

POLITICS & GOVERNMENT

No Thanks, Mr. Kant

THE SOURCE: "In Defense of Politics" by Steven B. Smith, in *National Affairs*, Spring 2011.

THE DREAM OF A WORLD WITHOUT politics lives on. It would be a world without national governments, ruled by international law. German philosopher Immanuel Kant (1724–1804), who did much to shape this ideal, believed that the application of universal moral law would create a world in which "our moral duties and obligations respect no national boundaries or other parochial attachments such as race, class, or ethnicity," writes Yale political scientist Steven B. Smith.

Leaving aside the fact that our limited experience with international organizations does not invite confidence, Smith contends that the quest for a depoliticized world is a dangerous delusion. Such a quest would seek to strip the world and its people of the particular—local traditions, habits, and proclivities—in the name of an abstract cosmopolitan ideal.

Smith allows that all these things—which are what make humans political beings—do have a dark side. But the cost of Kant's world without politics would be too high. It would be as if everyone were asked to give up their native tongues and speak only Esperanto. The gain in increased communication would be outweighed by the losses. Who,

Smith asks, "is the Shakespeare of Esperanto?"

A world without local culture and traditions "can lead only to moral decay, an inability or unwillingness to dedicate one's life to ideals, to the relatively few things that matter and that give life wholeness and meaning," Smith writes. "The cosmopolitan state would be a world where nothing really matters, where there is nothing left worth fighting for—a world of entertainments, of fun, of shopping, a world void of moral seriousness." Even Kant said such a world state would be a "soulless despotism," but it would be at peace.

Smith blames political thinkers, especially political scientists, for the prevalence of the cosmopolitan ideal. Instead of teaching and studying the all-important quality of political judgment, they have applied empirical scrutiny to every aspect of political life, squeezing all the soul out of it. The discipline is in thrall to "game theory," which regards politics merely as a marketplace in which individual preferences are formed and utilities maximized.

Smith thinks this is a terrible mistake. "The purpose of political science is not to stand above or outside the political community as an entomologist observing ant behavior, but to serve as a civic-minded guardian of disputes in

order to restore peace and stability to conflict-ridden situations."

In the absence of a political education in the classroom, Smith recommends picking up some old books, from Aristotle's *Politics* and *The Federalist* to the works of fine psychological novelists such as Jane Austen, Henry James, and Leo Tolstoy. They will do a politically minded person far more good than any of the mathematical peregrinations of today's political scientists, he says.

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Merit Pay for Congress?

THE SOURCE: "Fixing Congress" by Jim Cooper, in *Boston Review*, May–June 2011.

CONGRESS IS BROKEN. THIS little piece of political analysis is a favorite of the chattering class. But do things look so bad to someone on the inside? At least to Representative Jim Cooper (D-Tenn.), they do.

Cooper first won election to the House of Representatives in 1982. Congress was very different then, he remembers, "imperfect but functional." Speaker of the House Tip O'Neill (D-Mass.) saw himself as leader of the entire House, not just the Democratic caucus. "O'Neill's was a House intent on making policy, not partisan mischief," Cooper recalls. He left the wrangling over vote tallies to the majority and minority leaders and, in the end, members were "expected to vote their conscience and their district." Representatives were thought of as

party loyalists if they voted their party's line 70 or 80 percent of the time.

In those good old days, a group of elite staffers known as the Democratic Study Group provided authoritative memos before each important vote listing the pros and cons of the bill. The quality of these reports was so high that even some Republicans subscribed.

Members from both sides of the aisle would often interact socially outside work. They brought their families to live with them in Washington, D.C. Few representatives were members of what O'Neill called the "Tuesday-Thursday Club"—those who went to their districts over the weekend to see their families and constituents.

All this changed in the 1990s under the leadership of Newt Gingrich (R-Ga.), Cooper says. Gingrich centralized power in the office of the Speaker and politicized the position. Committee chairs, powerful under O'Neill, were "emasculated, their authority redirected to the Speaker." Gingrich told incoming Republican members not to move their families to town; he wanted everyone home campaigning on weekends. "Soon everyone belonged to the Tuesday-Thursday Club. Members became strangers, the easier for them to fight." The Democratic Study Group ceased to exist.

When Democrats recaptured the House in 2006, they "quietly adopted" the changes. Freshman Democrats knew no other way. "The truth is that the [Gingrich] model works . . . if you are only interested in partisan control of Congress."

Cooper agrees that two pet causes of reformers—limiting gerrymandering and restricting corporate political spending—would help, but deeper reform is needed. He calls for changing how members of Congress are paid—tying their compensation to performance. He recommends paying members a commission for cutting spending or repealing obsolete laws. The details of such a proposal would be contentious, but "surely there's a way to measure and reward high-quality legislative work."

Congress has gone through other periods of decline and has always bounced back. But this time is different because, as the world's only superpower, the United States has less room for error, Cooper says.

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No Small Wonder

THE SOURCE: "Making Our Democracy Work: The Yale Lectures" by Stephen Breyer, in *The Yale Law Journal*, June 2011.

JUDICIAL REVIEW—THE DOCTRINE that gives the Supreme Court the power to invalidate unconstitutional laws and actions—may seem like a natural, common feature of a system of divided government. It's anything but, writes Justice Stephen Breyer. Despite widespread distrust of government, Americans accept and respect the dicta of the Supreme Court. Breyer calls this attitude "a treasure."

Perhaps the most remarkable example of the Court's standing is Americans' reaction to the 2000 decision in *Bush v. Gore*, which stopped a recount of votes that had been ordered in Florida by the state's su-

preme court. That decision in effect gave George W. Bush the presidency. Breyer writes, "Despite the strong opposition to the decision, and despite the fact that it might well have been wrong, Americans did not riot in the streets, they did not resort to violence, they reacted peacefully and then followed the Court." Breyer acknowledges that many may wish that people had protested more, perhaps even violently. To them he responds, "I would ask you to turn on the television and look at what happens in countries that solve their problems through violence. Three hundred million Americans have decided to resolve their differences under law instead—even though courts can decide in ways that are unpopular and even though courts may be wrong when they do so."

Breyer says that judges from around the world ask him, "What is the secret?" Unfortunately, there isn't one. What lie behind the authority of the Supreme Court are 200 years of battles over race, slavery, Native Americans, taxation, and other issues. Judicial review was not finally solidified in America through flawless legal reasoning or eloquent judicial opinions, but because in the middle of the 20th century, President Dwight D. Eisenhower was willing to send troops to Little Rock, Arkansas, to enforce the Court's 1955 order to desegregate the schools, knowing that if he didn't, "rule of law itself was at stake."

Just because judicial review today seems enduring, judges should not take it for granted, Breyer warns. In order to preserve this power, judges should follow a judicial philosophy that will "build confidence in the