

A black and white close-up portrait of Audrey Hepburn. She has her signature short, curly hair and is looking slightly to the right with a gentle smile. She is wearing a pearl necklace and a dark, long-sleeved glove on her right hand, which is raised near her chin. The background is dark and out of focus.

the weekly  
**Standard**

WHATEVER  
HAPPENED TO  
*Charm?*

BY JOSEPH EPSTEIN

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## Ice Ice Maybe

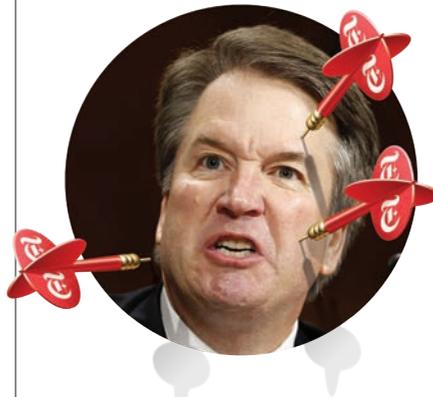
Many news organizations have disgraced themselves over these last few weeks in the unlovely quest for peccadillos in Brett Kavanaugh's youth, but the *New York Times* has outshone the rest. A story on October 2 brought us finally to the point of self-parody. The lede was breathtaking in its silliness: "As an undergraduate student at Yale, Brett M. Kavanaugh was involved in an altercation at a local bar during which he was accused of throwing ice on another patron, according to a police report."

The *Times* found a police report of a barroom incident in New Haven, which had been described by a classmate, Chad Ludington, but it is not at all clear from the report what Kavanaugh's role was. Based on a police report, what's known for sure is that Kavanaugh was at a bar with friends in 1985 and that some kind of mayhem broke out, either because Kavanaugh threw ice at another guy or something else, and that the police were called. There was no record of any arrests.

So he threw ice.

The point, of course, is to build the case that Kavanaugh was prone

to drunkenness. Not that the *Times* or anybody else cares if he drank too much in college, but Christine Blasey Ford alleged that Kavanaugh and a friend were drunk when the former



assaulted her, and the picture Ludington paints of an often drunkenly belligerent Kavanaugh would seem to buttress Ford's claim. Just so do conspiracy theorists search for data points that confirm the truth of their cockamamie narratives.

Perhaps the surest sign that we are in the realm of partisan journalistic hackery is that one of the two coauthors of the *Times* story is the avowedly

left-wing and virulently pro-choice Emily Bazelon. Her lefty opinions wouldn't disqualify Bazelon from writing the piece (though one might have thought her editors at the *Times* would assign someone else to such a politically sensitive story), but Bazelon has put herself on record as emphatically opposing the Kavanaugh nomination. On July 9, the night President Donald Trump announced his choice of Kavanaugh, she tweeted: "As a [Yale Law] grad & lecturer, I strongly disassociate myself from tonight's praise of Brett Kavanaugh. With respect, he's a 5th vote for a hard-right turn on voting rights and so much more that will harm the democratic process & prevent a more equal society."

When Bazelon posted her *Times* story on Twitter on Monday, she prefaced it with the observation, "No report of an arrest. Could have been expunged, I'm told." We wonder how Kavanaugh is supposed to prove that a record of his arrest in 1985 wasn't expunged. Maybe he can work on that while he proves he didn't expose himself to female Yalies and take part in a gang-rape ring. ♦

## Ghetto Beto

A barroom tussle? Drinking beer on a weeknight? That's nothing. How about the time the 19-year-old wrote a theater review in which he lamented the cast of "perma-smile actresses whose only qualifications seem to be their phenomenally large breasts and tight buttocks." What sort of vile misogynistic brute would say such a thing? Get him out of here!

Oh, wait. That wasn't Brett Kavanaugh. It was Beto O'Rourke—or rather, Robert O'Rourke, according to the byline—writing in the *Columbia Daily Spectator*, Columbia University's student newspaper, in 1991.

Predictably Rep. O'Rourke, the Democratic candidate for U.S. Senate



*Mistakes were made.*

in Texas, issued a groveling apology: "I am ashamed of what I wrote and I apologize. There is no excuse for making disrespectful and demeaning comments about women." The article was turned up by *Politico*, but all fair-minded people must regard this

mildly amusing wisecrack from a college student as morally and politically insignificant. O'Rourke had no need to apologize.

What he hasn't apologized for, but ought to, is his frequent use of a bogus story about a girl the U.S. government supposedly deported. Until recently O'Rourke liked to tell the story of an unnamed "Dreamer," someone who came to the United States illegally as a child, who had recently become salutatorian of her high school. The feds found out about her and, according to O'Rourke, she was deported to her country of origin, Mexico, despite not knowing Spanish.

A sad story but, as a report in the *Dallas Morning News* revealed, a fictional one. The congressman had

relied on what he'd been told by someone else. The actual woman did speak Spanish and was not deported, and it didn't happen recently but a decade ago. Also, she was valedictorian, not salutatorian, and she's now a citizen. (Other than that, as they say, the story was accurate.)

Robert/Beto is rather less inclined to say sorry for that one. His spokesman insists that the congressman was "going off what he was told." A Capitol Hill Democrat repeating uncorroborated anecdotes? If O'Rourke wins in November, please don't put him on the Judiciary Committee. ♦

## Liberté, Égalité, Futilité

French politician Marine Le Pen is a great fan of Vladimir Putin, a social progressive, and leader of a political party that from time to time flirts with the anti-Semitic right—she's not a woman with whom we can ordinarily sympathize. Still, she has a talent for stirring European elites in ways that expose their intellectual shallowness and hypocrisies, and from time to time it's hard not to take her side.

Two weeks ago Le Pen was ordered by a French court to undergo psychiatric evaluation. Her offense? In December 2015, in response to the Bataclan terrorist attack in Paris that killed 130 people, she used her Twitter account to post graphic photos of atrocities committed by ISIS. Le Pen was then "charged with circulating violent messages that can be viewed by minors," according to news agency France 24.

In France, anyone charged with a similar "crime" must undergo psychiatric evaluation. In one sense it's encouraging to know that the French insist on imposing even their dumbest laws on everyone (in Italy she could easily have gotten a waiver), but that any Western democracy would impose such a law on anyone is chilling.

For her part, Le Pen



says she won't comply with the order, and it seems there's little French courts can do to enforce it. "I'd like to see how the judge would try and force me to do it," she told reporters. She's right to refuse. Here in America, we seem to do just fine without forcing irresponsible politicians and impulsive social-media zealots to take psych evals. Not that the French want any advice from us. More likely, the French idea will travel westward, and in a few months we'll be reporting that universities are forcing students

with unconventional opinions to see a shrink. Let's keep this one quiet. ♦

## Rockabye Theybies

As if bureaucracies weren't complicated enough. The *New York Times* reports that beginning next year, New York City will give people the option of identifying themselves on their birth certificates not only as "male" or "female," but also as "X." New Yorkers such as Charlie Arroyo (who, we are told, "uses the pronoun 'they' and the courtesy title 'Mx.,' a gender-neutral alternative to Ms. and Mr.") are evidently delighted by the change. So too is Mx. Furuya,

LE PEN: SYLVAIN LEFEVRE / GETTY; FIGURE: BIGSTOCK

one of the first people in the country to obtain a “nonbinary” birth certificate (in California), although he (sorry!) admits that “it often takes them a few tries to explain who they are.” When the *Times* reporter asked for just such an explanation of gender identity, Furuya responded with a diagram that included “four category umbrellas and nine subcategories.” In other words, X means: It’s complicated.

Setting aside the grammatical confusion spawned by the use of *they* in place of the pronouns *he* or *she*, this new option is likely to sow chaos among competing local, state, and federal government agencies when it comes to correctly identifying people on official documents. Many state agencies, as well as the Social Security administration and U.S. passport office, still recognize sex as either male or female on official forms. There is no “X”-box on your federal income tax return.

But there might be soon, if a new generation of gender-neutral parenting militants have their way. One transgender parent, the founder of a “gender-open playgroup” in Brooklyn, recently listed the sex of his (?) child as “\*\*\*\*” on its birth certificate. He told the *Times*, “I wanted a designation that literally

acknowledged that we don’t know if our kid is nonbinary, male or female.” These parents are raising their kids as “theybies,” refusing to reveal the child’s biological sex to anyone outside the family, and say their kids will choose their own gender “when they are ready.”

The goal of “theybie” parents, as a recent article in *New York* magazine described, is to “create an early childhood free of gendered ideas of how a child should dress, act, play, and be.” It’s perhaps not a coincidence that these same children have been saddled with names like “Sojourner Wildfire,” “Storm,” and “Zoomer.” (Zoomer’s parents even run a website, raisingzoomer.com, that offers information and articles about their “gender creative parenting approach.”)

Parenting is a challenge in the easiest of times, and bureaucracies are feared and hated for a reason—they tend to make life a great deal more complicated than it needs to be. Why do these woker-than-thou parents want to do the same for the sex of their children? Perhaps a better question to ask is: How will little Zoomer feel about his parents’ insistence on gender-neutrality when he reaches puberty? We’re guessing—and hoping—the next generation has more sense than ours. ♦



Uh, so, Pat—how are little Storm and Zoomer?

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ALAN SINGER / NBC / NBCU PHOTO BANK / GETTY

## The Big Sink

The first time I felt it was in the first grade. I wasn't in Mrs. Conn's class, but she reprimanded me for talking back as we stood in line in the lunchroom. The feeling, a cold burn, rose briefly in my chest before sinking down, down, down, into the pit of my stomach. *Wooooop*, went the Big Sink. Mrs. Conn was going to tell my teacher, Mrs. Page, that I had been disrespectful. This was serious. I was *in trouble*. *At school*.

The gracious Mrs. Page must have spared me from consequences, or else I don't remember. What I do remember is that sense of dread, an intimation of final judgment. The institutional authority a teacher brings to a dressing-down is deeply intimidating to a 6-year-old. Looming behind her reprimand is the vice principal, the principal, and even the legendary permanent record. Maybe I felt this pang more acutely because I was a hopeless teacher-pleaser. Maybe kids who acted out more regularly were numb to the Big Sink. For me, though, the feeling was worse than any talking-to I got from my parents.

And it came back. During my first semester at college, I received an ominous summons via email to meet with a dean to discuss a "disciplinary matter." *Wooooop*. There it was. It hit again when I walked into the dean's office later that week. *Wooooop*. Fortunately, the dean began by saying, "I don't think this is you." He turned his screen around to show surveillance video of two young men in the elevator at my dorm, one of whom was smashing the electronic card reader with his fist. Earlier that night, the cameras had captured me and a friend, wearing the same color shirts as the

perpetrators, in the same elevator. I knew I hadn't done it, and the dean let me go.

I'm grown now, so I've put all that behind me, right? No such luck. Last week the Big Sink returned, courtesy of a call in the middle of the day from my older son's school nurse. Nothing was wrong, she said, but she did have a *very important* question for me. Henry had a sandwich in his lunchbox that looked suspiciously like peanut butter.



As is probably the case at most schools these days, Henry's classroom is "nut free." (It is also free, his teachers once let slip, of any kid with a nut allergy of any kind. But policy is policy.) The school has made this prohibition exceedingly clear. There are no-nut signs posted on every classroom window, seeming to say, "Abandon all nuts, ye who enter here." The nut ban made it into every piece of orientation literature we received, starting in the summer and right up through the first day of school.

At the parents' meeting in late August, the teacher and the school nurse made separate speeches empha-

sizing that no nuts or nut-related products were allowed in lunches, snacks, or birthday treats. As the nurse listed all kinds of nut-based foods that were no-gos, I started thinking of Christopher Guest's character in the mockumentary movie *Best in Show* telling his interlocutor about his preternatural ability to "name every nut that there was." Peanut, hazelnut, cashew nut, macadamia nut, pine nut, pistachio nut, red pistachio nut, all-natural white pistachio nut. I was shaken from my daydream when another parent in the classroom asked, incredibly, if almond butter was okay.

Ever the teacher-pleaser, I have of course very obediently abided by the no-nuts diktat. Each school night I make Henry a sandwich with sunflower butter, an expensive spread that tastes just enough like peanut butter to fool a 4-year-old—with zero risk of sending a hypothetical allergic classmate into anaphylactic shock. But anything that looks as if it might carry even a trace of nut or legume is supposed to be meticulously labeled as safe, along with the date and (I may be exaggerating slightly) a notarized document authenticating its nutlessness.

I have followed these guidelines, at times grudgingly, but the nurse's call suggested something was amiss. "There's no label," she said. Suddenly, I was right back to first grade. *Wooooop*. I assured her it was safe, which was all she needed to hear, and apologized profusely for my slip-up.

This time, the Big Sink lingered, especially after I got a text message from my wife, who was out of town, wondering about the calls she had missed from the school and if there was something wrong with our son's lunch. She had no doubt felt the Big Sink, too.

Does it ever go away?

MICHAEL WARREN

# The Bad-Faith Filibuster

Since the summer of 1987, when Judge Robert Bork was publicly defamed by such Democratic luminaries as Ted Kennedy and Joe Biden, confirmation hearings for the Supreme Court have become more and more full of sanctimony and cant. Hostile senators ask questions to which there can be no good answers; nominees respond obligingly with anodyne rhetoric and evasion.

Republicans are not blameless in this sad progression, but it is chiefly the result of the Democratic understanding of the judiciary. The court, in that understanding, is a political institution; it is empowered, just as Congress and the presidency are empowered, to deliver policy results. And so Democrats treat seats on the federal judiciary, and especially those on the High Court, as though they were elective offices—positions of power for which they are willing to play dirty.

The unlovely consequences of this outlook are fully upon us. From the moment Judge Brett Kavanaugh was nominated, the preponderance of Democratic senators openly asserted their opposition to him. He was a conservative, and they were against him. New Jersey's Cory Booker and a few others announced their opposition *before* Kavanaugh was nominated. Many senators refused even to meet with the nominee prior to the hearings. Democratic minority leader Chuck Schumer announced that he would “oppose him with everything I've got.”

We remember the Bork hearings, in which a distinguished jurist was portrayed as a bigot and a monster; the Clarence Thomas hearings, in which Democrats marshaled sickening and unsubstantiated allegations in an effort to keep a black conservative from the Court; and the Samuel Alito hearings, in which Democrats shamelessly tried to impute racism to a wholly decent man. Even so, we were unprepared for the grand spectacle of bad faith and mendacity to which Democrats have subjected Brett Kavanaugh.

Leave aside Christine Blasey Ford's allegation that Kavanaugh tried to rape her 36 years ago. Leave aside,

too, the cynical way in which she was manipulated by her attorneys and Senate Democrats. Her claims include a number of gaps and inconsistencies and utterly lack corroboration. Their truth is ultimately unknowable and, for many Democrats, irrelevant. Their primary interest is in lengthening the nomination process. Dianne Feinstein and company don't care if Brett Kavanaugh was a sot in the 1980s, any more than they cared 20 years ago if Bill Clinton was a serial sexual abuser. The point is to stretch

the process out—to filibuster without the power to filibuster.

That is why, from the start of Kavanaugh's nomination, Senate Democrats have made one impossible demand after another. Even before the hearings began, they demanded to see tens of thousands of documents related to Kavanaugh's time as staff secretary in the George W. Bush White House—as if this classified paperwork were somehow more relevant to Kavanaugh's qualifications than his hundreds of



Judiciary Committee Democrats huddle: Chris Coons, Cory Booker, Richard Blumenthal, and Dick Durbin.

publicly available opinions as a federal judge. The hearings, Democrats argued, ought to be delayed by weeks in order for them to examine these allegedly crucial documents.

Booker gave away the game when he complained he'd been denied authority to release some of these documents and did so anyway. It was his “*I am Spartacus* moment,” he said. In fact he had been cleared to release them the night before, but he didn't care what the documents revealed and he didn't *want* the authority to release them. They were only useful insofar as they occasioned a dramatic demand for more time.

Once the sexual misconduct allegations were leaked to the media, Democrats issued more demands for time. There had to be another hearing, one involving Kavanaugh and his accuser. When Republicans agreed to this request, Democrats made new ones. They urged Ford and her attorneys to make evolving demands on the timing of her testimony in an obvious ploy to delay the process.

Before, during, and after the hearing, Senate Democrats insisted that the FBI investigate Ford's claims. After the investigation was granted, they sent a letter to the FBI

and White House counsel Don McGahn demanding that the bureau interview, “at a minimum,” 24 specific people—including people connected to allegations brought by Deborah Ramirez, whose story the *New York Times* could not corroborate despite exhaustive efforts, and Julie Swetnick, who has since walked back key components of her allegation and gives every appearance of being a fraud.

What’s important for Democrats is not that the FBI discover anything untoward about Brett Kavanaugh. We assume they are smart enough to know that these claims are either unprovable or slanderous. What they care about is holding off a Senate floor vote on Kavanaugh long enough to take back the Senate and then stonewalling the administration’s judicial nominees for two years. Ford, Ramirez, and Swetnick are useful tools to achieve that end. Kavanaugh himself is just collateral damage.

The unhappy truth is that Democrats’ specific objections to Kavanaugh were always irrelevant. They were irrelevant because they were asserted in bad faith. Democrats know full well that neither he nor any other nominee can or should detail his views on the merits of *Roe v. Wade*. They know Kavanaugh cannot and should not say how he’d rule in cases involving an indictment of the president. They don’t care if he drank too much as a teenager. They don’t care what “Devil’s Triangle” or “boofing” refer to. Nor do they believe, as they claim to, that a man who responds emotionally to the suggestion that he’s a serial rapist thereby disqualifies himself from the Supreme Court.

Since July 9, Democrats have cared primarily about one thing: November 6, 2018. Our hope is that voters will not reward their cynicism. ♦

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## Rethinking Syria

President Donald Trump longed for a speedy U.S. withdrawal from Syria. His advisers convinced him otherwise. They have drawn his attention to another mission for the United States in Syria beyond eliminating the Islamic State (ISIS), one focused on another malign actor vying for power there: Iran.

Syria’s nightmare is largely the work of Iran. Bashar al-Assad is responsible for the murder and destruction he’s perpetrated, but Tehran is his enabler: The Iranians have supplied Assad with fighters, weapons, military training, and cash.

The mullahs are bent on dominating the region and

building a land bridge that stretches from Tehran to Beirut. Such a bridge would give them closer proximity to Israel and make it easier to strike the so-called “Little Satan” with the nuclear weapons Iran supposedly wouldn’t dream of building. One can detect Iran’s influence behind Assad’s malignity over the course of Syria’s years-long, bloody civil war. When President Trump described Iranian meddling on September 25, he wasn’t exaggerating. “Iran’s leaders sow chaos, death, and destruction in Syria,” he said at the U.N. General Assembly. “They do not respect their neighbors and borders. Iran’s leaders plunder the nation’s resources to spread mayhem across the Middle East and far beyond.”

Fact check: true.

James Jeffrey, the newly appointed U.S. special representative for Syria engagement, described three objectives for the country in a briefing with reporters last week: the defeat of ISIS, a renewed political process, and “the removal of all Iranian-commanded forces from the entirety of Syria.” Jeffrey said that Trump laid out these goals himself. “As he spelled out,” he said, “the Iranian forces are accelerants to everything that is going wrong in Syria.”

A central question facing the United States is how to use its military power toward these ends. National security adviser John Bolton has tied U.S. military presence to the administration’s desire to see Iran out. “We’re not going to leave as long as Iranian troops are outside Iranian borders, and that includes Iranian proxies and militias,” he said in September.

Jeffrey and defense secretary James Mattis are more reluctant. Mattis has stressed that the military mission in Syria is legally confined to fighting ISIS. Jeffrey, meanwhile, told reporters that getting Iran out of Syria needn’t “necessarily” involve U.S. boots on the ground. He pointed to diplomatic options as well as local forces we’ve trained in Syria. “For many years, as you know, we had local allies on the ground in northern Iraq and we provided air support,” he said.

Ambiguous rhetoric aside, both Mattis and Jeffrey have joined Bolton in warning against an early U.S. exit from Syria, and they seem to have convinced the president. The Trump administration is squeezing the mullahs financially by reimposing sanctions that will limit their ability to influence Syria. But sanctions alone won’t do the job. A cash-strapped Tehran is just as likely to see Damascus as its satellite as an enriched one. Possibly more so.

Elsewhere, the United States is reportedly shifting resources away from the Middle East and toward regions proximate to Russia and China. It’s an understandable temptation, but the modest U.S. military presence is one of the few factors preventing Iran from subsuming Syria altogether. If Trump wants to break down Iranian hegemony, the right course in Syria is clear for now: stay. ♦



James Jeffrey

CHRISTOPHER CALDWELL

# The Kafkaesque trial of Kavanaugh

Years from now, perhaps only days from now, when people are no longer quite so inebriated with partisanship, those who wish Brett Kavanaugh well and those who wish him ill will probably agree on one thing: His defiant September 27 statement denying the charges leveled against him in the course of his Supreme Court confirmation is the defining speech of our time. Kavanaugh rejected outright Christine Blasey Ford's allegation that he had jumped her and gagged her at a party 36 years ago, when both were in high school. He denied knowingly having met her. None of the witnesses she named remembered any such party.

But it was a Kafkaesque situation for Kavanaugh: Since Ford could not (or would not) say when and where the incident took place, it was literally impossible for him to exonerate himself conclusively. "Doubts" had been "raised." Raised by people with a desperate political interest in raising them, it is true. But those who sit on the Senate Judiciary Committee are no more immune than ordinary human beings to the lazy-minded heuristic that when accounts clash, the truth must lie "somewhere in the middle." When Ford finished testifying on Thursday morning, Kavanaugh's nomination appeared to be finished.

The moment Kavanaugh began to speak, he broke that logic. The senators were not adjudicating a difference of recollections. They were not adjudicating at all. They were engaged in a "grotesque and coordinated character assassination . . . a calculated and orchestrated political hit, fueled with apparent pent-up anger about President Trump and the 2016 election, fear that has been unfairly stoked about my judicial record, revenge on behalf of

the Clintons, and millions of dollars in money from outside left-wing opposition groups." Now the middle ground was gone, and a new understanding was in place: Whether Ford was lying or misremembering, what was happening was not a hearing but a show trial.

In that context, splitting the difference could no longer be passed off as moderation. It was cowardice. Any



Republican who voted against Kavanaugh (and, of course, any Democrat who voted for him) would thereby exit his party. Just as the congressional vote in 1846 on the so-called Wilmot Proviso revealed that the fault-line in American politics was about slavery, not party, the Kavanaugh nomination shows what American politics is, at heart, about. It is about "rights" and the entire system that

arose in our lifetimes to confer them not through legislation but through court decisions: *Roe v. Wade* in 1973 (abortion), *Regents v. Bakke* in 1979 (affirmative action), *Plyler v. Doe* in 1982 (immigrant rights), and *Obergefell v. Hodges* in 2015 (gay marriage). The Democrats are the party of rights. As such, they are the party of the Supreme Court. You can see why Ted Kennedy claimed in a 1987 diatribe that the Yale law professor Robert Bork would turn the United States into a police state. For Democrats, an unfriendly Supreme Court is a threat to *everything*.

That means the country itself. The general Democratic view that has hardened since the 1960s is the one expressed on many occasions by Barack Obama. The United States is not a country bound by a common history or a common ethnicity—it is a set of values. That is an open, welcoming thing to build a country around. But

it has a dark side, and we have seen the dark side during the hearings. If a country is only a set of values, then the person who does not share what elites "know" to be the country's values is not really a member of the national community and is not deserving of its basic protections, nice guy though he might otherwise be. Such people "belong" to the country in the way some think illegal immigrants do—provisionally.

On both sides of this dispute, attitudes towards evidence were deducible from political allegiances. Those who opposed Kavanaugh—or who were looking for a reason to oppose—stressed the "believability" of Ford's story. Of course they did. The hearings were designed to enhance that believability. This was partly due to politics: Senators were frightened, in an election year, of being seen to beat up on a woman presenting herself as the victim of sexual assault. But it was partly due to the Senate's ground rules: This was a venue in which a man could be accused of sex crimes without any right to confront or cross-examine his accuser. Ford's supporters were content that it should be this way. It was only a "job interview," they said.

Deprived of these structural advantages, the case against Kavanaugh was weak. Without the information that would be turned up regarding both Kavanaugh and Ford in an ordinary court discovery, one can pass judgment only with humility and caution. But patterns emerged. Ford answered questions obliquely. She resorted to abstraction ("Indelible in the hippocampus is the laughter"). She claimed not to remember incidents of recent weeks. Much of her corroborating evidence was either generated by herself (she said she had mentioned the incident in a 2012 therapy session) or easily accessible in the public domain. "A fabulist likely would not know," writes Kavanaugh foe Benjamin Wittes, "of

LIKENESSES: DAVE CLEGG

Kavanaugh's friendship with Mark Judge and their propensity to drink beer together." Perhaps not, but a hard-working paralegal for one of the law firms working pro bono to do opposition research on Kavanaugh would have no trouble finding Judge's books, in which that friendship is described.

The grounds for rejecting Kavanaugh have shifted steadily. First it was the incident alleged by Ford. Then, second, as the evidence proved underwhelming, it was whether the taint of having been accused of such an incident compromised the *perception* that he would be a fair judge. Then, third, it was the question of whether Kavanaugh's minimizing the seriousness of his drinking had constituted perjury. Fourth and finally, it was whether his outburst at the committee showed a partisanship that was evidence he lacked the "judicial temperament" to serve on the Court. Whether Kavanaugh's attacks on the Democratic members of the Senate panel constituted partisanship is a trickier factual determination than it appears at first. Is an *accusation* of partisanship partisanship? Such accusations are often leveled by people who distrust both political parties.

Kavanaugh's foes were comfortable voting against him on the basis of temperament. The question is not "whether he's innocent or guilty," said Cory Booker. "I am emphatically not saying that Kavanaugh did what Ford says he did," says Wittes. "The evidence is not within 100 yards of adequate to convict him. But whether he did it is not the question at hand."

What is that supposed to mean? This amounted to saying that Brett Kavanaugh lacks a "judicial temperament" because he objected to being summarily executed following a show trial. If you permit the criteria of culpability to shift, then you have the circular logic typical of totalitarian regimes. Just as there are people famous-for-being-famous, now there are people guilty-of-being-accused.

Suddenly there are two parties in this country: There are Kavanaugh conservatives and Booker Democrats. Maybe this will change. For now,

those who claim to be weighing the balance between the two are obtuse, nostalgic, or trying to persuade their old comrades not to shoot them in the back as they make their way towards enemy lines. Americans of all

political persuasions have woken up this week—some with exhilaration, some with despair—to the realization that, as the essayist Midge Decter once wrote, they are going to have to join the side they are on. ♦

COMMENT ♦ BARTON SWAIM

## In defense of inarticulate rage

For anybody who wasn't totally committed to the proposition that Christine Blasey Ford spoke only the literal truth about Brett Kavanaugh during her testimony to the Senate Judiciary Committee, there were long stretches during Kavanaugh's testimony that felt like a show trial. For hours we watched as the Supreme Court nominee was forced to listen to lengthy descriptions of his supposed lechery in a nationally televised broadcast. If he reacted placidly, he was a sociopath; if intemperately, unfit to be a judge.

Even supposing there is some truth in Blasey Ford's murky and self-contradictory claims, the other stories were pretty obviously manufactured. But that didn't stop ranking Democrat Dianne Feinstein from slowly, deliberately reading the accusations and phrasing them in ways that seemed to presuppose their truth. "Yesterday," Feinstein intoned,

[Julie] Swetnick came forward to say that she had experiences of being at house parties with Brett Kavanaugh and Mark Judge. She recounted seeing Kavanaugh engage, and I quote, "in abusive and physically aggressive behavior toward girls," end quote, including attempts to, quote, "remove or shift girls' clothing," end quote. Not taking, quote, "no for an answer," grabbing girls, quote, "without their consent," end quote, and targeting, quote, "particular girls so that they could be taken advantage of," end quote.

It's true that innocent suspects listen to false charges made about them

in courtrooms on a fairly routine basis, but for those charges to get into a courtroom, they must exhibit some level of plausibility to a prosecutor. The Swetnick allegations had none.

During the time allotted to Lindsey Graham for questioning Kavanaugh, the South Carolina senator took about a minute to fulminate against his Democratic colleagues. "If you wanted an FBI investigation," Graham said to them, "you could have come to us. What you want to do is destroy this guy's life, hold this [Supreme Court] seat open, and hope you win in 2020. You've said that, not me."

"I would never do to [Justices Elena Kagan and Sonia Sotomayor] what you've done to this guy," Graham went on, his voice quivering. "This is the most unethical sham since I've been in politics. And if you really wanted to know the truth [about Blasey Ford's allegations], you sure as hell wouldn't have done what you've done to this guy."

"Are you a gang rapist?" Graham asked Kavanaugh.

"No," the nominee replied.

Graham went on:

I cannot imagine what you and your family have gone through. Boy, you all want power. God, I hope you never get it. I hope the American people can see through this sham. That you knew about [Blasey Ford's letter alleging assault] and you held it. You had no intention of protecting Dr. Ford—none. She's as much of a victim as you are. God, I hate to say it because these have been my friends. But let me tell



you, when it comes to this, you're looking for a fair process? You came to the wrong town at the wrong time, my friend.

Graham's outburst was not eloquent, but he expressed what I regarded at the time, and still regard, as the searingly obvious truth that the Democrats on the committee were happy to destroy a decent and accomplished man in order to prevent a 5-4 conservative majority on the Court.

I thought of a passage in Thomas Wolfe's *Look Homeward, Angel*, when some of Eugene Gant's pals surround a poor wretch in an alleyway and taunt him. One of them points at the boy and says, "His mother takes in washin'." That gets a laugh, so the accuser says it again and adds a racial slur, and the boys all laugh except Eugene.

Eugene turned away indefinitely, craned his neck convulsively, lifted one foot sharply from the ground.

"She don't!" he screamed suddenly into their astounded faces. "She don't!"

A few hours after Graham's outburst I received an email from an editor at a major news publication asking if I would be willing to write a short piece on what the senator was "really" up to. The editor knew I was from South Carolina and thought I might have some insight into this mystery. Is Graham angling for another presidential run in 2020? he wanted to know. Does he want an appointed position in the administration—perhaps attorney general? I turned down this opportunity to plumb Senator Graham's psyche, but plenty of others took up the subject. Over the next day or two there were pieces in McClatchy papers, on CNBC, on NPR, and in *Politico*.

What struck me about the query was this: Throughout the Kavanaugh-Ford ordeal, this editor and the great majority of his fellow journalistic practitioners treated every calculated utterance by Senate Democrats as a sincere effort to discover the truth of Blasey Ford's claims, though any lamebrain could see their motives were almost entirely political. It was only Graham's inarticulate, unscripted rant that moved them to a state of cynical incredulity.

It's perhaps worth remembering that Graham reacted in a similar way 12 years ago, though with a little less heat. In 2006, during Samuel Alito's confirmation hearings, Sen. Edward Kennedy—famed for smearing Robert Bork on the floor—queried the judge about his onetime membership in a traditionalist organization called Concerned Alumni of Princeton. Alito had put the name of the group on a résumé in 1985, though he said he had no memory of what it was. The organization existed from 1972 to 1986 and published a magazine called *Prospect*. Kennedy's staffers had discovered passages in the magazine of a decidedly reactionary tone. Kennedy read these passages deliberately, as if Alito must have relished reading them at the time and probably agreed with them now.

"People nowadays just don't seem to know their place," Kennedy said, reading aloud. "Everywhere one turns, blacks and Hispanics are demanding jobs simply because they're black and Hispanic," and so on. After each passage Kennedy would ask the nominee if he remembered reading it, and Alito would say, again, that he had no memory of the magazine or the organization.

This and several other lines of questioning were manifestly intended to suggest that Alito was some variety of racist. Kennedy's badgering became so intense at one point that Alito's wife, Martha, left the hearing room in tears.

A few minutes later, it was Lindsey Graham's turn to ask questions of the nominee. ♦

"Are you really a closet bigot?" Graham asked.

"I'm not any kind of bigot," was the nominee's careful answer.

Graham went on:

No, sir, you're not. And you know why I believe that? Not because you just said it, but that's a good enough reason. Because you seem to be a decent, honorable man. Judge Alito, I am sorry that you've had to go through this. I am sorry that your family has had to sit here and listen to this.

In my experience it is usually folly to assign uncalculating motives to highly successful and ambitious politicians. But maybe it's not saying all that much about such a politician to say he doesn't care to see a guy called a creep and a reprobate with no more evidence than a single accusation. Graham reacted as I guess many readers of these words would react.

How strange that tough-minded, skeptical journalists can interpret the obvious grandstanding of one faction as if its words are self-evidently sincere, while the hot-tempered defense of a man accused of crimes without evidence appears to them Machiavellian.

For myself, I cannot know what happened to Christine Blasey Ford in 1982 or whenever it was. But when I see a posse of arrogant powerbrokers surround a decent man and say he rapes girls and drinks too much and lies about it, all I know to say is, "He don't. He don't." ♦

COMMENT ♦ PHILIP TERZIAN

## A European Union that divides the British

For the past half-century and more, Britain's Conservative party has been haunted—divided, exhausted, even confused—by the European Union. Yet unlike Labour, which has changed its mind on the subject as much as the Tories but without missing

a beat, Conservatives have been a house divided since Britain's first application for membership in 1961.

This has never been more painfully evident than in the two years-plus since British voters declared their independence from the E.U. Prime Minister David Cameron, who had won

a stunning general election victory in 2015 on the promise of a referendum, was obliged to resign prematurely when the 2016 Brexit vote went against his wishes. The referendum campaign itself had divided members of Cameron's cabinet, and Cameron's successor Theresa May has, in turn, seen her own cabinet riven by her faltering attempts to negotiate a graceful departure.

Last week the open divisions among Tories were the main ingredient of their annual conference. May's foreign secretary Jeremy Hunt was much criticized in Brussels for comparing the E.U. to the Soviet Union while his predecessor Boris Johnson pleased the Conservative rank and file by warning that Britain would be "humiliated" by May's Brexit strategy—and her party pay a price at the polls.

The irony, of course, is that both Johnson and Hunt are correct. May's halfhearted version of a British departure would leave her country "half-in and half-out," as Johnson complained. And her appeasement of the E.U. has been met with the sort of dismissive contempt in Brussels that reminds British voters why they chose Brexit. As the deadline approaches for formal withdrawal (March 2019), it seems entirely possible that Brexit will be neither "soft" nor "hard" but chaotic.

Chaos, of course, is inimical to democracy and so critics of Brexit now repeat their insistence, with emphasis, that a second referendum be held to undo the first. But that's unlikely to happen since there's little evidence that reverting to the status quo ante appeals to the British electorate.

To begin with, it might reasonably be argued that within the past three years, three nationwide ballots have been held on the question, and Brexit prevailed each time. In 2015, Cameron's successful electoral campaign benefited from his promise to hold a referendum in the following year. In 2016, the referendum vote itself went against the E.U., albeit by a relatively

narrow margin (52-48). And in 2017, while Theresa May's snap election cost the Conservatives seats in Parliament, her Labour opposition was equally committed to Brexit.

The idea that the Brexit vote was a terrible error, abetted by lies, demagoguery, and xenophobia, is comforting to what might be called elite opinion in Britain. But it is also an argument—or more accurately an irritable attitude—that resonates here. Like the election of Donald Trump to the presidency, what was unimaginable to some turned out to be appealing to



**In the matter of Brexit—like the election of Donald Trump to the presidency—what was unimaginable to some turned out to be appealing to many.**

many. To be sure, the winning sides are not necessarily correct, either here or there; but democracy is undermined not by voting but by failure to accept the results of free and open elections.

In that sense, while the Brexit vote and its aftermath have surely thrown British politics into turmoil—for which the Conservative party may or may not be punished in future polls—it is not at all clear what the long-term consequences of withdrawal may be.

With that in mind, it's been instructive since the vote to observe the posture of the European Union toward Great Britain. Led by the president of the European Commission, the redoubtable Jean-Claude Juncker of Luxembourg, Brussels has been uniformly hostile: contemptuous of voters, insulting to the elected government charged with Brexit diplomacy, continually obstinate, obstructionist, even threatening. Whether consciously or not, the E.U. mandarins—unelected, unaccountable, unyielding—have affirmed why

Britain's attitude toward the European Union has evolved so dramatically since the first referendum on British membership (1975), which was broadly favorable.

There are two reasons for this. The first is that the idea of European unity, to which everyone pays lip service, has been transformed in ways no one anticipated at the dawn of the European Union. It is perfectly understandable that Western Europeans, in the late 1940s, would have surveyed the effects of two world wars in three decades, and the rise of a menacing empire on their eastern frontier, and sought to pool resources and strengthen common bonds to revive their civilization.

Yet what began as an effort to share assets and revive economies—and, not least, to reinvent and reintegrate German democracy—has pushed beyond the wide ideal of prosperity and friendly borders into the narrow realm of state power and national sovereignty. That is the second reason: A benign project to recover from malign nationalism has become a facsimile of an arbitrary nation-state, governed not by its citizens but a swollen bureaucracy.

A cynic would argue, of course, that the nature of governments, as a general principle, is to grow and control, and the gradual intrusion of the European Union across borders and into legislatures should not have been a surprise. But the facts that British voters have awakened to this and their E.U. brethren—most especially in the newly liberated states of the old Soviet Union—show signs of restlessness are perceived, and with reason, as threats in Brussels.

That would explain the rancorous arguments, among Britain's Conservatives and on the Continent, about the nature of national sovereignty and the implications of the E.U.'s open-borders policy. It would also explain the E.U.'s petulance about Brexit. What started as a rebellion in rural England over agricultural regulations has become a European-wide quarrel about who governs whom—a debate Brussels should welcome but clearly does not. ♦

# A Seat Republicans Can't Possibly Lose

In California's 8th, both candidates are on the right. But which is Trumpier? BY TONY MECIA

*Victorville, Calif.*

The inside of the beige stucco house in this California desert town seems like a casual place. There's a gray sectional couch in the den. The fridge is stocked with La Croix. The TV is tuned to Fox News.

But if you look around a little, you'll see that this isn't an ordinary house. There's the bank of phones set up on tables in the dining room. The garage is filled with campaign signs. Then there's the enlarged Trump tweet posted above the toilet: "Paul Cook is a decorated Marine Corps Veteran who loves and supports our Military and Vets. He is Strong on Crime, the Border, and supported Tax Cuts for the people of California. Paul has my total and complete Endorsement!"

This isn't just a house. It's the nerve center of the reelection campaign of Paul Cook, the Republican congressman who represents California's 8th Congressional District, one of the largest, geographically, in the state. Seated on the sectional couch wearing shorts, a T-shirt, and a ball cap, Cook's campaign manager, Matt Knox, acknowledges that it's unusual to run a congressional reelection campaign out of a buddy's house. But this is an unusual district and an unusual race.

It is the only congressional race in the country pitting two Republicans against each other. California's "jungle primary" system advances the top two vote-getters, regardless of party,

to the general election. Usually, that means voters choose between a Democrat and Republican or, since the state leans so far to the left, two Democrats. Only rarely do two Republicans win the top spots.



Challenger Tim Donnelly, left, and incumbent Paul Cook

In this sprawling conservative district, which runs from the Mojave Desert to Death Valley to just east of Yosemite, that dynamic is producing an odd campaign. President Trump plays prominently in many of this fall's congressional races, but not usually like this: Cook, the incumbent, is flaunting Trump's endorsement. But his challenger, Tim Donnelly, is running as Trump's doppelgänger.

Donnelly, 52, is a former California assemblyman who was an early leader of the Minutemen, a group of fatigues-wearing volunteers who help patrol the southern border. He called for building a wall years before Trump, at a time when Trump was still filming early seasons of *The Apprentice* and donating to Hillary Clinton's Senate campaigns.

Donnelly is an outspoken and attention-getting figure, quick with a sound bite and prolific on social media. He

has a photo of himself with Diamond and Silk pinned atop his Twitter page, and his Facebook page has a photo of himself with Don Trump Jr. Ann Coulter is coming to town for a fundraising dinner and book signing later this month. He's been endorsed by Senator Rand Paul and by Turning Point USA founder Charlie Kirk.

Much less flashy is Cook, 75, the incumbent running for a fourth term. He's a retired Marine colonel who served in Vietnam and is more a standard-issue Republican. Like many of his colleagues, Cook endorsed Trump only after Trump had locked up the nomination, and he skipped the 2016 Republican convention. He tends to

side with party leadership, which means he usually votes for spending bills that are unpopular with some conservatives. He's been endorsed by the National Rifle Association, pro-life groups, and many local elected officials.

The choice poses a baffling dilemma for conservatives following the race: Do they back the challenger who's like Trump or the incumbent who has backed Trump?

"It kills me," says Aaron F. Park, 47, an insurance salesman who runs the blog *RightOnDaily*, which follows state and local politics. "I'm a hard-core conservative, and my heart is with Donnelly. But you don't know what you're getting with him. He's so volatile. . . . Donnelly doesn't have a filter. Sometimes he'll say outrageous things to get an audience." He's backing Cook because, he says, there are too many red flags in Donnelly's background. Cook is more moderate, but at least he has backed Trump's "Make America Great Again agenda," Park says.

Park's blog links to an anti-Donnelly site that calls the candidate a "jobless office-seeker" and "convicted criminal." After serving two terms in the assembly, Donnelly ran unsuccessfully for Congress and for governor. He also pleaded guilty in 2012 to carrying a loaded .45-caliber Colt handgun through airport security. He

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said at the time that he had placed it in his laptop bag to keep it safely away from his family and forgot to remove it before heading to the airport. He said he tended to be armed to protect himself, since he had received death threats for being a prominent opponent of a California bill to give in-state tuition to illegal immigrants.

More recently, CNN has been on Donnelly's case over controversial social-media posts and comments he made during a stint as a talk-radio host. In May, CNN reported that Donnelly tweeted that David Hogg, the outspoken student who is pushing gun control after his Parkland, Florida, high school was the target of a mass shooting, had a "Hitlerian fetish to disarm Americans" and was a "#FakeParklandSurvivor."

Last month, CNN reported that on his radio show in 2015, Donnelly referred to "Ayatollah Obama": "I don't know what his connection to the Muslim Brotherhood is, but he's got them in all kinds of positions of power." After the 2015 San Bernardino shooting, Donnelly said the Obama administration should "put the mosques on notice. You'd tell them, 'If you don't turn over the extremists and jihadists within your midst then we'll set the FBI on you. We'll turn your mosques upside down. We'll make your lives a living hell until you rat out those who have declared war on America.'"

Donnelly didn't back down, telling CNN: "You want to hit me for being too harsh on the a—holes who killed my neighbor and the worthless politicians like Paul Cook, who colluded with Obama and the #FakeNewsMedia to let them into our country."

Real-estate company owner Becky Otwell, 75, says she favors Donnelly because he seems more committed to Trump's agenda. She says his campaign seems more energetic.

"I just think we need somebody who is going to get behind Trump and help him," she says. She wants somebody who doesn't reluctantly back Trump, but somebody who will "really work," like Devin Nunes, the chairman of the

House Intelligence Committee, which has examined whether intelligence agencies conducted surveillance of the Trump campaign.

She and other Donnelly supporters figure Trump subordinates must have coordinated the president's endorsement of Cook, since Trump has never gotten to know Donnelly.

In the district, there doesn't seem to be much of a traditional campaign going on. There are no debates scheduled, no TV ads, and few public appearances. In a large, rural dis-



trict, campaign signs play an outsized role. Cook calls attention to his status as a retired colonel, which plays well in a district home to Fort Irwin National Training Center and the Marine Corps Air Ground Combat Center, also known as 29 Palms. Cook's background plays well with voters like retired businessman Thurston "Smitty" Smith, 60, who says he values Cook's integrity and military service. Donnelly's signs include a drawing of a Revolutionary War minuteman holding a rifle, with the slogan "Patriot, Not Politician."

The district voted 55 percent for Trump in 2016. This year, voters who don't like Trump will face their own quandary. Ordinarily, Democrats and independents would be more likely to vote for the more moderate candidate,

Cook. That's one of the reasons California adopted its primary system, to encourage middle-of-the-road candidates. Yet Trump's endorsement of Cook could steer some anti-Trump voters to Donnelly. Or maybe large numbers simply won't vote in the race.

Democratic groups are refusing to endorse either candidate. James Albert, president of the San Bernardino County Young Democrats, says his organization is focusing on electing progressives in other races. "The top-two primary has left people feeling underrepresented in a lot of our communities," he says. "I would encourage Democrats and independents to focus their attention and energy on down-ballot races."

Cook would seem to have the edge in both organization and money. He actually has faced another Republican in a general election in the past, in 2012 when he was first elected. He won by 14 points. He beat Democratic challengers by 36 points in 2014 and by 24 points in 2016.

Jack Pitney, a political science professor at Claremont McKenna College, says the race is Cook's to lose: "So long as he avoids speaking in tongues or showing other signs of possession, he's fine." Others aren't so sure, likening the race

to a party primary in which low turnout could make results unpredictable.

There appear to be few animating local issues. Federal land-use policies have traditionally been important, since the district includes Joshua Tree National Park, Mojave National Preserve, and Death Valley National Park. Off-road racing on federal land is a popular pastime.

"The biggest thing you hear from voters is, 'Does he support the president?'" campaign manager Matt Knox says. At 10 on a recent weekday morning, a half-dozen young volunteers walk in the front door of the campaign headquarters house in Victorville. They walk through the kitchen to the phones and start dialing to let people know that for Cook, the answer is an unqualified "yes." ♦

# Surprisingly Competitive

Will Oregon be the next blue state with a Republican governor? BY MARK HEMINGWAY

*Tigard, Ore.*

**B**ryan Reed, the campaign manager for Knute Buehler, Oregon's GOP gubernatorial candidate, is not your typical Republican campaign flack. Reed's slight, flat Midwestern accent betrays that he is from Illinois. But his long hair, jeans, and affinity for the Grateful Dead go a long way toward helping him pass as an Oregonian. Reed is in Oregon because he has a very particular expertise: electing Republicans in blue states. He cut his campaign teeth working for Republicans in the heavily Democratic suburbs of Chicago before ending up the number-three guy (out of 170 campaign staffers) on Illinois governor Bruce Rauner's successful race in 2014. More recently, he was deputy campaign manager for recently resigned Missouri governor Eric Greitens.

But compared with those states, Oregon presents a much bigger challenge. "I got the voice message from somebody who got my résumé, and they said, 'Hey, we got this candidate, here's this race,'" Reed tells *THE WEEKLY STANDARD*. "Now, I was thinking to myself, 'Oregon governor's race? There's no way that this is competitive.'" But months later, sitting in the corner of a bagel shop in the Portland suburbs, Reed doesn't regret taking the job. Polls since July have shown that Buehler is in a dead heat with incumbent Democrat Kate Brown. The most recent Clout

Research poll from September shows Brown up one point, well within the margin of error. "More importantly than us being down 1 is the fact that an incumbent who is universally known is at 41 [points in the polls]," Reed



*Knute Buehler speaks in the Oregon House chamber.*

observes. "It's a rough place to be."

In some respects, Buehler's success shouldn't be too surprising. Until about two decades ago, the state was largely governed by liberal Republicans and centrist Democrats, before massive out-of-state population influxes—including lots of progressive Californians—to the Portland metro area shifted the political landscape. Oregon has about 4.1 million residents, and 2.35 million live in the Portland region, so the entire state's politics have moved dramatically leftward along with the growth of the urban population. This has created tension in state politics, because Portland isn't just a liberal city anymore. It rivals San Francisco in progressive extremism, and this is decidedly at odds with the politics and culture of the rest of the state.

Most national observers tend to

think the *Portlandia* television show image speaks for the rest of the state, but that's a mistaken view. After years of holding up Portland as the model for urban planning and an incubator for cutting-edge culture, its boosters have had to reckon in the last few years with the city's many dysfunctions. Portland's homeless problem, exacerbated by obvious policy mistakes, is so bad that fixing it has become a statewide issue. The city was publicly called out this summer by President Trump after the mayor allowed "protesters"—who are not really distinguishable from the city's aggressive vagrant population—to camp in front of the city's Immigration and Customs Enforcement office for five weeks, threatening federal employees who work there.

Basic law and order issues in Portland, along with a raft of new state taxes and regulations, have outraged Oregon's business community, the leaders of which are not necessarily inclined to support the GOP. And yet Buehler has earned support from some of them. Nike co-founder Phil Knight gave Buehler's campaign \$1.5 million.

Other significant issues, such as education, have undermined confidence in Democratic rule of the state. Oregon has the third-worst high school graduation rate in the country and the Buehler campaign has pledged to fix it in part by lengthening the school year, which at 990 hours per year for high school students is the shortest in the nation. "The current 165-day average translates into Oregon students attending one year less school [by the time they graduate] than students in Washington State," notes a Buehler press release.

Oregon's short school year is in part a byproduct of another enormous problem—the state's exorbitant pension plan for public employees, known as PERS. In April, the *New York Times* ran an alarming report about how increased payments to PERS are responsible for, among other things, cutbacks in school days in rural districts as well as fewer road repairs and

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TOM JAMES / AP

basic services in smaller towns such as Klamath Falls in southern Oregon. Meanwhile, the retired president of Oregon Health and Sciences University collects a pension of \$76,111. Every month.

It helps that Buehler is an exceptionally good candidate. He played baseball at Oregon State before going on to become OSU's first Rhodes scholar. He eventually graduated from Johns Hopkins medical school and settled in Bend, a booming ski town of 90,000 people, 162 miles from Portland. Though living in an outdoor mecca meant his skills as an orthopedic surgeon were in high demand, he entered politics and got elected to the statehouse in 2014, defeating a local Democrat.

Speaking to people in the Portland suburbs, where Buehler will have to win over a significant number of Democratic voters to prevail, the enthusiasm for Buehler seems real. That's in part because he has done a good job of positioning himself in ways that appeal to Democrats. He's avowedly pro-choice and has pledged not to change the state's abortion laws. He didn't vote for Trump. And as a doctor, he's pledging to keep tinkering with and trying to fix key aspects of the Oregon Health Plan—the state's proto-Obamacare attempt to provide health care to everyone in the state. The Oregon Health Plan has been a fiscal train wreck since it was conceived nearly 30 years ago, and it's hard to imagine a more conventional market-oriented Republican wanting to prop it up.

Despite being an unorthodox candidate on the cusp of a possible upset, Buehler is flying under the radar, which is exactly how he and his advisers want it. His campaign insists Buehler isn't personally doing any national press interviews because he wants to stay focused on local issues (even if the reporter in question was raised in Bend and wants to talk local issues). There are other strategic reasons for this. If he's not discussed in the national press, Buehler is unlikely to be lumped in with conservative Republicans or otherwise conflated with Trump's GOP. And a lack of national attention means

that Democratic activists in the state are less likely to get energized by the competitive race.

In the meantime, Buehler's able campaign manager is fielding questions and talking up his chances. Buehler would certainly be the continuation of a national trend—Vermont, Maryland, and Massachusetts all have low-key, centrist GOP governors who were elected in no small part to address the dysfunction of Democratic party rule. Reed says, "Anecdotally, people jump out at parades; when he's doing fairs, people leap out of the crowd and say, 'Hey, Knute! I'm a Democrat. I've

never voted for a Republican in my entire life and I'm voting for you.'" Reed concedes that this kind of interaction isn't always an abnormal thing for a good Republican candidate to encounter, but given the bitter national partisanship in this particular election cycle, it's astonishing.

"It's like we're so far away in Oregon that it's a different country. It's really strange," says Reed. "We never see it on the trail. And go back and look at the interviews, there's just nothing about Trump." The Buehler campaign is certainly hoping it stays that way between now and November. ♦

## A Conspiracy So Vast . . .

But where's the crime?

BY ERIC FELTEN

Vladimir Putin was getting ahead of himself when he declared, at the infamous Helsinki press conference in July with President Donald Trump, that charges brought by special counsel Robert Mueller's team against Concord Management and Consulting "just fell apart in a U.S. court." The Russian company is accused of running a campaign of social-media trolling to meddle in the 2016 U.S. election with bogus tweets and phony Facebook posts.

Concord hired a first-rate legal team to defend itself in D.C. district court. As a company rather than an individual, Concord can contest the charges without any of its Russian personnel showing up in the courtroom. Much of the summer was spent in procedural wrangling over discovery and other legal niceties. If Putin thinks that merely getting to challenge charges in open court means

those charges are crumbling, his perspective may be skewed by the habits of his own country's justice system. The Russian president isn't exactly famous for being a rule-of-law kind of guy. Still, that doesn't mean he's wrong when he says it's important to "look at what happens in the American courts. This is what you should base your view on, not on rumors."

The next thing scheduled to happen in an American court with Concord Management is a hearing slated for October 15. Concord's lawyers have filed a motion to have the charges dropped on the grounds that "the Special Counsel found a set of alleged facts for which there is no crime. Instead of conceding that truth, however, the Special Counsel attempts to create a make-believe crime that is in fact no crime at all."

This isn't just the standard sort of criminal-mouthpiece motion, ticking off boxes in hopes of a longshot dismissal. It's significant enough that, after an initial hearing in which the

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special counsel was represented by U.S. attorney Jeannie Rhee, Mueller sent in his big guns. At a June 15 status hearing, Mueller's side was argued by one of the government's top appellate lawyers, deputy solicitor general Michael Dreeben. Concord's D.C. lawyer Eric Dubelier took note: "Well, I guess if anyone thought for a second there wasn't anything unusual about this case," he cracked, "it's the first time in my career that I've seen the deputy solicitor general of the United States down here with us common folk in district court."

Why does Mueller need an appellate heavyweight—someone usually brought in after a trial—for the preliminary sparring? Perhaps it is because the legal theory of the case is a bit tendentious.

Dreeben argued that the United States needs only "to prove a conspiracy to defraud the United States." But "we do not need to prove a criminal violation of the underlying statute," he told the judge. In other words, the prosecution is claiming that a conspiracy to do "x" can be criminal even if "x" is not itself a criminal act. This may sound strange, but it's not a mistake. Pressed by Judge Dabney Friedrich, the deputy solicitor general restated it: "There's a legion of cases," Dreeben said, that "have specifically said you don't need to have an underlying illegality in a conspiracy to defraud."

He's right. Conspiracy law is notoriously elastic. Even so, a prosecutor would rather have conspirators dead to rights on a clear, willful violation of a law than have to establish that colluding to do something not proved to be a crime is nonetheless a crime in and of itself. The latter sort of scenario is why you might need a deputy solicitor general on your team.

The specific acts Concord is alleged to have engaged in—paying Russians to write social media posts about American politics—aren't necessarily illegal. Such activities may violate the spirit of U.S. election law

and the Foreign Agents Registration Act, but they don't necessarily fit the elements of any crime on the books. That's where the conspiracy charge comes in handy. Concord's lawyers say their client has been charged "for a contrived crime not specifically defined in any statute, without notice and under a standard known only to the special counsel."

Yes, and so what? responds the special counsel's office. Quoting case law,



Mueller's team asserts, "The [conspiracy to] defraud clause does not depend on allegations of other offenses." And because of that, "even otherwise 'lawful activity may furnish the basis for a conviction under [Section] 371'"—that is, the section of federal law dealing with criminal conspiracies.

How did we get to a place where agreeing with someone to do something otherwise legal can be prosecuted as a criminal conspiracy? And is Concord Management likely to have any luck challenging the constitutionality of such a law?

The scope and ambitions of the federal government have grown tremendously since the days early in the 20th century when what is known now as "Section 371" or "Klein conspiracy" law was being established. When the federal government was significantly smaller, there were far fewer opportunities to run afoul of

a rule prohibiting interference with the functioning of federal agencies. But given the ubiquity of modern government activity, a statute against impeding the government in any of its functions threatens to criminalize all sorts of behavior that would otherwise be lawful.

To "defraud" the United States used to be understood in its common-law meaning—"to cheat the Government out of property or money." But in 1924, Chief Justice (and former president) William Howard Taft wrote an expansion of the term big enough to fill the Taft bathtub. To conspire to defraud the United States "also means to interfere with or obstruct one of its lawful governmental functions by deceit, craft or trickery, or at least by means that are dishonest," Taft wrote in his opinion in *Hammerschmidt v. United States*. "It is not necessary that the Government shall be subjected to property or pecuniary loss by the fraud, but only that its legitimate official action and purpose shall be defeated by misrepresentation."

It doesn't take much imagination to see how such a definition of "defrauding" could be stretched into a sort of catch-all for federal prosecutors when they are short on evidence of a specific crime with which to charge a perp. Consider this advertisement for the utility of the "conspiracy to defraud" charge from a 2013 issue of the in-house Justice Department journal *Prosecuting Criminal Conspiracies*: "A defendant can be charged with the defraud prong of the conspiracy statute without any charge of violating a separate substantive statute." The authors quote approvingly from a Seventh Circuit case: "Neither the conspiracy's goal nor the means used to achieve it need to be independently illegal." In short: "The Klein conspiracy is clearly an effective tool that prosecutors should consider."

The authors of the article admit that "the conspiracy to defraud prong is not without its limitations and

GARY LOCKE

courts have expressed concerns about its scope.” Courts indeed have been gradually warming up to the idea of constraining Klein conspiracy prosecutions. The First Circuit Court of Appeals, for example, recognized in a 1997 ruling that the “defraud clause of section 371 has a special capacity for abuse [by prosecutors] because of the vagueness of the concept of interfering with a proper government function.” More recently, a district court judge in a tax case alleging a “conspiracy to defraud” instructed the jury, “Not all conduct that impedes the lawful functions of a government agency is illegal. . . . It is not illegal simply to make the IRS’s job harder.”

Legal blogger Jack Townsend is a former DoJ tax division attorney and coauthor of a standard law-school textbook, *Tax Crimes*. He’s also a vocal critic of how Section 371 conspiracy charges are used and abused. “The federal government does lots of things, more and more every year, and many things private parties do can get in the government’s way,” Townsend and his colleagues write in their textbook section on conspiracies. “It can’t be that each such action is automatically a felony.”

But does a Russian troll-farm have any chance challenging the law?

“Concord’s arguments have traction,” says a prominent Washington lawyer. “But Judge Friedrich isn’t going to overthrow Supreme Court precedents” that accept Klein conspiracy law as constitutional. For starters, district court judges aren’t in the habit of contradicting longstanding High Court rulings. And there’s also a matter of jurisprudential realpolitik: To challenge even a clearly wrongheaded precedent, says the lawyer, a litigator needs an attractive and sympathetic client. A Putin-linked business funding Russian social-media trolls doesn’t fit the mold.

Townsend hopes that’s not the case: “You always want a sympathetic client,” he says. “But many courts will recognize that in extending constitutional protections to unsympathetic defendants, they are protecting everyone.” ♦

# They Balked

## The failed Macedonia referendum.

BY JOHN PSAROPOULOS

**T**he Euro-Atlantic trajectory of the Western Balkans was cast into doubt after a September 30 referendum in the former Yugoslav Macedonia backfired.

Prime Minister Zoran Zaev gambled on the popularity of his country’s entering the European Union and NATO—which enjoy the support of 83 percent and 77 percent of the population respectively—to carry a proposal to change the country’s name from the Republic of Macedonia to North Macedonia. Greece agreed last June to lift vetoes to the Balkan country joining both bodies if it adopts that name. The dispute over the name traces to the fact that much of the historic kingdom of Macedonia lies within the present-day Macedonian region of Greece.

While polls had shown more than 90 percent of voters supporting the name change, only 36.9 percent of eligible voters turned out, making the referendum legally invalid. The hardline opposition’s call to boycott the vote is widely perceived as having won.

An array of dignitaries had visited the former Yugoslav Macedonian capital, Skopje, to support the yes vote, including Defense secretary James Mattis and German chancellor Angela Merkel. Had the yes vote prevailed, it would have clinched approval of the Prespes Agreement, named after the border-straddling lake on whose shores it was signed, solving the 27-year dispute between Greece and former Yugoslav Macedonia. More

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*Athens*



*Zoran Zaev*

important, it was to have inaugurated a new advance for Western institutions.

E.U. enlargement stalled after the addition of Croatia in 2013 and was reversed with the departure vote of Britain in 2016. NATO enlisted Montenegro last year, but it has faced Russian military incursions in larger aspiring members Georgia (2008) and

Ukraine (2014). These have appeared to define the alliance’s limits, and the limits of American hegemony.

In a visit to Athens last December, E.U. commissioner for enlargement Johannes Hahn stressed the importance of Greece’s role in shepherding the six Western Balkan nations into the fold. “We have to close a gap which exists

when it comes to connectivity and border cooperation,” Hahn said. “Greece has very strong economic ties to the region in trade and foreign direct investment. It’s important for . . . foreign investors to have stability in the region. This is only possible [in the E.U.]”

The European Commission in February announced its goal to induct the countries of the western Balkans by the mid-2020s. Greece launched a flurry of diplomatic activity to settle decades-long disputes with neighbors. It is delineating its continental shelf with Albania and ending a technical state of war with that country that has existed since 1940.

A political earthquake in former Yugoslav Macedonia made a rapprochement there possible as well. In December 2016, the hardline Macedonian Internal Revolutionary Organization (VMRO) fell after a decade in power. The country’s VMRO-affiliated president, Gjorge Ivanov, refused

to swear in the opposition, a coalition of social democrats, liberals and minorities under Zoran Zaev. When the speaker of parliament invited Zaev to form a government, VMRO thugs attacked Zaev, who appeared on television with blood streaming down the side of his head. His swearing-in after a U.S. diplomatic intervention ushered in a new era.

“There was an extremely big optimism surrounding us,” says Miroljub Sukarov, a respected economics professor at South East European University in Skopje. “Things started in a perfect way. The government adopted several laws in the economy, encouraging private investments and making no distinction between foreign and domestic investors.”

Sukarov contrasts this with the previous, politicized economy, in which jobs, licenses, and bank loans often depended on good terms with the ruling party. “[VMRO] had a lot of instruments to force companies to be their members or financiers. If you did not deal with them, they sent you an inspection and shut you down.”

The change of government and the reopening of talks with Greece in January appear to have produced spectacular economic results. Foreign direct investment tripled in the first half of this year compared with the same period last year. Exports soared. Job creation rose 6 percent year over year, and salaries grew by 5.3 percent.

Sukarov doesn’t now expect the government to reach its growth target of 3.2 percent this year because of political uncertainty. Despite the disappointing turnout in the naming referendum, Zaev has vowed to try to push the Prespes Agreement through parliament, where he needs a two-thirds majority. His coalition controls 68 seats in the 120-seat chamber, so he needs 12 more votes.

“There is no possibility of any MPs of the VMRO to give legitimacy to this Prespes Agreement,” says VMRO spokesman Naum Stoilkovski. “The people voted, or did not vote, against this agreement . . . so this does not have any legitimacy.”

Zaev has mined the opposition for

votes and managed to pick up three, but none from the VMRO. “The big question is how to get nine from the VMRO,” says veteran political analyst Hristo Ivanovski. “Maybe they can manage two or three, because they are involved in corruption scandals and [the government] can start legal procedures against them. At the same time VMRO had a kind of internal policy, unofficially, that every single MP has signed a bank check of about 250,000 euros [to the party]. If they want to change their political camp that check will be automatically activated. So to get nine means 2.25 million euros. It will not be easy [for Zaev] to find that kind of money.” The government’s final play would be to hold an election in November, the defense minister recently revealed, and hope thereby to achieve a coalition that would ratify the Prespes Agreement.

Officially, the sole purpose of the Prespes Agreement was to find a mutually agreeable name for the former Yugoslav Macedonia. In fact, the agreement cuts to the heart of the identity issues that divide Greek and Slav Macedonians.

Referendum abstainers objected to the stipulation that “the official language and other attributes of [former Yugoslav Macedonia] are not related to the ancient Hellenic civilization, history, culture and heritage [of Greece].”

In other words, those who self-identify as ethnic Macedonians must abjure all claim to Greece’s Hellenistic heritage—the empire of Alexander the Great and its aftermath—which Greeks see as a vital component of their nationhood. After all, it was Alexander who spread the Greek language and learning across Asia.

This stipulation was included on Greek insistence, to sweeten the pill of sharing Macedonian identity with their Slav neighbours, something most Greeks object to. They want it made clear that non-Greek Macedonians are so named by virtue of shared geography, not heritage.

The academic consensus favors the Greeks on the questions of identity and geography. “In antiquity,

Macedonia was the area that is now the northern province of Greece,” says Stephen Miller, professor of archaeology at the University of California, Berkeley. “There is a geographical, geological distinction: the range of mountains that divides that from the area of Skopje. The area where Skopje is in ancient times was called Paeonia. It was a kingdom. We don’t know a lot about it. We know that Philip, father of Alexander, defeated the king of Paeonia and incorporated it into his kingdom. . . . But it was a distinct area. It wasn’t Macedonia, it was Paeonia.”

That geography was immaterial until the age of the nation-state, and the issue was settled in favor of the Greeks in 1913 when they took the Macedonian capital of Thessaloniki just hours ahead of Bulgarian troops and established today’s national border between Greece and its northern neighbors. The formation of Yugoslavia after World War I dampened identity issues but did not eradicate them.

In the quarter-century since the fall of communism, former Yugoslav Macedonia has been recognized by more than 100 countries by its constitutional name, the Republic of Macedonia. Greece has failed to quell Slav Macedonians’ claim to the M-word, but has accepted a composite version with a qualifier, such as Slav or Northern Macedonia. This compromise has divided Slav Macedonians. Many would like to move on.

Others agree with the VMRO’s Stoilkovski that the Prespes Agreement is “a capitulation.” “There are a lot of things [in the Prespes Agreement] which are hard simply to read. . . . Would you have said to some other country to change their history books, change their code, change their name? . . . Macedonia has to take all these steps and Greece has only one—to not block Macedonia’s integration.”

NATO and the E.U. are sorely needed in southeast Europe, where the rule of law is weak and foreign investors hesitate to commit to countries with an arbitrary and vindictive political climate. Building the political will to summon them is another matter. ♦

# Life's Little Luxury

*Charm makes the world seem a more enticing place—but it is going the way of chivalry, good manners, and unmotivated kindness*

BY JOSEPH EPSTEIN

When a few years ago I decided to write a book about charm, I began asking friends and acquaintances if they could name five people in contemporary public life—in show business, television journalism, politics, sports—they thought charming. None could do it. Some couldn't name one. Many of the names that did come up seemed easily disqualified. Someone mentioned Tom Hanks. Nice enough as far as one knows, but charming, no. Another mentioned Oprah. Immensely famous, perhaps the most famous person in the country, but charming—I didn't think so. The same few names came sputtering out: Steve Martin, Lady Gaga, Bill Murray, Meryl Streep, Paul McCartney, talented people all but scarcely charming.

If I had asked this same question 50 or 60 years ago, the names would have come cascading out: Cary Grant, Katharine Hepburn, Ronald Colman, Myrna Loy, Jack Benny, William Powell, Barbara Stanwyck, Yogi Berra, and on and on into the night, all people about whose charm one could be assured to get an immediate consensus. What, during the intervening years, has happened to in effect all but put charm out of business in our time?

When I batted down some of these candidates for the golden circle, a discussion of the definition of charm often followed. A surprising number of the people I talked with conflated charm with "charisma," though their definitions of that vogue word generally turned out to be far from clear. Charisma is one of those words that most people use to mean whatever they want it to mean. ("When I use a word," says

Humpty Dumpty in *Through the Looking-Glass*, "it means just what I choose it to mean—neither more nor less.") For the people at Avon, Charisma is the name of a perfume. It is the first name of an actress in a television series about vampires. What *charisma* really means, as set out by the German social scientist Max Weber, is authority "resting on devotion to the exceptional sanctity, heroism, or exemplary character of an individual" that shows up not in pleasing conversation

but on the world stage. Jesus had charisma; so, too, did Napoleon, Gandhi, and a very few others, not including Charlie Chaplin, Buster Keaton, or Laurel and Hardy, who, each in his own way, had great charm, but no charisma whatsoever.

Some people I talked with thought charm was synonymous with "cool." In fact, the two, charm and cool, are all but opposed. Cool aims for detachment, distance; charm is social, bordering on the intimate. Cool is icy; charm warm. Cool is costive; charm often ebullient. Cool doesn't require approval; charm hopes to win it. Cool began life in jazz under the great saxophonist Lester Young, who first used the term, but it soon descended to the argot of drugs. Cool gave way to *hip* and *hep*.

In Dave Frishberg's song "I'm Hip," the singer proclaims that he watches "arty French flicks with [his] shades on" and is so hip "I call my girlfriend 'Man.'" Miles Davis was cool, Louis Armstrong charming.

Nor is charm the same as style. Many charming people have distinctive styles, but there is no one style that marks the charming. Style, V.S. Naipaul thought, was ultimately a way of looking at the world, which suggests the immense variety of available styles: dark, complex, cheerful. Some styles are, of course, more winning, richer, grander, more interesting than others, and to the extent that they are so the more likely they are to contribute to a person's charm. Some styles are charming; some charm is stylish. Nevertheless the two remain distinct.

Personal elegance is sometimes thought to be charming, but it isn't—at least when not backed up by other traits.



Mel Brooks in 2017

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Elegance can even be off-putting. Think of old-line movie actors like Adolphe Menjou, George Sanders, and George Macready, who used elegance—of dress, of diction, of general manner—to be off-putting in villainous roles in the movies. Elegant manners are meant to lubricate social life, but they can also chill it. I think here of the writer Lucius Beebe, who was said to be “menacingly groomed.” When elegance seems natural, it can supplement charm, but it is not essential to it. Many inelegant, even deliberately vulgar, people can be charming.

Most charming people are likable, but charm is more than the ability to make oneself liked. One can like all sorts of uncharming people: for their candor, their loyalty, their seriousness, their simple decency. Neither are puppies, kittens, and small children charming. Cute they may very well be, but charm implies a certain urbanity, experience, worldliness that is not available to puppies, kittens, or children.

The standard dictionary definition of *charm* holds that it is “the power or quality of giving delight or arousing admiration.” Which is all right as far as it goes, but it doesn’t go far enough. Lots of things, after all, give delight (a birthday cake, for example), and not a few arouse admiration (athletic prowess), without being notably charming. “Though defining be thought the proper way to make known the proper signification of words,” wrote John Locke in his *Essay Concerning Human Understanding*, “yet there are some words that will not be defined.” Well before Locke, Aristotle in the *Nicomachean Ethics* noted that different subjects allow for differing levels of clarity and that “precision is not to be sought for alike in all discussions, any more than in all the products of the crafts.” Later in the same paragraph, Aristotle added: “It is the mark of an educated man to look for precision in each class of things just so far as the nature of the subject admits; it is evidently equally foolish to accept probable reasoning from a mathematician and to demand from a rhetorician demonstrative proofs.” Charm, given its elusive and sometimes widely various nature, turns out to be one of those subjects for which precision of definition isn’t finally available. Joining love, happiness, justice, and beauty in being among these less than easily defined conceptions, charm is, as charm by its nature always hopes to be, in good company.

Easier, of course, to determine what charm isn’t. Had I asked friends and acquaintances to list the five least charming people in contemporary public life tongues would have

come untied, and names would have flowed. Everyone, I suspect, has his or her own list of the uncharming. Mine is comprised chiefly of people who badly overrate their charm, and includes Barbara Walters, Bill Clinton, a Fox News host named Greg Gutfeld, Whoopi Goldberg, Larry King . . . I could go on. What unites this otherwise disparate group is that, in their too great confidence, they overrate their charm. The one rule I have devised about charm is that if you think you are charming, you probably are not.

People who are opinionated tend not to be charming. So, too, people who are argumentative. Too great, too

obvious a competitiveness is rarely charming. Flattery may work, but however artfully applied, its charms are too specific (namely, on the person flattered) to qualify as charming. Obvious vanity does not charm; neither does name-dropping. A taste for gossip, carefully kept in bounds, may charm, but shown in the least excess it does not. Charm laid on too heavily can prove overdone, tiresome, uncharming.

Can charm be learned, or is it a gift of God or, if you prefer, of the gods? Charm can’t be taught, but it can, to get a bit Zen *koanish* about it, be learned, though not by everyone. The place most people of a certain age learned about charm was at the movies. Those of us who from a fairly early age went every Saturday

afternoon to a double-feature at our neighborhood theater learned, boys and girls alike, if only by osmosis, how to dress, smoke, kiss, open car doors, deal with headwaiters, and a good deal more. Charm, being individual, has many models, and the movies turned up a large number of them: the taciturn charm of Gary Cooper, the elegant charm of Cary Grant, the masculine charm of Clark Gable, the urbane charm of Humphrey Bogart, the British charm of Herbert Marshall, the comic charm of Marcello Mastroianni, and many other variants, both male and female.

Whatever the variant, charm was considered highly desirable, and to possess it was if not one of the goals certainly among the pleasures of adult life. One didn’t so much copy any of these cinematic ideals of charm as try to assimilate parts of them—a bit here, a bit there—in the hope that one day these parts would come together to form a charm of one’s own, unlike any other but pleasing in its own way.

Movies with charm at their center are no longer being made. The directors able to make them or even interested in doing so—the Leo McCareys, the Preston

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**Perhaps alone among movie stars, Audrey Hepburn was admired equally by men and women. She combined fragility and sprightliness in a unique and immensely attractive way. As women wished to look like her, wear clothes as she did, speak as she spoke, most men wanted to protect her.**

Sturgeses, the Billy Wilders, the George Cukors, the Blake Edwardses, the Stanley Donens—are long gone. Nora Ephron attempted with some success to make such movies, in the spirit of our time, but she has had no followers. Quite possibly charm is no longer marketable. With fewer and fewer models of it available, it may go the way of chivalry, good manners, and unmotivated kindness.

If one cannot define charm with real precision, how, then, does one recognize it? One recognizes it, as one does its compatriots in inexact definability, pretty much case by case, instance by instance. One recognizes charm when one feels it, sees it. Charming is the song we don't want to stop playing, the painting that won't leave our minds, the piece of writing we don't want to end, the man or woman we wish never to leave the room. Charm, when present, enlivens and lights up a room, makes the world seem a more enticing place. Not quite true that charm, like beauty, is in the eye of the beholder, for there are levels of sophistication in the realm of charm. Some charm is subtler than others; some more obvious. Not everyone is likely to be charmed by Noël Coward; most people are likely to be charmed by the Marx Brothers.

Not the least impressive thing about charm is the richness of its variety. Along with traditionally charming people of the kind that one used to meet fairly regularly in the movies, there have been through history rogue charmers, gay charmers, yes, even vulgar charmers, and this scarcely, as the philosophers say, exhausts all cases. Famous charmers have included figures as varied as Alcibiades, Casanova, Louis Armstrong, Tallulah Bankhead, Lord Byron, Mme de Sévigné, Duke Ellington, and scores more.

Consider people so different as scarcely to seem to inhabit the same planet, yet each in his or her own way notably charming: Mel Brooks and Audrey Hepburn. Brooks falls under my category of vulgar charmer. Vulgar

he is but what is notable about his vulgarity, his unabashed coarseness, is that it is deliberate and, somehow, fails to leave the dreary stain vulgarity usually leaves.

I remember many years ago watching Mel Brooks being interviewed by Mike Wallace on *60 Minutes*. It went something like this: In answer to Wallace's first earnest question, Brooks pushed back the cuff of Wallace's

sleeve and asked him where he got his wristwatch and what he paid for it. Wallace posed a second question, and Brooks leaned in, rubbed the lapel of Wallace's suitcoat and muttered, "Nice material. What's a jacket like this set you back?" Wallace broke up in laughter. What Mel Brooks (born Melvin Kaminsky) was doing, of course, was playing the vulgar Jew, playing it for laughs and getting away with it. Just as he played perhaps the ultimate vulgarities—flatulence jokes, racism—in his movie *Blazing Saddles* and got away with it there. Who but Mel Brooks could have made a comedic movie, later an immensely successful Broadway musical, about Adolf Hitler—and, yet again, get away with it? How did he—how does he still in his 90s—do it?

Gene Wilder, who played in several of Brooks's movies, remarked: "Sometimes he's vulgar and unbalanced, but . . . I know that little maniac is a genius. A loud kind of Jewish genius—maybe that's as close as you can get to defining

him. As for his vulgarity, which cannot be argued away, it is indubitably a healthy vulgarity." Brooks can be raucous, but he is never mean. One senses no putdown, no one-upmanship, not the least malice in him. If he can be wild, his is a controlled wildness. However bumpy the comedic flights he takes us on, we, his audience, can be certain that he will land the plane safely. Vulgar he may be, but his has been a healthy vulgarity, one that flies under the flag of charm.

To be seated at a dinner party, Mel Brooks on one's left, Audrey Hepburn on one's right, would make for a most interesting, if perhaps somewhat dizzying, evening. The



Audrey Hepburn filming 'Sabrina' in 1954

two represent the boundaries of charm, charm in its masculine coarseness and its feminine refinement. Perhaps alone among movie stars, Audrey Hepburn was admired equally by men and women. She combined fragility and sprightliness in a unique and immensely attractive way. As women wished to look like her, wear clothes as she did, speak as she spoke, most men wanted to protect her. Careful casting set her in movies against attractive, older leading men: Gary Cooper, Gregory Peck, Henry Fonda, Humphrey Bogart, Cary Grant, William Holden, Fred Astaire, Rex Harrison. Their maturity suggested they could protect her, and her youthful sweetness seemed to give them a second chance in life with a virginally fresh woman.

*Gamine, elfin, sprightly, fey:* No one has been able to nail Audrey Hepburn's precise physical quality. But everyone seems to have been taken by it. Sex wasn't at the heart of it. Aud Johansen, a woman who danced in a chorus line on the London stage with the young Audrey Hepburn, remarked, "I have the biggest tits on stage, but everyone looks at the girl who has none at all." What Hepburn had was charm, which wears better and longer than sexiness.

The lives of movie stars of the great studio era are best not looked into too closely. One too often finds boorishness, drunkenness, domestic tumult, crushing sadness, and a wild disparity between on- and off-screen personality. But Audrey Hepburn seems to have had the same lovely qualities on-screen and off. Fred Zinnemann, who directed her in *The Nun's Story*, said of her: "I have never seen anyone more disciplined, more gracious, or more dedicated to her work than Audrey. There was no ego; no asking for extra favors; there was the greatest consideration for her co-workers." Stanley Donen, who directed her in *Chariot*, *Funny Face*, and *Two for the Road*, said "her magnetism was so extraordinary that everyone wanted to be close to her. It was as if she placed a glass barrier between herself and the world. You couldn't get behind it easily. It made her remarkably attractive." Billy Wilder, who didn't in the least mind knocking actors with whom he had worked, said, "Audrey was known for something which has disappeared, and that is elegance, grace, and manners. . . . God kissed her on the cheek, and there she was." Alfred Lunt said that "she has authentic charm. Most people simply have nice manners."

**Charm is that lighthearted element that is in such sad short supply in contemporary life. How we lost charm is a story about changes in our culture, changes so considerable as to qualify as revolutionary.**



Cary Grant, circa 1960

Everything that is known about Audrey Hepburn supports the picture of her as naturally refined, generous, goodhearted. When her agent suggested she ought to ask a royalty of Hubert de Givenchy for his using her name in connection with his perfume *L'Interdit*, she refused, saying that Givenchy was her friend, and she wouldn't think of doing such a thing. For the last five years of her life Hepburn worked seven or eight months of the year for UNICEF's project on behalf of starving children. Always a nervous public speaker, she nevertheless gave countless speeches to arouse interest and raise money on behalf of UNICEF—speeches said to have been extraordinarily effective. While working for UNICEF she eschewed all the perks normally expected by the high-level celebrity she was: She flew coach, rode in trucks, ate the same food as everyone else working for the organization. A good heart on display, such as Hepburn possessed, one free of all falsity and fakery, might itself stand in as one strong definition of charm.

Charm is that lighthearted element that is in such sad short supply in contemporary life. How we lost charm is a story about changes in our culture, changes so considerable as to qualify as revolutionary. A cultural revolution is never so clearly marked an event as a political revolution. When we think of revolutions we think of 1776, 1789, or 1917, but there are no precise dates for cultural revolutions, which, when they occur, usually establish themselves with wider pervasiveness and, ultimately, greater efficacy than political ones. Revolutions

in our culture—radical changes in what we find permissible or admirable or detestable, and in how these affect our everyday living—are less murderous than political revolutions but in some ways more profound. Recent revolutions in our culture have, alas, made charm if not quite irrelevant then nearly obsolete, which is to say, to use the dictionary's words, "no longer produced or used; out of date."

The first of these revolutions has been in the nature of contemporary political life. One of the rules for anyone setting out to be charming is to avoid politics, for like as not as soon as one brings up the subject of politics one will lose half the room. In asking friends for five charming people,

HARRY CRONER / ULLSTEIN BILD / GETTY

a few mentioned the name Barack Obama and one mentioned his wife, Michelle. But then I recalled that at no time in his presidency did Barack Obama have an approval rating much above 50 percent, and his approval was often well below that. There have been politicians noted for their charm—Benjamin Disraeli, Franklin Delano Roosevelt, Winston Churchill—but Disraeli, it turns out, exerted most of his charm on Queen Victoria; Roosevelt was loathed by Republicans like no other politician in the 20th century; and Churchill, after no less an accomplishment than saving Western civilization from Hitler, was voted out of office.

With its inherent contentiousness, politics has never been an arena in which charm flourished. It cuts too close to the bone to allow for charm. Politics, after all, isn't about politics alone. For most of us our politics are tied up with our sense of our own virtue. If one is liberal, one wants to think oneself a strong advocate for the underdog and for social justice generally; if one is conservative, one is likely to think liberty and the development of character the first order of business in any society. Liberal versus conservative is only partially about conflicting ideas about governing; the two represent dueling virtues. Which is why arguments about politics can get to the shouting stage faster than arguments about nearly any other subject.

Which is why, too, politics is always dangerous ground, seeded with landmines, for anyone who would like to establish him- or herself as charming.

So divisive has politics in America become that movie stars, athletes, and television personalities do well to steer clear of it, though fewer and fewer of them seem able to do so. Hollywood has always been political, but under the old studio system, the stars were constrained from publicly announcing their political views. They were so lest an actor's politics affect his box-office appeal. In our time, with the studio system gone, movie stars have less and less hesitation in lining up for political causes, usually with sadder effects on their careers than helpful effects for the cause. Jane Fonda is a case in point. A beautiful woman, a fine actress, Fonda's strong stand against American involvement in the Vietnam war—Hanoi Jane she was called, like Tokyo Rose, the woman who gave anti-American broadcasts during World War II—crippled her career, making fewer movie parts available to her and keeping a large portion of the audience away from those movies in which she did play. Bob Hope, once universally considered charming, lost much of the cachet of his charm when he sided with Richard Nixon during the years of the Vietnam war. Closer to our own time, something similar may be happening to

## The New NAFTA

**THOMAS J. DONOHUE**  
PRESIDENT AND CEO  
U.S. CHAMBER OF COMMERCE

After 13 months of talks, and a whole lot of ups and downs, the U.S., Mexico, and Canada have reached agreement on a successor to the 25-year-old North American Free Trade Agreement (NAFTA). The aim of the new United States-Mexico-Canada Agreement (USMCA) is to bring North American trade policy into the 21st century. Negotiators deserve a lot of credit for working through all 34 chapters and dozens of annexes and coming up with a pact that all three nations could agree on—it was no small feat!

From the beginning of the debate over the future of NAFTA, the U.S. Chamber of Commerce agreed it should be modernized. But we also made it clear that we would vigorously oppose any effort to undermine the underlying deal. NAFTA supports the \$1 trillion in trade that crosses our

borders with Mexico and Canada every year. And this flow of trade supports the livelihoods of 14 million American workers across our country.

The Chamber's experts are carefully going through the new agreement with our members to assess its implications for U.S. businesses and our economy. But we already know that negotiators got the most important detail right—they kept the agreement trilateral. For a few fraught weeks it appeared possible that Canada could be left out—an outcome that would have been unacceptable to the private sector and dead on arrival in Congress.

Early indicators also show numerous wins for U.S. business including on digital trade, intellectual property, financial services, and agricultural trade. In these and other areas, the USMCA is truly a 21st century trade deal. However, the agreement appears to mark a setback on investment protections and access to government procurement opportunities, issues we will continue to work on.

We are very disappointed that the steel and aluminum tariffs on Canada and Mexico, along with retaliatory tariffs on \$20 billion of U.S. exports, still remain in place. Imposing these tariffs on our neighbors does little to address the real issue of Chinese overcapacity. Instead, they only alienate our best customers and closest allies. Our message is clear: Trade works; tariffs don't. We will be working overtime to remove these tariffs.

There's a long road between last week's announcement and a ratified pact. Having had a front row seat for every free trade agreement that the U.S. has done, I can attest that a lot of hard work remains. But, today, we can say this much for sure: This is an important step in reducing the uncertainty that has stymied North American trade—and two of our most vital economic partnerships—for more than a year.



Learn more at  
[uschamber.com/abovethefold](https://www.uschamber.com/abovethefold).

the career of George Clooney, who too closely identifies himself with every passing left-wing cause. In sports, Tom Brady, possibly the best quarterback in the history of professional football, is disliked by a great many fans because he is thought to be a friend to Donald Trump. Michael Jordan, when asked why he never took strong political stands, is said to have answered, “Republicans buy sneakers, too.”

Charm is about consensus, politics about division. The ever more divisive field of politics is the last place for charmers to work their magic. That the current age happens to be as dominated by politics and is as politically divisive as any on record is one of the reasons charm in our day is onto lean times. So many people who might otherwise be thought charming have allowed their political interests to diminish their charm. Politics is a popular spot for charm to go to die.

A revolution affecting charm deeper than politics is that entailed in what the social scientist Philip Rieff called, in a book of that title, the “triumph of the therapeutic.” The underlying beliefs of the culture of therapy—that the great enemy of human beings is repression, that relief is to be had through the widest possible confession, and that the great goals in life are self-gratification and self-esteem—are deadly for charm.

The doctrines of Sigmund Freud, Carl Jung, Karen Horney, and Wilhelm Reich may have lost much of their credibility, but the spirit of the therapeutic has nonetheless thoroughly permeated American life. The notion of changing one’s personality is central to the culture of the therapeutic. The 1960s set out as a goal that of doing one’s own thing; the 1970s—Tom Wolfe’s “Me Decade”—advanced this to a deepening concern with the self. In our day, the therapeutic has swept the boards, exercising a subtle but genuine tyranny over contemporary culture. Under the culture of therapy the concentration is exclusively on the individual, the emphases falling on self-regard and authenticity. The charming person asks, “How may I please?” The therapeutic personality wants to know how he can please himself. Warfare has never been openly declared, but the two, charm and therapy, are nonetheless implacably opposed.

Owing to the triumph of the therapeutic, actors in our day feel perfectly at ease going on talk shows to discuss their mistreatment by sexually perverse fathers, alcoholic mothers, or brutish husbands. Men speak openly about their sex addictions, in interviews women recount their battles with drugs. Why hold back? Repression, remember,

is the enemy; confession good, if not for the soul, certainly for the psyche.

The sobbing memoir is among the leading literary genres of our time. Novelists, poets, critics, journalists, learning they are going to die or having lost a child or husband or wife, see in the event a rich possibility for a book. Others must be content with exposing their parents or former husbands or wives, retailing the heavy mental tortures visited upon them. Reticence and tact, two arrows in the quiver of charm, have no standing in the therapeutic culture. Decorum, another significant element in charm, is diminished, if not destroyed. Sex columnists openly consider the merits of non-monogamous sex, of cross-dressing, of choking during sex. Why not? Why hold back?

Vast is the pain that psychotherapy, greatly aided in recent decades by pharmacology, has relieved, making life livable for schizophrenics, those suffering bipolar disease, and others born with genetic miswiring. It has also been useful in propping up those depressed and otherwise defeated

by the misfortunes life has visited upon them. Much can be said about the value of psychotherapy generally, but its toll on charm has been heavy.

In a 2013 essay in the *Atlantic* on “The Rise and Fall of Charm in American Men,” Benjamin Schwarz noted that “only the self-aware can have charm; it’s bound up with a sensibility that at best approaches wisdom, or at least worldliness.” Schwarz goes on to say that charm cannot “exist in the undeveloped personality. It’s an attribute foreign to many men because most are, for better or worse, childlike. These days, it’s far more common among men over 70—probably owing to the era in which they reached maturity rather than to the mere fact of their advanced years.”

Schwarz’s claim is that men—but, of course, women, too—who grew up when models of charm were both omnipresent and strong are likely to have attained a maturity of a kind unavailable to those who came after them. He is also arguing that to be charming one has to be adult, and to be fully adult one has to have grown up before the cult of youth took root and spread through contemporary life. This phenomenon, the closing down of adulthood, has been well underway since the 1960s. “Don’t trust anyone over 30,” it will be recalled, was one of the reigning shibboleths of the protest movement of those years. Those who shouted it are now in their 70s and appear still to believe it.

Youth, once understood to be a transient stage in life,

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**For English philosopher Michael Oakeshott, the ideal character was composed of integrity, the inheritance of civilization known as culture, and charm—the three joined together by piety, by which Oakeshott meant reverence for life.**

has become its goal. Two of the greatest compliments in American life are “You’re so thin” and “You don’t at all look your age.” F. Scott Fitzgerald, in *The Crack-Up*, anticipating our own time, called growing up “a terribly hard thing to do. It is much easier to skip it and go from one childhood to another.” Many years later Tom Wolfe remarked that in our time one goes from juvenility to senility with no stops in between. So pervasive does the cult of youth sometimes seem that, as difficult as naming five charming people may be, no less difficult would it seem to name five adults.

Two of the most popular sitcoms in recent decades, *Seinfeld* and *Friends*, were about the refusal of their characters to grow up. The characters on both shows were funny but far from charming. The continuing theme on *Seinfeld* was the selfishness of people refusing to be adults. No one on *Friends* had a serious job or seemed likely to acquire one soon. The characters on both shows were somewhere roughly between their late 20s and early 30s. Adulthood was for none of them anywhere in sight.

If Ponce de León were alive today, viewing older billionaires with oxblood-colored hair, aging actresses with skin drawn so tight by cosmetic surgery they cannot close their eyes at night, old men whose jogging pace resembles nothing so much as that of infants just beginning to walk, former student radicals now sporting gray ponytails or topknots, no doubt the Spanish explorer would give up his legendary search for the fountain of youth and resign himself to aging as gracefully as possible. George Santayana thought it a great sin, the greatest, to set out to strangle human nature. The attempt to stay perpetually young is the most common attempt to do so in our day. It is also among the most effective ways to divest oneself of charm.

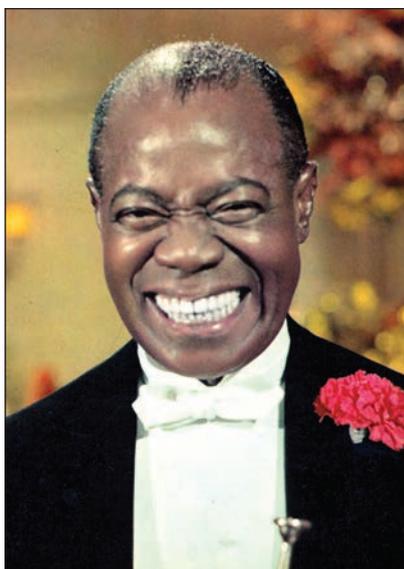
Charm will not feed the hungry, help end wars, or fight evil. I’m not sure that it qualifies as a virtue, and, as is well known, it can be used for devious ends. Yet charm does provide, among other things, a form of necessary relief from the doldrums, the drabness of everyday life. Sydney Smith, the 18th-century clergyman and himself an immensely charming man, wrote that “man could direct his ways by plain reason and support his life by tasteless food; but God has given us wit, and flavour, and brightness, and laughter, and perfumes to enliven the days of man’s pilgrimage and to charm his pained steps

over the burning marle.” If your vocabulary is as limited as mine, you will have to look up *marle*, which turns out to be “unconsolidated sedimentary rock or soil consisting of clay and lime, formerly used as fertilizer.” What Sydney Smith was too charming to say straight out is that charm helps us to get over the crap in life, which, as anyone who has lived a respectable number of years knows, can be abundant.

In his *Notebooks*, the English philosopher Michael Oakeshott posited what he thought an ideal character. This, he held, was composed of integrity, the inheritance of civilization known as culture, and charm, the three joined together by piety, by which Oakeshott meant reverence for life. “Charm,” he wrote, “compensates for the lack of everything else: charm that comes from a sincere and generous spirit. Those who ignore charm & fix their appreciation upon what they consider more solid virtues are, in fact, ignoring mortality.” Since we all die, all are merely guests briefly here on earth, we have an obligation to get the most of our limited time, or so Oakeshott believed. In his reading, then, those who ignore charm are ignoring one of life’s genuine pleasures.

In an age with a paucity of charm, those of us who hunger for it fall back on the past: on the movies of Leo McCarey and Preston Sturges; the dancing of Fred Astaire and Ginger Rogers; the comedy of Charlie Chaplin, Buster Keaton, Laurel and Hardy; the traditional ballets of George Balanchine. Toss in the songs of the brothers Gershwin, Cole Porter, Johnny Mercer, Harold Arlen, and Jerome Kern; the trumpet of Louis Armstrong, the saxophone of Lester Young, the clarinet of Artie Shaw; the singing of Alberta Hunter, Bing Crosby, Ella Fitzgerald, Blossom Dearie; the big bands of Duke Ellington, Benny Goodman, and Jimmy Dorsey. The essays of Charles Lamb and Max Beerbohm, the novels of P.G. Wodehouse and Evelyn Waugh, the poetry of John Betjeman and Philip Larkin all provide charm in its literary division. If all this seems rather light fare, that is because light, in its most approbative sense, is what charm indubitably is.

Charm elevates the spirit, widens our lens on life, heightens its color, intensifies and sweetens it. Life holds out the rewards of achievement, acquisition, love of family and friends, but without the infusion of charm the enterprise is, somehow, a touch flat, less than complete. Charm is one of life’s lovely luxuries. No one truly needs it, but how sad to live without it. ♦



Louis Armstrong, circa 1970

# Battle of Birmingham

*Britain's Conservative party comes together—  
and soon it will be coming apart*

BY DOMINIC GREEN

*Birmingham, U.K.*

**T**he Romans substituted theater for politics, but we moderns prefer politics as theater. Nowhere is this more apparent than in the scripts and rituals of the party conference. The surprises are negotiated in committee. The policy announcements are leaked to the media before the speeches. The ovations are about as spontaneous as those at the get-togethers of the Chinese Communist party.

A conference is a carefully staged advertisement, a drama with little plot and no suspense. In a good year, that is. In a great year, it goes off script. In such a year, as the Democratic leadership discovered at Chicago in 1968, there is real drama on and off the stage, and the audience has the pleasure of seeing the party planners, the scriptwriters, and the media spinners landing on their collective posterior. On those rare occasions, a party conference is not a partisan advertisement but an inadvertent confession of the truth about the party and the times. That's what happened to Britain's Conservatives last week at their annual conference in Birmingham.

To enter the secure zone at Birmingham's convention center, I ran a gauntlet of single-issue lobbyists: an all-female group of anti-fracking activists from northern England dressed in white Victorian gowns like a team of radicalized Miss Havishams; two anti-circumcision campaigners with pained expressions, waving photographs of mutilated penii and shouting about child abuse; a dog-collared preacher reading uncut from the Book of Revelation into a boombox; four men in suits of armor from the Wars of the Roses protesting the redevelopment of a nearby battlefield; a raging horde of pro-European Union

protesters dressed in the E.U.'s colors of blue and gold; and a woman dressed as a badger.

This gallimaufry summarized the issues that Theresa May's government does not want to address and would not be considering in the conference hall: public concern about fracking in areas with high population densities; encroachments onto public land and green spaces; the mass culling of badgers on scientifically dubious grounds; and the End Times.

Verily, signs of the end are upon us in Britain. As it was written in Article 50 of the European Constitution, the day of apocalypse will occur 180 days after the Sunday address from Conservative chairman Brandon Lewis opening the conference. On March 29, 2019, two years to the day after Theresa May invoked Article 50, Britain will leave the European Union. When the economic veil of Euro-regulation is lifted, 52 percent of the people shall rejoice at their newly restored independence. But the 48 percent who voted Remain shall stock up on candles, tinned food, and water. Brother shall decry brother as a Little Englander, and the Little Englander shall put up two fingers.

The lion is rumored to be in preliminary talks about lying down with the lamb. Anti-Brexit Conservative and Labour MPs are believed to be considering setting up a centrist party, to restore common sense and unity by calling a second referendum in order to undo the democratic result of the 2016 Brexit referendum. Brexiteers are wailing that Theresa May's idea of Brexit is Remain by another name. Remainers are gnashing their teeth because May, who voted Remain, is threatening to leave the E.U. without a deal if she cannot secure a minimal Brexit. Everyone is worried about their exports, imports, jobs, mortgages, and summer holidays.

"It's time for common sense!" a Europhile wearing a blue top hat, a yellow waistcoat, blue trousers, and a yellow morning coat bellowed into a megaphone. If the European Union ever sponsored a real circus, as opposed to



*An anti-Brexit protester*

*Dominic Green is the Life & Arts editor of Spectator USA and a frequent contributor to THE WEEKLY STANDARD.*

the unreal proceduralism of the Brussels bureaucracy, this is what its ringmaster would look like.

“What do we want? A people’s vote! When do we want it? Now!” a woman in blue and yellow shouted, blocking my path. And so it was that I came to enter the conference with a sticker reading “Bollocks to Brexit” on my lapel.

I saw hardly any Conservatives wearing “Bollocks to Brexit” stickers inside the secure zone, but I saw hundreds of them wearing “Chuck Chequers” stickers. The Chequers plan, announced in July, is Theresa May’s offer to Brussels of terms for a negotiated exit. Instead of rallying a cabinet and party divided by Brexit, the plan broke the cabinet and split the party.

May’s foreign secretary, Boris Johnson, and her Brexit negotiator, David Davis, resigned. Jacob Rees-Mogg, leader of the anti-E.U. European Research Group, continues to threaten a vote of no confidence if May sticks with the Chequers plan. The party membership is in open revolt. The European Union’s negotiators have said that the Chequers concessions are insufficient anyway. Yet Chequers remains the May government’s policy.

“I haven’t seen many government staff, special advisers, or officials,” said Susan, who has worked for the party in Parliament and is attending her ninth conference. “Some people might say this is due to people not wanting to be in the firing line.”

Ministers put their heads above the parapet with a visible lack of enthusiasm. Michael Gove, a key Brexiteer who has remained in May’s cabinet and supports the Chequers plan, hurried along Broad Street, Birmingham’s rundown shopping thoroughfare, but not quickly enough to evade a fellow Conservative who ran up and shouted, “Michael, when are you going to chuck Chequers?”

Rory Stewart, the ex-soldier turned prisons minister, inspected the rank and file in the lobby of the Marriott hotel that adjoined the conference venue, then took cover in a huddle of advisers. Iain Duncan Smith, who briefly led the party in the early 2000s, contrived to be visible but unapproachable and spent most of Monday holding court in the Marriott’s restaurant, which was fenced off from the lobby and bar by a low wall and potted plants and guarded by a gate. Liam Fox, the minister for international trade, refused to answer my questions about party members’ criticisms of Theresa May.

“I’m escaping,” Fox told a friend, as they descended the stairs into the mad scrum of the Marriott bar.

“Where to?”

“Korea,” Fox laughed.

Normally, the main hall of a Conservative convention is

packed with dutiful applauders. In Theresa May’s theater of the absurd, the stalls were often half empty. On Sunday, May’s new foreign secretary Jeremy Hunt made headlines by calling the E.U. a “prison” and implicitly comparing it to the Soviet Union, but the hall was only half full. Nor did that many care to hear chairman Brandon Lewis’s vision for the Conservatives’ future. On Tuesday, even fewer turned up when Sajid Javid, the new home secretary, called for the party to reach out to ethnic minorities, and expounded his plans for a merit-based immigration system that will treat E.U. applicants no differently from anyone else.

The real action took place in the media and at fringe events. Everyone followed the media dueling of Boris Johnson, who called Chequers “entirely preposterous” and



*Theresa May enters for her keynote address, to polite applause.*

“deranged,” and May’s ally and finance minister Philip Hammond, who said that Johnson had “no grasp of detail” and was living in “fantasy world” if he thought the E.U. would grant Britain a Canada-style free trade agreement. And almost everyone voted with their feet and headed to the small events. It was hard to find a seat at the panel talks on “popular capitalism” hosted by the Centre for Policy Studies and its online think tank, CapX, or Policy Exchange’s panel on how to involve millennials in “home-owning democracy.” It was impossible to get into the building at any event featuring Jacob Rees-Mogg.

“When we said we wanted to leave [the E.U.], we wanted to leave,” said Ron Ramage on Monday afternoon. Ramage is a district councilor from Braintree, Essex, in the pro-Brexit commuter belt east of London. “We’re not doing it the way people voted for. It’s not going to work.”

Ramage had just come from “Brexit Means Brexit,” an event hosted by the anti-E.U. Bruges Group. “Priti Patel, who’s my MP and an ex-cabinet minister, was there. We had [ex-agriculture minister] Owen Paterson, who’s very

vocal. We had Andrea Jenkyns, a new MP. She's only been around for three years, and she's asking the prime minister, 'Why does Brexit mean Remain?' The meeting was absolutely packed. Like Owen Paterson said, we are the mainstream of the party."

I asked if Theresa May had lost her legitimacy as party leader. "Yes," Ramage replied. "Every one of the MPs at that fringe meeting said she should have stood down, and I think that's right. She's got a bit of a thankless task, and it is going to be difficult, but she's just not going the way that we want. We want to leave, but Theresa May wasn't for leaving. Look what happened to Boris Johnson. He's been kicked into the long grass for now, but he's still there."

While we were talking, the cover of the London



*Boris Johnson takes a moment—and a prop—to mention home building.*

*Standard's* afternoon edition showed Johnson running through a field in his jogging kit. The punditry saw this as a calculated mockery of May's claim that the naughtiest thing she had ever done was to run through a field of ripe wheat as a child. Johnson's ideas on naughtiness—the philandering that recently ended his second marriage, the clowning for the cameras and the public, the intriguing for office and the top job—charm the membership for the same reason they irritate his parliamentary colleagues. He is not a team player. Ramage chooses his words carefully.

"He can be a loose cannon in some respects, but I am a big fan of his, very much so. But whether he could be the right man for the leadership is another thing."

Johnson made a flying visit on Tuesday. He spoke at Conservative Home, a fringe venue, but his speech was the main event of the entire conference. People queued for four hours to get in. "The energy in the room was electric," one attendee told me. "There was definitely a sense that something historic was happening."

The Chequers terms, Johnson said, were "politically humiliating for a two trillion pound economy" and would make it "difficult, if not impossible" for Britain to make trade deals with non-E.U. states. Chequers was an insult to British democracy and a liability for the Conservative party.

"We will not only be prevented by the Chequers deal from offering our tariff schedules," Johnson argued. "We will be unable to make our own laws—to vary our regulatory framework for goods, agrifoods, and much more besides."

"This is not pragmatic, it is not a compromise. It is dangerous and unstable—politically and economically. My fellow Conservatives, this is not democracy. That is not what we voted for. This is an outrage. This is not taking back control: This is forfeiting control."

Analysts frequently link the surprise Brexit vote of June 2016 with the electoral victory of Donald Trump later that year. Both phenomena are interpreted as economically and culturally isolationist, reactions against immigration and open borders. But Johnson, the de facto leader of the groups that won the Brexit referendum, is very much a "globalist," and not only because he was born and partly schooled in New York City. To Johnson, and to many other Conservatives, Brexit is an opportunity to extract the U.K. from the E.U.'s regulatory tentacles and the eurozone's sluggish economy, and integrate Britain into global markets. While Donald Trump talks of imposing tariffs, free-market Brexiteers talk of escaping the tariff-bound European Union.

In September, Johnson visited Washington to receive the American Enterprise Institute's Irving Kristol Award. His remarks at AEI's annual dinner were the first round of an apparently coordinated push for American support for a post-Brexit free trade deal between the United States and the United Kingdom. In the following days, Owen Paterson made the case at the Heritage Foundation, and Daniel Hannan, the most prominent pro-Brexit campaigner in the Conservative delegation in the European parliament, argued similarly in the *Washington Examiner*.

"If we get it right," Johnson said on Tuesday, "then the opportunities are immense. It is not just that we can do free trade deals. In so many growth areas of the economy, this country is already light years ahead. Tech, data, bioscience, financial services, you name it. We can use our regulatory freedom to intensify those advantages."

Johnson's impassioned speech was received with cheers, whoops, and a standing ovation. But the time for action is running short. "The situation is critical," Shanker Singham of the Institute of Economic Affairs (IEA) told me. While Theresa May insists that there is no alternative to Chequers, the European Research Group has offered new proposals for maintaining a "soft" border between

PETER MACDIARMID / GETTY

Northern Ireland, which is part of the U.K., and the Republic of Ireland, which will remain in the E.U. In late September, Singham and his IEA colleague Radomir Tylecote published “Plan A+,” in which Britain would pursue free trade agreements with the United States, China, and other foreign partners; deregulate financial services; and seek a goods-only free trade deal with the E.U. “We need to pivot to this plan as soon as possible,” says Singham.

‘One thing we all know about Boris is that he’ll put on a really good show,” Theresa May told a BBC interviewer after Johnson’s assault on her premiership. She kept smiling, like a combatant in the Wars of the Roses who has just been jabbed in the policies with a hot poker and is trying not to show it. “There are one or two things that Boris said that I am cross about,” she admitted.

May took the stage on Wednesday swaying like a drunken spider to ABBA’s “Dancing Queen”—perhaps not the right choice for a leader widely seen within her own party as a usurper of Brexit who can’t put a foot right. Her speech was meant to be the finale, but it was an anticlimax. Everyone watched it because they wanted to see if she would flinch or if, as happened at last year’s conference, she would be rendered incapable of speech by a coughing fit while the scenery collapsed around her. Instead, she was the game mediocrity, the dutiful incompetent, that she always is. The title of her speech, “Campaign 2022,” was an invitation to a Jeremy Corbyn prime ministership. The question, as it has been since May took office in the summer of 2016, is how long she has left and whether Johnson will time his run against her correctly.

Of course, her party applauded her. The script requires nothing less than a happy ending. But the conference was an embarrassment for May. All her grinning and bearing cannot hide the distrust of the membership and the hostility between the majority of Conservative MPs, who voted for Remain, and the majority of the rank and file, who strongly support Brexit. The parliamentary Conservatives can hide from the press, and they can hide from the voters until 2022, but they cannot run from their own membership. Not even Liam Fox. Unless, that is, he had North Korea in mind.

The longer Boris Johnson talks about May’s failings, the less likely he looks as a candidate to replace her and the more he looks like a *farceur* than a serious actor. Being Boris, he could not help but over-egg the soufflé of his verbosity on Tuesday. Condemning the E.U.’s arrogation of powers over the British Parliament, he jocosely accused Theresa May of treason: “It occurs to me that the authors of the Chequers

proposal risk prosecution under the 14th-century statute of *praemunire*, which says that no foreign court or government shall have jurisdiction in this country.”

The law of *praemunire* was taken off the statute books in 1967. Johnson was speaking metaphorically and appealing to the patriotic emotion that May seems incapable of arousing. The politics of Brexit are not mere theater. They run deep into history and the very soil, and they have caused a civil war in the Conservatives—civil, because they’re still the Conservatives, but a war nonetheless, in which only one side can win.

“I’m here to represent the heritage of Bosworth Field,” one of the four men in armor at the entrance to the venue told me. In 1485, a Welsh adventurer named Henry Tudor

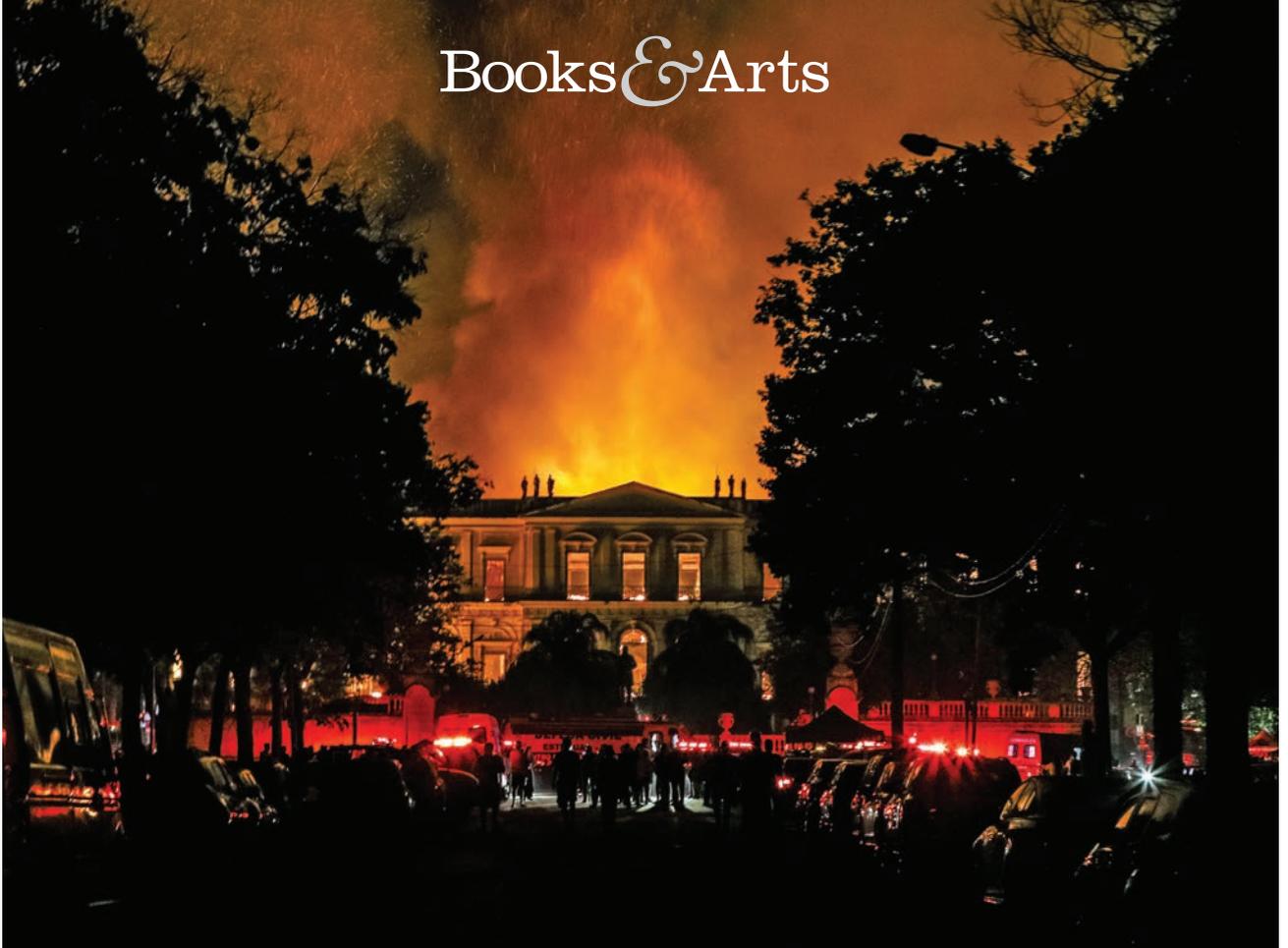


*Fancifully attired protesters gather to be ignored in Birmingham.*

defeated Richard III’s army at Bosworth, near Birmingham, and ended England’s medieval civil war, the War of the Roses. As Henry VII, he founded the Tudor dynasty and laid the foundations of the English state—the state that the Chequers plan would permanently turn into a province of the European Union.

“Plans are going ahead to build a driverless car testing track on the western side of the battlefield,” the knight explained. The men in armor, like the badger lady who was standing with them despite their polite requests that she return to her sett, felt that they were an endangered indigenous species. They were laying siege to the conference, politely but firmly, with an insistence that suggests no electorate will ever endorse Chequers.

“It’s part of our heritage,” he said. “It’s important to us. It was the decisive battle of the War of the Roses. It’s one of three major events that changed our history. You’ve got the Norman Conquest of 1066, Bosworth in 1485, and the Battle of Britain in 1940. This is like chipping away at war memorials. It’s not right, is it?” ♦



*The fire at Brazil's Museu Nacional on the night of September 2 destroyed millions of irreplaceable artifacts.*

# Flames of History

*How safe from destructive fire are American museums?* BY ASHLEY MAY

Colonel Cândido Rondon wasn't yet 25 years old when, in 1890, the newly created Brazilian republic asked him to lead its Strategic Telegraph Commission—a project intended to run a telegraph line through the country's Amazon interior and in the process make contact with the indigenous tribes living in its recesses. Rondon himself was a *caboclo*, a man of mixed Indian and Spanish blood who, orphaned at age 2, hailed from a rural village far from the influence of Rio de Janeiro.

Rondon's corps was supposed to include up to 150 men but was rarely at capacity; assignment to his unit

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was so unpopular that the Brazilian Army started detailing prisoners to his missions. It wasn't just the hardships—disease, rapids, unfriendly animals—that concerned the men, but also Rondon's imposition of a baffling additional mandate to be followed at all times and in all circumstances: Do no violence to any Indian for any reason. Historian Candice Millard relates that Rondon “valued the lives of the Amazonian Indians above his own life—or the lives of his men. Surely there was not a soldier in the Rondon Commission who could not recite by heart his colonel's now famous command: ‘Die if you must, but never kill.’” He would enter the jungle with 81 men and come back with 30, or go in with 100 men and return with 55. The fact that he

stayed alive himself was a cause for awe.

After a quarter-century, Rondon had made some limited progress. He knew the Amazon better than anyone alive. He had built up a communication system with remote interior telegraph stations. And on his returns to Rio, he didn't come back empty-handed: He bore gifts—evidence of his slowly improving relationships with the Amazon's panoply of inhabitants. Gifts were Rondon's chief diplomatic tool; he always carried presents for each tribe and, when times were good, received something significant in return—musical instruments, weapons, food, anything thought to be of value. On one journey he brought along an anthropologist skilled in capturing sound and so was able to return

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with some of the first recordings ever made of indigenous music.

A chunk of Rondon's collection, evidence of first contact, went to the kind of institution where such artifacts—irreplaceable cultural treasures—typically go: the national museum. In this case, the Museu Nacional in Rio de Janeiro. Yes, the one that recently burned down.

The fire on the night of September 2 destroyed not only the museum's indigenous Brazilian ethnology collection but also nearly everything else—an estimated 90 percent of the museum's 20 million items. The oldest human skeleton found in the Americas. Animal fossils, including dinosaurs. The world's largest collection of lace bugs. Whole lifespans of work by modern-day scientists. As the cinders are sifted, it will be easier to catalogue what has remained than what has been lost. For now, the chief surviving artifact is one of the world's largest meteorites, which the *New York Times*, with dark irony, says has "been through worse." Just another hazard of falling to Earth.

Scholars, curators, scientists, and culture-lovers have been searching for metaphors appropriate to this moment of collective lament. One politician called the fire a "lobotomy of the Brazilian memory." An American scholar compared it to the Metropolitan Museum in New York burning to the ground. The secretary of the Smithsonian Institution kept it simple: The fire was a "terrible tragedy." Wikipedia started a campaign soliciting photos of artifacts shot by visitors in the past—a fine idea, although of course even the most successful such crowdsourcing effort could only hope to help us comprehend more fully the immensity of the loss.

Then there is the question that anyone outside Brazil reading about the fire or looking at pictures of it must consider: Could something similar happen here?

**M**useum fires are much more common in the United States than you might think. According to the National Fire Protection Association, from 2012 to 2016, local fire departments responded to an estimated

annual average of 620 structure fires in or at libraries, museums, courthouses, or other public or government properties. There are fires about "once a week" at museums and art galleries, according to Andrew Wilson, a fire-protection engineer who was formerly the Smithsonian's top fire-safety official and is now a consultant. If you broaden the focus to include all of the nation's 35,000 museums and historic properties—often churches in poor condition—the number is much higher. In fact, hours before the Brazil fire, Fred and Melinda Kent of Natchez, Mississippi, received the bad news that the historic 1903 club they had recently purchased and renovated as a museum had caught on fire and sustained a 40-50 percent loss. They were due to reopen the building, added to the National Register of Historic Places in 1979, the following week. The very next day, in Gulfport, Florida, the Gulfport History Museum, housed in a 20th-century Methodist church, caught fire, reportedly the unintentional result of a homeless man's actions. That fire, fortunately, left most of the little museum's collection unharmed.

A list of American cultural institutions that have suffered devastating fires would be very long and would include many big names, like the Museum of Modern Art and the American Museum of Natural History. The Library of Congress burned repeatedly—in 1814 thanks to the British, and then again in 1825 and most disastrously in 1851—before moving into a building designed with fire safety in mind. The nearby Smithsonian castle on the National Mall caught fire in January 1865 when workers installing a temporary stove to warm an art gallery connected the stovepipe not to a ventilation shaft but to an enclosed wall. Destroyed in that fire were the personal effects of James Smithson—the mysterious English donor whose bequest made the museum possible—and most of the paintings of John Mix Stanley, an artist-explorer known for his portraits of Native American leaders. Not unlike the Museu Nacional, what the Smithsonian lost were some

of the last remembrances of a vanishing people. Stanley had presciently written of his worry that "a few generations hence our descendants will have nothing except ... memorials, to remind them of the ... existence of a race." Smithsonian secretary Joseph Henry's daughter, Mary, described the fire in her diary:

Truly it was a grand sight as well as a sad one the flames bursting from the windows of the towers rose high above them curling round the ornamental stone work through the archs and trefoils as if in full appreciation of their symatry, a beautiful fiend tasting to the utmost the pleasure of destruction.

Six months later, the most popular and controversial museum in the United States burned to the ground. P.T. Barnum's American Museum in New York held all sorts of curiosities, including relics from the American Revolution and two living whales (which unfortunately were not rescued and boiled alive in their tanks). When Barnum's resurrected museum, built at another location, *also* burst into flames in 1868, he gave up on bricks and mortar and took his act on the road.

Fire-protection engineers like Wilson work with architects, landscapers, and curators to devise and implement strategies for preventing fires from starting and minimizing damage when they do. The design of the J. Paul Getty Museum in Los Angeles, for example, takes into account the museum's wild-fire-susceptible location. While nearby residents were evacuated in the latest bout of California flames in 2017, a Getty staff member told the press that the safest location for the artwork was "right here." The complex has a sophisticated air-filtration system that can push air out and also reverse the flow. The landscaping keeps the driest plants on the outskirts and those with the highest water content closest to the building. And the Getty has a million-gallon water tank at the ready. All this comes at a cost: The Getty Center took more than a dozen years to build, to the tune of \$1.3 billion.

Of course, most cultural institutions don't have access to that kind of money. It's no secret that the Museu Nacional

was perilously short on funds, its budget a casualty of Brazil's economic and political woes. And in the United States, once you look past the top tiers of well-funded cultural institutions, you'll find that many midsize and small museums are in historic houses and churches likely to have specific fire-safety concerns. Think of the Laura Ingalls Wilder Historic Home and Museum in Mansfield, Missouri, which hosts some 30,000 visitors annually. Or of Mother Bethel AME in Philadelphia, established in 1794—home to an active congregation and the site of a museum commemorating its history as the mother church of the oldest African-American denomination. How can institutions at that scale, with limited budgets and many other pressing concerns, take proper fire-safety precautions?

Wilson's advice begins with awareness that "no institution is immune from fire" and with a basic understanding of how fires start and spread—and the suggestion that each institution develop a "fire plan."

You may have learned in childhood that there are three elements needed for a fire: oxygen, a fuel source, and an ignition source. Not much can be done about oxygen, leaving engineers like Wilson two prongs of attack: to limit and monitor fuel sources and to extinguish ignition sources. For example, the Smithsonian does not permit exhibits to be built of regular, old-fashioned wood; it has to be fire-retardant treated wood. (Most building materials today come in fire-retardant varieties.) Engineers recommend that museums completely prohibit smoking and limit the number of electrical appliances like toasters, stoves, space heaters, hot plates, and coffeemakers on the premises. Basic maintenance and orderliness has to be kept, including regular checks and corrections to heating and air-conditioning systems and electrical systems. According to Wilson, one leading cause of fires at museums is renovation-related welding, cutting, and burning. To minimize vulnerability, many institutions need rules about what kinds of "hot work"

can take place in the building and under what type of supervision.

Creating and enforcing such rules can go a long way to preventing fires. But in addition to fire-prevention plans, museums need fire-suppression systems—that is, sprinklers. "If one were to examine every cultural property lost to a fire," Wilson writes, "the only factor they would share in common would be lack of an automatic fire suppression system." This was the case in the Museu Nacional: There was no sprinkler system and the hydrants



The 1865 burning of P. T. Barnum's American Museum

outside the building were dry. The last time one of the world's major national museums was lost to fire—when the Natural History Museum in New Delhi burned totally in 2016—faulty sprinklers were also involved.

Museum sprinklers don't work the way they do in movies. You can picture the scene: Thomas Crown has thrown tear gas into the gallery and protective walls are closing in to cover the hanging art. Then the sprinklers come on—all of them—showering the statues and everything not yet covered. As wonderful a device as this is in *The Thomas Crown Affair*, it's not how sprinklers in museums actually work. In real life, each individual sprinkler head has its own seal, which only breaks when heat reaches a certain level. Smoke has nothing to do with it. So when sprinklers activate, the water is very localized—making them more effective and reducing water damage to the rest of the museum. (It's also how engineers convince nervous curators that sprinklers

are safe to install in their galleries.)

Beyond these basics, the details of fire prevention and suppression necessarily vary from institution to institution. But there are not many people who concern themselves with fire protection at cultural properties. According to Wilson, in the United States there are eight fire-protection engineers who work full-time for museums; seven of them work for the Smithsonian and the eighth is at the National Gallery of Art. Otherwise, institutions hire consultants from engineering firms or cross their fingers for a speedy response from the local fire department.

There are fewer than 10 schools in the United States that offer a master's degree in fire-protection engineering—and fewer still that offer an undergraduate degree. One undergraduate program is at the University of Maryland. It fluctuates between 200 and 250 students (including grad students); once they have their degrees they're gobbled up by engineering firms and large corporations looking to secure their properties. Department chair Jim Milke says that "the job market's been overwhelming." The primary problem for his department's graduates isn't finding a job but choosing from among the offers available to them. And while few of them go on to work directly for the country's tens of thousands of cultural institutions, some do go on to work for engineering-consulting firms that specialize in the needs of that sector.

After the fire in Brazil, protesters took to the streets to mourn and expose the government's mishandling and mismanagement of its treasures—the artifacts bought with the lives of Rondon's men and the life's work of countless others. Brazilians have voiced shame and disappointment, disgust and distrust in their leaders.

For sympathetic and concerned Americans there are a few things that might be done to reduce the risks of destructive fires at our own cultural institutions. One place to start is better information-gathering—attempting

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to determine comprehensively the risk at U.S. museums and what could be done to shore up fire protection. There appears to be no good clearinghouse of information about fire preparedness at American cultural institutions. Christopher Provan, who chairs the American Alliance of Museums's Security Professional Network, says that "although museums need to comply with their specific states' regulations, there is still a large variance in fire prevention from museum to museum." He adds, "Everyone is concerned about fire but it is often an 'it can't happen here' mentality." An assessment or survey—perhaps funded by the government, perhaps by foundations—of fire-protection measures at cultural institutions would go far to make the problem much less abstract and could lead to museum staff and friends waking up to the real risks to their institutions. Even the act of *participating* in such a survey would nudge organizations to think about their fire-prevention and -suppression efforts. As a side benefit, such a survey could be broadened slightly to provide information on other kinds of risk preparedness, like readiness for non-fire disasters and security measures in place for shootings or terrorism. It could also lead institutions to improved sharing of best practices and give donors a sense of the needs and opportunities.

Short of such a national reckoning, private citizens can also help. Go ahead and ask your favorite cultural institutions what their fire-prevention plans are and specifically about the presence of fire-suppression systems. Are these systems properly maintained? Showing staff that you care could elevate the issue in the museum's culture. When you see hallways used for storage or general uncleanness, don't just go home and write a negative review on TripAdvisor—tell a staff member, point out the fire hazard, give the staff an additional incentive (even if it's just your esteem) to fix the problem. Such Tocquevillean, participatory tactics are well suited to the local nature of the problem—and a fittingly American way of taking action to protect our cultural heritage. ♦

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# All That May Become a Man

*The promise and pitfalls of cross-gender casting in Shakespeare.* BY NOAH MILLMAN



Martha Henry as Prospero and Michael Blake as Caliban in the Stratford Festival's production of *The Tempest*

It's a classic high school drama teacher problem: The time has come to cast the school play—and once again, far more girls than boys have auditioned. Last year, it was Harry the Horse, Big Jule, and Lieutenant Brannigan; this year, Benvolio, Paris, and the Prince will all be played by girls.

Even these adjustments aren't sufficient to make casting truly meritocratic, though. The boy you cast as Romeo, sad to say, has all the romantic appeal of an overcooked noodle. But Juliet's love is Romeo, not Ramona. And so you limp along one more year, hoping the talented girls don't notice how thoroughly the deck is stacked against them by a canon written without them centrally in mind.

Noah Millman, a filmmaker and a columnist for *The Week*, is working on a book about *Shakespeare and the Hebrew Bible*.

Well, the girls have grown up, and they've long since noticed. What in Sarah Bernhardt's day was afforded only to the greatest actress of her generation (her legendary performance as Hamlet is the subject of a new play by Theresa Rebeck, currently on Broadway) is now a call for wholesale redress. Women who have put decades of their lives into learning how to breathe iambic pentameter are demanding the opportunity to play roles commensurate with their talents—and there are only so many Cleopatras, Rosalinds, and Gonerils to go around. The future of classical theater—quite possibly the very near future—is something approaching gender parity. Which means we'll be seeing a lot more female Hamlets, Lears, and even Romeos in the years to come.

How will that change our understanding of the plays, our relationship

to our theatrical tradition—even our understanding of what theater, fundamentally, is? That’s what remains to be seen.

At first glance, it might seem that there’s nothing much to see. Cross-gender casting was, after all, a feature of theater from its beginnings in ancient Greece, when female roles like Antigone would have been played by male actors. The same convention obtained in Shakespeare’s England. But what did audiences see when they saw these men claiming to be women? Did they suspend disbelief and see women? Or were they perpetually conscious of theatrical artifice?

The answer is probably not entirely one or the other. The fact that boys with slighter builds and higher-pitched voices played the roles of young women suggests the goal was to assist the audience in its suspension of disbelief, just as, in our day, women are hired to play the roles of young boys like Cherubino, Peter Pan, and Bart Simpson. Certain roles—like the Nurse from *Romeo and Juliet*—undeniably lend themselves to camp comedy, but it’s hard to believe that Shakespeare intended Ophelia or Desdemona or Imogen to be played as caricatures of femininity rather than with an honest attempt at signification.

On the other hand, Shakespeare made a potent meta-theatrical virtue of the necessity of cross-casting. He repeatedly put his boys-playing-women into plots that required them to don breeches again and disguise themselves as boys, thereby drawing attention to the artifice of performance and giving future generations of scholars ammunition to debate the performative nature of gender itself. And just as he made frequent reference to the theater in his plays, he was wont to draw attention to the artifice of cross-casting, even in tragic roles. When his Cleopatra complains of actors in the future who will “boy my greatness,” I have to believe the aim was less a knowing laugh than a double-take, by an audience so caught up in the poetry and emotion of the moment that it had forgotten this was a play and Cleopatra just a boy.

Ironically, camp became a larger factor after the Restoration, when French

custom came back with the royal court and women were permitted for the first time to perform on the English stage. Far from becoming obsolete, those woman-dresses-as-a-boy roles became only more popular once they were played by women; according to scholar Elizabeth Howe, fully one-quarter of the plays performed in Restoration-era London contained one or more roles for actresses in men’s clothes. The reason, though, was less subversive than

*The challenge is to mount Shakespeare’s plays in such a way that you can introduce a new audience to his work—but using casts that reflect the talent pool that exists in our day rather than the one that existed in his.*

prurient; men’s clothes were far more form-fitting than women’s, and the moment of revelation of a character’s true gender provided ready excuse for the actress to bare her breasts.

That’s certainly not what today’s classical actresses are aiming for; for that sort of thing, you go to HBO, not the RSC. But it’s a frequently voiced concern with cross-gender casting in our era: that, in the absence of a socially agreed theatrical convention, the casting may usurp the play and turn it into camp.

One solution is to reverse Elizabethan conventions themselves and have women play all the parts. All-female productions of Shakespeare have achieved considerable artistic and commercial success, as Phyllida Lloyd’s trilogy vividly demonstrates. But her productions—of *Julius Caesar*; *Henry IV, Part 1*; and *The Tempest*—relied on a meta-theatrical concept to ground their casting choices. The actresses in her productions play inmates in a women’s

prison, and it is these inmates who are supposed to be putting on (and to some extent commenting on) the Shakespeare. The audience, then, is not asked to accept that these women *are* these men, merely that they are *playing* them. And a great deal of the meaning of the plays lives in the interplay between the roles the actors are playing—the women in the prison—and the roles those prisoner characters are playing within Shakespeare’s drama. By interposing that additional layer of performance, they implicitly acknowledge the chasm between a contemporary audience’s expectations of theatrical realism and the effects of cross-gender casting on a large scale. They are not simply doing the play.

That, though, is the challenge: to mount these plays in such a way that you can simply do the play, and introduce a new audience to the work thereby, but using casts that reflect the talent pool that exists in our day rather than the one that existed in Shakespeare’s.

As it happens, this year Ontario’s Stratford Festival, the largest classical repertory company in North America, is offering a season that grapples directly with this very question. Three of the Shakespeare plays it is staging—a late romance, an early comedy, and a Roman tragedy—were deliberately cross-gender cast, but in three distinct ways, reflecting three different ideas about how to make such casting work. The contrasts among them suggest some of the opportunities—and some of the pitfalls—directors will increasingly face as cross-gender casting ceases to be a novelty and becomes the norm.

**T**he *Tempest* is perhaps the trickiest of Shakespeare’s most frequently produced plays. Though it is far from the only play in which one of Shakespeare’s characters decides to play director—Rosalind does it, Hamlet does it, and the Duke in *Measure for Measure* does almost nothing else—those characters remain fully embedded in their worlds and their dramas. Prospero largely stands above his, manipulating the other characters by magical

means—and thereby drains their stories of nearly all their narrative weight. The only important decision in the play is Prospero's own late turn toward forgiveness and renunciation.

As a consequence, more than any other play of Shakespeare's, *The Tempest* is a pure star vehicle, an opportunity for a great actor at the top of his game—or nearing the end of his career—to speak some extraordinary valedictory speeches and demonstrate how a well-trained human voice can inspire more wonder than all the spectacle that costume designers and pyrotechnicians can conjure. In this case, the actor is an actress.

Artistic director Antoni Cimolino's answer in his production to the problem of how to get more women into classical roles is the one most consonant with the conventions of realism we inherited from the 19th century: He changed the gender of the character. As Julie Taymor did in her film starring Helen Mirren, Cimolino makes Prospero a woman (though he doesn't change her name to Prospera), played by veteran Stratford actress Martha Henry, who began her career on the same stage more than half a century ago playing Prospero's daughter, Miranda.

The potent symmetry of Henry's career, coupled with making the central relationship one of mother to daughter, inevitably conjures an aura of torch-passing. Prospero's art is readily analogized to that of the theater itself, so when this female Prospero, who was once a Miranda, shows off just how much magic she's learned to her daughter, played by her successor as classical ingenue, it feels like a lesson, a master class.

The only problem is: The play doesn't support this conceit. Prospero's goal for her daughter is not mastery but matrimony. And in the end, Prospero will not hand down her book but drown it.

Does the meaning of this renunciation have to change when Prospero becomes a woman? Perhaps not—but I'm not the only audience member who

was moved to puzzle over this question, moved to read a mother's concern for her daughter as different in kind from what we might expect from a father. One critic read Martha Henry's performance as centering on the tension so many women artists feel between the demands of their art and the demands of motherhood, as though her magical matchmaking is an attempt to make up for lost time. But, again, the text won't cooperate. Prospero has been exiled *with* her daughter, not from her. And



Beryl Bain (left) as Dromio of Syracuse and Jessica B. Hill as Antipholus of Syracuse in *The Comedy of Errors*

if the magic is art, why drown it just when her daughter has outgrown the need for mothering?

I found myself groping for a meaning to the change that the production does not fully provide. Perhaps, I thought, this female Prospero's exile should be read as a kind of secluded domesticity, in which a distinctly feminine magic blooms—necessary for survival in those straitened circumstances but to be set aside upon reentry to the traditionally masculine world of power. In his director's notes, Cimolino himself suggests that Prospero's usurpation and exile—always triggered by an inattentiveness to matters of state and a preference for books that was seen as unmanly—were in this case driven by assumptions about the unfitness of her gender, and recalls English pamphlets from 1601 (a decade before *The Tempest* was written) that called for an end to “old woman's government.”

Even without any such overarching conceit, surely some things will change in meaning with a change in gender, and change in a fundamental way. Prospero's early confrontation with Caliban, the slave who tried to rape her daughter, cannot really read the same as a male Prospero's would, because her relationship with his would-be victim is different: She surely feels some level of identity with another vulnerable woman. And her acknowledgment of Caliban, that “thing of darkness,” as her own—in our #MeToo era, that is not a declaration from a woman that can be taken casually.

And yet, it mostly is. Notwithstanding his written notes, Cimolino doesn't particularly lean into the gender change; his is in every other way a very conventional production, aiming to keep as much familiar as possible. That is probably to be regretted. Shakespeare has a mythic register, which dominates in his tragedies and his late romances in particular, and if you don't choose to ironize that aspect, a crucial change in gender will lead you down a different set of mythic paths, which might well be more fruitful to follow than avoid. Make Hamlet a princess and she becomes Elektra; make Macbeth a queen and she becomes Clytemnestra. Change one word of the spell and it weaves a different magic.

But what if you set out to *prove* that gender doesn't matter? That there truly is no meaningful difference between men, women, and those who reject the gender binary—to the point where nobody can tell them apart? That would seem to be the point of director Keira Loughran's production of *The Comedy of Errors*, one of the few Shakespeare comedies that doesn't itself involve cross-dressing but that does involve plenty of identity confusion.

We begin with two pairs of identical twins, one pair well-born, the other pair servants to the former, separated, along with their parents, during a shipwreck; it's a frame story not unlike that of a romance like *The Tempest*. Egeon of

Syracuse has been searching for his son, Antipholus, who in turn had gone off to search for his long-lost twin brother, but when he arrives in Ephesus, Egeon is immediately condemned to death (as all hated Syracusans are). But from then until the tearful reconciliation scene at the end that reunites all the lost relatives and sets Egeon free, we're in the realm of farce. The bulk of the story involves the hijinks that ensue when the Syracusan son arrives in Ephesus with his servant and is immediately mistaken for his Ephesian twin—by his wife, his servants, his business associates, and so forth.

So what happens if, as in this production, the twins are not identical, but fraternal boy-girl pairs? Can they still both have the same name—Antipholus for the well-born, Dromio for the low-born? They do. Can they still be routinely mistaken for each other? They are. Will the female Dromio still be pursued by the male Dromio's lusty kitchen wench (played by an older man in deliberately unconvincing drag)? She will. Will the female Antipholus still pledge her affection to her brother's wife's sister? She will. And will that sister, when she learns this Antipholus is neither already married to her sister nor, in fact, a man, respond joyfully to a proposal? Reader: She'll marry her.

Gender is bent in a handful of other ways in the production: The Duke of Ephesus is played by a man in a dress, for example, and the courtesan at the Porpentine is played by a man in a corset who I believe is intended to be portraying a transgender woman, though I'm not totally sure. The conceit seems to be that in Ephesus, gender is supremely fluid, to the point where no one notices the difference between the male and female twins, not even their own father.

Does any of this matter? Perhaps it shouldn't. Shakespeare's identical-twin plot, borrowed from Plautus, is a patently absurd contrivance to begin with. Why not up the crazy ante further? Moreover, we accept, as a matter of modern colorblind casting convention, that Lear may be black but have three white daughters. In this production, in fact, the Syracusan Antipholus

and Dromio are not only female, they also appear to be biracial while their siblings are not. Why should gender be different?

But there is a difference between suspensions of disbelief we undertake for the *sake* of the story and changes made *within* the story. We put aside our awareness that the actors don't actually look alike—may even have different racial backgrounds—because putting that aside lets us enjoy the play, *within*

*For theater's essential collaboration between the actor and the audience to work, the language must be shared. It is not enough to tear down the old language, simply asserting that gender is insignificant; it is necessary to build up a new one.*

the world of which they look identical. Besides, the two Antipholuses have very different personalities from one another, as do the two Dromios, so part of the humor has always been our laughing at their wives and associates for *not* being able to tell them apart when they are so obviously different. That's one reason why, though the comedy works even when you cast a single actor to play both twins, it works better when the difference is readily discernible to the audience.

It doesn't work so well when you set out to change the world within the play for the sake of ends that are not related to the drama. The multiplicity of ways that gender is manipulated in this production never even lets us settle on a language of theatrical signification. *That* man in a dress seems to be just a man in a dress. But *that* man in a dress is an actor playing a character who's a

woman—and playing it campily, so we're aware that he's *really* a man. And *that* man in a dress is playing a character who may be biologically male but whose chosen pronouns are female and is playing it, as it were, straight.

The confusion is undoubtedly deliberate, to make the point to the audience not to trust its own prejudices and preconceptions. But the confusion works against the comedy, rather than in its service: *They* are supposed to be confused; *we* are supposed to be laughing. Moreover, the comedy itself makes assumptions about gender roles that are pretty thoroughly retrograde and that the actors have no choice but to play out, which jars badly when it cannot be squared with the gender-related changes swirling around it. Finally, absent a clear language within which to understand the games being played, the actors are left unable even to use ready opportunities for humor. For example, Dromio of Syracuse cannot play off the fact that the kitchen wench pursuing her is obviously a man when she anatomizes the countries of the wench's body, and the mistress of the Porpentine can't play up her sexual allure for fear of having to reveal (or further confuse) what the nature of that allure might be.

Theater is all about make-believe, playing at alternative identities. But it is a collaborative medium, and the essential collaboration is between the actor and the audience. The actor uses language to lead the audience to imagine the vasty fields of France, horses printing their proud hoofs in the receiving earth, and the warlike Harry himself, who in truth may be just some guy from Sudbury. For that collaboration to work, the language must be shared. It is not enough to tear down the old language, saying—as in this instance—that gender doesn't signify anything of consequence. It is necessary to build up a new one. A theater that abjures signification as such abjures meaning, and even so slight a comedy as this early farce must mean something if we are to laugh at it.

**J**ulius Caesar is, next to *Timon of Athens*, arguably the most masculine of all of Shakespeare's plays. There

are only two female roles of note, both wives (Brutus's Portia and Caesar's Calpurnia), each of whom exists primarily to be ignored by her husband. That makes it an interesting choice for cross-gender casting—more interesting, in fact, than for an all-female cast, since the play itself is already nearly entirely single-gender.

Director Scott Wentworth's production comes close to leaning over into all-female territory. Three of the top four roles—Caesar, Cassius, and Antony—are played by women, as are ancillary roles like Octavius, Cicero, and Lucius. But all of them play their roles as men; the characters are unchanged. And one key role is played by a male actor: that of Brutus, whom Antony eulogizes as the noblest Roman of them all.

The design of the play lets us know from the outset that the conventions of realism will not be working precisely as we are used to. The actors are costumed in Elizabethan garb, garnished with touches of Rome: a toga draped over a doublet, a short sword instead of broadsword, a laurel wreath instead of a coronet. The aim isn't an "original practices" replication of an Elizabethan theatrical experience. Rather, it tells the audience visually that the world they are entering is Shakespeare's, not Caesar's.

That choice has a variety of consequences, some of which mute the impact of the play—most particularly in terms of its politics. *Julius Caesar* is an explicitly political play, with characters who make frequent reference to republican ideals, and it is very hard to read the play as not being about these matters. But the Elizabethan setting manages to shake loose of any political concerns, leaving us with a drama largely of people—and of men. And that drama winds up being shaped in very interesting ways by the cross-gender casting.

Seana McKenna—who has previously played Richard III as a man and King Lear as a woman—plays Caesar as utterly sure of his authority. Too sure, as it fatally turns out. But he comes off as neither too trusting in

the mode of Duncan, nor petulantly entitled like Richard II. So why does he fall? From where I sat, his fall was fated not by his ambition but by the nature of his primacy. This Caesar comes off as a legitimate diva, a supremely talented and confident leading actress, the kind fully capable of cowing any director into submission. It's a kind of authority



Michelle Giroux (right) as Mark Antony and Seana McKenna as the title character in *Julius Caesar*

that commands respect—but not infrequently sparks resentment. That effect, of a manifest personal authority that is nonetheless resented, is one that, I think, would be much harder to achieve with a male actor, and it throws a usefully harsh light on the jealousy of Cassius and the other conspirators to bring him (her) down.

The man who takes up Caesar's cause, Mark Antony, is nearly always played as a natural populist and good-time guy. And there's ample basis in the text for that characterization; he's teased by Caesar for loving the theater, mistrusted by Cassius as an orator, and mocked before combat

as a reveler. So it is startling to see him played, by Michelle Giroux, as a complete aristocrat, with the highest-turned nose and most precise diction of them all. It's an almost unthinkable choice for a male actor to make—and it has the effect of completely dissipating the contrast between Antony's funeral oration and Brutus's self-justifying speech of introduction. That in turn reminds the audience that the coming battle over Caesar's corpse is fought between wealthy patricians, that Brutus's republican principle and Antony's Caesarian populism are alike feats of formal rhetoric and that the people's true stake in the battle's outcome is negligible.

The real revelation of the production, though, is Irene Poole's Cassius. Cassius seems pretty easy to read at the outset: envious, small-minded, and power-hungry, a man who sees how Brutus can be manipulated and has no scruples about doing so. But there's a deeper current flowing beneath that doesn't fully surface until the tent scene, where Brutus and Cassius begin by arguing about Cassius's bribe-taking and end with the determination to go into battle when, as Brutus puts it, they are on full sea. Brutus's argument is not a very good one—his metaphor doesn't even work in his own description, since by his own reckoning the tide of their support is already going out. But Brutus's arguments have never been very good. What they have been, always, is sincere—but why should sincere foolishness carry the day, with so much on the line?

What we see on Cassius's face in the moment he agrees to Brutus's plan answers that question: It is, simply, love. At the outset, perhaps, he merely envied the regard in which the other senators and the people held Brutus, but by now it's something warmer, not a desire to have Brutus's qualities, but a desire to be near him, even if that means to die with him. It's a crucial moment for the human drama that dominates this play, and I cannot doubt that Poole was better able to find that love, and so readily display it, in part because of her gender. I don't doubt either that it was

helpful for Brutus, the only man among the four principals whose audience is internal and whose nobility consists in seeming never to be other than himself, to be the only one played by a man.

In Theresa Rebeck's play *Bernhardt/ Hamlet*, the divine Sarah declares that *only* a woman can play Hamlet, because the men who are young enough can't master his depths and the men who have the experience can't muster his youth. One may debate both points while still agreeing that she was on the right track in suggesting that cross-casting is, ultimately, casting. It means seeing who the character, your version of the character, is, and why only this actor can bring that character to life. So if we are entering a world where directors will be routinely expected to consider women to play male characters, that means first and foremost that directors will need to be more attuned to what a woman could distinctly bring to those roles—or, better, more open to discovering what those things might be in collaboration with the women actors they cast. Because it probably won't be what either of them expects at the outset.

Meanwhile, a flood of female Hamlets could, ironically, help in combating our age's obsession with treating art as about representation. Yes, it is meaningful, even vital, to see characters like oneself on stage. But the real promise of the theater is the discovery of other selves within oneself. A girl in the audience might see a female Hamlet and say: I could play the lead—on stage and in my own life—and that's wonderful (and it's wonderful for her brother to see that, too). But anyone in the audience might see a female Hamlet and say: There are more things in heaven and earth than were dreamt of in my philosophy, for I see a side I didn't see before, of him and of myself. And that to me is even more wonderful.

Stanley Cavell, in his seminal book *Disowning Knowledge in Seven Plays of Shakespeare*, comments on Hamlet's advice to the players as follows:

Why assume just that Hamlet's picture urges us players to imitate, that is, copy or reproduce, (human) nature? His concern over those who "imitated

humanity so abominably" is not alone that we not imitate human beings badly, but that we not become imitation members of the human species, abominations; as if to imitate, or represent—that is, to participate in—the species well is a condition of being human. Such is Shakespearean theater's stake in the acting, or playing, of humans.

"Then," Cavell audaciously concludes, "Hamlet's picture of the mirror held up to nature asks us to see if the mirror as it were clouds, to determine whether nature is breathing (still, again)—asks us to be things affected by the question."

And that is the question. Changing the gender of a character inevitably changes the play, and that is as per-

fectly fine a choice as changing the setting or translating the text, so long as it is intentional and driven by a deep contest with the material. But regardless of the goal—even if the goal is to be able just to *do* the play—acting cannot be mere imitation. A woman can play Hamlet because there is a woman *in* Hamlet, because the feminine is present in every man. And there is a Hamlet in every woman of sufficient depth of talent to assay him. If we do not imitate humanity abominably, then we can trust the audience to respond as they did in Shakespeare's day and see not an actor boying Cleopatra's greatness, nor a woman seeming to be Hamlet, but that within which passeth show, that is to say: Cleopatra, Hamlet. ♦

BCA

# The First Modernist

*Delacroix's undeserved reputation for greatness.*

BY JAMES GARDNER

Eugène Delacroix, it seems, is having his moment. A retrospective of his paintings that began at the Louvre has just opened at the Metropolitan Museum of Art, and the critical consensus seems to be that a star is reborn. Everyone, of course, has heard of Delacroix, but for the past century or so no one has really cared very much about him. There was nothing especially wrong with him; it was just that there was little in his oeuvre that inspired great excitement. But for some reason the art-loving public has resolved to turn to him now in a state of receptivity, approaching fervor, that it could not have mustered a decade ago.

For some critics, however, by which I mean me, this sudden and enthusiastic reassessment is baffling. I have long been aware of Delacroix's eminence in the pantheon of French artists, but

*James Gardner is completing The Louvre: A History, to be published by Grove Atlantic in 2019.*

## Delacroix

Metropolitan Museum of Art  
through January 6

none of his works seemed quite equal to that esteem. This is not to deny that Delacroix was a good painter, but it is vigorously to question whether he was a *great* painter. And yet so many artists whom I admire more than Delacroix—van Gogh, Cézanne, and Picasso—spoke of him in terms of highest praise. How can it be that the querulous, demanding, infinitely discerning Degas eagerly collected 250 of Delacroix's paintings and drawings, when Delacroix at his best could not rival Degas on a bad day?

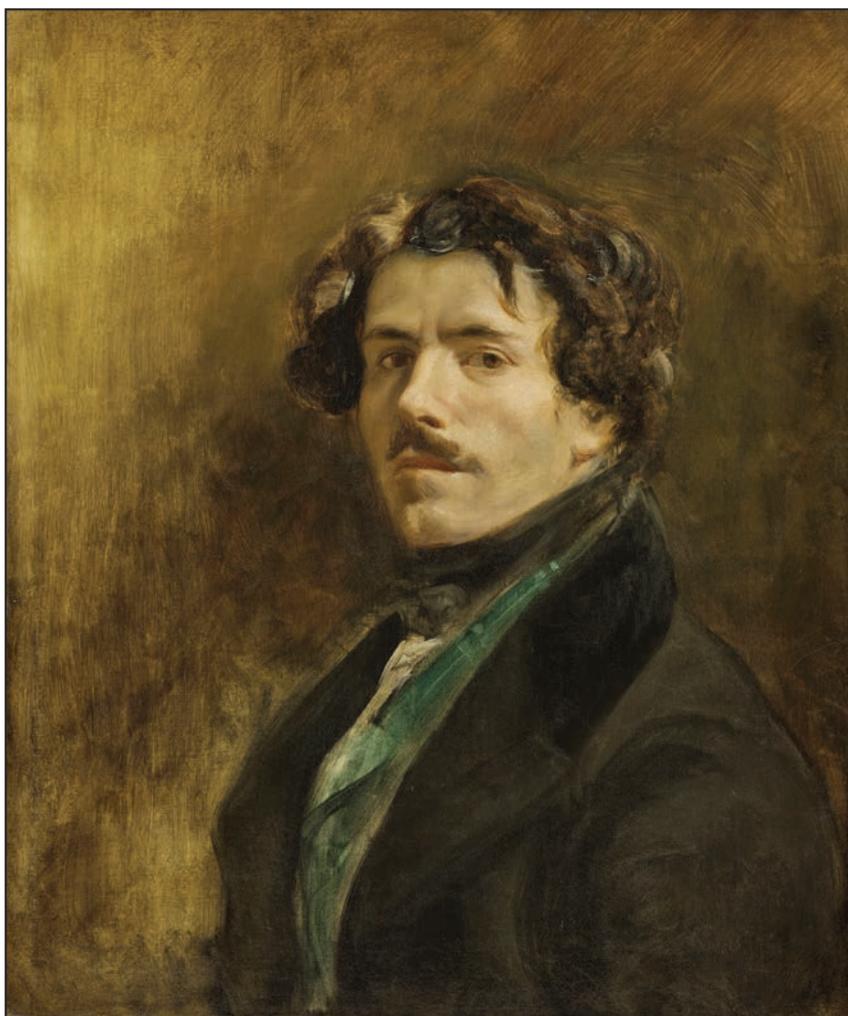
The answer, as best I can determine, involves an art-historical calculation that was more important to his contemporaries than it should be to us. Delacroix, born into affluence and social prominence in 1798, was instrumental in introducing an entirely new spirit

and formal language into visual art. He is the first modernist in painting, in exactly the sense in which his contemporaries Victor Hugo and Hector Berlioz were the first modernists in literature and music respectively. That is to say that although none of them was a true modernist—that movement would emerge long after they had established themselves in their careers—each fought for and achieved a new zone of impassioned freedom in his given art, a freedom that stood in explosive opposition to what preceded it and was the genesis of so much that followed.

In the case of Delacroix, he liberated painting from the compositional rigidity of neoclassicism while endowing his work with a *fougue*—a flame and fury in the textures of the paint itself—that stood in such obvious contrast to the smooth, serenely flat canvases of his more academic contemporaries. Perhaps most of all, Delacroix pried open the very notion of what a painting could depict and be about. Entire registers of experience—geographical, in Arabia; temporal, in the Middle Ages; experiential, in the life of everyday men and women—that had seemed off-limits to serious artists were henceforth to replace the aristocratic fawning and neo-Platonic indirection of earlier art. Delacroix was not alone in this quest: He acknowledged his debt to the young Englishman Richard Parkes Bonington, whose brilliance would be far better known today had he not died at the age of 25 in 1828. Yet it was Delacroix who, for more than 40 crucial years, until his death in 1863, was the standard bearer of The New.

But these achievements of Delacroix, properly assessed, were more important in the context of art history than of art itself. If Hugo and Berlioz won similar battles in their disciplines, they also produced works that masterfully implemented those revolutionary innovations. With Delacroix, by contrast, one is apt to feel that many followers used his new language and engaged his new themes more compellingly than he did.

Nearly 150 works are included in the Met exhibition, ranging from small drawings to large paintings, as well as



Above, Eugène Delacroix, *Self-Portrait with Green Vest* (ca. 1837, when the artist was nearly 40). Below, *Basket of Flowers* (1848-49).



TOP: MICHEL URTADO / RMN-GRAND PALAIS / MUSÉE DU LOUVRE; BOTTOM: METROPOLITAN MUSEUM OF ART



Women of Algiers in Their Apartment (1834)

numerous prints and book illustrations. From all periods of Delacroix's career, these pieces touch on the main themes of his work: The viewer will never have seen quite so many turbaned infidels raising their sabers in Byronic rage against persecuted Christians or quite so many kings and councilors parading about in the stockings and petticoats of the French Renaissance court.

Through no fault of the Met, however, the present exhibition leaves out some of the artist's best works, which were deemed too important to leave the Louvre; among these are *The Massacre at Chios*, *The Death of Sardanapalus*, and *Liberty Leading the People*. The first of these three canvases, from 1824, depicts the contemporary uprising of the Greeks against their Ottoman overlords, who pass on horseback among the prostrate survivors of their aggressions. In the greenish-gray palette and tunnel-like progress to a distant vanishing point, Delacroix seems to have learned a great deal from Velázquez. This is almost a proto-realist work in its studious fidelity to observable reality.

Two years later, however, his depiction of the death of the Assyrian king Sardanapalus is conceived as a slightly woozy perspective that flattens and unfurls its dozen figures, naked or not,

across the canvas in a highly artificial, almost abstract way. With its startling blast of crimson, this work is infused with the truth of art, if not gravity: The figures float freely through space in a

*Although Delacroix has always been famous for his thickly applied paint textures, it is astonishing how rarely the viscous pigment springs to life. The result, more often than not, is inert clumps of matter.*

way that perfectly corresponds to the opulent dissoluteness of their lives, and that is the entire point of the painting. Delacroix's most famous work, surely, is *Liberty Leading the People*, painted a year after the 1830 Paris uprising against Charles X, which it commemorates. The incarnation of Liberty—a bare-breasted young woman—waves the tricolor aloft as she climbs over the dead and the moribund, leading into

battle members of the bourgeoisie and the working class. At her side a young boy somewhat alarmingly brandishes a pistol in either hand.

If these three works were unable to travel, at least one of Delacroix's finest paintings is indeed in the present show: *Self-Portrait with Green Vest* (ca. 1837). The mustachioed painter, his flowing hair carefully parted to either side, rises up against an unspecified brown wall and assesses the viewer with no obvious approbation.

But Delacroix is rarely that good. From the late 1820s onward, a literary sensibility overtakes his painting, to regrettable effect. It is no accident that some of his most representative works are illustrations of Dante, Shakespeare, and Tasso. But the besetting problem with this literary inclination is that it is more concerned with *what* is depicted than with *how* it is depicted.

Although Delacroix has always been famous for his thickly applied paint textures, it is astonishing how rarely the viscous pigment springs to life. Its application to the surface of the canvas is full of bravado, but the result, more often than not, is inert clumps of matter waiting for that Promethean fire by which, one generation later, the Impressionists would awaken them. In looking at his two depictions of baskets of flowers and fruits from 1849, weakly composed and chromatically dull, it is impossible not to think what Monet or Renoir, what Cézanne or Fantin-Latour, could have done—what they *did* do—with all those dahlias, asters, and peonies.

Even one of the most famous paintings in the Met exhibition, *Women of Algiers in Their Apartment* (1834), is marred by its inept execution, despite its status as a forerunner of Courbet and Realism. The three seated women occupy an interior space whose perspective is incoherent, while the turbaned woman on the right twists her body backward in a way that is anatomically baffling and, as so often in Delacroix, results from his insurmountable weaknesses as a draftsman. It is difficult to see this painting without longing for the Apollonian perfection of Ingres, a very different and incalculably greater artist. ♦

FRANCK RAUX / RMN-GRAND PALAIS / MUSÉE DU LOUVRE

# Upon This Rock

*The prickly street preacher who helped create the Christian rock genre.* BY ANDREW EGGER

Rock-star biographies can be vacuous affairs: fun but formulaic recitations of record deals, albums, and concerts spiced up (if you're lucky) with "before he was famous" anecdotes and little-known details from the artist's life. But not all such books—and not all rock stars—are cut from the same cloth. Take for instance Gregory Alan Thornbury's new biography of Jesus-rock godfather Larry Norman.

Thornbury, the former chancellor of King's College in Manhattan and a scholar noted for his books of popular theology, might seem an odd guy to put out a book on the OG Christian rocker. But he has the zeal of a superfan and the long view of an intellectual historian, resulting in a book that's both a worthy panegyric and an important meditation on the developments that shaped evangelicalism in the last decades of the 20th century. Thornbury portrays Norman as an enormously talented and prolific singer, guitarist, and songwriter who never managed to solve the central tension of his life: how to reconcile his role as an entertainer, which won him thousands of fans, with his calling to spread the gospel of Christ.

The 1970s was a convulsive decade in American Christianity. "Traditional Christian religion stood for 'fixed' values, politically, culturally, and sexually," Thornbury writes. "It was hidebound, out of step with the times, and square." (The more things change ...) Meanwhile, the broader culture "valued personal fulfillment and self-expression above all." An aspiring musician in Los Angeles, Larry Norman acquired a loyal following with idiosyncratic songs

Andrew Egger is a reporter at THE WEEKLY STANDARD.

## Why Should the Devil Have All the Good Music?

*Larry Norman and the Perils of Christian Rock*  
by Gregory Alan Thornbury  
Convergent, 292 pp., \$26



Larry Norman (1947-2008)

scolding the institutional church for its failure of Christian witness—particularly for not addressing the nation's social problems. Consider his fiery "Right Here in America":

So I ask you, America: Where do you stand? Your people are starving, they're beaten, and they're raped, and they're dying in jail cells, so what are your plans? I'm not talking to Congress or you politicians or Panthers or Muslims or Nixon or Birch. I'm addressing this song to the church.

But Norman's songs also frequently witnessed directly to the people he saw as the lost sheep of rock 'n' roll, casting the gospel as an antidote to the poisons of modern secular life. One of his most enduring songs, "Why Don't You Look into Jesus?," was written as a response to the self-destruction he'd seen from other rock artists, notably Janis Joplin. "Take a look at what you've done to yourself / Why don't you put the bottle back on the shelf? / Yellow fingers from your cigarettes / Your hands are shakin' while

your body sweats. / Why don't you look into Jesus? He's got the answer."

At the same time, Norman wrestled with doubts about whether entertaining concertgoers was a worthwhile endeavor for the kingdom of God: At several points, he retreated from his recording career to throw himself into the more classical evangelical pursuits of street preaching and church-planting. Perhaps this also explains the bizarre dynamic of his typical concerts: "Norman would often quit playing if people started clapping during his songs or singing along. His main interest was forcing his audience toward self-examination, so if people were having fun at his concert, Larry thought, they probably weren't thinking hard enough."

Norman's critique of problems within the church, like the critiques of many other cultural crusaders of the '70s, often blurred into invective against institutional religion itself. "To me religion's not real, it's all based on superstition, guilt, and ritual," he told an interviewer in 1973. "I don't have to go to church every day. I go to church in my heart. I don't have to kneel or bow, my spirit has been humbled and bowed." The great irony of Norman's career, Thornbury tells us, was that the Christian-rock genre for which he paved the way quickly became just the kind of institutional juggernaut he had picked up a guitar to protest in the first place. "Christian contemporary music" simply became the new idiom through which record labels could cash in on religious fervor and evangelicals could create socially relevant "worship music."

Still, Larry Norman's story provides a ray of optimism. Another recent book, Randall J. Stephens's *The Devil's Music: How Christians Inspired, Condemned, and Embraced Rock 'n' Roll*, depicts the evangelical foray into rock as an attempt to recover lost cultural power and as a cash cow for record labels. At least Thornbury's book reminds us that such cynical considerations were not the whole picture: There was also a glint of something real that Norman and other pioneers of Christian rock strove for. "These are troubled days," he sang in 1977's "If I Were a Singer." "I want to live my life for you and show the way." ♦

# The Veteran Pessimist

Walter Laqueur, 1921-2018.

BY GERARD ALEXANDER

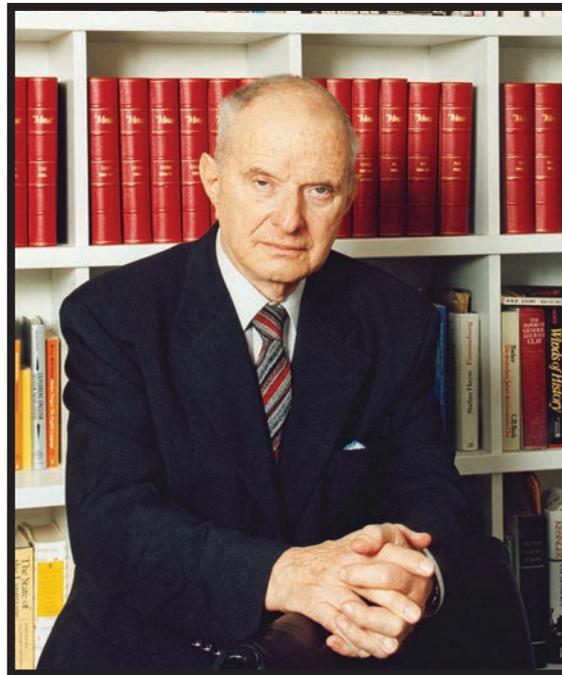
**W**alter Laqueur was the most influential neoconservative intellectual you may never have heard of. He does not always figure in the roster alongside Norman Podhoretz, Irving Kristol, and other luminaries. But he should; for decades he was one of the most prolific, insightful, and instructive among this list of thinkers and advocates who were defined by their concerns about naïveté (and worse) at home and gathering threats abroad.

Like some other American intellectuals of his generation, Laqueur was a refugee from foreign turmoil. He was born and raised in Breslau in eastern Germany (now Wrocław, Poland), and starting at the age of 11, he navigated the increasingly fraught life of German Jews under Nazi rule. He emigrated alone, late in the game, in 1938, dodging a threat that his parents did not survive. He made his way to the British Mandate of Palestine, where he did some further schooling, picked up languages like Arabic and Russian along the way, and began work as a journalist.

But he quickly became an essayist and researcher who was a better fit with academia. Not all academics agreed. Because Laqueur never had a settled enough life to earn advanced degrees (and possibly not the patience either), some university faculties resisted hiring him. But Tel Aviv Uni-

versity and then Brandeis and finally Georgetown embraced him.

Instead of the one research specialty to which scholars tend to apply themselves, he eventually developed a



number of them: Russia, totalitarianism, political violence, the Arab-Israel conflict, Jewish culture and politics, Zionism, 20th-century European society and politics, and U.S. foreign policy. From his pen would flow an impossibly large volume of work on these subjects.

In London, he founded two academic journals, one on modern history and the other on foreign policy and international affairs. The pairing nicely sums up what he made his daily work: bringing modern history to bear on international issues and debates. He did so to combat the foolishness and error to which people are

vulnerable when they are ignorant even of the last few decades of their own history. Laqueur commented in one of his books that “human memory is notoriously frail,” because its knowledge evaporates unless studied, talked about, and taught.

If people weren’t learning the needed history in school or on their own, he would teach it to them in books and magazine articles that dredged up the crucial facts and showed readers their implications. For instance, Europeans habituated to a quarter century of political peace reacted with panic to the terrorism of the 1970s that they considered new and horrifying. Laqueur wrote a string of works calmly noting that terrorism had deep historical roots and was unlikely to destabilize confident democracies. When the ordeals of Vietnam led some to think that well-intended people could craft international rules and organizations that could ensure peace, Laqueur refreshed their memories about similar ventures in the 1920s and 1930s that ended in tragedy. When many of the same people interpreted the leaders of the Soviet Union in the 1970s and 1980s in increasingly charitable terms, he analyzed the Soviet story

and came to very different conclusions. When the collapse of the USSR in 1990-91 raised hopes that a new Russia might be a good global citizen, Laqueur warned that if the country’s history were any guide, Russians were just as likely to be national chauvinists and authoritarian populists. That proved as prescient as any of his forecasts. Laqueur used history to offer these lessons not because he believed history repeats itself rigidly, but because being ignorant of history is the surest way to repeat the mistakes of our predecessors.

These and other of Laqueur’s warnings have in common a pessimism that

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JOHN MARTYN / GHOST / ULLSTEIN BILD / GETTY

he acknowledged, including in the title of one of his books, *Reflections of a Veteran Pessimist*. This was no doubt partly a product of his personal story. When sympathizers hailed the radical student movements of the 1960s and early 1970s as idealistic and inspirational, he pointed out that the German youth movements of the 1920s were idealistic but also malevolent. He had lost his family, his home city and country, and later even the peculiar pluralistic character of the mandatory Palestine in which he had matured. He knew a huge number of people who had died violently. It would have been hard to maintain simple optimism through all that.

But by the same standard—he survived, after all—his pessimism was not a sense of doom. He worried that Western Europe was a region in decay, with a gaping chasm between its economic might and its political mousiness. But he drew strength from the élan and vitality he detected in the United States, Israel, and other places. He just believed those energies would prosper in a society that was clear-eyed and levelheaded. He wrote about the “West in retreat” not because he thought retreat inevitable but because he knew it was not, which is why he was part of an effort to rally the West, starting with its resolve.

Running through his work like a river, most emphatically in the pages of *Commentary* magazine, was a series of assumptions, lessons, and traits that characterized what came to be called neoconservatism. These included realism about imperfect politics, an appreciation of the scarcity of time and other resources, a conviction that thugs can and should be deterred and that fanatics need to be called out instead of indulged, and a belief that our ideological hopes and dreams should not write checks that human nature cannot cash.

These views led him to vigorously defend liberal democracies. This was not because he romanticized their citizens. He believed corners of the American New Left were more sinister than naïve. He also had no love

## ‘The bogus sciences’

The American youth revolt was sparked off by Vietnam, by race conflict, and later on by the crisis of the university. At any point along the line rational alternatives could have been formulated and presented. Instead, the movement preferred a total, unthinking rejection, and so became politically irrelevant.

Yet a revolution is in fact overdue in the universities. There is nothing more appalling than the sight of enormous aggregations of students religiously writing down pearls of wisdom that can be found more succinctly and profoundly put in dozens of books. There is nothing more pathetic than to behold the proliferation of social-science non-subjects in which the body of solid knowledge proffered stands usually in inverse ratio to the scientific pretensions upheld.

Whole sections of the universities could be closed down for a year or two, and the result, far from being the disaster to civilization which some appear to anticipate, would probably be beneficial. Unfortunately, this is about the last thing that is likely to happen, for it is precisely the non-subjects, the fads, and the bogus sciences to which the “radicals” in their quest for social relevance are attracted as if by magnetic force. As for the consequences of all this, one thing can be predicted with certainty: those to be most directly affected by the new dispensation in the universities will emerge from the experience more confused and disappointed than ever, and more desperately in need of certain truths, firm beliefs. . . .

—‘*Reflections on Youth Movements*,’  
Commentary, June 1969

for right-wingers of the traditional or populist type. And he repeatedly insisted that Israeli Jews were insufficiently attentive to the Palestinian question, from the Mandate period right up through what he considered the ill-advised settlement policy.

If Laqueur is too often overlooked in the roster of the founding generation of neoconservatism, it might be because he deliberately spoke to policy and intellectual elites more than to mass audiences. Maybe, too, it’s because he did not define himself as the world’s greatest expert on any single issue, instead spreading himself thickly across a dozen topics. And maybe it’s because he was not actually a conservative, situated instead in the liberal wing of the movement, along with Daniel Bell and Daniel Patrick Moynihan.

Finally, Laqueur considered himself a European instead of an American. It is symbolic that he

shuttled for decades between homes and workplaces in the United States, Britain, and Israel. He once remarked that learning several languages “was one of the side effects of being uprooted.” He was uprooted so much that he never settled into any single identity. That made him unlike, say, Henry Kissinger, who had a thicker accent but a simpler self-conception as an American.

But Laqueur deserves to rank with the greatest intellectuals of his generation. During a dangerous period in Western history he worked furiously to communicate to anyone who would listen the crucial lessons that history can teach us about the international threats we face, what strategies are likely to work in confronting them, what tempting mistakes to avoid along the way, and why an imperfect America is well worth fighting for. Sometimes immigrants see that most clearly. ♦

**"Some Democrats see Michael Avenatti's entry into the Brett Kavanaugh scandal as a 'distraction'"**  
—Business Insider headline, October 2, 2018

**PARODY**

# York Times

All of the planet's weather is determined by anthropogenic warming. Whatever you expect, it will be worse, as long as Americans own cars and eat meat and plant GMO seeds and watch Fox News.

OCTOBER 4, 2018

ONE DOLLAR CHEAP

## AVENATTI: NEW CLIENT WITNESSED KAVANAUGH'S BINGE DRINKING FIRSTHAND

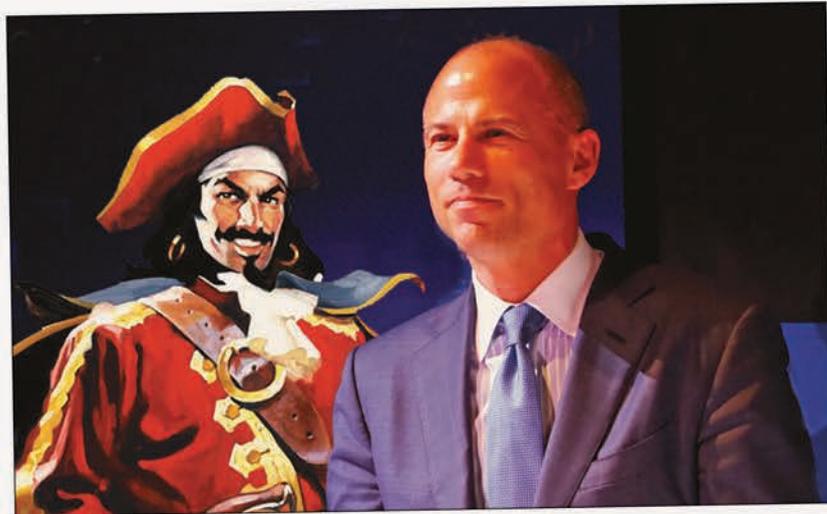
*'He finished a whole bottle of me rum!' says Capt. Morgan*

By JAMES HAWKINS

Attorney Michael Avenatti announced on Wednesday he is currently representing an individual who claims to have witnessed Judge Brett Kavanaugh drink to excess. "Without question my latest client can testify that he saw Judge Kavanaugh binge drink," Avenatti said on Twitter. The client is Henry Morgan, a Welsh privateer who prefers to go by his rank, Captain Morgan.

According to his statement, Morgan says Kavanaugh had several rounds of grog before going to straight rum. "He said he needed a proper drinking companion and I told him not to fret, the captain was here!" Morgan bought a bottle of spiced rum to share between them but the judge allegedly had most of it. "He finished a whole bottle of me rum!" the captain complained. "Arrrr, it cost me four doubloons!"

Critics immediately questioned both the veracity of the statement and the actual existence of Henry Morgan. For his part, Avenatti maintained that his client was being truthful. When asked about Morgan's media availability, Avenatti said it could be several weeks before he can talk with members of the Senate Judiciary Committee and investigators from the FBI.



AVENATTI: LUKE HAROLD

Michael Avenatti, pictured with his client Capt. Morgan, in a photo he provided to media. Critics pointed out that the client appears to be a cardboard cutout.

"Unfortunately my client Captain Morgan is on travel—he doesn't fly—and it can take many days, depending on the weather at sea, to reach his destination, the island of Hispaniola." Avenatti also said Morgan can

provide other key witnesses, including a James Beam of Kentucky, Jack Daniels of Tennessee, and a Scotsman named Johnnie

*Continued on Page A7*

**Musk Resigns as Chairman, Promotes Self to Grand Moff**

the weekly  
**Standard**

OCTOBER 15, 2018