and therefore generally near occupied areas. For any, all, or potentially none of these reasons, suicide attacks only occur (in any great number) when there is an ongoing occupation.

Notice that this point of view, and indeed the entire line of argument, does not absolve groups like Al Qaeda of malign intentions. It is possible that Osama bin Laden, and many of his ilk, really do “hate us for who we are,” and would willingly send thousands of pedestrian suicide bombers into the streets of the United States, but cannot. What this logic does support is the idea that, even if parts of the Muslim world do “hate us for who we are,” they are apparently not willing to kill themselves over it until we are in their neighborhood. After all, the United States has had combat troops on the Arabian Peninsula since the invasion of Kuwait in 1990. It is not an unreasonable leap to see that as an occupying force, especially for those who are on the receiving end of Saudi politics. Even then the number of suicide attacks against the U.S. were few and far between, until we openly and actively occupied Iraq and Afghanistan.

On the policy prescription front, several people have dissented from Prof. Pape’s recommendations, most notably Kori Schake. Once we understand that this data does not represent a causal relationship, we are much better equipped to advance the discussion of strategy usefully.

Fortunately we actually have a pretty good analog in WWII Japan. During WWII, cave fighting was very effective in killing Americans and slowing the Allies advance. By definition cave fighting can only occur where there are caves, which in the Pacific means on islands. Of course, the U.S. had to take some islands, like Iwo Jima, it did—at extraordinary price. However, if the objective was not necessary, then the better option was to simply bypass the island, which the Allies did with great frequency.

Armed with the knowledge of LST, we should treat occupations and objectives in much the same way. It is likely that from time to time we will need to occupy territory, but occupation always carries the risk of suicide attacks. However, if the interest is great enough, then we must bear the cost. However, we can also rest assured that while actions besides occupation may motivate other forms of terrorism, such terrorism will likely take more manageable forms. In other words, while the terrorists might continue to attack us, they will be more easily contained, deterred, and defended against because they will not have set out to kill themselves in the first place.

This oblique critique notwithstanding, Cutting the Fuse is a very important attempt to deal with a problem with all due scholarly rigor. Unfortunately, this is a finding that people who are traditionally conservative seem to want to reject out of hand. While there are problems with the methodology, facts are not subject to ideology. It is important to consider the world in which we live carefully. The United States should assess its interests, its capabilities and the capabilities of its adversaries, and determine strategy on those lines alone, not on emotional reactions to events nor on a desire to complete missions that seemed expedient in the past, but have outlived their usefulness. It is a bad idea to hang on to a policy...
The ancient philosophers would often compare statecraft to various professions: the doctor, the pottery-maker, the shepherd, etc. The comparison of these crafts to statecraft, which should be informed by political philosophy, implied that the other professions could also be advised by political philosophy.

It is no mistake then that a discourse about work, and specifically the worth of work, has percolated in an American context where political philosophy is constantly (and often unknowingly) debated. Bemoaning the number of bright young Americans who enter hedge funds or practice corporate law, Michelle Obama made a mid-campaign dismissal of contemporary enterprise. “Don’t go into corporate America,” she advised a group of Ohioans, “You know, become teachers. Work for the community. Be social workers. Be a nurse. Those are the careers that we need.” In favoring the “helping industry”—to use her locution—at the expense of the “money-making industry,” Michelle Obama defines worthwhile work by its apparent altruism.

Conservatives and other partisans of the market gave a rebuttal best summed up by the original market partisan, Adam Smith: “It is not from the benevolence of the butcher, the brewer, or the baker, that we can expect our dinner, but from their regard to their own interest.” The self-interested “money-making industry” is what serves the needs of others. A baker would not earn a profit if his bread did not satiate the hungry. Smith does not need us to aspire to help others, but rather believes the Baconian project of “easing man’s estate”—general prosperity—is most ably motivated by self-interest. Michelle Obama, meanwhile, seeks prosperity of conscience, built upon the often deserved self-satisfaction of serving others. For her, altruism does not preclude material wealth—how could it when her recent experience in the non-profit world has been a part-time job and a triple figure salary?—but history suggests altruism alone is a reliable path to penury.

General American political philosophy shares more with Smith than it does with Mrs. Obama (although there are various sectors of the country that are firmly in the Obama camp). In his recent book Shop Class as Soulcraft, Matthew Crawford, AM ’92 PhD ’00, gives a critique of what our Smithian culture defines as worthwhile work. His innovation is in looking at work not as a means to an end but as an experience capable of great worth. Thinking in this way, altruism matters, but it is not the ultimate good. Nor does Crawford want to shuck the demands of the market—he instead advocates a slight corrective for the sake of our souls. His conclusion is that we should not demean the useful arts—electrical wiring, plumbing, automotive repair, for example—but rather celebrate them, as they are more valuable intrinsically and extrinsically than much of white collar work today. In his effort to revive the dignity of the manual trades, Crawford makes Shop Class as Soulcraft the philosophical companion to Charles Murray’s case for trade schools in Real Education.

Crawford argues with anecdotes. His life of odd jobs and odder mentors manages to speak for the comparative dignity of the manual trades. He grew up on a commune,
worked as an electrician, graduated college with a degree in physics, took a job as a low-level “knowledge worker” in an educational resources company, received an MA and a PhD from the University of Chicago in political philosophy, and was an administrator for a Washington think-tank. Frustrated by the think-tank, Crawford used his available funds to start a motorcycle repair shop in Richmond, Virginia. Today he is also affiliated with a political philosophy institute at the University of Virginia.

A favorite anecdote concerns the educational resources company, where Crawford, fresh out of graduate school and ready to take up the work of intelligent people, had to read scholarly papers and write what was essentially an abstract—although not the one provided. The problem? His quota was so high he had to essentially stop thinking and just mechanize his mind, producing a poor and likely useless output. The work of the intelligent required no intelligence. What did his secondary education even add?

This story, along with a more sociological discussion, builds upon our perception of a lurking absurdity to contemporary office work. One need only be peripherally aware of a television show like “The Office” in order to sense the righteous grievances of the white-collar worker.

In this vein, Crawford also points out that we have become more passive and more dependent. Cars are made for idiots, hiding their finicky innards; appliances require esoteric screwdrivers so we cannot make a futile attempt to fix them. This is a sort of soft despotism, a self-inflicted “enervation of judgment and erosion of the independent spirit.” The enervation extends from the household to the workplace, where cheap thrills like pajama day are common motivating tools. Here is a taste of Crawford’s insight on the subject:

The rise of “teamwork” has made it difficult to trace individual responsibility, and opened ways for new and uncanny modes of manipulation of workers by managers, who now appear in the guise of therapists or life coaches. Managers themselves inhabit a bewildering psychic landscape, and are made anxious by the vague imperatives they must answer to. The college student interviews for a job as a knowledge worker, and finds that the corporate recruiter never asked him about his grades and doesn’t care what he majored in. He senses that what is demanded of him is not knowledge but rather that he project a certain kind of personality, an affable compliance.

So if this enervation is what’s so wrong with the knowledge-working world, what’s so right with the world of grease, grime, and spit? Quite simply, the latter is the one that best approximates the philosophic, contemplative life. The learned manual trades as Crawford has known them are realms of thinking inquiry into a fixed reality with objective standards, all while buttressed by the company of friends. He is leading us to believe that if Socrates was alive today he would be more likely to change our oil than chair our university’s philosophy department.

Manual work, Crawford maintains, is intellectually engaging. Our artifacts have obstacles and our machines have malfunctions. Practical wisdom derived from considerable experience is employed in tweaking this item or solving that problem, wisdom which can never be fully broken down into troubleshooting instructions. Manual work requires judgment, a judgment constantly matched by objective challenges. The carpenter’s level provides instantaneous feedback, while the chirpy boss’ commendations may be the cheap praise of a sensitivity training graduate. The key is the existence of external, uncontrived metrics like a patient’s health or a bike’s balance. Working subject to a world definitely not of our creation also deflates our potential narcissism. This is meaningful work because it is freeing work. We are having an honest interaction with the nature of things, without the contrivances of the modern workplace and away from the company of sophist managers. In this sense, the tradesman is like the philosopher who is not fooled by the shadow puppets of Plato’s Cave.

Crawford avoids nostalgic pedantry about simpler times or the logic of alienation. He even takes on the economic arguments. The jobs that will never be outsourced are not service sector jobs but jobs in which the product cannot be sent through a wire. Practical wisdom has not even been nearly replicated by robots—we will still need humans to fix things. Nor does Crawford abandon prudence and follow his argument to its logical conclusions, which would undermine the system of supply and demand. Rather, he speaks of finding cracks in the market like his motorcycle shop where such trades are profitable and refunding shop class and trade schools. He is not leading the Repairman’s Revolution but is merely saying, “Repair is nice work, if you can get it.” One must wonder, of course, how many more tradesmen our economy could provide for. To do so requires reverting back to economistic thinking about the ends of work. Crawford’s motorcycle repair is an industry that exists because people desire the thrill of a motorcycle ride; do we not need more thrill-seekers in order to have more Crawfords?

Shop Class as Soulcraft is really an argument for shades of the philosophic life and against assembly-line-ism. The problem with so-called “knowledge work” in the white-collar service industry, aside from the lack of objective standards, is that it breaks up knowledge into rules, laws, and formulae. It never asks for judgment or skill and it presumes creativity is an amorphous result of sixteen years of education when creativity is really a byproduct of mastery. And mastery is only possible
when the poorly-wrought veil of procedural instructions is lifted from the object.

The assembly line, of course, has helped to produce immense human prosperity. So Crawford challenges us: at what cost to our prosperity are we willing to compromise the dignity of our work? The two are hard to reconcile, but this is not the final thrust of the argument. Rather, he implies at various points that the removal of judgment from white collar work is not reflected in the market value of the work. What use is a formulaic summary of a scholarly article when there is an abstract? If Crawford is right then we are actually employing our brains not just poorly but inefficiently—maybe the market will correct for it. This may already be happening—Wikipedia has found labor because it gives an opportunity for talented people to use judgment, work independent of corporate directives, and generate a tangible product that can be reviewed objectively. Wikipedia has, in turn, found consumers (and donors) because it uses its workers’ judgment to create something valuable. There is no reason why this would be limited to non-profits like Wikipedia. Knowledge work can have the components of the philosophic life that make the manual arts so nourishing—Wikipedia is just one example.

This brings us back to the topic of work in America. Maybe the market will self-correct and the Wikipedia model will beat out the model used by Crawford’s former employer. It would be for the good. The independence that is the nerve of American democracy should be present in how we spend the bulk of our time, working. We democrats should consider the meaning of our work for our independence and for our democracy. As Crawford implicitly points out, we would rather have a nation measuring itself against a carpenter’s level than hearing glib praise. We would also prefer a nation that practices and refines its capacity of judgment to a passive enervated one. A democracy can little stand a people who are not supposed to think. The question for a democracy is not whether we work for a non-profit, but whether the work we do is of soulful profit. Shop Class as Soulcraft is a small book that explores just that and, at its best, it leads us, whether we are destined for blue or white-collar work, to find in our workday the rubric of the philosophic life that so advantages a democratic citizen and a thinking, dignified human.

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Burning Down the House

A review of “The Kids Are All Right”

By Yiftach Ofek

The movie “The Kids Are All Right” presents an atypical family consisting of two married lesbian mothers raising two children, and was released at around the same time Judge Vaughn Walker overturned California’s Proposition 8. From a timing perspective, it could not have been better for the filmmakers, for it was immediately thrust into the public debate over same sex marriage. This was as intended, because—as I gathered from interviews with the director Lisa Cholodenko and the overwhelming majority of the reviews—the film also had a strong political statement: that by showing the public a two-mom family engaged in a supposedly “normal” marriage, with “normal” marriage highs and lows, the movie would alter perceptions, and this family model would gain more respectability. Because the film was placed so strongly within the context of the national debate, I approached it from that point of view. Yet by the end of the film, I was rather surprised by my conclusions. I realized that as pure entertainment, the movie is quite good. But as a political message, it is a failure. For if anything, this movie suggests not the normalcy of such a family, but rather, its dysfunctionality.

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The plot revolves around the relationship of high-strung, single-provider doctor Nic (Annette Bening) and free-spirited, New Age-inspired, low self-esteem landscape designer Jules (Julianne Moore). They have two kids: accomplished daughter Joni (Mia Wasikowska), who has just turned 18, graduated from high school and is about to start university; and the lost teenager, rebel-without-a-cause Laser (Josh Hutcherson). The two children were fathered by the same sperm donor, and so they are half-siblings to one another.

Despite the film's title, the kids are not alright. No one really is. Joni, despite her academic achievements, is unable to express her attraction to her best male friend. Laser, lacking a male role model, spends most of his time with his friend Clay, who encourages Laser to try out drugs and engage in minor violent activities. Meanwhile, the two mothers' relationship seems stagnant, and the two take out their frustrations on one another. For entertainment and sexual arousal, the mothers watch gay male porn, but it is obvious that even though in the past this might have "done the trick," the magic is long gone.

Things take an unexpected twist when daughter Joni turns 18, and she and her brother use her recently acquired legal adult status to contact their biological father through the sperm donation clinic. They opt to meet him, and the children and the father begin to get to know one another. When the mothers find this out, they too want to become acquainted with the formerly anonymous donor (mostly out of fear of losing their authority). The father, Paul (Mark Ruffalo), grows organic food and owns a restaurant, rides a motorcycle, and, until he meets his children, seems to enjoy the frivolous life of an uncommitted bachelor. He is invited to lunch, and when he hears that Jules is a landscape designer asks her to take up his backyard. She agrees, and the two soon start a romantic, sexual relationship.

As can be expected, this development has a negative effect on the lesbian couple. But it has a positive effect on Jules, Paul, and, most importantly, the children. For the first time, they are all right. Jules seems to be happy for the first time in a long while. She is more satisfied sexually with Paul than she was with Nic. She becomes more assertive and independent, firing her assistant gardener in a frenzy of self-confidence. As for Paul, the meeting with his children brings out the father in him. He wants to spend time with them, takes an interest in their lives, wants them to get to know him better, gives them advice, and upon realizing that he is falling in love with Jules, ends his relationship with his "friend with benefits" in pursuit of settling down. The children, finally having a male role model to look up to, begin resolving their emotional problems. Joni finally expresses her repressed feelings towards her love interest, and Laser ends his friendship with the troubled and dangerous Clay. The positive transformation undergone by all (except for Nic) stands out in marked contrast to the previous banality and ongoing strain of their previous lives.

Yet when Paul and Jules’ affair is discovered, things begin to fall apart. Paul offers Jules the option of coupling with him, but Jules turns her back on the possibility of a serious heterosexual relationship and the family model that would accompany it. Instead, she chooses to make amends with Nic and her previous lifestyle, with the two mothers’ relationship

"If the movie was supposed to evoke empathy for same-sex families, it really fails to do so.”

and sexually unsatisfying as it was before? Are we really to believe that such a relationship is indeed to be preferred? Is this the normalcy the filmmakers are trying to promote?

After the exposure, Paul is treated as a villain. His children cut relations with him. He loses both his love interest and his newly-acquired status as a father. He becomes the scapegoat for all that was going wrong in that family. And it is unclear why he should suffer such a fate. He brought positivity, and—dare I say—normalcy into the home, something very obviously missing. If the movie was supposed to evoke empathy for same-sex families, it really fails to do so. Sympathy lies squarely on Paul’s side. The positive effects that Paul has had on the family seem to have been excluded from consideration in the writing of the film’s conclusion, and the “Happily Ever After” that is offered is therefore hard to fathom. This is why the film fails in my opinion as a political message. If there is a political message to this movie, it is definitely not that same-sex marriages are good, but quite the opposite.

On the subject of acting, however, the cast does a (mostly) superb job at conveying the characters. Applause for the young Mia Wasikowska is especially deserving. The only exception is Mark Ruffalo, who gives an uncharacteristically flawed performance in trying to portray his persona as aloof. He never really is, and it shows.

Thumbs up also for the choice of music on the soundtrack. It contributes greatly to the film’s easy-ride and entertainment value, and entertaining it most certainly is. But perception-altering? Not for this viewer.
Ten Lessons For the Tea Party
Advice From a Friend
By K. Paul Dueck

The Tea Party movement that arose towards the end of last year has many observers in modern political life. Indeed, it is scarcely possible to open any magazine or newspaper without encountering some brave worthy ready to tell you who the Tea Party is (either dangerous radicals or noble patriots) what motivates them (mostly racism or the values of the American founding) and what effect they will have politically on the 2010 elections – a huge one. But in spite of all those who watch it or rush to ally themselves with it, the Tea Party has few friends. Yet one of the things the Tea Party needs is friendship: it needs friends who will value it for what it is while pointing it towards its better self.

So we arrive at this list, a set of 10 general lessons for the Tea Party from a friend who wants the movement to succeed without losing itself in the process.

1. Small Accomplishments are still Accomplishments

Whatever majorities the Republican Party may build in November (with the still smaller coalition of Tea Party Republicans), they will lack sufficient power in Washington to really change the direction of the nation. Especially with President Obama about to go into full campaign mode and the Republican presidential hopefuls set to gear up in January, the prospect of accomplishing really major change – like repealing ObamaCare – is going to be small. That’s okay, though. In fact, as long as the Tea Party is willing to internalize that fact, a Congress that takes seriously the business of administering government, over and above their symbolic actions, might well be the best possible thing for maintaining the strength of the Tea Party. Making government work better, by exposing those parts that can’t work at all, reducing discretionary spending, and investigating how the mammoth federal bureaucracies actually run are things that lie within the power of Congress, and are all places where the Tea Party can make a difference.

2. Politics is the Art of the Possible

I would be the first to hail a return to fiscal sanity, reducing federal spending to 2003 levels (adjusted for inflation), say, or placing entitlements programs upon some other foundation the a pyramid scheme. However, despite the strength of the Tea Party and the general revolt against the policies of President Obama, no really big policy changes look possible between now and 2012. But that doesn’t mean our response should be disengagement, or a quixotic government shut down. There are substantial policy goals that should be possible in the new Congress. For instance, removing the power to regulate greenhouse gases from the EPA has bipartisan support for instance.

Adopting this approach is also critical because when the nation has divided government the president has much greater ability than any other individual to drive the agenda. By not making unrealistic demands of the newly elected representatives, the Tea Party will give new members of Congress the opportunity to capitalize on the momentum of this election and actually accomplish many of the specific limited objectives that lie within their reach.

3. Politics is about Compromises.

Newly elected conservatives are going to have to make compromises not just compromises on policy, though if they plan to have Obama sign anything controversial they will have to make those too, but also the more typical deal making that happens in Congress. Want to change the way that the government subsidizes agriculture? Conservatives have to be ready to make deals (or at least vote for deals made by others), to protect the constituents of other members of Congress. Without endorsing special earmarks and the corruption they bring to our politics, Tea Partiers have to recognize that the business of government isn’t pure. Sure, we can build a coalition for better tax policy because we can demonstrate that it actually is better, but one of the quirks of a representative democracy is that we’re only going

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to enact that better tax policy when we see that it is okay to institute a phase in plan for the largest employer in Congressmen Such and Such’s district. Now, there are good deals and bad ones, and good legislating has a lot to do with making wise deals, but the Tea Party won’t accomplish any of its goals if not making any such deals becomes a litmus test.

4. **You Can’t let your Reach Exceed your Grasp**

Of the ghosts of political movements past, one that should give the Tea Party pause is the movement that coalesced around President Obama in 2008. That coalition, especially the new voters who made it different from past electorates, disappeared in the last two years. One of the primary reasons is that the President used his 53% coalition to force through a massive restructuring of the American health care system. In the end, the disappearance of the 2008 majority shows the danger of trying to implement major policy changes upon electoral victories based on sentiment. When all you have, as an electoral coalition, is national agreement that what we are doing now doesn’t work, it is important to remember that you don’t have an agreement that your policies are the solution. What a majority based on sentiment, the likely result of the 2010 midterms, gives you is the opportunity to build support for your policies (running test programs, implementing all of your ‘easy sell’ policies, and generally showing you aren’t crazy).

Even if Tea Party candidates managed to attain electoral majorities large enough to accomplish everything they might wish to do, they shouldn’t try to. Rather this Congress should be about laying groundwork, setting a foundation by demonstrating to the American people that conservative policies work. The guiding example should be the NRA, which rather then fighting for a temporary legislative majority sought a way to transform the attitude of the public. It was by changing the attitude of the public, that the NRA made gun rights more secure than any law ever could. The Tea Party and its candidates need to be prepared to fight a similarly long battle over fiscal policy, and not try to attain a quick legislative fix that will be washed away in 2012.

5. **Stay on Target**

Shifting from the lessons for elected officials, to the lessons for individual Tea Partiers, we can see that one of the key dangers to the Tea Party in the next two years will be the coming presidential campaign. As the media cycle picks up and the distractions inevitably begin to spill out of Iowa and New Hampshire, maintaining focus on holding Washington accountable isn’t going to remain a spontaneous process. After the Republican gain seats in Congress, there will likely not be another TARP or health care debacle for people to respond to. For the Tea Party to continue to matter, current Tea Party members must maintain their focus on the legislative process. Whether that means identifying bad bills and calling on Congress to defeat them, or supporting conservative policies like DC’s school choice program and Paul Ryan’s budget plan, Tea Partiers need to remain focused on the issues that motivated them in the first place.

6. **Keep Learning**

One of the interesting things about the Tea Party has been the extent to which it has been an educating movement. Not only have hundreds of thousands of people rallied around the nation to fight spending, but they have also taken it upon themselves to read the Constitution, study history, and learn about their civic duties and heritage. This explosion of popular political education is one of the best things to come out of the Tea Party, and the one most likely to make a difference in the years to come. The Tea Party should continue to emphasize learning about America and about government in the years to come, particularly as it concerns economic policy. Milton Friedman’s Free to Choose is a great example of a book that is easy to read in segments, in a break from your real job, which demonstrates what sound economic policy looks like with specific case studies. One of the most inspiring aspects of the Tea Party is the substance it gives to the hope of a conservative mass politics more sophisticated than attack ads, but that dream relies on continuing the process of civic education that has been so much apart of the movement’s ethos to date.

7. **Stay Energized**

One of the most important reasons political movements fail is that they end up losing the fuel that drove them in the first place. When a group’s motivating concern vanishes, so do the motivated people who made the group exist in the first place, even if the problems that they grouped together to solve were never addressed. The movement against the Vietnam war is a really good example of this. While the anti-war movement purported to be against all sorts of problems in the world, like racism and imperialism, in practice the protesters showed up to protest because of the draft and the American casualties taking place in Vietnam. When the draft ended and American forces left South-East Asia, the anti-war movement that had so shaken the country disappeared – even though American grand strategy concerning communism and the Third World had not changed. More specifically, while American military and foreign policy did not pass through the fires of the Vietnam protests unchanged, the protesters disappeared before they were able to bring about any of the fundamental changes that they had demanded.

For the Tea Party is to avoid that fate, it must transform itself from a movement that derives its energy from dissatisfaction with the bad economic climate, to one that is driven by a sense of the injustice of the Government using public money to pick winners and losers in the economy. Since the economy will almost certainly continue to grow at least somewhat in the near term, whatever anger aided the Tea Party in the last year will begin to dissipate. For the Tea Party to have more then a transient influence, then, will require that its members become committed more to changing the
structure of American government then expressing their disagreements with the current policy tide.

8. Know the Value of a Party
If the Tea Party is to change the structure of American government, then it must do more than just capture the Congress in 2010. Rather, like the New Deal coalition that emerged around FDR, it must find an enduring recipe for political success. Part of that success will inevitably depend on its interaction with the Republican Party. Though many Tea Partiers identify with the GOP, 63% according to a CATO survey, traditional Republicans (and traditional Republican issues) form only a part of the Tea Party ethos. Becoming part of the Republican Party, perhaps the force driving its future coalitions, will aid the Tea Party in accomplishing its goals in two ways. First, as an institution with roots that reach back to the Civil War, the GOP has a tremendous amount of expertise to share with Tea Partiers which will help them win elections and also accomplish things once they win. Attempting to generate an entirely parallel structure would not only be a ridiculous waste of energy, but would also ensure that the Tea Party never achieved the electoral victories that are the point of any American political movement. The second way in which the Republican Party is crucial to Tea Party success is rhetorical. It places the Tea Party in its proper place as a natural part of America’s longstanding conservative tradition, one that is neither crazy nor radical, but is essentially a reaffirmation of America’s basic political values. For almost the entire history of our Republic, not being crazy has been one of the fundamental tests for office, a test that the Tea Party can pass by rejecting (by means of primaries) some of its wilder voices and by winning the support of the wider circle of conservatives. If the Tea Party is to be remembered as a constructive element in our political history, it must also be remembered as a new flowering of conservatism not a mutant malignancy.

9. Recognize the Failures of a Party
Paradoxically, the association with the Republican Party will also hurt the Tea Party. The GOP, for all its many glories, isn’t perfect. Its long history and broad reach have ensured that there are many episodes that Tea Partiers can point to as real failures. Further, there will be many dimensions of the Republican Party that will, on account of their long history and deep entrenchment, fight any attempt by the Tea Party to change the status quo. Moreover, the stronger the Tea Party becomes, the more the corrupting forces that act upon political parties will intensify. Because, in the end, a political party is a tool for gaining political power, the longer that power remains concentrated the more the forces that merely desire power will coalesce around it. The Tea Party can never become simply about electing the Republican Party’s candidates, or ensuring that the Republican Party ‘wins’ each news cycle. Both reduce the Tea Party’s driving vision of a smaller and more perfect union from its proper place as the conductor of our political action, to the servant of more self-interested goals. Balancing the danger of entrenched interests against the need for stability requires that the Tea Party walk a careful balance in its relationship with the GOP. To do so successfully will require that the Tea Party not lose its impendent character as it becomes part of the wider Republican coalition.

10. Move the Field, not the Line of Scrimmage.
What separates the enduring political coalitions from the ephemeral ones in American politics is that the enduring ones reshape the way the public thinks about policy to the extent that their ideas become the new normal. As the New Deal made Social Security an untouchable given or the Reagan Revolution banished forever the days of 70% marginal income taxes, so too can the Tea Party change the political landscape. The Tea Party can make great progress toward that end, even while Barack Obama remains president. While the truly important tasks probably depend on the outcome of the 2012 elections, and repealing Obamacare or putting entitlements on a sound footing probably demand a new president, there are plenty of things that a Tea Party Congress can do in the short term. Two important initiatives might serve as examples. First, Congress can do much to ease the jobs of entrepreneurs and small to mid-size companies. Accounting and licensing burdens can be lightened, and the tax process simplified. Large corporations with dedicated lobbying teams work hard to ensure that the government aids them in establishing barriers to entry that end up hurting everyone. An aggressive Tea Party Congress can change that. Even greater changes might be accomplished at the state level. Second, Congress can help put people back to work by rewriting the Civil Rights Act to make it easier for businesses to test their applicants. Such a process might help to make the employment market a truer market, where employers can look for precisely their type of applicant and job seekers can more clearly understand what they need to do to find the job they want. Other ideas, like say an X Prize for energy technology, are all well within the reach of a Tea Party Congress. In the long term though, the Tea Party needs to develop policy proposals that help solve the needs of the American People (say for instance making job loss less terrifying) in the spirit of the principles that make the Tea Party what it is. Only once the ground has been prepared, legislating productively and well, energizing and educating the American people, building a strong party, and rallying all of them behind a new vision of how the government should work and relate to the people, can a real transformative victory be one.  

Counterpoint
A well-instructed people alone can be permanently a free people.

- James Madison

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