

more police officers during a crime wave. Environmental degradation goes unnoticed in GDP, as do intangible additions to quality of life such as time enjoyed in a public park. And GDP ignores the distribution of wealth and opportunity within a society; a country with an extremely wealthy elite may have a higher GDP per capita than one with a large middle class, but it is hard to say that such a society is better off.

Moreover, behavioral economists point out that even at the individual level, higher income does not always mean greater happiness. As people make more money, their material desires increase as well, a phenomenon economists have called the “hedonic treadmill.” Thus, a country with a booming economy might not experience an increase in happiness.

But Marc Fleurbaey, an economist

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at the University of Paris Descartes, notes that economists are a long way from agreeing on alternative yardsticks of national well-being. He explores four proposed measures: corrected GDP, which assesses “non-market aspects of well-being”; “Gross National Happiness,” which uses surveys, behavioral observations, and physiological measures to gauge how happy people are; Nobel-winning economist Amartya Sen’s “capability approach,” which seeks to measure individuals’ opportunities; and “syn-

thetic indicators,” which combine data on nonmonetary aspects of well-being, such as health, literacy, and life expectancy. Fleurbaey supports further exploration of corrected GDP, happiness measurements, and the capability approach, but none of these are yet shovel-ready, so to speak.

But would a different measure of social welfare change policies? “Yes and no,” writes Renee Courtois, a staff writer at the Federal Reserve Bank of Richmond. Economists may wish it were otherwise, but at the end of the day, policies are made by politicians, not statisticians. Politics is a process for weighing competing priorities—economic growth, defense, and quality of life, to name a few. GDP may reign supreme among well-being indicators, but in real life, politicians are not transfixed by it.

## FOREIGN POLICY & DEFENSE

# The Not-So-Long Arm of the Law

**THE SOURCE:** “Beyond Protection” by Philip Hamburger, in *Columbia Law Review*, Dec. 2009.

FOR YEARS, LEGISLATORS, executive branch lawyers, and the courts have been tied up in knots over the scope of the rights that must be accorded suspected terrorists. Are they due a civilian jury? Can they be detained without being charged? Philip Hamburger, a professor at Columbia Law School,

says that a more basic question must first be addressed: Do American legal protections even cover such people at all?

Hamburger argues that a legal doctrine prominent during the American Revolution, the “protection principle,” can help U.S. officials sort people into two groups: those who are protected by U.S. law and those who aren’t. The protection principle is based on the long-neglected idea that allegiance

to a sovereign and the guarantee of that sovereign’s protection are reciprocal. Foreigners who enter the country in amity traditionally have enjoyed protection, but noncitizens who take up arms against the United States or pledge allegiance to enemy countries are neither bound nor protected by U.S. laws. (Under this logic, 9/11 mastermind Khalid Sheikh Mohammed, whose trial in a civilian courts has been a subject of controversy, would not be entitled to such a trial.)

Today, the U.S. government relies heavily on geography in deciding whether its laws apply. A Supreme Court decision in 1950 “left open the possibility that prisoners of war, if held domestically,

might in some instances have a right to habeas.” It’s for this reason that the government has come to rely on facilities outside the United States, most notably the Guantánamo Bay detention camp, for holding suspected terrorists. But under the rubric of protection, geography matters less and allegiance matters more. Thus, even bringing enemies onto America’s sovereign territory for detention would not imbue them with the rights afforded to Americans.

The beauty of applying the protection principle, Hamburger writes, is that by confining legal rights to a fairly well-defined group of people, officials can avoid watering down those rights, allowing “safety and civil liberty to coexist.”

But the U.S. government has ignored the protection principle, lumping together Yaser Esam

Hamdi, who was an American citizen at the time of his arrest in Afghanistan in 2001, with non-citizens under the label “enemy combatants.” In a 2004 decision, the Supreme Court sent the cases of such combatants, including Hamdi, to military proceedings, apparently making it permissible for “a person within protection, even a citizen, [to] be denied judicial process and treated as an enemy.” In Hamburger’s view, “The Court . . . thus achieved the worst of both worlds,” watering down rights for citizens and providing enemies with more due process than they are owed.

Of course, in treating detainees, the United States must abide by international treaties and notions of decency, he concludes, but “the power to act harshly should this become necessary” remains.

## FOREIGN POLICY &amp; DEFENSE

## Peace Corps Follies

**THE SOURCE:** “Grow Up: How to Fix the Peace Corps” by Robert L. Strauss, in *The American Interest*, Jan.–Feb. 2010.

ON THE EVE OF ITS 50TH birthday, the Peace Corps finds itself in remarkably bad shape. Born of lofty Kennedy-era ideals, it has never come close to its founders’ vision: an army of young volunteers who would ease the pain left by colonialism and bring new nations into the Western fold. Instead, the corps is a mess, sending “the wrong people to the wrong countries to do jobs that are ill defined and undersupported,” contends Robert L. Strauss, a former Peace Corps country director for Cameroon.

## EXCERPT

## Kabul on the Take

*[In Afghanistan,] there appear to be few transactions in public life that have not been overwhelmed by graft. Stand outside the municipal courthouse in Kabul, as I did, and you can talk to any number of people who will tell you about their recent purchases: hearings, judges, verdicts, settlements. At the checkpoints that mark virtually every traffic intersection in the capital, the police regularly demand bribes to let drivers through. It is not uncommon for drivers taking their trucks through the city to fork over money at two dozen posts. I paid a bribe just to walk inside Kabul International Airport.*

*And then, of course, there was August’s presidential election. By the cautious estimates of international observers, [President Hamid] Karzai’s supporters—that is,*

*his government and the election workers under his command—falsified nearly a million ballots on his behalf. The vote stealing was astonishingly brazen. In the Shorabak region of Kandahar Province, Karzai loyalists detained the district governor (whom I interviewed) and effectively canceled the election. Inside Shorabak’s local government office, Karzai supporters—otherwise known as election workers—falsified 23,900 ballots and sent them to Kabul. Every one of them was a vote for Karzai. . . .*

*As the corruption in the Karzai government has grown more blatant, a popular hypothesis has emerged to explain it: that officials in Karzai’s government orchestrated the fraud in order to preserve their hold on the moneymaking apparatus that the government has become. “It’s a moneymaking machine,” one senior American official told me. How do you reform something like this?*

—DEXTER FILKINS, a foreign correspondent for *The New York Times*, in *The New Republic* (March 1, 2010)