A Symposium on the Constitution

Paul Ryan and the Entitlement Crisis
Citizens United v. FEC
Dinesh D’Souza’s “2016”
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Incidents on 57th Street

November saw tensions escalate between Israel and Hamas in the Gaza Strip. Though peace is the ultimate goal, it should not go unrecognized that this conflict is not strictly a battle between Jews and Arabs. Rather, it is a struggle between a liberal democracy that seeks to protect the rights of its whole citizenry—Muslims and Christians included—and a ruling party that acts on a premise of fanaticism instead of the best interest of its people. We have seen this scenario before, and President Kennedy offered a few wise words on it while in West Berlin in 1963. He said: “All free men, wherever they may live, are citizens of Berlin, and, therefore, as a free man, I take pride in the words, ‘Ich bin ein Berliner!’” It is clear that Berlin’s time has passed; all free men, now, wherever they may live, are citizens of Israel. Kennedy’s words ring true: as free people, we must take pride in the words, “Ani Yisraeli!”

This year marks the 25th anniversary of the release of the late University of Chicago professor Allan Bloom’s magnum opus, The Closing of the American Mind. Over the past year, publications ranging from The Weekly Standard to The New Yorker have published commemorations of this milestone, and we are thrilled to see such an educational classic still held in such high regard. Much of this regard, we might add, comes from Bloom’s continued relevance and applicability to the state of liberal education and youth culture. Bloom’s words, more often correct than not, sometimes fell on deaf ears: since the publication of the book and his death five years after, our University has cut the Core Curriculum down twice and added a variety of classes to the Core that hardly constitute liberal learning. But despite our University’s failures, we wish to note on this joyous occasion that Bloom, with all of the vigor, intellect, and culture that made him wonderful, is the man who showed many of us what liberal education was truly about and how we could find it amidst a sea of disenchantment.

While the staff of our journal is overwhelmingly disappointed with the results of this quarter’s presidential election, we can only hope that the seeds of statesmanship Barack Obama seemed to harbor during his campaign in 2008 will finally germinate and subsequently grow into the strong, effective leader that our nation desperately needs. Though we hope that this will occur soon, we are extremely doubtful that Obama will blossom. Indeed, it did not take Lincoln or Churchill so long to reveal their stately powers! We expect our nation’s most pressing problems (which hardly amount to a fissure in the Union or the rise of the Nazis) to remained unsolved. We eagerly await 2016.

The College never ceases to keep us guessing as to how they will next water down our education. While the former PE requirement was not in the spirit of “sound mind, sound body” educational principles, the correct reaction was not to eliminate the requirement entirely, but rather to rigidify it. Lest we forget that the philosopher-kings in Plato’s Republic were first and foremost finely chiseled Greek warriors, the College ought to have scrapped the PE test altogether and then instituted a “one PE class per year” minimum (or something similar) for all students in the College, regardless of prior athletic aptitude. This would communicate to students that an education of the mind must be conducted alongside an education of the body, and that educating the body briefly, if at all, is decidedly insufficient.
The Kurdish Issue

The Left’s Inconsistent Advocation ofEthnic Rights

By Nicholas Saffran

This article will focus on a neglected, persecuted, and ostracized ethnic group. They were the victims of western partition after World War I and were made promises by Woodrow Wilson and other western statesmen that were never kept. As members of the largest ethnic group in the world which lacks its own state, these people have seen their national ambitions trampled on, their culture banned, and their loved ones slaughtered in ruthless genocides committed by autocratic leaders in the Middle East.

Most college students today would see the above facts as motivations to pick up a book by Noam Chomsky or John Mearsheimer, don a progressive t-shirt, and support the struggle to “divest from Israel.” After all, the left has for some time fought for the right of small peoples to national self-determination, as this is a value entirely in line with the larger liberal tradition. But this once-noble tradition seems to be selectively applied: more favor is placed on some ethnic groups—such as the Palestinians, who chose to elect a terrorist organization to govern Gaza—than others, such as the Kurdish people. All the above statements apply to the Kurds, and they have long been known as the people “who have no friends.”

Conservatives such as George W. Bush and Mitt Romney fully support a two-state solution to the Israel-Palestine conflict. Yet most of the American right, like George W. Bush and Mitt Romney but unlike the vast majority of the political left, supported and still stand behind the 2003 campaign to oust a man responsible for the inhuman genocide of the Kurdish people. These two positions would seem to stem from one common principle: all reasonable efforts should be taken to ensure the right to self-determination of peoples and the US, as the world’s only remaining superpower, has an integral role to play in upholding this value on the world stage.

This principle provides the logic behind most campaigns for Palestinian rights, such as the push for statehood and the calls for boycotts of the Israeli “oppressors.” Yet calls for divestment from Turkey, a US ally and known oppressor of Kurdish people, are curiously lacking. Why the hesitancy on the left to intervene in Syria, another country known for poor treatment of its ethnic minorities? And most importantly of all, why the vehement opposition to the use of American and NATO military force to prevent the complete eradication of the Kurdish people in the north of Iraq, or to depose the dictator responsible for this unspeakable crime?

Of course, not much evidentiary support need be given to the assertion that the majority of the left was opposed to the 2003 liberation of Iraq. But what must be pointed out is the obvious irony that this position carries for the political side which claimed the moral high ground for its consistent opposition to all forms of fascism and authoritarianism throughout the Cold War. As polemicist (and committed liberal) Nick Cohen remarks in his critique of the modern left, What’s Left?, “On 15 February 2003 about a million liberal-minded people marched through London to oppose the overthrow of a fascist regime.” The irony becomes even more palpable when one considers that, throughout Saddam’s regime, one group consistently struggling for regime change was the Kurdish Democratic Party, which contained numerous leftists and socialists. Who, after the disbandment of the international socialist movement, would have expected the neo-conservative right to become the only true ally of socialists in the Middle East?

It should also be noted that Jalal Talabani, a notable and socialist-leaning member of the KDP, became Iraq’s first ever democratically elected President after the ouster of Saddam Hussein was complete. Consider the significance of this; a member of an ethnic group which, a mere 14 years earlier, had been assaulted with weapons of mass destruction by its own government was now leading that same government in a new age of democracy, liberalism and, for what it’s worth, leftist economic policies. Yet the left seemed too overwhelmed with anger at the “imperialism” of President Bush to give this event
The incongruity can also be seen beyond Iraq. Most readers will remember the 2010 Gaza flotilla raid, in which Israeli commandos boarded two ships in an attempt to break the naval blockade of the Gaza strip, and killed eight Turkish citizens in the violence that ensued. In response, the Turkish government expelled its Israeli ambassadors and severed all diplomatic ties with Israel. Unsurprisingly, the majority of the modern left sided with the Turkish government. Yet the human rights record of the Turks is highly suspect. There also have been a small but significant number of Kurds residing in Turkey; although Kurds in Turkey have not been subject to genocide like the Iraqi Kurds were, it is an understatement to say they’ve been treated poorly. Their language, flag, and music have all been banned by the Turkish government in an effort to squash any form of Kurdish patriotism or nationalism. There remains the matter of Turkey’s persistent refusal to acknowledge the genocide it perpetrated in Armenia, and the even more repugnant decision to make illegal the mere mentioning of the Armenian genocide, must be noted here. Is the left really going to allow Turkey—with all these faults in the human rights category—become a standard bearer for the rights of small peoples in the Middle East?

Two explanations for this apparent incongruity immediately come to mind, neither of which must necessarily include the accusation of Anti-semitism and the irrational hatred towards Israel that unfailingly accompanies it. In isolated cases, however, anti-Semitism may prove to be the culprit.

The first explanation has to do with the tactics of the Palestinian resistance as compared with that of the Kurdish resistance. As was mentioned earlier, Saddam Hussein did have several persistent—and armed—opponents to his regime, most notably the peshmerga (translated literally as “those who face death”). These brave fighters always did fight against Saddam, but what they chose not to do was to take the cowardly and reprehensible route of attacking innocent civilians in order to achieve political goals. Compare this to the tactics of Hamas, which is known for its propensity to fire crudely made missiles at Israeli schools and hospitals. This is not to say that the left explicitly sides with those who utilize terrorism, which would be frivolous and unfair. But, as the old saying goes, no publicity (something which Hamas and similar groups inevitably achieved) is bad publicity. Ironically enough, by forcing themselves onto television screens, even for reprehensible acts, Hamas and its allies also force themselves and their “struggle” into the psyche of westerners, thus making them an easy target for a political campaign in their favor. This is an advantage which the largely peaceful Kurds simply did not have.

The preceding explanation, however, only makes sense when combined with a particular worldview that sees terrorist activity not as the manifestations of religious extremism, but as an understandable and logical response to poor living conditions and Western imperialism. Unfortunately, due to the influence of thinkers like Noam Chomsky and Michael Moore, sympathy for terrorists has become a popular view within certain segments of the modern progressive movement. In short, many individuals hold an implicit and tacit assumption that the US and other Western nations must be responsible in some way for the worst atrocities in the world, thus yielding the pernicious and nihilistic idea that the US got what was coming to it on 9/11 because America’s foreign policy laid the roots of its destruction. Thus it becomes obvious why the Palestinians have received the majority of support from today’s progressives. The plight of the Kurds might be great, but their suffering has happened at the hands of people like Saddam Hussein and the Turkish government, whereas any offenses committed against the Palestinians have been the fault of the United States’ closest ally in the world.

Going forward, American conservatives who do support a two-state solution to the Israel Palestine conflict must be serious in their devotion to this cause, while simultaneously ensuring that Hamas’ terrorism is not rewarded in any way and that any government which is set up in an internationally recognized Palestine follows international norms concerning human rights. But, at the same time, and just as importantly, the US must not shy away from its moral duty to support other peoples across the world who find themselves victimized at the hands of ruthless governments. Perhaps most importantly, the United States should never apologize for having liberated one ethnic group in particular, one which will now have a chance at a democratic future in a region which knows little other than autocracy.

Nicholas Saffran is a first year in the College.

The Kurdish Issue: Autumn 2012
Reevaluating Higher Education

Why College is Not for Everyone

By Michelle Rodriguez

As few jobs are available and 12.3 million remain unemployed, a record number of Americans are turning to college to better their chances for gaining employment. President Obama and Secretary of Education Arne Duncan have strongly emphasized the importance of attending college and have made accessibility a central goal. But as tuition prices rise, appropriations for higher education decrease, quality of education fluctuates, and outstanding student loan debt surpasses $1 trillion, the question must be raised: should so many Americans be going to college? Should government continue to encourage all to attend universities and pursue college degrees?

The Department of Labor reported that in 2012, 62% of jobs required higher education. Notice that this statistic does not claim that these jobs require “college degrees” but instead the more vague “higher education”. This distinction is made because the two terms are not synonymous; college is only one of a variety of forms of higher education.

Education beyond that received in high school is considered higher education. This includes associate’s, bachelor’s, and graduate degrees, as well as study at trade schools, vocational schools, career centers, and certification programs such as those for aviation or religious ministry. Most types of higher education tend to be career-specific, providing concentrated knowledge and skills necessary for a particular field. These forms of higher education usually take less time to complete, cost less, and are more career-focused than college degrees. College, on the other hand, is overly broad, and despite brimming with superfluous content it remains the most commonly pursued type of higher education.

In order to understand college and exactly what it provides, it is necessary to unbundle the college experience and disaggregate its components. The college experience is much more than four years of concentrated education in one narrowly defined field. Michael Staton, a leading figure in current higher education policy negotiations, has dissolved the college experience into twelve components:

- The Content Loop
  - Content authoring and production
  - Content transfer
  - Content pathways and sequencing
- Access to Opportunities:
  - A signal of achievement velocity
  - A credential of accepted value
  - An affiliate network
- Meta-Content and Skills:
  - Models of thinking and doing
  - Performance feedback leading to mastery
  - Enduring mentorship, coaching, apprenticeship, and supervision
- A Transformative Experience
  - A rite of passage
  - A personal platform
  - A culture of personal exploration

Some of these categories are more cryptically titled than others, but in summation the experience provides access to exclusive information, opportunities, skills and training, socialization, and personal development. A college degree is as much a credential honoring an individual’s attainment of certain social and critical thinking skills as it is a signal of mastery of a subject.

College provides a unique and excellent opportunity for intellectual and social growth. Unfortunately, most of those who attend college are not interested in many of Staton’s twelve components. The Higher Education Research Institute conducts a survey each year of a large pool of college freshman. One of the questions asked concerns the reason why each student is attending college. In 2011, the survey found that out of the 203,967 students polled, 85.9 percent were attending...
so that they could secure a better job after graduation. While college does provide further education and career training, it certainly does not guarantee admittance into any sector or level of the workforce; 53% of bachelor's degree holders under 25 were unemployed or underemployed in 2011. College is a variety of higher education which provides much more than what most of its attendees are seeking; this situation is often to the disadvantage of college students because it consumes several years of an individual's life and costs an exceptionally large sum of money.

If college is not the ideal type of higher education for the average pursuit of higher education and brings with it high costs both financially and temporally, one cannot help but wonder why it still remains the most common form of post-secondary education pursued. One convincing answer is that government emphasis on college education has overshadowed other and more logical types of higher education.

President Barack Obama and Secretary of Education Arne Duncan have made accessibility to college a priority of the administration in recent years. A January 2012 White House press release described the effort: “In today's global economy, a college education is no longer just a privilege for some, but rather a prerequisite for all. To reach a national goal of leading the world with the highest share of college graduates by 2020, we must make college more affordable.” The Obama administration has created the Race to the Top competition to encourage colleges to keep costs low, pursued the creation of a College Scorecard to easily provide high school students and families information about colleges, and reformed the student loan system so that all can afford the high costs of college. These programs emphasize and inform students about two- and four-year colleges; they do not attempt to present other higher education options, causing many to not realize that other options exist.

Because other varieties of higher education are not as publicly supported and acclaimed, society tends to undervalue these alternatives or ignore them altogether. Lack of information about and public trust in non-college higher education options prevents employers from more readily accepting applicants with these qualifications. This result obviously discourages even more students from pursuing non-traditional forms of higher education.

The numbers of students currently attending college are higher than ever: in 1980, 8,581,000 students were enrolled, compared to 20,523,000 enrolled in 2009. This, frankly, is too many: many more students begin attending college than actually want all or even most of the components of the college degree. As a result, dropout rates are abysmally high: only 77.1% of first-year college students pursuing bachelor's degrees return for their second year, and only 55.5% of students pursuing bachelor's degrees graduate within six years. As a result of both the high numbers of students dropping out of college and the increased time students are taking to complete degrees, student loan debt has skyrocketed, surpassing $1 trillion in the spring of 2012.

Colleges themselves are also feeling the effects of the unsustainable levels of college enrollment. Pressures from students and the government to keep tuition prices low are forcing colleges to cut programs and hunt for alternative funding as appropriations for higher education continue to decrease.

Not only do Americans as a society value education, higher education is becoming increasingly necessary for admittance into many levels of the workforce. It is important that both our government and society begin emphasizing and providing potential applicants with information about non-traditional forms of higher education. Students should be encouraged to choose the type of higher education which best suits their needs instead of settling for the government-induced norm. While higher education is potentially for everyone, college most certainly, is not.
Paul Ryan and the Entitlement Crisis

Why Ryan is the New Face of the American Right

By Jeremy Sawyer

In his personality and his approach to life, Paul Ryan represents the best of the conservative movement. His ability to forgo radical policy prescriptions and instead present incremental solutions represents the nation’s greatest hope for transcending partisan gridlock and passing substantive reforms on pressing issues. Ryan’s disdain for rhetorical flourish and brash, controversial statements in favor of calm explanation will help the Republican Party win increasing numbers of non-ideological voters in the future.

Though Paul Ryan is the figurehead of the right in America’s most recent clashes over the size of government, which so heatedly divide Americans, he nevertheless remains an unassuming character. Everything about Ryan brings to mind the common man; he, like so many Americans, is an active, friendly staple of the communities to which he belongs—both large and small. He speaks in famously calm, measured tones even when discussing contentious issues that nobody doubts are near and dear to his heart. Though the Midwest has been the epicenter of intense ideological fights—namely regarding collective bargaining rights, which have embroiled communities seemingly overnight—Ryan has epitomized the spirit of the “Midwestern nice” attitude that the region is known for. He is never one to boast of his achievements, despite his meteoric rise to national prominence.

Ryan is a man who has always been known as profoundly serious, dating back to his days as a student at Miami University in Ohio. He became interested in politics and policy at a young age when he was introduced to libertarian thinkers such as Milton Friedman and Friedrich Hayek. Ryan, who prefers to spend his time crafting serious solutions to the country’s fiscal problems rather than pandering, tends to assume his fellow politicians are similarly altruistic. It is this attitude that led him to see in President Obama a willing partner in the fight to shrink the national deficit. But Ryan’s good faith was crushed when Obama sharply criticized his budget proposal in an April 2011 speech at which Ryan sat in the front row, suggesting the Congressman’s priorities favored the nation’s wealthiest citizens over struggling senior citizens and lower-income Americans.

One of Congressman Ryan’s greatest virtues is his laser-like focus on the most important issues. On the campaign trail with Governor Romney, he proved to be surprisingly adept at adopting the campaign’s talking points and delivering them with remarkable emphasis. This single-mindedness has aided in the bringing about of Ryan’s impressive rise. He claims, correctly, that it is far superior for a member of Congress to become an expert in one area than to attempt to be a generalist who is knowledgeable about the entirety of America’s political policy. By studying the federal government’s balance sheets meticulously, Ryan has decidedly become the foremost expert in Congress on fiscal issues.

Ryan is therefore a rare politician in that he is more comfortable analyzing numbers than delivering rhetoric-heavy speeches. Perhaps this because, unlike many current politicians who spent their formative years writing speeches or organizing communities, Ryan began his career at Empower America, a think tank that was the brainchild of former Congressman Jack Kemp. Ryan therefore has come into his own as a public speaker only recently, and his aptitude has quickly grown to such a degree that he is able to dispatch spurious claims against his ideas with ease, as is evident in the vice-presidential debate when Ryan held his own against Joe Biden, an accomplished debater. But because he is known for numbers-crunching to an extent that no liberal lawmaker is, Ryan affirms his party’s narrative that Republicans think more seriously about how to reduce the deficit and achieve growth.

A crucial aspect of Congressman Ryan that has gone largely unexamined prior to the presidential campaign is...
his Catholic faith. He is a man with a strong belief in God that guides the way in which he lives his life and, on occasion, the way in which he approaches policy. While some on the left attempt to reduce Ryan's faith to zealotry owing to his strong stance regarding abortion, the label has not stuck, and with good reason. The public knows instinctively that religious fanaticism and the thoughtful, polite man who has spent his life studying government spending and taxation are incompatible. While Congressman Ryan's faith motivates him and drives him forward, it is barely part of the image that he projects to the world. He rarely mentions his Catholicism unless he is asked about it, and often pivots back to economic issues. The low-key nature of Ryan's belief in a higher power is largely what makes it so inoffensive to a majority of Americans.

Congressman Ryan's detractors are fond of pointing out that he has listed the libertarian writer Ayn Rand as an intellectual influence. And if the Congressman were in fact primarily guided by Rand's philosophy of objectivism, his suitability for leading the country would legitimately be in question. Objectivism, which posits the supremacy of the individual to the point of excluding the influence of society, is not compatible with the governance of the United States in the 21st century. Yet an examination of the moderation of Ryan's words, actions, and policies show the description of the Congressman as a wild-eyed Randian to be wholly inaccurate.

In no area is the unique genius and expertise of Congressman Ryan more valuable than entitlement reform. Labeled the “third rail of American politics” because of its vaunted connection with the jettisoning of incumbent politicians who attempt to achieve it, substantive entitlement reform is closer to becoming a reality than it has been in decades. This situation is a direct result of the work that Ryan has done in Congress over the past several years. He has worked with allies, including Democrats, to develop innovative, moderate solutions. Perhaps more importantly, Congressman Ryan has been relentless in educating the public and lawmakers on the crisis of entitlement spending and how it can be averted.

Of the three entitlement programs that are driving the United States into bankruptcy, Medicare is the most urgently in need of reform. The healthcare program for senior citizens is running out of funds rapidly. The Medicare Trust Fund is set to exhaust itself by 2024, at which point the program will begin to hemorrhage money. One of the fundamental root causes of Medicare's insolvency is the aging of America's Baby Boomer generation. Enrollment in the healthcare program for senior citizens is projected to rise from 48 million in 2010 to 80 million in 2030. Simultaneously, birth rates in America are lower than they have ever been.

The rapid rise in beneficiaries that is set to occur in the absence of policy changes will not be matched by a corresponding increase in the number of workers whose payroll taxes pay for senior citizens' benefits. New beneficiaries are projected to grow at a rate of more than three times the rate of growth of new workers. As a result, the stability of a system in which each beneficiary is supported by 3.4 workers will collapse over the coming two decades as the ratio in 2030 will be one beneficiary for every 2.3 workers.

At the same time, the cost of medical care appears to be spiraling beyond the control of politicians. The Centers for Medicare and Medicaid Services project the cost of new beneficiaries to be $7,700 annually and rising. Not all drivers of the high cost of care are negative. The cost of care is partially the price that Americans pay in exchange for the introduction of new medical technology. Every year, new treatments are developed, with varying effectiveness.

Additionally, a large portion of medical spending in the United States is directed to end of life care. Beneficiaries who die in a given year have consistently represented over 10 percent of the total cost of the program. This situation persists despite the relatively low level of correlation between the amount spent on care at the end of a patient’s life and the quality of his or her life. Despite massive spending, patients are still often unable to exercise true choice at this stage of their lives.

Spending on Medicare is higher than in the private sector in part because consumers are insulated from the costs of the care they consume. There exists no incentive for consumers to make a decision to keep costs down when the government will cover a treatment. Any savings that an individual may achieve will not accrue to him in any way.

The American left has failed to answer the clarion call of the Medicare crisis. The best of liberal think tanks have failed to produce a plan that the left could rally around. On this issue, American liberalism has become reactionary to the point of extremism. The Democratic Party’s official position has been and remains that all major aspects of the Medicare program must remain as they are, for the sole reason that they have been that way in the past. Who knew that Democratic leaders had been reading Burke so poorly?

The irony of the progressives’ unmatched rigidity on this issue is apparently lost on the self-styled defenders of the Medicare “guarantee.” The primary spokesman for the left on the Medicare issue has been the chairman of the Democratic National Committee, Congressman Debbie Wasserman Schultz of Florida. Wasserman Schultz is best known for making the rounds on cable
television declaring that Republicans “want to end Medicare as we know it.” Yet the ferocity with which the DNC chair and other prominent liberals attack on this issue is a poor substitute for an actual plan to solve the crisis.

He has been designing reforms to the system before it was considered acceptable to do so, beginning with a budget released in 2008, the Roadmap for America's Future Act. Paul Ryan’s approach to making Medicare solvent is entirely consistent with his personality and his approach to public policy. The first Medicare proposal of Paul Ryan's to gain significant influence was contained in the plan he co-authored with Democratic budget director Alice Rivlin, known as “Ryan-Rivlin.” Released in the aftermath of the 2010 midterm election, which brought a wave of conservative Republicans to Washington in response to the lack of spending restraint exercised by the Pelosi-Reid-Obama apparatus, the plan was moderate in nature while proposing reforms that would have shaken the status quo substantially. A major aspect of Ryan's plan consisted of gradually raising Medicare’s retirement age from 65 to 67 beginning in 2021. The change would occur at a rate of an additional two months per year until the retirement age reaches 67 in 2032. Additionally, Ryan-Rivlin would repeal the CLASS Act, a costly proposal to provide long-term insurance to senior citizens. Raising the retirement age for Medicare is far from a new idea, but it is a proposal desperate for a courageous politician to champion. When President Johnson signed Medicare into law in 1965, life expectancy in the United States was 66.8 for men and 73.7 for women. The purpose of the program was to provide a medical safety net for seniors at the very end of their lives. Today life expectancy is 76.2 for males and 81.3 for females. The program has become a fixture in the lives of Americans that persists for a long period of old age. With Americans in better health and thus able to work less physically demanding jobs until later periods in their lives, gradually raising the retirement age so as not to adversely affect any one group of retirees appears prudent, especially considering how far Medicare has departed from its original goals.

Most prominently, Ryan-Rivlin proposed a system of premium support that would replace the traditional Medicare fee-for-service model with a private insurance plan. Senior citizens would receive a voucher for the value of the average Medicare enrollee in 2012, adjusted for GDP growth plus one percent beginning in 2021. Additionally, changes would be made to Medicare cost-sharing requirements.

Premium support, in which Medicare beneficiaries are given a voucher with which to procure insurance, is at the core of Paul Ryan's plans to avert the Medicare crisis. Underlying the adaptation of premium support is the understanding that the market is more capable
of controlling costs than a legislature that has shown itself unwilling to follow through on the cost-cutting commitments it makes. It introduces the crucial, interrelated concepts of competition and choice to the market for health insurance. Under premium support, consumers can carefully research the range of plans available and choose the one that is best tailored to their needs. The premium support component of Ryan's Medicare reform efforts has always attracted the most attention, as it is the most susceptible to blatant demagoguery. Over the past months, the left has managed to establish the term “voucherize” as a pejorative attack. “Voucherizing” something means in this context to fundamentally transform it to the point of destruction.

Though it was designed to appeal to the fiscally conservative wing of the Democratic Party that purports to concern itself with the drivers of ballooning federal deficits and debt, Ryan-Rivlin was met with hostility by the vast majority of liberals and Democrats. While he has taken the lead on the Medicare issue, Ryan has acknowledged that in the current political climate it is next to impossible to achieve entitlement reform without presidential leadership. President Obama was unsurprisingly unwilling to support the plan produced by Ryan and Rivlin. With Democrats still in control of the Senate, the Medicare plan was banished to the purgatory of growth-oriented proposals in the age of Obama.

Recognizing that the dysfunction in Washington necessitated a further moderation of his already restrained plan to fix Medicare, Ryan sought to adopt modifications to his proposals to further mollify Democrats who had promised to uphold the Medicare “guarantee.” Ryan found a partner in non-conformist Democratic Senator Ron Wyden of Oregon, and they released “Guaranteed Choices to Strengthen Medicare and Health Security for All,” better known as “Ryan-Wyden,” in December 2011. Ryan-Wyden included several elements with little effect on savings, such as stronger consumer protections, indicating the extent to which the plan went beyond a wonky blueprint for cost reduction to become a full-fledged compromise that could have been negotiated by congressional leaders. It also contained proposals for means-testing benefits and providing increased support to low-income seniors.

Most prominently, Ryan-Wyden offers seniors the option of traditional fee-for-service Medicare alongside premium support. Under Ryan-Wyden, the various private insurance companies would bid alongside traditional Medicare to provide, at minimum, all the coverage offered by a traditional plan. The default plan would be the second-cheapest of the bidders, but the consumer would remain free to choose any of the other plans. Seniors would be compensated with the difference if they chose plans that were less expensive than the default, and they would pay out of pocket if they chose the most expensive option.

The premium support model in Ryan-Wyden is the best and most plausible solution for Medicare reform. It solves the classic problem of designing health care systems in which consumers are insulated from the cost of the care that they consume. Ryan-Wyden's premium support system is preferable to that of Ryan-Rivlin in the sense that it harnesses the power of choice and thereby directs the benefit of the consumer.

The rallying cry of the left against the Ryan-Wyden Medicare plan over the past months has been that it would unduly burden seniors by requiring them to pay significantly out of pocket. In particular, the number $6,400 per year has emerged as central to liberal rhetoric due to a study from the Center on Budget and Policy Priorities (CBPP). Yet it is worth examining the assumptions that underlie the claim that the Ryan-Wyden model will cause seniors to pay significantly out of pocket.

In stating that premium support under Ryan-Wyden would lead to the cost burden being shifted to seniors, it must first be assumed that seniors will opt to enroll in the traditional fee-for-service Medicare program. This assumption is clearly erroneous in many cases, because over the long term seniors will be able to compare the
effectiveness of different plans and make their own choices. While many may be more comfortable with traditional Medicare at first, private plans develop reputations for high quality over time.

Moreover, the cost-shifting claim assumes that traditional fee-for-service Medicare will always be the most expensive option, and by a large amount. The supposition that traditional Medicare cannot outbid private plans for the same services or even come close directly contradicts the assertion by the same observers that traditional Medicare in particular and government healthcare generally can compete effectively with private health insurance plans.

The ability of the Ryan-Wyden premium support model to contain costs has been confirmed by evidence. An August study in the Journal of American Medicine showed that if premium support had been in place in 2009, the second-cheapest Medicare Advantage plan would have cost nine percent less than traditional Medicare. Experts have noted that competition under Medicare Advantage is quite limited, so savings would likely be significantly greater if competition were implemented within the framework established by Ryan-Wyden.

Second to Medicare but quite pressing nevertheless is the issue of the rising cost of Medicaid. Federal spending on the program is projected to rise from roughly five percent of GDP today to nearly 10 percent in 2030; total annual costs of the program are set to shoot from $378.6 billion in 2009 to $804 billion in 2019. The CBO predicts that the federal share of the program will spike from $276 billion to $622 billion over the coming ten years. Given other fiscal conditions, the current path is unsustainable.

One reason behind the rise in Medicaid's cost is the burden that long-term care places on the program. Nursing homes are as expensive as $90,000 per year, and as a result 32 percent of Medicaid costs are devoted to long-term care. With Americans living longer as time passes, the cost of long-term care will continue to increase. Additionally, it is inevitable in such a large program that waste and fraud will factor into cost. Indeed, the improper payment rate for Medicare is greater than 10 percent, and annual waste is estimated at $33 billion according to Ryan's 2013 budget.

The joint federal-state design of the Medicaid program also incentivizes higher spending. States often find it advantageous to expand the program because they pay only slightly more than half of the cost, yet it is difficult for states to find significant savings because so many of the benefits from cuts accrue to the federal government. In addition, the ability of states to innovate and find solutions to cost-containment is hampered by the highly restrictive system currently in place. In order to achieve savings without violating federal mandates, many states must make serious cuts to reimbursement rates for doctors who see Medicaid patients. As a result, it becomes increasingly difficult for Medicaid patients to be treated by their preferred medical providers. Nationwide, only slightly more than half of doctors accept new Medicaid patients; less than one third of medical providers in Texas participate in the program.

On the issue of the Medicaid crisis, the left has passed on coming up with a realistic solution that would preserve the program by achieving significant cost-cutting. At a time when the program's insolvency is a major cause for alarm, the Affordable Care Act expands Medicaid eligibility to citizens below 65 earning less than 133 percent of the poverty line. The Centers for Medicare and Medicaid services estimate that this change will result in an additional 24 million Americans being enrolled in Medicaid by 2016, resulting in an increase of $164.3 billion in federal Medicaid spending over just the three years from 2014 to 2016. Moreover, even the future of the ACA's Medicaid expansion is in question after the Supreme Court struck part of it down in NFIB v. Sebelius, ruling that the federal government unconstitutionally coerced the states.

True to form, Paul Ryan has taken up the cause of Medicaid reform publicly and effectively. It was another key plank of the Roadmap for America's Future Act of 2008 that brought long-term fiscal issues to the forefront of the national conversation at a time when very few politicians were willing to discuss entitlement spending. Ryan-Rivlin brought proposed changes in Medicaid from the level of a right-wing research project to a widely publicized bipartisan venture. The proposals contained in Ryan-Rivlin demonstrated that Democrats who understand the virtues of federalism and flexibility can join with Republicans to support substantive reforms. The main idea around which Ryan-Rivlin's Medicaid reforms revolve is replacing the current system of categorical grants, which confines states to spending for narrowly defined purposes, with less restrictive block grants to the states. The size of the block grant would increase along with the growth in Medicaid enrollment and real GDP plus one percentage point. Block grants would allow states to determine program requirements and enrollment in ways that best fit their own unique needs. With coverage being expanded in a major way, states need to be able to eliminate waste from the rolls more than ever. Allowing states to determine how best to cut rolls is a superior alternative to the current trajectory of declining reimbursement rates that will soon force a critical mass of doctors to stop seeing Medicaid patients, preventing the neediest patients from receiving adequate
Moreover, block grants would have the virtue of turning an open-ended commitment on the part of the federal government to cover costs into a defined contribution of a lump sum. As Brian Blase of the Heritage Foundation notes, the federal government would thus be given a clear estimate of its Medicaid liabilities. The perverse incentive for states to expand coverage to as great of an extent as possible would be eliminated.

The final aspect of America’s three-pronged entitlement crisis is the Social Security system. Though Social Security is not running out of funds at the rate of federal healthcare programs, it is still on a troubling path. The year 2011 was the second consecutive year in which the program paid out more in benefits than it took in. The coffers of the Social Security Trust Fund are expected to be empty by the year 2033, three years earlier than was predicted in 2011.

The primary cause of Social Security insolvency is an aging population. As we have already noted, life expectancy has increased significantly over the decades since Social Security was first put into place. As retirees increase and workers decrease as a proportion of the population, pressure on the Social Security system will rise. At the same time as Americans are living longer, they are also retiring earlier. The average age of retirement has decreased from 69.6 in 1945 to 63.8 in 2009. Social Security was enacted in 1935, when there were 42 workers for every retiree, and today there are 2.8. The 2.9 million beneficiaries in 1950 have become 42 million today. Demographic trends in this area clearly require reform.

The best solution to the growing insolvency of the Social Security program that American progressivism has devised is a tax increase, which takes the form of eliminating the cap on income subject to Social Security taxes. The cap is slightly less than $114,000 for fiscal year 2013; lifting it would result in a massive tax increase that would have a severe impact on growth and quite possibly push the nation into recession.

Though he has come to be associated primarily with reform of federal healthcare programs, Paul Ryan has made Social Security reform a centerpiece of his fiscal blueprints. In the Roadmap for America’s Future Act of 2008, Ryan courageously resurrected personal savings accounts, an idea that failed in 2005 largely due to a failure on the part of the Bush Administration to adequately lay the groundwork for such a plan and a desire on the part of conservatives to move too far too quickly.

In the 2010 Roadmap, Ryan expanded on the idea by offering specifics. His plan called for Americans 55 and younger to begin being offered the option of contributing a portion of their Social Security payroll taxes to private accounts beginning in 2012, with 5.1 percentage points of the 12.4 percent payroll tax the maximum contribution once the accounts were fully phased in.

Additionally, the Roadmap employed progressive price indexing, which would alter the formula for the calculation of benefits. The current system determines benefits by adjusting them at the rate at which average wages rise during the period in which a retiree receives benefits. The 2010 Roadmap would preserve that adjustment formula for those earning less than $28,000 per year. However, it would adjust benefits to retirees who earn more than $28,000 annually using a formula that gives equal weight to the increase in average wages and the increase in average prices.

Finally, the 2010 Roadmap sought to increase the retirement age gradually. It would speed up the current transition from 65 to 67 by a year and incrementally increase the retirement age by one month every two years beginning in 2026 until the age reaches 70 around the year 2100.

Private retirement accounts are superior to the
current Social Security system because they give retirees a choice. Under a system that incorporated private accounts, access to the current structure and its 1-2 percent real rate of return would be preserved. The change would allow for workers to have access to much higher rates of return that come with slightly higher risks.

Adjusting the formula for calculating benefits is a common-sense solution that can be sold to the American people by adequately explaining the circumstances. At a time when a crucial program barrels toward insolvency, it no longer makes sense to grow benefits at roughly the same rate as the economy. The goal ought to be to preserve purchasing power, and as such, the cost of the average consumer’s basket of goods should be taken into account.

As with Medicare, increasing the retirement age for Social Security is a long-overdue solution that would keep the program solvent for many years. This reality has been recognized by reforms that are currently in the process of increasing the age from 65 to 67 over a long period of time. With the crisis of Social Security worsening rapidly, it is becoming necessary to accelerate and expand on these changes.

The consistent factor across Ryan’s plans to put entitlement spending on a sustainable path is moderation. Unlike many conservatives before him, Ryan accepts the welfare state and makes it his mission to preserve and strengthen it within a conservative framework.... The gradualism espoused by Ryan is the right approach largely because it is the only approach that can succeed legislatively."

The crisis, soon to be worsened by the implementation of the PPACA, will inevitably persuade a majority of Americans and some Democratic legislators that reform is necessary, but bright lines which moderates and liberals dare not cross will remain. It is thus essential that any proposed reform be moderate and gradual in nature.

Moreover, a moderate and gradual approach is one that will be most likely to produce the best public policy outcome. Conservatives such as Congressman Ryan are guided by the wisdom of Edmund Burke, the great Irish statesman. Burke was highly critical of the French Revolution’s radicalism, and articulated an alternative vision for change that remains the model for the American right: “We must all obey the great law of change. It is the most powerful law of nature, and the means perhaps of its conservation. All we can do, and that human wisdom can do, is to provide that the change shall proceed by insensible degrees.”

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In Defense of Citizens United

Faction and Pluralism in a Republican Regime

By Ramon Lopez

During his 2010 State of the Union address, President Obama took the unusual step of explicitly criticizing the Supreme Court for its then recent decision on Citizens United, claiming that the Court’s ruling would “open the floodgates of special interests…to spend without limit in our elections.” This sentiment has been echoed by many on the left who see Citizens United as allowing for the corruption of the political process, in which the rich and powerful come to dominate America’s political discourse.

By permitting corporations, unions, and independent political organizations to spend unlimited amounts of money on elections through political action committees, it is argued that the overwhelming money of special interests will undermine the voice of the American people. This decision’s potential for corrupting our democratic process is supposedly so great that many critics have gone as far as to call for a constitutional amendment to resolve the issue.

Various conservative writers have eloquently defended Citizens United’s constitutionality, though that case is ultimately made best in the decision itself. Rather than engaging with the judicial content of the decision, I aim to address the political and theoretical concerns of those who are troubled by its potential for corrupting the political process. These concerns should not be simply dismissed—a vibrant republic must maintain an open democratic process, as free from corruption as is reasonably possible. To better understand the dangers inherent in the democratic process, and the possible remedies to them, it seems wise to turn to the founding fathers for guidance. In particular, James Madison’s writings on the matter may be of great use, as perhaps no man has expended such quantity and quality of thought to the problems of republican governance.

Under a republican regime there is no single will that determines what course to take. The state is a public thing, to be shared by the citizens and participated in by a multitude of interests, giving rise to the conflict of factions and parties. Pluralism may be a condition of the human life, but its political impact is most apparent when a political community takes on a democratic character. While today the political acceptance of democracy is often considered to be a moral prerequisite of engaging in debate, to understand the potential flaws within the democratic nature of modern republics it might serve us well to consider those anti-democratic arguments to which Madison and the founders had to respond. By beginning with the beginning, at least in the American experience, we may find answers to our current predicament.

The problem inherent in sanctifying political pluralism through the democratic process is the apparent inability of interest to properly adjudicate what constitutes the common good and what is merely the good of a select group within society. Indeed, it is claimed that political justice is not a quality of democracies, for, like tyrannies, they premise the justification of their political decisions...
on the will of the stronger. While within a tyranny the tyrant is the strongest because of force of arms, within a democracy the majority is the strongest because of its numbers, imposing its will on the minority whether its decisions meet the common good or not. For the common good is not the same as what is desired by the majority; rather, it is that which is good for all, it is giving to each what each deserves.

In Federalist #10 Madison notes this critique, writing “It is in vain to say that an enlightened statesman will be able to adjudicate these clashing interests, and render them all subservient to the public good,” for “enlightened statesmen will not always be at the helm.” In an undemocratic regime choosing the common good will depend upon the character of a single man, while in a regime of democratic character, Madison hopes, structures and institutions can be developed that tend toward the common good regardless of the unjust passions that may arise within society. Still, these problems must be contended with, as “Complaints are everywhere heard... that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that the measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority.” It is the development of faction that generates these dangers, for faction has the potential of breaking apart a democratic union, of using political institutions for its own private advantage, and of infringing upon the rights of the minority should one gain a majority. In relation to our current question, a faction might today be considered a “special interest group,” with Madison defining it as “a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adversed to the rights of other citizens, or to the permanent and aggregate interests of the community.”

In the face of the inevitable development of factions within a republic, Madison writes that we have two ways by which to confront the “effects of the unsteadiness and injustice with which a factitious spirit has tainted our public administrations”: we can either remove the cause of faction or control for its effects. In the former case, one may remove the cause of faction “by destroying the liberty which is essential to its existence” or “by giving to every citizen the same opinions, the same passions, and the same interests.” The second avenue by which we could remove the cause of faction, as Madison notes, is simply “impracticable,” as different regions, economic interests, cultural surroundings, moral motivations, standards of reasoning, etc., will by necessity produce citizens with different opinions, different passions, and different interests.

But while the second avenue is bounded by its impracticability, the first—destroying liberty—is understood as being an “unwise” response. Madison famously writes, “Liberty is to faction what air is to fire, an alimant without which it instantly expires. But it would be no less folly to abolish liberty, which is essential for political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.” While faction can have detrimental effects upon the health of a well-functioning republic, attempts to eliminate factions from emerging by restricting the rights of citizens to form them would be even more damaging to that form of government.
This unwise remedy that Madison warned us of is somewhat reminiscent of the restrictions on political speech struck down in the Citizens United case, and of the rhetoric that has emerged in the wake of that decision. Critics of Citizens United seek to use the power of the state to severely limit or eliminate spending by third-party groups, claiming that by being able to spend unlimited amounts of money these factions will have undue influence on elections. Within Madison’s definition of “faction” exists the implicit idea that a faction works for its own group-interest as opposed to the interest of the broader political community, with that same idea often underlying the distrust many have of modern special interest groups. Without the capacity to heavily influence elections, factions will be limited in their ability to grow or even form in the first place. There is supposedly some more general will of the American people, one that generates decisions that more likely than not align with the common good, and which is diminished or perverted due to the influence of money in politics. Critics of Citizens United seem to believe that the solution to this problem lies with state-imposed limits on political spending and activity, which in reality becomes a limit on a group’s ability to disseminate its message, or a limit on its freedom of speech.

But it seems strange to argue that once persons engage in some form of association, whether it be in a corporation, union, or political interest group, that their right to free speech would become restricted. Citizens United dealt with a law that had banned any third-party group from spending money on political advertisements within 30 days of a primary and 60 days of a general election, which in effect meant that only certain groups, e.g. political campaigns, were allowed to make themselves heard in the lead-up to an election. But how one distinguished between different kinds of groups, and how one determined which groups could be restricted from engaging in political speech (corporations, unions, interest groups, etc.) and which were allowed to continue to make themselves heard (newspapers, television media, documentaries, etc.) itself became an issue. With the lines between media outlets and partisan supporters becoming increasingly blurred, the ability to clearly make such distinctions seems less feasible; in fact, the original suit that led to Citizens United emerged due to an ambiguity over whether the group Citizens United was violating the law by “electioneering communications” through a documentary it had produced that was highly critical of Hillary Clinton. It may be true that many third-party groups are working for a particular interest and not the common good, and that if enacted their positions would be detrimental to the interests of the general community, but the restrictions on political speech proposed seem overbearing, infeasible, and detrimental to our nation’s commitment to freedom of speech and association. This argument is made persuasively in the majority opinion, as is the relationship of money and speech, the ambiguity
in defining what kinds of associations fall under these regulations, and the dangers in restricting certain kinds of speech and political participation depending on the nature of the speaker. Perhaps most importantly, the Court took on the claim that certain kinds of groups had to be restricted from engaging in the political debate in the lead-up to elections because of the “distorting effect” they might induce, noting that it was not the place of the federal government to determine what kind of speech “distorted” the political discourse, positing that in political debate “There is no such thing as too much speech.” According to the Court, the state ought to have no role in “equalizing” speech, that imposing a standard of “fairness” over political discourse would grossly interfere with the “marketplace of ideas” that is necessary to sustain a genuine democratic process. The important relation of this statement to Madison’s own conclusions on factions will soon become apparent.

If it is unwise and impracticable to remove the causes of faction, and if we are therefore left with the latter solution, how best may we control for its effects? While the principles of right may bound our capacity to restrict political speech, we must still concern ourselves with the potentially damaging effects factions can have on our political system. To this Madison proposes a solution, and it is a solution built into the very structure of our regime. As with the first approach to dealing with factions, there are two ways by which one can control for the effects of faction. One may either make it so that “the existence of the same passion or interest in a majority” is prevented in some way from being able to form, or the majority “must be rendered…unable to concert and carry into effect schemes of oppression.” While in these passages Madison is primarily concerned about the relationship of faction to a tyranny of the majority, its connection to the present question will become clear.

Why is it that when we have considered this question, we found it proper to speak with precision and call our form of government a “republic” or “republican regime” as opposed to the more common modern term “democracy”? When we speak of “democracy” in relation to the American regime we speak of a “democratic process” or “democratic character” rather than a form of government. It is because, while the content of our politics may be democratic, the structure of our political system is republican, and this distinction is vital to understanding the solution Madison proposes. Madison accepts the critique of democratic justice laid out earlier in this piece, and his recognition of it is partially the reason for our republican political structure. Madison writes,

“The smaller the society, the fewer probably will be the distinct parties and interests composing it... the more easily they will construct and execute their plans of oppression. Extend the sphere and you... make it less probable that the majority of the whole will have a common motive to invade the rights of other citizens.”

...it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths.

“A republic,” in contrast, “opens a different prospect, and promises the cure for which we are seeking.” As is commonly known, a republic delegates legislative responsibilities to representatives of the people. But more importantly
for our purposes, Madison considers the capacity of a republic to sustain a large and populous nation, and the benefits such size confers. Within an “extended republic” there exist far more distinct interests, beliefs, and customs than would exist within a democracy, which by practical necessity is restricted in size. The solution to the problem of faction is to make it so that there are a great number of factions, each canceling one another out, making it improbable that any can completely, permanently, or confidently secure a majority.

The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily they will construct and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other.

In Federalist #51, Madison expands on the concept of a “compound republic,” one in which authority is distributed among state and federal governments and is then subdivided within those governments into the legislative, executive, and judicial branches, with each beholden to a different degree of democratic accountability. Rather than developing a simple majoritarian structure, majorities must be gathered at multiple levels and among various groups and interests, with those majorities being filtered through each political structure. In combination with the benefits of an extended republic, this ensures that “a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good.”

A society, whether tyrannical or democratic, which by its nature justifies political rule as the domination of the strong over the weak, cannot be properly called a political society. “In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature.” The “messiness” and “gridlock” of the American political system exists to facilitate the proper end of political society, that of justice, with federalism and the separation of powers providing the necessary republican structure for bounding the excesses of its democratic character. In this way, political justice can be pursued in republican regimes in a way impossible for democratic regimes. While popular majorities are an important component of a republic, the will of the people is not understood to be the founding condition of justice, as it is in a democracy. Instead, the protection and sanctification of rights, protected by these compounding layers and possible only due to the multitude of interests which exist in an extended republic, is understood to be the standard of justice.

How then, may we apply these insights to the influence of corporate and union interests in our political system? Rather than barring their entry into the political debate, or restricting their capacities to do so, their entry following Citizens United should be recognized as fulfilling the requirements of an extended republic. Attempting to restrict certain kinds of associations from fully participating in the political process only reduces the number of factions and diminishes the degree of pluralism we find in those factions. In the first case, we recognize the importance of promoting a great number of factitious groups, allowing their numbers to restrain their individual capacities for potentially creating unjust laws. In the second case, we recognize that the groups that may fall under the regulatory guidelines that had existed prior to Citizens United may possess a different general character from those that were not. While it is the case that the line between the two is often blurred, at the extremes there does seem to be some sort of difference between the kinds of associations intended to be barred from substantially influencing the political process and those that were considered to be responsible commentators on the political situation. But by imposing a regulatory standard, the state has limited factions to having certain characteristics, which reduces the level of pluralism among them and therefore interferes with the benefits conferred by the extended republic.

Attempts to limit political corruption must
not be extended to cover restrictions that may be partisan in nature. Certain facts about Citizens United must first be made clear: the ruling did not overturn laws that prohibit corporate campaign contributions to individual candidates, allow for foreign donations to American campaigns, or reconsider restrictions on contribution limits. What it did do was: 1) Remove restrictions on third-party groups from putting out political advertisements with the intent of swaying public opinion in the lead-up to an election; 2) Allow corporations, unions, and other organizations to use treasury funds to cover political advocacy; and 3) Allow these groups to specifically endorse or encourage that people vote for a certain candidate or policy.

In his dissent, Justice Stevens made several arguments against the majority, many of which can be stripped of their judicial content and taken as political critiques. Ignoring unions, Justice Stevens targeted corporate entities and the need to restrict them from “undermining self government,” lest the United States be reshaped into a “corporate democracy.” The corporation, he claims, is by its nature antithetical to the democratic project when it enters into the political arena, for its interest in political matters is “more transactional than ideological,” lacking the values needed to properly engage in the democratic process due to its fixation on profit-making. Indeed, he goes so far as to claim that corporate spending on the promotion of certain political positions is “furthest from the core of political expression.”

Although unions had been similarly restricted under campaign finance laws, why Justice Stevens chooses to set them aside in his critique of the majority opinion is apparent – he finds unions to be capable of promoting the common good, or to have the capacities needed to properly engage in productive political activity, while he believes corporations to be unsuited to that task. And herein lies the problem. Depending upon one’s ideological background, certain kinds of groups may be considered as being more prone to promoting the common good, with the sort of values one believes ought to condition the public square varying based on one’s own value structure. But in adjudicating which interests benefit the public, and which groups have the proper motivations necessary for political engagement, Justice Stevens and critics of Citizens United teeter dangerously near Madison’s warnings against eliminating the causes of faction.

The solution is not to rid ourselves of groups that place their own private interests above the common interest. There can be no justified consensus regarding which groups these are, as, for example, many conservatives and libertarians would claim that by their nature public employee unions disregard public needs for their own special interests and can pose a danger to the political process, a claim few on the left would accept. In a pluralistic society with reasonable political disagreements, embedding partisan perspectives into the landscape of political discourse through regulatory measures would corrupt our politics far more than any amount of money ever could. Indeed, such an action would be a paradigmatic example of factitious overreach.

But more importantly, in attempting to rid ourselves of factions we will inevitably be forced to extinguish certain liberties for those groups that we deem as possessing an inherently corrupting influence, violating the most fundamental principles of that system we aim to protect. We recognize that within a free political system the character of the speaker ought to have no bearing on the right of that speaker to make himself heard. And, given our right to free association, it once again seems odd that our right to free speech would become limited once we formed a certain kind of association. There may be countervailing reasons to limit speech in certain cases—for example, one cannot yell “Fire!” in a crowded theater. But restrictions on political speech, as opposed to nonpolitical speech, require an overwhelming degree of justification due to the central role it plays in our form of government. By understanding Madison’s solution to factional disputes, it may become clear to us that we are not necessarily faced with a conflict between liberty and a well-functioning democratic process. Instead, Citizens United allows for a greater number of interest groups with a greater diversity of perspectives to engage in the marketplace of ideas, which can do nothing less than improve our political discourse.
A nd Covenants, without the Sword, are but Words, and of no strength to secure a man at all,” or so claims Thomas Hobbes in Leviathan. Admittedly, quoting a philosopher who advocates for a strong-armed central government is antithetical to the foundational principles of conservatism; Hobbes’ point, though, is particularly relevant to a badly needed investigation of the state of American foreign affairs, namely that it highlights the appropriate and necessary responsibilities of the government.

Deeply imbedded in the discussion over the United States’ foreign policy is a hotly contested question over its overall importance within the larger American interest, with varying ideas and approaches defended. But standing uniquely positioned among these views, and gaining particular importance and relevance in the past few decades, is neoconservatism. Often portrayed as a radical, confrontational, and hawkish view, neoconservatism has been mired by the media and intellectuals alike as a belligerent and sophomoric view that is unnecessarily extreme. It is characterized as one predisposed to arbitrary military intervention and the brute application of force. Yet, such a characterization fails to consider what is, perhaps, the disposition’s most noteworthy and lauded success: the defeat of the Soviet Union without the exchange of a single bullet in battle. Indeed, neoconservatism is a stance that prides itself in maintaining a pragmatic and realistic approach to the world's problems. It is rooted in advocating for prudent policies that seek to limit the expanding influence of evil forces that are antithetical to the causes upheld by the United States and Western civilization, in general.

Over the past decade, neoconservatism has received something of a new birth, with the inception of the War on Terror and the response of the Bush administration to the events of September 11th. Seen by many to have adopted neo-imperialist policies, the administration has been characterized as representing the inevitable radicalization of neoconservatism into a war-mongering ideology. Yet, absent from this simplistic argument is a careful study and consideration of the historical roots of this view and an appreciation for the motivations that led to such policies.

Though pinpointing the specific origins of this view is difficult, neoconservatism largely had its beginnings in the 1970s, when disgruntled liberal intellectuals revolted against the Democratic Party as it increasingly embraced leftist views and policies. For these liberals, the propagation of the ideas and concepts of the Great Society and the counter-cultural movement’s adoption of cultural and moral relativism became too extreme and divorced from their mainstream political thought. The nomination of George McGovern as the Democratic candidate in the 1972 presidential election all but solidified this division and largely served as the catalyst that sent these liberals overboard. These now disaffected individuals found themselves at a crossroads, politically speaking. They came to identify themselves, often begrudgingly, more with the conservative movement, while still remaining sympathetic to some of their more liberal ideas. With this in mind, it is understandable why their approach remained necessarily pragmatic and generally centrist. Most of the “founding” members of neoconservatism were not ardent fiscal or small government conservatives and were generally receptive or neutral to the policies passed in the New Deal. In fact, many kept their Democratic affiliations and never fully made the proverbial step over the political aisle. Instead, they sought a defeat of the extreme left and adopted a more centrist, or center-right, approach.

It is clear from these factors that neoconservatism was not a political “ideology,” in the strict sense, characterized by a cohesiveness and homogeneity of thought. It was largely dialectical and the thoughts associated with this “persuasion” were both diverse and numerous. In fact, Irving Kristol himself, often considered the “Godfather of Neoconservatism,” has confessed to having difficulty defining the view

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in a narrow manner. It was more concerned with the promotion of the general values and mores of American society around the world than with establishing a succinct platform or manifesto.

However, the origins of neoconservatism's perspective on foreign policy is generally rooted in two over-arching ideas: the rejection of the moral relativism prevalent among youth and the New Left and the perceived inadequacies of the policies of containment and détente in defeating communism. It must be understood that in the neoconservative view there was a definitive distinction between the good and the bad, between the benevolent and the evil. In their view, the Western ideals of self-governance, individual liberty, and economic freedom and prosperity were patently good. The co-existence of ideals that openly contradicted these notions was seen as unsustainable. It is with this perspective that neoconservatives came to reject the policies of containment and détente as dangerous and irresponsible. For them, communism was a force that must be destroyed and the Soviet Union, in standing as the state most clearly identified with the propagation of this political ideology, was, to this extent, an enemy that must be destroyed.

It is with these views in mind that neoconservative foreign policy took shape in the 1970s. It did not, however, reach the apex of its political power until the 1980s with the Reagan administration. President Reagan, long a politician sympathetic to these views, collected a team of advisors and representatives that largely identified themselves with neoconservatism. Prominent figures, like Jeane Kirkpatrick, became vocal neoconservative advocates and drove the foreign policy of the United States for eight years. President Reagan, along with his political ally British Prime Minister Margaret Thatcher, sought to destroy communism and bring an end to the Soviet Union. The administration's foreign policy was characterized by a prudent but confrontational approach that, ultimately, proved successful. Aiding anti-communist forces across the globe, such as the Contras in Nicaragua and the Mujahideen in Afghanistan, and militarily intervening to stop its spread elsewhere, such as in Grenada, it was clear that the administration saw the struggle against communism as a global war.

However, following the Reagan administration, neoconservatism found itself in a somewhat dormant state. With the collapse of the Soviet Union in 1991, the United States found itself in a something of a lull, foreign policy wise, standing as the sole super power in this new unipolar world. There was little clarity as to what initiatives the country should adopt and what regions of the worlds required its attention. There remained a few individuals, most notably Paul Wolfowitz, John Podhoretz, William Kristol, and Jeane Kirkpatrick, who continued lending their insights to neoconservatism and gave the cause new thoughts. Nevertheless, it was clear that neoconservatism had fallen far from grace and its influence had significantly waned.

Neoconservatism received something of a surprising policy revival in the mid to late 1990s from the unlikeliest of sources: the Labour Party of the United Kingdom. The rise of their young, energetic, and fairly moderate center-left leader, Tony Blair, to the office of Prime Minster marked what ultimately became the beginning of a new era for neoconservatism. In pushing for the United States and NATO to intervene militarily in Bosnia for expressly humanitarian reasons, Prime Minister Blair set a new tone for foreign policy across the globe by explicitly endorsing the Freedom Agenda. In his famous and well-received speech in Chicago in 1999, Blair outlined a new view of this concept, stating, “Now our actions are guided by a more subtle blend of mutual self-interest and moral purpose in defending the values we cherish.” He extended the argument to claim that we, as an international community, possessed a responsibility to intervene in conflicts in order to prevent tyrannical rule and genocide and uphold the values of democratic rule and individual freedom. This relatively new policy was then transported across the pond to the United States following the attacks of September 11th, when the Bush Administration, which had largely steered clear of focusing on foreign affairs in favor of domestic policy, had a sudden and dramatic switch and embraced this approach. Though it should be noted that the American counterpart of this policy was a bit more pragmatic in that it coupled the humanitarian arguments with national security ones, that distinction is of little importance in the end as the policies and outcomes were largely the same.

 Nonetheless, this proved to be not so much a revival
for neoconservatism as a revision. No longer was the express national interest of a given country the major criteria weighed before becoming involved in foreign engagements. Instead, supporters of the “Freedom Agenda,” as it became known, argued that the promotion of these values was the supreme goal of the new coalition of democratic world powers. The Freedom Agenda itself, however, was not initially identified as a neoconservative perspective. It was not until it was adopted by the Bush Administration, which included several individuals who had generally aligned themselves with the thought in the late 1980s and early 1990s, that it became labeled by the media as a neoconservative policy.

This new, differentiated approach was seen as a necessary change meant to address the rise of a new threat facing the United States and Western civilization in general: radical Islamic terrorism. The collapse of the Soviet Union in 1991 left a void in the foreign affairs “market.” Whereas the world was consumed for the large part of the 20th Century with the battle between two world powers divided starkly on ideological lines, the 1990s saw the United States in a new role: a lone super power without any perceived looming threat. (This, of course, was not the case; radical Islamism was on the rise and many prescient minds were quick to catch this. However, policy-wise, the United States was not actively engaged in combating a strong opposing threat). The attacks of September 11th obviously changed that and the U.S. found itself confronting a relatively unknown, guerrilla-like force. Here, the Freedom Agenda received a purpose. The idea can be compared, albeit imperfectly, to the policy of containment adopted during the early stages of the Cold War. It was thought that the spread of democracy across the globe would necessarily stabilize countries and root out terrorist groups from seeking harbor in those regions, much like the containment approach sought to limit communism’s spread. The policy was not completely baseless. The Taliban, a quasi-political group in Afghanistan that ruled its government at the time, was a known terrorist supporter and ally of Al-Qaeda. It was understood that the defeat of the Taliban and its removal from power was a major goal that must be achieved if the United States sought to win the War in Afghanistan. Such an approach would require the establishment of a legitimate, democratic government as a replacement in the ensuing power vacuum and this also meant that the United States would likely be required to engage in nation-building. It was believed that the destruction of the destabilizing, terrorist-sympathetic forces, coupled with the formation of a liberal democracy, would ensure peace in the region and, over time, limit the terrorists’ influence and confine their havens.

It should be noted that this new conflict was seen not so much a religious war as it was an ideological one. Though the main enemies were unified under the auspices of radical Islam, they came to represent a much broader, more profound evil in objecting to all the values and ideals of Western culture and civilization and openly violating the concepts of freedom and human rights. This distinction made the Freedom Agenda and its policies much more attractive as a legitimate means of succeeding in the War on Terror. In this way, the wars and our involvement in the promotion of democracy in the region were justified using both national security and humanitarian interests.

But where the Freedom Agenda was most flawed in its approach to the War on Terror was not in its promotion of liberty and democracy abroad, but in its failure to see the major differences between the Soviet Union and terrorists as enemies. Though the USSR stood as a symbol of communism and the Cold War was seen as an ideological struggle much like the War on Terror, it must be noted that the USSR saw as its final goal the survival of the state and the maintenance of power over its satellites and allies. As vociferously as it promulgated the ideas of communism abroad, it seemed never to let go of the fundamental goal of each state: its survival. In a much more constructivist sense, the intrusion of liberal thought and economic reforms across the USSR was a major threat to the state as it directly contrasted with its function and basis. Hence, the legitimization of this rule of law and liberal governance limited its power and significantly curtailed their regional and global influence.
The terrorist groups, on the other hand, have no such limiting factor. Thriving largely as stateless, rogue agents in rural and dangerous parts of the world, they find no such threat from the promotion of liberty and are driven purely by their fundamentalist thought. As a matter of fact, they have shown themselves to be willing to engage in self-sacrificial acts to promote their cause so the fear of destruction seems largely absent. Their counter-offensive to military invasions and nation-building is simply to move to another area more conducive to their needs, as is the case with Al-Qaeda taking most of its operations to Pakistan.

The establishment of democracies does not imply stability, as was once thought. The democracies in Iraq, Afghanistan, and Pakistan have been unreliable, at best, and complicit with terrorist needs, at worst. Pakistan’s government is rife with corruption and President Hamid Karzai of Afghanistan has proven, at times, to be an erratic and inadequate leader. These conditions have allowed for Al-Qaeda to continue inhabiting the region without consistent opposition from local forces. If not for the United States military’s continued occupation of the area, Al-Qaeda would likely find itself an empowered and forceful threat.

The view of the War on Terror as a strictly ideological struggle is misleading. Indeed, the rise of Islamic terrorism is a major threat to Western civilization. However, radical Islam is nothing close to a coherent political ideology and does not stand as a persuasion in direct opposition to democratic values. Radical Islam is a perversion of a world religion, using it as a means to justify acts of terror. Its major goal is the promotion of this fundamentalist thought and the establishment of states and governments that align themselves with this view. It is for these reasons that democratic propagation does not represent an effective counter-offensive to the rise and spread of radical Islam. This fundamentalism will adopt whatever form of government it sees as being most sympathetic to its causes. As easily as it prefers the quasi-tyrannical rule of Ahmedinejad and the Supreme Leader Khomeini in Iran, it also shows support for the democratic uprisings in Egypt, Libya, and the rising revolution in Syria. For the members of the movement, governance is simply a means to achieve its goal and it is of little importance to them in which form it is established so long as it works in their benefit and upholds its beliefs.

It is for these reasons that success in the War on Terror cannot simply be attained through an invasion of countries and the establishment of democracies. Yes, the drone strikes and attacks are a necessary component. However, terrorism cannot be defeated unless the ideology, radical Islam, is itself delegitimized and abolished. This critique does not imply that wars in Iraq and Afghanistan are illegitimate. On the contrary, the United States’ involvement in the region was justifiable and is necessary in this ongoing struggle. The reservations presented with new policies lie not with the engagements themselves, but with the conduct and manner in which we approach this threat. This is, obviously, no easy task and one that does not necessitate a single, coherent answer. However, the distinctions between the natures of the United States’ two most recent enemies should be noted in this ongoing portrayal of the development of neoconservative thought.

More broadly speaking, the problem with the Freedom Agenda is not its ambitions or the moral precepts upon which it is built, but the failure to consider the potential trade-offs associated with a democratic transition. The case can be made that the blind promotion of democracy across the world is neither preferable nor advisable. It is important here to make a clear distinction between the terms democracy and liberty. The two are not always complementary and one does not necessarily imply the other. Perhaps best highlighting this discrepancy is the recent persecution of the Coptic Christians in southern Egypt. Though the Egyptians have “successfully” transitioned into democratic rule, minority Christians have consistently been persecuted and engaged in long battles against Muslims, such as in the town of Dahshour. The new government’s inability to respond sufficiently has left few confident that the violence will end. Democracy,
if not properly restrained and overly demagogic, can be a brutal and dangerous force that ultimately works against a nation’s interest abroad. Again, the Egyptian case is a perfect example of this problem. The rise of the Muslim Brotherhood to power and the integration of fundamentalist Islam into the government are worrisome developments that actively work against the United States’ interests. This new government has, at times, been openly hostile towards Israel, a strong, vitally strategic ally, and has aligned itself with the more radical elements of Islam. The developments in late September of the attacks of our embassies across the region only serve to reinforce this major concern.

Jeane Kirkpatrick alluded to this problem in her famous article, “Dictatorships and Double Standards,” in which she made a crucial and consequential distinction between tyrannies and authoritarian governments. As she sees it, tyrannies “claim jurisdiction over the whole life of the society” and look to impose their own values and views on the people, whereas autocracies, though dictatorial, do not seek to establish such blatant and holistic control over society. Though by no means ideal, traditional autocracies allow for cultural norms to remain generally unchanged and do little to alter the status quo. In fact autocracies can be persuaded to gradually adopt liberal policies and implement economic reforms. Often, they naturally succumb to these internal forces that allow for an organic and gradual democratic evolution. It should be noted that relevant in any discussion on democratic transitions is the consideration of that the population’s overall educational level and their embrace of Western values—that is, secular governance and the rule of law. A society that has yet to cultivate such ideas, ones that arguably can be nurtured through the implementation of a capitalist and liberal society, is left at a severe disadvantage and will be more likely to establish an abusive and ultimately illiberal state.

“A society that has yet to cultivate such ideas [secular governance and the rule of law], ones that arguably can be nurtured through the implementation of a capitalist and liberal society, is left at a severe disadvantage and will be more likely to establish an abusive and ultimately illiberal state.”

Secondly, classical neoconservatism does not directly address the issue of nation building. In fact, the concept is notably absent from most of the writings and policies of the prominent neoconservatives of the 1970s and 1980s. It seems, in keeping with the value of self-determination, that they saw democratic transitions as organic and regional. The United States could, theoretically, serve in an advising capacity for those countries seeking assistance during such evolutions, but the issue remained largely unaddressed.

The question naturally becomes one of which policies the United States’ should implement if it seeks an end to such a conflict and an overall improvement of our security. Considering the circumstances, it seems that the best approach is twofold: defensive and offensive.

On the one hand, the notion that the teams with the best defense are the most successful applies well in this situation. The existential threat posed by terrorism does not look to disappear anytime soon and, as such, the U.S. must take the appropriate steps to secure itself and its citizens from internal and external threats. The policy is simple enough on the surface, requiring the establishment of a large and well-connected security apparatus that can retrieve vital information and disseminate it to the relevant policy-makers. Though the country has already gone a long way in constructing such a network, it is evident that the current set up has many fatal flaws and deficiencies. The ensuing reaction to the most recent
attack on our embassy in Libya perhaps best highlights this problem. The signals coming from different sectors of the government were often contradictory and opaque when it came to delineating which agency was tasked with security and information retrieval. While initially the White House had implicitly asserted that security was up to its strict standards, various reports and document retrievals since then have disproved such a notion. In fact, it is clear now that Ambassador Christopher Stevens and the embassy had requested extra security on the day of the raid and reported suspicious activity from Libyan security officials. However, despite having CIA special-forces on the ground ready to deploy, reports show that the call was never given and, in fact, may have been directly overruled. While the White House initially suggested the CIA had ordered a ceasing of the rescue mission, a spokesman for the agency released a statement clarifying that nobody within their rank-and-file had given such an order. If nothing, this confusion serves as a stark reminder of the huge morass that is the U.S. intelligence services. The continued back-and-forth and obfuscated messaging has made an already dicey and complicated situation that much more confusing.

Yet, little has been done over the years to address this major problem. The Department of Homeland Security was established in 2003 in order to facilitate communication between the intelligence-gathering community, namely the CIA, and the anti-terrorism prosecuting unit, the FBI. Much of the failure of the United States to prevent the attacks of September 11th was attributed to this lapse in communication. Over a decade later, though improvements have been made, events, such as those of the past months or the infamous Christmas Day underwear bomber, have questioned just how much progress has been made. And with every related agency pointing the proverbial finger at every other authority but itself, it is not clear just which facet failed. We have the technology and capabilities to gather intelligence worldwide, but we have yet to master the art of fusing the information-gathering sector with the anti-terrorist units. It is only once we address this major issue that we can begin to truly and significantly improve our security.

Part of improving the security apparatus will also require that we make strategic alliances with governments that are willing to assist us in the War on Terror, irrespective of whether or not our politics and systems are at odds. Times of war necessitate the creation of such odd bedfellows. Most notably, during World War II, the United States and the United Kingdom both allied themselves with the USSR, despite the fact that they stood irreconcilably and antithetically against our values. Otherwise, President Roosevelt and Prime Minister Churchill recognized the value in gaining the support of the Soviets and access to their vast resources during the war. In much the same way, during the 1980s, the Reagan administration aided the Contras, a quasi-fascist revolutionary group, in their fight against the communist Sandinistas in Nicaragua. Wartime is fraught with examples of politically savvy alliances. Such a policy requires that we see the defeat of our enemy as our main objective and be willing to adopt any means possible to achieve this goal. The War on Terror has been no stranger to this idea. Before the revolution, the United States built up its alliance with President Hosni Mubarak of Egypt. Vehemently against the explosion of Islamic fundamentalism and seeing terrorism as a threat, Mubarak was seen as a major ally in the war. It is, in part, why the United States allotted Egypt over $1 billion in military aid annually. Its alliances with Saudi Arabia, Bahrain, and Brunei have been motivated by similar goals. These strategic allegiances do more than offer the U.S. a greater military presence in these regions, they give them intimate access to intelligence operations and resources. For instance, the recent divulgence of the Iranian plot to attack foreign ambassadors on United States soil was only uncovered after the government was alerted by Saudi Arabian intelligence officials. If nothing
else, these wartime alliances of convenience provide us with an extra edge in our battle.

The United States’ offensive strategy is much more nuanced and ambiguous. President Barack Obama’s current strategy mainly surrounds the continued use and expansion of the unmanned military drones in Pakistan and other countries. However, this approach represents only one facet of an offensive strategy that must encompass a myriad of other military and non-military related actions. The most basic policy we should continue is simply maintaining an active presence in the Middle East, through military alliances and bases. The presence of the military allows for the United States to, in part, curtail insurgency and limit its spread. Though some would argue that such a presence has acted as a provocation that led to the rise of Islamic terrorism, there is little to indicate that an adoption of the alternative approach would eradicate all the incentives terrorist groups have for attacking the United States and Western states. If anything else, it may embolden their cause and allow for them to wield greater influence over the region and create more instability, leading to non-U.S. sympathetic revolutions and various intra-state conflicts.

Beyond this basic approach, it is vital, as noted before, that the United States seek to limit or eliminate, through means of delegitimization, education, or liberalization, the expansiveness and pervasiveness of radical Islamic fundamentalism and its campaign of jihad. Admittedly, the promotion of such a policy is quite difficult and prolonged, but there do exist routes for achieving this goal. The importance here is that the United States places sufficient private pressure on allied governments within the region to promote, through education, economic policies, and governance, values such as the rule of law, free enterprise, and freedom of expression. Much in the same way as citizens of the United States have come to cultivate their senses of civic duty and pride through educational institutions and communities, so too should countries of the region adopt these measures if they truly desire to enhance their security. Although seemingly impractical, such a policy is not completely out of reach. The United States holds extensive leverage in many of the relationships it has with these Middle Eastern countries, be it economic, military, or otherwise. It is not unheard of in the diplomatic community to use such advantages as means of pressuring allies to adopt certain policies and alter domestic governance. The difficulty lies not so much with the enactment, but with the enforcement and expansion.

In many areas, Muslim clerics have garnered cult-like followings through their anti-West and terrorist-sympathetic preaching. With this strong foothold, alternative teachings may fall deaf on the ears of the population and, in fact, be wholly ignored. However, the circumstances of the War on Terror offer the United States no other option. It is likely that the effects of benefits of this policy would not be seen for a few years, or decades, but it stands, at this moment, as the only significant and legitimate means of rooting out this perverse ideology.

Though these policies do not stand as permanent, obstinate proposals, and will most likely undergo various revisions over time, they represent pragmatic and prudent means of achieving victory in this ongoing struggle. The future of neoconservative foreign policy seems largely undetermined and these policies stand as only one perspective in a cause that covers an array of views and opinions. With the wars in Iraq and Afghanistan all but over and the United States facing a myriad of issues domestically, including economic stagnation and deficit and debt concerns, it is doubtful that neoconservatism will maintain the star power or endure the media scrutiny that it saw during the beginning of the new millennium. Nevertheless, in this age of prolonged war, it is important that we remain acutely aware of the threats that we face and adapt our policies and perspectives in order to address this ever-growing problem and achieve true and absolute peace in our time. (p

The United States’ response to recent protests in Egypt and across the Middle East highlight its severe inadequacies in responding to changing geopolitical landscapes. (LA Times)
Perhaps the most prominent theme in American constitutional law involves the ongoing battle between Originalists and proponents of a “living Constitution”. Originalists advocate for judges to adjudicate Constitutional disputes by using historical context to interpret it as it was understood by its framers. Their opponents contend that the Constitution ought to be understood as a guide, the meaning of which evolves as time passes.

If there is one area where the fundamental dispute over judicial philosophy is irreconcilable, it is over the existence of a constitutional right to privacy. This right, of course, is nowhere to be found in the text of the Constitution. Judicial conservatives point to the debates surrounding the framing and ratification of the Constitution to demonstrate that this absence shows the Bill of Rights was carefully crafted to enumerate only the specific rights intended to be enforced. Liberals claim, however, that the right to privacy is implied in various constitutional provisions.

Griswold was a 1965 case in which a Connecticut law restricting access to contraceptives was challenged based on the idea of a Constitutional right to privacy. The Supreme Court under Chief Justice Earl Warren had been for a few years engaged in expanding the rights of criminal defendants via the Fourth and Fifth Amendments. Instead of grounding its decisions in the intentions of the framers, the Court chose to offer the theory that attached to these amendments were “penumbras,” or underlying principles, that gave them force. Through decisions such as Griswold, this theory has led to the unmooring of the Constitutional law under the Warren Court.

In his opinion in a 7-2 decision, Justice Douglas suggested that the right to privacy was present in the penumbras of the Fourth Amendment’s protection against unreasonable searches and the Fifth Amendment’s safeguards against self-incrimination. The majority conveniently ignored the common law history preceding these amendments, as well as their highly specific nature.

Moreover, Justice Goldberg in a concurring
opinion went so far as to suggest that the Ninth Amendment’s reservation of unenumerated rights to the people justified the judiciary’s assertion of a constitutional right to privacy. In doing so, Goldberg and the justices who joined his opinion resurrected a discredited line of argument that is fundamentally opposed to the rule of law. If the Ninth Amendment, which is as vague and broad as language can be, is understood to confer substantive rights, than there is no limit to the potential for judicially invented rights.

In addition, Justice Harlan’s concurrence is alarming for its reliance on the Due Process Clause of the Fourteenth Amendment. He bases his opinion on the judgment that the Connecticut law violates “basic values implicit in the concept of ordered liberty.” Justice Black uses a similar formulation in his concurrence; it seems to occur to neither man that this standard is almost infinitely nebulous and therefore ripe for abuse by power-hungry judges.

Perhaps the worst aspect of the Griswold decision is the transparency of the Court’s deference to its sensibilities at the expense of its commitment to uphold the Constitution. It is clear that the Connecticut law offended the sensibilities of the Justices, as it might naturally offend many modern observers. Yet it is equally apparent that the framers of the Constitution did not intend to create a right to contraception access in the nation’s governing document.

History has demonstrated that the endorsement of the Fourteenth Amendment’s due process as a means of upholding brand-new civil rights manufactured by the judiciary has been the most harmful aspect of the case. The Due Process Clause was the Supreme Court’s chosen vehicle for upholding a Constitutional right to abortion eight years later in Roe v. Wade. Though the material consequences of Griswold were limited in scope, the result of Roe has had a broad effect in shaping American politics. Abortion is a highly contentious issue about which the Constitution says nothing, and majorities in several states have highly differing opinions on the matter. By removing it from the democratic process for 40 years, the Court has gravely injured the democracy and its own legitimacy.

While any error by the Supreme Court has serious implications, the manufacturing of novel constitutional rights is the most severely damaging action that it can take. Mistakes in statutory interpretation can be corrected by Congress, often with minimal effort. Yet constitutional overreaches can be righted only by the amendment of the Constitution, which is extremely difficult to achieve.

The right to privacy is far from being grounded in the Constitution, as the weakness of the opinions in Griswold showed. It can do, and has done, damage to the rule of law; as years pass and the decisions in the line of Roe remain on the books, that damage becomes worse. One day the harm of Griswold-style reasoning may become irreparable, and Americans will be forced to face the reality that the judiciary functions as an unaccountable super-legislature. Until that time, conservatives and those committed to the rule of law ought to stand firmly against a constitutional right to privacy.

On Lopez and the Commerce Clause

By Jonathan Godoy

Few Supreme Court cases from the past century have had such a significant legal impact as the decision rendered in US v. Lopez. After decades of legitimizing the expansive use of the Commerce Clause as a means of justifying the unrestrained growth and intrusion of the government in all matters deemed sufficiently “economic” by Congress, the Supreme Court in one 1994 case reversed course and set substantive restrictions on the legal interpretation of the Commerce Clause. In doing so, the Court established an important precedent for future legislators and judges to follow.

At issue in Lopez was the definition of the term “economic activity.” Few phrases have held such wide-ranging importance among intellectual and legislative supporters of a living Constitution as this one, which has been held as essential in establishing a rationale for the legitimacy of the continued expansion of government services and undertakings. For those on the left, anything marginally involving an economic

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transaction justifies governmental regulation of the activity. Indeed, the definition of economic activity has undergone significant expansions over the decades. In the case of Lopez, the argument surrounded whether or not the possession of a weapon constituted an economic activity, and hence, warranted regulation. In a 5-4 decision, the Rehnquist Court argued that the mere possession of arms does not constitute an action that possesses sufficient influence on interstate commerce to warrant federal intervention.

The history of the legal interpretation of the Commerce Clause is one that is mainly concentrated in the 20th Century, as the United States gradually transitioned into a modern welfare state, albeit one comparatively less robust than those in Europe. The clause saw its rise to political prominence in the 1930s with the onslaught of New Deal legislation. Though the Hughes Court initially provided some welcomed pushback and curtailed much of the power that a broad interpretation of the Commerce Clause afforded Congress and the president, President Roosevelt’s quasi-dictatorial push to reform the Court and the retirement of some conservative justices saw it gradually embrace more expansionary powers. In NLRB v. Jones and Laughlin Steel Corporation, Chief Justice Hughes and four associate justices reversed course and legitimized the expansion of congressional powers under the clause, holding that when activities are related to interstate commerce and of vital importance, “Congress cannot be denied the power to exercise that control.” This was but the first step in a series of many cases over a few decades that would mark the precipitous fall of the constraints that the Constitution places on Congress. Subsequent decisions, such as the opinion rendered in Wickard v. Filburn that upheld the power of Congress to prohibit intrastate commercial activity that could have tangential effects on interstate commerce, only solidified the dangerous precedents set by the Court in the aftermath of the Great Depression, allowing for the judgment of whether or not an activity “exerts a substantial economic effect on interstate commerce” to become the standard of measurement in such cases.

After six decades of acquiescing to the continued expansion of Congressional power, the Supreme Court finally returned to the original meaning of the Constitution and struck down a federal law, citing the limited nature of the Commerce Clause. Rehnquist’s majority opinion asserted that the possession of the handgun qualified as an isolated, and non-economic related event that exists outside the purview of congressional oversight. The federal government’s argument in favor of the statute’s constitutionality centered on the idea that the effects imposed by handgun possession on the educational environment directly affect economic activities, and that these effects were enough to legitimize congressional regulation of handgun ownership. The majority wisely rejected these arguments, recognizing that they represented a mere pretext for federalizing an issue implicitly defined by the Constitution’s framers as one best left to the states.

The danger inherent in accepting the living Constitutionalist argument on the view of the Commerce Clause is its propensity to allow for a generous and unmitigated expansion of governmental powers. Contained within the legal interpretation of what qualifies as an economic activity lies the key to rendering a judgment on the limits of congressional power. In his opinion, Rehnquist rebuffed the notion of a broad interpretation of the Commerce Clause, noting that such an interpretation would allow for few, if any, limitations on congressional powers; Congress would essentially be granted “plenary police” authority. In a sense, this argument allows for the disintegration of the lines separating local and federal powers and responsibilities. Rehnquist argued that the obfuscation of the distinction between national and local activities is a direct effect of the view that the Congress held the power to “regulate that it found was related to economic productivity.” Such a perspective would necessarily lead to granting Congress unlimited powers of regulation, eliminating the need to differentiate between local and interstate commerce and imposing a dangerous precedent for legal theory to follow.

US v. Lopez served as a catalyst that reinvigorated the debate surrounding the Commerce Clause and spurred the conservative legal movement to take more active steps in curtailting the precedents set by six decades of Supreme Court cases. However, the debate over this constitutional clause is far from over. In fact, in the most recent high-profile case dealing with the Affordable Care Act, one of the essential arguments for the ACA’s constitutionality hinged on the idea that deliberately not participating in a certain activity could be regarded as an economic activity in and of itself. Notwithstanding Chief Justice Roberts’ majority opinion castigating the use of the Commerce Clause as an inappropriate means of expanding power, the approbation of this law, justified on the basis of the government’s valid taxing powers, sets a dangerous legal precedent that will likely harm future cases and allow for courts to use alternative means of rendering intrusions of power constitutional.
On Constitutional Interpretation
By Benjamin Silver

Any investigation into the contents of the Constitution and the cases that comprise the history of the document would be woefully incomplete without so much as a short statement about the complexities of and the necessity in conducting Constitutional interpretation. The modes of interpretation, which are many, differ so widely that the application of one over another in any particular case can have far-reaching implications on the impact of federal statutes, regulatory law, and the judicial process.

The two interpretational theories that are most prevalent in the legal profession—and which are popular amongst members of the Supreme Court—are originalism and living constitutionalism. Originalism in its most simplistic form posits that the Constitution ought to be read with the original intent or aim in mind. That is, the Constitution should be understood as Madison understood it (because he wrote it), as Hamilton and Jay understood it (because they argued for it), and as the state legislatures and their constituents understood it (because they ratified it). Living constitutionalism, which is often set opposite originalism, takes as its premise that the Constitution’s meaning is dynamic, ever shifting with the times, and thereby the Constitution ought to be interpreted to suit the needs of America’s polity as those needs change.

Originalism and living constitutionalism each have their own faults and insufficiencies. But it must be admitted that in the context of the contemporary American political discourse, in which we have unnecessarily posited the strict dichotomies of the individual and the government, the forward and the backward, and the new and the old, we have firmly focused our ability to interpret the Constitution on the two false-poles that are originalism and living constitutionalism.

Exacerbating this problem, or perhaps serving as the root of it, is the common tendency in the media and within academic circles to characterize these two interpretive methods as being, respectively, the “Conservative” and “Progressive” methods. That is, we have boiled down those who believe in living constitutionalism or originalism to those who necessarily hold the beliefs of the average American progressive or the average American conservative regarding the proper size and scope of government. All interpretive methods, then, become necessarily partisan, and struggle to maintain their supra-political, academic-flavored fundamentals.

It then becomes common for supporters of certain causes to support certain constitutional interpretations, either because that interpretation leaves the cause open to being addressed by the public, or because the “opposing” interpretative method leaves the cause’s plight in shambles. So, for instance, many pro-life supporters endorse originalism perhaps not because they believe the Founders were right about the Constitution, but because living constitutionalism is patentely responsible for Griswold. Similarly, a person who supports federal legalization of same-sex marriage would support living constitutionalism since its supposed alternative, originalism, would wish to delegate the question of marriage to the states, where same-sex marriage has historically been unsuccessful in its legalization efforts.

The problem, then, is that the Constitution itself and constitutional interpretation become pawns in the political process, rather than tools for understanding the American republic. When one disagrees with the result of an interpretive method, that method is discredited wholesale, despite its potential for adequately or efficiently adjudicate in other arenas. Justices become classified as “conservative” or “liberal” because of their reading preferences, and are thereby disrespected and ridiculed by many who are, frankly, poorly informed about the law and legal techniques. We thereby weaken the republican spirit of our country, and cast shadows of doubt onto the true political genius that shined from a few brilliant minds in the late 18th century. If there is anything that will certainly bring about the decline of America, it is widespread incredulity in its founding principles. We then should avoid criticizing interpretive methods based on political preferences; we should judge them in light of their worth as reading methods and as tools for the art of politics.

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Thoughtfully Changing the World

A Review of Dinesh D’Souza’s 2016: Obama’s America

By Benjamin Silver

Karl Marx famously concluded his “Theses on Feuerbach” with a dictum that appeals to our sentiments: “Philosophers have hitherto only interpreted the world in various ways; the point is to change it.” The spirit of this quote—action, transformation, control, and the like—is omnipresent in the world of contemporary politics. But Marx’s dictum did not enter our collective consciousness without scrutiny. In the latter part of his life, Martin Heidegger pointedly remarked that Marx’s dictum “provokes the impression that [it] is decisively spoken against philosophy.” But, he continues, to change the world—to really, fundamentally change it—there must already be a conception of the world. These conservatives’ goal, it seems, is to uncover Obama’s worldview, and they are unabashedly confident that doing so will lead to the conclusion that he is unfit to be an American president, thereby leading to a loss in public support. What all of this is not to say, though, is that Obama’s act of taking up a Marxist dictum condemns him to be labeled a communist, just as I am not claiming that his critics’ embrace of a Heideggerian response makes them Nazi sympathizers. I would submit here that the Republican response, while not unfounded and certainly necessary, has drastically spiraled out of control for this particular president, and that D’Souza’s film is decidedly unreasonable in its approach and embodies the precise problem with the contemporary conservative movement.

D’Souza begins the film, quite rightly, by outlining his motivation for the project. He claims that Obama’s tendency to implement one policy in one place and another policy in another place (e.g. offshore drilling bans in the Gulf, but promoting offshore drilling in South America) combined with his unprecedented, meteoric rise in the world of national politics begs for an investigation into Obama’s understanding of the world and America’s role in that understanding. Indeed, such fascination with Obama’s mind is not unusual, seeing as similar projects with similar motivations have anti-colonialist sentiments, which were inspired by his radical, leftist, anti-British father.

We thus see in Obama’s campaign and the conservative reaction the not unfamiliar tussle between Marx and Heidegger. To change the world—to really, fundamentally change it—there must already be a conception of the world. These conservatives’ goal, it seems, is to uncover Obama’s worldview, and they are unabashedly confident that doing so will lead to the conclusion that he is unfit to be an American president, thereby leading to a loss in public support. What all of this is not to say, though, is that Obama’s act of taking up a Marxist dictum condemns him to be labeled a communist, just as I am not claiming that his critics’ embrace of a Heideggerian response makes them Nazi sympathizers. I would submit here that the Republican response, while not unfounded and certainly necessary, has drastically spiraled out of control for this particular president, and that D’Souza’s film is decidedly unreasonable in its approach and embodies the precise problem with the contemporary conservative movement.

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been taken up over the past four years by columnists like Paul Krugman and George Will and talk-show hosts like Rachel Maddow and Bret Baier.

It is in outlining his motivation that D’Souza initially goes astray. He implies that Obama’s extraordinary emphasis on change, combined with his unusual history, require the investigation into his understanding of the world and his philosophy, but this is simply not the case. Every president should be vetted in every possible way, regardless of what color his skin is, what policies he endorses, where his father was born, which international experiences he had as a child, or at what pace he ascended in the political arena. Understanding how a president thinks, how he sees the world, and how he sees things in the world are absolutely vital concepts that help us to determine how he will handle the office. Those concepts also help us to understand the president’s unsaid purpose. These follow because every person who runs for president necessarily campaigns, at least in part, on the above Marxist call for “change,” no matter how narrow or shallow those changes may be. To this end, there should be no different standard applied to Barack Obama than to a white male who was born to a Yale student with a Senatorial grandfather and grew up in West Texas. While investigating these two people, their policies, their education, the people they surrounded themselves with, and so on, we might find that one’s thought processes and opinions are less disagreeable with our own, or that they are more pragmatic than the other, or that their attitudes are more suited to the country’s present difficulties. And it must be noted that there is nothing distinctly wrong with performing such an evaluation, because such a process is ordinarily called “selecting a candidate.” Every voter performs this evaluation. But what is important here, and what D’Souza glosses over, is that every potential or present president ought to have this procedure performed on him by both the public and the pundits, seeing as each one will wield enormous power and with that power change the world.

D’Souza moves from motivating his project to the project proper: investigating the history of the president, so as to uncover what D’Souza supposes is Obama’s secret, nefarious worldview. With this key, D’Souza intuits that he can unlock the mysteries of the Obama administration’s shadowy operations. These mysteries are really there, D’Souza maintains, and he laments the fact that they have, until the release of his movie, gone without notice. The corollary here, and it is stated explicitly throughout the film, is that, when President Obama was elected in 2008, no one really knew what he was all about—perhaps not even his closest advisors—no one really wanted to know, and now the country is paying the price for its citizens’ indifference.

The problem, though, with D’Souza’s assertion that no one really knew Obama’s fundamental beliefs...
and its impact on Obama, he might have been able to construct a more serious critique of Obama.

Because of this failure to delve seriously into Obama’s own professed ideas, D’Souza’s discussion of Obama’s past and how it explains his policies is unconvincing. Though it is not, I think, too much of a stretch to say that President Obama harbors some, however minimal, anti-colonialist sentiment. D’Souza, expecting the audience to glean a stronger result from his argument, then entirely vilifies the concept of anti-colonialism. He claims that anti-colonialism is an untenable position or one that is simply inappropriate for a President of the United States to hold, but leaves the claim entirely unsubstantiated. The effects, he posits, of Obama’s strong, evil anti-colonialism are America’s certain fall from grace, the rise of China, and—here’s where the audience ought to certainly cease suspending its disbelief—the unification of all Arab countries from Morocco to Pakistan, which is to be called “The United States of Islam.” Anti-colonialism, of course, is an idea that certainly has its own seriously problematic aspects, but to say that policies informed by it are likely to bring about a trans-continental, radical theocracy is plainly ridiculous, especially by the year 2016. To justify even the possibility of these, D’Souza must do a great amount of theoretical and practical lifting to show that anti-colonialism really is the evil he claims.

By and large, 2016 turns out to be a huge disappointment. Rather than actually providing an investigation into the central principles of a president’s thought, it merely states the overly biased opinion that this president is “different,” that no one knows what he really thought when they voted for him, and that he subscribes to radical anti-colonialism which will doom the American Republic. Since D’Souza is not able to effectively argue or demonstrate with surety any of these points, 2016 turns out to be a failed project. It seems, then, that D’Souza’s movie becomes nothing more than the cinematic incarnation of the tragedy that the conservative movement has become over the last four years: one that has forgotten its positive-directed foundation in a serious understanding of tradition, liberty, faith, and natural rights in favor of an obsession with anti-Obama propaganda. Conservatism cannot survive by incoherently demonizing the Left’s philosophic preconditions for their Marxist call for change. Conservatism must criticize the Left with seriousness, rigor, and passion, while at the same time vigorously asserting its own philosophic precondition for its own Marxist call for change.
middle-aged woman enters a darkened church. She has traveled the Midwest selling women's underwear and seeks momentary relief from the pull of a cigarette and some quiet; she is exhausted. Having no matches, she looks for a candle but none are alight. The woman sits in a pew in front of the Virgin Mary. She prays and then nods off. Minutes later she awakens to find a cigarette burning between her fingers. “Thank you for the light,” she says to the Madonna giving F. Scott Fitzgerald the title to his 1936 short story.

Fitzgerald leaves the mechanics of the apparent miracle vague, but what is clear is that the light the woman receives is not the light of salvation from sin but the flow of nicotine, the comfort of a drug. Drugs or Jesus is a common refrain among the church-going crowd, but why not have both? Ross Douthat tells us why not in his new book Bad Religion: How We Became a Nation of Heretics. Fitzgerald wanted his reader to see salvation in the small comforts of everyday life; Douthat argues that the Light of faith, of orthodox faith, is its restraint against the excesses of modernity.

At 32, Douthat is one of the youngest, nationally-prominent conservative writers. Yet he has built an impressive resume—The Harvard Crimson, The Atlantic, National Review; as well as three books. Reared in the bosom of the liberal establishment, he has the sharpness of one excluded from ambient sanctimony. Even so, he eschews any lamb-among-wolves antagonism; Douthat is at ease among liberals and knows where their criticisms of conservatism are most poignant. He follows mass culture. He strives for dispassion and perhaps that is why, at its best, Bad Religion is a book that argues with equanimity for the necessity of Christian orthodoxy.

According to Douthat it is not the absence of religion that is damaging America but the predominance of heterodox religion or “bad religion” as his somewhat frivolous title suggests. A well-worn point some might say, America is widely Christian and yet so visibly un-Christian. Douthat asks us to rethink that paradox. What do Americans mean when they say that they are Christian? Douthat suggests that Americans have embraced not Christianity, but diminished versions that inevitably subordinate Christ’s message to other aims whether progressive politics, wealth, health, or nationalism. At bottom, heresy is a way to conform Christian truths to non-Christian interests, to make religion a comfort rather than a challenge.

Bad Religion begins with a story of decline. For Douthat, the apogee of Christianity in the United States was the civil rights movement. Christians of all denominations found common ground in the fight to undermine the injustices against Southern blacks. Principles of Christian theology, such as the inherent and equal value of all human beings before God, were employed to resist anti-Christian rhetoric from segregationists. Support for the civil rights movement extended across partisan lines. Politics was rooted in theology rather than theology rooted in politics.

But warm with the success of civil rights, the Christian churches grew overzealous and turned their sights on the Vietnam War, though the conflict starkly
divided congregations. Disagreement over Vietnam loosened the church’s influence on public morals, as did globalization and America’s increasing wealth. The coup de grace was the sexual revolution. Wealthy Americans had for some time embraced greater sexual liberality than their Victorian forbears, but with the advent of the pill, rich and poor alike could fornicate with relative impunity (relative to former generations that is, not to each other, as Douthat notes, the fruits of the sexual revolution have always benefitted the wealthier classes more than the poorer.)

As mores changed, the Protestant churches found themselves accepting contraception and then non-marital sex and finally wavering on abortion. The Catholic Church officially held a rigid line on all fronts with the publication of *Humane Vitae*, but was experiencing widespread insubordination on sexual issues. To think counter to the revolution became a symptom of nostalgia, repression, or unrelenting guilt. Many Christian leaders came to the conclusion that the Church must modernize or die. But “modernization” inevitably meant accession to secular aims leaving Christianity impoverished and American society as well.

Douthat admits that his sixty year history of Christian America is not complete but intended to show a general progression. To those readers with any exposure to religious history in America, this section of the book will offer few revelations. Even those unfamiliar will wonder why the fifties are a proper cut-off for such a history when, as Douthat admits, so many of the heresies of the sixties had been germinating for more than a hundred years. Douthat’s arbitrary scope limits the effectiveness of the historical section by making it appear self-serving (either on behalf of his argument or simply brevity) while at the same time tacitly lending credence to baby-boomer narcissism, that “modern” Christianity sprung forth ex nihilo from their own heads.

Douthat then turns to the heresies. He criticizes the prosperity gospel for refashioning Jesus “less like a savior than a college buddy with really good stock tips,” and mindlessly repeating the verifiably false proposition (for most people) that “God’s promised me double.” He laments the health gospel: “the physical vanity of the diet-and-exercise obsessive is recast as the pursuit of the kind of ritual purity, hedged about with taboos and guilt trips and mysticized by yoga…[its followers] nod to God and do as [they] please.”

Choice words but such nuggets are rare and mostly Douthat is content to temper his critiques with tepid statements like “There are some difficulties with this appealing synthesis…” and “A spirituality of niceness is not without its selling points.” He condemns niceness but is rather nice himself.

These chapters often find necessary succor in outside sources. Douthat admirably devotes attention to Phillip Rieff’s *The Triumph of the Therapeutic* while critiquing the gospel of health. Rieff observed that, even in the mid-sixties, religion had become more about comfort than commitment and that this was directly a result of Freud and the advent of psychoanalysis. Douthat accepts Rieff’s thesis though dismisses his emphasis on psychoanalysis as “overestimated”—a peculiar view considering Douthat’s point about changing sexual norms and Church influence. In American vernacular, Freud’s ideas on sex are so commonly accepted they go almost entirely unnoticed. Douthat is most concerned about the heresy of American nationalism, however. Both the Right and the Left are guilty of making a golden calf out of the United States and what it promises. Douthat points out that typically conservatives are faulted for their cynical approach to contemporary America, thinking back to former halcyon days, while liberals exaggerate how far America has progressed. Not so anymore. These days both Left and Right are run by “apocalyptic” and “messianic” reactions that almost concurrently, depending on the ruling administration, see America as either suffering from deep decline or finally living up to its ideals. The middle ground is gone.

This extremism, according to Douthat, is a direct result of adulterated Christianity. Before the sixties, Christian doctrine stood outside regular Left-Right
political distinctions and was a moderating influence on both. Now with Americans adhering to either a conservative or liberal adumbration, Christianity and the nation have become desperately politicized. Douthat’s insight offers a necessary antidote to the Democratic meme that the GOP is more extreme than ever before. In fact, both parties are more extreme than ever before and repeating the former does not make it so (I’m looking at you, New Yorker).

Douthat offers a number of solutions to restore Christianity to its proper role in society, but it is only a final quote by former Cardinal Ratzinger that sticks: “The only really effective apologia for Christianity comes down to two arguments, namely, the saints the Church has produced and the art which has grown in its womb.” Douthat echoes Ratzinger advocating a renewal of Christian art, away from the “millenarian kitsch” that has marked Evangelical movements, toward one that inspires Christian sainthood.

Unfortunately this very point undermines the project of Bad Religion. Why write a book with a tacky, market-driven title—evoking a 1980s punk rock band no less—that relies on limited historical analysis and insightful but bland critiques of popular heresies to bring back orthodoxy? This book will not motivate anybody to serious action. It lacks any artistry of its own (in fact, Douthat has an annoying penchant for the word “inexorably”) and is singularly devoid of strong feeling. This approach is intentional to some extent: “I am confident that my book can be received profitably by anyone,” he writes. In taking such an expansive approach profit was likely not far from his mind, but by writing his book for everyone he has made it applicable to no one who might actually reinvigorate orthodoxy. Alas, this book will produce neither saint nor artist. 

The Spirit of Public Service

A Review of Volcker: The Triumph of Persistence by Professor William Silber

By Jeremy Sawyer

When Americans look for statesmanship, they are not inclined to seek it among unelected government officials. Politicians and military leaders are commonly identified as those whose public service commands the most respect. Yet Professor William Silber makes a convincing case in Volcker: The Triumph of Persistence that the former Chairman of the Federal Reserve Board of Governors merits the distinction. In building a career as a government economist, facilitating the transition of US monetary policy away from the gold standard, and fighting inflation as Fed chairman, Volcker demonstrated the best aspects of the public servant.

Silber’s account of Volcker’s life evokes an image of a man steadfastly devoted to his principles. Volcker had maintained a strong belief that the Federal Reserve should be independent from political pressures from his early days at the Federal Reserve Bank of New York. He supported William McChesney Martin, the future chair of the Federal Reserve, in his attempt to raise the discount rate in 1965 despite the political objections of President Johnson. While Martin and Volcker lost that argument, Volcker would never relinquish his adherence to that sometimes-unpopular position.

Later, as Chairman of the Federal Reserve, Volcker’s commitment to his position that monetary policy ought primarily to target inflation in order to best achieve long-term growth was stringently tested. After he was inaugurated as the head of America’s central bank in 1979, Volcker found himself in the midst of a struggle almost immediately. He attempted to tighten the money supply, but votes on the Federal Open Market Committee (FOMC) were highly divided. Still, Silber describes Volcker as a confident

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and graceful leader who navigated the issues before him skilfully.

While President Carter had appointed Volcker to Federal Reserve Chairman with the knowledge that Volcker was both committed to Federal Reserve independence and inflation targeting, Silber’s account portrays a wavering president willing to pander to the subsection of the electorate represented by debtors. A month before the 1980 presidential election, Carter sharply criticized Volcker’s “strictly monetarist” approach. Carter lost the election, but Silber shows it was largely because of public frustration with inflation. After President Reagan replaced Carter, Volcker showed himself true to his principles by following through on his plan to sharply contain the money supply.

Volcker’s legendary success as Fed chairman turned on his recognition of the importance of keeping inflation down. Silber relates that, while at Harvard, Volcker’s reaction to a professor’s comment during lecture that “a little inflation is good for the economy” was “A word flashing in my brain like a yellow caution sign: Bullshit.” While some economists in high positions had become enamored with Keynesian theories that postulated the ability of inflation to facilitate full employment, Volcker held fast to economic intuition and the idea that inflation cannot boost demand in the long term. He was also close enough to everyday Americans to understand the strain that upward-spiraling prices placed on them.

Volcker understood that the consumer has a remarkable ability to determine what is occurring in the economy insofar as it affects him and his well-being. Silber outlines the theory regarding the destructive power of inflation that guided Volcker: people believe they are better off as wages rise, yet the higher prices encountered by consumers offset this gain. At this point, the power of inflation to promote employment by stimulating demand disappears, and the end result is simply higher inflation, which makes everyone worse off.

To be sure, Silber’s account teaches of the dire political consequences of fighting inflation. For Volcker, Carter’s campaign-trail reproach was only the beginning. Several federal legislators, alarmed by the prospect of a monetary tightening temporarily increasing unemployment, called for Volcker’s resignation. One Congressman went as far as two introduce two bills of impeachment, one for Volcker and one for the rest of the Federal Open Market Committee.

President Reagan, who as a conservative should have been sympathetic to Volcker’s crusade for sound money, did not offer Volcker much help. When asked by reporters whether he agreed with legislators’ calls for Volcker’s resignation, Reagan refused to comment. Silber’s account reflects badly on the former president, and Silber rightly skewers Reagan’s remark that “The Fed is hurting us, and what we’re trying to do, as much as they’re hurting anyone else.” Such behavior on the part of the patron saing of the American Right ought to give pause to conservatives who doubt the value of the independence of central banks.

Volcker’s actions also helped to support the crucial cause of fiscal responsibility. Before his tenure, it was accepted that in effect the Federal Reserve would bail out the failure of fiscal policy to bring about robust growth by providing a jolt to demand in the form of a loosening of the money supply. Such a trend discouraged the federal legislature from planning adequately for running surpluses in eras of prosperity that would enable spikes in spending during recessions. Under Volcker, the Federal Reserve would not accommodate the deficits of the Reagan
years by expanding the money supply and monetizing the debt. One shudders to think what US budget deficits today would look like if Volcker had bowed to the pressure.

On a large scale, perhaps the greatest accomplishment of Paul Volcker's career was a restoration of trust in the Federal Reserve and, more broadly, in the federal government. Americans are by nature distrustful of their government, and this outlook has a long and proud tradition dating back to the nation's founding. Yet it is essential to a well-functioning society that citizens believe in the propriety of their public servants' motives and their ability to execute their duties competently.

Silber discusses the way in which inflation atrophied the trust of the American people and their government in the late 1970s and early 1980s. Citizens understand that a crucial function of the government in the modern era is to safeguard the value of the currency it prints. Central bankers and politicians failed to do so, and the public could no longer put its faith in them. Further exacerbating this situation were empty statements on the part of politicians promising to end the menace of inflation.

Volcker understood and was highly sensitive to issues of trust in the government. He endeavored to serve the public properly and take the best course of action for them, so the effect of inflation on public trust disturbed him greatly. Volcker fought inflation by setting targets for the rate of inflation and then manipulating the money supply to ensure that those targets were met. In so doing, he restored America's trust in its government's ability to solve the problems it had created.

Silber's description of Volcker's life is pertinent to our present discontents. The Federal Reserve today has moved dangerously away from fighting inflation. To the credit of the FOMC and Chairman Ben Bernanke, the Fed has developed innovative instruments that allow it to boost growth without increasing the money supply in the way that simply buying bonds would. Yet the Federal Reserve still targets interest rates extremely close to zero through 2014. Such announcements should stir fears of inflation unless and until the Fed announces an exit strategy to allow interest rates to rise to normal levels.

Moreover, the Federal Reserve's strategy of quantitative easing has the effect of removing pressure on Congress and President Obama to deal adequately with fiscal issues that ought rightly to be restored. Legislators have utterly failed to address the entitlement crisis that is rapidly making the federal government insolvent, and President Obama has failed to lead on this issue. Owing in part to rising deficits that alarm financial markets and in part to high tax rates, growth has been weak for an extended period. The Federal Reserve should take its lesson from Paul Volcker and focus on fighting inflation instead of attempting to boost the economy in the short term, leaving the legislature and the president no choice but to achieve growth through prudent, sensible fiscal policies or be held accountable.

The issues surrounding inflation rates at historic lows for an extended period of time are also related to trust. Volcker's tenure as chairman of the FOMC was instrumental in restoring the American public's trust in the ability of the central banking system to fight inflation. It is that trust that Bernanke relies upon as he announces near-zero rates through 2014 without raising inflationary expectations substantially. But in order for that trust to continue, the Fed ought to prove that it is warranted by announcing a plan to normalize rates without shocking the economy.

In Volcker, Silber presents a figure uniquely dedicated to serving the people of America. Volcker is the type of public servant, one who adheres to clear goals and demands accountability, and one of whom the United States will need more of should it plan to continue to create prosperity and remain atop the international order.

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“If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.”

-James Madison

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