

Liberty

January 1996

Vol. 9, No. 3

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Feds Shut
Down,
Chaos Reigns

Farrakhan Has a Dream

by Matt Asher

The Cost of a Year of Life

by Ben Bolch and Deborah Pittman

O.J. – No Rest Until Restitution

by Randy Barnett and R.W. Bradford

The Primary the Press Wouldn't Cover

by C.A. Arthur

Quebec: Revolution Postponed

by Eric Duhaime

Also: *Bo Keeley* evades death in Caracas; *Jane Shaw* worries about freedom, religion, and evolution; *Bruce Ramsey* exposes women's right to porn; *Bruce Benson* makes the case against punishment . . . plus other Articles, Reviews, and Humor



"Our acts of liberty are our strongest propaganada." —Paul Goodman

Letters

Burning and Burning in the Widening Gyre

Attacks on *Liberty's* editor were so numerous in the November issue's letters that it was understandable that R.W. Bradford made no direct reply. (Where to begin, after all?) The letter on Waco by Farren Smith was so outrageous, though, that I offer this reply for myself and every decent person as well as Bradford.

Smith begins with an attack against Bradford's use of "holocaust" and ends by arguing that federal agents were justified in attacking the Branch Davidians because the latter "were in a position to take away other people's most basic liberty, namely, their lives." Whether the Davidians were in such a position or not, for members of the government to act on a belief that certain people are "in a position" to harm others — without proof that they are actually about to do so — violates the most basic guarantee of the rule of law: that no one may be denied life, liberty, or property because of what they *might* do.

That federal authorities tormented people to death for what they or their parents might do ought to be universally troubling. It does reflect the philosophy of the Nazis who believed in the state's right to persecute people who pose imaginary threats and in the state's freedom from any accountability for its deeds.

Yet even without this parallel to the Nazi Holocaust, *Liberty's* generic use of "holocaust" applied to the deaths in the Davidian compound is perfectly right. The Greek word simply means "burned entirely," or total destruction by fire.

Miles Fowler
Oakland, Calif.

Grass Roots Exploitation

Matt Asher's article on the sale of marijuana in Chicago ("Undercover Economist," November 1995) lucidly documents the unfortunate implications of America's idiotic drug laws. The failure to legalize marijuana as a recreational drug, much like the attempt to curb alcohol use during Prohibition, serves only to benefit those members of society who wish to take advantage of others for their personal profit — the alcohol and tobacco industries, on the one hand, and the underworld, on the other.

In the latter regard, the fact that marijuana costs over \$1,000 a pound to a local dealer today, as compared to less than \$100 a pound to someone at the same level of the hierarchy during the early 1970s, testifies to the effects of turning over the marijuana trade to "professionals" after the '60s were over. If drugs were legalized and made freely accessible, a "nickel" bag would cost just that — a nickel. Although I do not begrudge ghetto residents such as Karen her \$50,000-a-year income, it is unfortunate that her fellow community residents must be exploited in order to provide it.

The arguments against legalization of drugs are specious — drug addiction has never been a serious social problem in any country in which drugs were legal. Certainly the legalization of marijuana, the most innocuous and harmless of all drugs, would hurt no one but those who deserve to be hurt — and in their case, would hurt them only in their pocketbooks.

Robert S. Wyer, Jr.
Urbana, Ill.

Pray Along With Tim

I am an evangelical Christian. Timothy Virkkala ("Christendom and Christendumb," November 1995) identified one of my biggest complaints with most of my brethren in the evangelical community: their belief that the state is an appropriate vehicle for imposing their notion of piety on believers and unbelievers alike. Evidently the Holy Spirit can no longer be trusted to lead people to the Truth. Where Mr. Virkkala's reflection fell short was in applying his prophecy only to the evangelical bloc of American Christianity. If the revival of which Mr. Virkkala wrote were to occur, the state would still remain supreme, because there exists another large bloc of Christians — those designated as mainstream or "liberal" by many evangelicals — which also invests the state with the authority to impose its agenda on society. The fact that its agenda is more socialistic than moralistic is beside the point.

This bloc's belief in the state's authority is based on the same idolatrous attitude accurately ascribed to the evangelical community by Mr. Virkkala. Namely, those Divine attrib-

utes like omnipotence, omniscience, and righteousness, which at one time were strictly God's alone, have now been transferred to the state. This is the gospel in which most evangelical and liberal Christians really believe along with the vast majority of all other Americans, regardless of their religious affiliation. As long as people in general and Christians in particular continue to yield to the temptations of worldly power and officially sanctioned ritual or officially sanctioned "compassion" there is little hope for freedom in this country.

I join Mr. Virkkala in praying for a religious revival.

Tim Smith
Sumner, Wash.

Lies My Reviewer Told Me

Clark Stooksbury's review of James Loewen's *Lies My Teacher Told Me* ("Reconstructing History," September 1995) was good, but missed a salient point. One of the most insidious and destructive aspects of the state control of schools is the control of the curricula, which necessarily become politicized. Nowhere is this effect more pernicious than in the teaching of history, which becomes by this process bland, reflective of current political trends, statist, and, worst of all, factually incorrect.

Loewen's point is not simply that we are boring our students with watered-down feel-good history, but that we are giving them an extremely inaccurate picture of the United States of America, a picture where they see no role for themselves as individuals. In the history presented in high school textbooks, "important" personages are virtually deified; events occur without cause, debate, or dissent; and the good guys win because it is preordained. History as taught in this country is devoid of the ideas and intellectual conflict that shape events; the protagonists are lacking the foibles, motivations, and contradictions that show them as human; the bad guys never win. Students thereby are given little or no opportunity to empathize with our predecessors in such a way as to draw inferences that relate historic events to current events, and can envision no role for themselves in using ideas and convictions to shape future events.

Without some broad understanding of how we got where we are, students will have little idea how to get us where we want to go. In all, the current teaching of catechisms of American history amounts to an ideal formula for making

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Liberty

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Inside Liberty

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students into the passive, ineffectual, nihilistic, apathetic sheep that much of our populace has become.

I am surprised that Stooksbury made no specific mention of chapter eight, provocatively entitled "Watching Big Brother: What Textbooks Teach About the Federal Government." The concluding paragraph of this chapter states in part, "[T]extbook authors narcotize students from thinking about such issues as the increasing dominance of the executive branch. By *taking the government's side*, textbooks encourage students to conclude that criticism is incompatible with citizenship. . . . All this encourages students to throw up their hands in the belief that *the government determines everything* anyway, so why bother, especially if its actions are usually so benign" (emphasis mine).

David Dannenberg
Philadelphia, Pa.

The Tylenol Scare

Further to your "Terra Incognita" (November 1995) concerning a student who fell victim to the war on drugs for possession of Tylenol: I note that the quoted "supervisor of student services" — whatever *that* is — managed, in a single sentence, to use three incorrect pronouns, plus an extremely awkward double conditional, quite a feat.

If schools would keep out of moral issues that do not concern them, perhaps the standards of reading, writing, and arithmetic would be improved.

Adrian Day
Annapolis, Md.

Ordinal Sin

If David Ramsay Steele ("When Will It All End?" November 1995) doesn't believe there is a "Year Zero" in our calendar, that means he hasn't been spending much time with astronomers or historians who specialize in chronology. If he had, he would have found "0 A.D." (or "0 C.E.") much more common than "1 B.C." If he were a regular reader of the old *American Ephemeris and Nautical Almanac* or the new *Astronomical Almanac*, he would have noticed all kinds of zeros, even "January 0." Was Mr. Steele one year old the day he was born? I think not. But in China he would have been. It is just the difference between cardinal numbering, with its zero, and ordinal numbering, without.

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Liberty Live . . .

Intellectual sparks flew in Tacoma at *Liberty's* 1995 Editors' Conference. There, the best individualist minds of our time met to debate the future of liberty and society — and to have a ton of fun in the process.

Now you can witness the proceedings for yourself! A complete set of 22 videotapes costs only \$275. A complete set of 21 audiotapes is just \$100. Sessions can also be ordered individually: \$19.50 per videotape, \$5.95 per audiotape (unless otherwise marked).

Join in the excitement of the 1995 *Liberty* Editors' Conference. With these tapes, you can experience it all year!

The Prospects for FDA Reform: For now, abolition of the FDA may be just a dream. But is there any hope for serious FDA reform? **Robert Higgs** takes a hard look at the prospects for genuine change. A real eye-opener. (Audio: A138; Video: V138)

The Oklahoma City Bombing: Half a year after the bombing in Oklahoma City, the conspiracy theories are flying. But who knows what they're talking about, and who's just a paranoid flake? Explosives expert **Larry Grupp** investigates different theories of how the bombing was done — including the official story — and offers the most believable explanation to date. (Video only: V139)

Going to Extremes: **Wendy McElroy, Pierre Lemieux, David Friedman, Timothy Virkkala & R.W. Bradford.** When people are radicalized, they often embrace suicidal — or even homicidal — strategies. How do libertarians get drawn into martyrdom? How do others get drawn into terrorism? How can radicals avoid being sucked into the system? This tape deals with all these questions and one other: *Is voting immoral?* (Audio: A140; Video: V140)

Revolution: The militia movement is readying itself for a revolution. But is the time really ripe? In this tape, **Pierre Lemieux** asks the questions, "Revolution — if not, why not? And how do you know if it is time?" (Audio: A141; Video: V141)

The Best — and Worst — Places to Invest and Live: Investment advisor **Douglas Casey** is also a world traveler, visiting Third World backwaters and chatting with tinpot dictators from Cuba to Central Asia. In this fascinating talk, he recounts his recent adventures — and tells what valuable wealth-protecting information he learned. (Audio: A142; Video: V142)

Investment Advice: Bonanza or BS? **Harry Browne, Douglas Casey, R.W. Bradford, David Friedman & Victor Niederhoffer.** Do investment advisors really have anything to offer their customers — at least so far as good investment advice is concerned? Is there a science of economic forecasting? A no-holds-barred debate! (Audio: A143; Video: V143)

Camouflage, Deception, and Survival in the World of Investing: **Victor Niederhoffer**, one of the most successful speculators in the nation, offers his model of how markets function. Complex and in-depth. (Audio: A144; Video: V144)

Do Short-Sighted Corporate Decision-Makers Screw the Future? Collectivists claim free markets destroy society and the environment, because companies only think on a quarter-to-quarter basis. Economist **Richard Stroup** takes on this charge. (Audio: A145; Video: V145)

Does Foreign Policy Matter? **R.W. Bradford & Leon Hadar.** Most libertarians focus their energies on domestic issues. Should they pay more attention to the world around them? (Audio: A146; Video: V146)

Share the Excitement!

The Four Political Types: **Fred Smith** points out some nasty roadblocks on the way to freedom — and how libertarians can navigate around them. (Audio: A147; Video: V147)

Is Libertarianism Getting Anywhere? **Harry Browne, Robert Higgs, Pierre Lemieux, Fred Smith & R.W. Bradford.** The case for (and against) libertarian optimism. Are we making any progress? (Audio: A148; Video: V148)

Why Not Hang 'em All? Everyone's talking about crime and punishment, but few ever take an economist's approach — or approach the topic without an unrealistic trust in government. **David Friedman** explains the benefits of apparently inefficient punishment, with a historian's eye for how different societies have dealt with crime issues in the past. (Audio: A149; Video: V149)

Private Law Enforcement in Eighteenth-Century England: Two hundred years ago, prosecution of felons in England was a private matter, rather than one for agents of the state. How did this system work? Why did it emerge? What were its advantages — and disadvantages? **David Friedman** holds your attention for all of this fascinating talk. (Audio: A150; Video: V150)

Is Cyberspace Liberspace? **David Friedman, Leon Hadar, Pierre Lemieux & Ross Overbeek.** What impact will the Internet, encryption, virtual reality, electronic money, and other technologies have on the political realm? Is cyberspace leading us toward greater individual freedom? Or is it all cyberhype? (Audio: A151; Video: V151)

What Libertarians Can Learn from Environmentalists: Libertarian **Randal O'Toole** has worked with environmentalists for years, observing the strategies of one of this century's most successful political movements. In this fascinating talk, he applies his insights to the battle for freedom. (Audio: A152; Video: V152)

Can Liberty Survive Without Religion? Are religious institutions necessary for a free society to survive? Has evolution killed religion — and, if so, is there any hope for freedom? **Jane Shaw** addresses these questions and more in this amazing talk. (Audio: A153; Video: V153)

If Government is So Villainous, Why Don't Government Officials Seem Like Villains? Most government bureaucrats believe in what they're doing. Many are actually nice folks. But their actions lead to suffering, even death, for millions of people. How is this possible? Economist-philosopher **Daniel Klein** offers a compelling explanation — with very interesting implications. (Audio: A154; Video: V154)

Sexual Correctness: A new breed of feminist has declared war on individual liberty, in the process undermining women's autonomy — the very value they claim to uphold. In this information-packed talk, individualist feminist **Wendy McElroy** gives the chilling details of the latest illiberal court precedents and speaks up for the civil liberties of men and women alike. (Audio: A155; Video: V155)

What America Needs — and What Americans Want: The 1994 election showed that Americans are sick of politics-as-usual, but it's clear that the GOP isn't going to deliver on its promises. **Harry Browne** explains why the time is right for a Libertarian victory, and lays out his plan for dismantling the federal government. (Audio: A156; Video: V156)

Has Environmentalism Run Its Course? **Fred Smith, Randal O'Toole, Jane Shaw, Rick Stroup & R.W. Bradford.** The honeymoon seems to be over for such green giants as the Sierra Club and the Wilderness Society, with their bloated bureaucracies and statist politics. But what about the environmental movement as a whole? And where do free-market environmentalists fit in? (Audio: A157; Video: V157)

Ayn Rand: The Woman Behind the Myth: **Barbara Branden, John Hospers, Chris Sciabarra & R.W. Bradford.** These incredible tapes include countless priceless moments, along with information unavailable anywhere else. A must for any Rand fan! (Two audios: ARM, \$14.95; Two videos: VRM, \$29.95.)

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I hate to be the one to break the news to Mr. Steele, but the zero, brought by the Arabs centuries ago from India, is here to stay.

Kelley L. Ross
Los Angeles Valley College
Van Nuys, Calif.

The Millennium Begins With This Issue!

Does it really matter if the new millennium begins in 2000 or 2001?

In case it does matter to some readers, they may be interested to know that it's later than they think. On January 1, 1996, we will in fact have already arrived at 2000 or 2001 years since the birth of Jesus. I made this discovery quite by accident while thumbing through an old *Oxford Cyclopedic Concordance* (Oxford University Press, n.d., p. 39).

Here's what it says: "Jesus was actually born four years before the time from which we count his birth. The simple reason is that no one calculated dates from the birth of Christ until centuries after He was born, and then Dionysius Exiguus, the monk who published the calculation in A.D. 526, made a mistake of four years. He placed the birth of Christ in the year of Rome (A.U.C.) 754. But Herod the Great, who slew the innocents of Bethlehem, died in April of the year of Rome 750; so that Christ must have been born several months before, or not later than the last of 749."

In other words, Jesus was four years old during A.D. 1, at least until his fifth birthday sometime that year (my guess is early fall).

Joanna Parker
Ocean Shores, Wash.

Leading Chronological Indicator

The *true* end of the millennium is December 31, 1999, because that is the day when the best parties start.

Mark Reboul
New York, N.Y.

Dueling Statists

I find it fascinating that Randal O'Toole ("The Battle of Oak Grove," July 1995) can describe a banjo contest between a group of babbling, burbling bureaucrats (the so-called city planners) and a group of self-serving and self-righteous "citizens" representing the tyranny of the majority of the fine town of Oak Grove without ever considering

the rights of property owners.

Not only is Soviet-style social engineering alive, but we must also assume that the confiscation of property through zoning is also alive and well in the good ol' U.S. of A.

Too bad O'Toole doesn't understand that the right of property ownership has not yet been entirely denied by our Constitution.

Bill Tepper
Hastings on Hudson, N.Y.

Commerce Toward None

I believe David Owsiany ("High Noon for the Feds?" November 1995) discerned the crux of future Supreme Court decisions regarding the Commerce Clause: the definition of what actions constitute "commercial activities that substantially affect interstate commerce."

The *Lopez* standard should seemingly logically lead to the overturn of *Wickard v. Filburn*; however, given the narrow, tenuous majority in *Lopez*, the case could but lead to the classification of noncommercial activities as commercial activities depending upon how many justices base their legal reasoning upon, not the constitutionality of, but the desired social outcome of a case.

Thaddeus G. McCotter
Wayne County Commissioner
Livonia, Mich.

The Gift of God

R.W. Bradford's dirty little attack on the FBI, the BATF, and the U.S. Marshals ("The Prime-Time Police State," November 1995) sums up everything wrong with libertarian thinking. Why defend scumbags like Randy Weaver? Maybe a few agents got carried away — but if Weaver had been left alone, and had gone on to foment racial violence, all you naysayers would be after the FBI for not stepping in soon enough. There's just no pleasing some people!

I understand why you libertarians feel the need to defend "civil liberties," but you haven't thought through your position very clearly. Libertarians always go on about protecting property. But public property belongs to everyone — or, in practice, to the majority, acting through their democratic representatives. It doesn't make sense to say that people have the right to do what they want on their own property, but that they have to put up with people

doing whatever they want on public property. Such "civil liberties" are, in fact, a gross violation of liberty.

It's true that Randy Weaver's cabin was his private property. But his behavior had the potential to have an effect on a much, much wider scale. When Randy Weaver chose to sell an illegal sawed-off shotgun, he chose to violate the standards of behavior demanded by his neighbors — the standards they would enforce on their own property. Thus, the government had every right to stop him. This violated no one's legitimate freedom.

The government may have made a few mistakes in the process, but nobody's perfect. I can't see how Bradford's petty sniping will help in constructing a better procedure for stopping those who ignore the demands of society.

It's Marshal Degan who is the real hero, not Weaver. Men like Degan are a gift of God. I like what libertarians have to say about some economic matters, but I can't join a group that champions malcontents and doesn't respect our protectors, the police. I wonder how long Bradford would last if *he* were a federal agent going after scum like Weaver. I'll bet within a week, he'd forget about "individual rights" and start crying for all the powers he could have — just to stay alive!

Jem Casey
Dalkey, Ark.

Our Just Reward

Destroy confidence in the government as you and your ilk are doing, and we head straight to chaos. The beneficiaries are the very wealthy and powerful, who I am sure will reward you handsomely if you succeed! You will not!!

George Costopoulos
Old Bethpage, N.Y.

Letters Policy

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct, type-written letters are preferred. Please include your phone number so that we can verify your identity.

Reflections

Abandon all hope — I turned on *Nightline* at 11:35:30 the other day just in time to hear the words “for the world to act.” Click! I just knew that with that introduction it couldn’t be anything good. —DB

Feds go bust — Midway through November, the federal government — except for “essential services” — shut down. A couple days after that, the headlines were filled with news of the EEOC’s suit against Hooters. It seems that the restaurant chain whose reason for being is its scantily clad, big-busted waitresses discriminates, horror of horrors, against men.

When harassing Hooters is considered an essential government service, you know things have gotten out of hand. It’s enough to make a man yearn for the restrained, Constitutional governance of Lyndon Johnson. —JW

Taking the Fifth — It has often been said that if the Bill of Rights were put up for a vote, it would never be approved. In the State of Washington, one portion of the Bill of Rights was indeed put on the ballot. It was the Fifth Amendment, which stipulates, among other guarantees of personal freedom:

... nor shall [any person] be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

In Washington, as in many states, the government has claimed the power to regulate the use of private property to the point where the owner is not allowed to use it for any purpose, all in the name of the public good. By this means, the state managed to maintain a high level of environmental amenities at very low cost to the taxpayer — except, of course, the poor taxpayer whose land was regulated into a public good. The many benefited at the expense of the few.

This clearly violates the Fifth Amendment’s provision against “private property taken for public use, without just compensation.” So the Washington legislature enacted a measure requiring the state (or its subdivisions) to pay for the property it takes through regulatory action.

A coterie of government officials, environmental groups, and other public-spirited citizens quickly got enough signatures on petitions to bring the measure to a public vote. The campaign against the law was a vociferous one. Both of the state’s largest newspapers endorsed the effort, on the grounds that taxes would have to be increased if the state had to pay for the property it takes. A study by a state university claimed that the cost would be \$11 billion, sending a shiver down the spines of property owners, who now knew just how much property the state expects to confiscate in the near future.

On November 7, 60% of the voting public opted to repeal the law, thereby gutting the Fifth Amendment.

Incidentally, the same voters elected to the state’s Supreme Court Richard Sanders, a libertarian property-rights advocate. —TWV

Referendum this! — The close results of the secessionist referendum (49.4% yes, 50.6% no) show that Quebec society is split into two halves, each side as irrational as the other.

The official secessionist side claims that granting their state unlimited powers (which is what sovereignty is all about) will produce the ideal society. The official anti-secessionist side argues either for the country that Canada was, or could have been, or in favor of more power concentrated in the Canadian government cartel.

In fact, both official groups (which were the only ones legally allowed to spend resources to promote their options) have defended the same naive conception of the state. There is one expression that was seldom — if ever — pronounced during the referendum campaign: “individual liberty.” Both sides were reaching for political power, called “sovereignty” on one side, “unity” on the other.

Choosing among them amounted to taking sides between, say, the Hell’s Angels and the Rock Machine — two motorcycle gangs which have also been fighting one another recently in Quebec. But one should add that mounting tyranny in Ottawa and the would-be tyrants in Quebec City are much more dangerous for individual liberty than common criminals.

The fact that both sides want unlimited democratic power only brings home the inherent contradiction in their beliefs: Over which territory should a ruling majority be defined?

The consequence of the referendum split between two brands of statism will be a more polarized, politicized, conflictual, and violent society.

The revolution that is required is a revolution for the individual against power. At the very least, there is an urgent need to shake the system. Quebecers have missed their chance. —PL

Heal me, Mary Jane — I would like to buy my mother pot. She is slowly wasting away under the effects of chemotherapy. Her hair is gone and her body, small to begin with, has shrunk to under 100 pounds. She tells me that she is eating well, that she is having lots of ice cream. When I am around she tries to act strong, and to eat regularly, but I can see it is an effort. I think marijuana might help.

We have not discussed this subject often. My mother is a child of the ’60s and an ex-hippie. She danced at Woodstock and marched on Washington. She is no stranger to drugs. Once in a while she mentions having smoked pot with her

friends. I don't think she does it regularly and I doubt she ever buys. I once told her flat-out that I could get her pot. She turned down the offer, saying it didn't help her condition that much. But I know her, and I think she just doesn't want to get me into trouble.

I know also that THC is no miracle drug and that it will not cure her disease. And yet, if it eases her suffering or helps put some meat on her all-too-visible bones, she may be better prepared to heal. Giving my mother an illicit drug could mean the difference between pain and comfort, or even life and death.

It would be nice to know the chances that marijuana would help my mother's condition. But with prohibition of use has come prohibition of research. I wish my mother could pick up the latest study and calmly sift through the results. I wish she could read about a whole host of experimental cancer drugs, knowing that which ones (if any) to take would be a matter for her and her doctor only.

My mother will be coming to visit in a couple months. Like most of the people I know, I could get pot if I wanted to. My risk would be almost negligible. Besides, if out of fear I don't do everything I can for her, what does that make of me?

The risks my mother would face are uncertain. She will be here only a few days, and then will be flying back home. She could probably hide the pot well enough, but who knows? Who knows how much the look on her face would give her away as she passed through security? She is not a professional smuggler. If she gets caught with the pot I give her, would I be able to deal with that? Would she?

It has been a long time since I trusted my government to do the right thing. There are American citizens serving life sentences — *life!* — for possessing too much of the wrong substance. I believe my mother has a divine right to self-medicate. I also cannot imagine any district attorney cruel enough to prosecute, or jury brainwashed enough to convict. But each year over a million people are arrested for their pursuit of pharmacological happiness, and hundreds of thousands of them end up locked up.

Of course, my mother has something else going for her: She is middle-class and white. I have a friend who is black and poor and lives on the wrong side of town. The cops have been much harder on her than I imagine they would be with my mother. As distressing as it is, this inequity allays my fears.

Until more people like my mom are prosecuted for doing what millions of people like my mom do, the backlash against prohibition will remain small. Many in the middle class are disturbed, or even appalled, by what the drug war has wrought. But until the horrors hit home, they will tacitly watch it advance. Ironically, the cause of legalization might benefit from my mother's arrest. I am sure my stomach wouldn't be the only one to turn if she is harassed by the legal system. Americans may not speak up loudly when they come for the poor or the black or the hispanic, but if they come for white cancer patients the cry should be deafening.

Still, there is no guarantee that my mother

would escape the draconian clutches of our drug war. I do not wish to see her become a martyr to the cause of legalization. So I am back to my original problem: what to do when the right thing and the legal thing conflict?

—Guest reflection by Eric Larson

If all men were brothers, would you let one marry your sister? — Some of the saddest sights that television has ever let us witness have come to us courtesy of the Bosnian war. You cannot see a toothless old Serb grandmother stumbling along a muddy road to some wretched internment camp without thinking, "Under slightly different political circumstances, this might be *my* grandmother." But the sounds are even more disturbing than the sights. Whenever a Western reporter approaches either a winner or a loser in this war, a current of filth rushes into the microphone — a stream of the foul, disgusting, truly diabolic hatred that even kindly Serb grandmothers, pretty young Croat ladies, and nice, clean-cut Muslim teenagers feel for their counterparts on the other side of the hill.

I don't believe most of the atrocity stories provided for Western consumption. I don't believe the wildly exaggerated body counts. But I do believe that the people of the former Yugoslavia want to burn each other's churches and throw each other's bedridden uncles out on the street, after they've shot the family dog. Maybe they'll shoot Uncle Sava, too, if they feel like it, and blame it on what the other side did in World War II or the Battle of Kosovo. And these are nice people; they really are. If they lived in America, they'd be fine neighbors. They want peace and harmony and a good living and a stable social order and all the rest of it; but they want something even more. They want to torture and kill the people who live in the next village.

Historical evidence gives little cause for hope that such emotional conflicts will be amicably resolved. There is no material or even ideological justification for Serbs, Croats, and Bosnian Muslims to hate one another. There is no real issue to be settled among them, except the issue arising from the fact that they regard one another as demons from hell. Normally, such issues are settled only with the military defeat of one side and a forcible separation of populations — such as happened, for example, when Greece attacked Turkey after World War I, and lost. There followed a treaty and a "compulsory exchange of populations." The Greek population (1,500,000) left Turkey, and the Turks (800,000) left Greece. Ripples of conflict then gradually died away, except on Cyprus, where the two populations continued living next to each other — until Cyprus was partitioned by force in 1974.

A similar process is happening now, with the expulsion of Bosnian and Croatian Serbs from their ancestral homes by Croat and Bosnian-Muslim forces. We will see if it ends a conflict that nothing else seems capable of ending.

And the moral is — nothing, except James Madison's moral that diversity and self-interest are two-edged swords. Madison said that "the first object of Government" is protec-

Liberty's Editors *Reflect*

DB	David Boaz
RWB	R.W. Bradford
SC	Stephen Cox
RK	Richard Kostelanetz
PL	Pierre Lemieux
ML	Michael Levine
RO'T	Randal O'Toole
TR	Thomas Reardon
TWW	Timothy Virkkala
JW	Jesse Walker

tion of "diversity in the faculties of men"; but he followed that statement by saying that people's diverse interests include a disposition to "vex and oppress each other":

So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions, and excite their most violent conflicts.

But perhaps Jonathan Swift's diagnosis of the problem in human nature is even more to the point. "There is in mankind," he says, "a certain ****. And this I take to be a clear solution of the matter." —SC

Slumming it — Don't think that his own marital, extramarital, financial, and political problems are preventing Housing and Urban Development Secretary Henry Cisneros from solving the nation's ills. Most recently, the *Washington Post* reports, "Cisneros said he envisions [public] housing developments modeled after college campuses, with units wired for computers and *all residents required to attend classes each day* — in prenatal training, educational day care, high school equivalency sessions or seminars for the elderly" (emphasis added).

Passing over the breathtaking audacity of such a program, I ask merely whether an administration headed by Bill Clinton and Henry Cisneros is the best entity to teach young adults how to be responsible citizens and family members. Who's going to run the program — Mel Reynolds? —DB

The current market value of Mao's thoughts — I bought my first Little Red Book as an impulse purchase from a small antique shop in Beijing. I couldn't find anything else for a souvenir of my first trip to China. When I got home and looked through it I decided it was quite a find. My copy was well worn, with certain important sections underlined and occasional notes in the margin. A letter was tucked away inside it, as were two ticket stubs to events of some kind. This was an important book to someone. He or she had carried it for a long time and probably knew a quote or two by heart. It had most likely been carried for protection, though the owner could have been a believer.

Then the world changed. Nixon visited. Mao died. The Gang of Four were vanquished and the owner of my Little Red Book pawned it for some minuscule sum.

An interesting bit of history, I thought, so on my next trip to China I looked for about 20 or 30 books to send to friends and family. This trip was to Shanghai, which has always been more interested in the commercial than the political world. When I went to the local antique market, I found only one seller with five copies of *Quotations from Chairman Mao Tse-Tung*. This sole seller of Mao memorabilia had a few hundred Mao pictures and several thousand Mao lapel buttons, but few books. There didn't seem to be much demand for them. So I caused a bit of a stir on that relatively dull and rainy Friday afternoon when I appeared with my translator and driver and started to negotiate for a bulk purchase. A crowd quickly gathered. "Hey Zhong, Liu, Yong! There is a foreigner over here buying Little Red Books!"

I then had the ironic pleasure of trying to establish the

current market price for the thoughts of one of the most anti-market thinkers of all time. We started at 30 Yuan (\$3.52). I countered by saying that I would pay that, but I can't read Chinese and therefore should get a better deal. These books are, after all, incomprehensible. Long inscrutable exchanges took place between the Mao man and my interpreter. Well, for five books, he could accept 20 Yuan each (\$2.35). Okay. I can afford that. So I went for the ending capitalist negotiation strategy — the nibble. "I will pay you 20 Yuan each for these five books if you throw in one of these Mao buttons."

Apparently this was hilarious. I think I could have gotten more. But the deal was closed. Yuan changed hands and the Mao man was one happy guy. I just wish I knew what the markup on this sale was.

But what should my friends do with these relics? I wrote them the following instructions: "Now that you have a Little Red Book, you too can hold it up in your right hand and shout: 'Down with the landlords and death to the imperialist counter-revolutionary revisionists and the capitalist roaders.' Go on! You will feel less oppressed."

The verdict from my friends was mixed. Some reported



feeling less oppressed while some reported feeling more foolish. I think they just needed a few thousand comrades to share the experience with.

Later I found an English version. The first page with printing says, "WORKERS OF ALL COUNTRIES, UNITE!" Well, my copy is in all caps. I'm not sure if Chinese script even has capitals. After a brief scan, I found the following thought under the section "The Mass Line":

In the work of our Party, all correct leadership is "from the masses, to the masses." This means: Take the ideas of the masses (scattered and unsystematic ideas) and concentrate them (through study turn them into concentrated and systematic ideas), then go to the masses and propagate and explain these ideas until the masses embrace them as their own. Such is the Marxist theory of knowledge.

Now wasn't that worth about \$2.35?

—Guest reflection by Carl McEvoy

Senataz with attitudes — In September, Sen. Jesse Helms appeared on the *Larry King Show*, where he was interviewed by guest host Robert Novak. At one point in the program, a caller from Alabama offered the senator this compliment: "Mr. Helms, I know this might not be politically correct to say these days, but I think you should get a Nobel Peace Prize for everything you've done to keep down the niggers."

"Thank you, I think," replied Helms.

Helms and Novak hurried to point out that using the word "niggers" is wrong (although *literateur* Helms reminded viewers that "Mark Twain used it"). They did not suggest, however, that there is anything immoral about keeping the n-people down, or that this might be a dubious criterion for a Nobel Peace Prize. This implicit racism drew some criticism, as it should. But what none of the critics — at least, none I've heard — have publicly questioned is the caller's sincerity. It has simply been assumed that this was a real racist calling to compliment Helms on his Service to the Cause.

I'm not convinced. This whole affair has the earmarks of a political prank. For one thing, there's that opener: "I know this might not be politically correct to say these days . . ." It's become a truism in certain circles that anyone can say anything, no matter how offensive, and be praised as an independent mind — if he prefaces his remarks by pointing out that his ideas are un-P.C. The caller had to have known that his

statement would be widely repeated. What better way to spread the idea that mere political incorrectness does not a great mind make?

Then there's the matter of opportunity. Suppose *you've* got a chance to speak to Jesse Helms (or Bill Clinton, or Newt Gingrich, or Dick Gephardt — fill in your least-favorite pol here) while millions look on. Do you offer a probing, biting question, knowing that your target is a practiced dodge? Or do you confront him with the unexpected, asking the president what kind of underpants he wears, or thanking the senator for holding off the colored hordes, or — here's an idea, in case any of you out there ever get the opportunity — heaping praise on Bill Clinton for his surprisingly youthful and relatively sober appearance, revealing only at the end of your spiel that you have mistaken him for Boris Yeltsin? (They do look alike. Many's the time I've seen our First Couple on TV and exclaimed, "Goodness! What's Yeltsin doing with Camille Paglia?")

No, I don't have any proof. But I can't help suspecting that somewhere in Alabama, a Helms-hating prankster is having a good laugh — and maybe plotting another jape against the powers that be. "General Reno, I'd just like to say that I'm not one of those militia people who's against what you did at Waco. I think it's *good* we have some people in Washington willing to stand up to social deviants, whatever the consequences. God bless you . . ."

—JW

Witness at the inquest — When the Soviet Empire died, I argued in these pages that the cause of Communism's death was its failure to keep its part of the bargain it had made with its people: In exchange for their giving up their rights, they would eventually get a decent standard of living, ultimately one that would exceed that of the West. After 70 years, it was plain that the gap between Western and Soviet living standards was widening, and moves to ameliorate the totalitarianism of the Soviet system had only brought about demands for its complete destruction.

In sum, I argued that freedom had proved itself more conducive to human prosperity than statism.

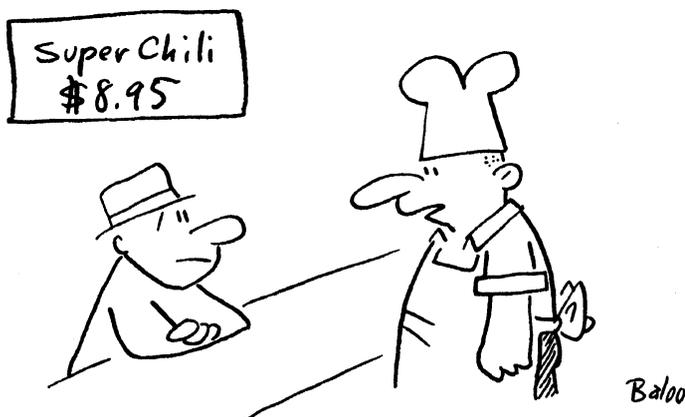
Conservatives, in the pages of their magazines, offered a somewhat different autopsy. Ronald Reagan killed Communism, they said, by increasing American military spending to the point where the Russians were facing bankruptcy trying to keep up with us. It was not the superiority of our social system that had prevailed, but the superiority of our state, under the inspired leadership of a Great Man. If it hadn't been for Reagan, Communism would still be with us.

If we were physical scientists, we'd go back and repeat the episode, changing only a single variable, until we isolated which variable consistently resulted in Soviet collapse. We'd label that variable the "cause" of the death of Communism, and move on to another problem.

But we aren't physical scientists, so the controversy continues.

There is new testimony in the case. Mikhail Gorbachev's memoirs have been published in Germany. They haven't been translated into English, but *The Economist* has published a review, which quotes Gorbachev on this very subject:

The crisis of the communist movement and its collapse were fundamentally unavoidable. For the crisis was produced by



"Because it ruins the pan and we have to buy a new one."

the inner weakness of the communist idea, the realization of which had led to the establishment of a totalitarian society. This model was bound to collapse sooner or later.

Gorbachev's testimony coheres with my autopsy, but ultimately, as Mises pointed out, controversies over historic questions of this sort can be answered only by resort to theory.

I strongly suspect that somewhere in the 1,216 pages of his *Erinnerungen* there is more that is relevant to the subject. I look forward to the English translation. —RWB

Old Rough-and-Unready — All the hype about a potential Colin Powell presidential campaign overlooked two important facts.

First, the last Army general to become president was the best president we have had in the last 60 years. Eisenhower produced more balanced budgets than all of his eight successors combined. He wasn't seduced by the idea of using the powers of the federal government to solve major social problems. And, with his intimate knowledge of the nation's armed forces, he was able to cut defense budgets without sacrificing defense abilities.

Second, of all the possible presidential candidates, Powell was the only one who has his roots in and understands that fourth branch of our government: the bureaucracy. Most legislators assume that the bureaucracy is an impartial institution that will carry out their orders. In fact, as the British TV series *Yes, Minister* told so well, the bureaucracy has its own interests that it places before the laws or mission that Congress prescribes.

At first glance, business leaders such as Ross Perot or Steve Forbes might be expected to understand this, since they deal with their own private-sector bureaucracies. When businesspeople are immersed in government, however, they rarely recover from the shock of discovering that government bureaucracies are fundamentally oriented around the appropriations process, instead of the production and profits that motivate the private sector.

It may be naive to expect Powell to tame the bureaucracy that runs more than a quarter of our economy. But it seems far less likely that a Dole, Gramm, or Bradley could ever do it. Powell, who describes himself as a "fiscal conservative with a social conscience," deserved more careful scrutiny from libertarians than he got. —RO'T

Doctors without borders — In October, the *Washington Post* ran an article about the growing number of Canadian physicians emigrating to the U.S. in search of a less socialized health care system. Not — as some might assume



— primarily for higher salaries, "but because cutbacks in Canada's nationalized health system are denying them the resources, funding or freedom to do their jobs as they desire." And not only are their numbers increasing, but "among them, according to several experts, are some of the best."

The absurdity is obvious. All these doctors really want is to be doctors. They want to exercise their individual judgments, to have access to all necessary resources. In other words, they want to give their patients the best care possible. But the state won't let them.

So I ask: When will Canada question the benevolence of a system that only offers its physicians a choice of either enslavement to bureaucratic dictates or emigration? How healthy is a nation whose doctors are left no alternative but to pervert their professional standards? When will Canadians recognize the true price of "free" health care?

Wisely noting the present condition of health care in the U.S., the final paragraph of the article offered this caveat: "The ones who did make the move know that the American system is in flux as well, that referrals to specialists are rarer now, and that pressure to reduce costs is growing." The warning is well-taken. Now if only we could get the politicians to leave... —TR

A brief time of history — I was in a restaurant the other day when the after-theater crowd came in. Two guys sat next to me — about 35 years old, middle-middle class, civilized, clean. When they had finished their dinner and had run out of things to say about the marital complications of some couples they knew, one of them turned to me and asked what book I was reading. Repressing my natural desire to tell him that when I have a book, I prefer to regard the people in my vicinity as scenery, not as collocutors, I told him courteously that the book in question was Schlesinger's history of Roosevelt's political career.

"Oh, Teddy Roosevelt," he said.

"No," I replied. "The other one."

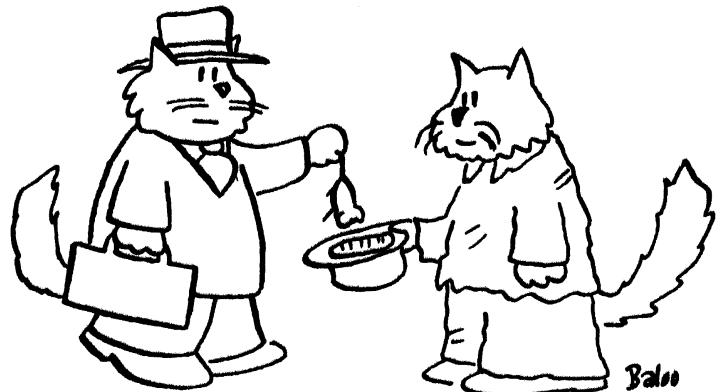
"The other one?"

"The other President Roosevelt."

"What do you mean?" he said. He had a sort of strange look on his face.

"You're joking," I offered.

But he wasn't. The strange look resulted from a mild but total confusion. He had never heard of any Roosevelt other than Teddy, and it seemed likely that Teddy had lodged in



Roe v. Herself

— or —

The Apostasy, Redemption, and Self-Actualization of Norma McCorvey

by Matthew Benjamin Asher

With a pudgy and outstretched hand, Norma McCorvey, alias Jane Roe, did lead her people out of the dark era of back-alley abortions. Now, on the occasion of her self-imposed excommunication from the Church of NOW, let us take a moment to trace her journey.

It was in 1969 that McCorvey did consent to lead the abortion fight. She had to obey the law to fight the law, and so she had to sacrifice her unborn daughter to life so that others might die. It was a price she accepted.

After victory, she kept her silence for years, content to mismanage her own life — drugs, stealing, alcohol — in anonymity. But religion holds out the promise of redemption to all of us, and so, in an effort to make something of her life, McCorvey claimed her namesake as the woman who fought the law and won. "I am Jane Roe," she declared.

Yea, and the feminists rushed to lift up her arm and praise her knockout blow to oppression. You have led us out of the dark ages and into the light, they proclaimed.

Yet within herself, McCorvey had moments of doubt and pain. Her mother's voice, damning her for "murdering little babies," rang in her ears. She awoke at midnight with the oppressive weight of Satan bearing her down.

Only after her very public baptism could she quench her personal Hellfires. Once the poster child for pro-choice, she became the darling of the Club of 700.

But still she was not happy. It seems the Bible-thumping God-of-her-choosing hates homosexuals, and McCorvey has kept a longtime companion for 26 years. That preference too shall pass, prophesied her new-found friends.

No way, says McCorvey: "I might walk away from Jesus before I'd walk away from Connie." She adds, "Lord Jesus Christ this, and Lord Jesus Christ that. After a while I just get a little tired of hearing about it."

Already souring on the grapes of evangelical wrath, McCorvey has turned to the only Being she can truly have faith in.

"This is not pro-choice," she says. "It is not pro-life. It is pro-Norma."

Amen.

his brain, more or less at random, while he was watching some television program about bears.

"Franklin Roosevelt," I said.

"Oh," he replied. "Whatever."

So this, I thought, is what the nation's great system of public education comes to. Here is the average twentieth-century American citizen, and he is unable to recognize the name of the twentieth-century American who was probably more responsible than any other for the world we live in. What an outrage!

And then I thought: "Outrage, hell! This is wonderful! It's over! The New Deal is finally over!" A long time ago, there was a libertarian bumper-sticker that read, "Sing and Dance the New Deal Away." That bumper-sticker flashed into my mind. At the moment, I couldn't see any singing and dancing going on, but at least the New Deal had disappeared. "Not with a bang but a whimper."

But then it occurred to me: Maybe that expression can be applied just as easily to triumphs as it can to defeats. Maybe what I had just heard from my one-man cross-section of modern America was the final, whimpering proof of Roosevelt's success. Roosevelt and his friends proposed to create the Era of the Common Man, and they had created it, all right: an era in which people had become so intellectually common that they didn't have a clue about what might have made them that way.

Before I knew it, the guy and his friend got up and made for the door. "No, no!" I felt like screaming. "Let me tell you all about the New Deal!" —SC

Yitzak Rabin, R.I.P. — Another Big Man has passed on. Upon hearing that Yitzak Rabin had been offed, I felt my usual two-second pang of sadness that accompanies the news that any person has died. However, the throngs of people I saw on the news bawling over someone they never met hardened me, driving me to cynicism. Therefore, my only response to the death of the man who was allegedly bringing peace to the Middle East is to quote Berkeley Breathed's *Opus the Penguin*: "A statesman is a dead politician. Lord knows we need more statesmen." —ML

A man of peace — Yitzak Rabin, dead. A great man, fallen. He loved his country, and he served the cause of peace. Or so they all say.

It's considered bad taste to criticize a man right after he dies, so all the discussions of Rabin's legacy thus far have tended to sound the same. Ambrose Bierce defined an encomiast as "a special, but not particular, kind of liar." For now, the liars will have their day — even Nixon, you will recall, was praised after his death, perhaps to stave off the possibility that he might return. Then the historians will weigh in, and we might finally acquire a balanced account of Rabin's contribution to the cause of peace. Until then, I'll have to man the anti-Rabin turf alone.

Well, not entirely alone. Quite a few Palestinians might join me.

Like Hitler in the Mel Brooks movie — "All I want is peace: a little piece of Poland, a little piece of France . . ." — Rabin's concept of *peace* boiled down to *Don't you cause any trouble for me*. Yasser Arafat's allegedly autonomous fiefdoms

are little more than autocratic bantustans, policed by the PLO for its new Israeli masters. What is the reality of Palestinian "autonomy"? Consider this item, from an article in *The Nation* by Edward Said, one of the few brave voices speaking out against the new order: "All commercial traffic between Gaza and the West Bank is in Israeli hands. Thus, a truck carrying tomatoes from Gaza to the West Bank town of Nablus must stop at the border, unload onto an Israeli truck, then reload the produce onto a Palestinian truck entering Nablus. This takes three days, with the fruit rotting in the meantime and the costs going so high as to make such transactions prohibitive. (In the West Bank it is cheaper to import tomatoes from Spain than from Gaza.)"

Within the not-so-autonomous zones, Arafat rules with an iron fist. Due process is a dead letter. Dissident newspapers are shut down. There's no pretense of democracy or of constitutional limits, no effort to generate a working economic order. This is Arafat's side of the bargain: Keep your subjects in line, and you can have all the power you desire — over them.

So why pick on Rabin, then, if Arafat is the villain here,

selling out his people for a phony peace? Rabin, at least, is a patriot; Rabin, at least, has honor. But does he? We might have been able to chalk up the peace process as a net gain had Rabin kept his promise to stop the explosion of new "settlements" (i.e. land-grabs) on Palestinian soil. But the settlements have increased since the first Oslo agreement, and so has the amount of money Israelis have invested in them.

Supposedly, Oslo II will put a stop to that. I'll believe it when I see it. At any rate, you won't be able to attribute any future shifts in policy to the late prime minister.

When the hagiographers look back on Rabin's career, they see noble rhetoric and a Nobel statuette. They don't see dead men and women, dead children; they don't see police beatings and shootings on the street; they don't see kids locked up for flying the Palestinian flag. They don't see land and water stolen, newspapers and universities shut down. And if a Dylan song happens to enter their mind, it'll be "Neighborhood Bully," the songwriter's defense of embattled Israel. It won't be another song on that album — the one that goes, "Sometimes Satan comes as a man of peace." —JW

Medianotes

The Devil's plaything — Last year's big news in the magazine world was the simultaneous debut of John Kennedy, Jr.'s *George* and the Kristol, Jr./Podhoretz, Jr./Barnes triumvirate's *Weekly Standard*. Neither was worth the hype. I expect the first rag to last until John-John gets bored, and the second until Rupert Murdoch tires of financing it. But don't expect me to keep reading them until then.

There are good magazines in the world, journals filled with interesting writing and original perspectives. You just have to look a little farther than the local Waldenbooks to find them. One such publication is *The Idler*, a London-based bimonthly subtitled "Literature for Loafers." Politically, *The Idler* owes its soul to Paul Lafargue, William Morris, Bob Black, and their anti-employment brethren. In practice, though, it takes its topic too seriously to waste its time with mere theory. Typical is Stewart Home's essay on the Art Strike, published in the July-August 1995 edition. Home mentions the official justification for his silly Strike — "To call one person an 'artist' is to deny another the equal gift of vision; thus the myth of 'genius' becomes an ideological justification for inequality, repression and famine," etc., etc. But then he confesses, "my real motivation for striking was far simpler: I happen to prefer staying in and watching kung fu videos to putting on art shows."

Most of the articles are practical paeans to the pleasures of layabouting, including a tribute to Joë Bousquet ("a French poet who spent nearly his entire life in bed"), tips for weed-gardeners ("the ultimate in low-maintenance gardens"), and a Drugs News column ("If you are stealing speed derivatives

from a chemist, make sure you wear a smart suit: if you are caught you will at least look well on your arrest photos"). Perusing the back issue ad, I discover that past editions of the magazine have covered such topics as "idle sex," "life is shit," "think tanks on welfare," and "is Homer Simpson a hero of our time?"

All things in moderation, golden mean, blah blah blah — yes, I know: Like any virtue, idleness can be taken too far. So what? I don't read *The Idler* for lifestyle tips. I read it because it is witty and original, putting it on a level far above the perfume-paged political groupie-ism of *George* and the neoconservative bromides of *The Weekly Standard*. *The Idler* is worth seeking out — though if you're too lazy to make the effort, I'm sure the editors will understand. —JW

Spank me, Ms. Cheney! — The opening issue of the much-touted *Weekly Standard* closes with Lynne V. Cheney's attack on Larry Clark's new film *Kids* as objectionable pornography, incidentally mentioning that Clark as a photographer of modest gifts and peculiar tastes once received a modest grant (\$5,000) from the National Endowment for the Arts. Ms. Cheney failed to mention that she herself was formerly the head of the companion Humanities Endowment (as well as the wife of the Republican former secretary of defense).

Inflating as it deprecates, her purported attack strikes me as a devious attempt to make Clark more famous than he would otherwise be, much as self-styled conservatives, don't forget, helped make another modest photographer with pecu-

liar obsessions, Robert Mapplethorpe, more prominent than he would otherwise have been. Generations ago, publishers would try to have their more salacious new books banned in Boston, until the censors there realized that they had become unwitting accomplices in someone else's publicity ploy. Don't be surprised if Cheney and her kind begin to serve a similar purpose for making certain artists notorious and thus famous. As a writer who has dabbled in erotica, I would gladly give her a princely sum to object publicly to me.

Precisely because someone with Ms. Cheney's experience should by now be more aware of the final effect of such publicity, her article raises questions once again about not only her cultural intelligence but her ultimate political allegiances. Remember that this is the same Lynne Cheney who, having mismanaged the NEH for several years, now calls for its demise. There as well as here, someone is being either stupid or subversive. Since Ms. Cheney has advanced academic degrees, one conclusion is inescapable, making me for one wonder not only about her hidden agenda but her hubby's. Mark my words: Should Clark become famous, if not a P.C. culture hero, don't be surprised to find Cheney blaming his success on P.C. publicists — and, of course, the knocked-down NEA — rather than herself.

Think twice, and you'll realize it is clear that the principal beneficiaries of Ms. Cheney's double-agentry are first Clark and then Ms. Cheney herself — if not in the head alone, perhaps eventually in the pocket; the principal losers are first better artists and then the American public. What distinguishes America now is that such subversion is sponsored by those who should know better, beginning with William Kristol, son of Irving. Understand why this is so and you begin to understand the reasons for America's decline in the past two decades.

—RK

Broadcast noose — Since the autumn of 1986, the FCC's definition of "indecent" has expanded. Limited since the 1978 *FCC v. Pacifica Foundation* case to a ban on airing any of the "seven dirty words" before 10 p.m., it soon shifted to a vaguer standard: "language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary standards for the broadcast medium, sexual

or excretory activities or organs." To judge from some of the Commission's targets, this can include any non-clinical reference to masturbation, breast size, erections, or even tabloid sex scandals. Some broadcasters can afford the commission's fines; Howard Stern nets Infinity Broadcasting enough profits for the latter to survive the FCC harassment Stern also brings. Other broadcasters can't. In January 1993, WSUC-FM, a

The FCC only levies indecency fines after receiving a listener complaint — and the number of complaints has dropped recently, for reasons unknown.

Cortland, New York, college station, was fined \$23,750 for airing a rapper's "vulgar language" during the afternoon. The cost of meeting the fine nearly drove the station off the air.

After Congress' 24-hour indecency ban was challenged in court, the government instead established a "safe harbor" period in which children were allegedly less likely to have their radios on. During this time, questionable material could be played. The problem, says attorney John Crigler of Haley, Bader & Potts, a communications law firm that often represents stations before the FCC, is that "the safe harbor keeps changing." Until recently, indecency was protected between 8 p.m. and 6 a.m. On August 18, the FCC narrowed the harbor to 10 p.m. to 6 a.m. How long that will last is anyone's guess.

This latest shift was the indirect result of a recent challenge to the indecency policy. The case was initially heard by a three-judge panel of the D.C. Circuit, which found in the challengers' favor, but was subsequently reversed by the entire twelve-judge Court of Appeals. On September 28, the challengers filed a petition with the Supreme Court. And that's where the matter stands now, with the petitioners waiting to hear whether the Court will review the case.

If successful, the broadcasters and writers who are challenging the policy will elicit a wider and less vague standard of protected speech. In the meantime, though, the trend seems to be against free expression over the airwaves.

There is a silver lining. Both the number of indecency forfeitures and the amount of the fines have declined over the past few years — though not, as some might expect, because the Clinton administration is more tolerant of controversial programming. (This is, after all, the regime of Janet Reno and Tipper Gore.) One reason is that the FCC only levies indecency fines after receiving a listener complaint — and the number of complaints has dropped recently, for reasons unknown. Also, in 1994, the FCC's fine structure was ruled invalid by a Federal Appeals Court in the District of Columbia, making the agency more nervous about having to justify its forfeitures and more likely to judge cases on an individual basis. Its most recent fine against Infinity Broadcasting totaled only \$4,000, a significant drop from the \$600,000 it demanded from them two years before.

So the assault on indecency has been slowed. But less well-endowed stations still have to watch what they say, always aware that they aren't the only ones whose ears are perked.

—JW



"The jury wants to hear again what messages they have the option of sending."

In Dubious Battle

by R.W. Bradford

Politics-as-usual shifts downgear as politicians get down and dirty.

The federal government had a \$24.8 billion interest payment due on Wednesday, November 15. This was different from a house payment that a typical family might owe, and not just because it was such a gigantic amount of money. When you or I owe money, we almost always pay it out of current income or savings.

But the government has a different way of doing things: It just borrows more. Every time this happens — and it happens every week — the national debt gets a little higher.

But the \$24.8 billion due November 15 was different. You see, the U.S. Treasury can only borrow money if it's authorized by Congress. And stingy old Congress had limited Treasury to a measly \$4.9 trillion. And Treasury had already borrowed all that.

This happens all the time. The national debt has grown every year for a quarter of a century, and has been growing lately at the rate of about \$4 billion a week. So every so often, the administration reluctantly asks Congress to raise the debt authorization "one more time," and Congress does so, on a "temporary" basis.

But things were different this time. The Democratic president and the Republican Congress were locked in a dispute, ostensibly about the whole problem of the budget deficit and the national debt. The president was threatening to veto the new budget (which didn't increase Social Security as much as he wanted it to). No, the budget Congress was enacting did not balance the budget. But it did keep

spending increases down to a point where, by Congress' calculation, the budget could be balanced by the second year of the next millennium.

Furthermore, Congress had long ago enacted measures that, in the unlikely event that some future Congress might fail to approve an increase in the debt limit, legally authorized the secretary of the Treasury to take the sort of action to avoid default that a private person facing bankruptcy might take, and might be put in jail for taking. This Congress didn't much care for this sort of legal fraud. So when it authorized another increase in the debt limit, part of the measure removed this wiggle room.

As November 15 approached, Secretary Robert Rubin issued dire warnings about the impending default, not mentioning the anti-default measures at his disposal. Inevitably, these warnings touched off a worry in the currency markets, and the value of the dollar dropped. Why Rubin did this seemed difficult to fathom: Certainly it didn't benefit the United States to have its currency fall into disrepute and its credit rating sink.

If Rubin were to default, the

United States would be technically bankrupt and subject to the usual indignities of bankruptcy. This sort of thing occasionally happens to governments, but usually in places like Mexico or Italy. When it happens, the currency of the country goes down the toilet, as investors don't have much interest in lending money to a government that does not repay its debts.

On the morning of Monday, November 13, it was plain that this deadlock would have one of three resolutions:

(1) Congress would cave in and increase the debt limit without taking away Treasury's ability to fudge the books, and the government would go on borrowing an additional \$4 billion each week with Congress unable to stop it.

(2) The president would give in and sign the debt limit increase as passed by Congress, which would become a *real* limit.

(3) Neither side would give in, and the U.S. would either default (as Rubin had indicated, causing chaos in financial markets) or Rubin would use the power an earlier Congress had given him to paper over the problem.

At 8:30 a.m., the president ended

the suspense. He vetoed the debt authorization and the secretary of the Treasury announced that he would use his legal authority to evade the law. The Treasury manages the retirement funds of federal employees, which are held in the form of government bonds. Naturally, these bonds are an obligation of the United States, and part of the national debt. Rubin tendered the bonds to the Treasury for redemption,

If a private business were to raid its employees' pension funds to pay its obligations, its officers would go to jail. But the U.S. government is not to be judged by normal standards of decency or honesty.

thereby lowering the national debt and allowing Treasury to issue more bonds to investors without exceeding the debt limit. The pension funds lent their cash to the Treasury without interest, but this loan is not counted as debt, so it doesn't count as part of the national debt. However, an earlier Congress' legislation promised that the cash will be repaid with interest eventually, so the pension funds will not lose anything. In other words, these actions enable the secretary of the Treasury to borrow money from the government workers' pensions and not include that loan as part of the overall debt.

If a private business were to raid its employees' pension funds to pay its obligations, giving the employees a promise to repay at some vague time in the future, its officers would go to jail. But this, remember, is the U.S. government, a unique institution that is not to be judged by normal standards of decency or honesty.

Upon Rubin's announcement, the dollar rallied, the price of gold dropped \$4.00 and peace returned to financial markets. But it's a funny kind of peace. Speculators are a little upset, a little worried. The market isn't racked with the pain of an ulcer, but it is a bit queasy.

No one really seemed to know just how much wiggle room Treasury had. How many billions of dollars could be shifted about to paper over the prob-

lem of the relentless need for \$4 billion or so per week to cover the deficit?

It turns out Treasury's wiggle room is more like a wiggle stadium. On Wednesday, less than three days after Secretary Rubin had been speaking gravely about default, he announced that the Treasury's crack team of attorneys, working around the clock while Rubin was publicly worrying, had discovered sufficient legal authorization for another year's borrowing that wouldn't count as real debt. So no matter how much Congress wants to stop the dollar hemorrhage, it can't do so for at least until the 1996 elections are over. Which, it turns out, is a critical point.

The Role of Politics

During the congressional battle over the the creation of Medicare in 1964, the Democrats bought television ads showing a man putting three quarters into a pay phone while the announcer intoned that the cost of Medicare would be only 75¢ per week. The implication was that it would be downright immoral to oppose a measure that would solve the health problems of the elderly at such a low cost. And so Medicare was enacted, at a cost of \$6.00 per recipient per month, half paid by the recipient, half paid by the taxpayer.

By 1995, the effects of inflation and subsidy had driven up the monthly cost from \$6.00 to \$146.35. Congress had responded to the rising cost by decreasing the portion paid by the recipient from 50% to 31.5%, so now the elderly pay premiums of \$46.10 per month (deducted from their Social Security check), while the taxpayer chips in \$100.25.

Even this seemed too high to the elderly, who successfully lobbied an earlier Congress to give them an even larger subsidy. And so, as the law now stands, as of 1996 the elderly will pay only 25% of the cost of their visits to doctors' offices, with taxpayers picking up 75%. With another year of price inflation fueled by subsidy, the total cost of the coverage increased by 16.1%, but the cost to the recipient would decrease to \$42.50, with the taxpayer now picking up \$127.41.

This increased subsidy seemed like a poor idea even to Bill Clinton, who proposed in 1993 that it be repealed to help bring spending under control. So when the Republicans tried their hand

at cutting government spending this year, they naturally included this measure. Under the budget passed by Congress, the premium deducted from the elderly's Social Security check in 1996 would have risen to \$53.50, an increase of \$7.40. Happily, the average Social Security payment will rise by \$18.00 per month, so the net amount received would still increase. Since the president had supported this measure in the past, it seemed non-controversial.

But the Republicans had underestimated Bill Clinton's lust for power and his willingness to adjust his beliefs to gain voter support.

The president wants to score some points with old people and increase his chances of re-election. On the theory that old people vote their pocketbooks, Clinton figures that if he can convince them the Republicans will mean less loot, they'll quickly become Democrats. And Bill Clinton can no more pass up an opportunity to win votes than he could pass up an opportunity to "get to know" Jennifer Flowers.

So the president took to the airwaves, denouncing the very proposal he had made in 1993. He vetoed the budget. "I want to balance the budget," he said. "But I don't want to destroy Medicare." The Republican plan to do away with the increased Medicare subsidy is an attempt "to impose huge hikes in Medicare premiums. . . . I am fighting it today. I will fight it tomorrow.

"The longer this goes on," Democratic pollster Geoff Garin said, "the more it gives advantage" to Clinton.

row. I will fight it next week and next month," he roared to the television cameras. "I will fight until we get a budget that is fair to all Americans."

On his television show, Rush Limbaugh aired a videotape of the 1993 version of Bill Clinton proposing the measure he now indignantly denounced. *The Wall Street Journal* ran a news article, pointing out that the difference between the Republican proposal and the president's was only \$11.00 per month for Social Security recipients, not the draconian difference sug-

gested by the president's claims. But Limbaugh is widely perceived as a GOP apologist, and both he and the *WSJ* were preaching to the choir.

And the president bought television spots, showing a middle-aged couple at their kitchen table. What can we do about Grandma, now that Medicare is slashed? "She's . . . she's my mother," says the woman. Tears well up in the eyes of the actors, and in living rooms across the nation. Needless to say, the ad didn't mention the cost of Grandma's Medicare coverage would rise only \$7.40 per month under the GOP proposal, or that the couple already pays, via payroll deduction, about \$180 per month to support Medicare, and that this figure will inevitably rise if the president prevails.

Suddenly, Bill Clinton was rising in the polls, which also showed that most voters blamed the budget crisis on the Republicans. Clinton had at last found an issue that was working for him.

The Republicans read the same polls, and caved in to the president on Medicare on Wednesday, only one day after the crisis had come to a head. Now, they figured, the president would agree to balance the budget in seven years, a plan using the non-partisan Congressional Budget Office's economic projections, and sign their budget, which would allow "non-essential" government offices to reopen.

But Clinton was not about to accept their surrender, not while his popularity was rising. "You are in a situation where the White House is clearly emboldened," said former Democratic senator Paul Tsongas. "They [sic] see this as their ticket to 1996."

"The longer this goes on," Democratic pollster Geoff Garin said, "the more it gives advantage" to Clinton. "The public gets to understand that what this [crisis] means in reality is higher Medicare premiums and less Medicaid, less funding for nursing homes, less funding for student aid."

So Clinton said the Republicans would have to give up more. Any plan to balance the budget must be based on the perpetually rosy (and uniformly inaccurate) projections of his Office of Management and Budget. And it would have to ensure no cuts in entitlement programs.

By this time, you will recall,

Secretary of the Treasury Rubin had found a way to keep the government running, more or less, for another year without the permission of Congress. Clinton figured he could ignore Congress until the election, gaining in popularity all the time. He just might be a two-term president.

Delightfully unencumbered by any beliefs or principles, Clinton held the upper hand. On Sunday, November 19, the Republicans caved in. In exchange for Clinton's "commitment" to balance the budget within seven years, using a plan that "basically" follows CBO projections, they agreed to keep entitlement funding at "adequate" levels and to authorize an increase in the debt ceiling that will suffice until December 13. And federal workers, unlike workers laid off in private industry, would be paid at their regular wages for the six days they were furloughed. The agreement, CNN reported, gave the president "room to maneuver."

And so this battle in the Budget War went to the Democrats, though Gingrich and Dole tried to portray it as a Republican victory. Clinton had turned the Republican attack back on them, forcing a retreat. He had committed to nothing, while getting the Republicans to back down on key issues and gaining in the polls.

But there will be more battles, perhaps as soon as December 13. The Budget War is not over yet.

The Prospects for a Balanced Budget

For the first time in the memory of any person born since World War II, Congress seems to be trying to get government spending under control. This goes contrary to the whole conventional political process, which elevates every problem to the status of an emergency to be used to justify more spending, while at the same time calling for a balanced budget. The old system sat very well with voters, who like spending and like balanced budgets but aren't very crazy about tax increases.

Of course, it is impossible to raise spending, cut taxes, and erase a budget deficit all at the same time. The way around this thorny problem is to solve the last problem in the future, by making economic projections that show things getting better (so tax revenue will rise sharply) and problems going

away (so spending can shrink, or at least not grow very much). Lo and behold, when the future comes, the deficit is even larger.

Of course, even those with the most negligible understanding of economics can see the silliness of this. When the government subsidizes an activity (say, provision of medical care to the indigent or elderly), demand for the activity is increased and the cost rises rather than declines. And, of course, government officials never cease to discover new crises that require additional spending and bigger staffs and more power. This presents no real problem: The politicians simply increase the deficit, and enact a plan to reduce and eliminate it during the next five years. The White House has a special bureau, its Office of Management and Budget, whose sole function is to cook up projections that justify the new plans to balance the budget during the period three to seven years later.

So the deficit has continued to grow and the national debt has exploded in the past 40 years, while every president and every Congress has promised to reduce or eliminate the deficits. Every year for the past quarter-century, the government has spent more money than it has taken in. The federal debt has tripled in the past ten years. And it tripled in the ten years before that. Today, the federal government is about \$4.9 trillion in debt.

The budget process has become a ritual. Congress enacts and the president signs a budget with a huge deficit, at the same time revealing a multi-year plan to balance the budget. Within a few years, the plan is obsolete, as revenues have proved lower than expected and expenses higher. The need for a balanced budget is agreed upon, and a new budget is drawn up. Once again, the current year has a huge deficit. But once again, spending and revenue for future years are projected to converge into equality.

Ostensibly to break this cycle of ever-increasing deficits, the Gramm-Rudman Act was signed into law in 1985. It outlawed the deficit. But Congress found ways around the law, and the deficits continued to grow.

Things looked different after 1994. Virtually every Republican candidate

for Congress signed a "Contract with America," making an explicit promise to balance the budget. Swept into control after being out of power in the House for 40 years, the new Republicans quickly proposed and passed a balanced budget amendment.

This was the first battle of the Budget War, and the Republicans almost won it. But they failed to get enough Democratic votes for the necessary two-thirds majority in the Senate. This was not necessarily a bad thing: There were problems with the amendment's wording that could have made it just another toothless weapon. At any rate, the battle was a draw: The Democrats had fended off the Republican knockout punch, but the Republicans had mustered large majorities in both houses and scored a clear victory with the voters.

Now the Democrats have won a clear victory in the second battle of the Budget War. The Republicans claim to have learned from this defeat, and remain determined, they say, to continue the fight.

Before you conclude that the Republicans will stand up to the president and win the war, take a look at the graph on this page. It shows the budget deficit for every year between 1936 and 1992.

Most people think the Democrats are the party of deficit spending, while the Republicans are the party of balanced budgets. But that is not the case.

Indeed, to judge from this graph, the major cause of deficits is Republican presidents (who are marked with shaded areas). Eisenhower was pretty good, but Nixon, Reagan, and Bush were terrible.

But it is not fair to blame this entirely on them. These Republican presidents had Democratic Congresses, after all. And it is Congress that enacts the budget, not the president.

Nor are wars the major cause of the huge debt. There were big deficits during World War II. But the Korean War resulted in no deficits at all, and the Vietnam War deficits were pretty small.

The real cause of the huge deficit is the enormous increase in entitlement spending that began under Johnson, was expanded by subsequent presidents, and has now become a part of American life. Of the \$885 billion in entitlement spending in 1995, only \$140 billion went to the poor. The rest went to programs for the middle class, in the form of Medicare, student loans, farm subsidies, Social Security, veterans' benefits, and a hundred other programs.

The middle-class voter is happy to cut programs that benefit the poor or the rich. But I doubt very many middle-class voters want to cut programs that benefit themselves. They don't mind balancing the budget on someone else's back. But when push comes to shove, they'd rather live with perpetual deficits than give up their government subsidies.

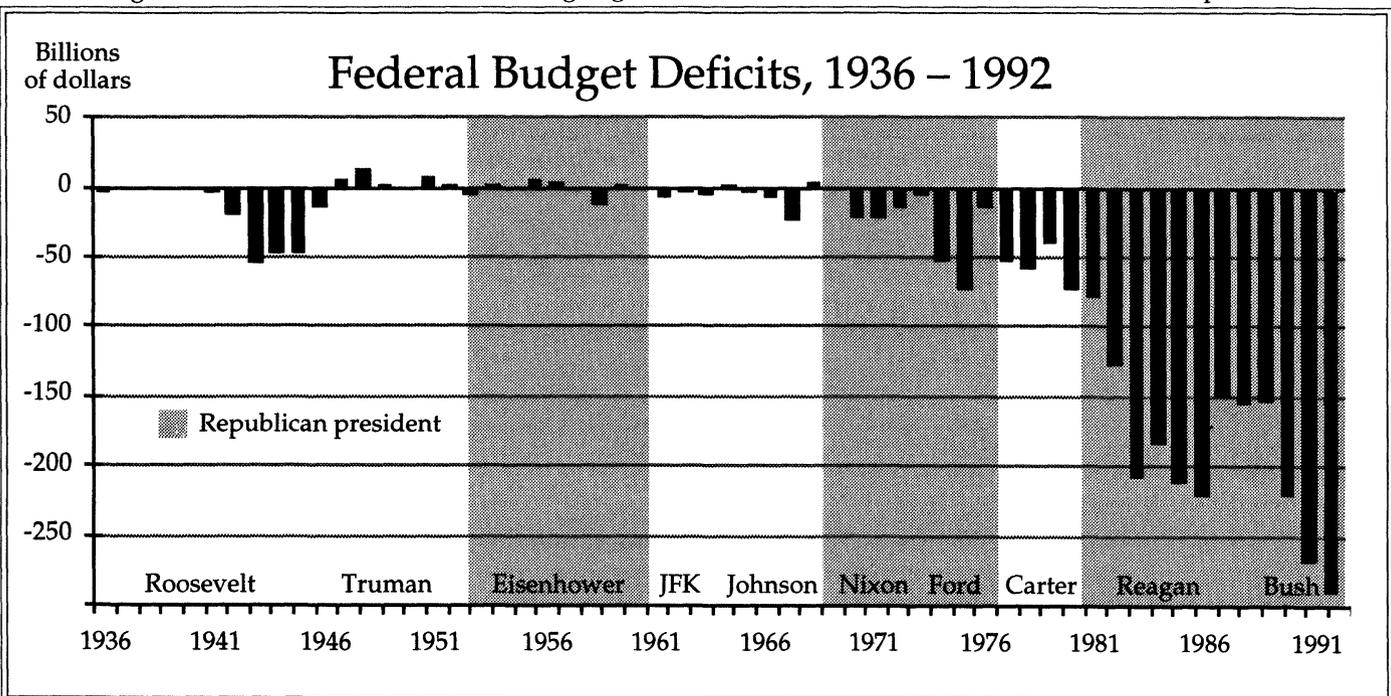
It's going to take more than roll-

backs of increased Medicare subsidies to balance the budget. If you think voters are upset now, wait until someone proposes substantial *cuts* in their hand-outs. If the Republican resolution to roll back a minor Medicare premium cut evaporates after a week's worth of television spots and a few phony righteous harrumphs from the president, what are the chances they will find the resolve to enact actual cuts in middle-class entitlements?

Very slim, I am afraid. Maybe I'm wrong about this. I *hope* that I am. But I suspect middle-class voters will react as they have in the past, and Republican congresspeople will react as Republican presidents have reacted in the past. I wouldn't make any bets that the budget will be balanced in the foreseeable future.

Meanwhile, I shall celebrate the recent government "shutdown." My local congressman went on television to enumerate the hardships it was causing — the Smithsonian was closed, the Washington Monument was shut down, the IRS wasn't answering its help lines — and concluded absurdly, "Now we can see just how much we need government."

Yeah, right. A couple tourist attractions closed, no "help" from the IRS . . . how can we go on? If nothing else, the budget crisis should help Americans understand just how unimportant the federal government is to their real lives. Now there's an accomplishment! □



Making O.J. Pay

by Randy E. Barnett

There will be no rest until there's restitution.

The O.J. Simpson case has posed a difficulty for those of us who believe the mission of the criminal justice system should not be to inflict pain and suffering on those with *mens rea* ("guilty minds"), but primarily to compel criminals to make restitution and secondarily to incapacitate those who have proven by their conduct to be dangerous to others. Restitution — making criminals work to pay off their debts, not to society, but to their victims — would reconnect the victim to the justice system, by reminding criminals that they violated the rights of others. While such a system poses some practical problems, they are not insurmountable. Indeed, monetary restitution even for murder (coupled with outlawry for repeat offenders) was actually the norm in medieval times, before the rise of the modern church and state. And any practical problems must always be compared with those of the current system of punishment.

Under the prevailing punishment paradigm, a rape victim, for example, is considered — obscenely, in my view — merely a witness to a crime committed against society, the people, the state, etc. No effort is made to compel her attacker to compensate her for her suffering. In most jurisdictions, she would be committing the crime of compounding a felony if she were to accept compensation from her attacker in lieu of punishment. If convicted, her attacker would be incarcerated in an institution that would either grossly over- or underpunish him. If he were a first-time offender



with a background similar to those reading this article, he would be condemned to a chamber of horrors that is difficult for us even to conceive. (This is one reason why judges are so lenient with first-time offenders.) If he were a hardened criminal or a street-gang member, however, he would fit

right into the gang structure that runs most penitentiaries in this country. He would get to lift weights and watch Ricki Lake on TV.

When persons of modest means commit murder, making full restitution might take them most of the rest of their lives. But opponents of a restitution-based system often ask how it would respond to a hypothetical rich murderer who can simply write a check to the family of the victim. Until Simpson, it was easy for restitution advocates to dismiss such objections as highly improbable. Prominent wealthy people usually refrain from committing murder, not out of fear of the penitentiary, but because they are socialized to handle their frustrations and disputes in other ways, or because they are deterred by the prospect of losing everything they care most about: their wealth and prominence. The proper function of the criminal justice system is to deal with real criminals and real victims, not with unrealistic scenarios.

For restitution advocates, then, Simpson represented our worst hypothetical nightmare come to life. For here was an accused murderer who really could write a check to the

victims' families and presumably walk away free and clear. And who among us would feel comfortable arguing that this would be "severe enough" sanction to constitute justice? If ever there were a real case that seemed to call for

punishment, O.J. Simpson's was that case.

With Simpson's acquittal, however, the situation has been reversed. Now the weaknesses of a criminal justice system based on punishment have come to the fore. With punishment, the cost of error is so severe that, to avoid punishing the innocent, we demand proof beyond a reasonable doubt. With punishment, we refuse to compel defendants to testify. With punishment, wealthy defendants are willing to pay a fortune for defense lawyers who might help them avoid or delay getting punished. With punishment, we must rely on sometimes less-than-competent government agencies to prosecute the case, whose weaknesses are magnified when confronting the best criminal lawyers money can buy. When all these hurdles result in a verdict of "not guilty," defendants can claim to have been proven innocent. And, though this was not an issue in the Simpson case, when punishment is being sought, we need to find that a defendant was "culpable" — permitting some, such as John Hinkley and Mark David Chapman, to escape justice by pleading insanity.

Many people favor punishment because of the "message" it supposedly sends to criminals and to society. But what if the opposite message is sent? Simpson can be viewed as having "gotten away with murder," and our system of punishment made it more likely that he would. While it is true that a wealthy person could make restitution, by the same token a wealthy person can (and here did) use his wealth to avoid being punished. Simpson can claim a vindication he would have been denied if compelled to make restitution. The victims' families received nothing but additional frustration and humiliation.

So now that the system of punishment has failed to punish a wealthy defendant accused of murder, what is left? The victims are going to pursue justice by means of civil suits seeking monetary compensation. Another name for this is restitution. In the words of a car commercial, "This changes everything!"

Now the burden of proof is easier to meet — a "preponderance of the evidence" (that is, "more likely than

not"). Now Simpson loses his right to remain silent and must answer the questions we all want answered. Now the victims' lawyers have far more discretion to exclude prospective jurors than is permitted government prosecutors. Now probative evidence ruled inadmissible in the criminal trial can be admitted. As for Simpson's wealth, contingency fees mean that *his* money will be used to pay the plaintiffs' lawyers if he loses. The more he has, therefore, the more that can be spent against him. Merely the threat of losing these civil suits has already prevented Simpson from rehabilitating himself on national television.

But assuming that Simpson is made to pay the Goldman and Brown families, has justice been done? Is this "enough"? The answer is both yes and no. On the one hand, justice to the victims' families, imperfect though it may be, would have been done. Neither restitution nor punishment will bring back the lives of Nicole and Ron, but Simpson would have been made literally to *pay* for his crime. Simpson would also have been made to *answer* for his crime by compelling his testimony. Because he will have been adjudicated a murderer, he would have a great deal more difficulty proclaiming his innocence and rehabilitating his reputation.

On the other hand, because our legal system is committed to punishing murderers, it will always be perceived that Simpson got away with something. As a former prosecutor, I can well appreciate the urge to punish severely someone who savagely murdered another human being. Yet how much of this urge is based on our assumption that guilty murderers should be punished and how much is based on the unavailability of any serious alternative? Does punishment itself undermine the meaningfulness of restitution?

Some would argue that the current system allows for *both* punishment and restitution by means of civil suits. But does not the message sent by Simpson's acquittal undermine the plausibility of this claim? And with virtually all ordinary criminals, of course, the choice is either/or, not both.

Perhaps, then, the not-so-hypothetical wealthy murderer poses as big a challenge to punishment

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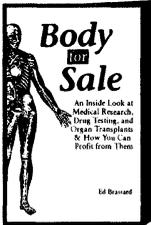
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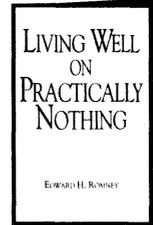
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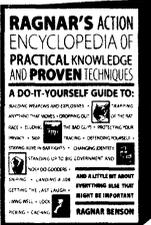
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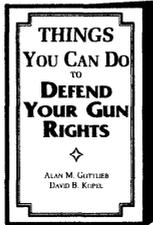
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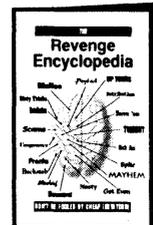
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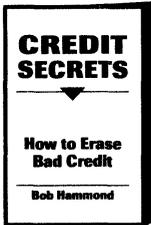
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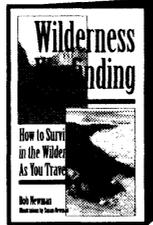
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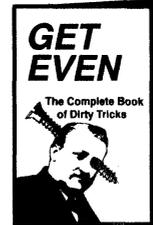
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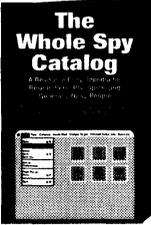
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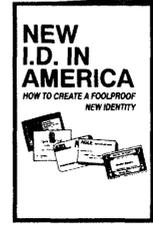
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advocates as it does to those of us who favor restitution. If an O.J. Simpson freed after admitting his guilt and making restitution to the victim's family is

the price to be paid for a system in which all criminals are made to pay their debts to victims and their families, it may be a price worth paying. □

O.J.'s Free and I Don't Care

by R.W. Bradford

At a scholarly conference in France last May, I mentioned to a European friend that I did not know a single American who believed either (a) that O.J. was innocent, or (b) that he would be found guilty. This so astonished him that he asked every other American at the conference whether he thought O.J. was innocent and whether he would be convicted. The opinions of my fellow Americans were all identical, as were the astonished and horrified reactions of the Europeans.

My conviction that O.J. would walk, despite his apparent guilt, was strengthened last summer, when I heard Tom Snyder interview a juror who had been dropped from the trial. Snyder asked about the other victim in the case, Ron Goldman, whose throat was slit after considerable struggle with his assailant. The ex-juror, still in his first day out of sequestration, began his response, "Ronald Goldman, if he was indeed murdered . . ." After six months of trial, during which extensive evidence about the brutal fashion in which Ronald Goldman's life had been presented, this man was not even convinced that Goldman had been murdered! What alternative explanation was there?, I wondered. Had Goldman been carrying a large quantity of very sharp knives, slipped and fallen (whoops!), sending the knives high into the air, spinning end over end, only to come down and slash him in several places? And did Goldman, in his death throes, flail about, bruising his body in such a way that it looked like he had struggled for his life with an intruder? And did

some neighborhood dogs then arrive and, without tracking any of the blood, pick up the extra knives, carry them away, and hide them where no one has ever found them? Yeah, right.

What really was happening, it seemed apparent, was that the jury was determined to find O.J. not guilty, despite the evidence presented in court.

My certainty wavered a bit the afternoon of October 2, when it was reported that the jury had reached a quick verdict, after asking to reexamine some testimony that was supposedly damaging to O.J. Overwhelmed with optimism, the possibility of a conviction fled into my mind. My friend Jesse Walker called me in the wee hours of the morning October 3, offering to bet even money against a not-guilty verdict. I passed, telling Jesse and myself that I didn't want to take advantage of him. But in my heart of hearts, I again held out hope that O.J. would be convicted. Then I thought again about the juror on the Tom Snyder show.

The next morning, of course, O.J. was acquitted and immediately began the search for the "real killer," while his defense team partied. The polls showed that an overwhelming majority of white Americans (like me) figured he had "gotten away" with murder, while most black Americans figured his innocence had been established.

My belief that O.J. committed the brutal murders is about as uninformed as anyone's. I have pretty much shunned news of the event, like I shun

most news of violent crime, automobile accidents, and the comings and goings of celebrities. Of course, the O.J. story has pervaded television news and conversation public and private like no other story in recent years, so I have nevertheless heard quite a lot about it. I figure he did it because he had motive and opportunity, there seems to be a fair amount of physical evidence implicating him, and no one else had motive and opportunity or has any physical evidence pointing at them. I mean, unlike the juror that Tom Snyder interviewed, I am convinced that it *was* murder, and that somebody has to have done it. From what I hear, the L.A. cops probably fabricated some evidence to make their case stronger, but the case against O.J. remains very strong with that evidence removed.

What's intriguing to me is the whole question of why Americans (oops, I mean white Americans) are so indignant about the whole matter. Yes, I realize that it is a terrible thing when a person gets away with committing a brutal murder. And I suppose it's a bad thing when he manages to avoid the chair by using a portion of his immense wealth to hire smart attorneys who play on the credulity and prejudices of the jury. And, yes, violence against spouses is terrible. (As is violence against waiters at upscale restaurants who are returning the sunglasses of diners.) Yes, yes, yes . . .

But O.J. wasn't the first American to be found innocent of a crime of which he was manifestly guilty. He wasn't the first wealthy individual to use his money to hire top-notch legal talent and use "questionable" means of swaying a jury. In the first of this century's "Trials of the Century," millionaire playboy Harry Thaw was found not guilty of murder. Thaw had shot and killed a prominent public figure in front of hundreds of witnesses in a crowded New York nightclub. His attorneys argued that his victim had had sex with Thaw's wife before she was married, and managed to convince a credulous jury that the aforesaid sex was rape (the woman in question was a "showgirl" who had a lot of other "men friends"). Only last year, the Menendez brothers survived a trial for the murder of their parents (whom they had brutally killed) by spending a

huge amount of the money they inherited from their victims to hire top-quality legal talent. Sure, there was outrage over these cases, and others like them. But not the sort of outrage that O.J. is subject to.

And what about the murders that go unsolved? I suspect that every day somewhere in this great country of ours, some poor bastard is brutally offed in a street crime or crime of passion and the culprit never found. Hell, if the victim is poor enough or unprominent enough, or the murder insufficiently gory to interest the press, or it happens on a heavy news day, chances are good that the murder will be investigated in only a perfunctory way.

What about the murders that go undetected? What about the wife who, fed-up with years of tedious conversation with her husband, looks up a poison in some reference in her public library, secures a supply in a nearby town, and kills the poor bastard, no one the wiser? Or the man who hires a prostitute, strangles her in a moment of perverse "passion," then runs her body through his Cuisinart and down his garbage disposal?

Personally, as you may have guessed, I don't feel outrage about O.J. Well, more precisely, I don't feel any more outrage about O.J. than I do about the Menendez boys, or Harry Thaw, or the street punk who gets away with killing an old lady in South Bronx. The outrage I feel is pretty pale . . . at least, pale in comparison to the outrage I would feel if O.J. (or anyone else, for that matter) had offed or brutalized someone close to me.

Blacks and guilty whites have an answer to the puzzle of O.J. outrage. People are outraged because O.J. is black. Harry Thaw and the Menendez brothers were white, the theory goes, but O.J. is black, and race prejudice runs deep.

That's a nice theory, but I don't think it holds water. The day after O.J.'s exoneration, *The Wall Street Journal* ran a story about a somewhat similar case, though the evidence seemed even stronger. Davon Neverdon killed a man in a robbery attempt. Four eyewitnesses testified they saw him do it. Two other witnesses testified that Neverdon had told them he had committed the murder.

Neverdon had agreed to plead guilty, in exchange for a 40-year sentence. The prosecution wanted to accept the plea, but the family of the murder victim objected, so the case went to trial.

Neverdon was found "not guilty," same as O.J. And quite possibly for the same reason: Neverdon is black, like O.J. And eleven of the twelve jurors who found him not guilty were black, like ten of the twelve jurors who freed Simpson. "Race," the only non-black member of the Neverdon's jury told

Unlike that juror, I am convinced that it was murder, and that somebody has to have done it.

the judge, "may have played some part" in the decision.

The point of the *Journal's* article was that there is a tendency for juries composed of blacks to find black defendants not guilty, even when the evidence against them is overwhelming. The *Journal* cited other evidence, as well as support for this sort of jury nullification among certain legal scholars. ("African-American jurors are doing a cost benefit analysis," said Paul Butler, a black criminal-law professor at George Washington University. Many black juries have determined, he adds, that "defendants are better off out of jail, even though they're clearly guilty.")

Personally, I wasn't particularly upset by this new trend, though of course I think it's nuts. In the long run, the Republic will survive. For one thing, black juries will learn soon enough that turning violent criminals back into the streets may leave the criminals "better off," but it won't do the same for anyone else.

What's intriguing is that I haven't seen any groundswell of white outrage against Davon Neverdon. If O.J. outrage were a case of race prejudice, why was there no similar reaction to Davon Neverdon going free?

I suspect that there is a single factor that has been overlooked in the O.J. case — a single factor that helps explain the behavior of the jury, the jubilation felt by most blacks at his exoneration, and the outrage felt by

most whites: O.J. Simpson was a celebrity hero.

Before the murder, he was arguably the black man most admired by American whites and very high on the list of heroes to American blacks. He was proof that a black man could make it in a white world without compromise. He was a tremendous sports hero, arguably the greatest football player who ever lived. He was a spokesperson for Hertz Rent-a-Car, chosen for his appeal to Hertz's mostly-white businessmen clientele. He was a familiar figure on television: Besides his commercials, he was a guest on talk shows and a football commentator.

For blacks, I suspect, the notion that this great race hero could commit such a horrible crime was virtually unthinkable. The black jurors did not want to believe him guilty. Absent compelling eyewitness testimony, the prosecution didn't have a chance. For whites, the Simpson story was a moral tale of a hero with a fatal moral flaw that resulted in the brutal death of two people. They were overwhelmed by the evidence, and wanted him found guilty to reaffirm their belief that justice generally prevails in this world. (Blacks, who have had far more experience with police manufacture of evidence, know better.) And whites felt betrayed by Simpson, whom they had accepted as a hero only to learn he had done such a horrible thing. It's as if we were to learn that in his off-camera life, Barney the Purple Dinosaur sexually molests, murders, and eats the bodies of small children.

Celebrity is one of the ugliest aspects of American public life. It is aspired to even more widely than wealth or political power. It confers on those who achieve it a license to be forgiven for horrible things, an ability to have others hide one's faults, a permission to survive and prosper without the normal sort of human decency. O.J.'s violence toward his wife was not unknown, either to the public or to his friends. It was overlooked, explained away, excused, forgotten — because O.J. was a celebrity.

In Defense of Juries

One of the inherent features of the jury system in this country is that it

makes mistakes. But no sensible person has ever argued that the jury system is infallible. The case for the jury system is built mostly on two points: It takes judgment out of the hands of government officials and therefore is a check on tyranny, and it is less likely to make mistakes than other systems.

I just received in the mail a proposal from "NYULAW Artificial Intelligence Research, The Solomon

As one who treasures liberty, I am offended by the notion that the government ought to conscript jurors. On the other hand, it might be preferable to the present system.

Project." It observes the many shortcomings of the current system, and proposes replacing it with a computer program. Prosecutors, defense attorneys, witnesses, and litigants would input various information and a computer would ask them questions, which they would answer while attached to sophisticated polygraph equipment. The computer would then consult its vast database of legal precedents and other relevant information, decide whether witnesses were telling the truth, and make a decision. "Once it is integrated into the legal system, SOLOMON will single-handedly reestablish the public's failed confidence in the judicial process," writes Joseph Bonuso, Ph.D., Research Fellow and Founding Director of NYULAWAIR,TSP. "SOLOMON is the future and the future is now." Lest you think Dr. Bonuso lacks ambition, he proceeds to suggest that SOLOMON's application is wider than the U.S. and wider than the law: "The technology is available to all nations and can function based on the input of any system of laws, morals and ethics. Our ulti-

mate goal is world-wide reform of the judicial process."

Whether this is a serious proposal or an elaborate joke, I am not sure. But I doubt many people would like the idea of being tried and sentenced by a computer, no matter how expertly it is programmed. Not only would the potential for mischief be substantial — imagine what fun a hacker could have with this! — but adjudication of cases requires judgment of the credibility of witnesses and the reasonableness of the law, both of which functions are filled by a jury.

In theory, juries are randomly selected subsets of competent American adults, assuring fairness and objectivity. In practice, this is seldom the case. In most states, those called for jury duty are routinely excused upon almost any pretext, which results in a great deal of "self-selection." Furthermore, litigants are allowed to exclude certain individuals from juries. Both of these factors tend to result in juries composed of less educated, less intelligent, and older individuals. The Simpson jury, for example, had only two college-educated individuals among its twelve members. The jury was untypical in another way: Despite being located in the third most racially diverse county in the United States, a county in which about an eighth of the population is black, ten of the twelve members of the Simpson jury were African-American.

The jury system is further abused by the practices of playing to the jury and engaging in jury research. Playing to the jury is as old as juries themselves. In its most elemental form, an attorney speculates that a particular juror (because of his or her appearance or demeanor or somesuch) is sympathetic to certain aspects of his case and modifies his argument to appeal specifically to that juror. The more sophisticated version consists of researching the character and history of each particular juror, then trying to find a way to appeal to each one. These days, attor-

neys are likely to try to exclude potential jurors that don't meet their specifications as sympathetic to their cause.

What annoys so many people, I suppose, is that the mistakes do not appear to be random. Just as referees in the National Basketball Association tend to make calls that favor the home team over visitors, veterans over rookies, stars over journeyman, whites over blacks, etc., so American juries tend to show certain prejudices in favor of certain kinds of litigants. Southern white juries, for example, are traditionally hard on blacks accused of crimes against whites and easy on whites accused of crimes against blacks. Rural juries are hard on "city slickers."

One way to solve (or at least minimize) these problems would be to reform the system so that juries were impaneled in a genuinely random fashion. It would be relatively simple: Select jurors at random, allow no challenges, excuse no juror unless he is an acquaintance of a litigant. This notion is unattractive to most Americans, since most Americans dislike the prospect of being uprooted from their life and forced onto a jury at negligible pay, and harbor hopes of finding a way to escape jury duty if they should find themselves called. As one who treasures human liberty, I am offended by the notion that the government

Celebrity is one of the ugliest aspects of American public life.

ought to conscript jurors. On the other hand, it might be preferable to the present system.

There is a prospect that occasionally a jury will have a member who is genuinely prejudiced. This problem, I believe, is not very worrisome. For one thing, who doubts that the race prejudices of Southern white juries in the 1930s or of urban black juries in the 1990s have mocked justice in many cases? Yet these juries were impaneled under the current rules that supposedly eliminate prejudiced jurors. A truly random jury might occasionally have prejudice, but the incidence of such prejudice will probably be less than the current system. □

Report

Witness to the Revelation

by Matt Asher

"It's raining revolution." — *Arrested Development*

"What time is it?"

"Nation Time!"

"What time is it?"

"Nation time!"

The Million Man March on Washington opened with calls for revolution. Malik Zulu Shabazz, chairman of Unity Nation, led off the preliminary speeches. He spoke in quick, forceful tones: "It's time for the black world to rise, the white world demise!" Steve Cokley put it even more forcefully, calling for "the destruction of all that has come from this illegal government of America." Author Tony Martin, describing the history of terrorism by blacks, compared those who died fighting oppression to Jesus. "Our people fought back," he said, even though it often cost them their lives.

Martin also wasted no time before wading into the mire of anti-Semitism. He clicked off a list of those who have hurt African-Americans, from whites to Uncle Tom blacks. But most of all, Martin said, "We have suffered at the hands of Jews, who started the whole thing."

Martin had no need to argue ancient Semitic conspiracies to make the case for an uprising. He needed



only to point to modern statistics. At the heart of every revolution is a list of gripes, and on the face of it, blacks have a lot to gripe about. Consider the following:

- The median per capita income for white males is \$22,669; for black males, \$14,982.
- Black males are three times more likely to be living below the poverty level than white males.
- The unemployment rate is 11.3% for blacks, compared with 4.8% for whites.
- The median household net worth for whites is \$45,740. For blacks it is only \$4,418.

- Young black males are four times more likely to be in prison, jail, or custody than young white males.
- Black men are nine times more likely to be murdered than white males.

Jesse Jackson presented the list of grievances. "Why do we march?" he shouted. "Because our babies die earlier . . . because the media stereotypes us . . . [because] we're less able to borrow money . . . because we're trapped with second-class schools and first-class jails." Jackson posited that jail-building was a kind of final solution to the

black "problem." He pointed out that every major city has two new buildings, "a stadium and a jail." And "between those two mountains is a canyon where jobs are sucked out and youths are sucked up."

From there, Jackson targeted some of the legal trickery that has filled prisons with dark-skinned convicts: "Five grams of crack — five years mandatory. Five hundred grams of cocaine, you can get probation. . . . It must change." And if it doesn't, Jackson had a warning: "Rabbit hunting ain't fun when the rabbits stop running and start fighting back."

Louis Farrakhan delivered the

keynote address. Farrakhan, a.k.a. Louis Walcott, a.k.a. The Honorable Minister Farrakhan Leader Of The Nation Of Islam, was at the heart of both the March and the controversy that surrounded it. He is a revolutionary figure in the tradition of antagonistic religious leaders, going back to Martin Luther, even Mohammed.

Farrakhan claimed the inspiration for the event came during a UFO visit

Farrakhan claimed the inspiration for the event came during a UFO visit with God. He said he didn't care if this made people think he was crazy, because it was the truth.

with God. He also said he didn't care if this made people think he was crazy, because it was the truth.

Praise the Lord and Pass the Plate

When Farrakhan finally sauntered up to the bulletproof-glass-enclosed microphone, the audience went crazy. Early in the speech, he called America a beautiful country. "There's no place like this on Earth," he said. "And certainly if I lived in another country, I might never have had the opportunity to speak as I speak today. . . . You allow me to speak, and that is your saving grace."

And speak he did. When Farrakhan began, the sun shone brightly on the packed Mall. As he wound down nearly two-and-a-half hours later, the departing sun lengthened the shadows of the already dispersing crowd. Farrakhan was dynamic and forceful. He yelled and whispered, his rhythmic voice at times ever so sweet and serene. At other times he sounded like Samuel L. Jackson delivering his Biblical monologue of vengeance in *Pulp Fiction*.

Indeed, Farrakhan's entire sermon was infused with religious references. The revolution he wished to inspire was also a *jihād*, a holy war and revival led by the Nation of Islam's leader. Such a movement needs funds, and

Farrakhan was not shy about soliciting them. Just before he spoke, the assembled multitudes were asked to "pull something out of your pocket that's green . . . [and] wave your dollars over your head in a show of love for the future of our people." Then the collection plates were passed around. "We have surrounded the perimeter and now ask that you now contribute dollars. That's right, dollars, brother." It was church on Monday. It was Robertson, Falwell, and Marcus Garvey all rolled into one.

"Now, why have you come here today?" Farrakhan asked. "You came not at the call of Louis Farrakhan, but you have gathered here at the call of God." But Farrakhan had no intention of letting God take all the credit for the demonstration. He denounced those who tried to separate the message from the messenger: "Many have tried to distance the beauty of this idea from the person through whom the idea and the call was made." The minister shook his head in silent chastisement. "Brothers and sisters, there is no human being through whom God brings an idea that history doesn't marry the idea with that human being, no matter what defect was in that being's character. . . . It would be silly to try to separate Moses from the Torah, or Jesus from the Gospel, or Mohammed from the Koran."

Like these and other prophets, Farrakhan argued, he is being persecuted for speaking the truth. "How do we treat the person who points out our wrong?" he asked. "You don't hate the doctor when he points out what's wrong." But the "guy who points out our wrongs as a person — that person is gonna be hated and misunderstood."

His status as martyred prophet established, Farrakhan turned to the condition of black men in America, comparing their predicament to that of Jews in ancient Egypt. "How long were the Jews in Egypt?" he asked. "Four hundred years. And how long have blacks been in America? Four hundred and thirty-two years."

Here Farrakhan's religious message melded with his call for separatism and revolution. For the Jews were led out of Egypt by a strong prophet of God, who freed the Israelites by

removing them from the oppressors. One could almost hear Farrakhan saying to the segregated crowd, "I will lead you to the promised land and drown the whites for their sins."

God, of course, did not let his people be oppressed without reason. "We've got a right to question God," Farrakhan asserted. "And if God were to answer us today, he would say to black people, 'Yes, I allowed this to happen, and I know you suffered. But Martin King, my servant, said undeserved suffering is redemptive.'"

There is another reason for the prolonged enslavement of blacks, he argued: They had turned away from God. "God wants us to humble ourselves to the message that will make us atone."

The Man Behind the Guards

If ever there were a protest led by men in need of atonement, it was the Million Man March. Whether or not Farrakhan spreads a message of hatred and divisiveness, one thing is clear: Few black leaders have fattened their wallets with as much money from their impoverished followers as he. Walking past his Hyde Park mansion, it is impossible to miss the guards out front or the stretch limo in back. It seems ironic that many of his followers,

It was church on Monday — Pat Robertson, Jerry Falwell, and Marcus Garvey all rolled into one.

culled from the ghettos of the surrounding South Side of Chicago, have paid with their meager earnings for these perks. And yet they have no armored limos or guards, though they need such things more.

Farrakhan blends smoothly with the corrupt Chicago political landscape. He may preach self-reliance and an end to life on the dole, but much of his income comes from government contracts. For example, the Nation-affiliated security firm New Life has received \$15 million to guard public housing projects. Their guards at the Chicago Housing Authority have been

accused of overbilling and of proselytizing on the job. They are probably no worse than the guards they replaced, but they seem to be no better.

And then there is the matter of Farrakhan's various snake oils. They can be found at any number of small South Side stores, or at the colorful Afrocentric Boutique downtown. Farrakhan has peddled these products promising beauty and health, perhaps even a cure for AIDS.

Certainly, Farrakhan isn't the only preacher to line his pockets with the loot of destitute believers, but this does not shield him from the accusation of hypocrisy. If Farrakhan's message is to help fellow African-Americans, then he doesn't practice what he preaches. If his message is "reach out and help those around you," his college-professor neighbors on Woodlawn Avenue will be pleased.

Farrakhan wasn't the only March organizer with a muddy past. Ben Chavis, former NAACP director ousted for using organization funds to settle a sexual harassment suit, helped out. And thrown in for good measure were Reverend Al "Bring Me False Martyrs" Sharpton and Mayor Marion "Bring Me Coke and Whores" Barry.

Despite this, or perhaps because of it, *atonement* was the most powerful idea Farrakhan elaborated. He presented it as a way of turning inward, acknowledging wrongs, and seeking redemption, and led the crowd through the "eight stages of atonement."

"Pointing out wrong, our faults, is the first step," Farrakhan said. Next is to acknowledge these faults, then to confess them and "relieve your soul of the burden that is there." After that comes repentance, and then a pledge to do something about your sin. Step six is to forgive, to "pardon in the heart." The seventh step is reconciliation and restoration; blacks must be restored to their original, unimpaired position. The final stage is "perfect union."

"There's a balm in Gilead," he said, "to make the wounded whole."

There was nothing hateful or mean about this portion of the speech. It came across as deeply sincere and soulful. Farrakhan described the cathartic process of atonement in moving terms,

and when he was done, it was as if the entire crowd had been washed clean by his words: They sighed and laughed and cheered.

They were ready to join together and follow Farrakhan into battle for the glory of God.

A Plan to Please Ralph Reed

Farrakhan's speech wasn't only about the need to atone and return to God. It was about the condition of blacks in the secular land of America. That baneful state, he declared, is the result of white supremacy, "the idea that undergirds the setup of the western world." Before they regain their

King used metaphor and symbolism to craft his message. Farrakhan used numerology and almost cabalistic word-play.

"unimpaired position," blacks have to come to grips with the strange power that oppresses them. In the present day, evil whites are working against black freedom. "One of these ruffians was named Jublio Fuhrman," Farrakhan said. The other two racists he mentioned by name were "Jublio Billbo" and "Jublium Jesse Helms."

"These racists hit him [the black man] in the head and carried him in a westerly course, and buried him in the north country in a shallow grave," he said. "You produced a sick society," Farrakhan continued, his voice ringing with condemnation. "You gave us your version of history. . . . I want to operate on your head." Yet this "operation," or pointing out of wrongs, must be done with a clean heart: "You can't point out malice with malice . . . or hatred." Blacks should "grow beyond our bitterness."

Much of Farrakhan's rhetoric resembles that of the religious Right. His calls for self-reliance, for taking care of your family, and for atoning to God might have been swiped directly from the playbook of Promise Keepers. So will Farrakhan's followers be lining up behind Dole and Gramm in '96? It seems unlikely. Criticisms are taken

best when they come from within. When right-wing politicians attack the black community, it is often assumed, rightly or wrongly, that they are doing so out of "malice or hatred" — not out of a positive desire to help. Unless conservatives and the religious Right can convince blacks their rhetoric is well-intentioned, few African-Americans will be lured by their piping.

A good first step would be to criticize problems in their own (white) communities, as Farrakhan did.

In his speech, Farrakhan claimed that he exposes the evils of black people "like no other leader does." Certainly, he attacked black culture as ruthlessly as he attacked white society. Farrakhan excoriated black men for carjacking, drive-by shooting, using filthy language, producing culturally degenerate films and tapes, and being abusive to women.

"We are feeding the degenerate mind of white supremacy," he said. "I want us to stop feeding that mind and let it die a natural death." The revolution has to begin from within, and it has to start with blacks straightening out their own lives: "Freedom can't come from white folk. . . . Clean up, black man, and the world will respect and honor you."

A Dream Deferred

Even before Farrakhan's Sermon on the Mall had ended, politicians and pundits were weighing in on the meaning of the March.

In a speech delivered far away in Texas on the morning of the event, President Clinton waxed eloquent about the need for both whites and blacks to "clean our house of racism." He called the economic disparities between blacks and whites "unacceptable," but asked blacks to "understand and acknowledge the roots of white fear in America."

Referring to the March, Clinton said, "One million men are right to be standing up for personal responsibility." But he added, in an unmistakable dig at Farrakhan, "One million men do not make right one man's message of malice and division." Clinton spoke with somber dignity and even a hint of sadness. He castigated those who "seek to sow divisions for their own purposes — to them I say: 'No more.

We must be one.”

Republicans, as usual, showed they had nothing to contribute to the debate on race. Instead of focusing on the protest, they chose to harp on the president's decision not to denounce Farrakhan by name. Gingrich chided Clinton for his inability “to articulate Farrakhan's name for condemnation.” The invisible candidate, Lamar Alexander, said Clinton showed a lack of “moral courage” by not naming names. And Dole, dipping into the same Republican thesaurus, claimed to be “shocked and dismayed that President Clinton did not find the moral courage to denounce Farrakhan by name.”

Other gripes came from the public at large. Some argued that if a million white men led by Patrick Buchanan marched on the Mall, the event would be considered racist to the core. But this is missing the point. Young white males aren't more likely to be in jail than in college, and their leading cause of death isn't bullets. If a million white men — just whites, just men — rallied behind Buchanan, it would not be to resolve crises in the white community but to wallow in Buchanan's xenophobic views.

Even dismissing these complaints, there remains the questions of what message the Million Man March has sent and what impact it will have. And this has as much to do with the event's image as it does with its substance.

In his 1963 speech on the Mall, Martin Luther King, Jr. declared he was speaking in the shadow of Abraham Lincoln. Thirty-two years later, Farrakhan, speaking before the

largest ever gathering of African-American men, spoke in the shadow of King.

King spoke to an integrated crowd about the need for harmony; Farrakhan spoke to black males about the need for unity. King wanted his listeners to cast a skeptical eye on the world; Farrakhan exhorted listeners to look inward.

King used metaphor and symbolism to craft his message. Farrakhan used numerology and almost cabalistic wordplay, imputing significance to the heights of monuments and endlessly deconstructing the word “atonement.” Where King spoke of the need to “rise from the dark and desolate valley of segregation to the sunlit path of racial justice,” Farrakhan pointed out that “in the middle of this Mall is the Washington monument, 555 feet high. But if we put a ‘1’ in front of that 555 feet, we get 1555, the year that our first fathers landed on the shores of Jamestown, as slaves.” King admonished followers “not to seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred.” Farrakhan noted that both the Jefferson and Lincoln memorials were 19 feet high: “Abraham Lincoln, the sixteenth president. Thomas Jefferson the third president, and 16 and three make 19 again.”

Both speakers employed religious imagery, but Farrakhan was far more explicit. The minister called repeatedly for marchers to humble themselves before God, to atone before He made blacks suffer even more. At times, save the missing references to fire and brimstone, Farrakhan could have been Billy Sunday crusading to save souls.

Whether Farrakhan's speech will have as great an impact as King's depends in large part on how well the schemes he presented work. Will black Americans all give \$10 a month to Farrakhan's nebulous Black Economic Development Council? Will another eight million blacks be registered to vote, so that an “independent [racial] voting block” can be established?

There is power in Farrakhan's basic message of transgression and atonement. We all need to question ourselves, to admit our mistakes

and find some path of redemption. Unfortunately, this positive message might be diluted by the event's image of uniformity and segregation. This seems particularly true in the economic realm.

Farrakhan urged those gathered to buy black, to keep their money in the community. But if this means supporting black enterprises even when they are more expensive or less convenient, it can only backfire. It was this kind of stubborn loyalty that artificially inflated American carmakers' profits in the '60s, leaving them fat, inefficient, and ripe for the plucking when imports came rolling in. Only open competition with the world spurred them on to quality and value. Protecting black business from open competition not only costs patrons extra money they can ill afford to spend, it does no service to the businesses themselves. If they wish to grow beyond the bounds of the ghetto, they will have to broaden their consumer base. And this can only be done if the market has forced them to be efficient.

The Promise

At the end of his speech, Farrakhan asked those left to chant with him the following promise:

“I pledge that from this day forward I will love my brother as I love myself. . . . I will work to better myself and my community. . . . I will never raise my hand with a knife or a gun to beat or cut or shoot any member of my family or any human being, unless it is in self-defense . . . and I will never abuse my wife by striking her, disrespecting her, for she is the mother of my children and the producer of my future.”

If the hundreds of thousands of black men shouting out this pledge carry it through, if they return home inspired to respect themselves and others, Farrakhan's speech will have been a great boon to this nation. And despite his reputation as a racist, an anti-Semite, and a misogynist, he will have accomplished more for the cause of humanity than any programs initiated in the city in which he spoke, no matter how upright and honorable those who created them. □



“Hear ye, hear ye! This is Jonathon Cooper substituting for Bartholomew Pritchard . . .”

Analysis

Presidential Follies

by Chester Alan Arthur

The primary the media missed.

My, how the political landscape changes. A month ago, the Republican race shaped up as a contest between Colin Powell, Bob Dole, and a bunch of longshots. Now Powell is out — was he ever in? — and the only things keeping Dole from waltzing to the nomination are his embarrassing performance in the “budget battle” with Clinton and the surging popularity of Steve Forbes.

Colin Powell pulled out of the race because he thought it was beneath his dignity to spend time raising funds, as his fans within the GOP say. Or maybe because he figured the Social Conservatives within the Republican Party would prevent his getting the nomination and bloody his nose in the process, as the Republican SoCons suggest. Or maybe because his wife worried about his personal safety in these violent times, Democrat advocates of gun control say. Or maybe because he simply lacked the “passion” for the job, as he himself says. Or maybe his boomlet was a contrivance to goose the sales of his autobiography, which rocketed to the top of the bestseller list and stayed there for two weeks, long enough to make him independently wealthy, as some cynics (me, for instance) suspected.

Who knows? All we know for sure is that the man who according to the polls had the best chance of any Republican of knocking Bill Clinton back into his sewer, and was the favorite of Republican voters, is out of the race. And that his book was out-sold by Howard Stern’s latest swill by

a ratio of about two to one.

The other major development is the emergence of Steve Forbes from nowhere to second place in the race for the GOP nomination. Forbes was in the race for barely a month before he trounced all Republicans except Dole and Powell in the CityVote primary held November 7, and is now running second in most polls. Most pundits seem not to have noticed Forbes’ quick rise, and those that have seem confused. The editors of *The Wall Street Journal* and the reporters of PBS’s *Washington Week in Review*, for example, seem to think his rise is a function of his being rich. This is crazy. Forbes is rich all right, but he hasn’t spent any money in the states where CityVote was held.

Forbes’ rise came as no surprise to readers of this magazine, in whose pages two months ago (and only one day after Forbes announced his candidacy) yours truly predicted he would do very well, thanks to his calling for genuine tax cuts (as opposed to goofy Gingrich-Republican notions, like “tax cuts” in the form of a government gift of \$500 for each child to parents who actually pay federal taxes), his support for legal abortions, his

failure to jump on the hysterical war-on-drugs-and-crime bandwagon, and his status as a political outsider. His social views may not be those of most Republicans, but they are the views of a great many. And, of course, they are pretty much the views of most Americans.

The most comic moment of the campaign so far was Lamar Alexander’s announcement at a press conference after the Powell “withdrawal” that the race for the nomination was now down to himself versus Dole. Yeah, right, Lamar. And the race for pope last time came down to me versus Karol Wojtyla. Alexander made this preposterous claim with a straight face, and no one in the press that I heard called him on it. This is the man who finished twelfth among Republicans in the CityVote primary, garnering a whopping 0.7%, being clobbered by such luminaries as Alan Keyes, managing even to finish behind Libertarian Harry Browne. (He did edge out Charles Collins and Art Fletcher, though. For the record, neither Fletcher nor Collins claims that the GOP contest is down to them against Dole.)

I don’t know why the media have

ignored the CityVote primary, in which voters in 15 cities cast ballots in an open "beauty-contest" primary. The votes aren't binding, and the election is a long way away, but the media pay considerable attention to the results of the Washington State caucus, whose results aren't binding and in which fewer people participate, and the non-binding South Dakota primary, as if South Dakota is typical of anything or otherwise remotely relevant.

The CityVote results are probably the most reliable data on presidential

Everyone from Alan Keyes on down will need a miracle even to contend for the nomination, though not to collect huge sums of tax money in matching funds.

preference yet in, though they probably ought to be normalized based on past performance of the voters involved. The raw data looks pretty much like what the polls are showing, with Republicans enjoying a small lead over Democrats and "other" candidates garnering more than 10% of the vote. Here is how the Republicans finished:

Colin Powell	38,205	40.2%
Bob Dole	24,890	26.2%
Steve Forbes	10,134	10.7%
Pat Buchanan	6,209	6.5%
Phil Gramm	6,122	6.4%
Alan Keyes	2,786	2.9%
Lamar Alexander	1,434	1.5%
Richard Lugar	1,306	1.4%
Arlen Specter	1,286	1.4%
Pete Wilson	1,124	1.2%
Bob Dornan	969	1.0%
Charles Collins	391	.4%
Art Fletcher	241	.3%

Colin Powell, the Republican winner, has since dropped out of the race, and Pete Wilson dropped out before the election. The way things stand now, Dole is the front-runner, with Forbes a distant second. Buchanan and Gramm are longshots. You have to figure that everyone from Alan Keyes on down will need a miracle even to contend for the nomination, though not to collect huge sums of tax money in matching funds.

Here's the Democratic vote:

Bill Clinton	91,763	98.8%
Lyndon LaRouche	1,106	1.2%

Pretty uninteresting. No Democrat has dared enter the race, which is not surprising when you figure that Clinton has a fundraising lead of about a zillion bucks and has shown a willingness to wreak horrible revenge on those with whom he disagrees. LaRouche, of course, is a complete nutcase. Many of the other people whose names were on the ballot are frauds, but he is the only one who has actually spent time in prison for fraud.

Here are the other votes:

Ross Perot	7,619
Bill Bradley	5,729
Jesse Jackson	4,234
Harry Browne	1,974
Lowell Weicker	993
John Hagelin	921

While Ross Perot polled 35% of the miscellaneous vote, he managed to get only 3.6% of the total vote, down about 81% from his performance in 1992. Unless he is a complete fool (a real possibility), this is very discouraging to him. Bradley, Jackson, and Weicker are all mainline politicians who are suspected of aspiring to independent candidacies; they can find little encouragement here. John Hagelin of the Natural Law Party got about one vote of every 227 cast. His true ambition can be inferred from his party's decision to schedule its convention a week before the general election. (Third-party candidates can collect federal tax subsidies only until they hold their nominating convention.)

Harry Browne, the Libertarian candidate, managed to pull a slightly higher percentage in CityVote than LP candidate Ed Clark got in the general election in 1980, the high point of Libertarian electoral experience. Whether this is encouraging is moot. The Clark vote was achieved at tremendous cost after a long campaign, while Browne's campaign has barely started and has spent very little so far. On the other hand, Browne is one of the few candidates who actually campaigned, and fewer than one voter in 100 cast his ballot for him. Browne did manage to beat several well-known Republicans, including Lamar Alexander, Arlen Specter, and Richard

Lugar. But this is probably better proof of the futility of their efforts than of Browne's strength.

The Libertarian Alternative

Anyone who wonders about Browne's campaign strategy need only read his campaign book, *Why Government Doesn't Work*. Browne is moving right, apparently based on the belief that he can pick up the votes of disgruntled conservatives after Robert Dole gets the GOP nomination.

The book is the print equivalent of soundbites, critical of big government and written to be appealing to conservatives. When I say "soundbites," I mean it. Chapters average seven pages, and are broken into short passages by numerous subheads, lists, bulleted items, and charts. Browne seems well aware how much voters' attention spans have shrunk.

Why Government Doesn't Work is a blueprint for shrinking government. This is no shilly-shally Republican plan, either. He would cut government expenditures to the bone and sell off most government property. Browne proposes an immediate end to all entitlements except Social Security, which he would privatize by the purchase of annuities over a three-year period. The

Harry Browne did manage to beat several well-known Republicans, including Lamar Alexander, Arlen Specter, and Richard Lugar.

first year, government spending (on matters other than Social Security and interest on the debt) would be cut by 78%, down to a paltry \$300 billion. Another \$50 would be cut from spending in each of the next four years. He also wants to eliminate all federal taxes except those explicitly enumerated in the Constitution, viz., customs duties and excise taxes.

How will Browne pay for the government that remains, its remaining debt, and privatizing Social Security? Mostly by selling government property, which he estimates could raise \$12 trillion over six years. He

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Policy

Why Insurers Should License Drivers

by John Semmens

Privatize the DMV!

Being the victim of a traffic accident is bad enough. When the driver who causes the accident is uninsured or underinsured, the situation is many times worse. Each year in the U.S., uninsured and underinsured drivers inflict an estimated \$5 billion in uncompensated damages on their victims.

If the victim has the foresight to purchase "uninsured" or "underinsured" coverage from his insurance carrier, it will pay for a portion of these damages. But these payments typically reimburse only medical expenses related to bodily injury, not property damage. Nor do they cover lost wages, or pain and suffering.

These uncompensated losses occur despite the fact that most states require owners of vehicles to carry liability insurance. In theory, drivers are held accountable for any damage they cause while operating their vehicles. Yet many vehicles on the roads are without this required insurance.

Uninsured automobiles are only half the problem. Other vehicles are grossly underinsured. Arizona, for example, permits vehicles to be operated with liability coverage as low as \$15,000/\$30,000/\$10,000. What this means is that the insurer will cover bodily injury damages up to \$15,000 for a single victim, up to a \$30,000 total for multiple victims, and up to a \$10,000 total for property damage.

It doesn't take much of a wreck to total a car. Replacing one totalled car could easily cost more than \$10,000. Since 75% of traffic accidents involve more than one vehicle, many crashes produce property damage in excess of

the minimum mandated liability coverage. The average cost of a "property damage only" accident in Arizona is \$6,500. Minor-injury accidents result in costs averaging over \$10,000 per accident. Major-injury accidents generate an average cost of over \$32,000. Fatal accidents produce damages of close to a million dollars.

One often overlooked reason for this problem is that issuing licenses to vehicles and drivers is separate from insuring them. The state bears no liability for the damages caused by those it licenses. Nor does it face any consequences for failing to enforce the mandatory insurance laws. With such weak enforcement incentives, it is unsurprising that so many drivers evade the insurance requirement.

Meanwhile, insurers have no means of keeping the worst drivers off the roads. On the contrary, many states force insurers to cover the worst drivers — often at rates subsidized by safer drivers. This increases the frequency of accidents and the probability of uncompensated damages.

In the Ballpark

Clearly, auto liability must be clarified. This could be done in one of two ways. One is the "ballpark" model. In

a ballpark, customers are warned that the management assumes no responsibility for injuries or damages the fans may suffer should they be harmed by baseballs, bats, or players in the normal course of the game. If this model were applied, anyone who purchased the necessary licenses and registrations would be allowed on the roads. Drivers would determine whether to buy insurance or not. Anyone venturing onto the roads would do so at his own risk and with the explicit warning that he might be harmed by others who would not be able to pay for any damage done.

The ballpark model would remove the ambiguity regarding who should be responsible for insurance. No one could venture onto the roadways under the impression that the state had guaranteed the other drivers are insured. The knowledge that there are no insurance requirements would inspire those who wish to be indemnified against damages other drivers may inflict to purchase their own insurance. Those willing to bear the risks of driving without insurance would be permitted to do so.

This would not necessarily be an irrational decision. Since the accident rate is about one per 500,000 vehicle-

miles of travel, the odds of any one driver being in a crash are very small. Given a typical annual 12,000 miles of travel for each automobile, there is a 98% chance that the vehicle won't be involved in an accident in any one year. When we factor in the possibility that one can significantly reduce the chances of an accident through safer driving (obeying traffic rules, keeping the vehicle in good running order, not

Each year, uninsured and underinsured drivers inflict an estimated \$5 billion in uncompensated damages on their victims.

consuming alcohol), driving without insurance may not seem unreasonable.

The chief disadvantage of the ballpark model is that the least responsible drivers — those with bad driving habits, no insurance, and no means of compensating victims — can shift the risk onto more responsible drivers. Those more responsible drivers who purchase insurance might have to buy more coverage, since there would probably be a larger number of uninsured drivers.

So even though the total cost of traffic accidents would likely be lower under the ballpark model, it would be lower because risk-averse drivers would have a greater incentive to minimize their use of the roads. Some may view this shift of financial burden onto the more responsible drivers as undesirable.

Drivers' Disneyland

An alternative to the ballpark setup is the "Disneyland" model. In Disneyland, customers are covered by the business' liability insurance. Consequently, the management sets its own risk-reducing restrictions on who may use various facilities. Customers may be barred from some rides or attractions for being too small, too big, too frail, too pregnant, etc. Since the business is strictly liable for any damages suffered by those entering the park, management undertakes a substantial effort to enforce its rules.

The Disneyland model would also reduce the ambiguity concerning who is responsible for damages. In this case, obtaining insurance would be a prerequisite for venturing onto the roadways. The insurance requirement would be enforced by having the insurers issue the licenses and vehicle registrations.

The chief advantage of the Disneyland model is that it would provide a much stronger incentive to keep bad drivers off the roads. If insurers had to accept full liability for whoever they licensed, the problem of "underinsureds" would vanish. The insurer would, in fact, be insuring that any damage caused by its policyholders would be covered. Bad drivers would not have the option of buying a woefully inadequate policy. They would have to pay the full cost of the risks they create. Insurance companies would see to this as a matter of business survival.

From some perspectives, of course, the chief advantage of the Disneyland model is also its chief disadvantage. Many high-risk drivers would not be able to purchase insurance. Either the price would be higher than they would be willing or able to pay, or they would be unable to find an insurer willing to sell them coverage at any price. This would effectively deny them the legal right to drive. Keeping these high-risk drivers off the roads, then, could lead to hardship by greatly reducing their mobility.

Both models — the ballpark and Disneyland — could work, because in each, responsibility is clearly assigned. Under the current system, it is not.

Let's take a closer look at how the Disneyland approach might operate. Conceivably, the state could supply the insurance. But while plausible on paper, government insurance schemes have not fared well in practice. The old age, survivors' and disability insurance program (i.e., Social Security) has had repeated financial problems. Government medical insurance (i.e., Medicare and Medicaid) has seen expenses soar beyond planned outlays on a regular basis. Government-insured student loans have an extraordinary default rate.

It seems unlikely that a government-run auto insurance program could avoid these kinds of problems.

So if state control isn't the right way to consolidate the insurance and licensing/registration functions, the alternative — private insurers issuing licenses and registrations — merits examination.

Vehicle registrations and drivers' licenses would be issued by those willing and able to assume full responsibility for any damage caused by the vehicle and its driver. Normally, this would mean insurance companies would do the job. Since it would be absolutely clear who was responsible for a particular vehicle being on the road, insurers would have a strong incentive to make sure every vehicle and driver is adequately insured. They would also have a strong incentive to make sure uninsured vehicles and drivers stay off the roadways.

To clarify financial responsibility, the law should state that as long as a vehicle bears the license plate of an insurer, that insurer will be held liable for any damages caused by that vehicle. It is likely that insurers would only issue plates to people whose driving records they had investigated thoroughly. An insurer could not escape

The law should state that as long as a vehicle bears the license plate of an insurer, that insurer will be held liable for any damages caused by that vehicle.

liability by later showing that its customer lied on his application.

This may seem hard on the insurers, but consider the alternative. When an insurer can bail out of a policy, the victims of the supposedly insured driver may be left without any recourse for the damages they have suffered. Potential victims have no reasonable means of investigating all potentially high-risk drivers prior to an accident. On the other hand, insurers *do* have reasonable means of conducting such an investigation before issuing a policy. If a company is not satisfied that a prospective customer is truthful or a good risk, it can refuse to insure him.

Since selling an auto insurance pol-

icy and issuing license plates would be simultaneous events, uninsured drivers would be easier to spot on the roads: Their cars would have no plates. Indeed, given the greater degree of responsibility placed on each insurer, they would probably undertake steps to improve the plates' visibility. The much-tested but little-deployed "electronic license plate" is one likely innovation, as it would make plateless vehicles even more conspicuous.

And one familiar scheme — buying insurance just to obtain registration tags, then cancelling the policy — would become much more difficult. Since the insurer would be responsible for damages done by vehicles bearing the company's plates, there would be a very strong incentive for them to eliminate the problem.

Individuals would be free to shop for the best license/registration/insurance deal they could find. Each insurer would be free to establish its own criteria for issuing policies and license plates. Some insurers might opt to cover only low-risk drivers. Others might opt to cover high-risk drivers at correspondingly higher premiums. Some might give written and/or road tests to prospective customers. Some might require some of the vehicles they insure to be equipped with safety-enhancing devices (for example, an ignition that can only be activated after the driver passes an automated, on-board breathalyzer test).

Some customers would accept some limitations on their driving in exchange for reductions in premiums. Others would prefer to pay more in order to escape restrictions. And those who could not meet the minimum requirements of *any* insurer would not be issued vehicle plates. Insurers would have no incentive help people beat the system.

Privatizing the issuance of licenses and registrations would also do away with underinsured vehicles. Since the issuer of the vehicle plates would be responsible for whatever damage is caused by one of its policyholders, there would be no motive for selling low-dollar coverage. The current policy of allowing "judgment-proof" drivers (those who do not fear the financial consequences of the damage they may do because they are unable to pay) to

buy insurance that falls far short of compensating their victims is irresponsible and, in many cases, inhumane.

Improved Safety and Customer Service

The current system burdens victims with uncompensated costs. The Disneyland system would shift these costs onto those who cause the accidents. As the perpetrators are forced to bear a larger share of the costs of their actions, we would begin to see modifications in their behavior. Over the long run, the cost of accidents would not only be shifted back onto those at fault; such losses would probably be *reduced* as driving behavior improves and the

The much-tested but little-deployed "electronic license plate" is one likely innovation, as it would make plateless vehicles even more conspicuous.

worst risks are removed from the roads.

Another source of potential benefits would come from eliminating functions of state Departments of Motor Vehicles. While the costs of specific DMV activities are not usually published, I estimate that about \$1 billion a year in taxes could be saved.

Some will argue that these savings would be offset by an increase in private-sector spending, as insurers undertake issuing registrations and licenses. These expenses may be exaggerated, though. As it now stands, auto dealers must compile all the data necessary to register newly sold vehicles. This data is then forwarded to the DMV to be entered on the state's database. Selling insurance and issuing registrations on the spot would be cheaper and easier than the current process. (Indeed, the perception that this might be the case inspired an Arizona auto dealership to volunteer to pilot-test a program wherein it would issue registrations.)

The advantages of "one-stop shopping" would be substantial. One could buy a car, get it registered, and get it insured all at one location. The insurers and auto dealers would have an

incentive to make the process as expeditious as possible. In fact, competition among insurers and dealers would help promote efficiency and convenience.

Consider a typical transaction with the current DMV. It's your lunch hour. You have chosen this time to take care of some business down at the Motor Vehicles office. Maybe you need to renew a driver's license, register a vehicle, or obtain a title.

Your first task is to *find* the office. They're not always conveniently located. They're certainly scarcer than any other auto-related business location you might need to find. As your search drags on, you pass numerous gas stations, a half-dozen auto parts stores, several auto insurance sales offices, and a few auto dealerships.

Finally, you locate the office. You walk in and join the line of people waiting for service. Your progress in line is not hastened by the fact that some DMV personnel are out on their lunch hour. When your turn finally arrives you are greeted by an employee whose occupation was ranked last in a survey of civility published by *The Wall Street Journal*. On a scale of zero to ten, DMV employees were rated 0.2.

You think the service could be more convenient, expeditious, and courteous, but it isn't, and it's not likely to change. The government's monopoly position pretty much ensures it won't. After all, it's not as though you could take your "business" elsewhere.

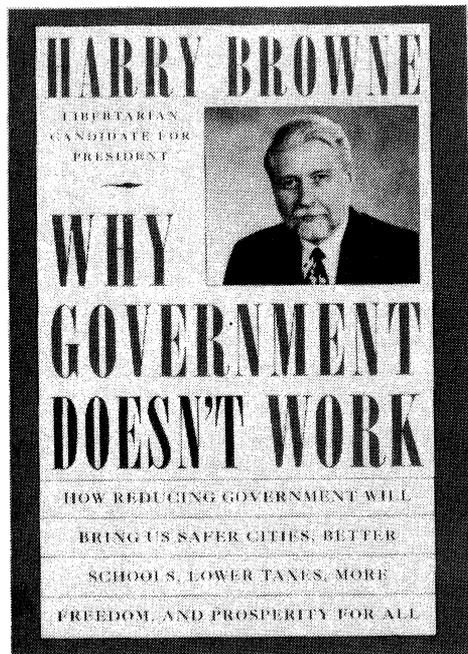
Achieving Reform

Shifting issuance of registrations and licenses to the private sector would require legislation — legislation that would be resisted by the state DMV bureaucracies. After all, if a department is no longer needed to register motor vehicles, some may question whether it is needed at all. At the very least, we're talking about a 50% cutback in its budget. Thousands of people would see their public-sector jobs eliminated.

We may also expect some initial opposition from the auto insurance industry. At the outset, the increased responsibility thrust upon it will provoke uncertainty — something that, in

Why Government Doesn't Work

by Harry Browne



Always eloquent, always convincing, Harry Browne shows that in every area the state has stuck its snout — welfare, drugs, industry, medicine, you name it — it has made the situation worse. Only voluntary action, Browne argues, can make this country great again — and that means slashing away at America's overgrown government.

As candidate for the Libertarian Party's presidential nomination, Browne hopes to bring the message of freedom to the general public like no one has before. This is his call to action — for committed libertarians and not-yet-libertarians alike. A must for anyone who wants to hit the streets and make a difference!

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general, businesses do not like. Uncertainty increases risk. New means of coping and profit-making would have to be learned. Yet insurers should also perceive that playing a more direct role in controlling roadway risks will reduce underwriting losses. As the roads become safer, insurers' losses will fall; ultimately, premium rates should fall as well, though not as rapidly. This should improve profitability. And many of those currently evading the insurance laws will have to become customers. This too should increase profitability.

The general public may be apprehensive about allowing private-sector insurers to decide who gets onto the roads. But would this be any less desirable than allowing a government bureaucracy that bears no responsibility for the consequences of its decisions to make that choice?

We've grown accustomed to allowing private-sector businesses decide who can obtain credit. We have learned to live with this system. We expect the decisions to be made on rational criteria. And they are. Reflection on how the private sector has handled this vital segment of contemporary life combined with the greater convenience of the hours kept by insurers and the assurance that responsible drivers would not have to pay high premiums to cover damage done by uninsured or underinsured drivers should help alleviate the general public's apprehension.

Of course, those who are currently flouting the mandatory insurance laws (or exploiting them by underinsuring their vehicles) will raise a fuss over this reform. Some of these drivers do, in fact, have legitimate concerns. The case that most deserves our sympathy is that of the individual whose past driving behavior has taught him a lesson. Unfortunately, many more people claim to have learned lessons than actually have. Consequently, individuals with bad driving records would have trouble obtaining insurance, and hence permission to use the roads.

We should expect insurers to establish methods of serving this market. One would be requiring such people's vehicles to be equipped with

continued on page 36

Report

Revolution Postponed

by Eric Duhaime

A new generation of separatists has discovered individual liberty.

In 1980, the government of Quebec held a referendum on secession from Canada. The "no" side won, with almost 60% of the vote. As far as federalist politicians and bureaucrats were concerned, the debate was over and the sovereignty movement was dead.

Fifteen years later, on October 30, a second referendum was held. This time, 49.4% supported secession. This, after a campaign in which Bill Clinton and Warren Christopher told Quebecers that if they voted "yes," they might be thrown out of NAFTA. A campaign in which the federalists were clearly playing with a stacked deck, putting the entire weight of the government behind preserving confederation. A referendum in which the state went so far as to allow people in the ROC (Rest of Canada) free phone calls to Quebec, to persuade people they knew to vote "no." A referendum in which 17,000 English-Canadians came to Montreal to demonstrate their love to Quebec — after receiving an airplane discount of 90% off the regular price. After all this, the sovereigntists *still* barely missed winning.

Separatism has risen from the political grave.

But this is a new separatism. My parents' generation fought for French-Canadian independence; their nationalism was historical, linguistic, cultural, ethnic. Today, hardly anyone refers to those emotional issues. More and more, the secessionist argument has become economic and individualistic.

Yes, my ancestors were discriminated against because they were French and Catholic. Yes, it's hard to watch demonstrators in Brockville, Ontario, trample our Quebec flag. And yes, it's not very funny when I have to argue with a salesman in Montreal because he refuses to speak with me in French, even though 83% of the population is Francophone. But I realize, and most people realize, that this rancor is often provoked by the political elite. On a personal basis, it's hard to hate someone just because of their provincial origin.

The sovereignty movement is no longer mired in backwards-looking ethnic feuds. It has been reborn, has become more alive than ever, because it has been able to adapt to new realities.

Last February and March, the provincial government set up several commissions to study the future of Quebec. One — the *Commission des jeunes* — was created to hear what young people had to say about the issue. It discovered that most of them support sovereignty, but for different reasons than their parents. The young men and women complained that Canada's fragile unity is maintained

only by indebting its citizens. The public debt's mad, dizzying rise shows no sign of slowing; our debt is now greater than our GDP. Young people in Quebec no longer want to support the federal government at the expense of their future. They no longer want to artificially maintain Canadian unity.

And Canadian unity *is* artificial. Canada is a factitious invention imposed from London, not an expression of cultural unity or popular desire. Only a few years after it was created, it established high trade barriers against U.S. goods and began constructing a costly and economically irrational east-west railway. The intent was to promote east-west trade at the expense of north-south exchange, even though the latter often made more economic sense — especially in Quebec.

Today, even east-west trade is suppressed. Provinces raise a host of interprovincial trade barriers against their neighbors. According to the Canadian Manufacturers' Association, there are over 500 such barriers among the provinces. OEDC studies indicate that Canada is less economically integrated than Western Europe.

NAFTA has actually made trade with the U.S. and Mexico easier than trade with neighboring provinces.

An independent Quebec would have much more difficulty isolating itself — especially when you consider that over 43% of its GDP presently depends on exports, mostly to the U.S. and the ROC. Even if the ROC stays

More and more, the secessionist argument has become economic and individualistic.

walled off, escaping Canada's country-wide trade barriers would be a great step forward.

Add to this protectionism the cost of Canada's bloated interventionist state — Canadians now pay roughly 50% of their incomes in taxes, and the federal government regularly accumulates annual deficits in excess of \$30 billion — and the libertarian case for secession becomes clear. Secession may be the only means Quebec has to escape the federal government's bureaucratic duplication and ruinous jurisdictional overlap, to move toward free trade, to adopt a sane fiscal policy. Secession will at last allow us to set in-depth reform in motion.

Unfortunately, the paleosecessionists have not entirely died out. Indeed, despite the new generation of liberty-minded separatists, one can argue that the majority of the secessionist electorate consists of dyed-in-the-wool statist. These dinosaurs just want to move the national capital from Ottawa to Quebec City, so they can establish and more effectively cen-

tralize their own interventionist state. Many are too narrow-minded even to understand what the younger generation is talking about; they tolerate people like me, but only because right now it is in their political interest to do so. They don't grasp what I'm doing when I write speeches on secessionism, individual responsibility, and the elimination of coercive political and bureaucratic power.

But some do think they understand — and their reaction is hysterical. Bernard Parent, an advisor to the leader of the Official Opposition in the House of Commons, wrote me, "I clearly see where you and your small drum and bugle band of ambitious kids, who have not succeeded, want to go. In spite of your narrow spirit, your ambitions are big. Behind your speech which is prone to the disengagement of the state and, at the end, the disappearance of the politics and juridics, your ideal is well defined: fight for money and power. In fact, your inveterate willingness makes you prone to destroying what many generations have built, with your only aim being to erect a new system of hierarchy which profits only the rich, the bigwigs, the defenders of classical liberalism, those who make you wet your pants. In fact, the actual thieves that rob your generation of frustrated youth are not the small public servants without importance, who earn only \$40,000 a year. The true thieves are the masters of the world, speculating, creating recessions, blaming governments and not respecting *national sovereignty*." Etc., etc.

I often ask myself what the hell a classical liberal like me is doing in bed with these statist. Am I really defending liberty, tolerance, and individual-

ism in promoting secession? Daily, I have to argue with my dear colleagues, to tell them that they are has-beens, that they are proposing archaic policies that have already proven ineffective.

But Quebec's voters and parties are split on secession all across the political spectrum. A victory for separation would at least bring the diversion of the debate to an end and force the politicians to start dealing with the real issues that confront us — in Quebec and the ROC. (As Gary Becker has pointed out, "Separation could also help the economies of English-speaking Canada because it would reduce cultural battles and eliminate the confrontations with Quebec over the allocation of tax revenues and government expenditures.")

Quebec secession would promote liberty, even if most secessionists

Canada is a factitious invention imposed from London, not an expression of cultural unity or popular desire.

haven't a clue to what freedom is all about. An independent Quebec would have no choice but to trade with other countries and compete with them for capital — which would require slashing taxes and red tape. Right now, Ottawa is the greatest brake on our ability to make these needed changes.

This last vote has brought us one step closer to freedom. So I'll stick with the separatists, and keep defending the undefendable. After all, the dismantling of the Canadian state is at play . . . □

Semmens, "Why Insurers Should License Drivers," *continued from page 34.*

devices that enhance safe operation. I've already mentioned the possibility of a breathalyzer-ignition link. Other options include vehicles that could only run during daylight hours (perhaps having a solar collector connection to the engine or transmission), or whose maximum speed could not exceed a low setting (perhaps having speed governors placed on the engine). Some insurers might require regular

driving tests for individuals whose past driving has been more hazardous than normal. Some might require regular auto safety inspections.

It may then be feasible for some high-risk but repentant drivers to work toward a full reinstatement of their driving privileges. For others, though, the outlook will be less sanguine. Some people simply shouldn't be allowed behind the wheel. Stopping them from

driving not only helps preserve the lives and health of others; it may save them from injuring or killing themselves. Incompetent drivers must find other means of meeting their transportation needs. Like carpooling. Or riding the bus. Or living or working closer to the places they need to travel.

The rest of us shouldn't be obliged to bear the risk of allowing them to drive. □

Faith and Freedom

by Jane Shaw

Can liberty survive without religion?

Is religion essential for lasting freedom? Can faith withstand the continuing assault of science? Many libertarians would reply with two “no”s. But others are less sanguine — at least with respect to the first question. Conservative writer M. Stanton Evans, for one, argues in *The Theme is Freedom** that the erosion of religious faith has led to collectivism and totalitarianism, and that without a return to faith we will never have a society based on liberty.

Not surprisingly, Evans’ thesis is supported by many Christian and Jewish libertarians and conservatives. It also has support from some non-religious thinkers as well. F.A. Hayek, for example, suggested in *The Fatal Conceit* that religious belief may be important for the survival of a free society — much more important than most people realize.

Furthermore, the continuing turmoil over teaching Darwinian evolution in the public schools suggests that the conflict between science and religion is not about to go away. If Evans and Hayek are right, the prospects for freedom may be in danger of running aground on the rocks of scientific truth.

The Theme Is Freedom, More or Less

Drawing his evidence from history, Evans argues that Americans’ commitment to limited government is largely the product of our Christian

heritage. Most of us are unaware of this fact, according to Evans, because virtually everything we have been taught about the historical role of religion, especially Christianity, is wrong.

The central thesis of modern “liberal” thinking, he says, is that religion imprisons and enslaves people, and that rejection of religion expands freedom: “If belief in religious absolutes implies repression, it follows that denial of such absolutes will lead to freedom” (p. 40). This view reflects what Evans calls the “liberal history lesson” (15), the way that history has been taught in schools for decades. This “lesson” glorifies the pagan civilization of Greece and Rome; it treats the Middle Ages as “a long slumber of the human spirit” (149) that ended with the Renaissance (the rediscovery of the classical civilization) and was followed by the Enlightenment (the light at the end of the Dark Ages). In this view, the Founding Fathers were children of the Enlightenment — *philosophes* and Deists hostile to or uninterested in religion.

Evans believes this “liberal history lesson” is wrong in nearly every respect. To begin with, he argues,

Greece and Rome weren’t founts of individual freedom. He points to the Greeks’ acceptance of slavery and infanticide and their glorification of the state. In these civilizations — even in Athens, the cradle of democracy — “the state and its rulers were assumed to have a magical, sacred character,” says Evans. “We are so accustomed to hearing the Athenians or Romans of the republic described as people like ourselves that this enormously important fact, and its political meaning, are frequently neglected” (136–7).

Respect for the individual, Evans claims, has its origins in Judaism. To make this point, he cites a passage from the Old Testament in which the prophet Samuel tells the Israelites, who want a king, what harm will befall them if they choose one. (Evans notes that this passage was frequently cited by writers in the past.) Evans argues that the Christian Church during the Middle Ages “did the most to advance the cause of constitutional statecraft” (152) and that the medieval period as a whole “nourished the institutions of free government, in contrast to the ideas and customs of the ancients” (150).

Evans’ position is clearly

* Regnery, 1994; see Leland Yeager, “Render Unto God,” July 1995.

controversial, although many scholars now accept his revisionist perspective on the Middle Ages. In terms of understanding the relationship of religious faith to our society, Evans' most important point is that the gradual abandonment of religion in favor of rationalistic relativism has had severe consequences. The "central fallacy of liberal thought," says Evans, is the idea "that a libertarian system can be constructed on relativist assumptions." Following John Stuart Mill, liberals continued to

The prospects for freedom may be in danger of running aground on the rocks of scientific truth.

"affirm the secular by-products of our faith, imagining them to have been invented by purely rational methods, and to suppose that they can be set up as self-sustaining concepts." But "one by one," these "secular by-products" began to be rejected as well (315).

The ultimate result is that today the concept of a society of free individuals has been displaced by the view that government must control people's activities. In fact, argues Evans, even the concept of freedom has changed. The classical idea of freedom as "the absence of coercion" has given way to what Evans calls "the pagan view of freedom as inclusion in the circle of power" (316). As examples, he cites the steady erosion of the principles of the U.S. Constitution: "There are no universals, no commitments that are binding, no meanings that are certain" (315). A key result is "the reemergence of the unlimited state and reduction of the individual . . . [and] a resurgence of the pagan world-view, and behaviors common to the pagan era" (316).

The Evolution of a Free Society, Sort Of . . .

F.A. Hayek, in his last book, *The Fatal Conceit*,* paints on a very different canvas than Evans, but their messages have important similarities. Evans

* University of Chicago Press, 1988; see Timothy Virkkala, "Reason and Evolution," September 1989.

attempts to explain where our concepts of freedom come from; Hayek attempts to explain how civilizations evolved. Religions are critical to this evolution.

As Hayek sees it, the most important strand of world history is the gradual evolution of what he calls the *extended order*. This is the vast network of interrelationships, based on trade, that make possible wealth undreamed-of by primitive people. The foundation of this order is transferable private property, which makes possible an extremely fine specialization of labor, which in turn leads to prosperity and the ability to support large numbers of people.

One of Hayek's persistent themes is that this order developed spontaneously, not through human design. But how did this evolution occur? Hayek says the process may have taken hundreds of thousands of years. It involved the development of a morality, or a collection of habits and behaviors, different from that which enabled primitive people, roving bands of hunter-gatherers, to survive. Traits and instincts that enable tribal humans to subsist in small numbers — such as solidarity and altruism in the pursuit of common ends — had to be replaced by "general, end-independent abstract rules of conduct" (31) that allow people to pursue diverse ends autonomously.

The most fundamental of these abstract rules is the recognition of property rights; Hayek calls property "the heart of the morals of any advanced civilization" (30). And, he says, the first great example of the extended order was the civilization that developed through trade in the Middle East. "So far as we know," writes Hayek, "the Mediterranean region was the first to see the acceptance of a person's right to dispose over a recognized private domain" (29). He credits "the Greeks, and especially the Stoic philosophers," for first developing "the moral tradition which the Romans later propagated throughout their Empire" (31).

Thus, Hayek has a more favorable view of Greek civilization than Evans does, because that civilization was the beginning of the extended order, although he also points out that it, too, was the result of a long period of evo-

lution. He does share Evans' contempt for Aristotle, in particular Aristotle's "utter incomprehension of the advanced market order in which he lived" (45) and his "naive and childlike animistic view of the world" (47), and deplores Aristotle's continuing impact on social thought today.

The development of the extended order was advanced by certain religious beliefs. "Mankind achieved civilization by developing and learning to follow rules (first in territorial tribes and then over broader reaches) that often forbade him to do what his instincts demanded," writes Hayek (12). These rules include "those dealing with [private] property, honesty, contract, exchange, trade, competition, gain, and privacy" and "largely consist of prohibitions ('shalt not's') that designate adjustable domains for individual decisions" (12).

The positive consequences of the abstract rules Hayek discusses are not immediate or obvious. To affect cultural evolution — that is, to result in

If there is no designer of social systems, one must consider the possibility that there may be no Designer of species, and perhaps no Designer of life itself.

greater prosperity — they have to be followed over a long period of time, probably several generations.

Only rules with the stature of sacred or mystical beliefs can hold sway for this long, since, after all, they are contrary to human instincts. "We owe it partly to mystical and religious beliefs, and, I believe, particularly to the main monotheistic ones," Hayek writes, "that beneficial traditions have been preserved and transmitted at least long enough to enable those groups following them to grow, and to have the opportunity to spread by natural or cultural selection" (136).

Hayek is not religious. "The undoubted *historical* connection between religion and the values that have shaped and furthered our civilization, such as the family and [private]

property, does not of course mean that there is any *intrinsic* connection between religion [and] such and such values," he observes (137). But that doesn't make the link unimportant, and he points out that the only religions to survive in the extended order were those supporting private property and the family.

Hayek devotes the concluding chapter of *The Fatal Conceit* to religion. "[L]ike it or not, we owe the persistence of certain practices, and the civilization that resulted from them, in part to support from beliefs which are not true — or verifiable or testable — in the same sense as are scientific statements, and which are certainly not the result of rational argumentation" (136–137). In this light, he can sympathize with "those clerics who are said to have become somewhat sceptical of the validity of some of their teachings and who yet continued to teach them because they feared that a loss of faith would lead to a decline of morals" (137). He expresses hope that "support by a professed agnostic may help religious people more unhesitatingly to pursue those conclusions that we do share" (139–40). And he tries to bridge the distance between himself and believers: "Perhaps what many people mean in speaking of God is just a personification of that tradition of morals or values that keeps their community alive" (140).

The "Fittest" Doctrine

If Hayek is right about the role of religious belief, the state of Judaism and Christianity today must give us pause. It is hard to see them as thriving. I am not about to make a comprehensive assessment of the state of these religions here. But I shall offer some thoughts on what seems to be a major cause of the deterioration of Christianity in the West.

Charles Darwin's theory of evolution by natural selection dealt a body blow to the Christian faith from which it has not recovered, and from which it may be unable to recover. The Darwinian ("neo-Darwinian," these days) theory of evolution undermines belief in God, because it eliminates the necessity of believing that something greater than humans exists. To have religious faith — as religious faith is

understood in the Western monotheistic tradition, at any rate — one must believe in an entity that transcends human beings, at the very least a Creator who set the world in motion and initiated life. Darwinian evolution offers an alternative explanation for the initiation of life, one in which there is no need for a Creator. The ascendance of Darwin and the decline of Christianity are not entirely coincidental.

Many people will disagree. They will point out that Christianity has survived the century-plus since *The Origin of Species* was published, suggesting that whatever Darwin's impact was, it has been absorbed. Alice Kehoe, writing in a volume of essays entitled *What*

In this post-religious age, if people must have a "personal Will" to believe in, will they not seek it in "society" and thus, ultimately, through socialism?

Darwin Began, states that "among Christians broadly defined today, the majority viewpoint is that evolution is the process through which life developed, and is developing, on earth. God may have instituted the process, or God may be actively working within the process" (74). And D.F. Bratchell, author of *The Impact of Darwinism*, has said that "religious opinion generally can accommodate scientific explanations of evolution" and the only problems he sees are "reports from the United States about objections by fundamentalists to the teaching of Darwin's theories in schools" (78).

They could be right. But in the United States, the mainstream denominations that make a point of accommodating science are the ones that have been in decline for decades, while many of the expanding denominations reject Darwinian evolution. (And Kehoe's statement that "scientific creationists are living fossils from a bygone era of science" [180] makes me wonder how objectively she weighs the evidence.)

As for Bratchell, he was writing in Great Britain, where only 16% of the population even attends church. More to the point, perhaps, is that he made his statement in 1981. Fourteen years later, the assault in the U.S. on teaching Darwin's theories in schools is stronger than ever.

Furthermore, the uneasy accommodation of Darwinism by the Church of England and mainstream American denominations may reflect a poor understanding of Darwin.† Kehoe's dismissal of the problem ("God may be actively working through the process") seems too casual. It glosses over the fundamental distinction of Darwin's contribution, the truly mind-boggling part of the theory: not that species evolved, but that they evolved through natural selection, a largely random process.‡

The fundamental issue with Darwinism, as Bratchell summarizes it, is "whether there is a motivating force or organizing principle behind the evolutionary process, or whether the apparently blind chance of natural selection is the only explanation" (78). Darwin endorsed the second position, and his theory has been elaborated through knowledge of Mendelian genetics. It is on this point that the latest conflict over Darwin has erupted. Advocates of "intelligent design" challenge Darwin's theory of natural selection.

Percival Davis and Dean H. Kenyon make the case for intelligent design in *Pandas and People*, published by the Foundation for Thought and Ethics, intended to be supplementary science text. In a very readable, thoughtful manner, it questions Darwinian evolution on a number of counts, offering intelligent design as a solution to the problems within Darwinian theory.

Scientific American is inclined to view intelligent design theory as a creationist sneak attack. Discussing *Of*

† I am also open to the possibility that I don't understand how Darwinian evolution can be compatible with theological orthodoxy, and am in need of elucidation.

‡ Some people don't consider natural selection a random process. While genetic mutation may be random, the process of selection occurs because a mutation turns out to be advantageous.

Pandas and People, the magazine said: "Antievolutionists are using a new weapon in their fight to bring the supernatural into science curriculums." It went on to describe intelligent design as a "theistic formula that posits an unnamed intelligent force to explain the diversity of life" and a way of bringing the "supernatural" back into the public schools.

Technology Review, published by the Massachusetts Institute of Technology, was concerned enough about the popularity of the book — the publishers claim 19,000 copies are in print — to publish a cover story that addressed the idea seriously and, perhaps surprisingly, somewhat sympathetically.

Kenneth R. Miller argues that, when all the evidence is in, natural selection is more credible than intelligent design. One significant category of evidence is all the signs that evolution has made "mistakes" an intelligent designer would not have made. The eye is a marvel of cell specialization and thus, seemingly, powerful evidence for intelligent design. However, the eye has cells that inconveniently block the photoreceptor cells. Miller argues that an "intelligent designer" wouldn't have introduced such errors, but evolution by natural selection can explain their presence. He goes on to say that genetic material is replete with similar "mistakes."

Such arguments may be persuasive, but it must be noted that intelligent design probably would not have attracted so much attention were there more consensus within Darwinian circles. Indeed, the neo-Darwinian theory of evolution so solidly accepted by scientists in the 1950s is not even the prevailing theory now. The strongest theory today, proposed by Niles Eldredge and Stephen Jay Gould in 1972, is "punctuated equilibrium." In this view, changes from one species into another occur over a very short period of time, followed by a long period of equilibrium. Punctuated equilibrium deals with a problem that troubled Charles Darwin himself: missing links. Darwin's original theory held that species developed gradually over time. Fossils show ancient plants and animals, many of them now extinct, but they don't show a series of changing life forms. Where are these missing links?

Punctuated equilibrium explains

the mystery of the missing links. But there is dissatisfaction with punctuated equilibrium, too. James W. Valentine, writing in *What Darwin Began*, notes that "it is probably true to say that even at the most rapid rates of morphological change usually considered between species, new phylum-level body plans cannot be evolved in the times available" (270). He has other ideas which may indeed be the direction in which evolutionary biology is now heading: toward recognizing changes in gene regulatory patterns as the forces behind evolutionary change, rather than simply gene mutations. Valentine admits, however, that his account is "quasi-philosophical" and only a "generalized scenario of a possible explanation of mechanisms of the origin of phyla and classes" (271).

Laurie Rohde Godfrey, who edited *What Darwin Began*, says that these disagreements and reconsiderations are a sign of health in the profession. She notes that "anti-evolutionist polemicists seize on all kinds of critiques in an effort to portray evolution as a crumbling citadel defended by a powerful but wrong-minded Establishment. . . . But evolution is not a crumbling citadel." Evolutionary biology, she says, "is actually in a period of rapid and healthy growth. That growth centers in part around controversies" (viii).

This seems to be overly optimistic. In the same paragraph, she notes that "some of the basic premises of Darwinism are under serious attack from within evolutionary biology" (viii). And elsewhere in the same volume, two scientists are more outspoken: "Not since the late nineteenth and early twentieth centuries have there been such controversy and polarization in this field" (17). The editors of *Pandas and People* may be right when they suggest that evolutionary biology has reached the stage of "paradigm breakdown — a state where a once-dominant theory encounters conceptual problems or can no longer explain many important data" (153).

The Survival of Civilization

Whether the continuing controversies within the Darwinian theory of evolution mean it is coming apart at the seams rather than merely being refined, thereby creating an opening

for an alternative hypotheses like intelligent design, is not clear. In any case, the broader issue of whether Darwinism is compatible with religious faith remains an interesting one. While I am still open to further argument and evidence, Darwinian theory and religious faith seem to be mutually exclusive. If I am correct, there are important implications for those who value human liberty, as I do.

If religious faith plays a critical role in development of a free society, as Evans and Hayek argue, then embracing Darwinian evolution may come back to haunt us by destroying the underpinnings of the liberal social order. Of course, I do not mean to suggest that we should reject Darwinian evolution on these grounds; truth should out, whatever the consequences. But I do suspect that the triumph of intelligent design theory would be the best outcome for our society, because it would be more compatible with religious faith. If widespread loss of faith leads to widespread loss of freedom, then a theory of the origin of life that allows people to maintain their faith may have crucial benefits, even for those in society who have no interest in religion.

But I am *not* an adherent of intelligent design theory, and my skepticism about intelligent design stems, as much as from anything else, from my reading of Hayek. The chief goal of Hayek's intellectual life, I believe, was to persuade people to stop thinking that human beings designed the social systems they lived under, and to recognize instead that these orders developed spontaneously, without design, over time. As long as people believe these systems were designed by a human mind, they will consciously try to redesign them. The result will be socialism, in one or another variant.

Hayek was writing about cultural evolution, not biological evolution, a distinction he makes clear in *The Fatal Conceit*. "The mechanism of cultural evolution is not Darwinian," he writes (23). At least in part, he means that cultural evolution occurs through the inheritance of acquired, that is, learned characteristics, while biological evolution occurs through genetic information.

But he also observes that "all evolu-

tion, cultural as well as biological, is a process of continuous adaptation to unforeseeable events, to contingent circumstances which could not have been forecast" (25). This process is the same as, or very similar to, natural selection, the keystone of Darwinian theory. If continuous adaptation to unforeseeable events can explain social systems, perhaps it can also explain the evolution of species. And if there is no designer of social systems, as Hayek persuasively argues, one must con-

sider the possibility that there may be no Designer of species, and perhaps no Designer of life itself.

As I have indicated, in the final chapter of *The Fatal Conceit* Hayek attempts to build a bridge (unfortunately, a very schematic one) between his agnosticism and his culture's religion. He suggests viewing God as the personification of a moral tradition; this moral tradition was, in his view, "the source of order that religion ascribes to a human-like divinity" (140). The prob-

lem he perceived was this: It is probable that most people need to believe in a "personal Will" (the personification, not the tradition) as the source of order. Yet today, faith in God is widely rejected as superstition. In this post-religious age, if people must have a "personal Will" to believe in, will they not seek it in "society" and thus, ultimately, through socialism?

"On that question," Hayek concludes, "may rest the survival of our civilisation." □

Arthur, "Presidential Follies," *continued from page 30.*

acknowledges that "we don't know how much the assets are worth, and we won't know until they're put on the auction block and people bid for them." This might make it impossible to "repeal taxes as cleanly and quickly as possible." After reiterating his insistence that the current income tax must go, he considers two possibilities: a 10% flat tax (which he estimates would raise \$500 billion per year) and a 5% sales tax (which would raise \$250 billion per year). Concerned about the cost of compliance and the invasive activities of the IRS, he structures his suggested 10% flat tax in an original way. Businesses would withhold taxes from their employees, without reporting the identity of individual taxpayers. Realizing that business returns would require a profit-and-loss statement, which would subject them to IRS snooping, he would allow businesses to opt out of the flat tax by paying 5% of gross sales instead.

Browne makes a strong case for scaling back "defense." His position is basically old-line isolationism of the sort Isabel Paterson, Rose Wilder Lane, and other libertarians of the pre-World War II generation espoused. He unflinchingly criticizes every U.S. war since the Revolution, and rejects entirely activist foreign policy of the sort the U.S. has engaged in for the past half-century. He concedes the need for national defense, in the form of an anti-missile defense. But he is skeptical that it can be provided by a government bureaucratic organization, or even contracted out to the lowest bidder (too much danger of problems like "underbidding, cost overruns, and

so on"). He proposes instead that the government offer a fixed sum to the first private firm that delivers "a working missile defense."

This is radical stuff, though it will not likely be radical enough for some libertarians, who will be troubled by Browne's willingness to allow the states to continue some government programs:

In some cases, state or local governments will take over [federal programs] — and perform them at less cost to the taxpayer. And citizens in each state will have more power to reform or abolish programs as they choose. (p. 66)

People within each state could then decide for themselves whether they want their state or city governments to perform some of the regulation. (83)

The answer to the Medicaid funding problems, the corruption, and the scandals is to end the program. Don't string taxpayers along with more "reforms" that don't reform anything. End federal grants and federal tax-collecting on behalf of the states. Let each state's citizens decide for themselves whether they want a government program to provide health care for the needy. . . . And let's hope most states stay out of health care. (101)

These passages are Browne at his most "moderate," probably intended as evidence of his practicality and his respect for the U.S. Constitution. I suspect Browne hopes it will resonate with conservatives, and perhaps make him sound less strident.

Much more troubling is Browne's waffling on abortion:

Until science can demonstrate otherwise, I must assume that life begins at conception. Thus I believe abortion is wrong — very wrong. But the government that can't win a War on Poverty or a War on Drugs isn't going to win a War on Abortion.

An unfortunate fact of life is that there always will be abortions, just as there always will be people who misuse drugs, no matter what the laws are.

The only practical solution is a program of education and persuasion. . . . (180)

The problem with this is that if an individual's life begins at conception, then abortion is not simply "wrong." It is *murder*, an act of violence against another human being, not merely self-destructive behavior (like drug use is alleged to be) or a social condition (like poverty). And by the logic of the rest of his argument, government shouldn't outlaw rape or murder either. After all, "there will always be rapes and murders." Would Browne be content to fight rape and murder with "education and persuasion"?

Here Browne's pandering to the Right gets the better of him.

But overall, *Why Government Doesn't Work* makes a powerful and cogent case for radical libertarian change, a case stated simply and accessibly. The Browne campaign has a lot riding on it. I don't know how the average voter would react to it, but I think it has a better chance than past libertarian propaganda efforts. A bigger challenge may be getting an average voter to spend \$19.95 for a political book. □

Extrapolation

The Cost of an Additional Year of Life

by Ben Bolch and Deborah Pittman

Sometimes regulations can kill.

In 1994, T.D. Hopkins of the Rochester Institute of Technology published a paper in the *Journal of Regulation and Social Costs* that measured the direct compliance costs of federal regulations. He estimates that this alone comes to about \$6,000 per household per year, and that by all projections it will continue to increase. Yet whenever members of Congress attempt to reduce this burden, they are painted as pawns of industry, polluters of the environment, abettors of cancer, or worse.

Now comes a new study by Tammy O. Tengs *et al.*, a team with affiliations at Duke, Harvard, and other sites not noted for their anti-regulatory bias. It is a massive literature search on the costs of regulations and other interventions designed to save life, and it has been published in a recent issue of *Risk Analysis* (Vol. 15, No. 3). The study systematically reviews the costs associated with life-saving interventions, defined as "any behavioral and/or technological strategy that reduces the probability of premature death among a specified target population." It assesses the net incremental costs (in 1993 dollars) of around 500 interventions, each scaled so that it adds one year of life expectancy to one person. The study treats an additional year of life and future costs as any rational businessman would treat an investment (they are both discounted, in this case at a conservative 5%). There is little doubt that the Tengs study is among the best in comparing diverse measures that are purported to increase life expectancy.

The first thing the study notes is

the tremendous difference in median cost among several federal agencies per life-year saved. The Federal Aviation Administration is the most cost-effective, with a median cost per life-year saved of \$23,000. Then comes the Consumer Product Safety Commission (\$68,000), the National Highway Traffic Safety Administration (\$78,000), the Occupational Safety and Health Administration (\$88,000), and finally the Environmental Protection Agency (\$7,600,000). These figures are unnerving to economists and rational businesspeople because they indicate that life-saving interventions among these agencies are grossly inefficient, as efficiency dictates that the incremental cost of a life-year saved should be the same across life-saving investments. Put another way, efficient investment in life-saving intervention does not put scarce dollars into high-cost intervention until all possible mileage has been gotten from low-cost actions.

A number of mandated life-saving interventions have costs well in excess of \$1 billion per life-year saved. These include banning asbestos in diaphragms (\$1.4 billion per life-year saved), benzene emission controls in tire manufacture (\$20 billion), and chloroform emission at 48 pulp mills

(\$99 billion), among others.

At the same time that the government makes these mandates, it complains about the cost of health care. Yet a number of medical procedures whose high cost subjects them to complaint are, by comparison to environmental mandates, inexpensive. Heart transplants for patients under 55 with favorable prognosis cost \$3,600 per life-year saved. Hysterectomies with oophorectomies for asymptomatic women age 40 cost \$51,000 per life-year saved. Hospital dialysis for kidney failure with patients 55-64 — a treatment considered so expensive that it is almost impossible to obtain in Britain — comes in at a mere \$42,000 per life-year saved.

The moral of all this is that many lives could be saved by redirecting expenditures on any number of silly regulations to more cost-effective interventions. Tengs found that such a reallocation of resources could save an additional 60,000 lives per year — or, viewed another way, that we could save the same number of lives while reducing the associated cost by \$31 billion per annum.

Given that the amount a nation can spend on such matters is finite, it is literally true that mindless regulation kills. □

Travelogue

Dollar an Inch of Skin

by Bo Keeley

A dance with the cheetah.

"Can I change 20 American dollars if I eat a meal?" I ask in Spanish.

"Si, si."

The dish is steaming on my table in two minutes. There are two other couples in the café, a husband-wife pair who stand to leave, and two males seated a few tables to my right. They drink tall bottles of beer from glasses with their meals.

The airport money-changers were closed yesterday, Saturday, when I flew into Caracas. It was a simple task to beg onto the airport bus with a couple greenbacks, and to secure a room on promise of payment, but today I need foreign pocket money.

The restaurant is shaped like a french fry and has a bar with a dozen tables. It is not fancy, not a dive — it's a place to get a meal. Located near the bus terminal, the patrons would be arrivals or in transit. I am careful, when globe-trotting, about where I eat and with whom. My practiced eye sizes a location, spots a scam, and steers me clear of thugs.

I take particular note of the man eating with his back to me. Clean ebony skin, pressed orange shirt, closely cropped hair, and a grace of movement as he brings the glass to his mouth. He has not been on a bus, and seems too much a part of the place to catch one out. Now he turns to me and salutes with his glass. A tidy mustache, no drugs in those alert eyes, a strong face with a graceful jawbone. He is tall and built like a cheetah. I nod in return and look to my meal. But before the first bite I note his dark face is blushing.

The Chinese food is delicious and although I am not sure of the menu — my Spanish is only passable — it resembles chop suey. As the waiter comes to clear the table at my rear, I order another meal and pay on the spot with a \$20 bill. He returns in two minutes with another plate and change in Venezuelan currency.

The food is piping hot and must cool for a minute. The cook is gone. The cashier is gone. The waiter has disappeared and the floorsweep, a female, closes the bathroom door behind her. This is a small café and all within my visual field. The black man and his shorter companion exit to my left, greeting, "*Adiós, amigo.*" I am alone with my food.

The black man built like a cheetah and his comrade enter at brisk stride. My chair is five steps from the door and already they have machetes out. I sink slowly into the chair with an eye on each hefty knife as they separate and walk to either side of me.

There is no time for any reaction beyond a long stare. I gauge quickly there will be little room to explore. One man is on either side, the table in front, and my back to the wall.

When trouble rears, I am ready to face it and have. There is only a vapor of fear, and I am thinking clearly. I wince mentally, however, at the possibility of taking a long knife in the side repeatedly. I am alert and could spring, though I realize my fate is bleak.

"*Tranquilo,*" orders the cheetah man. His short cohort says nothing.

The tall one holds the knife low and expertly. The blade is 14 inches long, plus another six in the handle. His strong fingers grasp the weapon in familiar balance and I see he can strike, withdraw, and rotate it with deftness.

The knife held by the other one is shorter, a foot in length in total, but with a sharper point.

The cheetah is jabbing me in the left side under the rib cage. The other is jabbing repeatedly at my right thigh.

The strikes are firm but do not break the skin. They are painful enough to bruise. I cannot glance down to find if my clothing is being ripped, for the nature of the sharp blows is such that I can hardly move. One high on the left, the other low on the right. If I inhale deeply I will impale myself, or if I twist my trunk an inch the result will be the same. Either of the men could plug me full of holes in a heartbeat.

If either gets angry he will.

"Give us your money." Everything in Spanish. "Of course, I give you my money."

I empty my pocket of the Bolívares I have gotten in the earlier trade and toss the money on the table next to the chop suey. I perform this with a rigid body, moving only my arms and hands to avoid putting blood on the continuing thrusts.

"Bah," says the cheetah man through gritted teeth. "More money. Pronto." Jab. Jab. Jab. His steel catches me repeatedly in the left side a fraction under the bottom rib. The guy knows anatomy like a pro, and I cannot suppress a flare of admiration for him. He understands that one upward thrust of one of those probes will take the long blade through my diaphragm. I will not be able to pull wind. The heart is the next stop. I would shoot this man without a blink if I had a gun. I want badly to shy from the knife but the other one pokes my right thigh and he could run my leg through.

This is an orchestrated hold-up. Is it an inside job? I think so. They certainly are kitchen machetes. And a room does not clear of so many workers by coincidence.

A traveler to out-of-the-way parts must be prepared to face the consequences. That he will be robbed eventually is a given. I have been robbed on many occasions of little violence, by pickpockets and room thieves for the most part. I scheme far ahead of the mugger to cut my losses short.

The first step is to create small stashes on different areas on the body. The best place is in a cloth money belt that holds the valuables close to the small of the back where it is difficult to get at. The problem is that a sophisticated holdup man knows most travelers carry money in this manner and looks there immediately. I do carry money in this place, but only a big wad of small bills to satisfy any poor-country crook. The robber in these countries, or in impoverished districts of wealthier countries, salivates at the sight of a small quantity of American

dollars. Hence I will get heisted and play the act of woe as the money belt is found and the crook trots away a happy fellow, and I walk on with the big store still on me. The real stash, of course, is in another place, somewhere no thief will think of. I have sewn a pocket on the inside of my jeans above boot level, and it is here the \$100 bills are carried. Dozens of them, which have never been discovered.

Another trick I use is to have a pocketful of small notes and when accosted throw them high in the air

Many of the countries I travel in are raw and reckless, their cities islands of lawlessness.

and flee. The robber wants the money, not the person. On a windy day he hasn't a chance against me. This technique becomes more effective with an increase in the number of holdup men. I scatter enough bills to keep them busy for a minute and, knowing the nature of thieves is that one will not trust the others to hold the money while he pursues, I escape.

Taking a stand against a sidewalk pirate is something I am also accustomed to. I am not small, and have a degree of strength and ability, so courage comes easily in a one-on-one encounter. That is not the typical scenario, however. Most folks have little comprehension of the explosiveness and lack of fairness in violence. There will not be one man but at least two.

They do not come with clenched fists but with weapons. They have no decorum and will spill my blood without hesitation.

I can do nothing but hold still and breathe lightly as the two Venezuelans jab me and gruffly demand more money. They will not hold their patience much longer, and a dead man is easier to pluck. It is

time to pull out the money belt and relinquish the big wad of small bills. It was time long ago, but there is a hitch today.

The tall man is stabbing at me just above where the belt is. I cannot reach for it without injuring myself against his knife, much less make him think I am going for my own weapon. I fidget and sweat. I do not know the words in Spanish to explain that the money is under my clothes at my spine. I sit seconds getting poked, watching their frustration grow. Over and over I consider reaching for the money belt but each time I reject the action because of the likely consequence. *If only he will begin to search me, he will find it*, I am thinking. But that will take two hands and one of his is busy.

Meanwhile the shorter man does start searching my right side with one hand, the other still making time with the blade. My heart sinks. In a moment he is sure to come across the big store. His free hand works with practiced speed down my leg until he feels the thickness of extra material. He reaches under the cuffs, easily slices through the secret pocket. My main bank, neatly wrapped in a plastic baggie, drops straight into his hand. He starts for the door.

Now the tall black feels for the money belt, saws with the steel, and has all the rest of my savings. He springs away and is on his partner's heels out the door.

"Silencia," he pauses to shout at the exit. Then they are gone.

As if on cue, the sweepgirl emerges from the bathroom. She looks on sadly and shakes her head in sorrow. She knows.

I am crestfallen. Cleaned, wiped out, but alive. This is no place to linger. I find my feet and leave by the door.

The chop suey is still on the table, cold.

Many of the countries I travel in are raw and reckless, their cities islands of lawlessness. I found myself wedged between a rock and a hard place, and what many call a tangle with bad luck I say is fortune to have bucked odds without losing blood. I learned a bit about myself and, at the price of a dollar a square inch of skin, walk on lighter feet to the next adventure. □



"Red is definitely your color!"

Lessons from Success

by Jim Powell

What libertarians can learn from the conservative movement.

Libertarians have the books, but conservatives are getting out the votes. That's because conservatives have built a genuine political movement, while libertarians stand out mainly as an intellectual trend. If libertarians are to develop strategies for achieving a serious, sustained impact on public policy, they will have to learn the difference.

Most libertarians seem to believe that ideas are the beginning and end of political influence: publish books, win over intellectuals, and eventually libertarianism will reach the general population. In short, follow the strategy pursued by the Fabian socialists a century ago. How many times have we heard libertarians quote Richard Weaver's phrase, "Ideas have consequences"?

Without doubt, libertarians have achieved much on the intellectual front. Three decades ago, the movement consisted of the crowds drawn to Ayn Rand and Nathaniel Branden, plus scattered individuals. There was one major libertarian magazine (*The Freeman*, given away free). There were no libertarian think tanks. The publication of a libertarian book was an event. Now several hundred libertarian books come out every year, increasingly by major publishers, covering every imaginable issue. The Cato Institute has made libertarian ideas respectable not just in Washington, D.C., but across the country. There are many regional think tanks producing fine libertarian material. *The Freeman* goes to paying subscribers, and *Reason* and *Liberty* magazines have experienced gratifying growth. Libertarian professors teach at the most prestig-



ious universities in America. Laissez Faire Books serves some 30,000 customers interested in liberty.

Moreover, libertarians have achieved some political influence. This is primarily because of grassroots lobbying organizations. The National Taxpayers Union boasts 300,000 members. Citizens for a Sound Economy, which lobbies on a wide range of issues, has 250,000 members. U.S. Term Limits, the largest term limits organization, has 80,000 members. The closest thing to a libertarian business organization is the National Federation of Independent Business, with 607,000 members.

Such organizations do far more on a day-to-day basis than the Libertarian Party does, although the LP reports things are looking up. Paid

membership, at 12,500, is at an all-time high. More people than ever are registered as Libertarian Party voters. There are more Libertarian Party members holding public office — 144 — than ever before. The Libertarian Party says it is on the ballot in more states now than at the comparable stage of any previous presidential election cycle.

The libertarian movement has made substantial progress since the early 1960s. But compared to the conservative movement, the libertarian movement is still very limited in scope.

Consider communications. The Conservative Book Club reports it has about 50,000 members. *National Review* (biweekly), 250,000 subscribers. *The American Spectator* (monthly), around 300,000. *The Limbaugh Letter* (monthly), 500,000. *Human Events* (weekly) is well behind these with about 50,000, but it's growing fast thanks to an infusion of promotion money from its new owner, Phillips Publishing. *Human Events* could soon surpass *Reason*, the largest libertarian magazine, which claims a 60,000 circulation. There isn't a libertarian (or anyone else for that matter) who

approaches Rush Limbaugh's broadcast numbers: five million people per three-hour weekday radio show. His TV show does well in its out-of-the-way time slots. The Heritage Foundation, the largest conservative think tank, operates with a \$25.3 million annual budget, more than double that of the Cato Institute.

The conservative movement is even more impressive at grassroots lobbying. The largest multi-issue conserva-

Libertarians might belittle such conservative battle cries as patriotism, school prayer, and abortion, but these issues move millions.

tive grassroots lobbying organization, the American Conservative Union, claims over 1,000,000 members. Then there's the single-issue grassroots lobbying organizations. Focus on the Family reports it has 2.1 million members and an annual budget over \$100 million. The Christian Coalition, 1.6 million members and a \$25 million budget. Citizens Against Government Waste, 600,000 members. The National Right-to-Life Committee says it doesn't keep track of individual members but rather operates through 50 state affiliates and some 3,000 chapters. Phyllis Schlafly's Eagle Forum, which now focuses on school curriculum issues, claims 80,000 members with chapters in 47 states. The Conservative Caucus, lobbying a wide range of conservative issues, reports about 60,000 members.

I'm well aware that many of these numbers are probably exaggerated. But I expect such inflation occurs in libertarian organizations as well, so the numbers should serve as a reasonable indicator of comparative size. Conservative organizations generate far more revenue and turn out far more people for demonstrations, telephone campaigns, precinct canvassing, and other grassroots political action.

While some conservative lobbying groups go their own way, many have banded together. Conservative activism gathered momentum in 1974, after President Gerald Ford named an

enemy of conservatives, Nelson Rockefeller, as his vice president. That year, some activists started a Conservative Political Action Conference (CPAC) in Washington, D.C., in order to share experiences, discuss strategy, and get fired up for the political battles ahead. CPAC has met every January since then. The biggest annual conservative event, it attracts as many as 2,000 people. Every major conservative organization has a booth to distribute literature and seek recruits. Almost every prospective Republican presidential candidate speaks there. Ronald Reagan addressed CPAC a dozen times. Among the politicians who spoke at CPAC this past January were Bob Dole, Newt Gingrich, Phil Gramm, Jack Kemp, Dick Armey, Lamar Alexander, Patrick Buchanan, and Dan Quayle. Libertarians don't have anything like CPAC.

During the 1970s, conservative activists found their Seven League Boots. They became much more sophisticated with direct mail, a medium which made possible an end-run around "liberal"-controlled TV networks, magazines, and newspapers. Conservative activists such as Paul Weyrich (Free Congress Foundation) began systematically channelling money to conservative candidates, and within four years they had helped elect more than 30 to Congress. Strategist Terry Dolan (National Conservative Political Action Committee) pioneered independent conservative media campaigns aimed at unseating "liberal" adversaries in Congress, and he achieved some notable successes. Conservatives demonstrated considerable savvy during their unsuccessful campaign to defeat the treaty which gave away the Panama Canal — the campaign became Ronald Reagan's stepping-stone to the White House.

Last year, conservative-led grassroots campaigns did much to defeat Bill and Hillary Rodham Clinton's attempted seizure of our health care system. The American Conservative Union helped coordinate efforts among more than 40 grassroots lobbying organizations. Altogether, conservatives mailed over 20 million letters urging people to contact their representatives in Washington. And the

Christian Coalition distributed some 30 million postcards expressing opposition to government-run health care.

To be sure, libertarians made important contributions to the anti-ClintonCare campaign. The Cato Institute distributed over 100,000 copies of a *Patient Power* minibook that explained the most appealing alternative to government-run health care. Citizens for a Sound Economy did a superb job on many fronts. It led a coalition of 30 organizations against socialized medicine. It conducted an advertising campaign in the districts of congressmen drafting health care legislation. It organized well-publicized rallies that helped bury the Clintons' cross-country "Health Care Express" promotional bus tour. But most of the big numbers were turned in by conservative lobbying organizations.

Conservatives perform just about every function needed for an ongoing movement. For example, conservatives train journalists. Author and former newspaper editor M. Stanton Evans heads the National Journalism Center, which offers twelve-week courses emphasizing free-market economics. Held in Washington, D.C., these

Newt Gingrich's election to the House in 1978 was, from a long-term perspective, as important to conservatives as Reagan's victory in 1980.

courses include six weeks of classroom work and six weeks of internship at publications and TV stations. The National Journalism Center says it has trained about 1,000 people over the years. They have gone on to work at CBS-TV, CNN, C-Span, NBC-TV, Evans & Novak, *Forbes*, Gannett News Service, *Investor's Business Daily*, the *Los Angeles Times*, *Newsday*, *Newsweek*, *Reader's Digest*, *The Wall Street Journal*, and the *Washington Post*, among others.

How important is such training? Well, recently ABC-TV reporter John Stossel (*20/20*) told me he'd love to hire libertarians, but he can't find any with adequate journalism and/or broadcast experience. This is in New York City,

the nation's media capital!

There are conservatives who do nothing but train people for political careers. Since 1979, Morton Blackwell's Virginia-based Leadership Institute claims to have trained over 10,000 aspiring candidates, campaign managers, broadcast media people, and campus activists. They learn how to recruit volunteers, how to motivate volunteers, how to develop an effective campaign plan, how to raise funds, how to conduct opposition research, how to give good speeches, how to set up media events, how to build coalitions, and so on. By contrast, the Libertarian Party employs just one political consultant.

Each year, the Institute for Humane Studies helps about 400 college libertarians develop a more sophisticated knowledge of classical liberalism — important work, but a fraction of the students reached by campus conservative organizations. College Republicans, which became conservative during the Reagan presidency, claims it has about 100,000 members and recruits some 800 new members a week. They serve as foot soldiers in political campaigns, and some enter politics as a career. Phyllis Schlafly's Eagle Forum has chapters on about 60 campuses. The Intercollegiate Studies Institute claims to have chapters on most college campuses and a total membership of over 55,000. It distributes some 900,000 pieces of literature annually. Young America's Foundation helps finance and promote conservative speakers across the country. For example, over the past year, Schlafly drew 900 students at Swarthmore. William F. Buckley, Jr. spoke before 2,300 at Indiana University. Some 3,000 students at Oregon State University turned out for former drug and education czar William Bennett. Former Vice President Dan Quayle attracted 6,000 at College of the Ozarks. The only other speakers who can produce these numbers now are outrageous black radicals with promotion heavily subsidized by college administrations.

An important factor in the conservative movement's growth is its powerful emotional appeals. Some libertarians might belittle such conservative battle cries as patriotism, school prayer, and abortion, but these issues

move millions. Religion, supposedly doomed by modern science, is expanding its influence. There are now an estimated 24 million Evangelicals and 58 million Catholics, many of whom are joining forces in the "pro-family" conservative movement.

Religious appeals and business ability made television evangelist Pat Robertson a leading power broker in the Republican Party. His Family Channel (formerly the Christian Broadcasting Network) reaches 1.5

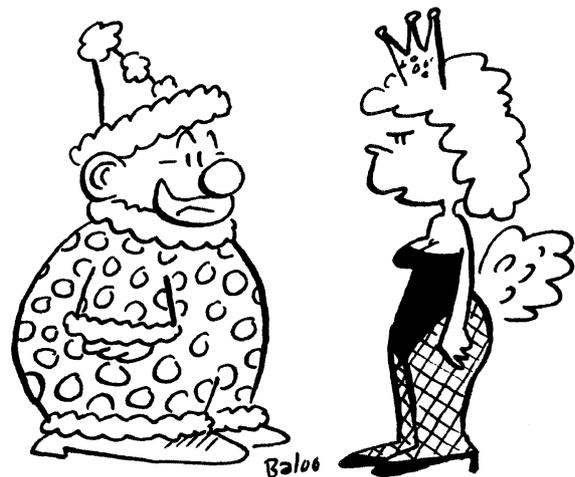
Libertarians should resist the temptation to offer a laundry list of positions that most people are too distracted to remember.

million people a day. His Operation Blessing claims to have distributed more than \$50 million to poor people. He operates Regent University with a \$150 million endowment. Robertson controls International Family Entertainment, which owns Ice Capades, the Family Channel, and Mary Tyler Moore Entertainment — altogether, its annual revenues exceed \$200 million. There isn't any outspoken libertarian with a media empire like this. Robertson used his resources to start the Christian Coalition, perhaps the most dynamic conservative grassroots lobbying organization.

Ever since Barry Goldwater ran for president in 1964, conservatives have absorbed ferocious abuse from the media. They've been tarred as racists, fascists, and extremists. In recent years, many conservatives have become adept at handling themselves. Rush Limbaugh, Ralph Reed, William Bennett, Phil Gramm, and, of course, William Buckley have become media-savvy stars, to name just a few. About the only libertarian with as much fame and finesse is Milton Friedman, now largely occupied with his memoirs.

The conservative movement has benefited from aggressive marketing talent. Take direct-mail pioneer Richard Viguerie. He compiled the first conservative direct-mail list in 1964, and now he has perhaps the largest files of conservative donors, approaching five million. He has methodically applied the techniques of America's biggest commercial mailers. He has helped launch conservative grassroots lobbying organizations and raised millions for other conservative organizations and dozens of conservative political candidates.

The conservative movement was fortunate to have formidable organizing talent. Back during the 1950s, 1960s, and 1970s, the Johnny Appleseed of the movement was Marvin Liebman, who launched several dozen lobbying organizations. Best-known was the Committee of One Million Against the Admission of Red China in the United Nations. Back before conservative direct-mail lists were available, Liebman would form an organization, raise seed capital, and spend it on *New York Times* advertisements soliciting more money and encouraging people to contact their congressman about the particular issue. On one occasion, he filled Manhattan's Madison Square Garden with 18,000 screaming conservatives who paid money to get in — selling tickets for a political rally was unheard-of, but Liebman operated on a shoestring, so he didn't have much choice. When the movement was small, he achieved an impact far out of



"Me marry you? Get serious!"

proportion to the number of people involved with his groups.

The most phenomenal conservative mass organizer was Phyllis Schlafly, the Alton, Illinois, mother of six who almost single-handedly stopped the Equal Rights Amendment. Its adoption had seemed inevitable, because it was promoted aggressively by the national media, two presidents, and both Democratic and Republican congressional leaders. Schlafly had honed her organizational skills on her way to becoming president of the Illinois Federation of Republican Women (when it had 27,000 members) and later first vice president of the National Federation (when it had 500,000 members). Her vehicle for the anti-ERA campaign was her group Eagle Forum, which established state organizations, and these, in turn, started local organizations. Schlafly had an estimated 10,000 people working for Eagle Forum in a single state, Illinois. She could capitalize on a fast-breaking situation by organizing a rally within hours — a few dozen phone calls to her key people would result in a crowd of several thousand. Her stellar performance was a 20,000-person rally that dwarfed a pro-ERA demonstration in Houston, in November 1977.

Schlafly encouraged corny but effective tactics for gaining publicity and goodwill. For example, in Illinois — the first state to give women the vote yet the only northern state not to approve the ERA — Schlafly's "Eagles" descended on the state capitol and gave every legislator a homemade apple pie emblazoned with the slogan "I'm for Mom and apple pie." She appeared at the capitol building with a clergyman in a gorilla suit, waving a banana and a sign: "Don't Monkey with the Constitution." Despite enormous pressure from feminists, labor unions, and TV celebrities and a porkbarrel deal from President Jimmy Carter, the Illinois legislature voted against the ERA eleven years in a row before it finally died.

Newt Gingrich's election to the House in 1978 was, from a long-term perspective, as important to conservatives as Reagan's victory in 1980. Gingrich was the first person in anyone's memory whose avowed goal was to establish a conservative Republican

majority. He didn't want to get along with the ruling Democrats. He focused single-mindedly on taking them out. He recognized that congressional committee meetings were, among other things, a ploy to waste the time of minority members who couldn't determine policy by attending. He skipped committee meetings and spent his time strategizing with movement conservatives and forging coalitions.

Finally, social conservatives have gained some wisdom. They recognize that a political movement always consists of people in the private sector, not officeholders — however friendly they might be. During the 1980s, conservatives waited on the sidelines, figuring President Reagan would take care of everything. He delivered socially conservative speeches without putting social issues on his agenda, but he was such a revered figure that hardly any conservatives grumbled publicly. Now social conservatives recognize that they must maintain pressure on conservative office-holders. Neither Newt Gingrich nor Dick Armey nor any other Capitol Hill conservative leader enjoys a honeymoon. James Dobson of Focus on the Family, Ralph Reed of the Christian Coalition, and others have already escalated their demands for timely action. This new, more aggressive posture suggests conservatives will be gaining even more political clout.

My point here certainly isn't to criticize the libertarian movement for being small. After all, I'm part of it. I'm proud of how far we've come. My point is to gain perspective and see what needs to be done. These are what I believe to be the most important lessons libertarians can learn from the conservatives:

- (1) It isn't enough to get good ideas into circulation. Maybe they will prevail eventually, and maybe they won't. They're much more likely to prevail if people take deliberate steps to convert them into political action. This means generating pressure on politicians through cards, letters, mailgrams, faxes, and phone calls, which means direct mail.
- (2) The biggest lobbying organizations always focus on a single issue, since it's easier to find

people who agree on one issue than on many issues. Libertarians should emulate the success of conservatives — who, indeed, emulated the success of "liberals" by forming more single-issue lobbying organizations. Property rights offers intriguing possibilities now.

- (3) The most successful political campaigns tend to focus on a single overriding issue, or at least very few. In 1980, Ronald Reagan campaigned on three key promises: cut taxes, cut regulations, boost defense. Libertarians should resist the temptation to offer a laundry list of positions that most people are too distracted to remember.
- (4) To connect with large numbers of people, a campaign issue must make powerful emotional appeals. Fear and greed are the two strongest emotions in politics. Taxes, for example, involve both appeals. If libertarians are constrained by academic diffidence, they will never compete politically with conservatives or anyone else.
- (5) Appeals must be sincere and credible. The most effective direct-mail letters are written the way one intelligent person would talk with another intelligent person across a dinner table.
- (6) Libertarians should take advantage of established organizations, because it's so costly and time-consuming to build brand new ones — although sometimes they're necessary. True, conservatives were betrayed by many Republicans, such as Richard Nixon and George Bush, but they have had increasing success in the Republican Party. The Christian Coalition works through about 60,000 churches. Religious libertarians should consider what might be done through churches. Perhaps other libertarians could gain influence in business organizations, such as Chambers of Commerce and Rotary International.

In short, we should try to learn from the successes of others. □

Fiction

Of No Importance

by Karen Michalson

And so Oscar Wilde is sitting on one side of me and the eyeless Happy Prince with his broken heart is sitting on the other. Our little table is fierce with roses — the kind of roses the nightingale pierced her heart and sang for as she died into dawn and her life's blood colored them red. We are drinking arsenic and lead and discussing the nature of want. There is a dead swallow on the Happy Prince's plate with a sapphire in its bony beak pointed towards Oscar. It is that kind of day.

Oscar is a wit, as everyone knows. He likes to call me Salome, after the girl in his play. Salome who danced for the head of the prophet. Salome whose art pleased the king unto someone else's death. Poor lovely Salome, the beautiful princess whom Oscar clothed in his most killingly exquisite language, who then got banned in England, like Oscar himself.

Salome the woman he once became. I have his picture for proof.

"It is a very dangerous thing to know one's friends," he blithely tells the Happy Prince, who is weeping through his emptied eye sockets. "Why, look at Salome here — look carefully with your eyeless face and your broken heart — she knows better than to know her friends. I'm quite sure she doesn't know us. In fact, I'm quite sure she doesn't know half the people that come to her house."

"And shouldn't like to," I answer as Lady Markby did in another of Oscar's plays. He smiles approval at my wit, so I continue with my own lines, "It is so dreadful knowing anybody nowadays. They all insist on knowing you in return."

"Is that so bad?" asks the Happy Prince.

"It's absolutely hideous," I answer. "Because once they know you they don't believe in you anymore, and then they stop visiting altogether. Which is really quite rude."

"And so it is," sniffs Oscar. "I quite agree. It is always much more pleasant to be believed in than known. Cucumber sandwiches, anyone?"

"No," says the Happy Prince softly.

"No," I echo. "Not unless I can share your food with your dull gray Happy Prince here, who insisted that the dead swallow tear the gold from his leaden body to shower a city with Beauty, and so was thrown on the dust heap for his pains. Or break fast with your dead discarded nightingale who died to color a soft rose for a young lover's whim. Or with the beautiful bloodied rose itself, cast in a gutter for a cart-wheel to crush out its spiny guts. Or with your remarkable



unremarked rocket, who believed so strongly that his own glory would make a great sensation that he fizzed out in the mud."

The Happy Prince nods and weeps to my words like an old dull daisy losing petals. I am alarmed at how well we know each other. "Or with my namesake Salome," I add, "whom nobody reads."

"My dear Salome," chides Oscar, "there are much better things in life than being read. It is far better to be taken seriously."

He is pleased, however, that I have read his stories seriously enough to summarize them.

"My dear Oscar," I respond sadly, "I'm taking tea with you and the Happy Prince. You've been dead for nearly a century and the Happy Prince is fictional. How the hell can I hope to be taken seriously?"

Oscar sips his tea and considers. "There would be no difficulty in solving most of your problems if you only had a sense of style. I've always said that in all important matters style, not sincerity, is the essential. A really well-done bit of sham is always more interesting and attractive than the sloppy sort of honesty that passes for phoniness nowadays. Really it's gotten so bad that the cheapest vices we all carry in our bosoms are routinely mistaken for deceit, when they are really only awkward truth making an unwelcome intrusion into an otherwise pleasant day. I'm afraid that when it comes to fraud, my dear Salome, most people are completely unable to distinguish excellence from hackwork."

"So why should I cultivate phoniness?"

Salome was more beautiful than any other princess in the world, and lived in a great pleasure palace near a sparkling river with sun-washed gardens of rich fruit and overripe bursting dreams.

One day her step-father the king declared that there was to be a celebration to honor the birthday of his favorite court musician, and that everybody was to come with great gifts from far and wide. The musician's name was Blondello, and he couldn't really play very well, but nobody seemed to mind as the king, who was quite old and partially deaf, liked him.

And with the king's favor to cap his pocket Blondello was much admired. Whenever he performed the courtiers all praised the king's taste. Then they would retire early so the king might have the pleasure of the music all to himself. The court ladies all professed that Blondello's songs made them swoon, even though they were only old standards that everyone had heard other minstrels play correctly hundreds of times before. Salome often remarked that the ladies seemed more inclined to sip their pale wines and eat their delicate sweetmeats and gossip loudly about all the palace goings-on than swoon when Blondello played, but professing to have a sensitive soul is quite as good as actually having one, especially if one declares it loudly and self-righteously and publicly enough.

"He provides perfect background music and he doesn't play anything nobody's ever heard of before," said the old duchess, who was angling for a place of honor at the great

"Because if you go around baring your ugly soul to everyone in the interest of honesty no one will believe you. To be truly taken seriously you have to constantly pretend you're something you're not. Then society will claim you as its own."

"He's right," says the solemn Happy Prince. "When I had my thin veneer of gold plate the world set me in a high place and worshipped me as befits an exquisite statue. When I bade the swallow to strip my gold and my true leaden form was revealed—"

"—it was the dust heap for you," quips Oscar. "You see my tale was quite true. People will only take you seriously if you're willing to make fools out of them. Nothing is more aggravating than being treated like a perfectly intelligent being."

I have to agree that Oscar has a point.

"I never have a point," he answers sharply. "I absolutely refuse to."

"What's your point, Salome?" asks the Happy Prince solicitously.

"I want to be understood. It is the tragedy of my life."

"No," says Oscar, "It is your folly."

"All right," I concede. "Will you indulge my folly and write me into one of your tales, then? Make me into something utterly fictional and utterly absurd, and throw lots of style over it, so someone may at least love me for that?"

"O, yes, please, a story," says the Happy Prince, clapping his dull leaden hands.

"I should be honored," says Oscar.

And so he begins.



celebration so she could show everyone that she was a woman of discerning taste.

"That is why we like him. He is a good reflection of us. It is very good of my cousin the king to sponsor minstrels that everybody likes."

Salome had doubts about Blondello's skill and often wondered if he were capable of playing anything really original, but was far too well-bred to contradict popular opinion. Besides, she couldn't play herself, so she decided there was nothing she could say, especially since her reputation as a dancer was now in ruins. True, the king had given her the head of the prophet as payment for her last dance, but that was really all her mother's doing and besides, if the king held Blondello in such high regard she decided that royal approval of her own art wasn't worth a summer snow.

Also, it was after that last dance that she had been told by a one-legged lady courtier, who merely spoke as a friend that cared deeply about the young princess' future, that her dancing was really too much for court occasions, and she would make everyone happier if she suited her movements to Blondello's predictable cadences instead of to the wild Nubian drummers she imported for her performances. "You shouldn't expect people to pay close attention to a dance performance, anyway," she said, as a friend, but in a voice that sounded very much like a reprimand, as if all of court society should be quite insulted and out of patience should Salome dare to expect anything so horrendously inappropriate. "It's all right to dance, but just don't get so much into it, that's all.

It makes people uncomfortable. Really, you should be more thoughtful and *sensitive* to what others think. After all, if you ever wish to be considered a real princess like your step-sisters you should set an example of good manners."

Salome certainly did not wish to appear insensitive merely because she had the temerity to dance as if she wasn't, and she instantly regretted the girlish innocence that caused her to assume that anyone paid close attention to her performances. Despite her hard work, she was considered less than Blondello, for his performances were generally praised and celebrated while hers were considered a social insult. She desperately wanted to find the right words with which to defend herself, but as she could think of no response that would not sound a bit snobbish, and as she was horrified at anyone thinking that she thought herself better than others, she just stood there in the crowded hall holding tightly to the head of the prophet and feeling like she was on the verge of childish tears.

"Besides," the lady continued, "I have a cousin who is considered a really brilliant dancer. He is so graceful and charming and unbelievably sure-footed that he used to dance with Trillo the Great." Salome had once seen Trillo the Great perform. He was one of the reasons she danced. So moved had she been by his performance that she had demanded her mother hire a Dance Master to instruct her immediately. "Now, really, my dear, it is highly unlikely that you will ever get that kind of recognition, few people ever do, so don't you think it is far more seemly for you to adopt a modest air while you are dancing — one more suitable to your modest position? You shouldn't try to dance like Trillo if you aren't as well-known as Trillo — it just looks pretentious and overdone. Even my cousin — a *really* talented dancer as I said," gushed the lady in a voice that distinctly implied that despite the intimidating intricacy of the princess's dances, she did not wish Salome to consider herself *really* talented after all, "even my cousin was happy to move his arms and legs in the background with the other dancers while Trillo performed."

Salome could feel the blood of the head of the prophet coloring her fingers like the blood of a dead nightingale coloring a dying rose. A solitary diamond tear scratched the surface of her perfectly expressionless face. She hated the tear. She hated betrayal. She was trying her damndest to do the socially expected thing and smile and bob her head in the most ingratiating manner in order to pretend she didn't care enough about dancing to cry a diamond tear, and yet here was one escaping. That shameful realization made her cry another. She felt totally unworthy of good society and saw no help for it but to throw herself from the parapet and dash out her brains.

"You've also got to grow up and learn to take friendly criticism," said the lady in mildly satisfied reproof. "Stop crying, my dear, I'm only saying these things for your own good."

Salome knew that if she ever danced before the court again she would have no choice but to tone down her movements to Blondello's playing, because if she refused to show a public willingness to incorporate everyone's criticism into her performance, she would get a reputation for snobbishness. Snobbishness is not necessarily a bad thing in a princess because it often passes for royal dignity, whereas in a poor

peasant woman it is universally condemned because chances are she doesn't live in a fine palace to warrant carrying herself with any dignity. But snobbishness is fatal to an unknown dancer, because it gives people a reason to loudly find fault with her dancing, even if they've never really seen it.

Besides, if Salome never became as renowned as Trillo, which seemed likely, people would say it was her own fault for not taking the well-meant advice of others. The princess was certainly prescient enough to see where this path led, despite her supposed lack of sensitivity. It meant that she would have absolutely no way to protest her lot. Which isn't bad in itself, because nobody likes a complainer, especially a complainer who lives in a great pleasure palace, except that if she couldn't complain Salome would have no choice but to cheerfully act as if she never really seriously cared about dancing anyway. And if you are greeting life with a simpering smile then surely you must be fine with everything that's ever happened to you. And if you are fine with everything that's ever happened to you, well then, you don't deserve the dignity of really calling yourself a dancer except in the nominal, lightest, most self-deprecatory sense, because you're not really driven enough to succeed, as Trillo the Great clearly was.

Salome cried harder as she stood there anticipating the life-long torture of having to be enough of a lady to blankly smile and murder her soul to please the court.

"O, just enjoy it," interrupted an old fat count in a syrupy voice, who had done nothing of note in his own life, and so felt vaguely unhappy around anyone who had. He had decided that since Salome was crying, she wasn't really as professional as he had feared and so it was quite safe to speak to her. "Never mind chasing some addie-headed idea of excellence that nobody cares about. Life is too short. Eat the fruit of your pleasure gardens and just be a lovely princess like your two step-sisters. Why do you have anything to prove?"

Salome left this conversation feeling all sweaty and dirty and guilty, like it really was bad manners to insist on dancing as well as she could. She had been thoughtless and selfish and immature. She had cried. She had been ill-mannered enough to show how hurt she was. She would be ostracized for taking herself more seriously than anyone else did. After all, if court society decreed it would be happier with her as a mediocre dancer, it was terribly rude of her to insist on being a good one. Didn't other people's feelings matter more than her own? Wasn't dancing supposed to be for the amusement of others? So why shouldn't those others all have their say? After all, she was a princess, and had her pleasure gardens for amusement, and her sparkling little river, so perhaps it was unreasonable for her to be so unhappy over society condemning her silly pursuit of excellence.

But when she was alone she thought again about the parapet. Salome knew as certainly as she knew how to execute a difficult pirouette, that someday the parapet would happen. If not now, perhaps a few years from now. If it didn't happen it would mean she had somehow adjusted her life to society's demands, which she knew was just another kind of parapet, although of the sort that everyone approved of because it didn't make a big splash or demand any notice. And she

knew if there wasn't going to be a real parapet to dash her brains against, then she really didn't care enough about dancing to call herself a dancer in the truest sense, because she would have chosen to mock her own talents by pandering to those who didn't value dancing anyway.

She was a good girl, though, and wanted to please, so to her credit she tried to dance a simple well-known jig to one of Blondello's simple well-known folk songs one evening, smiling graciously at the one-legged lady courtier while she did it. Blondello made his usual mistakes, the gentlemen courtiers retired early, and the ladies ate their sweetmeats and gossiped. The old duchess told her she hadn't really paid attention to her performance, but that she was sure it was charming anyway because Blondello played all the old songs everybody liked. The one-legged lady courtier smiled approval afterward and said, "There, that was all right. Everybody liked that. It's how we all dance. Don't you feel much better about yourself now, my dear?"

Salome stopped dancing in public. Nobody noticed. Occasionally in the dark of the night she would still trace soft patterns of moonlight across her marble floor with her beautiful slippered feet, and run starlight through her graceful arms, and sway prettily to the pull of the moon, but soon she stopped doing even that, as the moon and the stars took no notice of her movements, and it took a far stronger heart than the one she possessed not to feel faintly ridiculous about all the energy she was putting into her excruciatingly private efforts. It is hard to respect your own artistic endeavors when nobody else does, unless you are blessed with a particularly perverse and unpleasant personality, or enjoy living in a state of utter denial. People who believe their lives matter when society doesn't are never pleasant to be around. They either end up murdering everyone in sight in a fit of rage and self-assertion or succumbing to long quiet years of resentment and self-loathing, which everyone seems to prefer.

Salome quietly apologized to the head of the prophet. She no longer believed her dancing was worth anyone's life.

Three days before Blondello's birthday, Salome sat on her cold floor and wept. The king had asked her to be mistress of ceremonies, and had commanded her to devise a gift for Blondello that would be a reflection of the royal family's generosity and good taste. He also wanted her to dance. She had refused, and so the king had shut her up in her tower to teach her better manners, thinking that her social skills would vastly improve if she was prevented from practicing them on anyone. She tearfully told the indifferent moon, the same moon that took no notice of her movements, that she had no gift for Blondello that she could give him with honor, and that she would be a prisoner in her tower until she did.

An old raven who lived outside her chamber window overheard her. He stuck his beak through the partly opened casement and croaked, "Salome, Salome let me in."

"Why?" asked the princess through her tears.

"Because if you do my bidding I will grant you a wish."

"All right," said the princess, opening the casement wide enough for the raven to enter. "What is your will?"

The raven hopped lightly into Salome's lap and twisted his shiny black head around to look up at her carefully. "I was once in love with a beautiful dancer. She would have nothing to do with me, for I was ugly and misshapen from

birth. In despair I tied a rock around my waist and threw myself into a deep pond, but a kindly witch pulled me out. She couldn't save me, so she turned me into a raven. And so I must remain a raven until a dancing princess of the blood royal can humble herself to do my bidding for three nights running. If she agrees and faithfully does whatever I tell her, I will become a handsome prince. If she agrees and then fails to do whatever I tell her, I will regain my true, misshapen form. If she doesn't agree to help me, I must remain a croaking raven."

Salome remembered all the fairy tales she had heard as a child and decided she would like to help the raven. Never mind the gift for Blondello. The bird loved dancers, and it was the custom for handsome princes under a curse to marry whoever freed them. Even though she was a princess, Salome had few marriage prospects among her peers, because her intelligence and "attitude" scared off potential suitors, and unlike her two step-sisters she was really only a step-princess and so didn't have much dowry to offer. She was also a little flattered to be so casually described as a "dancing princess." No one else had ever seriously referred to her as a "dancer" before, and it made her feel a little more real about her life than she remembered having felt for years. She also supposed that as queen of another kingdom with the grateful prince by her side she could dance as brilliantly as she chose and none would dare to tell her otherwise. Rank has its privileges.

"All right, Raven, I will help you. But I must tell you that I am only the king's step-daughter, and so not truly of the blood royal."

"That part doesn't matter, dancer," croaked the raven, "for your style counts for everything and your truth for naught. Besides, when you are dancing, the blood that bathes your sacred legs and feet is more royal than the blood of 20 spinning kings."

Salome blushed with deep joy and pleasure so unused was she to compliments. "What is your will?" she cried eagerly as her young blood stung her face.

"My first bidding is for you to hold this lonely pearl in your left hand and stand in the moonlight in front of your silver mirror and dance as beautifully as your heart will let you. And as you dance you must close your eyes and be like the moon and pay no attention to your body's rough movements. Then, when I count to three, you must enter the mirror and give the pearl to the first person you see."

Salome did as she was bade, and her dancing was gentle and hesitant. Like a dream of dawn glancing across the face of an impenetrable sky. Like a dawn light burning slow and inconsolably through the hard old sky's black dreams. Like a dawn star shyly kissing her namesake Venus and crying her delicate beauty upon soft receptive earth. Like the same star pulsing harder now before the sun's glare might burn her into the ashes of a hard unyielding day. Like the blood-soaked fingers of new rose petals trembling in the light and stinging joyfully with the blood-soaked song of the nightingale. Like the soft golden curls of the prophet she once grasped in wonder before paying with a diamond tear. Like loveliness beginning to know itself — quick before anyone else can stop it.

"One, two, three," chanted the raven.

Salome entered the mirror and stopped dancing and

opened her eyes. She found herself in a poorly furnished garret in a dangerous part of her city. The room was so dirty that each breath felt like she was swallowing filth, because the wind brought dust and soot in through all the cracks in the wall. It was a death wind, moist and cold and pregnant with ague. Salome saw there was no fire, except in the fevered eyes of a young, haggard-looking man who was desperately writing something on bad parchment with the help of a single wavering rush light, while a dirty, gaunt looking woman lay snoring in the corner on a pile of rags. Her breath was foul and full of drink.

"What are you writing?" asked Salome politely, feeling greatly ashamed of her fine clothes.

"Poetry," said the man, showing no surprise at her arrival. "Are you a new character come to make an entrance?"

"I don't know," answered Salome, rightly guessing that the poet was a little delirious for lack of food. "Why do you write alone at night?"

"Because I work by day slopping for the king's swineherd so the court may enjoy pork and sweetmeats at the royal feasts and I have only this length of borrowed rush light to write by. I am writing about a great beauty that I love and shall never meet as an equal."

"And what is her name?"

He sighed. "I cannot name her name. Her reality is not as important as my vision of it, and I know in my heart it is only my vision I write to. I should like to be a court poet. I suppose it is another fruitless wanting. But I suppose with such success I could at least send her a poem with the hope of my words being taken seriously."

"Does your woman know?"

"She knows. She doesn't care. She loves my poems and so accepts whatever inspires them."

"May I read what you've written?"

"Yes." Salome read the words and saw that they were good because they made her cry without shame. She wanted to be the poet's vision of beauty and adored with such words. She was greatly sorry that she wasn't a character to live in such a poem. Then she remembered the pearl she held and the raven's bidding. "Please take this pearl."

The poet looked at her in amazement. "Why?"

"Because I like your poem. I am the Princess Salome, and the pearl is a token of my regard." She didn't feel like telling the entire truth, that she was obeying a raven's command with the selfish hope of one day promoting her own art. She was slouching towards phoniness.

The poet wept, so sincerely touched was he by her unknown insincerity. "Now I shall be successful. Now I won't have to choose between keeping my writing a secret and apologizing every day of my life for being a lowly swineherd with a king's vocabulary."

Salome returned through the mirror and fell asleep, feeling extremely satisfied and blessing the raven's good-heartedness in her dreams and prayers. The king came to her the next day and said he had appointed a new court poet who had bought his position with a rare pearl, even though he bored everyone to tears because his writing demanded a certain level of intelligence from his audience, but perhaps he would improve as time went on. The king wanted her to give this pearl to Blondello. She refused.

"Stay in the tower, then," said the king, "until you learn some respect and appreciation for the arts, as befits a well-educated, cultured princess of my house."

That night the raven returned. "Salome, Salome let me in."

She did so. "What is your will?"

"Take this pale emerald and hold it in your right hand and stand in the moonlight in front of your silver mirror and dance. And as you dance you must close your eyes and pay no attention to your body's rough movements. Then you must enter the mirror and give the emerald to the first person you see."

Salome did as she was bade, and her dancing was violent and self-assured. Like her body was an exploding sun scorching the blue out of an open, tattered sky. Like desert light burning rapidly and giddily through the bone-charred sky's admonitions to stop. Like a pyre taking captive its namesake Hephaestus and shrieking his horrible frightening twisted beauty over the ancient rock-strewn earth. Like a hard unyielding day. Like the blood-soaked feet of a muse treading burning grapes for new wine; or the bloodsoaked mouth of the doomed prophet she once kissed in secret. Like loveliness without apology. Or God without mercy.

"One, two, three," chanted the raven.

Salome entered the mirror and stopped dancing and opened her eyes. She couldn't see very well because it was quite dark, but she could feel that her silken skirts were soaked to the knee and her dainty legs were shivering and her slippers feet were cold with wet. As her eyes adjusted to a smear of light fading out of a sloping postern, whose supports were so warped that the battered door could not properly close, she found herself standing in a squalid little pool at the bottom of a *cul de sac* that drained refuse from a higher street. She did not know this part of the city. The air was tight with the stench of offal.

Salome carefully peered through the postern's narrow opening. She saw an incredibly beautiful young man sitting inside on a murderously damp floor and playing a lute. So enchanted was she with the sounds that she couldn't move or speak, and she forgot the diseased cesspool that had licked its way into her soft legs, for she suddenly felt greatly ashamed of her dancing. She could dance bright worlds and dizzy stars out of a grandmother goat's dried up teat and she knew it would not come near these simple stunning chords played with such simple stunning authority. And then she knew that no dancer — not even Trillo the Great — could ever honestly respect the power of his own art after encountering the power of a skilled musician — and something in her heart broke open and died.

Then she remembered the poet that she had given the pearl to, and his desperate burning vision of unattainable Beauty, and his words that pierced like the death wind that shrieked through his garret. Wasn't poetry still worth a life? Wasn't beautiful language worth suffering for without shame? No, she decided, as the musician struck up a more demanding cadence. How much better to *be* Beauty — to *be* this young man sitting so carelessly in front of her — or to *be* the poet's distantly loved lady — than to merely write a poem out of some moon-mad vision. All vision is an insult to Beauty, just as all *image* is an insult to truth. She regretted the pearl.

Then she suddenly understood why even a bad musician like Blondello would always earn a higher place in people's hearts than a brilliant poet or a brilliant dancer like herself. The king's favor helped, but that was not the only reason for Blondello's public success. The king had once favored them both and Blondello was loved and praised by court society while Salome was either quietly ignored or rudely reprimanded. The real reason for his popularity was that even Blondello manifested a faint echo of genius when he played, for the standards he played so badly still had something of the genius of their composers in them the way the dullest deformed creature still manifests a faint echo of the life force of an exploding nebula, and so it was this echo, this faint image of an image of an image, that earned him the adulation he got. Also, it is much easier on most people's souls to worship a buzzing cockroach than a living god. A real god invites too many unfavorable comparisons with his worshippers.

The musician looked up at Salome with soulful tormented eyes and as their eyes met she greatly longed to possess the sort of talent that justified the melancholy beauty of his torment. But she knew that until she could play the lute like this young man could, she had no right to suffer for her dancing. You have to be a true artist to suffer like one, and in the presence of this musician she suddenly knew she wasn't, and she cursed her lying heart for ever believing that she was. She wordlessly left the emerald on the floor.

Salome returned through the mirror and fitfully fell asleep. The king came to her the next day and said that he had appointed a new court musician who had bought his position with a rare emerald, even though he bored everyone to tears because his music demanded too much careful listening, but perhaps he would improve under Blondello's guidance, whom he was hired to play behind. The king wanted her to give the emerald to Blondello. She thought about it. Then she refused.

"Stay in the tower, then," said the king, "until you learn some respect and appreciation for the arts, as befits a well-educated, cultured daughter of my house."

"Oscar," I protest, "what a stupid story. Everyone knows fairy tales are supposed to have happy endings. What is the moral?"

"There isn't one," says Oscar. "Why mar a good story with a moral?" He pours himself another cup of tea. The room feels a little smaller and better-defined.

"I know the moral," shouts the Happy Prince. "I know what it is. Mediocrity gets preferred for its own sake; excellence needs help, and usually has to buy its way in."

"Wrong," says Oscar. "You tried to buy your way in by stripping away your gold for all and sundry. And it didn't work."

The Happy Prince looks crestfallen and solemnly nods over his dead swallow.

"How's this?" I offer. "No matter how hard you work at your art, no matter how brilliant you are, some guy with a guitar — and it usually is a guy — will cheerfully show you

That night the raven returned. "Salome, Salome let me in."

She did so. "What is your will?"

"Take this diamond knife in both your hands and stand in an attitude of prayer before your silver mirror. Do not dance in the moonlight, but enter the mirror and take the knife and cut off your legs. Then I will be free of my spell and I will grant you your desire."

"I cannot do that, Raven." But her voice wavered uncertainly for she was thinking of the lutist.

"If you don't I shall become the wizened misshapen thing I once was," wept the raven sadly, "and you will be responsible for destroying all my hopes for becoming a prince. Besides, it is only your reflection, and everyone knows that image is not reality."

Salome had been told so many times that taking her legs seriously made her a snob and unfit for good society that a wave of guilt rushed over her. How could she love her own dancing and claim to value beauty above all if she chose to make the poor raven ugly? Hadn't he generously helped the poet and the musician with his gifts? Didn't he deserve to become a prince and wasn't it terribly mean of her to refuse him his dreams? She of all people knew what the hurt of that refusal felt like. And besides, as the raven said, it was only a reflection, an image and nothing real, so why worry about it?

"All right, Raven," she said. "My desire is that I want you to make it all right for me to dance my dances."

"I will. I promise. Only do my bidding."

Salome entered the mirror and cut off her legs. She returned to her room and her blood stained the marble floor in great ugly blotches and she died. All the court then acknowledged she was a great dancer, and so I suppose it became all right for Salome to dance her dances at last, although everyone then went on with their lives and said no more about it. Blondello wrote a dismal little song about poor Salome's death that the court ladies gossiped over, but the song was soon put aside and forgotten in favor of the more cheerful melodies that everyone was familiar and comfortable with. The raven became a handsome prince and married one of Salome's step-sisters.

how utterly futile your life's work is."

Oscar considers. "That one almost works," he concedes. "But why should you call that unhappy? You've been accounted a fine guitarist, and have passed for a guy more than once. Think of all the poor neglected poets you've slain with a few well-placed arpeggios. Not to mention the women you've fooled into buying you drinks."

"Think of how much better than that my fiction is."

"I thought that was your fiction," says Oscar cruelly, so now I have nothing to say. "Which is why I've never cared much for music," he adds to my silence. "It's worse than truth."

"Why?" says the Happy Prince, whose rejected leaden body is one long ache of truth.

"Because all things considered, it does tend to ruin an otherwise pleasant chat." □

Reviews

XXX: A Woman's Right to Pornography, by Wendy McElroy. St. Martin's Press, 1995, 243 pp., \$21.95.

In the Flesh

Bruce Ramsey

What feminist would arrange a dinner with a pornographer known in the trade as "Buttman?" Wendy McElroy did. A description of this dinner starts on page four of her new book, *XXX: A Woman's Right to Pornography*. In it, we learn that women performers earn more than men, that all violence in professionally produced pornography is faked, and that there is an unwritten law allowing insertion of no more than three fingers per orifice.

And why do we need to know this? Because someone who sets out either to denounce or defend the porn industry ought to have the decency to find out the facts about it. This, says McElroy, is what the anti-porn feminists like Catharine MacKinnon have not done — and what she, as a defender of the industry, has.

To an extent, at least. McElroy is a polemicist rather than a reporter, and presents her forays into Sodom as a series of discrete encounters. Her text has subheads like "MY FIRST INTERVIEW WITH A WOMAN IN PORN." A journalist would have interviewed more people, used more secondary sources, and organized the book by topic. McElroy's way is much more personal; she asks fewer hard questions, but gives the psychological sub-

text to her interview that straight journalism edits out.

Given the contrast between McElroy and her subjects, this is often quite effective. McElroy is a married woman — she took her husband to dinner with "Buttman" — and she turns beet-red as the men's sex stories get so loud that people at other tables begin to stare. She is getting her first dose of the swashbuckling style of adult-video

Nobody in his right mind would commit a murder and then sell the evidence for \$79.95.

performers, who see themselves as "the sexual elite."

Later she meets the women of porn. "I didn't expect to like them as much as I did," she writes. "The women I encountered were not victims. They were rebellious, a bit raunchy, shrewd at business, and they didn't take shit from anyone."

Not from the men, and not from feminists either. At one point, when McElroy mentioned feminism, porn star Veronica Hart let out with a blast at the anti-porn theorist Andrea Dworkin. "I don't appreciate being called 'psychologically damaged,'"

Hart retorted. "I have friends in the business who call themselves 'Anarchists in high heels.' They'd love to have a word with her."

Anti-porn feminists argue that pornography is saturated with rape and domination of women. But rape scenes have declined markedly since 1980, McElroy finds. Twenty-nine percent of tape rentals are now by men-women couples, and 15% by women. And in the S/M section, the whip wielder is most often a dominatrix, and the groveler, some pathetic guy. In any case, all rape and domination scenes on commercial tapes are staged. With the exception of some British spanking magazines, where the hindquarters seemed "sincerely red," McElroy says all the "bruises" she saw were obviously makeup.

Are the women exploited? Those under contract — not many — typically make \$5,000 to \$10,000 a month; those hired by the day make anywhere from \$150 to \$600. Women who make a name for themselves in porn tapes can go on the road as dancers, and make as much as \$6,000 to \$10,000 a week. (We do not know how much the producers of these tapes make, or whether the actors' share is commensurate with their share in "legitimate" movies.)

Do the women in this industry know what they're doing and give genuine consent? McElroy says unequivocally that they do. And if you think about it, it would be impossible for a multimillion-dollar industry to exist otherwise, on U.S. soil. If it kept women in genuine bondage, it would have been raided and shut down long ago.

And what about the stories of "snuff" films, where actors are tortured to death? McElroy was unable to find such a film, but was told that a famous one — which sparked a feminist demonstration at a cinema in New York — was faked. Again, if you think about it, nobody in his right mind would

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commit a murder and sell the evidence for \$79.95. A nut might do that; a businessman would not.

The Arguments

Much of this book is argument. Given its subject, it is notable for the arguments it doesn't make as well as for those it does. McElroy makes little use of the "slippery slope" defense — that a ban on hard-core porn puts censors on a slippery slope that leads inevitably to the banning of political dissent and literature. She mentions only that the 1992 Supreme Court case *Butler v. Regina* in her home country, Canada, banned material that "degrades" or "dehumanizes" women — and has been used to interdict the books of American feminists, including Dworkin.

But despite the inability to develop scientific definitions for such phrases as "community standards" or "prurient interest," it is fatuous to say, as other libertarians do, that such standards can't be set. They *are* set. The world I grew up in had such standards; Hong Kong, where I lived in the early 1990s, has them; America today has them. (No kids, no defecation, no real violence, three fingers maximum, etc.)

McElroy steers clear of the "slippery slope," but leaves questions unanswered. Should there be such standards? Set by the government? By the market? We don't know. She defends the industry as it is. (The only reform she suggests is the eminently practical one of written contracts for sex actors.)

The first part of her defense of the industry is that there is no compelling case that pornography causes sex crimes. This is apparently so, though one wonders what a libertarian feminist — or a libertarian of any kind — would say if it could be shown that A caused B. Suppose *some* pornography caused *some* people to commit rape and murder. What then? She doesn't say. The strength — and weakness — of this book is that it deals strictly with what is.

The second part of her argument, which is not often made, is that pornography is *good* — an argument doubly powerful because it is made by a woman, arguing that porn is good *for women*. (Would St. Martin's Press have published *A Man's Right to Pornography*? I don't think so.)

This is a ballsy book. It says some

women can *benefit* from porn tapes: "How do you give a man a blow job?" she says. Rent a tape and find out. What would S/M be like? Watch, and see if spike heels turn you on. What would a tryst with the UPS driver or the man next door be like? Experience the thrill on TV instead of screwing up your marriage. Such fantasies are "served up in the privacy of a woman's own bedroom, on a television set that can be turned off when she has had enough. She does not have to defend herself against persistent advances." The tape on the VCR may be of a man subordinating a woman, but it is not real: "Rape fantasies offer absolute control to women."

McElroy also argues with her feminist sisters over the meaning of 150 years of feminism. Feminists will home in on this, as the reviewer for the *New York Times Book Review* did. McElroy attacks the radicals' definition of pornography ("subjugation of women") and offers a very Randian alternative: "Pornography is the explicit artistic depiction of men and/or women as sexual beings."

I could accept all this, but found parts of it tedious. The Dworkins and MacKinnons of the world are so preposterous that to me, the right reaction is a laugh, not a definition. But then, I'm not a feminist. Even McElroy's individualist variety still strikes me as a kind of sexual nationalism. I agree with sex-ad publisher Kat Sunlove, who finds the term *feminist* off-putting: "If men went around calling themselves *masculists*, we would probably all be somewhat offended."

But if a man had written this book, what would he have put in 243 pages? As long as the whole process of creating and buying pornography is limited to consenting adults and does not cause violence to third parties, pornography is — from this man's point of view — simply another product, with no more call to be prohibited than karaoke or lutefisk. If you don't like the smell of it, don't stick your nose in it. What more needs to be said than that? Yet in today's America, in which radical feminists strike deals with zealous Christians, somebody has to stand up and explain the case for freedom. And just as the attack on racial preferences has had to be led by non-whites, it is fit-

ting that the defense of sex videos be made by a woman with solid feminist

credentials — and the *chutzpah* to insist on her “right to pornography.” □

***Virtually Normal: An Argument About Homosexuality*, by Andrew Sullivan. Knopf, 1995, 209 pp., \$22.00.**

***Virtual Equality: The Mainstreaming of Gay and Lesbian Liberation*, by Urvashi Vaid. Anchor Books/Doubleday, 1995, 444 pp., \$24.95.**

Virtually Libertarian?

Michael Grossberg

The twentieth century has seen wave after wave of movements for equal rights. First blacks, then women, then gays and lesbians demanded that America fulfill its promise of liberty. Just as blacks have fought to overcome the legacy of slavery and segregation and women have struggled for first-class citizenship, gays and lesbians have come out of the closet to demand decriminalization of “the love that dare not speak its name.”

These movements have all contained a variety of competing philosophies and strategies. One major tendency of each sees state power as a fruitful tool. Another, more skeptical of government, reflects a classical liberal vision of minority rights as a logical extension of individual liberty. Controversial gay activist Urvashi Vaid explores both tendencies, with pronounced sympathies for the former, in *Virtual Equality: The Mainstreaming of Gay and Lesbian Liberation*. With equally strong sympathies toward the latter, Andrew Sullivan, personable editor of *The New Republic*, critiques four leading views of gay rights and synthesizes his own approach in *Virtually Normal: An Argument About Homosexuality*.

With gays and lesbians so visible,

even trendy, in 1990s film, fashion, art, business, sports, and television, it's easy to believe the gay and lesbian movement has entered the mainstream. Not so, documents Vaid in *Virtual Equality*, an ambitious book that aims to be a gay history, an activist's autobiography, a strategy manual, a radical commentary, and a call to arms.

Sullivan's concise book is more modest, exploring variations on a theme: “how we as a society deal with that small minority of us which is homosexual.”

Vaid and Sullivan share some revealing similarities — and not merely their books' trendy titles, which reflect the current craze over virtual-reality technologies. Both are immigrants who don't take America's freedoms for granted. Vaid, who came here from India at the age of seven, is an attorney and activist who used to direct the National Gay and Lesbian Task Force. Sullivan, who grew up in a Catholic family in England, came here to attend Harvard and stayed to become a major player in American intellectual life. Since joining *The New Republic*, he has graced the increasingly unconventional liberal magazine with several thoughtful articles.

As a British gay and an Indian lesbian, Sullivan and Vaid are double outsiders. Both look to the success of other “once-foreign” groups as historical

guideposts — Sullivan, primarily the struggles of blacks and Jews; Vaid, mainly of blacks and women. Sullivan draws apt parallels between the current discomfort with homosexuality and nineteenth-century uneasiness with mass suffrage, early-twentieth-century fears of female suffrage, and more recent tensions over racial equality.

These similar backgrounds lead to overlapping, though different, political prescriptions. Sullivan ranks the acceptance of openly gay and lesbian soldiers as one of the most important priorities of a reconceived gay politics. Vaid agrees that this is a key issue because of its symbolism and inherent justice. As an initially suppressed military study concluded, gay soldiers have served bravely alongside heterosexuals for decades, and their sexual orientation does not appear to undermine unit cohesion and morale.

Both writers also matter-of-factly support repeal of sodomy laws — perhaps the most blatant violation of homosexuals' individual rights. Vaid approvingly quotes law professors David Cole and William Eskridge's comment that the Supreme Court's infamous 1986 decision in *Bowers v. Hardwick* “is to the growing gay rights movement what *Plessy v. Ferguson* was to the civil rights movement and what *Dred Scott v. Sandford* was to the abolitionists.” One wonders how gay marriages and gay military service — Sullivan's two strategic priorities — can be legalized when gay sexuality is still criminalized in 23 states.

Legitimists, Liberationists, Prohibitionists, Etc.

While the origins of homosexuality remain mysterious, both Vaid and Sullivan survey recent research to briefly address how different explanations for it undermine or bolster gay-rights arguments. Sullivan, sensitively introspecting about his youth, believes that homosexuality combines genetic factors and early childhood development. For most, “the condition of homosexuality is as involuntary as heterosexuality is for heterosexuals” — and, therefore, should not be outlawed or condemned as a crime against nature.

Vaid disagrees. Skeptical of biology as a defense against persecution, she

champions sexuality as a choice society ought to respect. Vaid wants to redefine gays and lesbians as "sexual dissenters" battling puritanism. Her ultimate ideal: "the liberation of the most powerful and untamed motivating force in human life: desire." Same-sex behavior is "as old as desire itself," she argues, but homosexuality and heterosexuality are twentieth-century constructions embodying culture-bound concepts of masculinity, femininity, and identity.

Sullivan concedes Vaid's insights but rejects the pseudo-libertarian rhetoric of the late 1960s, which falsely implied that homosexuality is a freely chosen "alternative lifestyle." He argues convincingly that human sexuality is such a deeply rooted aspect of our being that our only choice is to accept it — or to repress it at a devastating psychological cost.

These differences show through when each author analyzes the spectrum of gay opinion. Vaid divides the gay world into legitimists and liberationists. The legitimists, like Sullivan, generally favor legal reform, political

access, and visibility; the liberationists, like Vaid, push beyond legitimacy to cultural acceptance and social transformation. The bulk of her book explores the pros and cons of those different strategies and goals as played out over the past three decades.

Sullivan divides the gay (and non-gay) world into four categories:

One wonders how gay marriages and gay military service can be legalized when gay sexuality is still criminalized in 23 states.

prohibitionists, liberationists, conservatives, and liberals. The bulk of *his* book offers a critical portrait of each philosophy, from its deepest assumptions to its contradictory consequences.

Sullivan's overriding goals are political liberty and social assimilation; Vaid's, political revolution and cultural transformation. Of course, both would

like to see more social acceptance and less discrimination. But Sullivan believes government is limited in its ability to achieve these ends. And he suspects there are even deeper reasons why some worthy ends may be unreachable:

Whatever society teaches or doesn't teach about homosexuality . . . no homosexual child, surrounded overwhelmingly by heterosexuals, will feel at home in his sexual and emotional world, even in the most tolerant of cultures. And every homosexual child will learn the rituals of deceit, impersonation, and appearance. Anyone who believes political, social or even cultural revolution will change this fundamentally is denying reality. This isolation will always hold. It is definitional of homosexual development. And children are particularly cruel. At the age of eleven, no one wants to be the odd one out; and in the arena of dating and hormones, the exclusion is inevitably a traumatic one.

Here Sullivan reveals his realism. Vaid, though hardheaded in her strategizing, is utopian in her goals. She clings to her messianic conviction that a radical politics can usher in a day when a lesbian child feels as loved, accepted, and "normal" as other children. (As if heterosexual children never feel rejected or abnormal!)

Even those uninterested in gay issues can learn much from Sullivan's probing analysis of prohibitionists and liberationists. At times, he sounds like Friedrich Hayek: "Prohibitionists are faced with predictable problems: how to coerce a spontaneously occurring natural order into a preordained moral structure, how to force human nature against itself, how to assert by force of human will that the world is not what it is." Sullivan skewers prohibitionism for its perverse unintended side effects: "As with all ineradicable human behaviors, there is a level at which the state's attempt to extinguish homosexuality only backfires, pushing homosexual behavior into parks, public restrooms, private networks and coded language."

He concludes that the prohibitionists are most persuasive in arguing for the centrality of heterosexuality, not its exclusiveness, and that homosexuality has a place in Catholic natural law, just as "albinos remind us of the brilliance

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of color." Accordingly, denying homosexuals personhood and rights is the real crime against nature: a refusal to accept the variety of God's creation.

Sullivan insightfully points out that liberationists are the prohibitionists' mirror image. The former endorse homosexuality and the latter condemn it, but both view it as a free choice. Both therefore deny its reality, by reducing it to an arbitrary social construct or by consigning it to hell as a perversion of the natural order.

If the prohibitionist philosophy can be traced back to Thomas Aquinas, the liberationist premise finds its roots in Kant and Rousseau by way of Michel Foucault. As philosophy, it's pure hokum. As sociology, however, some liberationist ideas can be salvaged — especially insights into how inequalities of power are embedded in theoretically neutral discourse. (Scientists analyze heterosexuality and homosexuality as seemingly logical binaries, but heterosexuality's privileged status somehow always sneaks into their equations.)

Sullivan goes on to expose — sympathetically — the hypocrisies, inconsistencies, weaknesses, and strengths of the conservatives (more accurately, traditional moderates), who until very recently were at the center of America's majority consensus on gay issues. Conservatives attempt a shaky balance between private tolerance and public disapproval, a balance that growing gay visibility has rendered untenable. Ironically, they undermine the social norms they support by denying homosexuals equal rights. Legalizing gay marriage would stabilize and conservative gay culture while reinforcing our tottering consensus on monogamy, fidelity, and the pivotal role of the family. Current military policy — a hair-splitting, Orwellian compromise that can't possibly last — embodies the paradoxes of this faltering view.

Today, the conservatives are at an impasse. Will they retreat into an uncomfortable alliance with prohibitionists, or will they adapt to the new gay visibility with more tolerant policies that encourage responsible gay citizenship?

Sullivan also criticizes the "liberal" view that government should prohibit private discrimination. He is rightly

skeptical of "affirmation action," which is at best irrelevant to most gays and lesbians. His treatment of liberals is especially interesting because he dissects the crisis of modern liberalism — a crisis reflected in the pages of his magazine. Today's liberalism has degenerated from classical liberalism, with consequences that have undermined its impartial, universalizing appeal.

Although he doesn't label himself, Sullivan's sympathies clearly lie with a revival of classical liberalism, especially

Denying homosexuals personhood is the real crime against nature: a refusal to accept the variety of God's creation.

concerning the issues he cares most deeply about as a gay man. The final chapters of *Virtually Normal* develop a nuanced synthesis of the liberal and conservative views, finding room for morality, social norms, and "a place at the table" for homosexuals while keeping government restrained.

Throughout, Sullivan remains keenly aware of the fear of the Other that provides much of the subconscious bulwark for statism. Always, his penetrating critique is informed by his refreshing ability to distinguish between the private and public spheres. The hallmark of his book is his commitment to reason. If everyone wrote essays with such thoughtfulness, searching honesty, and sobriety, the level of debate in the West would rise considerably.

Virtual Equality

While Sullivan's book has the virtue of brevity, Vaid's book has the virtues and limitations of trying to do too much — with a politics that expects too much.

Vaid concedes that mainstreaming strategies have brought gays and lesbians considerable access and progress. Her concern is that the failure to displace homophobia leaves a foundation for authoritarianism on all levels. At the same time, while acknowledging

the different spheres of politics and culture, she is insensitive to the many ways in which well-meaning efforts to enforce tolerance can actually violate individual rights. Vaid complains that we live in a "mean, antihuman-rights, anti-government climate," not understanding that many gay problems could be eliminated or minimized under a libertarian climate of "pro-human rights and anti-government."

Thus, Vaid attacks Sullivan and Bruce Bawer (*A Place at the Table*), among others, for allegedly working to narrow the movement's political focus to public discrimination. Actually, Sullivan's sophisticated, multi-leveled approach opposes government mandates against private discrimination while recognizing it as an evil that ought to be opposed through education. Why do so many self-styled progressives believe that the primary locus of real change is in Washington, D.C.? Here — with the interest-group politics that betrayed her — is a likely source of Vaid's disenchantment with and distrust of the mainstream. The failures of the Democratic Party, especially with regard to sodomy laws and gays in the military, ought to lead more gays to rethink their politics. When Clinton waffled on his 1992 campaign promises, Vaid and other lulled leaders realized their mistake: They confused access with success.

Vaid's ultimate point — yes, she has one — is that homosexuals should come out and join together in a broad-based movement for social change. Libertarianism is just such a progressive movement, but I fear Vaid is imagining something closer to democratic socialism. (Despite all her upfrontness, she stays in the closet about the exact pedigree of her overall politics.) She does express the classical liberal sentiment that no one is fully free until all are free. Moreover, she speaks fairly and sympathetically of libertarianism throughout her book, noting its consistent support for individual rights. Although a few columnists (notably, the *New York Native's* increasingly libertarian gadfly Stephen Miller) have expressed understandable frustration with Vaid's "lesbigay" brand of multiculturalism and anti-capitalism (she views the market as operating "shamelessly, without morality or boundary"),

most libertarians should sympathize with aspects of her idealism.

Vaid remains hopeful about the continuing strides of gays and libertarians in the arts, science, business, and local communities. Today, more than 10,000 gay and lesbian organizations operate at the community, regional, and national levels — a diverse and colorful embodiment of free association. Such groups provide mutual support and self-help, empowering individuals to develop pride and entrepreneurial skills.

Examining gays and lesbians' tremendous strides over the decades, Sullivan makes a similar point, noting

that deeper forces are at work, "abetted by the open culture and market society of the West." Sadly, right-wing rhetoric has turned many intelligent people away from discovering the vast potential of freedom and free markets, a dynamic system that disciplines businessmen and shatters authoritarian traditions.

Each in their own way, Sullivan and Vaid are attempting to complete the American Revolution for gays and lesbians. Both books offer insights that should help pave the way away from statism and homophobia, from virtual to real liberty. □

and utilitarian arguments. The primary focus of *Punishment* is arguments for and against each position; in addition, three papers argue against capital punishment and one supports it.

It seems to me that something important is missing from this academic debate, even if one accepts a prior justification for the state: consideration of the rights of victims.

I enter this debate with the premise that individuals should be unhindered in the pursuit of their own interests, as long as that pursuit does not impinge on someone else's liberty. If someone intentionally violates another person's rights through theft or violence, he forfeits his own rights until justice is done — until the property taken has been restored in fact or in kind. Justice does not demand punishment, it demands restoration. Punishment may reflect negative consequences of criminal acts back onto the criminal, but it fails to reflect negative consequences off of the victim.

Justifying restitution does not require a prior justification of the state. Individual victims are allowed to recover their losses when their rights have been violated. This need not involve creating a state. In fact, several historical and anthropological examples suggest that effective restitution-based systems of law have preceded the development of states.

The Injustice System

The contributions in *Criminal Justice?* come much closer to this libertarian position than most of the contributors to *Punishment* do, although they also focus on punishment and implicitly accept the state as the appropriate punishing institution. Nonetheless, they do stress victim's rights to a degree that the *Punishment* writers do not. As the book's editor, Robert James Bidinotto, emphasizes, influences are not causes — the way a person *responds* to his environment is determined by the choices he makes. There should be no excuse for committing a crime against a victim; when such a crime occurs, the criminal must be held responsible.

The volume focuses on three topics, with lead chapters in each section by Bidinotto followed by several supporting essays. In section one — "Crime: Who's Responsible" — the authors

***Punishment: A Philosophy and Public Affairs Reader*, edited by A. John Simmons, Marshall Cohen, Joshua Cohen, and Charles R. Beitz. Princeton University Press, 1995, 360 pp., \$45.00 hc, \$14.95 sc.**

***Criminal Justice? The Legal System vs. Individual Responsibility*, edited by Robert James Bidinotto. The Foundation for Economic Education, 1994, 320 pp., \$24.95 hc, \$15.95 sc.**

Crime and Punishment

Bruce L. Benson

Together, *Criminal Justice?* and *Punishment: A Philosophy and Public Affairs Reader* reveal a lot about what's wrong with the criminal justice system. Yet they reveal more by what they do not say than by what they do. For instance, the contributors to *Punishment* are concerned with "morally justifying legal punishment," and their book provides a good overview of the mainstream philosophical debates on this topic. But to a libertarian reading this literature, one point is immediately obvious: Justifying "legal" punishment presumes a prior justification for the state, a presumption one might question.

Only A. John Simmons' contribution asks why certain persons or

groups have the authority to punish while others do not. He concludes that it has little to do with any of the theories raised in the debate over punishment itself. Simmons accepts (with some modification) John Locke's argument that there is a natural right to punish wrongdoers, and that all members of "civil society" give up this right upon entrance into the social contract, granting monopoly power to the government.

If we accept this — something many libertarians might not do — then philosophical justifications for punishment can proceed.

These typically fall into three categories: (1) retributivism — a moral argument based on "just deserts"; (2) deterrence — a utilitarian goal of reducing future offenses; and (3) mixed theories that draw on both retributive

explain that most people who are unemployed or poor, are addicted to drugs or alcohol, were abused as a child, have no father in residence, are young, and/or are members of a minority group that has been mistreated in the past do *not* commit crimes, but that today criminals are taught that these factors are excuses for their behavior. Thus, the "excuse-making industry," as Bidinotto labels it, has undermined individual responsibility and fostered crime.

In addition, government has assumed many functions that are difficult to distinguish from crime. People who are willing to use the state's coercive powers to take from others do not believe they have a responsibility to respect other people's property rights. Little wonder that others, who may not have the political power necessary to benefit from government takings, adopt a similar attitude and turn to crime. Some people who are not "content to play by the political rules," David Walter explains, simply ask why they should "wait for some greedy bureaucrat to get around to giving them the money 'everyone' recognizes as having no rightful owner."

Section two — "The Flight from Responsibility" — devastates many of the central institutions of our criminal justice system, including plea bargaining, the exclusionary rule, and the insanity defense. For instance, Ralph Adam Fine explains that, while the typical justification for plea-bargaining is that it relieves court crowding and delay, after Alaska stopped the practice in 1975 a National Institute of Justice study concluded, "Supporters and detractors of plea bargaining have both shared the assumption that, regardless of the merits of the practice, it is probably necessary to the efficient administration of justice. The findings of this study suggest that, at least in Alaska, both sides are wrong." Indeed, guilty pleas continued at roughly the same rates because most defendants pled guilty even when the state did not offer reduced charges, and cases were actually processed more rapidly because prosecutors previously spent as much as a third of their time bargaining with defense attorneys. Sentences have been more severe, but the courts have not been clogged.

Why plea-bargain then? Because those who participate in the bargain gain personal benefits. The criminal gains because his punishment is lessened. Defense attorneys gain because criminals (or taxpayers, for public defenders) have little money to pay the costs of a trial; as one Alaskan attorney put it, "Criminal law is not a profit-making proposition . . . unless you have plea-bargaining." And prosecutors want to avoid trial because "trials are hard work."

The attack on exclusionary rules may be of more interest to libertarians, since many of us believe these are important safeguards against police abuse of civil liberties. Chapters on "The Paradox of the Exclusionary Rule" (by Caleb Nelson) and "The Urge to Confess" (by Fine) suggest that this goal has not been effectively achieved by exclusionary rules, particularly where the rights of the *innocent* are concerned. Indeed, if the police enter a person's home, destroy or damage his property, and find nothing incriminating, exclusionary rules accomplish nothing. The victim's only recourse is to file a damage suit, with all its accompanying costs. Such suits are frequently unsuccessful, as many states require proof of vicious intent or prior knowledge of innocence before damages are paid. Public police are allowed to be careless and make mistakes.

Thus, there is often no effective course of action against the police available to those who are actually innocent. And there is a large but uncounted number of searches that never discover any contraband.

Unfortunately, the court system had little option but to establish exclusionary rules. Rules of evidence are under the Supreme Court's control, but more efficient means of protecting our civil rights are not. The logical remedy would be legislation requiring a civil fine on the offending officers and/or their government departments. If sufficiently direct sanctions were applied *any time any person's rights were violated*, police bullying would be significantly reduced *without* any exclusionary rule. Indeed, as Caleb Nelson explains, "if the exclusionary rule were abolished in favor of a sensible mechanism for directly punishing offending policemen, the Court's

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present dilemma would be resolved." This would also enhance the probability of convicting real criminals, by removing restrictions that are intended to protect the innocent but end up shielding the guilty.

One way to achieve this that is not considered by Nelson is privatization of police services. After all, private security firms are already liable for the misbehavior of their employees. Indeed, considerable evidence suggests that cases brought by private security are usually well-developed, reflecting the fact that they have a strong incentive to avoid violating anyone's rights: They can be sued.

In section three — "Restoring Responsibility" — Bidinotto argues that when a crime occurs, justice demands punishment to "reflect those negative consequences of harm and injury back onto the criminal." While he recognizes that punishment may be used for "utilitarian" purposes such as deterrence, incapacitation, retribution, and rehabilitation, he instead advocates accountability and "moral retribution." He suggests that accountability is required because justice for victims entails it, noting that victims "are too often forgotten people in our legal system; and their cries for justice must be heard and answered." But this is where Bidinotto's logic seems to falter. He too forgets the victim, asserting for unclear reasons that restoring victims is simply another utilitarian strategy.

Bidinotto does suggest that restitution or fines might be sufficient moral

retribution for some minor crimes, but that for "more serious offenses, prisons are an unavoidable punitive measure." As we'll see, this isn't necessarily so.

A Spectrum of Philosophies

In *Punishment*, the philosophers debate the same issues raised in Bidinotto's more practical discussion. Like Bidinotto, Michael Davis proposes a retribution-based justification for punishment, although he argues that the principles on which retribution theory is generally based (that the punishment

If the police enter a person's home, destroy or damage his property, and find nothing incriminating, exclusionary rules accomplish nothing.

should fit the severity of the crime and that the gravity of the offense is a function of the fault of the offender and the harm to the victim) should be replaced. Davis proposes instead that punishment should be proportional to the "unfair advantage the criminal takes just by committing the crime." This has some appeal from a "rights-based" libertarian perspective, although, as argued above, such a perspective supports restitution rather than retribution.

Also like Bidinotto, Jeffrie Murphy objects to utilitarian theories, noting their potential for justifying punishing

the innocent and pointing out that such theories are generally inconsistent with the idea that individuals have rights. Murphy is an "excuse-maker," however: He argues that capitalism deprives the disadvantaged while fostering selfishness and greed, thus causing the crimes that are to be punished. In other words, he argues that criminals are victims of the capitalist system. In fact, of course, free markets are built on reciprocities, while governments in both capitalist and socialist societies foster destructive competition for existing wealth (the scramble for tax loot).

Martha Nussbaum argues that retribution theories tend to ignore the specifics of individual offenders and offenses, that justice requires equity in the form of sensitivity to such particulars. But this argument also might be used to support restitution. After all, economic payments can be easily adjusted to reflect a wide variety of circumstances, while punishment implemented by a state bureaucracy is much less flexible. In historical restitution systems, well-known rules evolved that detailed the payment to be made for every type of offense while simultaneously recognizing the particulars of the parties involved. Many primitive and medieval societies, where restitution was a primary goal of the justice process, varied fines with the status of both the victim and the offender, as well as the nature of the offense. In medieval Iceland, the amount an offender was obliged to pay depended in part on whether the offender tried to hide or deny the offense. If the offender chose to plead guilty, thereby lowering the costs of pursuit, prosecution, and trial, the fine was lower. Similarly, many restitution-based systems treated repeat offenders differently than first-time offenders.

Warren Quinn offers a utilitarian justification for punishment. He suggests that deterrence justifies defensive threats, and that the right to punish derives from the prior right to threaten punishment, which in turn derives from the right of self-protection. C.S. Nino also points to deterrence to justify punishment, contending that criminals consent to punishment as long as their crimes are voluntary and known to be punishable. Both of these arguments have an attractive ring from a libertar-

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ian perspective, although I believe they are flawed. Certainly, a criminal accepts the risk of whatever the negative consequences of a crime may be, but this does not prove that punishment is a more appropriate consequence than restitution. Furthermore, while a right to self-protection, including a right to threaten an attacker, seems completely valid, after an attack occurs this should become a right to recovery rather than (or at least prior to) a right to punish. Refusal to pay restitution certainly might be punishable, but historical restitution-based systems demanded that retribution be exacted only if restitution were not provided. (Circumstances might alter this. In pre-Norman England, for instance, an offender could "buy back the peace" on a first offense, but a second offense would not be forgiven, so a repeat offender was an

But Bidinotto forgets the victim, asserting for unclear reasons that restoring victims is simply another utilitarian strategy.

outlaw with no legal protection from retributive efforts.)

In other words, if a restitution-based system can provide deterrence, deterrence cannot be a sufficient reason to favor punishment over restitution. Suppose, for instance, that restitution fines are set to cover all measurable costs to the victim, plus the full cost of bringing the offender to justice (a cost that may or may not be borne by the victim), all divided by the probability that the offender will be captured and found guilty. For example, the fine for stealing a car would be the value of the loss *plus* the cost of pursuit, court time, and so on associated with solving and prosecuting the offense, divided by the probability of successful solution and prosecution. If half of all car thefts are solved, then the long list of costs would be divided by .5 — in effect, multiplied by two. The fine would be double the measurable damages. This clearly would be a deterrent. An additional multiplier might be added to reflect the number of offenses

committed, so that repeat offenders face stiffer fines than first-time offenders, and so on.

Of course, restitution and retribution are clearly intertwined. Payments should cover more than measurable damages (e.g., lost income or property), and some restitution theorists see this as a requirement for a retributive element. For instance, a burglar who breaks into a house by picking a lock (so no measurable property damage is done) and is caught before taking anything should still owe the intended victim for violating the sanctity of his property. I contend that these payments, characterized by some to be punitive (or retributive), are actually restorative, reflecting the unmeasurable harm suffered by the victim from the invasion of his rights. Indeed, if a victim is not satisfied with a restitution payment, demanding additional "punitive damages" or "retribution," that itself suggests that the victim has not been fully restored.

This view is not without its potential pitfalls, of course. In particular, payments for unmeasurable harms creates an incentive to claim more unmeasurable damages than actually occur.

This is, in part, why actual restitution-based systems always have third-party dispute-resolution institutions to mediate or arbitrate the conflicting claims of offenders and victims. It also explains why standardized rules regarding appropriate or "fair" damages evolve, and why the victim is obliged to accept "fair" payments as determined by such rules and/or by arbitration or mediation. In other words, in true restitution-based systems, institutions evolve to prevent the victim hold-up problem.

Thus, restoration should be easier to justify than punishment. But this requires adding a new element to the analysis: victims' rights.

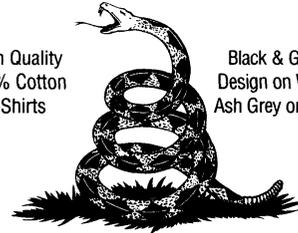
A Better Way

Perhaps philosophical arguments can only go so far. At some point we must return to the real world and think practically. This is one of the strengths of *Criminal Justice*? And Bidinotto does at least recognize restitution as a possibility. He rejects it as being insufficient from a retribution perspective, but he

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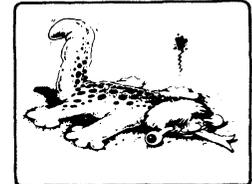
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also dismisses it because "in practice, it has proven to be hard to enforce."

While this may be true in the *current institutional environment*, it need not be so. After all, there are numerous real examples of effective restitution systems. Furthermore, Bidinotto's own policy prescriptions are also impossible to achieve in the current institutional environment. He would do away with all of the utilitarian objectives that permeate crime policy today. He would redefine crime as an "intentional, non-consensual act entailing the initiation of force, fraud, or coercion against another

person or persons," thereby eliminating all victimless crimes. These are very attractive proposals, but they require changes that are no more dramatic than those required to establish a restitution-based system.

By focusing the debate on punishment, both books ignore what may be the only real solution to the massive government failure we call crime: privatization. A very different — and more just — system would evolve if we granted victims restitution rights and freed up the private sector to collect the payments. □

Format and Anxiety, by Paul Goodman. Edited by Taylor Stoehr. Autonomedia, 1995, 250 pp., \$12.00.

The Mediated Anarchist

Richard Kostelantetz

Paul Goodman (1911–1972) was among those who made me an anarchist (rather than, say, a socialist or a conservative) over three decades ago. His books persuaded me that bureaucracy itself, any bureaucracy, was the enemy. Though he preached communal anarchism and tried from time to time to live in communes that invariably fell apart, he was really an individualist. An independent from his head to his feet, he published in a great variety of outlets, both literary and political — often lamenting that he had to repeat himself, since his assumptions would be fresh to each audience. Remembering his importance to me, I was pleased to hear one of *Liberty's* editors tell me recently that a major influence on his own orientation was Goodman.

Because nearly all his books have been out of print for so long now, it is gratifying to see *Format and Anxiety*, a new selection of Goodman's writings

about media. About the early essays on film there is little to say, other than that in the 1930s he was among the few trying seriously to understand the new medium. Goodman is stronger on the old medium of print-publishing and the new ones of radio and television. His great perception is that format can be as dangerously restrictive, as humanly limiting, as outright editing and censorship. For instance, every magazine has a pantheon of gods and devils whose reputations cannot be challenged, especially by a newcomer. One magazine's Karl Marx is another magazine's Ludwig von Mises is a third magazine's John Kenneth Galbraith.

Similarly, every periodical has length limitations that inhibit thinking. If you write for a newspaper that limits you to 500 words, it would be very hard for you to develop a theme or subject that requires 5,000 words, even if you let such a theme or subject into your mind at all. I can recall a *New York Times* staffer telling me that "nobody ever wrote a great book while

working at the *Times*." This failure has less to do with self-censorship than the cultivated development of marathon capabilities. What Goodman wanted for himself as an independent writer (as I want for myself as an independent writer) was open access to a variety of formats.

The success of *Growing Up Absurd* (1960) granted Goodman several opportunities to appear on radio and television over the following decade. Here too, he frequently wrote, he encountered such format obstacles as time limitations, the distaste for *ad hominem* argument (in which he courageously indulged), requirements to stick to the interviewer's subject, etc. What is missing from his critique is any sense of the chronological limitations of both newspapers and broadcast media, which are generally concerned with what is happening today or yesterday, rather than last week, last month, or last year. As essentially a writer of books, Goodman's chronological frame had longer terms.

Given the quality of his perceptions, it is unfortunate that Goodman wasn't a better essayist. His pieces tend to be digressive, if not indulgent, and thus unfocused, as though he were working out his ideas in the course of writing, rather than elaborating his conclusions. Contrast him with his colleague and sometime fellow anarchist, Dwight Macdonald, who wrote well-formed and thus effective essays. My sense is that as a poet and playwright, Goodman regarded essaying as lesser work, which it isn't, and wasn't, especially in his own life.

Thus, the essays collected here are best read for magically penetrating sentences:

"Ten professionals and a hundred fifty students, the equivalent of most medieval schools, could provide professional education better and more cheaply than we do."

"I am not a friend of advertising, but as a friend of art I must say that there is more inventive showmanship, in layout, calligraphy, musical setting, and almost in diction and syntax, dedicated to these stupid commodities, than poets dare muster for the truths of the heart."

"Exercise sanctions against TV censorship when it is committed. But of

course the chief sins are those of omission."

"The essential structure of American TV at present is to mesmerize attention at a low level for quarters of an hour in order to frame the authentic action of the commercials."

"In brief, what we need is countervailing powers, not a Fairness Doctrine."

No one writes like him nowadays, which is another way of saying that the intelligence about media contained in this new book still hasn't become common knowledge. □

Booknotes

Surely You're Joking, Mr. Feyereabend — There is a type of woman who digs philosophers. Plop yourself down in a coffeehouse with a copy of Derrida or somesuch and she'll glide over and start talking to you. Of course, the book itself isn't enough to arouse her romantic inclinations — it is merely a stepping stone. I have used my education in philosophy with some success, but compared to Paul Feyereabend, I'm a rank amateur.

Indeed, considering that he was rendered impotent by an injury sustained in World War II, the most striking thing about Feyereabend's life is the amazing number of women whose affections he commanded. It is this success with women — not his fame and genius as a philosopher of science, or his association with Popper, Lakatos, Carnap, and other celebrities of twentieth-century philosophy, or his stupendous egotism — that is the main reason his autobiography, *Killing Time* (University of Chicago, 1995, 192 pp., \$22.95), is a gas.

Reading about those other things is a lot of fun, too. Feyereabend annoyed a lot of people with his book *Against Method*, but to my mind, it performed an invaluable service: It punctured the pretensions scientists have about being the ultimate translators of reality, superior to the rest of us who wallow in subjectivity. Feyereabend was as much a thorn in the side of hard scientists as Hayek was to social scientists. (Hayek, incidentally, makes a few appearances in the book, and even shows up in one of the photographs.)

Feyereabend eventually gave up his

scattershot approach to romance and settled down with one woman for the last decade of his life, which ended at age 70 in early 1994. Ultimately, the message of his life is that love and art are more important than science and philosophy — and that the latter two

aren't as different from the former as scientists and philosophers would like to pretend. —Michael Levine

Return of the Giant Muffins

— Michael Kinsley is one of the sharpest critics of conservative — and

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libertarian — ideas around. As libertarian columnist Stephen Chapman writes, other columnists tear their hair out in frustration when they see how hilarious a column Kinsley can get out of the federal budget or the Malcolm Baldrige Quality Award. It's a shame that one can't read him regularly in *The New Republic* anymore. Instead, the devotee must check *Time*, *The New Yorker*, and occasionally other magazines to find his wit and insight. Those who missed some of his recent columns should welcome *Big Babies: Vintage Whines* (Morrow, 1995, 327 pp., \$23.00), a sampling of his essays over the past decade.

Many of his classic subjects are here: his commitment to free trade, his admiration for Henry George, his addiction to Nexis, his scathing denunciation of Reagan Republicans for their unwillingness to demand sacrifice of the American people, his "neurotic obsession" with the *Wall Street Journal* editorial page. The title refers to his notion that the American people are "big babies" who "make flagrantly incom-

patible demands — cut my taxes, preserve my benefits, balance the budget — then explode in self-righteous anger when the politicians fail to deliver."

Some of my favorite columns are unfortunately omitted, including a *Time* essay on how he decided that government paperwork made having an assistant too time-consuming — not that he drew the obvious macro lesson, that regulation reduces employment. It's also too bad that he omitted the 1994 *New Yorker* essay pointing out that "community rating" for health insurance, the simple "insurance reform" backed by some conservative think tanks (oh, all right — the Heritage Foundation) and politicians, would lead inexorably to socialized medicine.

And fans looking for the classic Kinsleyism, "the scandal is not what's illegal, it's what's legal," will be surprised to find instead this commentary on the House Bank contretemps: "It's a funny kind of 'scandal' that has been public knowledge for years if not decades."

Readers of *Liberty* will notice that

Kinsley cites in the book "libertarian cranks," "extreme libertarians who want to privatize the potholes" (well, guilty, I guess), and "libertarian zealots." Come on, Mike: Couldn't you once in a while take on the moderate libertarians?
—David Boaz

Back to Ruby Ridge — It is impossible for me to review Jess Walter's *Every Knee Shall Bow* (Regan Books, 1995, 374 pp., \$24.00) without comparing it to Alan Bock's excellent *Ambush at Ruby Ridge*, which I reviewed here last issue. Both recount the story of Randy Weaver's confrontation with federal authorities, which resulted in federal police killing Weaver's wife and son, the killing of a federal officer in self-defense by Kevin Harris (Weaver's friend), and the subsequent trial and exoneration of both Weaver and Harris.

Both Bock and Weaver tell the story very competently. Both write very well. Bock gives a better account of the internal dynamics of Randy Weaver's family, but Walter does a better job on Vicki Weaver's family. Bock's account of the trial is much more detailed and dramatic, but Walter's account of the jury's deliberations is much better than Bock's. Bock does a better job of putting the story into a broader social context, but Walter follows up the story after the trial with interesting details.

If you were to ask me which I thought was the better book, I suppose I'd have to say Bock's. For one thing, it includes an index and a *dramatis personae*, both terribly handy in tracking the standoff, the events that led up to it, and the trial that followed. But it is a fairly close call, and there's enough material unique to each book that both merit attention. The story they tell is genuinely dramatic, and more horrifying than any movie ever made, and I suspect many of those who read one will have enough interest to read the other.
—R.W. Bradford

In the Mold of Yancy — Douglas Rushkoff, author of *Media Virus!* (Ballantine, 1994, 338 pp., \$21.95), is described on his book's jacket flap as "the first mainstream writer to cover topics like virtual reality, cyberpunks, the psychedelic revival, and rave culture." Not the first writer, and certainly

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not the first good writer; the first *mainstream* writer. This provides the book with its frame: *Something interesting is going on out there on the fringe, and Mr. Rushkoff is going to explain it to you. He will sometimes oversimplify, and will flub a few facts that aren't really relevant to his thesis — he is, after all, an outsider. But he'll let you know what's going on out there, Mr. and Mrs. America. He's your window into the underground!*

And that's just the kind of book Rushkoff has written, which is probably why I didn't like it very much. It's sometimes perceptive, but most of its perceptions seem borrowed from someplace else. Several of its topics — "Generation X," "virtual reality" — are more trendy than relevant. And the author's gee-whiz posture guarantees that the critical distance his "mainstream" pose is supposed to afford him is never there when he needs it.

Rushkoff argues that the world is being confronted, not only with an array of new media, but with a new way of relating to the media. Skeptical younger viewers understand how the media work, and thus approach news, entertainment, and advertising with a new degree of ironic awareness. Old public-relations techniques of mass-media manipulation have lost their power. Instead, guerrilla pranksters send out cognitive-dissonance-inspiring "media viruses" that don't make issues seem simpler than they are, as PR did, but expose their complexity. Between the pranksters and the ironists, establishment efforts to manufacture consent are bound to backfire.

All this is partly true. Rushkoff does a good job showing that most people are cleverer than they're given credit for — that in relation to the potentially totalitarian structure of mass media, they often as not actually have the upper hand. The media pranking techniques he discusses do exist, and they do work. And some anarcho-pranksters have indeed wormed their way into the belly of the beast. (Rushkoff quotes one of the producers of *The Simpsons* summing up his program's philosophy: "the media's stupid and manipulative, TV is a narcotic, and all big institutions are corrupt and evil.") Rushkoff is at his best when he debunks the anti-*Beavis and Butt-head* hysteria of a few years ago, demonstrating that there's more to

both the program and its fans than meets the eye.

He's at his worst when he cites Bill Clinton's appearances on MTV as another sign of the skeptical new order. How is this a change in anything but the *form* of public-opinion management? Thanks to Clinton and Perot's antics in the '92 election, we've reached a point when virtually every politician feels the need to stage "town hall meetings" — political spectacles that appropriate the rhetoric, but not the content, of participatory democracy. Far from a reason for celebration, Clinton and others' television success suggests that the powers-that-be are catching on to how to use the new media.

So: Has there really been a clean break with the propaganda past? When are the guerrillas manipulating the media, and when are the media manipulating them? When Clinton, Gingrich, and Time-Warner don the revolutionary's mask, who has really won?

You won't find any answers to those questions in this book. In fact, you won't even hear them posed.

—Jesse Walker

Premature Autopsy — I like it when an author makes it easy for his readers. The opening page of Paul Ormerod's *The Death of Economics* (St. Martin's Press, 1994, vii + 230 pp., \$23.95) nicely introduces his thesis and, better yet, handily undermines his own argument, thus making the job of the critic much simpler.

Thesis: Though the world faces grave economic dislocations, etc., etc., the "orthodoxy of economics, trapped in an idealised, mechanistic view of the world, is powerless to assist."

First bit of evidence for thesis: "Teams of economists descend on the former Soviet Union, proclaiming not just the virtues but the absolute necessity of moving to a free-market system as rapidly as possible. . . . But despite governments in the former Soviet bloc *doing everything they are told*, their economic situation worsens" (emphasis added, as if any were needed).

Despite Ormerod's statist views and sometimes astounding political naiveté, many of his arguments are valid. The formalism, model-building, and number-crunching ways of mainstream economists are often little more than

exercises in illusion. But though he devotes one chapter to critiques of economics within the profession, he does not discuss the most thoroughgoing criticisms, or acknowledge the skeptical tradition that has developed within the Austrian school. (He mentions but one Austrian, Böhm-Bawerk, and then only to portray him as part of the neoclassical mainstream.) Worse yet, he never once cites the work being done in Public Choice, an important offshoot of the neoclassical mainstream that has applied economic methods to such "non-economic" subjects as governments and families. This allows him to restrict his focus to the ho-hum traditional policy issues of labor and industry, boom and bust, inflation and employment.

And this limited scope allows him to pretend that, when he finally gets to his solution to the paradigm crisis — nonlinear systems theory — he has offered something fairly novel.

He has not. —Timothy Virkkala

Iron and Blood — Imagine what it would be like to live in a country where no one has brothers, sisters, uncles, aunts, nephews, nieces, or cousins — and where four grandparents dote over one grandchild.

Dehumanizing the family unit (via the one-child policy) is just one tragic result of the Communist Party's repressive rule over one billion Chinese. Others include forced abortions and sterilizations, concentration camps filled with dissidents, and a totalitarian state that dominates every aspect of its subjects' personal affairs.

The West has been cheerfully complacent about China, subdued by the anticipation of cheap labor and a billion new customers. As a financial writer and economist, I've been to China a half-dozen times, and like everyone else on Wall Street, I've been allowed to witness the bright side of this authoritarian devil. China is indeed growing by leaps and bounds, and many peasants are now enjoying the benefits of rising wages and Western consumer goods. You can see the economic miracle everywhere.

Yet there is a sinister side to all this good news. China's new wealth is creating a gigantic military-industrial complex, permitting its leaders to maintain

their capricious abuse of power indefinitely.

China Wakes (Vintage, 1994, 501 pp., \$14.00) was written by Nicholas Kristof and Sheryl WuDunn, a husband-and-wife team who spent five years in China as reporters for the *New York Times*. WuDunn tells the most personalized stories because, as a Chinese-American who speaks the language fluently, she can get into places her husband can't. Both authors flatly repudiate their former "conventional liberal view that the Communist Revolution itself was not a bad thing for China" (p. 61) — the establishment line that Mao was a benevolent dictator, ending inflation, enacting land reform, and liberating women.

Upon arriving in Beijing, the couple quickly learned the terrible truth. To quote Kristoff, "about 30 million people died in the aftermath of the Great Leap Forward. Thirty million! Never before had so many people died in one country for any reason, whether of war or natural disasters. Even Stalin killed only about 10 million of his subjects by famine or execution. . . . Mao managed to kill almost 5 percent of his subjects" (66). He and WuDunn describe in gruesome detail the mass killing of landlords and intellectuals during both the Great Leap Forward and the Cultural Revolution, including the large-scale cannibalism that occurred in South China during the latter.

The brutality today doesn't occur on such a grand scale. It takes place more selectively. WuDunn calls it a "thugocracy," a government of local whim and abuse. She tells the story of Wang Chaoru, a 41-year-old retarded man who was beaten to death by Beijing police because he might embarrass the government during the city's bid for the 2000 Olympics. She writes of Wei Jingsheng, Deng's former rival, who was sentenced to 15 years in prison for writing a "counterrevolutionary" newspaper. "For the first three years, he was denied family visits and sunlight, and he was forbidden to talk to anyone at all, including the guards" (108). And he's still in prison.

China Wakes is a devastating indictment of the Chinese regime. After reading it, you will never again accept that nation's façade of peace and prosperity at face value. As Luhui, a former senior

official, concludes, "There hasn't been a single good thing that has come out of Communism" (63). —Mark Skousen

O'Hara, Si; Apollinaire, No —

The higher and deeper Frank O'Hara got in administration at the Museum of Modern Art, the greater the decline of his poetry and, it seems, his mental health, symptomized by excessive drinking. His friend Stephen Holden, now a critic at the *New York Times*, testifies in Brad Gooch's recent biography *City Poet: The Life and Times of Frank O'Hara* (Knopf, 1993, 532 pp., \$30.00) that by the mid-1960s, "his muse was gone." While Gooch attributes O'Hara's avoidance of naps to a fear of bad dreams, he doesn't surmise what the content of these dreams might have been.

The argument portraying O'Hara as an American Apollinaire won't wash either. Neither O'Hara's essays nor his poems were or would be as original or influential as Apollinaire. It's remarkable how his poetry fails my favorite collegial test, which is simply asking a fellow poet to name at least one O'Hara poem which isn't the title of a book. (Most are prepared to identify "In Memory of My Feeling," which was, alas, the title of his first collection.) Incidentally, it's amazing how many visible, "prominent" poets fail this test of individual identification.

What this book sadly portrays is how visual artists who barely understood O'Hara's poetry flattered it as more accessible to flattery than his museum power. (You could probably impress Ted Turner if you similarly flattered his yachting skills.) They flattered him and even slept with him. They had trouble accepting that only someone out of his senses (i.e. drunk) could be killed by a dune buggy on the Fire Island sand bar late at night. The "younger" artists he favored (though most were older than he) felt so dependent upon him that, as O'Hara was dying, Willem de Kooning opened his checkbook at the hospital, offering to pay his bills. (Imagine what might have happened, say two decades ago, if the publisher Jason Epstein, so important to the popularization of the New York Literary Mob, were similarly threatened.)

Though this first extended biography of O'Hara has been condemned for concentrating on his homosexual activi-

ties (mostly with straight men, some of whom recall embarrassing experiences), its real problems reflect literary ignorance. Though Gooch is by trade a professor of English, he reads and quotes O'Hara's verse exclusively in relation to events in his subject's life, which considerably reduces the poetry's possible weight. Since he doesn't identify O'Hara as the dedicatee of Kenneth Koch's most innovative poem, "When the Sun Tries To Go On," he misses the chance to document poetic development between them. Gooch doesn't know about O'Hara's uncollected dance criticism, and says little about Frank's brother J. Phillip O'Hara, who became a book publisher of some distinction, or his sister, who has become the model of a deficient "administratrix" who refuses to answer letters, even when coaxed.

While repeating the image of the poet Bill Berkson as an ass-kisser, Gooch doesn't consider that ass-kissing, like abusing women, is characterological and thus usually repeated; he therefore can't question why, to my recollection, Berkson didn't do it again. (Readers will recall that lack of enough other similar incidents undermined Anita Hill's characterization of Clarence Thomas.) I read this book for intelligence about New York literary life and found as its principal truth that troubled, "bitchy" writers (including O'Hara, but not only him) must latch onto power if they expect to survive professionally.

If asked to evaluate this book generally as a biography, I'd give up, in part because I've had so little experience with this genre. What apparently attracts commercial publishers, who would publish biographies of "personalities" whose poetry they'd spurn, has little appeal to me. Liking the opening scene, which recreates a funeral in which, as the composer Virgil Thomson put it, "a dozen of his lovers turned up for the glory of being the chief widow," I thought the rest weaker. Whenever I read about someone whose friends are still alive, I wonder how much of the original text was left out because someone thought someone else might be offended.

The final problem caused by any big but insufficient literary biography is that it will keep anyone from publishing a successor for at least a generation;

the question then becomes whether O'Hara or his work will be remembered in the year 2015. Surprised that it has survived three decades, I'm not so sure it will last a generation more.

—Richard Kostelanetz

The Great Society, the Morning After — Awakening from three decades of fantastic delusions, "liberal" elitists have been confronted with an unexpectedly ugly reality. Philip K. Howard's *The Death of Common Sense* (Random House, 1994, 202 pp., \$18.00) marks the beginning of their dismay. Similar criticisms have been available for much longer, but these earlier authors hailed from the wrong political tribe, and were thus unable to garner widespread favorable notice.

Howard, with the help of a diverse group ranging from the Brookings Institution to the Claremont Colleges, has assembled an assortment of governmental misplays that will make anyone's blood boil. Many have made the evening news:

- Mother Teresa is denied a New York building permit for a homeless shelter because she won't agree to put elevators into the three-floor, burned-out building she wanted to renovate. Her order rejects the use of elevators. And so the building remains in ruins.
- Risking federal prosecution, homeowner Michael Rowe plows an illegal fire-break around his house. His is the only dwelling to survive a southern California firestorm.
- Twenty-seven other homes are sacrificed during that fire so that some kangaroo rats can be naturally baked in their tunnels.

This is the stuff that has made the book popular, and it helps explain why it has attracted so much establishment attention. But Howard's real contribution is his analysis of the reasons we have stumbled down this road. The source of our current regulatory nightmare, Howard argues, is the transformation of handouts into entitlements. He traces the creation of these new rights to Professor Charles Reich's work at Yale in the early 1960s. The idea was to end governmental paternalism. Prospective recipients of governmental largesse could simply resort to the courts whenever adversity threatened

Notes on Contributors

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to retard their climb up the ladder of prosperity. What could be more dignified and engendering of self-worth? Howard reports that as recently as 1991, many left-liberals expected the litigation explosion to decrease as "smaller, finer rules [result] in clearer law."

But Howard makes it clear that the proliferation of regulations has worked to *entrench* our regulators. Each has the discretion to pick and choose from literally thousands of minutiae with which to torment the private sector. Today they enforce paint chip specifications. Last week it was guard rail heights. Next week, maybe hazardous materials paperwork on Windex bottles.

The book's cover suggests that Howard has synthesized his anecdotes

into a solution. Don't believe it. His "solution" consists of granting yet more authority to our compassionate federal officials. You don't have to look far to find evidence that this might create more problems. Consider HUD's vindictive prosecution of homeowners who have sought to exercise their rights of free expression and assembly. Such an outcome is an inevitable result of arbitrary regulatory power.

Howard does us all a service by reminding us that the rights created by Reich are not the rights our forefathers fought for. But increasing bureaucratic discretionary authority would only put America that many steps closer to Mussolini-style fascism.

—Robert J. Stewart

Terra Incognita

The Sea

Why we should respect lobster rights, according to Mary Tyler Moore, as reported in *Outside*:

"Like humans, lobsters flirt with one another and have been seen walking claw-in-claw."

San Mateo

Planks from "A Different Contract with America," published by the *San Mateo Times*:

9. Remove all parking meters from downtown areas to revitalize the inner cities. All through-state freight to go by rail.
10. Combine all armed services into the Coast Guard.
13. Downsize the CIA to about 15 guys. Issue automatic weapons to the homeless for them to hunt with.
14. Return state and national parks and forests to Native Americans.
17. End wearing neckties. Men's clothing styles have not changed significantly in 150 years.

Dallas

Innovation in education, as described by *Report Card*:

The principal and dean of instruction at Sunset High School were fired for giving hundreds of students A's in "Peer Assistance and Leadership," a class that had no homework, no required attendance, and no teachers. Several students signed up to take the class as many as four times a day. The school used the class to fill schedules because it lacked enough electives.

New York

The New Yorker corrects a typo:

"In criticizing the political views of Patrick Buchanan, [Bill] Bennett said, 'It's a real us-and-them kind of thing,' not, as we reported, 'It's a real S&M kind of thing.'"

U.S.A.

America's top guns, described in the *Washington Post*:

Two Navy fighter pilots and a navigator removed their clothes, helmets, and oxygen masks and attempted to moon another plane's crew. They passed out and their plane crashed.

Farmington, Utah

Marriage in the '90s, as described by the Associated Press:

A man who posed as a woman during a three-and-a-half-year marriage has pleaded guilty to defrauding his unsuspecting husband.

Prosecutors contend the "wife" tricked his husband into marrying him by claiming he was pregnant with his twins. Authorities describe the husband as "naive."

Bangladesh

Progress on the labor front in the Third World, as reported in the *Daily Telegraph*:

More than 500 beggars have formed a union to press for a higher rate of alms.

Brazil

A North American moviemaker in South America, as described in *CounterPunch*:

Oliver Stone was interviewed on Brazilian television by model Bruna Lombardi. After the interview concluded, unaware that the cameras were still rolling, the director exclaimed, "That was an exhausting interview. I hope you're not that exhausting in bed."

Washington, D.C.

Government priorities, as reported in *The Wall Street Journal*:

The government imposes tighter controls over the shipment of peanuts to U.S. ports than over the shipment of plutonium used in nuclear weapons.

Atlanta

The status of the U.S. Postal Service in the mid-1990s, as described in *Linn's Stamp News*:

United Parcel Service has become an official sponsor of the 1996 Olympic Games. As a result, the U.S. Postal Service is not permitted on the sites of the Olympic events.

The Post Office will be permitted to have one table at the closing ceremonies for applying a special pictorial cancel. That one table will be allowed to host up to two Postal Service employees — dressed incognito.

Santa Cruz

Protecting the public in the Golden State, as described by the *Daily Sundial*:

A man dressed as a clown spent his own money feeding parking meters that were about to expire. Santa Cruz police arrested him and charged him with "feeding the meters without the car owners' consent."

Washington, D.C.

The downside of mandatory safety measures, as reported in *USA Today*:

Infants and small children can be killed by air bags, federal safety officials said.

Largo, Fla.

Tools of revenge, part six: pedagogy, as reported by the Associated Press:

A teacher upset by a neighbor had her eighth-graders send the neighbor a batch of hate mail.

San Diego

The Republican Party helping a city cut the cost of local government, as described by the *San Diego Union-Tribune*:

The City of San Diego has already incurred \$100,000 in out-of-pocket costs preparing for the 1996 Republican convention, and will devote at least \$6 million in cash and in-kind services to the event.

(Readers are invited to forward newspaper clippings or other items for publication in *Terra Incognita*.)

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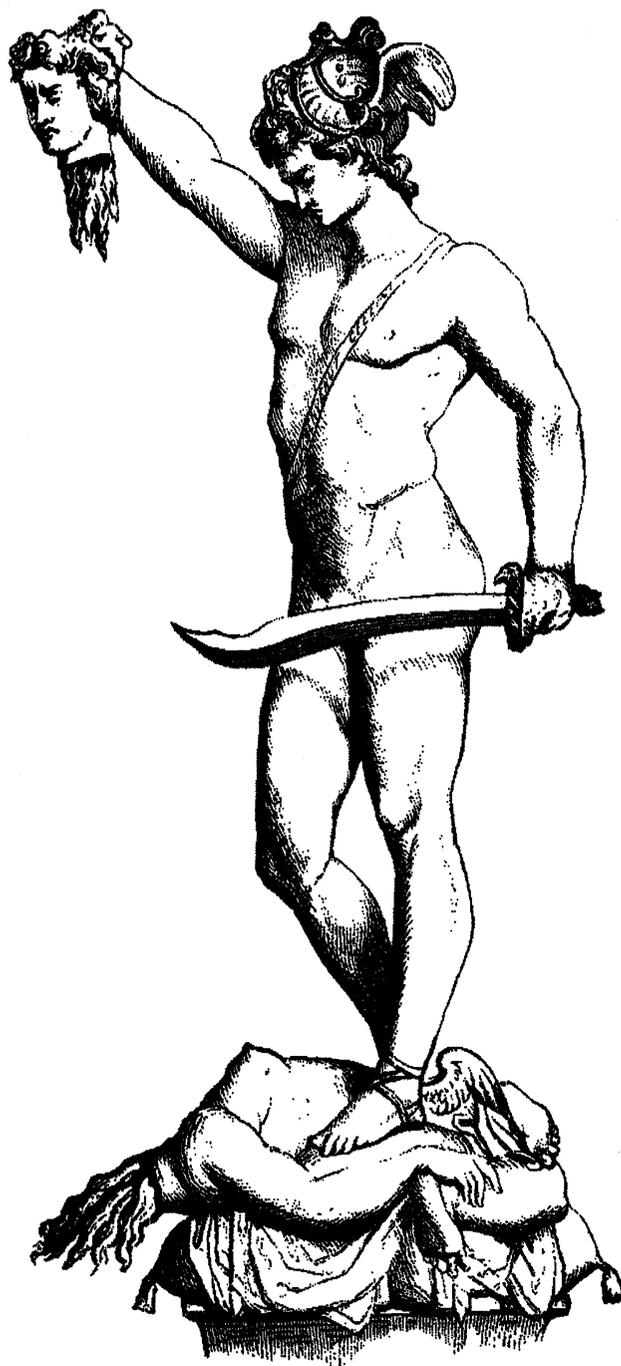
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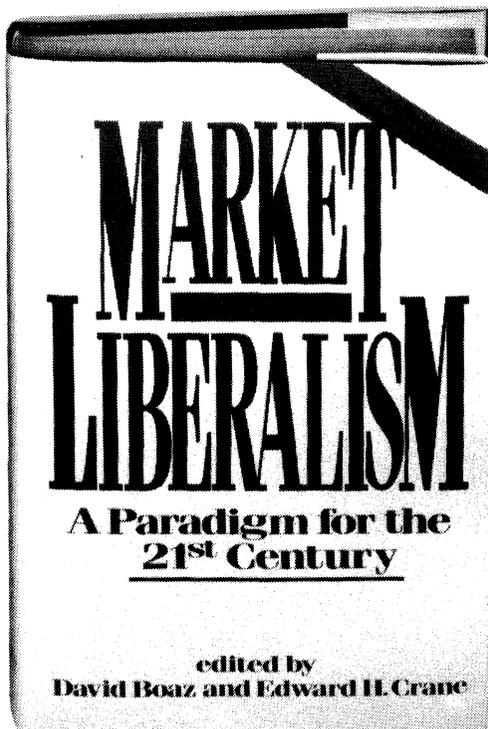
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