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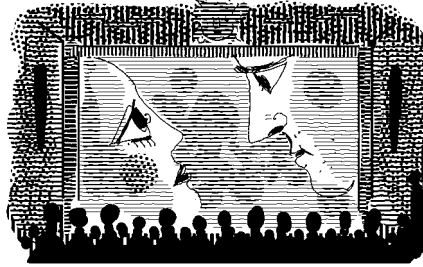
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## SHADOW PLAY

by Martha Bayles



# The Tragedy of the Commons

**Y**ELLOWSTONE IS A TV SERIES SET IN southwestern Montana in the present day, starring Kevin Costner as the widowed patriarch John Dutton, whose forebears founded the fictional Yellowstone Ranch in 1883. That ranch, said to be larger than Rhode Island, is threatened by the encroachments of real estate developers, multinational financiers, environmental activists, and the leaders of a fictional Indian reservation called Broken Rock. And the Dutton family cannot agree about how, or whether, to resist those encroachments.

Five years ago when *Yellowstone* first appeared on the Paramount Network, it was dismissed by critics as a reread of the old-fashioned western, recycling old-fashioned values for a red-state niche market. Today, it is a top-rated show on both cable and streaming services. Prominent publications like *The Atlantic* are hailing it as “America’s most popular TV show.” And Taylor Sheridan, the horse trainer and indie filmmaker from Texas who created it, boasts of “shooting over \$1 billion worth of television shows” for Paramount.

Among these are four *Yellowstone* prequels. Two are available now: *1883*, about the pioneer generation of the Duttons heading west on a wagon train; and *1923*, starring Helen Mirren and Harrison Ford as Dutton descendants battling cattle thieves, sheepherders, and dishonest politicians. Another prequel is in the works: *1883: The Bass Reeves Story*, starring David Oyelowo as the first black U.S. Marshal; as well as a second season of *1923*. There is also a spinoff: *6666*, set in “the Four Sixes,” a real-life cattle ranch in west Texas that has been featured in *Yellowstone* and was recently sold to Sheridan for \$192 million.

### Lawlessness Is Not Freedom

**A**MID THE FLOOD OF COMMENTARY ON *Yellowstone*, there is surprisingly little speculation about its political orientation. But in the blue-state media there is general agreement that such a hugely popular series could not possibly be conservative. Reinforcing this view is Sheridan himself, who clearly wants the media to love his growing herd of cash cows. But the question is still worth asking: is *Yellowstone* conservative?

#### Discussed in this essay:

*Yellowstone*, created by Taylor Sheridan and Jon Linson.  
Paramount Network.

In one sense, yes. Unlike the slew of current films and TV series that look to America’s future with dread, *Yellowstone* looks to its past with reverence. But does that reverence extend to traditional American ideas such as freedom, democracy, equality, individualism, and the rule of law under a constitution? It would be nice to think so. But when Harvard political scientist Samuel Huntington listed these ideas as the essential components of what he termed the “American Creed,” he wasn’t settling the matter so much as unsettling it, by observing that these ideas are not easily ordered, prioritized, or reconciled. Indeed, he argued forcefully that their meanings can shift as powerfully as the earth’s tectonic plates, giving rise to “creedal passion” that can as often divide the nation as unite it.

For his part, Sheridan seems less interested in ideas than in expanding his entertain-

ment universe to include new topics such as roughnecks on a Texas oil rig, a Mafia boss exiled in Tulsa, crime and corruption in a Michigan prison, anti-terrorist espionage in sunny Mallorca, and more. It is too soon to tell how successful these new ventures will be. Sheridan knows how to jack up his product with the usual stimulants of f-bombs, boobs, booze, bullets, and blood. But while these may be necessary to catch the attention of today’s distracted audience, they are not sufficient to hold it. If these new ventures falter, it will be because they do not revive the same creedal passion—for the type of freedom that rides roughshod over law.

That freedom, or the myth of it, dates back to the 1880s, when the resistance of the Native tribes was finally crushed, the buffalo were all but exterminated, and the vast unfenced grazing lands between Mexico and Canada beckoned to fortune hunters large and small. The first to arrive were wealthy investors from the East Coast and Europe, who snapped up water rights and let loose as many cattle as they could afford. Then came cowboys, including *vaqueros* from the haciendas of northern Mexico and newly freed former slaves from west Texas, hoping to earn a decent wage for the hard, dirty, but highly skilled work of managing wild longhorns.

This “Beef Bonanza,” as one booster called it, began in the dusty southwestern plains but soon expanded to the mountain states. That is where *Yellowstone* is set, and it is hard to imagine a more photogenic spot for unfettered freedom than the Bitterroot Valley, where the real-life Chief Joseph Ranch with its grand log-and-boulder mansion serve as the location for the series. Accompanied by a soulful country music soundtrack, the recurring spectacle of John Dutton on horseback loping past the

golden aspens with his free-spirited cowboys, whose bodily grace is matched only by their loyalty, makes *Yellowstone* a delight to the eye and ear, as well as an evocation of life on earth as good as it gets.

### The Age-Old Issues

**I** DO NOT WISH TO POP THIS BUBBLE. BUT if this magnificent spectacle makes you think that unfettered freedom and infinite horizons still exist in the 21st-century West, then you should probably think again.

While working on this essay I talked with a real cattleman, T. Wright Dickinson, whose ranch in northwest Colorado resembles John Dutton's in being family-owned and operated since the 1880s, and enjoying access to a large enough patchwork of privately owned and publicly leased grazing land to support itself by raising cattle. Most western ranches today are too small to do that, so they combine raising livestock with hosting "guests" (formerly known as "dudes") eager to hunt, fish, hike, white-water raft, rock climb, play disc golf, shoot guns and arrows, throw tomahawks, sing around the campfire, even rope cattle (if they are up to it). Needless to say, the Dutton ranch does not need to do that, because it is already hosting millions of viewers.

When asked his opinion of *Yellowstone*, Mr. Dickinson made an interesting distinction between "the age-old issues" woven into western history and "the drama" afflicting the Dutton family. Of the two, he found the former more compelling.

I'm inclined to agree. For this New Englander, *Yellowstone* and its prequels offer a revelatory look at a key aspect of western history, which Mr. Dickinson described as "a century-long tragedy of the commons." His ancestors were encouraged to "go west where the land was free," he told me, only to find themselves in a wilderness where freedom meant "there were limited property rights, no accountability, no control over their destiny." The reason, he added, was that the power belonged to "eastern monied interests who didn't know up from down." And to the extent that this has remained true, the result is that "every mistake that's been made out here has been due to us not being allowed to do things our way."

A similar lawlessness existed in north central Wyoming in the 1880s, where violence broke out between the wealthy cattle barons and cowboys dreaming of starting their own ranches. The best-known story from that era is the Johnson County War, which began in 1887 when, after thousands of cattle died in a bitterly harsh winter followed by a drought,

the Wyoming state legislature passed a law against "rustling," or rounding up the motherless, unbranded stray calves known as "mavericks" and branding them as one's own.

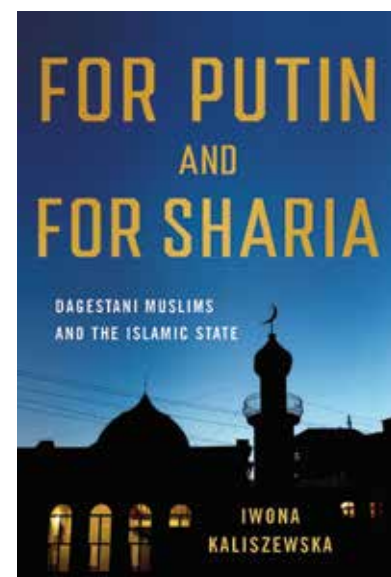
Until then, rustling had been common practice among aspiring cowboys and small homesteaders. But now all of a sudden it was a crime, and the cattle barons began hiring vigilantes to track down and lynch the offenders. The rustlers fought back, and after two years of sporadic violence the cattle barons organized a major assault, complete with hired vigilantes from Texas, which was met by a ragged militia of rustlers and local supporters. A pitched battle was about to ensue when the U.S. cavalry intervened. In the short run, the cattlemen won. But in the long run, they lost their presumed ownership of the open range.

In 2002 the Hallmark Channel produced a well-crafted miniseries called *Johnson County War*, written by Larry McMurtry and Diana Ossana, which gets most of the details right while also telling the tale from the perspective of the cowboys, small ranchers, and homesteaders. By contrast, the best-known version of this tale, Owen Wister's 1902 novel *The Virginian*, takes the other side—namely, the elitist perspective of the cattle barons. At the turn of the 20th century most of the cowboys in Wyoming were white, so this elitism was based less on race than on class and ethnicity. A Philadelphia-born Harvard man and friend of President Teddy Roosevelt, Wister was a committed Progressive who saw the Johnson County War as a case of well-bred, responsible businessmen ridding their land of ill-bred, grubby thieves.

The novel's unnamed hero is an ex-Confederate soldier from Virginia who works as a cowboy for a cattle baron who is also a retired judge. Taking note of the Virginian's work ethic and quiet integrity, the judge makes him his ranch boss, and then as the conflict escalates, his chief enforcer and vigilante. The Virginian undertakes this hard duty with a rigorous self-discipline that at one point requires him to hang a former boon companion who has fallen in with the rustlers. In keeping with Wister's social views, the nobility of this hero, who by the end has become part-owner of the ranch and won the heart of a beautiful Yankee schoolmarm, is attributed, not very subtly, to the natural superiority of his Anglo-Saxon blood.

In the early screen adaptations of *The Virginian*, this Social Darwinist theme was understandably suppressed in favor of the hero's evident virtues, giving rise to the figure of the taciturn, principled, courageous, ruggedly masculine cowboy-turned-lawman who is still, despite everything, an icon of American cul-

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ture. A recent example of this figure is Sheriff Walt Longmire, the titular character in the series of best-selling detective novels by Wyoming author Craig Johnson. Between 2012 and 2017 these novels were made into a TV series also called *Longmire*, which is available on Netflix and well worth a look, if only for the contrast with *Yellowstone*.

### Doing What Needs to Be Done

PERHAPS THE MOST GLARING contrast is in the depiction of the Indians. Taylor Sheridan makes a big deal of *Yellowstone's* commitment to showing Native Americans as human beings living and breathing in the 21st century. But he should have taken a few cues from *Longmire*, which actually achieves that goal by giving its diversity of Indian characters a sense of humor and something to do besides making stiff little speeches about the oppression of their people by the white majority.

Another contrast is that *Yellowstone* portrays a larger number of non-Indian characters as heroes than *Longmire* does, but requires of them a smaller number of virtues. Really, all it takes to become one of John Dutton's knights or vassals is to vow your unquestioning loyalty while having the Yellowstone "Y" seared into your flesh with a branding iron. I doubt this is typical of American ranches. To judge by what I have seen of the 6666 Ranch in Texas, it is enough to wear the corporate logo on your shirt.

Blood oaths are more exciting, though—and better suited to Dutton's custom of ordering his most trusted knights to drive disobedient vassals and other riffraff across the Montana-Wyoming state line to the "train station," code for an isolated bend in the road where it is easy to kill a man and roll his body off a cliff. This fictional spot has a real-life counterpart in the "Zone of Death," a 50-square-mile sliver of Yellowstone National Park that, because it is under the legal jurisdiction of three different states (Wyoming, Idaho, and Montana), is effectively under none, making it impossible to prosecute any non-federal crime committed there, including murder.

The "train station" allows Dutton to practice a form of vigilantism that is not divulged to the women, presumably because they lack the strength to bear the burden of guilt it entails. Dutton's burden is the heaviest because he is the kingpin ordering the hits. That he is also the show's hero may seem baffling at first but makes more sense when you watch the prequels, which demonstrate clearly that, while the challenges facing the Dutton men have changed over time, their manner of facing them has not.

This is entertaining but troubling, because in the 1880s, when the rule of law was not yet established in the West, it was necessary to live by the code summed up for me by my brother-in-law, who grew up in hardscrabble Oklahoma: "There's what's mine, there's what's yours, there's the law, and there's what needs to be done." That code is still out there, or else my brother-in-law would not mention it. But for him, and I daresay most Americans with roots in the West, it is more a romantic myth than a viable way of life. My sister, niece, and nephew, two of whom are lawyers, would agree.

The Dutton family are living the myth, and to John Dutton, the law is no more than a weapon clumsily wielded by Jamie (Wes Bentley), his adopted son, whose standing in the family has been permanently diminished by three years at Harvard Law School. Unlike Rip Wheeler (Cole Hauser), John's most trusted knight, and Kayce (Luke Grimes), John's natural son, Jamie is no good at doing what has to be done. In five whole seasons he only manages to murder two people: a reporter for *The New York Times* and Garrett Randall (Will Patton), his natural father, recently released from prison for murdering Jamie's mother. If Jamie were a true Dutton knight, he would have disposed of these bodies as deftly as Rip and Kayce. But he botches the job—and worse, gets photographed trying to roll Garrett, his second victim, off the "train station" cliff.

### The Drama

THAT INCRIMINATING PHOTO IS TAKEN by the most gifted member of the family, Beth (Kelly Reilly). The only daughter of Dutton and his deceased wife, Evelyn (Gretchen Mol), Beth has been in love with Rip since childhood, and he reciprocates in every way he can. But that does not make Beth happy. On the contrary, she is a walking trigger sprayer who takes pleasure in filling the air with whatever poisonous emotion she is feeling at the moment.

To explain—to justify?—this repugnant behavior, there are flashbacks showing Beth's troubled relationship with Evelyn, who on the occasion of Beth's first period tells her that the only way to survive being female is to become "the man most men will never be." Evelyn also uses her last breath to blame Beth for the riding accident that is about to end her life.

Then there's the flashback showing Beth as a young teenager begging Jamie to help her get an abortion. He takes her to the Indian Health Services free clinic, where a federal mandate is in place requiring all such surgeries to include sterilization. Jamie tries to hide this



from Beth, but she finds out and becomes his worst enemy. That appalling mandate, aimed at reducing the Native American population, was rescinded in 1976, eight years before Beth is supposed to have been born. But the writers use it anyway, no doubt because in addition to sending another virtue signal about racist oppression, it squeezes out another drop of sympathy for *Yellowstone*'s potty-mouthed anti-heroine.

Beth is reputed to be the most popular character in *Yellowstone*, and while that is not surprising, it is dismaying. To compare her to the foremothers depicted in the prequels is to bear witness to a calamity. Margaret Dutton (Faith Hill) in 1883 and Cara Dutton (Helen Mirren) in 1923 are as resourceful, brave, and honorable as the men—if not more so. Elsa Dutton (Isabel May) in 1883 is a spirited teenager who responds so profoundly to the wide-open spaces and their myth of unfettered freedom that she marries a Comanche warrior named Sam (Martin Sensmeir) who gives her an Indian name meaning Lightning With Yellow Hair.

I wonder what name Sam would give Beth. In season 5 of *Yellowstone*, the Duttons sit down to an all-beef dinner served by Gator (Gabriel Guilbeau), the family chef and only servant we ever see in their spotlessly maintained mansion. Immediately an argument breaks out between Beth and Summer (Piper Perabo), a preachy environmentalist and vegan who is having an affair with John Dutton, who for complicated reasons has taken her into his custody.

By the way, John Dutton is now the governor of Montana. This might have been the

occasion for Taylor Sheridan to tip his hand and reveal whether the character played by Costner is dancing with Republicans or Democrats. But the series skips over the election to Dutton's first days in office, when he fires his entire staff because they keep talking about dull, boring issues that have nothing to do with preserving the Yellowstone legacy, which in case you missed the memo is all about family.

To return to the all-beef dinner: Rip, who believes in letting fights take their natural course, insists that Beth and Summer duke it out on the lawn. Beth batters Summer into submission, then prances drunkenly across the grass like a fighting cock with blood on its spurs, while her father gazes at her in admiration and murmurs, "I wonder what it's like to be so free."

### A Dysfunctional Credo

IT IS NOT ENOUGH, EVIDENTLY, FOR JOHN Dutton to be master of his domain, with a bunkhouse full of sworn enforcers who can lynch, poison, and shoot his enemies with the same impunity his ancestors enjoyed in the good old days. He wants a greater freedom, the kind that does not involve responsibility for anything or anyone, including himself. So, he admires Beth, and I guess we are supposed to do the same.

The trouble is, Beth is an adolescent cliché. Her credo is based on a YouTube version of Friedrich Nietzsche, whom she colorfully but incorrectly describes as "a German philosopher who died of syphilis after he cornholed some prostitute." Intoning that "Nie-

tzsche's thoughts on right and wrong, good and evil" are that "there's no such thing," she informs Rip in an earlier scene that nothing matters except "loving with all your soul, and destroying anything that wants to destroy what you love." Rip nods in agreement, because this credo lightens his burden of guilt. And while Beth is the only character to quote Nietzsche, this credo is repeated, ad nauseum, throughout all five seasons of *Yellowstone*.

The trouble is, for this credo to make sense, Beth and the other Duttons would have to say a lot more about what exactly they love, and what exactly is trying to destroy it. Is one object of their love the Bitterroot Valley, whose pristine beauty forms such a glorious backdrop to this series? If so, then the Duttons might wish to consult Mr. Dickinson, the real-life rancher I interviewed, who described western history as a century-long tragedy of the commons.

Together with his fellow ranchers, Mr. Dickinson has managed, over the past several decades, to preserve a great deal of the "commons" that their ancestors claimed 130 years ago. This is no small achievement. But as he emphasized to me, this was never the achievement of a single family, much less a crew of free-wheeling vigilantes. It was hard, steady work, full of frustration and annoyance, that never ends because there is always a new threat to the land, and a new strategy needed to find the right balance of local interests—private and public, red state and blue state, ally and adversary—to keep the most rapacious outsiders at a truly strong arm's length.

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