201015 OBITER DICTA: POMP AND CIRCUMSTANCE

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Available at: https://works.bepress.com/steven_samson/332/
Gov. Richard Lamm's phrase, a "duty to die," has had a long half-life but it continues to radiate through discussions of the future of health care. Thomas Sowell draws upon his experience with a largely bygone tradition of hospitality to illuminate one way out of our radioactive political pieties. As a society we have been opting for what is convenient at the expense of what is right. Once again it is instructive to cite Pierre Manent's meditation on the disease of the age in The City of Man, page 119:

"According to Hobbes, political and moral laws are binding only by virtue of the sovereign, the only legitimate legislator. What makes the law is not the truth of its foundations but the authority of the one who promulgates it. Locke turns this proposition, whose tenor and import were chiefly political, into the general philosophical proposition that man as man is the arbitrary creator of his laws and moral notions. For Locke, the Sovereign is not this particular man but man himself, and he is not the sovereign of this particular country but of the human world as such."

Thus the saying of Protagoras that "man is the measure [or measurer] of all things" becomes the foundational principle of modern secular humanism. In his "Essay on Man" (1734), Alexander Pope formulated the implications of modern philosophy as follows:

"Know then thyself, presume not God to scan
The proper study of Mankind is Man.
Placed on this isthmus of a middle state,
A Being darkly wise, and rudely great:
With too much knowledge for the Sceptic side,
With too much weakness for the Stoic's pride,
He hangs between; in doubt to act, or rest;
In doubt to deem himself a God, or Beast;
In doubt his mind or body to prefer;
Born but to die, and reas'n'ing but to err;
Alike in ignorance, his reason such,
Whether he thinks too little, or too much;
Chaos of Thought and Passion, all confus'd;
Still by himself, abus'd or disabus'd;
Created half to rise and half to fall;
Great Lord of all things, yet a prey to all,
Sole judge of truth, in endless error hurl'd;
The glory, jest and riddle of the world."

Welcome to our chaotic heart of darkness!
Aaron Klein discloses that Elena Kagan is an admirer of Aharon Barak, the former Chief Justice of the Israeli Supreme Court, who was the perfect model of a liberal activist judge – and who led what one Knesset member described as an alternative government. Kagan had Barak brought to Harvard as a speaker in 2006. Klein quotes from an article by Caroline Glick, a journalist who has her own website, that was published in *The Jerusalem Post* on September 4, 2006. It is entitled "Shimshon Cytryn and Aharon Barak."

Eighty years after the French began building the Maginot Line, and seventy years after it was bypassed by the invading German army, what story is likely to be told about the Rashaya wall that Syria is building in Lebanon to protect Damascus against an invasion by Israeli tanks? Syria and Iran are already supplying missiles to their allies. Does anyone really expect the year to pass without another outbreak of war? In this cat and mouse game, the question is whether either side has a viable strategy. Whose hand is most likely to be forced?

"The Metropolitan Museum of Art has quietly pulled representations of the Prophet Mohammed from its Islamic collection. With the Danish cartoons, violent mobs actually had to kill large numbers of people before Kurt Westegaard was sent into involuntary 'retirement.' Even with 'South Park,' the thugs still had to threaten murder. But the Metropolitan Museum caved pre-emptively – no murders, no threats but best to crawl into a fetal position, anyway."

In this case, I decided to send the Snopes reprint of "Arizona Rest Area" in case anyone is skeptical. Perhaps we should update *The Wasteland*: North of the border, desert blossoms are crushed under lurking shadows that, like flotsam poured into storm drains, snake through Sonoran ravines.
"All across the continent, countries large and small are straining under the weight of debt caused by comprehensive “cradle-to-grave” social welfare. At least four trends, some of which are unique to Europe, are conspiring to bring down the edifice of the European social welfare model. They are demographics, chronic unemployment, cultural idiosyncrasies, and profligate politicians."

We may hear the phrase "too big to fail" less frequently as the realities of unsustainable sovereign debt press upon us. Perhaps the phrase "too big to succeed" will become the new mantra. Sixteen years following the so-called Republican Revolution, our political elites may be more out of touch than ever. With public fury becoming concentrated like a spring, political entrepreneurs with the skills to channel it are beginning to seize the opportunity. Les rois fainéants of the United States and Mexico, in joint statements and before Congress assembled, have amplified an anvil chorus of disapproval directed at Arizona, but some American states are shrugging off their constitutional torpor and acting as though they might reclaim the sovereignty that nearly all of our institutions have for decades renounced.

Saturday 22

http://www.americanthinker.com/2010/05/americas_death_by_professor.html

"Where professors rule, life is cruel."

Midterm evaluations for Professor Obama suggest that he is rapidly losing control of his class, as did Professor Wilson during the negotiations and subsequent whistle-stop campaign for the Versailles Treaty. But the signs of subsequent failure were present at the beginning. Consider this statement that President Woodrow Wilson made in November 1913 to the British envoy, William Tyrrell, in which he explained his policy on Mexico: "I am going to teach the South American republics to elect good men." In 2008 Professor Obama campaigned on a similar platform: "I am going to teach the North American republics to elect good men." Did he succeed?

Question: Which of our professor/presidents said the following? "I have long enjoyed the friendship and companionship of Republicans, because I am by instinct a teacher and I would like to teach them something." Answer: Woodrow Wilson in a speech to the World's Salesmanship Congress in July of 1916. A good question to ask is what Professor Obama teaching the Republicans of today.

In my library I have numerous books on intellectuals in politics (including one entitled Three Intellectuals in Politics) that examine an ideological disease that has become endemic to our political system. An early treatment of the subject is Julien Benda's classic: Treason of the Intellectuals.

http://townhall.com/columnists/JaniceShawCrouse/2010/05/21/obamacare_payback_time_for_all_the_single_ladies?page=full&comments=true

One sign of the return of inflation may be seen in the new national health care system's provisions. With malice aforethought, the marriage penalty, itself an instrument of social revolution, has been further inflated by our caretakers.
"Some commentators argue that ObamaCare will 'destroy marriage for the middle class the same way that the Great Society welfare state destroyed the black family with financial incentives for staying single.' Politically, the "marriage penalty" is also another Democratic kickback. This provision is designed to placate and cement the support of that 70 percent of unmarried women who voted for President Obama in the 2008 election. Greenberg Quinlan Rosner, a liberal firm that consults for clients such as Bill Clinton and John Kerry, said: 'Unmarried women represent one of the most reliable Democratic cohorts in the electorate ... leading the charge for fundamental change in health care.' Many of these unmarried women are mothers (older women, rather than teenagers, currently drive the out-of-wedlock birth rates); women in their 20s had 60 percent of all babies born out of wedlock, and women over age 30 had another 17 percent."

http://article.nationalreview.com/print/?q=Y2ZhOWIwNDM2MjJkYzM4ZTVlYWQ3NDU4YzViNZZjZTI=

Mark Steyn takes the president to task for the statement he made upon signing the Daniel Pearl Press Freedom Act: "Obviously, the loss of Daniel Pearl was one of those moments that captured the world's imagination because it reminded us of what valuable a free press is." Two words come to my mind upon reading such a sentence: "hollow" and "tepid." It embodies the sort of rote blandness that is among the tools of the politician's craft. Consequently, the deterioration of the English language under the lashing tongues of politicians proceeds apace.

Two generations ago, George Orwell described the problem in his essay "Politics and the English Language:"

"A scrupulous writer, in every sentence that he writes, will ask himself at least four questions, thus: What am I trying to say? What words will express it? What image or idiom will make it clearer? Is this image fresh enough to have an effect? And he will probably ask himself two more: Could I put it more shortly? Have I said anything that is avoidably ugly? But you are not obliged to go to all this trouble. You can shirk it by simply throwing your mind open and letting the ready-made phrases come crowding in. They will construct your sentences for you — even think your thoughts for you, to a certain extent — and at need they will perform the important service of partially concealing your meaning even from yourself. It is at this point that the special connection between politics and the debasement of language becomes clear."

Today we speak of "mere words." But it is the word that makes us distinctly human. Perhaps "mere words" may be translated to mean "merely human." Now that an organic cell has been manufactured, C. S. Lewis's warning about The Abolition of Man is reaching a "red alert" intensity.

http://www.realclearpolitics.com/articles/2010/05/21/the_fruits_of_weakness_105676.html

Charles Krauthammer discusses "The Fruits of Weakness" as the Obama Administration continues to appease its enemies on several fronts at once.
"This is not just an America in decline. This is an America in retreat — accepting, ratifying and declaring its decline, and inviting rising powers to fill the vacuum.

"Nor is this retreat by inadvertence. This is retreat by design and, indeed, on principle. It's the perfect fulfillment of Obama's adopted Third World narrative of American misdeeds, disrespect and domination from which he has come to redeem us and the world."

Resistance may be mounting at home, but the Obama Administration has a free hand in the foreign policy arena. It appears to be betting the bank on creating new and irreversible realities on the ground. Seventeen of our states may be taking steps to strengthen state laws in order to cope with illegal immigration, but the President, Congress, and the Supreme Court have thus far outmaneuvered the states as did their Progressive counterparts of old. They are weakening our national defenses by failing to uphold our national sovereignty.

Jeremy Rabkin understood the danger long before it had become so clearly delineated as it is now: "The Constitution does not allow Congress to enact a law and then prohibit future repeal of it. No Congress has the power to change the powers granted to a future Congress in the Constitution itself. So, too, the Constitution does not permit the United States government to make a treaty that our own government is — as a matter of American law — unable to renounce or repudiate. . . . The government cannot revise or limit the treaty power by a mere treaty, as it cannot amend the Constitution by a mere treaty." (The Case for Sovereignty, 2004: 175). Even so, a lot of damage is apt to be done before an electoral realignment can begin to reverse these trends, either domestically and internationally.

"Given Obama's policies and principles, Turkey and Brazil are acting rationally. Why not give cover to Ahmadinejad and his nuclear ambitions? As the U.S. retreats in the face of Iran, China, Russia and Venezuela, why not hedge your bets? There's nothing to fear from Obama, and everything to gain by ingratiating yourself with America's rising adversaries. After all, they actually believe in helping one's friends and punishing one's enemies."

http://www.melaniephillips.com/articles-new/?p=739

On the other side of the Atlantic, Melanie Phillips voices concern about another coup-in-the making. Just as we in this country substituted a Constitution of Powers for a Constitution of Limitations, to use Edward Corwin's distinction, so the British are moving in the direction of a more permanent executive.

Over here, Woody Allen has opined that "It would be good...if (Obama) could be dictator for a few years because he could do a lot of good things quickly." Over there, the new Tory prime minister, David Cameron, still seems to be determined to elbow aside the old Tories.

"Worst of all are the coalition’s proposals for constitutional change. Mr Cameron has agreed to a referendum on the Alternative Vote system (AV) — and to whip his MPs into voting that referendum through."
"But AV would take seats away from the Tories and hand them to the opposition. Even though the Tories would oppose AV in the referendum, the chances are that, with the public so disillusioned with the old politics, the proposal would be carried.

"Worse even than that is the proposal for fixed-term parliaments, which could be dissolved only if 55 per cent of MPs voted against the government in a no-confidence motion.

"This is nothing less than a coup against Parliamentary democracy. It means that, even if more than half of MPs voted against the coalition so that it could not get its legislation through Parliament, the Government would remain in place."

But perhaps Melanie Phillips has forgotten that Parliamentary democracy was the consequence of earlier coups.

**Sunday 23**

[http://townhall.com/columnists/AustinHill/2010/05/23/obama_has_enraged_the_citizen_class?page=full&comments=true](http://townhall.com/columnists/AustinHill/2010/05/23/obama_has_enraged_the_citizen_class?page=full&comments=true)

Austin Hill offers a basic civics lesson by noting that "along with the distinctiveness of being an American citizen, those of us among the citizen class also regard our nation’s sovereignty as something that must be safeguarded as well. Political philosophies, governmental structures, and economic systems are not morally neutral – some work far better than others. And the structures and institutions and governing philosophies of the United States have produced a far higher level of human flourishing and freedom than any others. For this reason, if for no other, our nation must always be regarded as separate and distinct."

In sum: "Our nation is good, U.S. citizenship is distinct, and national sovereignty is non-negotiable. In a nutshell, this is the mindset, the worldview, of the citizen class."

But this sovereignty is being visibly, even publicly, challenged by the current ruling party. "While an overwhelming majority of the citizen class supports Arizona’s effort to uphold the significance of citizenship and sovereignty, President Barack Hussein Obama has sided with the United Nations, Venezuelan Dictator Hugo Chavez, China, and the President of Mexico in opposing the state of Arizona."

"Worse yet, our President not only allowed, but enabled Mexican President Felipe Calderon to publicly humiliate our fellow Americans of Arizona, while standing on the sacred grounds of the White House. And President Obama’s party – the ruling party in Congress – couldn’t rise to their feet quickly enough and offer thunderous applause, when Mr. Calderon publicly humiliated Arizona during an address to both the Senate and House last week."

Although we cannot exactly foresee how events will shape electoral fortunes in November, the ideological bent of the ruling party in Washington is so unmistakable that either a wave of revulsion will sweep the electorate and weaken
the grip of the incumbent party or the else deepening political divisions fostered by the overreaching of constitutionally-incorrect opportunists and Leftist policy entrepreneurs are apt to become open wounds.

A largely unnoticed revolution has brought us to the verge of tyranny. At a certain point, as George Orwell described in *Animal Farm*, the new rulers begin to act with impunity as power becomes concentrated in their hands. Albert Wolters notes the dangers of violating the principle of "differentiated responsibility:"

"Persons in positions of societal authority (or ‘office’) are called to positivize God's ordinances directly in their own specific sphere. Their authority is delegated to them by God, not by any human authority. Consequently, they are also directly responsible to God. Church, marriage, family, corporation, state, and school all stand alongside each other before the face of God. If one institution raises itself to a position of authority over the others, asserting its authority between God and the others, a form of totalitarianism emerges that violates the limited nature of each societal sphere. Such is the case in totalitarian states, in which political authority overrides all other authority. There the state runs the economic institutions, appoints church officials, and dictates child-rearing practices" (*Creation Regained*, 1985: 82-83).

Have we heeded the signs of the times? As Hill notes: "It’s nothing short of disgraceful to see the President of the United States undermine us, while the entire world is watching. His behavior has, in no small part, called into question just how 'united' the United States of America is right now."

http://pajamasmedia.com/rogerkimball/2010/05/22/calderon-vs-mcclintock-mcclintock-wins/?singlepage=true

In the matter of the petulant display by the Mexican president and the Democratic leadership, a Republican congressman from California, Tom McClintock, took to the floor and said what needed to be said. Here is one incumbent who is willing to "speak truth to power."

http://gatesofvienna.blogspot.com/2010/05/take-no-prisoners.html#readfurther

A sign of the times: A minute-long campaign ad for commissioner of agriculture in Alabama. It appears that Mother Jones is getting her wish: to raise less corn and more Hell.

http://pajamasmedia.com/victordavishanson/the-new-old-german-problem/?singlepage=true

I have appended a response on Pajamas Media to Victor Davis Hanson's column, "The New Old German Problem," that is worth preserving. The old vision of a "Common European Home" turned out to be a nursing home without a nursery - and soon enough without nurses. "Whiskey" of Whiskey's Place addresses the demographic realities that will keep Germany from filling the security vacuum in Europe that may be the most lasting legacy of the Obama Administration:

**The German Problem will be Greater Switzerland.**
“First, Germany is OLD. The birth dearth is quite strong in Germany. Its TFR is 1.42, and that is with Turks and other Muslim immigrants and their descendants.

“Germany does not have enough young men to stage a really good soccer team. Much less roll into the Low Countries.

“Second, is the nature of Germans. Yes they are very, very angry. They are angry that the European Project, which was to have given them the ironic Sex Pistols “Safe European Home” has turned out to be a Madoff ponzi scheme. So Bild, Frankfurter Zeitung, etc. are all in favor of “Greater Switzerland.”

“That is, a return to the Deutschmark, a lip service EU, and probably some form of deterrent.

“German nukes are not anything to worry about. Any more than Polish, Danish, Czech, or Swiss nukes. All those nations face near-catastrophic demographic decline. Nukes being merely a way to prevent them from being conquered by hungry neighbors (Russia in the case of Poland, and perhaps the Czech Republic) or threatened by Iran (Germany, Switzerland, Denmark) as nations seek to check independence minded or take-over minded Muslim sectors in their nations.

“The real nightmare is not another round of Germans marching around Europe. It is Iran acting as “protector of Europe’s muslims” insisting on Sharia and/or independence for Europe’s Muslims. This threat is what Jacques Chirac of all people responded to with his bizarre statement about Frances nuclear forces being “reconfigured” to deal with non-strategic terrorist threats, communicated to the Iranians.

“The threat of decline of American security guarantees falls mostly on the US. WE not Europe remain the biggest targets. Germans with say, 1,000 nukes, are not a threat. Iran with 10 is. Because of the nature of both regimes. Not just the people in charge, BUT the people.

“Germans are angry, but solid middle class people who are older. Most older than fifty. That sort of people does not go marching into conquest or war. They make arrangements for security to live a comfortable retirement.

“The biggest impact of Greater Switzerland is economic. The Netherlands, Germany, Austria, and some nordic nations are far richer, more disciplined, and lower-labor cost in a deeply competitive, rival with China world, than others in Europe. Basically the EU is cracking up into nationalism. Not the 1930’s kind, but a small, isolationist, old folks nationalism, seeking the best security for themselves.

“Inference: the US is alone in seeking partners for security. There are none, save perhaps India, with common interests and youthful demographics.”

May 22, 2010 - 11:23 am

Monday 24
Jared Peterson has some tough words for those Democrats who applauded or were silent in the face of the Mexican president's tongue-lashing of the citizens of Arizona as well as those Republicans who tolerated this display. Republicans who are unwilling to take the gloves must count themselves among les rois fainéants. Since what they neglect is more important than what they do and say, perhaps our do-nothing kings might better be designated "court jesters."

If the tea party movement and other sources of opposition find their collective voice, a lot of Republicans and even more Democrats will be strapping on their golden parachutes in December. If we are in a deteriorating 1859 or 1938 situation, this country needs leadership in the Tidal Basin that will see to the country's defenses while rebuilding our alliances and getting the country back to work and solvent once again. The problem is that democracies are so poor at front-loading defense preparations that they end up back-loading desperate survival measures. Aaron Wildavsky believed that we must seek a healthy balance between anticipation and resilience. An ounce of prevention is always worth a pound of cure. We will sorely miss the 40 plus million Americans that we have aborted. Push has already come to shove and we may find ourselves with fewer allies than ever.

For John: Here is an imaginative on-line application of computer graphics to a narration about the "purpose motive" designed to make a sound point animatedly (all puns intended).

Perhaps it takes a fellow puppet to catch out the Pinocchios of the Punch and Judy Show being performed on our Capitol steps.

**Tuesday 25**

Here is a DEBKA analysis of the confrontation between North and South Korea that addresses the roles played by Iran and Syria as well as China.

Ron Radosh responds to Claire Berlinski's article in City Journal on Soviet espionage.

Here is Berlinski's response. With Bukovsky's and Stroilov's permission, I did some slight copy editing on EUSSR about three years ago and used it in
class. The original documents on which it is based are posted at bukovsky-archives.net.

**Wednesday 26**

[link]

In commenting on Rand Paul's blundering comments (a self-inflicted wound) on the Civil Rights Act of 1964, David Harsanyi discusses some of its long term political uses to which the issue has been put.

"The fact is, nearly everyone—including, it seems, most libertarians and Paul himself—agree that the Civil Rights Act was necessary in untangling repressive, government-codified Southern racism. The problem is that some of this kind of well-intentioned and important legislation has been used to validate the infinite creep of Washington intrusion into commerce and life."

This intrusiveness is due to a complex history that dates back to the Civil Rights Cases of 1883, in which the Supreme Court struck down the Civil Rights Act of 1875, with the result that the equal protection clause of the Fourteenth Amendment ceased to be an effective protection of civil rights except where direct action of the state could be shown. Subsequently, it was direct action by the states that instituted the Jim Crow laws, most of which were instituted following this decision.

As a consequence of the Civil Rights Cases and the 1896 *Plessy v. Ferguson* decision, the provision of the Constitution cited by the drafters of the public accommodations section of the Civil Rights Act of 1964, and cited in subsequent Supreme Court decisions, was the interstate commerce clause rather than the equal protection clause. The chief obstacle to the achievement of equal protection of the laws was the passage and enforcement of state laws that instituted a regime of racial discrimination.

Here is another self-inflicted wound: this one by the Supreme Court and, consequently, the other national institutions. The Court failed to apply the equal protection clause to protect citizens against racial discrimination. Having previously reversed itself on the issuance of fiat currency and then subsequently upholding the suppression of liberties during the First World War and broadening its definition of commerce during the New Deal, the Court gradually adopted a tradition of interpretation that has short-circuited the Constitution of Limitations in favor of a Constitution of Powers. The real challenge, then, is to understand the historical context and the consequences of political and judicial choices made over the span of more than a century. The end product of those choices is a central government that is both highly intrusive in its fiscal, social, and educational regulation and highly ineffective, if not incompetent, in matters of national security.

One other legacy of the complicated, circuitous, and conflicted path that finally led to desegregation in the 1960s is the rhetoric of denunciation and suspicion that colors so much of our politics today. The intemperate style of American
politics is also a legacy of Cold War recriminations and the Kennedy assassinations. As Hansanyi notes: "While it is inarguable that many in the South used the Constitution as a pretext to solidify their racism then, today it is often the mainstream left that uses racism to smear those with an earnest belief in the document."

Such guilt-by-association must be confronted skillfully and tactfully by a citizenry that wishes to protect its liberties against an encroaching nanny state that surrounds itself with such smokescreens. A good start is for the public to recognize that we are less secure when protected by a Bodyguard of Lies and then to demand better of our leaders. Our capacity for creativity, our purpose-driven choices, and even our human imperfections argue for less intervention and supervision by a central command structure rather than more. Those of us who have seen 2001: A Space Odyssey should remember -- and recognize -- that our nanny is HAL 9000.

Robert Weissberg recalls the street theater of an earlier day by comparison with more recent manifestations of the will to protest. "The street demonstration can be great fun, even therapy for those whose lives lack moral purpose. In my 1960s misspent San Francisco youth, I was addicted to the rally du jour." This, he says, is the "secret appeal seldom told to non-participants."

Anti-war rallies were a staple of campus life at the University of Colorado in the late 1960s. When protestors sought to cancel final exams following what was then called the "Kent State massacre," all of my exams were canceled save one: Dr. Rozek’s Soviet Foreign Policy. Dr. Rozek would respond to Leftist harangues in the classroom by saying things like "I admire the courage of your confusions." On this occasion he refused to bow to popular demand and appealed to us as his students to follow his example. Perhaps we literally followed in his footsteps when we gingerly stepped over the bodies of demonstrators who sought to block our entrance to the lecture hall. Two decades later the Soviet Union expired with just as little fanfare.

So, if I learned something on that day, it was that boycotting final exams is less challenging than taking them. As Weissberg notes: "Mob action is even less demanding than voting -- there's no prior registration, age or residency requirement, or citizenship question. You don't even have to decide among multiple candidates -- just show up and scream. This is Politics for Dummies."

Thursday 27

This analysis of the sinking of the South Korean warship in its own waters suggests that the North Korean heir apparent may be attempting to fortify his position and thus forestall the inevitable succession crisis. It attributes the bombing of a South Korean air flight over the Andaman Sea in the late 1980s to a similar calculation by Kim Jong Il while he was still a princeling. Edward Rozek’s "theory of diminishing dictators," which he originally applied to the
Soviet succession during the early Brezhnev period, may be just as clearly at work in North Korea when the line of succession is strictly familial.

http://www.telegraph.co.uk/finance/comment/edmundconway/7770265/Is-Europe-heading-for-a-meltdown.html

Whatever the merits of the anthropogenic global warming theory, I am willing to suspend disbelief in one critical area: Our global economy is skating on the very thin ice of sovereign debt. Perhaps it is time to discuss why governments have chosen to rearrange the deck chairs on the Titanic rather than address the real problem of the onset of demographic winter.

http://www.memri.org/report/en/0/0/0/0/0/0/4226.htm

Reading between the lines of this exchange of insults between Ahmadinejad and Medvedev, it appears that Russia continues to play its old dialectical games. It appears that the missile build-up in Syria and Lebanon may lead to another war in fairly short order. The question is whether Russia is seeking plausible deniability for its role in the regional arms race or whether it is seeking to block the attack on Israel that may soon be mounted.