

ONE can overstate the case. Marine Le Pen is unlikely to become president of France, if just because the system is explicitly designed to prevent people like Marine Le Pen from becoming president of France. According to polling aggregated by *The Economist*, Le Pen has an excellent shot of getting to the second round—a 93 percent chance, in fact—but after that her odds drop to just 5 percent. The reason for this is simple: In the first round of French presidential elections, the sheer number of non-FN candidates serves to fracture the “normal” vote into small pieces. In the *second* round, however, that vote regroups behind the most palatable non-FN candidate and vastly outstrips the FN’s 25 percent average.

This is, make no mistake, a Good Thing. Marine Le Pen is not her father, but she is not much better, all told. Like Nigel Farage in Britain, she has a point on the EU, and she is sensible to express concerns about crime and immigration that nobody else will touch. And yet she has an emetically close relationship with Vladimir Putin, takes skepticism toward immigration and trade to unpalatably farcical levels, and, as a Gaullist admirer of *dirigisme*, is no friend to the market reforms that France so desperately needs. She is, in short, bad news.

And yet that so many “what if?” stories are being written in earnest should indicate that something is afoot. The socialists are no longer winning their voters. The young are becoming radicalized. The political are giving up on politicians. To combine a lack of economic growth with an impermeable elite class is, we are learning, to develop an especially toxic brew—*especially* when that elite class is perceived to disparage all that the voters hold dear. And in France, of all places?

On the plane from New York, I am struck again by the chasm that has opened between the jet set and everybody else, and by the scale of the opportunity that has presented itself to the iconoclasts. I am on a British airline, and the in-flight magazine is *aggressively* cosmopolitan. The “Editor’s Note” celebrates, among other things, that a third of Londoners were born abroad. The featured interviewee argues that British television should shed its famous and traditional period dramas in favor of shows about immigrants. And the most prominent advertisement describes “dual citizenship” as “the insurance policy of the 21st century.” If “globalization” were to be parodied by the sharpest minds in the West, it would look a little like this. This, to paraphrase an American refrain, is how you got Brexit. It’s how you’ll get Frexit, too.

Which brings us to Monsieur Macron, the likely next president of France. There seems little doubt that, for now, the French will choose the bloodless option over the crazy option—as well they should. But that Macron will likely prevail will make him no less bloodless, and that he will remain bloodless will, in turn, create a new set of frustrations in a French polity that is moving inexorably rightward. Over dinner in Paris, an anti-Le Pen friend of mine puts it this way: “There is no question that if we get Macron, we will get a Trump, because Macron is the worst possible person for this moment.”

And so he is, which is why even in Paris you see dismissive, desperate signs—*Tous sauf Macron!* (“Anyone but Macron!”)—and why otherwise sober people are muttering about the coming end of the Fifth Republic. Had his scandals never surfaced, one suspects that Fillon could have taken some of the sting out of this peculiar moment. In his absence, there seems to be nobody else who can. What that means for the French and their system remains to be seen.

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Malign Marcuse

Much of what afflicts the modern university can be traced to a single influential essay

BY DAVID FRENCH

TO get to know the modern campus radical is to lose respect for him. When you’re face to face and he’s screaming, there’s a certain strange gleam in his eye. It’s something beyond moral certainty. Anyone who has spent time around the “most religious” person in church has seen that look. No, it’s moral certainty linked with ignorance, combined with an odd kind of pain, and culminating in a kind of feral desire to hurt you, to cause as much pain as he can.

I saw it in my worst “arguments” (if you can call them arguments) during my time at Harvard Law School in the early 1990s. This was the time between the violent campus unrest of the 1960s and the “intersectional” unrest of the 2010s. This was the time when campuses actively and proudly discussed implementing “speech codes,” when the in-class shout-down was a favored tactic of the radical Left, and when your own colleagues and classmates would do their best to ruin your career if they found you sufficiently odious.

In many ways, I got off easy. Sure, there was the day when my own professor started shouting at me—that same gleam in her eyes—when I politely objected to her calling an unborn child a “clump of cells.” There were the many days when my classmates hooted, hissed, and yelled as I tried my best to hold high the standard of Burkean conservatism. And I imagined that same gleam when my classmates scribbled feverish notes in response to my pro-life advocacy, calling me a “fascist” and asking, “Why don’t you die.”

That was nothing, however, compared with what a few fellow members of the Federalist Society endured. One person had his face pasted onto pornographic pictures and plastered around campus. In a few instances, campus radicals bombarded future employers—judges and law firms—with phone calls, demanding to know how they could possibly in good conscience hire racist sexist homophobes. The campus was overrun with protest, and every time the administration hired another “white male,” the student body exploded. If we had had iPhones and YouTube back then, it would have been full of yelling, screaming meltdowns.

Even without the Internet, the nonsense grew so notorious that *GQ* magazine exposed the factionalism in an embarrassing article titled “Beirut on the Charles.” The piece hardly made the campus look good. What within the ivy-covered walls seemed like justifiable outrage appeared, to those not so fortunate as to attend Harvard, a lot like privileged people pitching fits. So, for a time, the campus calmed. Hearts didn’t change, but the radicals retreated, snarling back into their corner.

Each generation of campus conservatives can play its own game of “Can you top this?” A recent Yale grad can hear me tell a tale of conflicts about abortion and other weighty issues and say, “You think that’s bad? My campus melted down over *Halloween costumes*.” A grizzled veteran of the Sixties looks at both of us and says, “Sure, we didn’t have speech codes, safe spaces, or trigger warnings, but on my campus, buildings burst into flames.”

But while we can argue over who had it worst (the Sixties still win), to greater or lesser degrees we all owed our plight to the ideas of one man, captured succinctly in one 1965 essay that rocketed around the Left during his time and that today afflicts the body politic like a recurring cancer. The man is German-American philosopher Herbert Marcuse. The essay is “Repressive Tolerance.”

I make no pretension to being a scholar of Marcuse or of the so-called Frankfurt School of critical theory. Others can write (and have written) about the malignant effects of critical theory on the American academy. I want to focus instead on a simple idea of his that still resonates with the Left today—unleash the forces of censorship and repression for the sake of the new tolerance to come. It is good (necessary, even) to be intolerant in the name of tolerance. There is no virtue in what the mainstream culture defines as “tolerance” if that tolerance will preserve the status quo. Instead, achieving true, new tolerance will require driving out the old. Here’s how Marcuse began:

This essay examines the idea of tolerance in our advanced industrial society. The conclusion reached is that the realization of the objective of tolerance would call for intolerance toward prevailing policies, attitudes, opinions, and the extension of tolerance to policies, attitudes, and opinions which are outlawed or suppressed.

What followed was a dense and wordy exploration of a few central themes. Among them: Toleration of free speech is empty if there is intolerance of revolutionary action. That toleration of free speech ends exactly when speech contradicts or inhibits revolutionary goals:

This tolerance cannot be indiscriminate and equal with respect to the contents of expression, neither in word nor in deed; it cannot protect false words and wrong deeds which demonstrate that they contradict and counteract the possibilities of liberation. Such indiscriminate tolerance is justified in harmless debates, in conversation, in academic discussion; it is indispensable in the scientific enterprise, in private religion. But society cannot be indiscriminate where the pacification of existence, where freedom and happiness themselves are at stake: here, certain things cannot be said, certain ideas cannot be expressed, certain policies cannot be proposed, certain behavior cannot be permitted without making tolerance an instrument for the continuation of servitude.



Herbert Marcuse

Critically, Marcuse also believed that the “distinction between true and false tolerance” could be made “rationally on empirical grounds.” Grounding his ideology in rationality meant that Marcuse saw his opponents as inherently irrational. Labeling opponents as irrational makes it all too easy to reach his conclusion, that liberating tolerance means “intolerance against movements from the Right and toleration of movements from the Left.”

When Marcuse wrote his essay, he lamented that “no power, no authority, no government exists which would translate liberating tolerance into practice.” In other words, since his ideas challenged entrenched power, by definition no power yet existed to impose this new tolerance. He was merely laying an intellectual foundation. Others had to make his dream real.

ENTER the campus radical. In the 1960s, the mob was the instrument of intolerance. By the 1990s, the mob had gained tenure. By the 2010s the mob and the mob’s children possessed enormous power and influence throughout the higher-education establishment, and that power and influence passed into Hollywood and into corporate America.

In some instances, the nods to Marcuse were quite explicit. In 2003, when I was a young lawyer in the volunteer network of the Foundation for Individual Rights in Education, I filed a First Amendment challenge to a speech code—“Acts of intolerance directed at other community members will not be condoned,” it read—at Shippensburg University, a small public university hardly known as a hotbed of radical thought. In 2006, when I was the director of the Center for Academic

Freedom at the public-interest organization Alliance Defending Freedom, I filed suits against Pennsylvania State University and the Georgia Institute of Technology. Penn State’s speech code was even more blunt, declaring that “acts of intolerance will not be tolerated.” Georgia Tech had an “acts of intolerance” policy that, among other things, banned “injurious” communications directed at persons “because of their characteristics or beliefs.”

I raise these examples not because they were extraordinary but because they were typical. This was Marcuse made law. Intolerance of alleged intolerance was the very definition of the “liberating tolerance” that Marcuse dreamed of. Fortunately for the First Amendment, the federal courts have thus far been unwilling to “translate liberating tolerance into practice” and have struck down every Marcusean speech code they have directly addressed.

Universities were rebuffed, but the radicals were undeterred. Whether explicitly conscious of Marcuse or not (likely not; you can read any number of modern apologetics for campus censorship without seeing his name), the concept of intolerance for the sake of true tolerance had struck, and if the Constitution meant that public agencies, including state universities, couldn’t be instruments of “liberating tolerance,” then *private* citizens and *private* corporations most certainly could.

A university may be unwilling to fire a dissenting professor, but how many dissenting professors are willing to stay at jobs where they may face—as Nicholas and Erika Christakis did at Yale when Ericka had the audacity to defend the right of adult college students to wear the Halloween costumes of their choice—screaming gangs of furious students demanding that they leave the school? In corporate America, how many conservatives are willing to risk their mortgage or their kids’ college tuition to raise even the slightest objection to uniformly orthodox expressions of progressive values?

In many ways, however, the modern Marcusean intolerance is even worse than it was 25 or 50 years ago. Then, the subjects were more predictable—the Vietnam War, the Johnson administration, and then Reagan and Bush, the Cold War, abortion and homosexuality. The lines were clear. Now they’re not, and even some liberal professors tremble at the unpredictable potential wrath of their radical students.

FOR that, they can thank “intersectionality,” one of the most incoherent and pernicious of the gifts the modern academy has given our contemporary culture. In a way, intersectionality is a joke made real. Back when I was applying to law schools, white students used to say that their application had a chance “unless it’s up against a lesbian quadriplegic from Nairobi.” The greater the number of victim categories, the greater the affirmative-action boost.

Intersectionality, in a nutshell, holds that your cultural and political power increases with the number of victim categories you belong to. As Nathan Heller of *The New Yorker* put it in an excellent exploration of the phenomenon at Oberlin, intersectionality “sees identity-based oppression operating in cross-hatching ways. Encountering sexism as a white, Ivy-educated, middle-class woman in a law office, for example, calls for different solutions than encountering sexism as a black woman working a minimum-wage job.”

Intersectionality puts a premium on “experiential authority.” That is, the person experiencing the “oppression” gets to define both the oppression and the remedy. The role of less-oppressed allies, typically white progressives, is to defer to the experience of the more oppressed, learn from them, and support their struggles. That can mean that even liberals in good standing are blindsided by controversy, such as the Claremont McKenna dean who resigned amid protests and hunger strikes when she had the audacity (in a sympathetic e-mail) to tell a Latina student that she strove to serve those students who “don’t fit our CMC mold.”

You cannot question the victim. You must support the victim. And (here’s the hidden shout-out to Marcuse) intolerance in the name of tolerance works to advance social justice.

It’s entirely possible, however, that the very subjectivity and capriciousness of intersectionality may be its downfall—and that Marcusean intolerance could once again go into remission. The power and limits of Marcuse’s grandchildren were on full display at Middlebury College in March, when student demonstrators disrupted a speech by American Enterprise Institute scholar Charles Murray, attacked him after the event, gave a Middlebury professor a concussion, and tried to block Murray’s departure from campus.

The Middlebury incident came hard on the heels of a riot in Berkeley that forced the university to cancel a speech by left-right provocateur Milo Yiannopoulos. A group of “antifa” (antifascist) protesters set fires, vandalized buildings, and even beat people in the streets.

In both incidents, arrests were few and far between (only one arrest was recorded at Berkeley; no arrests have been reported at Middlebury), and at Middlebury the administration hardly seems eager to hold students accountable for disrupting Murray’s event. In this sense, campus radicals still have an unhealthy hold on college administrators. At the same time, however, there is a growing recognition that the radicals went too far. Middlebury professors united to pen a strong statement in favor of free speech, and apologists for the student radicals were scarce. Murray later held events at Columbia and New York University (hardly bastions of conservatism), largely without incident.

A sense of unease pervades the campus culture. Do the riots at Berkeley and the attacks at Middlebury represent the natural progression from the screaming protests that disrupted Yale and so many other campuses in 2015? Will the age of Trump give the radicals an even longer list of grievances and an even greater sense not just of moral certainty but of moral urgency? Will we see buildings burn, as during the Vietnam War, or will a blaze of bad publicity lead to a temporary retreat, as at my law school in 1993?

We simply don’t know. But this we do know: that Herbert Marcuse still afflicts America, and even activists who have never heard his name live in the activist culture he helped create. Every shout-down, every screaming fit, every hunger strike, every economic boycott, every social-media shame-storm, and every riot furthers his legacy. It turns vice into virtue, makes hate great again, and creates new generations of men and women who want to hurt their enemies and feel morally righteous as they do it. Lurking behind the rage is his singular idea, which we should not allow to curse us forever, that America’s “tolerant” citizens should be the most intolerant of all. **NR**