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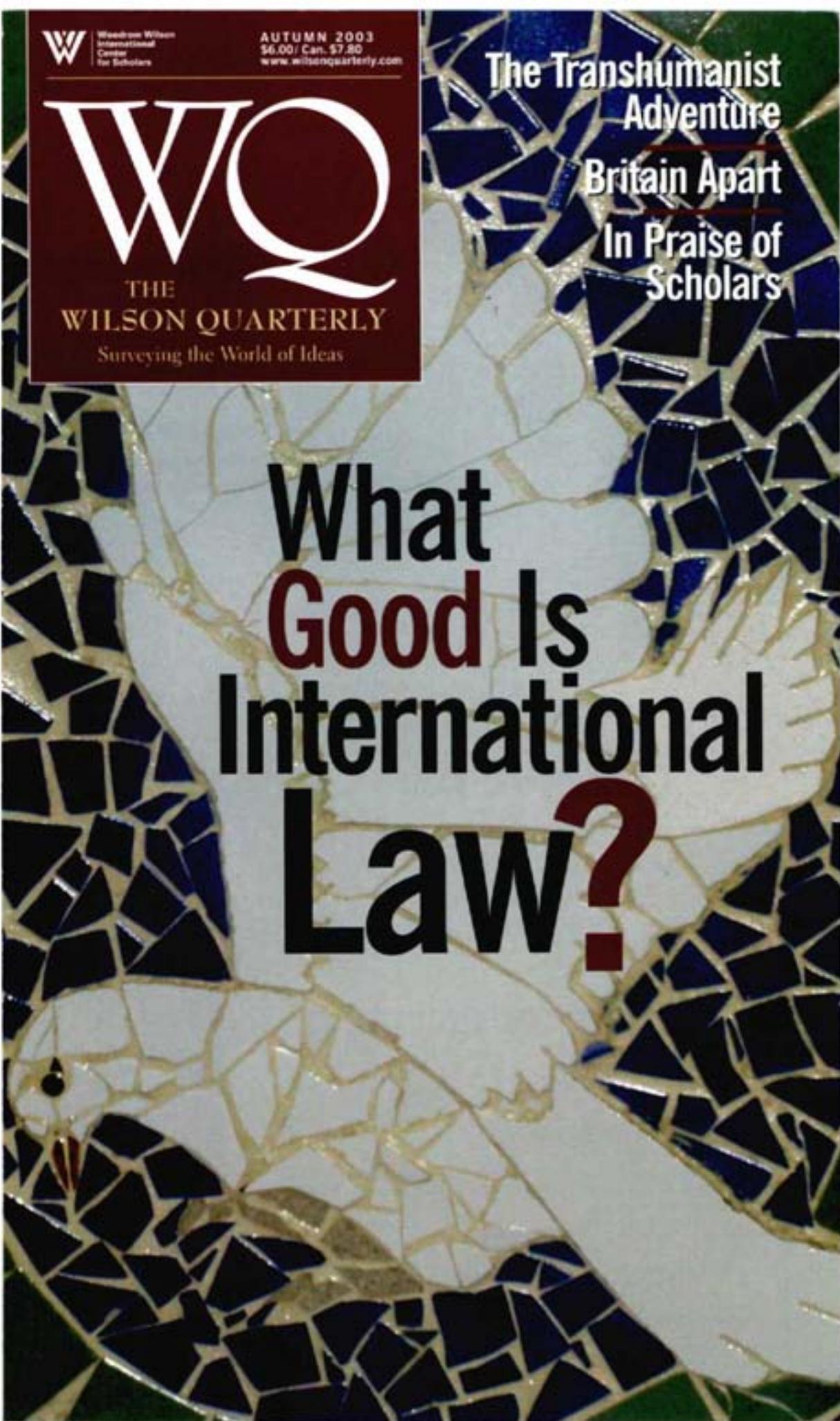
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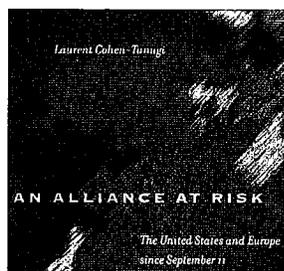
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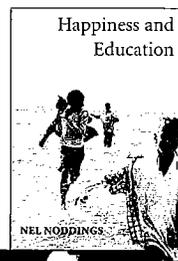
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Jed Rubinfeld • Anne-Marie Slaughter • Michael J. Glennon • Oona A. Hathaway • Stacy D. VanDeveer

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by Steven Philip Kramer

Tony Blair arrived at 10 Downing Street promising a historic departure for his island nation. Britain would shed its offshore aloofness and assume a new leadership role in the European Union. But Blair's muddled strategy, both at home and abroad, may leave Britain isolated from the Continent for many years to come.

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Editor's Comment

In the essay that leads off our cluster on international law in this issue, Jed Rubenfeld advances the kind of argument that one wouldn't normally expect to hear from a professor of law at an Ivy League university. He minces no words in concluding that international law is "a threat to democracy and to the hopes of democratic politics all over the world."

Rubenfeld's provocative essay is made all the more compelling by the fact that its author, a defender of *Roe v. Wade* and affirmative action, is no conservative. As Rubenfeld writes in his essay, he came to his unorthodox views on international law largely because of his experience as an expert on American constitutional law who was called upon to help draft a new constitution for Kosovo. In meetings with the European jurists and constitutionalists who were his counterparts, he was taken aback to find that they didn't feel the need to include a Kosovar in their deliberations. Nor did they share his view of law as the product of national experience and political give-and-take—in a word, of democracy. To them, imposing precepts they regarded as universally true seemed the natural and entirely unexceptional thing to do. The friction created by Rubenfeld's encounter with the everyday realities of international law accounts for much of the heat and light in his prose.

There's been plenty of friction in the world of international law recently, and it's reflected in different ways in the writing of each of our contributing essayists. About the ultimate necessity of international law there can be no doubt, but about its role in the world during the coming decades the United States and its allies seem to be nearing a momentous point of decision.

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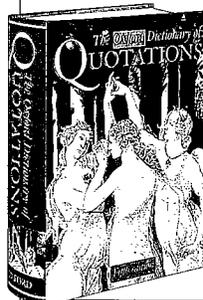
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Thinking about Food

I take issue with the assertion in your articles regarding "The Pleasures and Politics of Food" [WQ, Summer '03] that food is very cheap in the United States. Our present and past governments have not had a cheap food policy in place, but instead a cheap farm price policy. According to the U.S. Department of Agriculture, all food prices over the past 25 years have risen over 250 percent (almost exactly in line with the all-item consumer price index), while at the same time farm prices for the raw materials of food—corn, soybeans, wheat, cattle, hogs, etc.—have stayed the same or declined! Farm prices collapsed due to the elimination of many government subsidies, real gross returns per acre have been reduced by half (including subsidies), and profits have been eliminated, with nearly all commodities' values priced well below the break-even costs of production.

What we are left with is a system of agriculture and food production that offers only a cheap and abundant supply of food ingredients to food processors in a very homogenous fashion, with little regard for farmers or consumers. It seems to me that food-processing corporations get richer and people grow fatter, while farmers are asked to tighten their belts.

Keith Dittrich, President,
American Corn Growers Association
Tilden, Neb.

Blake Hurst ["Up on the Farm," WQ, Summer '03] and David Appell ["Future Food"] make the same two points about genetically modified (GM) foods: (1) Because GM foods "offer so many potential health and environmental benefits," criticisms of the industry are elitist; and (2) Because nobody has died from eating a genetically modified food, such foods should be acceptable. The key word in the first point is *potential*; to date, GM foods have produced no evident public benefits. The "poster child" for the industry's promise, rice containing beta carotene, is years away from mar-

ketplace availability, let alone from solving problems of vitamin A deficiency. Although farmers appreciate not having to apply pesticides so often, the overall environmental benefits of GM crops are a matter of debate, particularly because the genes cannot be kept under control and drift into organic crops, weeds, and native plant species. On the second point: Even if the foods are safe, there is no reason why the public has to accept them. Public opposition to GM foods derives from concerns about safety, but also from concerns about issues that experts in risk communication classify under the heading of "dread-and-outrage factors." In this case, such issues include the ways in which the agricultural biotechnology industry rejects labeling, enforces patents, ignores genetic drift, and controls production, but refuses to debate any concerns other than safety. The restriction of the debate to matters of safety explains why advocates view industry practices as responsible for "a crisis in democracy." In my view, much public concern could be alleviated by labeling the foods as genetically modified. This simple action would offer consumers a choice in the marketplace and the ability to exercise democratic rights, and would help to reduce the level of dread and outrage. If the industry wants the public to accept its products, companies must prevent genetic drift and cease prosecuting alleged violators of patent rights. Even more important, they should produce foods that convey evident benefits and proudly label them.

Marion Nestle
Author, *Food Politics: How the Food Industry Influences Nutrition and Health* (2002),
and *Safe Food: Bacteria, Biotechnology, and Bioterrorism* (2003)
New York, N.Y.

American Ideas

It may well be that there was a time when some people believed that ideas mattered little in America, as suggested by Wilfred M. McClay ["Do Ideas Matter in America?,"

WQ, Summer '03]. This has certainly not been the case during the past four decades in this country. In my experience, ideas have mattered a great deal, but they have often been dubious, faddish, or insubstantial. Many have been rooted in unrealistically high expectations, as regards the perfectibility of both the individual (body and soul) and the entire social system.

Throughout my life in this country (spent in academia), I have been impressed (not always favorably) by the American belief in the possibility of reconciling all sorts of conflicting desires and values, such as freedom and equality, limitless mobility and solid communal ties, and the security of marriage and an adventurous sex life. At the more mundane level, advertising is a good guide to the cherished illusion that irreconcilable desires can be effortlessly gratified: stuff yourself with junk food and remain slim; buy huge, gas-guzzling vehicles and revere the environment; be an octogenarian and frolic like a teenager—the examples are endless.

Most recently, as McClay notes, multiculturalism (and the associated identity politics) has come to represent the similarly dubious belief that pride in one's group and extolling its unique virtues are compatible with national unity, social cohesion, and harmonious intergroup relations.

The mind-boggling multiplication of do-it-yourself religions, schools of therapy, and self-help books and the huge numbers of Americans drawn to these remedies suggest that ideas matter a great deal in this society.

I do not think that American pragmatism—the notion that “ideas had to deliver the goods”—is all that unique. All Marxist societies and movements insisted on uniting theory and practice, treating ideas as guides to action (never mind the results). Most recently, Islamic fanatics have provided us with the purest example of the willed relationship between ideas and behavior. Blowing yourself (and others) up to crush the “infidel” and simultaneously assure passage to paradise is a rather impressive example of the influence of ideas over behavior.

Perhaps the notion of American exceptionalism should be broadened to include an excessive and uncritical susceptibility to ideas, which, in all probability, has been created by the relative freedom from tradition, the proverbial rootlessness (conducive to insecurity), and the

high expectations built into the fabric of this society from its earliest days.

*Paul Hollander
Northampton, Mass.*

I would like to take up a suggestion in Wilfred M. McClay's wise and moderate essay on American ideas and develop it a little. McClay refers to communitarianism and describes it as a “fresh alternative.” He does not designate the opposite position, which I would describe as another fresh alternative, and identify as libertarianism. There is indeed an important struggle of ideas going on even now among the American people as a whole and in that minority of humanistic and social science academics who are still interested in and capable of serious thinking.

The debate is taking place between two newly emergent “parties,” libertarian and communitarian, whose adherents can be found on both sides of the intellectually defunct divide between Left and Right, liberal and conservative, Democrat and Republican.

The libertarian party—not necessarily identical to the actual Libertarian Party—believes that a free population will be disciplined by the consequences of its free acts and the exigencies of the market, so that it will acquire virtue as a byproduct of its education by experience. Cultural and moral institutions will arise spontaneously to cope with the demand, without help from the state. The “nanny” state, they say, creates a moral peon class that never has the opportunity to develop virtue and the higher fruits of human life. The nature of virtue itself is one of the issues that is to be decided by the free process of the marketplace of ideas, and nobody's traditional value system should be forced on anyone else; victimless crimes, such as drug use, are not really crimes at all. For libertarians, freedom is the prerequisite for virtue.

Communitarians, on the other hand, believe that a free democracy cannot function, however excellent its constitution, without a virtuous population that is capable of judging objectively, voting responsibly, taking into account the needs of the whole community, and serving the public if called upon. Even markets depend, they say, upon accumulated cultural/moral capital. Thus, the government should preempt the free market and provide the basic security from want and illness that is



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the ground of virtue. It should protect the public from its own addictions. And it should enforce an education in values, civics, and sensitivity that can counteract both the individualistic, selfish tendencies of the free marketplace and the divisiveness of ethnic differences. For communitarians, virtue precedes freedom.

It is in this debate, I believe, that we can find the ongoing intellectual vitality and "American ideas" that McClay calls for.

Frederick Turner

*Founders Professor of Art & Humanities
University of Texas at Dallas
Dallas, Texas*

War Movies

Congratulations to Martha Bayles on an incredibly insightful, totally captivating, and highly informative article on war, Hollywood style ["Portraits of Mars," *WQ*, Summer '03]. As a former army officer, a war-film buff, and a student of military history, I deeply appreciated her analyses of various war movies.

One she did not mention was *Paths of Glory* (1957), in my view an incredible indictment of the out-of-touch military commanders in World War I.

I also like *From Here to Eternity* (1953) as a portrayal, perhaps too corny by modern standards, of life in the "brown shoe" army before Pearl Harbor, when American army officers could only cash a check on a military post, so low was the esteem in which the public held them.

Finally, my favorite WWII flick is *The Fighting Seabees* (1943), if only because my late father is in it as one of the extras. To his death, in 1990, he worshiped John Wayne. He once told me how Wayne came up to him during a break in filming and said, "Lemme see your rifle, Marine." My dad tossed it to him, and Wayne caught it with one hand, fired open the breech to inspect it, twirled it once, and tossed it back with a big grin. He was bigger than life, even off the screen.

I do want to point out one error in an otherwise scholarly, erudite piece. Bayles labels "Chris," the character played by Charlie Sheen in *Platoon*, as

a “cherry lieutenant,” but Sheen actually played a cherry PFC grunt, based, I suspect, on director Oliver Stone himself.

*Mike Lambert
Springfield, Va.*

More on Hiroshima

The historiography of Barton Bernstein’s work on President Harry S. Truman and the atom bomb is a little more complex than he implies in his letter (WQ, Summer ’03, p. 8). Bernstein did not name former president Herbert Hoover in his *Bulletin of the Atomic Scientists* article but said only that the casualty estimate for the invasion of Japan was put forward by an unnamed “layman.” His loosely worded footnote is unclear as to the estimate’s source. It was only after my discussion of the Hoover memo in 1997 in the *Journal of Military History* that Bernstein conceded Hoover’s authorship of the memo in his 1999 *Journal of Strategic Studies* article.

My central point in the *Pacific Historical Review* article noted in the WQ’s “Periodical Observer” (Spring ’03, p. 92) was not simply that Hoover’s May 30, 1944, memo was seen by

Truman, but that he reacted decisively to it. I used documents I discovered at the Harry S. Truman Presidential Library to demonstrate that the subsequent exchange of memoranda between Truman and his senior wartime advisors prompted him to convene the June 18, 1945, meeting at which the invasion of Japan was given final approval.

In addition, contrary to the WQ’s summary, I did not say in the article that “Bernstein has maintained that there’s no proof Truman ever saw” the Hoover memo. There is no statement of even a similar nature.

Arthur Schlesinger, Jr., has stated that “[the article] is a masterful job of historical research and argument. You have demolished the claim that President Truman’s high casualty estimates were a postwar invention.” The article, “‘A Score of Bloody Okinawas and Two Iwo Jimas’: President Truman and Casualty Estimates for the Invasion of Japan,” in *Pacific Historical Review* (February 2003), is available through the University of California Press.

*D. M. Giangreco
U.S. Army Command and General Staff College
Fort Leavenworth, Kans.*

FROM THE CENTER

Many institutions that engage in research on public-policy issues openly embrace an ideological or partisan agenda. Of course, there's nothing wrong with advocating a particular point of view, but the Woodrow Wilson Center is committed to another approach. It seeks to reveal the breadth of thought and ideas that can emerge from the marriage of academic freedom and vigorous dialogue (a pairing that led one of our resident scholars to thank us for "creating an academic Garden of Eden"). Our goal is to have the daily business of intellectual inquiry at the Center generate a dialogue—across cultures, disciplines, and occupations, and among scholars who bring a diversity of approaches to their work—that's relevant to the shaping of public policy. That vibrant exchange is a characteristic of the meetings and conferences that are a regular feature of the Center, and it's shared with distant audiences through the outstanding published work of our scholars. Let me cite a few recent examples.

Wilson Center public-policy scholar Xiabo Hu and staff member Gang Lin are coeditors of *China after Jiang* (2003), a book that grew out of numerous conferences and panels at the Center tracking China's transfer of power from Jiang Zemin to Hu Jintao. China is a paradox: Its rapidly opening and developing economy is at odds with its closed political system. Hu and Lin, prominent academics born in China, assess how China's new leadership will adapt to change under the pressure of societal forces and foreign-policy challenges. Their book takes a comprehensive look at China's current political culture and tackles the persistent question of whether China's one-party system can survive without significant reform.

Public-policy scholar Steven Philip Kramer explores a far different political transformation in two essays on Britain's role in the world, in *Foreign Affairs* and in this issue of the *WQ*. Kramer, a professor at the National Defense University, has been a participant in an ongoing transatlantic dialogue at the Center that draws on American and European perspectives. He argues that Britain can wield greater

influence from within Europe than it can as a third party in a bridging position between the European Union and the United States, and he points out the challenges facing Prime Minister Tony Blair in the months and years ahead.

Because no understanding of public policy can be complete if it does not take account of history, the Center does not limit its focus to current issues. This past spring, for example, the *WQ* published a cluster of articles exploring the history of Iraq "from Sumer to Saddam." Our Cold War International History Project is working to analyze and disseminate documents made available in the post-Cold War era by the United States and the former Soviet Union. Ilya Gaiduk, a regional exchange scholar from Russia, drew on Soviet archives to

write *Confronting Vietnam: Soviet Policy toward the Indochina Conflict, 1954–1963* (2002). Gaiduk's definitive account of Soviet policy reaches the noteworthy conclusion that the Soviets placed no geostrategic emphasis on Southeast Asia until there was significant American engagement in the region.

The late and sorely missed senator (and Wilson Center senior policy scholar) Daniel Patrick Moynihan had it exactly right when he said that, of all the presidential memorials in the city of Washington, only one, the Wilson Center, is alive. Inquiry occurs here in a setting that encourages daily personal encounters. One of our visiting scholars put the matter this way after returning to his native Germany: "During my stay at the Center, I met almost all the more important scholars or participants of relevance to my projects, and I feel that this would not have been possible at any other place on earth. My expectations were more than fulfilled." We look forward to fulfilling as best we can the expectations of all the thinkers and writers who come to the Center, even as their work honors the expectations Woodrow Wilson had for intellectual inquiry in the service of international understanding.

Lee H. Hamilton
Director

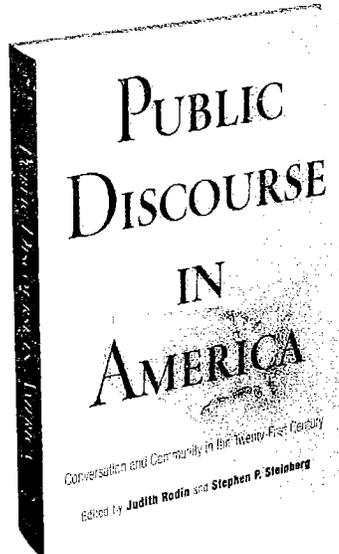


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PUBLIC DISCOURSE IN AMERICA

CONVERSATION AND COMMUNITY IN THE TWENTY-FIRST CENTURY

Edited by Judith Rodin and Stephen P. Steinberg

A distinguished group of scholars and prominent figures here offer thoughtful new perspectives on the tenor and conduct of public life in contemporary America. Originating in a shared concern that our civic culture is becoming coarser and more polarized, *Public Discourse in America* provides a critical corrective to this widespread misperception about declining civility in public culture and the ways we as citizens negotiate our differences.

Contributors include

Joyce Appleby, Thomas Bender, Derek Bok, Alex Boraine, Graham G. Dodds, Christopher Edley, Jr., Drew Gilpin Faust, Neal Gabler, Richard Lapchick, Don M. Randel, Richard Rodriguez, Jay Rosen, David M. Ryfe, Michael Schudson, Neil Smelser, and Robert H. Wiebe.

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Where the Evidence Leads AN AUTOBIOGRAPHY

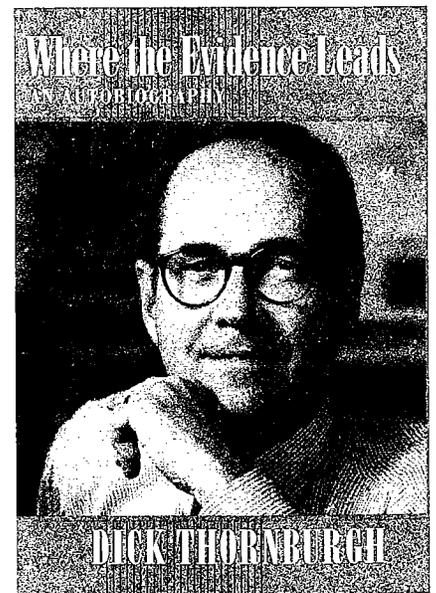
DICK THORNBURGH

"One of the most dedicated public servants I have ever met." —President George H. W. Bush

"A true giant of American law and politics. . . . I guarantee you will not put it down. Five stars!" —Larry King

"The most interesting personal and political autobiography I have read in years." —David Eisenhower

Perhaps best known as the attorney general who returned respectability to the office in the late 1980s, Dick Thornburgh has been a key participant in and observer of American political and legal life for more than three decades. In *Where the Evidence Leads* he candidly reveals the joys, frustrations, mistakes, and accomplishments of his career in public service.



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Findings

Inflation and the Classroom Consumer

The consequences of grade inflation have at last been measured. During the 1998–99 academic year, Duke University students consulted and contributed to an online database of course evaluations and grading patterns. The system kept track of which evaluations each student examined and which courses the student then enrolled in. Using these data, Valen Johnson, a professor of biostatistics at the University of Michigan, examined how grading affects course enrollment. His study appears in *Chance* (Summer 2003), published by the American Statistical Association.

Johnson's conclusions: "The influence of grading policies on student course selection

courses. This shift in enrollment causes a disproportionate allocation of resources to humanities departments at the expense of science departments."

Don't be misled by the tongue studs: When it counts, college students are perfectly rational.

Internet Perils

"I hate to be the bearer of bad tidings," *Philadelphia Inquirer* book editor Frank Wilson e-mailed Iowa State Press in July, "but I just received a copy of *Pulitzer Prize Feature Stories* and was surprised to see that the picture on the cover, which purports to be of Joseph Pulitzer, is in fact a picture of Joseph Conrad." A freelance designer had unearthed the photo from the Internet's heart of

darkness, and nobody had spotted the error. A natural enough mistake, Iowa State Press publishing director Paul Becker insisted to *The Ames Tribune*: "I was struck by the remarkable similarity between the two." As

the *Tribune* dryly commented, "Both Conrad and Pulitzer are white men with beards."

The New York Times, meanwhile, reports that media websites increasingly use software to choose the advertisement that accompanies a given article, sometimes to unfortunate effect. On the *New York Post* site, an article about a murder and dismemberment, which told of body parts hidden in a suitcase, appeared alongside a luggage ad.

And the run-together style of website addresses has produced a few unintended double-entendres, according to *Risks Digest* (catless.ncl.ac.uk). A database of movie actors and the agents who represent them, for instance, is at www.whorepresents.com, and an



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decisions is substantial. When choosing between two courses within the same academic field, students are about twice as likely to select a course with an A- mean course grade as they are to select a course with a B mean course grade, or to select a course with a B+ mean course grade over a course with a B- mean course grade. This fact forces instructors who wish to attract students to grade competitively, but not in the traditional sense of competitive grading.

"At the institutional level, differences in grading policies between academic divisions result in substantial decreases in natural science and mathematics enrollments, and artificially high enrollments in humanities

Italian battery company called Powergen owns the domain www.powergenitalia.com. Experts Exchange, a website for computer techies, has added a hyphen to its address, originally www.expertsexchange.com.

Nobodies of the World, Please Unite

After he left the presidency of Oberlin College in 1974, Robert W. Fuller noticed that he was accorded less deference than before. “I experienced what it’s like to be taken for a ‘nobody,’” he writes in his book *Somebodies and Nobodies: Overcoming the Abuse of Rank* (New Society). Sensitized, Fuller calls on his fellow nobodies to band together and vanquish rank rankism. The task won’t be easy, he acknowledges: “When it comes to building a movement . . . nobodies have some inherent handicaps.”

Just how far does somebodyhood get you? French psychologists Nicolas Guéguen and Alexandre Pascual examined one effect of status-revealing garb. In 120 small-town bakeries in the Brittany region of France, a male “customer” would enter when no other customers were present, ask the female employee for a croissant, discover that he was short a half franc (this was pre-euro), and ask to be given the croissant anyway. Guéguen and Pascual’s study appears in the May 2003 issue of the implausible but authentic *Journal of Mundane Behavior* (mundanebehavior.org).

When the customer was rude (“*Merde!* I’m short. . . . Hey! You gonna give it to me now?”), status made a big difference. The clerk surrendered the croissant three-quarters of the time to an ill-mannered customer in a suit and tie, but only a fifth of the time to one with torn trousers and unwashed hair.

By contrast, status made virtually no difference when the customer was courteous (“I am really embarrassed, Madame, but I am short. . . . Would you please do me a favor?”). The gracious slob got his croissant 90 percent of the time; the gracious businessman, 95 percent.

Perhaps the road to *égalité* is paved with *politesse*.

Crucible

“People who are as smart, talented, and acclaimed as Arthur Miller are not likely to be endearing,” cautions Martin Gottfried on the first page of his biography *Arthur Miller: His Life and Work* (Da Capo). The pages that follow abound in incidents of less-than-endearing behavior. Miller likens his *Death of a Salesman* to *King Lear*; dismisses *A Streetcar Named Desire*, by his contemporary Tennessee Williams, as a mere “exercise in personal psychology”; demonstrates his “solidarity” with working folks by taking a \$16-a-week job in a box factory, and then quietly leaves after a week; and makes a point of omitting from his autobiography any mention of his institutionalized son with Down syndrome.

In 1962, Miller learns of his ex-wife Marilyn Monroe’s suicide from Arthur Jacobs, Monroe’s friend and publicist. Miller’s curt response: “It’s your problem, not mine.” The playwright doesn’t attend the funeral or send flowers. Writes Gottfried: “His only recorded reaction, in a letter written to a friend, was that ‘the earth shocks for a moment [but] her life-death will not enlighten many.’”



Marilyn Monroe and Arthur Miller shortly after their marriage in 1956.

Schlock and Awe

The U.S. Patent and Trademark Office has received trademark applications for Shock and Awe brand fireworks, hot sauces, pesticides, golf balls, energy drinks, and condoms.

Nominal Trends

From the Social Security Administration's list of top names for newborns in 2002, more evidence that boys and girls differ.

Fashions in female names come and go—two of the top four girls' names for 2002, Madison and Emma, didn't even make the top 100 in 1992—but the trends blanket the nation. In 48 states last year, the number-one name for baby girls was either Emily, Madison, Hannah, or Emma (Alexis prevailed in New Mexico and Kayla in Hawaii).

By contrast, the popularity of boys' names holds steadier over time—Michael has been at or near the top since the 1950s—while varying more by region. William, the 11th most popular name nationally in 2002, was number one in parts of the South: Alabama, Georgia, Mississippi, and North and South Carolina. Anthony, number 12 nationally, was the leading name in Nevada. And the 27th most popular name nationally ranked number one in Texas: José.

Vanity

As a University of Chicago graduate student circa 1950, Allan Bloom—who later wrote the best-selling book *The Closing of the American Mind* (1987)—once astonished his mentor, Leo Strauss. The anecdote appears in *Encounters and Reflections* (Univ. of Chicago Press), a posthumously published oral memoir by another of Strauss's students, Seth Benardete.

Walking with Bloom one day, Strauss ventured an observation about a prominent philosopher who was visiting the

campus: "You know, I think that Martin Buber is vain."

Young Bloom replied, "Why, of course."

How, Strauss later asked Benardete, had Bloom, who was "not the most intelligent student," managed to discern Buber's vanity so readily? "It took me two weeks to figure it out," marveled Strauss.

When Benardete told him the story years later, Bloom, whose late-life celebrity fit him like a bespoke suit, remarked that it revealed less about his own acuity than about their professor's naiveté: "Strauss thought it possible not to be vain."

Verbatim

My idea of a good museum is a warehouse. The Louvre or something like that. A place where everything is made as difficult as possible and the only people that go there are people that want to see the pictures. And the masses don't go there because the masses don't give a damn about art.

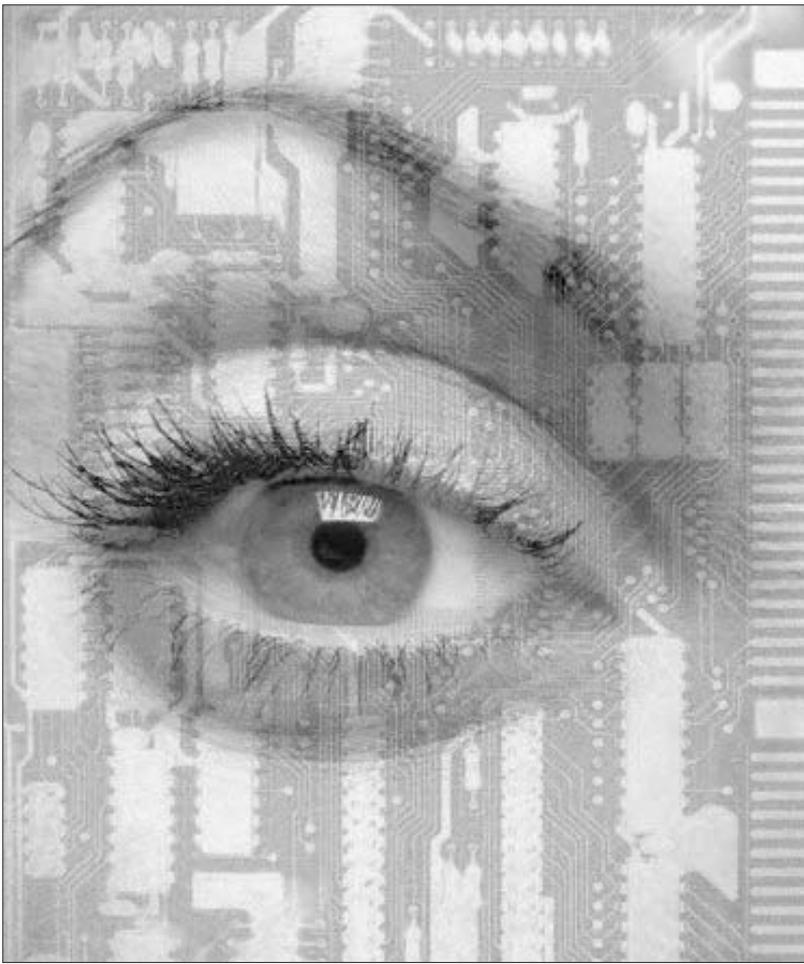
—Culture critic and self-acknowledged "intellectual snob" Dwight Macdonald, in *Interviews with Dwight Macdonald* (Univ. Press of Mississippi)

Social life in Washington, especially for anyone holding a position of some importance, can be exhilarating. Unlike the university, where people do not like to discuss their work for fear that, in retaliation, they will have to listen to what others are doing, in Washington everyone is interested in everybody else's work because it may have direct bearing on their own.

—Richard Pipes, a Harvard University historian who served in the Reagan White House, in *Vixi: Memoirs of a Non-Belonger* (Yale Univ. Press)

Convicted prisoners, Members of the House of Lords, and certified lunatics are ineligible to vote. I now qualify in two of the three categories.

—Lord Jeffrey Archer, convicted of perjury in 2001, in *A Prison Diary* (St. Martin's)



Humanity 2.0

Transhumanists believe that human nature's a phase we'll outgrow, like adolescence. Someday we'll be full-fledged adult posthumans, with physical and intellectual powers of which we can now only dream. But will progress really make perfect?

by Carl Elliott

At the front of the conference room, Robert Bradbury of the Aevos Corporation is talking about immortality. He's showing us PowerPoint slides, with scientific graphs and charts. He's telling us about an artificial replacement for the human genome and about eliminating the need for a heart by replacing all the cells in the body with "vasaloid" systems. Immortality is probably not in the

cards, Bradbury tells us, but once we eliminate all diseases it will be possible for us to live for 2,000 years. When we get rid of all the other hazards of living, we'll be looking at a life span of 7,000 years. Unless, of course, we happen to be over 40 years old already, in which case these technologies will come too late for us. Bradbury recommends that those of us past 40 look seriously into cryonics. If we have our

Transhumanism

heads frozen, we can be resurrected at some time in the future by our benevolent, superintelligent descendants. As Bradbury speaks, I remember the cemetery across from the Yale University campus that I passed on my way to the seminar. Carved into stone on the front gates were the words “The Dead Shall Be Raised.”

I’ve come to Yale for an intensive introductory seminar on transhumanism. The term *transhuman* is shorthand for *transitional human*, a stage along the way to becoming *posthuman*. A posthuman, according to the World Transhumanist Association, is “a being whose basic capacities so radically exceed those of present-day humans as to no longer be unambiguously human by our current standards.” Nobody really knows exactly what posthumanity will be like, but transhumanists are certain that it will be a big improvement over the current model. Transhumanists embrace cryonics, nanotechnology, cloning, psychopharmacology, genetic enhancement, artificial intelligence, brain chips, robotics, and space colonization. In fact, they embrace virtually any conceivable technology aimed at “redesigning the human condition.”

Like many of my fellow seminar participants, I’m here out of curiosity. What little I know about transhumanism I learned many years ago from Ed Regis’s brilliant, quirky book *Great Mambo Chicken and the Transhuman Condition* (1990). *Mambo Chicken* was an affectionate but skeptical portrait of what Regis called “science slightly over the edge.” The heroes of *Mambo Chicken* were not especially interested in ordinary scientific grunt work. They had much grander plans. They wanted to download their minds onto computer disks, manipulate matter at the atomic level, colonize interstellar comets in private rockets. The title of the book refers to chickens that muscled up to Schwarzenegger-like proportions after gravity specialists at the University of California, Davis, spun them around in accelerators for six months. On the whole, the scientists in Regis’s book were less interested in creating superchickens than in creating superhumans. They chafed at human mortality and the limitations of their own brains. “Why should we be restricted to human nature?” asked

one researcher in *Mambo Chicken*. “Why shouldn’t we go beyond?”

Why indeed? In the 13 years since *Mambo Chicken* was published, transhumanism has blossomed into something new—part subculture, part academic discipline, part social movement. In 1998, philosophers Nick Bostrom and David Pearce established the World Transhumanist Association (WTA). Transhumanists have become increasingly visible in the media, often for their outspoken advocacy of all things technological: In a memorable encounter last year, transhumanist Max More, co-founder of the Extropy Institute, debated University of Virginia bioethicist Jonathan Moreno on CNN’s *Crossfire* about the ethics of cryonically freezing the head of baseball great Ted Williams. The seminar I’ve enrolled in at Yale is part of a larger conference, cosponsored by the WTA, called *Transvision 2003*. The theme of the conference is “The Adaptable Human Body: Transhumanism and Bioethics in the 21st Century.” (I did not attend the larger conference, but the presentations are available online at www.transhumanism.org.)

Bioethicists have begun writing about so-called enhancement technologies—medical interventions aimed not at curing illness but at improving human traits and capacities. For the most part, these interventions fall squarely within the realm of the possible: cosmetic surgery, synthetic growth hormone for short children, psychoactive medications, such as Ritalin and Prozac, and “lifestyle drugs,” such as Viagra, Propecia, and Botox. Many enhancement technologies are too pedestrian to interest the transhumanists, but they make an exception for genetic medicine—the possibility of genetically enhancing human beings. Now that the human genome has been mapped and Dolly has been cloned, many transhumanists are starting to ask, “Why not use the tools of genetics to make ourselves smarter, healthier, and longer-lived?”

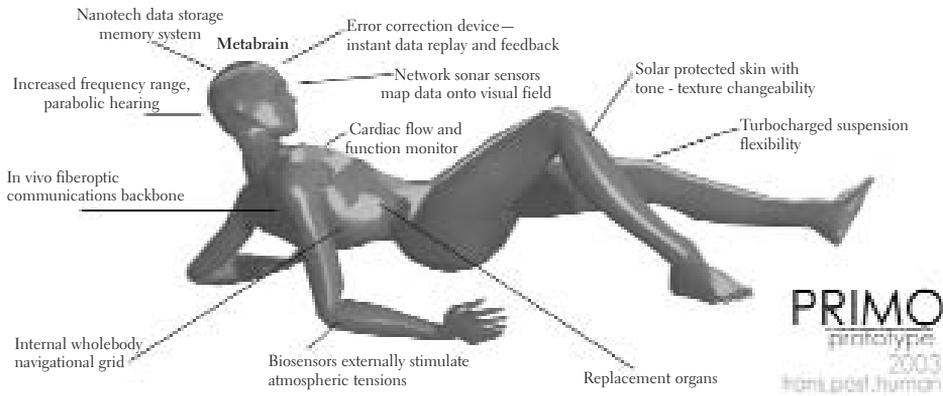
At first, I was inclined to dismiss the transhumanists. They sounded more than slightly over the edge. Later, I wondered whether I was being unfair. Weren’t remarkable things being done in neuroscience and the genetics of

>CARL ELLIOTT teaches philosophy and bioethics at the University of Minnesota. His latest book is *Better Than Well: American Medicine Meets the American Dream* (2003). Copyright © 2003 by Carl Elliott.

aging? Didn't many of these transhumanists have impressive degrees from elite universities? While a Ph.D. is no guarantee of wisdom (as Saul Bellow once remarked, the world is full of high-IQ morons), it does have a way of making strange ideas seem somewhat more plausible. The transhumanism seminar seemed worth the price of admission, especially when the transhumanists offer, in the words of WTA cofounder Pearce in his book *The Hedonistic Imperative*, "sights more majestically beautiful, music more deeply soul-stirring, sex more exquisitely erotic, mystical epiphanies more awe-inspiring, and love more profoundly

who've never seen them before. "If every physical and chemical invention is a blasphemy," Haldane wrote, "every biological invention is a perversion."

Most transhumanists are not as eloquent as Haldane, but their sentiments are much the same. In transhumanist thought, there's nothing natural, and certainly nothing good, about confinement to a flesh-and-blood body that expires after three score years and ten. We can do much better than that. And if we were not so squeamish, we *would* do better. Transhumanists believe they have simply learned to put aside the ordinary human



This piece of digital art, by Natasha Vita-More, depicts a pan(post?)sexual, transposthuman prototype. It's been featured on the Transhumanist Arts website and is the official logo for transhumanist culture.

intense than anything we can now properly comprehend." Besides, I have a weakness for groups with manifestoes.

I began to wonder: Who are the transhumanists? Fanatics? Visionaries? Trekkies with tenure? Should we be paying attention?



“There is no great invention, from fire to flying, which has not been hailed as an insult to some god,” wrote the great British biologist J. B. S. Haldane in his 1923 essay “Daedalus, or Science and the Future.” For people who see science as a way of improving the human condition, the “natural order” is nothing more than a barrier to human progress. As Haldane observed, new developments in biology always look unnatural and indecent to people

aversion to novelty in favor of technology-assisted human progress. As Eliazer Yudkowsky of the Singularity Institute for Artificial Intelligence—established to hasten the day when technology will create smarter-than-human intelligence in human beings—put it in his paper at Yale, “In transhumanism, this special ‘yuck’ reaction is missing, and such technologies are just an ordinary part of the natural universe.”

Take cryonics, for example. Cryonics firms such as the Alcor Life Extension Foundation in Arizona will freeze the bodies or heads of people who've been declared dead, in the hope that they can be revived (or as transhumanists put it, “reanimated”) at some point in the distant future, when technological progress has made it possible to reverse the diseases or injuries that “deanimated” them. The father of cryonics was

Transhumanism

Robert Ettinger, a professor of physics and mathematics at Highland Park Community College in Michigan and author of the book *The Prospect of Immortality* (1964). Ettinger marshaled every piece of scientific evidence he could find about the prospect of reviving frozen bodies, and many readers found the evidence convincing. Of course, others found the notion of deep-freezing their severed heads in vats a little grotesque. But defenders of cryonics replied (not unreasonably) that it was no less grotesque than being embalmed and buried. In any case, they were willing to put aside their squeamishness for the possible payoff. *The Prospect of Immortality* went through nine editions and was translated into four languages. Ettinger became a major media figure, and the cryonics movement was launched.

To many outsiders, the evidence that cryonics will actually work has never looked especially convincing. Indeed, cryonics, like other cultural products of the 1960s, might well have faded away—had it not been defended by Eric Drexler in *The Engines of Creation* (1986). His was the first book on nanotechnology, the manipulation of matter on the smallest possible scale. Drexler envisioned submicroscopic devices capable of manipulating molecules, or even atoms, to precise specifications. If we could just write the correct programs, nanotechnology would allow us to build or rebuild virtually anything, from the bottom up. After all, this is what biological organisms do; the programs are written into their DNA. Drexler devoted a chapter to explaining how nanotechnology could make cryonics a legitimate scientific possibility. With tiny assemblers, we could repair all the cells in a deanimated body and bring the dead back to life.

The Engines of Creation has been enormously important for transhumanists, and no wonder. Raising the dead is only one of the miracles promised by nanotechnology, and it's not even the most astonishing. Once we have complete control over matter itself, Drexler argued, we can do virtually anything permitted by the laws of nature. We can end disease by repairing damaged cells. We can get rid of world hunger by making food out

of plentiful ingredients such as dirt and sunshine. No more poverty, no more unpleasant labor, no more pollution. Precisely when all this will happen is a matter on which transhumanists disagree. What's important is that Drexler made such a persuasive case that it *could* happen. (It hasn't hurt the cause that nanotechnology is now being hailed as the Next Big Thing, attracting venture capital, government funding, and attention in prestigious scientific journals.)

For many transhumanists, nanotechnology is the key to our posthuman future. With nanotechnology, for instance, we could scan the structure of our brains atom by atom, preserve all the neural patterns responsible for our personal identities, and re-create those structures on artificial hardware. In effect, we could upload our minds to computers and make copies of ourselves down to every memory, every last personality quirk, every last hope and prejudice and desire. Then we could design new and better bodies, or simply live on as information patterns in computer networks, like ghosts in a vast machine.

Once we had uploaded ourselves onto computers, the possibilities would expand tremendously. We could make backup copies of ourselves, and re-boot if our original selves were to die. We could transmit ourselves over high-speed networks at the speed of light (which would be very convenient, the WTA points out, if we colonize space). We could live in simulated environments where the ordinary laws of physics were suspended. We could radically upgrade our intelligence, like computer software, and become superintelligent. Hans Moravec of the Mobile Robot Laboratory at Carnegie Mellon University laid out the basics of uploading in his book *Mind Children* (1988). In a mere 50 years, Moravec predicted, we'll be able to upload our minds onto computers, turn ourselves into robots, and live forever.

Of course, not everyone may want to spend eternity this way. It's a matter of individual choice, and transhumanists insist on the universal moral right to decide for oneself. That's an important part of the WTA's Transhumanist Declaration. But should you decide to become a robot, an information pattern, or any other kind of sentient life,

you can count on the transhumanists to advocate for your well-being.



As I take my seat at the seminar, the first thing that strikes me is the gap between the grand transhumanist vision and the concrete reality of our surroundings. For all the talk about immortality and superintelligent robots, there's no getting around the fact that we're sitting in the basement of a college dormitory. On the list of seminar participants I see a mix of activists, academics, journalists, and computer specialists. We all seem to be glancing furtively at one another's name tags, trying to figure out which participants are the true believers and which are just voyeurs. Our introduction to transhumanism will be delivered by Nick Bostrom, president of the WTA and a member of the philosophy faculty at Oxford University. According to the syllabus that's been distributed, Bostrom's credentials include a background in cosmology, mathematical logic, and standup comedy.

My most pressing question is the one I never actually ask: Do transhumanists actually *believe* all this? Life spans of 7,000 years? Mind uploads? Colonizing space and living forever as robots? As the day wears on, the answer becomes clear. Yes, they do. I had wondered whether these were simply philosophical thought experiments, but the transhumanists at the front of the conference room speak of space colonization and radical life extension as if the technologies to achieve these things were just around the corner. When, a few weeks after the seminar, I asked James Hughes, the secretary of the WTA, about the plausibility of these technologies, he replied by email, "Well, we certainly do like to talk about them, like philosophers do, but we also think they are quite real. We differ widely on the time frame, however."

Maybe so, but it takes a certain naiveté not to realize that an audience unfamiliar with transhumanism might be a little surprised by matter-of-fact references to, say, the economic consequences of becoming a robot. I was curious to find out whether other non-transhumanists had the same reaction. One

scholar, who spoke on condition of anonymity, characterized the transhumanists as "a lot of young, pasty, lanky, awkward . . . white males talking futuristic bullshit, terribly worried that we will take their toys away." William Grey, a philosopher from the University of Queensland in Australia who attended the conference, said, "Overall, I've never seen such a collection of highly intelligent people whose views (at least to me) are just barking mad."

More than one outsider I corresponded with compared the meeting to a support group. I was struck more by its religious overtones. The transhumanists have their sacred texts, *The Engines of Creation* and *Mind Children* among them. They have communal gatherings, which usually occur online. They have a set of beliefs about resurrection and the afterlife, couched in the language of cryonics and computers. They divide the world into believers and infidels (the "bio-Luddites"), and they call on one another to evangelize—or, as they often put it, "spread our memes." Many transhumanists believe that we're approaching an apocalyptic end-time they call "The Singularity," a convergence of technological developments that will push the rate of change so dramatically that the world could be transformed beyond recognition. The WTA states that if The Singularity comes, it will probably be caused by the creation of self-enhancing, superintelligent beings.

If the religious elements also sound like science fiction, there's a good reason. The concept of The Singularity comes from Vernon Vinge's novel *Marooned in Realtime* (1986). Arthur Clarke wrote about mind uploading in *The City and the Stars*, first published in 1956. Robert Ettinger got the idea for cryonics from a story called "The Jameson Satellite" by Neil R. Jones, published in a 1931 issue of the science-fiction magazine *Amazing Stories*. In that story, a man specifies in his will that, when he dies, his body is to be shot into space, where it will be frozen and preserved. Millions of years later, he's thawed out by robots and given a mechanical body so that he can live forever.

Transhumanists resent the religious comparisons, and, to be fair, most of those at the

Transhumanism

seminar seemed no more like cult members than your average Amway representative. James Hughes rightly points out that social interaction among transhumanists occurs mainly online, and, for that reason, their social ties to one another are a lot weaker than those of church members. In any case, many transhumanists are openly hostile to organized religion. For example, when I asked Hughes what he thought of the Raelians, a sect that believes the human race was created by aliens, he replied, “Religious nut jobs, but no more or less irrational or absurd than the Abrahamic faiths, and a lot less dangerous.”

In my more charitable moments, I want to think that the transhumanists are old-fashioned utopians. Maybe transhumanism represents a high-tech, cyber-savvy version of Robert Owen’s socialist community at New Lanark in 19th-century Scotland, or even the American hippie communes of the 1960s. Hughes, for example, teaches public policy at Trinity College and is writing a book called *Cyborg Democracy: Free, Equal and United in a Post-Human World*. Could the transhumanists be the flip side of the Amish, putting advanced technology to work for a better society? I entertain these thoughts for a while. Then reality hits home, and I remember the transhumanists’ angry, libertarian rhetoric. Most seemed less concerned about building a better society than they were about wanting to be left alone with their computers.

They also seemed bizarrely out of touch with ordinary moral sensibilities. This disconnect became apparent during a presentation by Robin Hanson, an economist at George Mason University. At one point, Hanson told us about a project he had been working on for the Pentagon’s Defense Advanced Research Projects Agency (DARPA). The plan was to use the market as a tool to predict world events, such as terrorist strikes, coups, and assassinations. Traders would use a government-sponsored website to invest money in the likelihood that such events would occur, and the Pentagon—specifically, the Total Information Awareness project headed by John Poindexter—would use the data as a tool to predict future events. The rationale was that if people were willing to put good money on the prospect, say,

of Osama bin Laden’s orchestrating an attack on the World Trade Center, then the possibility that the attack might occur should be taken very seriously.

It was only a few weeks after the seminar that Hanson’s project became headline news and was angrily denounced by senators and representatives, who called it “betting on death.” The project was eventually scrapped because of the public outcry, and Poindexter resigned his post.

What struck me about the reaction of the transhumanists to these events was not simply that they backed the project, but that they seemed unable to grasp why anyone would find it unseemly. Hanson described it without blinking an eye, and then proceeded to a discussion of the economic upheaval that might be caused by mind uploading. When the public opposition later emerged, the transhumanists I contacted were oddly dismissive. The brouhaha was “nonsense,” said Hughes. And Bostrom said that he was “very sad to see such a brilliant and potentially useful idea brutally murdered for cheap political gain.” He characterized the outrage as “smug moral condemnation fortified by complete ignorance of the issue. Our reptilian brain in full action.”



So the question recurs: Should we be paying attention? I think we should. As far over the edge as the transhumanists often appear, they represent a number of ideological strands evident throughout American society. One is a brand of individualistic, libertarian ideology often associated with Silicon Valley. A second is independent, quasi-religious thinking of the sort that sometimes leads to new religious communities, such as the Mormons, but that more often is disguised as disdain toward organized religion. A third is idealistic faith in the power of technology to make the world a better place. To look at the transhumanist movement and its self-identified enemies is to glimpse some of the ideological battlegrounds where the debate over new enhancement technologies will be conducted.

One key issue will be the need to strike a proper balance between idealism and prag-



Jerry Lemier, president and CEO of the Alcor Life Extension Foundation in Scottsdale, Arizona, stands with a group of clients in the Patient Care Bay, where their bodies and heads are kept in cold-storage suspension.

matism. The genetic revolution has been a weird combination of media hype, scientific success, and clinical disappointment. That disappointment reached a culmination of sorts several years ago with the death of Jesse Gelsinger in a gene therapy protocol at the University of Pennsylvania. In recent years, the federal government has temporarily shut down federally sponsored research at the University of Pennsylvania, Johns Hopkins University, Duke University, and several other leading academic health centers. Given the enormous growth in clinical medical research (much of which is now being carried out by for-profit corporations), many observers argue that our regulatory system must be radically overhauled if we are to avoid more deaths and injuries.

The safety of research subjects is a crucial concern in genetic enhancement and reproductive cloning. Yet the Yale conference did not include a single presentation on the ethics or regulation of biomedical research.

In the introductory seminar, the potential dangers of enhancement technologies got significant attention only once, when Bostrum listed a number of possible threats posed by such technologies, among which he included evolution into oblivion, “simulation shutdown,” and invasion by extraterrestrials. The transhumanist enthusiasm for scientific research represents an extreme version of the kind of idealism that will need to be tempered by an effective system of research regulation.

A second issue will be the relative value of individual versus collective solutions to social problems. Many “enhancement technologies” are more accurately characterized as medical remedies for social stigma. That is, they are technological fixes for the condition of being shy, short, overweight, or small breasted. But these individual solutions have the paradoxical effect of making social problems worse. As Georgetown University philosopher Margaret Olivia Little

Transhumanism

has argued, the more breast augmentations that cosmetic surgeons perform, the more entrenched is the social preference for large breasts; the more “Jewish noses” that surgeons correct, the more reinforced is the social standard that makes Jews seek out surgery in the first place. A better solution would be the one that American individualists often regard as hopeless: fixing the social structures that make so many people ashamed of these aspects of their identities.

Even technologies that unambiguously provide enhancements will raise issues of social justice not unlike those we currently face with ordinary medical technologies (wealthy Americans, for example, get liver transplants, while children in the developing world die from diarrhea). We live comfortably with such inequities, in part because we have so enthusiastically embraced an individualistic ethic. But to an outsider, a country’s expenditure of billions of dollars on liposuction, face-lifts, and Botox injections while many of its children go without basic health care might well seem obscene.

At one point in our seminar, Bostrum listed a number of ideological opponents of transhumanism, including religious conservatives, postmodernists, the writer-activist Jeremy Rifkin, the environmentalist writer Bill McKibben, the bioethicist Leon Kass, and the political theorist Francis Fukuyama. If anything unites such a disparate array of people, it’s not opposition to technology. Rather, it’s a conviction that the social order is critically important to human flourishing. Right-leaning moralists do not have much in common with left-leaning moralists; nor do religious conservatives have much in common with postmodernists. But none of these people believe that an individual is independent of the society in which he or she lives, and, for that reason, they’re uncomfortable with the notion that technologies of profound social consequence should be primarily a matter of individual choice. The technologies call for collective decision making.

A final battleground in the debate over enhancement technologies will be the marketplace. Whatever you think of the ethics of these technologies, you must admit that they’re being driven by a

powerful economic engine. For a number of years now, pharmaceuticals has been the most profitable industry in America. Until the early 1980s, the most profitable drugs were those to treat anxiety. Now, according to the National Institute for Health Care Management, the most profitable class of prescription drugs is antidepressants, such as Paxil and Prozac. When Pfizer put Viagra on the market in the late 1990s, it immediately became the fastest-selling drug in pharmaceutical history. It’s a long way from anxiety drugs and impotence remedies to germ-line genetic enhancement, but if the pharmaceutical and biotechnology industries see a way to profit from a new enhancement technology, it’s hard to imagine that they’ll resist.

Is the industries’ power a danger? Whether you think so will depend on what you think of market-driven medicine. Transhumanists are not worried, but then again, neither is the average American. Cosmetic surgery has never been more popular than it is now. But for critics of genetic enhancement, the market represents something far more sinister because it seems to view the world as a place where everything has a price. How will our sensibilities be changed if we start to see our children, our bodies, and our minds as potential objects of consumption? Where does the soul go, once it’s been priced and tagged?

J. B. S. Haldane was an enthusiast for scientific progress because he thought that science was the servant of humanity. Bertrand Russell disagreed. In “Icarus,” his famous response to Haldane’s “Daedalus” essay, Russell wrote that the mistake scientists usually make is to imagine that they will decide how science is used. In fact, he said, science serves whoever holds power. If the people who hold power are evil, then they will use science for evil purposes—and Russell was not impressed with the people who held power. “I am compelled to fear that science will be used to promote the power of dominant groups, rather than to make men happy,” he wrote. “Icarus, having been taught to fly by his father Daedalus, was destroyed by his rashness. I fear that the same fate may overtake the populations whom modern men of science have taught to fly.” □

WHAT GOOD IS INTERNATIONAL LAW?

Even before the war in Iraq, international law was in intellectual upheaval.

While conservatives were sharpening their critiques, many liberals were re-examining their hopes and assumptions about the system. The war posed several questions in stark terms: Are laws that don't always achieve their ends—such as the restraint of barbaric rulers—worth having? Can the system work without a reliable means of armed humanitarian intervention?

What if great powers “take the law into their own hands”? Here, from various perspectives, is a sampling of the latest thinking.



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The Two World Orders

by Jed Rubenfeld

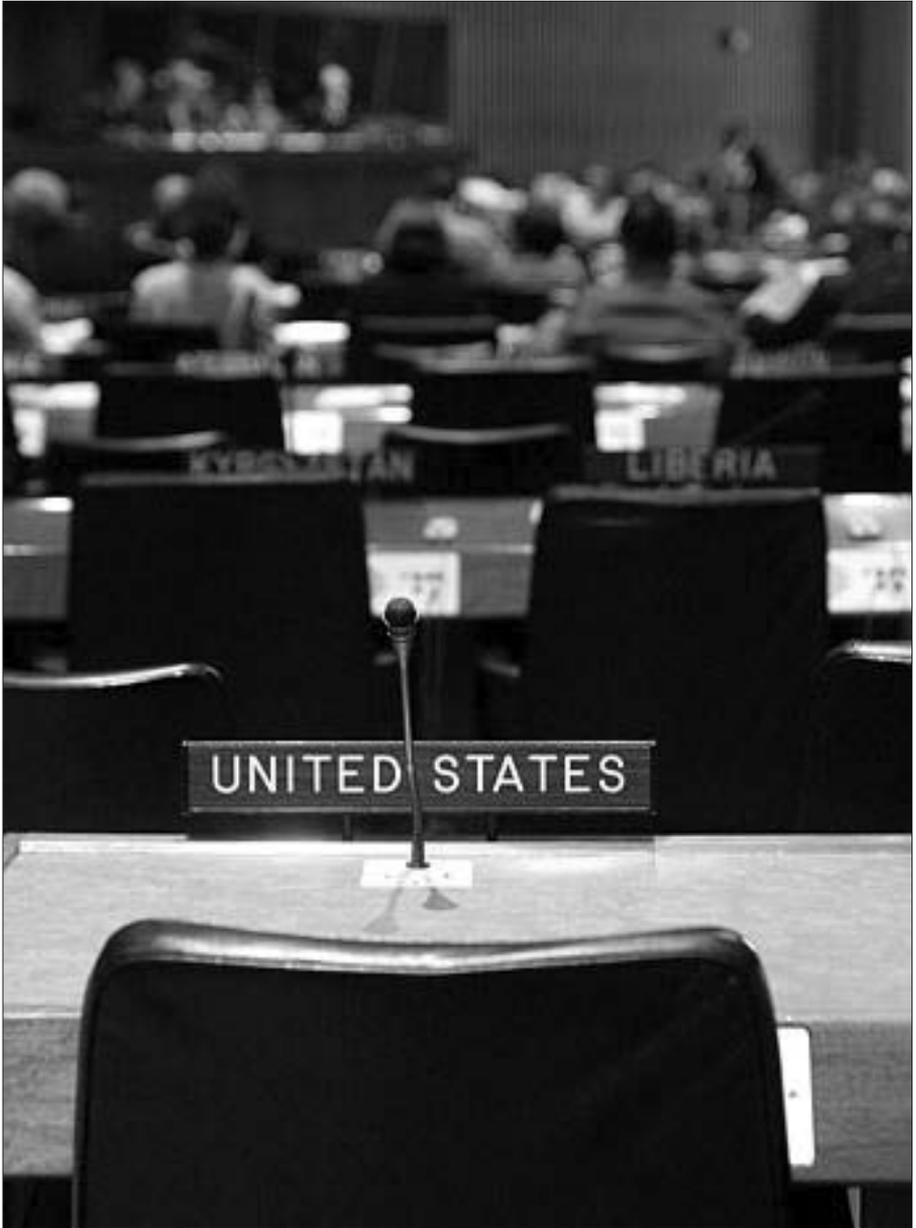
What's the source of America's growing unilateralism? The easy answer is self-interest: We act unilaterally to the extent that we see unilateralism as serving our interests. But the answer prompts a more searching question: Why do so many Americans view unilateralism this way, given the hostility it provokes, the costs it imposes, and the considerable risks it entails? Americans sometimes seem unilateralist almost by instinct, as if it were a matter of principle. Might it be?

It will not do to trace contemporary U.S. unilateralism to the 18th-century doctrine of isolationism, for unilateralism is a very different phenomenon. An isolationist country withdraws from the world, even when others call on it to become involved; a unilateralist country feels free to project itself—its power, its economy, its culture—throughout the world, even when others call on it to stop. Although there may still be a thread of isolationism in the United States today, unilateralism, the far more dominant trend, cannot usefully be derived from it.

The search for an explanation should begin instead at the end of World War II. In 1945, when victory was at hand and his own death only days away, Franklin Roosevelt wrote that the world's task was to ensure “the end of the beginning of wars.” So Roosevelt called for a new system of international law and multilateral governance that would be designed to stop future wars before they began. Hence, the irony of America's current position: More than any other country, the United States is responsible for the creation of the international law system it now resists.

The decisive period to understand, then, runs roughly from the end of the war to the present, years that witnessed the birth of a new international legal order, if not, as widely reported, the death of the Westphalian nation-state. America's leadership in the new internationalism was, at the beginning, so strong that one might be tempted to see today's U.S. unilateralism as a stunning about-face, an aberration even, which may yet subside before too much damage is done. But the hope that the United States will rediscover the multilateralism it once championed assumes that America and Europe were engaged in a common internationalist project after World War II. Was that in fact the case?

It's undoubtedly true that, after the war, Americans followed the path Roosevelt had charted and led Europe and the world toward an unprecedented internationalism. We were the driving force behind the United Nations, the primary drafters of the initial international human-rights conventions, the cham-



Not present at the creation: The U.S. seat was empty at the opening session of the new International Criminal Court at United Nations headquarters in New York last year.

pions of developing an enforceable system of international law. Indeed, America pressed on Europe the very idea of European union (with France the primary locus of resistance). At the same time, America promoted a new constitutionalism throughout Europe and the world, a constitutionalism in which fundamental rights, as well as protections for minorities, were laid down as part of the world's basic law, beyond the reach of ordinary political processes.

How then did the United States move from its postwar position of leadership in the new international order to its present position of outlier?

The Cold War played an essential role in the change, fracturing the new international order before it had taken root. At the same time, the Cold War

also had the effect of keeping the Atlantic alliance intact for many decades by suppressing divisions that would show themselves in full force only after 1989. When, in the 1990s, the United States emerged as the last superpower standing, it became much easier for the forces of European union to move ahead and for the buried divisions between America and its European allies to be made apparent. The most fundamental of those divisions had been the most invisible: From the start, the postwar boom in international and constitutional law had had different meanings in America and Europe—because the war itself meant different things in America and Europe.

At the risk of overgeneralization, we might say that for Europeans (that is, for those Europeans not joined to the Axis cause), World War II, in which almost 60 million people perished, exemplified the horrors of *nationalism*. Specifically and significantly, it exemplified the horrors of *popular nationalism*. Nazism and fascism were manifestations, however perverse, of popular sovereignty. Adolf Hitler and Benito Mussolini rose to power initially through elections and democratic processes. Both claimed to speak for the people, not only before they assumed dictatorial powers but afterward, too, and both were broadly popular, as were their

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nationalism, militarism, repression, and, in Hitler's case, genocidal objectives. From the postwar European point of view, the Allies' victory was a victory *against nationalism*, *against popular sovereignty*, *against democratic excess*.

The American experience of victory could not have differed more starkly. For Americans,

winning the war was a victory *for nationalism*—that is to say, for *our nation* and *our kind of nationalism*. It was a victory *for popular sovereignty* (*our popular sovereignty*) and, most fundamentally, a victory *for democracy* (*our democracy*). Yes, the war held a lesson for Americans about the dangers of democracy, but the lesson was that the nations of continental Europe had proven themselves incapable of handling democracy when left to their own devices. If Europe was to develop democratically, it would need American tutelage. If Europe was to overcome its nationalist pathologies, it might have to become a United States of Europe. Certain European countries might even need to have democratic institutions imposed upon them, although it would be best if they adopted those institutions themselves, or at least persuaded themselves that they had done so.

These contrasting lessons shaped the divergent European and American experiences of the postwar boom in international political institutions and international law. For Europeans, the fundamental point of international law was to address the catastrophic problem of nationalism—to check national sovereignty, emphatically including national *popular sovereignty*. This remains the dominant European view today. The United Nations, the emerging European

>JED RUBENFELD is the Robert R. Slaughter Professor of Law at Yale University and author of *Freedom and Time: A Theory of Constitutional Self-Government* (2001). Copyright © 2003 by Jed Rubenfeld.

Union, and international law in general are expressly understood in Europe as constraints on nationalism and national sovereignty, the perils of which were made plain by the war. They are also understood, although more covertly, as restraints on *democracy*, at least in the sense that they place increasing power in the hands of international actors (bureaucrats, technocrats, diplomats, and judges) at a considerable remove from popular politics and popular will.

In America, the postwar internationalism had a very different meaning. Here, the point of international law could not ultimately be antidemocratic or antinationalist because the Allies' victory had been a victory for democracy (American democracy) and for the nation (the American nation). America in the postwar period could not embrace an antinationalist, antidemocratic international order as Europe did. It needed a counterstory to tell itself about its role in promoting the new international order.

The counterstory was as follows: When founding the United Nations, writing the first conventions on international rights, creating constitutions for Germany and Japan, and promoting a United States of Europe, Americans were bestowing the gifts of American liberty, prosperity, and law, particularly American constitutional law, on the rest of the world. The “new” international human rights were to be nothing other than the fundamental guarantees made famous by the U.S. Constitution. Wasn't America light-years ahead of continental Europe in the ways of democracy? International law would be, basically, American law made applicable to other nations, and the business of the new internationalism would be to transmit American principles to the rest of the world. So of course America could be the most enthusiastic supporter of the new international order. Why would it not support the project of making the world more American?

In the American imagination, then, the internationalism and multilateralism we promoted were for the rest of the world, not for us. What Europe would recognize as international law was law we already had. The notion that U.S. practices—such as capital punishment—held constitutional by our courts under our Bill of Rights might be said to violate international law was, from this point of view, not a conceptual possibility. Our willingness to promote and sign on to international law would be second to none—except when it came to any conventions that might require a change in U.S. domestic law or policy. The principal organs of U.S. foreign policy, including the State Department and, famously, the Senate, emphatically resisted the idea that international law could be a means of changing internal U.S. law. In the 1950s, the United States refused to join any of the major human-rights and antigencide conventions. The rest of the world might need an American-modeled constitution, but we already had one.

In part, this exceptionalist attitude reflected American triumphalism in the wake of the war; in part, it expressed American know-nothing parochialism; and,

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in part, it placated southern fears that U.S. participation in international rights agreements could loosen the chokehold in which American blacks were held. But it reflected something more fundamental as well: a conception of constitutional democracy that had been reaffirmed by the war. It was impossible for Americans to see the new international constitutionalism as Europeans saw it—a constraint on democratic nationalism—for that would have contradicted America’s basic understanding of constitutional democracy.

It’s essential here to distinguish between two conceptions of constitutionalism. The first views the fundamental tenets of constitutional law as expressing universal, liberal, Enlightenment principles, whose authority is superior to that of all national politics, including national democratic politics. This universal authority, residing in a normative domain above politics and nation-states, is what allows constitutional law, interpreted by unelected judges, to countermand all governmental actions, including laws enacted by democratically elected legislators. From this perspective, it’s reasonable for international organizations and courts to frame constitutions, establish international human-rights laws, interpret these constitutions and laws, and, in general, create a system of international law to govern nation-states. I call this view “international constitutionalism.”

Let me make the abstract picture more concrete. The Council of Europe—the first postwar organization of European states, and the progenitor of today’s European Union—has a quasi-judicial branch, called the Commission on Democracy through Law (also called the Venice Commission), on which I have served for several years as the U.S. representative or observer. One of my first duties was to sit on a committee charged with drafting a constitution for Kosovo. The committee consisted of distinguished jurists and constitutionalists from all over Europe. We met in Paris and Venice, and the proceedings were professional and expert in every respect. But though the committee had visited Kosovo for

three days, it had no Kosovar members. Uncertain as to whether their absence was deliberate, I made inquiries among the committee members. It was indeed intentional. The framing of a constitution was a delicate business, I was told, and to have

THE OVERTLY POLITICAL
NATURE OF AMERICAN
CONSTITUTIONAL LAW
STUNS EUROPEANS.

involved Kosovars in the process would have impeded the committee’s work and mired it in political infighting.

Might it therefore be desirable, I asked, to draft an explicitly transitional document, on the model of the interim South African constitution, one that created institutions through which local drafting and ratification of a permanent charter could later take place? No, was the committee’s answer. We were drafting a *constitution*, and constitutions are not meant to be transitional documents.

The committee’s attitude perfectly exemplified international constitutionalism, which is the dominant constitutional worldview in Europe. From this viewpoint, it’s not particularly important for a constitution to be the product of a national

participatory political process. What matters is that the constitution recognize human rights, protect minorities, establish the rule of law, and set up stable, democratic political institutions, preferably of a parliamentary variety, in which the chief executive is not directly elected by the people. National ratification of a new constitution might be instrumentally valuable, but having a committee of expert foreign jurists draw up a constitution would be perfectly satisfactory in principle. Having that constitution imposed on the society by an occupying power would be awkward, but so long as the occupying power was recognized as valid under international law, and so long as the constitution took, imposing it by force would be entirely acceptable.

The alternative to international constitutionalism is American, or democratic, national constitutionalism. It holds that a nation's constitution ought to be made through that nation's democratic process, because the business of the constitution is to express the polity's most basic legal and political commitments. These commitments will include fundamental rights that majorities are not free to violate, but the countermajoritarian rights are not therefore counterdemocratic. Rather, they are democratic because they represent the nation's self-given law, enacted through a democratic constitutional politics. Over time, from this perspective, constitutional law is supposed to evolve and grow in a fashion that continues to express national interpretations and reinterpretations of the polity's fundamental commitments.

In American constitutionalism, the work of democratically drafting and ratifying a constitution is only the beginning. Just as important, if not more so, is the question of who interprets the constitution. In the American view, constitutional law must somehow remain the nation's self-given law, even as it is reworked through judicial interpretation and reinterpretation, and this requires interpretation by national courts. By contrast, in international constitutionalism, interpretation by a body of international jurists is, in principle, not only satisfactory but *superior* to local interpretation, which invariably involves constitutional law in partisan and ideological political disputes.

The overtly political nature of American constitutional law stuns Europeans; indeed it's one of the features of the American system at the root of the differences between American and European constitutionalism. Claims about "American realism" are often exaggerated, but there is undoubtedly in the United States a greater understanding than in Europe that all law, including judge-made law (i.e., judicial decisions), and even judge-made *constitutional* law, is a political product. From an American point of view, if the law is to be democratic, the law and the courts that interpret it must retain strong connections to the nation's democratic political system. By contrast, the processes through which EU law has emerged so far betray a disconnection with, and even a disrespect for, democratic processes that would be unacceptable as a basis for constitutional transformation in the United States.

Americans at bottom do not believe in the claims made for a nonpolitical, neutral constitutional law. They know that judges' values inevitably inform constitutional law. Europeans tend to have a different understanding. To be sure, there was for a long time, and perhaps still is, a European tradition of distrust of

judges, especially constitutional judges, shared by left-wing and right-wing European political thinkers. Yet this skepticism about “government by judiciary” coexisted with a belief in the possibility of an expert, neutral bureaucratic rationality and a dogmatic, apolitical legal reason. The result was a deeply ambiguous attitude toward judicial review and constitutional law. Before World War II, Europe had some constitutional courts, but these courts had almost no power to strike down laws on the ground that individuals’ rights had been violated.

Postwar European constitutionalism has shed this equivocation. European constitutionalism today invests courts with full jurisdiction over individual rights, without fully acknowledging that judicial decisions about the meaning of constitutional rights are fundamentally political in character. On the contrary, what makes the new European constitutionalism cohere, and gives European constitutional courts their claim to legitimacy, is the ideology of universal or “international” human rights, which owe their existence to no particular nation’s constitution, or which, if they derive from a national constitution, possess nonetheless a kind of supranational character, rendering them peculiarly fit for interpretation by international juridical experts. In America, by contrast, it would be nothing short of scandalous to suggest that U.S. constitutional questions had to be decided by an international tribunal claiming supremacy over our legal system.

From the American perspective, national constitutional courts are an essential feature of constitutional law, and it’s critical that constitutional interpretation remain interwoven with the nation’s processes of democratic self-governance. This is done in various ways: through a politically charged judicial nomination mechanism;

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through judges’ membership in the national polity and the nation’s particular political and legal culture; through the always-open possibility of amendment; and, perhaps most important but least understood, through periodic but decisive contests between the judicial and political branches. (The most famous 20th-century example was the confrontation

between Franklin Roosevelt and the Supreme Court of the 1930s, which repeatedly struck down New Deal legislation—a battle Roosevelt won only after proposing to appoint six additional justices to the court.) These clashes are too often portrayed as moments of institutional peril to be avoided at all costs. In reality, they play a crucial role in maintaining the judiciary’s connections to a nation’s long-term democratic development. The ideal is not to make constitutional courts responsive to popular will at any given moment, but to make sure that constitutional law remains answerable to the nation’s project of political self-determination over time.

To summarize: International constitutionalism contemplates a constitutional order embodying universal principles that derive their authority from sources outside national democratic processes and that constrain national self-

government. American or democratic national constitutionalism, by contrast, regards constitutional law as the embodiment of a particular nation's democratically self-given legal and political commitments. At any particular moment, these commitments operate as checks and constraints on national democratic will. But constitutional law is emphatically not antidemocratic. Rather, it aims at democracy over time. Hence, it requires that a nation's constitutional law be made and interpreted by that nation's citizens, legislators, and judges.

Let me give three illustrations—in turn, historical, theoretical, and practical—that make plain the contrast between American and European conceptions of constitutionalism. In 1789, the popular assembly of France promulgated the Declaration of the Rights of Man. The document spoke in the language of universal rights. The rights of *man* were at issue, not merely the rights of Frenchmen. That same year, the U.S. Congress promulgated the Bill of Rights, which, far from proclaiming universal law, originally applied only to the federal government and not to the state governments. Thus, the First Amendment forbade *national* religious establishments but not religious establishments in the *states*. The U.S. Constitution did not speak in the language of universal rights. It spoke in the language of popular sovereignty: “We the People of the United States . . . do ordain and establish. . . .” American constitutional law was understood from the outset to be part of the project of popular self-government, as opposed to an external force checking that project. The American language of constitutional rights, properly understood, does not claim the authority of universal law. It claims, rather, the authority of democracy.

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A second illustration of the contrast between the two types of constitutionalism makes the point at the level of theory. Contemporary American constitutional theorists are unendingly concerned with the so-called countermajoritarian difficulty: Because constitutional law allows unelected judges to override the outcomes of the majoritarian democratic process, it's potentially in conflict with democracy. Europeans constitutionalists used to share this obsession, but since 1945, and particularly with the recent explosion of “international human-rights” law, the countermajoritarian difficulty rarely figures in European thinking any more. The reason is that Europeans have embraced international constitutionalism, according to which the whole point of constitutional law is to check democracy. For Americans, constitutional law cannot merely check democracy. It must *answer* to democracy—have its source and basis in a democratic constitutional politics and always, somehow, be part of politics, even though it can invalidate the outcomes of the democratic process at any given moment.

The third contrast is more practical. It involves the question of whether there must be one order of human rights applicable to all nations. In the European view, human rights transcend national politics and ought, at least ide-

ally, to be uniform throughout the world. For example, European nations—or at least European governments—now see capital punishment as a human-rights violation. Accordingly, European diplomats and politicians not only excoriate the United States for allowing the death penalty but even call for our expulsion from international organizations such as the Council of Europe. The American view holds that democratic nations can sometimes differ on matters of fundamental rights. For example, freedom of speech is stronger in America than in many other nations; an individual has the constitutional right in the United States to make statements in favor of Nazism that might land the person in jail in Germany. Yet the United States does not demand that Germany change its law on this point or risk expulsion from international organizations. Again, in America today, it's a bedrock principle of constitutional freedom that there be no established church at any level of government. But the American position does not require every nation with an established church—such as England or Italy—to disestablish.

For Europeans, a great marker of successful constitutional development is international consensus and uniformity. They point to such consensus as if agree-

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ment throughout the “international community” were itself a source of legal validation and authority. The more consensus there is on a constitutional principle throughout the international community, the greater the strength of that principle. Americans do not share this view. We've learned to see our own constitutional judgments as worth defending even during periods when most of the

nations of Europe scorned or violated them. For Americans, a democratic nation's constitutional law is supposed to reflect that nation's fundamental legal and political commitments. Consensus in the “international community” is not the compelling source of legal or constitutional authority that it's made out to be in the European perspective.

Whether out of hubris or principle, or both, the United States has not understood its support for international law and institutions to imply a surrender of its own commitment to self-government. As the international system became more powerful, and international law diverged from U.S. law, the United States inevitably began to show unilateralist tendencies—not simply out of self-interest but because the United States is committed to democratic self-government. The continental European democracies, with their monarchical histories, their lingering aristocratic cultures, and their tendency to favor centralized, bureaucratic governance, have always been considerably less democratic than the American democracy. It's not surprising, then, that in forging the European Union they should be so tolerant of what Europeans casually refer to as the Union's “democratic deficit.”



War crimes? Because the U.S.-led bombing campaign that brought peace to Kosovo was not authorized under international law, U.S. officers could conceivably face prosecution.

Three specific developments over the past decade helped press the United States toward unilateralism: the 1999 military intervention in Kosovo; a growing skepticism about international law, including the concern that international law might be used as a vehicle for anti-Americanism; and the events of September 11, 2001. Each merits additional consideration.

For many in the United States, the Kosovo intervention stands today as a unilateralist precedent. Because the UN Security Council never approved the use of force in Kosovo, international lawyers regarded the U.S.-led bombing as plainly illegal. But this asserted illegality has not caused Americans to regret the intervention. On the contrary, it has reinforced the view that events in the former Yugoslavia represented an appalling failure on the part of the international law system, the United Nations, and, in particular, the nations of Europe. From the American perspective, if the UN-centered international law system could not bring itself to authorize the use of force in Kosovo, then that system was incapable of discharging the responsibility that is an essential corollary of authority.

The United States had no compelling territorial, imperial, or economic interests in Kosovo. The intervention sought rather, at least in the American account, to prevent manifest, grotesque, genocidal crimes. And if the United Nations did not respond to the most blatant, wanton, and massive of human rights violations in Kosovo, how could it be trusted to respond to less demonstrable but perhaps more dangerous threats elsewhere?

Kosovo is a doubly significant precedent because it illustrates how Americans do not quite recognize the UN Charter as *law*. American society is notorious for turning political questions into legal ones. Yet Americans, including American lawyers, were and are largely uninterested in the Kosovo bombing's asserted ille-

gality under the UN Charter. The same broad indifference would emerge again when internationalists claimed that the war in Iraq was illegal.

To be sure, some American international-law specialists are interested in these issues, but they are often perceived by the rest of the U.S. legal world to be speaking a foreign language, or not so much a language as a kind of gibberish lacking the basic grammar—the grammar of enforceability—that alone gives legal language a claim to meaning. Kosovo symbolizes not merely an exceptional, exigent circumstance in which the United States was justified in going outside the UN framework, but rather an entire attitude about that framework, according to which the UN system, while pretending to be a legal system, isn't really a legal system. And what, in this view, is the United Nations really about? The several possible answers to the question are not attractive: hot air, a corrupt bureaucracy, an institution that acts as if it embodied world democracy when in reality its delegates represent illegitimate and oppressive autocracies, an invidious wonderland where Libya can be elected president of a human-rights commission.

A second spur to U.S. unilateralism has been a growing skepticism about the agenda the “international legal community” has been pursuing. The skepticism is partly due to the proliferation of human rights conventions that are systematically violated by many of the states subscribing to them. A good example is the convention banning discrimination against women, which the United States has been almost alone in refusing to ratify. But what is one to make of the fact that the signatory nations include Saudi Arabia and other states not exactly famous for respecting women's equality?

A deeper reason for the skepticism lies in the indications that international law may be used as a vehicle for anti-American resentments. A case in point is the position taken by the “international community” with respect to the continuing use of capital punishment in some American jurisdictions. Most Americans, what-

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ever their view of capital punishment, can respect the moral arguments that condemn the death penalty. But what many Americans have trouble respecting or understanding is the concerted effort to condemn the United States as a human-rights violator because of the death penalty and to expel the United States from international organi-

zations on that ground. When the international community throws down the gauntlet over the death penalty in America while merely clearing its throat about the slaughter in Yugoslavia, Americans can hardly be blamed if they see a sign that an anti-American agenda can be expected to find expression in international law.

This is not a purely speculative concern. Given that the U.S.-led military interventions in Kosovo and Iraq were probably in violation of international law, might U.S. officers therefore be liable to criminal prosecution in international courts? No, say the international lawyers. Americans need not fear criminal repercus-

sions because international law “clearly” distinguishes between *jus ad bellum*, the law that determines whether the use of military force is legal, and *jus in bello*, the law that determines whether particular acts undertaken during armed hostilities are criminal. But academic certainty about the “clear” meaning of law has never been a reliable predictor of how the law will actually be interpreted by courts. How can Americans be certain that the international law system will not embrace the perfectly reasonable logic under which an *unlawful* bombing becomes a *criminal* act, especially when Americans have acted unilaterally? This possibility may help explain U.S. resistance to the International Criminal Court.

THE UNFORTUNATE REALITY IS
THAT INTERNATIONAL LAW IS A
THREAT TO DEMOCRACY.

The events of September 11, 2001, had obvious implications for U.S. unilateralism. There was a critical period in the weeks following the massacre when a renewed U.S. multilateralism in the prosecution of the war against terrorism seemed a distinct possibility. Americans were stunned by the prevalence and intensity of anti-American sentiments expressed all over the world. Even Europeans who condemned the attacks frequently suggested, implicitly and explicitly, that the United States had it coming, that the motives behind the attack were understandable, and that the massacre, though reprehensible, might have a salutary effect on U.S. policy. A period of soul-searching followed in the United States. It lasted maybe a month and ended with a characteristically American reaction: to hell with them.

So began the rhetoric that continues to escalate today. The White House took increasingly belligerent positions, which elicited new denunciations of our bullying, and the denunciations spurred Americans to feel more and more that they would have to fight this world war on their own. The fighting in Afghanistan hardened that resolve. For whatever reason, the European nations, with the exception of Great Britain, contributed almost nothing to the war, and instead issued repeated warnings that the war might be illegal, that the bombings could be considered war crimes if too many civilians died, and that the fight, in any case, would be unwinnable once the opposition took to the mountains. Did we win? That remains to be seen. But the American experience of the Afghan campaign was of an overwhelming, unexpectedly swift victory—achieved essentially without the help of the international community. And this made possible the war in Iraq.

Because of that war, U.S. unilateralism is now identified in many people’s minds with U.S. military aggression and the occupation of Iraq. I am not arguing here either for or against the Iraq War; the case for U.S. unilateralism does not turn on the justifiability of that war. The fundamental question is this: Which of two visions of world order will the United States use its vast power to advance? Since World War II, much of “old” Europe has been pursuing an antinational, antidemocratic world constitutionalism that, for all its ide-

alism and achievements, is irreconcilable with America's commitment to democratic self-government.

There is, among international lawyers, a hazy notion that the emergence of the international community in the world of law and politics is itself a democratic development. The unfortunate reality, however, is that international law is a threat to democracy and to the hopes of democratic politics all over the world. For some, that may be a reason to support internationalism; for others, a reason to oppose it. Either way, the fundamental conflicts between democracy and international law must be recognized.

The United Nations and the other institutions of international law take world government as their ideal. In theory, there's no necessary conflict between democracy and the ideal of a world government. A world government could be perfectly democratic—if there were world democracy. But at present, there is no world democracy, and, as a consequence, international governance organizations are, at present, necessarily and irremediably antidemocratic.

The antidemocratic qualities of the United Nations, the International Monetary Fund (IMF), and other international governance organizations—their centralization, their opacity, their remoteness from popular or representative politics, their elitism, their unaccountability—are well known. Internationalists counter this criticism by pointing to the growing influence of “nongovernmental organizations” (NGOs) in international law circles, as if these equally unaccountable, self-appointed, unrepresentative organizations somehow spoke for world public opinion. But the fundamentally antidemocratic nature of international governance is not merely a small hole that NGOs might plug. World government in the absence of world democracy is necessarily technocratic, bureaucratic, diplomatic—everything but democratic.

Nor are international organizations undemocratic only in themselves; they undermine the hopes and vitality of democratic politics elsewhere. The point is familiar to every nation in Latin America that has seen its internal policies dictated by IMF or World Bank directives. To an increasing extent, democratic politics throughout the developing world is being displaced by a relentless demand for competitiveness and growth, which are authoritatively interpreted by international organs to require the implementation of designated social, political, and economic policies (so far, these have had rather mixed success in delivering competitiveness and growth, though they have contributed to several national catastrophes, as in Argentina).

The irony is that the United States remains the world's greatest champion of internationalism in economic affairs. Weaker countries correctly perceive U.S.-led marketization programs as deeply undercutting their own ability to decide for themselves what their social and economic policies should be. To be sure, the United States does not exactly force economic policy on other countries. Ruling elites agree to the emasculation of their countries' politics in order to get their hands on the money. But the result is the same: Democracy is hollowed out.

So all the talk of U.S. unilateralism needs an important qualification. The United States plays utterly contradictory roles on the international stage: It champions multilateralism on the economic front, because worldwide free

trade and marketization are perceived to serve U.S. interests, and resists it elsewhere. But if a commitment to democracy is what underlies America's growing unilateralism today on matters of war, criminal law, human rights, and the environment, that commitment is violated wherever U.S.-led international economic organizations cripple the possibilities of democracy under the guise of free-trade principles and loan conditionality.

The American and French revolutions tied democracy to the ideal of a self-determining nation. (If the European Union should successfully forge itself into a democratic mega-nation, it would be another example of this linkage, not a counterexample.) Two hundred years later, there remains no realistic prospect of world democracy, and if there *were* such a prospect, the United States would resist it, because world decision making would very likely be unfriendly to America. But though the United States would be no friend of world democracy, it ought to be a friend to a world *of* democracies, of self-governing nation-states, each a democracy in its own politics. For now, the hopes of democratic politics are tied to the fortunes of the nation-state.

Europeans tend to neglect or minimize the damage that universal constitutionalism does to the prospects for variation, experimentation, and radical change opened up by national democracy. So long as democracy is allied with *national* self-government rather than with *world* governance, it remains an experimental ideal, dedicated to the possibility of variation, perhaps radical variation, among peoples with different values and different objectives. Democratic national constitutionalism may be parochial *within* a given nation, but it's cosmopolitan *across* nations. Democratic peoples are permitted, even expected, to take different paths. They're permitted, even expected, to go to hell in their own way.

That is what the ideology of international human rights and of a global market will not allow. Both press for uniformity among nations on some of the most basic questions of politics. Both, therefore, stand against democracy.

The response from the Right will be that a market economy is a precondition of a flourishing democracy, so international free trade and lending institutions cannot be called antidemocratic. Rejecting the Right's claim to the transcendental democratic necessity of the IMF or the World Trade Organization, the Left will reply that the existence of a capitalist economy and the particular form it should take are matters for independent nations to decide for themselves. But the Left, for its part, will insist that international human rights, the abolition of the death penalty, and environmental protections are necessary preconditions of democracy. To which the Right will reply that these are matters for independent nations to decide for themselves.

Claims that any particular multilateral order, whether humanitarian or economic, is a necessary condition of democracy should be received with extreme skepticism. We all tend to sympathize with such claims when they're made in behalf of policies we support, but to see through the same claims when they're in behalf of policies we oppose. To be sure, in some cases of national crisis and political breakdown, international governance has brought about stability and democratization. And for the many nations incapable at present of sustaining a flourishing democratic politics, interna-

tional law offers the hope of economic and political reforms these nations cannot achieve on their own. But every time a functioning, self-determining nation surrenders itself to the tender mercies of international economic or political regimes, it pays a price. The idea that men and women can be their own governors is sacrificed, and democracy suffers a loss.

The justification of unilateralism outlined here is not intended to condone American disdain for the views of other nations. On the contrary, America should always show a decent respect for the opinions of the rest of mankind, and America would be a far safer, healthier place if it could win back some of the support and affection it has lost. Unilateralism does not set its teeth against international cooperation or coalition building. What sets its teeth on edge is the shift that occurs when such cooperation takes the form of binding agreements administered, interpreted, and enforced by multilateral bodies—the shift, in other words, from international *cooperation* to international *law*. America’s commitment to democratic self-government gives the United States good reason to be skeptical about—indeed, to resist—international legal regimes structured, as they now are, around antinationalist and antidemocratic principles.

The unilateralism I am defending is not a license for aggressive U.S. militarism. It is commanded by the aspirations of democracy and would violate its own essential principles if it were to become an engine of empire. But the great and unsettling fact of 21st-century global governance is that America is doomed to become something like a world policeman. With the development of small, uncontainable nuclear technologies, and with the inability of the United Nations to do the job, the United States will be in the business of using force abroad against real or feared criminal activity to a far greater extent than ever before.

This new American role will be deeply dangerous, to other nations and to our own, not least because American presidents may be tempted to use the role of world’s law enforcer as a justification for a new American militarism that has the United States constantly waging or preparing for war. If the United States is going to act unilaterally abroad, it’s imperative that in our domestic politics we retain mechanisms for combating presidential overreaching.

Since September 11, 2001, the White House has flirted with a dangerous *double* unilateralism, joining the president’s willingness to act without international consent abroad to an effort to bypass Congress and the judiciary at home. In December 2001, without congressional approval, the president announced the withdrawal of the United States from an important missile treaty with Russia. In early 2002, the White House began claiming a presidential power to deem any individual, including an American citizen arrested on American soil, an “enemy combatant” and on that basis to imprison him indefinitely, with no judicial review. Later that year, the president came close to asserting a power to make war on Iraq without express congressional authorization.

This double unilateralism, which leaves presidential power altogether unchecked, is a great danger. If we are to be unilateralists abroad, we have a special responsibility—to ourselves and to the world—to maintain and reinvigorate the vital checks and balances of American constitutionalism at home. □

Leading Through Law

by Anne-Marie Slaughter

Does the United States need international law? At times in recent years, it has acted as if it does not. Yet international law provides the foundation not only for momentous undertakings, such as the efforts to halt the spread of nuclear weapons and to protect the ozone layer, but also for more routine endeavors, such as defining the boundaries of territorial seas and guaranteeing the right of diplomats to move freely. The United States needs international law acutely now because it offers a way to preserve our power and pursue our most important interests while reassuring our friends and allies that they have no reason to fear us or to form alliances as a counterweight to our overwhelming might. And we will need the law more than ever in the future, to regulate the behavior not only of states but of the individuals within them.

International law is not some kind of abstract end in itself. It's a complex of treaties and customary practices that govern, for example, the use of force, the protection of human rights, global public health, and the regulation of the oceans, space, and all other global commons. Each of its specialized regimes is based in the consent of states to a specific set of rules that allow them to reap gains from cooperation and thereby serve their collective interests. Overall, the rule of law in the global arena serves America's interests and reflects its most fundamental values. But in many specific areas, existing rules are too weak, too old, or too limited to address current threats and challenges. The United States must recommit itself to pursuing its interests in concert with other nations, according to principles of action that have been agreed upon and that are backed by legal obligation, political will, and economic and military power. At the same time, it has every right to insist that other nations recognize the extent to which many rules must be revised, updated, and even replaced.

International law provides the indispensable framework for the conduct of stable and orderly international relations. It does not descend from on high. Rather, it's created by states to serve their collective interests. Consider, for instance, the concept of sovereignty itself, which is routinely described as the cornerstone of the international legal system. Sovereignty is not some mysterious essence of statehood. It is a deliberate construct, invented and perpetuated by states seeking to reduce war and violence in a particular set of historical circumstances.

The founding myth of modern international law is that the Treaty of Westphalia, which ended the Thirty Years' War in 1648, gave birth to the system of states and the concept of inviolable state sovereignty. The Thirty Years' War was the last of the great religious wars in Europe, which were fought not really between states as such but between Catholics and Protestants. As religious

minorities in one territory appealed to the coreligionist monarch of another, the Continent burned for three decades, and its people bled in a series of battles among the Holy Roman Empire, France, Sweden, Denmark, Bohemia, and a host of smaller principalities. The Treaty of Westphalia restored the principle of *cuius regio eius religio*—that is, the prince of a particular region determines the religion of his people. In today’s language, this means that one sovereign state cannot intervene in the internal affairs of another.

But in reality, it took centuries for the modern state system to develop, and absolute sovereignty has never existed in practice, as many states on the receiving end of great-power interventions would attest. The architects of the Treaty of Westphalia glimpsed a vision of a world of discrete states armored against one another by the possession of “sovereignty”—a doctrine of legal right against military meddling.

It’s important to realize that the right of sovereignty did not mean the prohibition of war. States were still free to go to war, as a matter of international law, until the Kellogg-Briand Pact of 1928 formally outlawed war (to evidently little effect). Sovereignty was the foundation on which modern states were built, but as they matured, their attacks on one another rapidly became the principal threat to international peace and security. After the conflagrations of World War I and World War II, it was evident that if interstate war continued unchecked, states—and their peoples—might not survive into the 21st century. Hence, the innovation of the United Nations Charter: Article 2(4) required all states to refrain from “the use of force in their international relations against the territorial integrity or political independence of any state.” The right of sovereignty no longer included the right to make war.

Further, given the apparent link between Adolf Hitler’s horrific depredations against the German people and his aggression toward other states, the right of sovereignty became increasingly encumbered with conditions on a sovereign state’s treatment of its own people. Thus was born the international human rights movement, which today has turned traditional conceptions of sovereignty almost inside out. A distinguished commission appointed by the Canadian government at the suggestion of the UN secretary general released a report at the end of 2001 that defined a state’s membership in the United Nations as including a responsibility to protect the lives and basic liberties of its people—and noting that if a member state failed in that responsibility, the international community had a right to intervene.

Why such a shift? Because the decade after the Cold War, much like the decades before the Treaty of Westphalia, revealed a seething mass of ugly conflicts within states. The dividing lines in those conflicts were drawn by ethnicity as much as religion, and the divisions were almost always fueled by opportunistic leaders of one faction or another. But unlike in the 16th and 17th centuries, the danger as the 20th century drew to a close was not so much from one sovereign’s meddling in the affairs of another as in the failure of regional and international insti-

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The 1648 Treaty of Westphalia promised “universal peace” in Europe and recognition of the sovereignty of nations, but both promises have proved difficult to fulfill.

tutions to intervene early enough to prevent the conflicts from boiling into violence—producing streams of refugees and heartbreaking pictures broadcast into living rooms around the world.

The story of sovereignty, even highly simplified, illustrates a basic point about international law. It is an *instrumental* rather than an *essential* body of rules, instrumental to achieving the goals of peace, order, justice, human dignity, prosperity, and harmony between human beings and nature—in short, those ends that reflect the changing hopes and aspirations of humankind. It is a highly imperfect instrument, as indeed is domestic law. Because international law regulates a society of states with no central authority, it lacks even the hint of coercion that’s implicit in every encounter with a domestic police officer. It can be enforced by the military might of one or more nations, but that sort of enforcement is the exception rather than the rule.

Yet for all its imperfections, international law survives because it is the only alternative for nations seeking to regularize their relations with one another and bind together credibly enough to achieve common gains. International law allows diplomats to escape parking tickets in New York City because without diplomatic immunity embassies would close. It allows a nation to set aside 12 miles of territorial waters for the use of its own fishing boats rather than just three or five or seven. And it allowed the first President Bush to assemble a UN coalition against Iraq quickly and easily in 1991 because Iraq had so flagrantly violated the UN Charter by invading Kuwait.

In the 1980s, political scientists such as Robert Keohane, Steve Krasner, and John Ruggie demonstrated more precisely what international lawyers had long believed: “Regimes,” meaning everything from treaties to organizations to customary practices, allow nations to overcome a dilemma. The best solution to a

problem can be achieved only through cooperation, but any individual state risks a “sucker’s payoff” if it acts cooperatively and other states do not. Rules and settled practices overcome this dilemma by making it easier for states to negotiate credible commitments, to gather and share information, and to monitor one another and develop reputations for good or bad behavior.

America’s Founding Fathers knew that the United States needed international law as a shield to protect a new and weak nation. They went to great pains to declare their new democracy a law-abiding member of the society of nations. The Declaration of Independence set forth the legal case for revolution out of “a decent respect to the opinions of mankind.” The Constitution enshrined treaties as “the supreme law of the land,” alongside the Constitution itself and federal law. The first Congress made it possible for aliens to sue in U.S. federal courts “for a tort only, in violation of the law of nations.” The statute was originally intended to assure foreign citizens and their governments that they would find sure redress in U.S. courts for violations of the laws governing relations among countries, such as diplomatic immunity. Today, it allows foreign victims of grave human-rights violations to sue their torturers if they find them on U.S. soil.

Just over a century after its founding, the United States was an emerging power with a new prominence in world affairs. Yet its commitment to international law remained firm—much more so, in fact, than we generally recognize today. Though most accounts of the crucial period after World War I are dominated by the struggle between President Woodrow Wilson and the American isolationists who opposed his vision of world order, an important group of Republicans championed a view of international relations that rested on a commitment to

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international law more zealous than Wilson’s. The leader of this group was Elihu Root (1845–1937), the most distinguished lawyer-statesman of his day, who served as secretary of war under William McKinley, secretary of state under Theodore Roosevelt, and as a U.S. senator from New York. As Jonathan Zasloff recalls in *New York Univer-*

sity Law Review (April 2003), more than a decade before Wilson championed his great cause, Root was developing and implementing a distinctive vision of world order based solely on law. Using the kind of rhetoric that would later be associated with Wilson, Root scornfully declared that diplomacy in the past had “consisted chiefly of bargaining and largely cheating in the bargain.” But unlike Wilson, who would propose a new international system based on the global spread of democracy and the political and military power of the League of Nations, Root argued for a system based strictly on law.

During the debate over the League, Root, though retired from the Senate, was the principal architect of Republican strategy. Leading Republican senators

embraced U.S. engagement with the world, but only on the basis of law, not of binding military and political obligations. They supported legal institutions such as the Permanent Court of Arbitration (established in The Hague in 1899) and the new Permanent Court of International Justice (created by the League of Nations in 1921). But they rejected the collective security guarantee that lay at the core of the League Covenant. They would vote for the Covenant only with reservations attached. Root himself denounced the Covenant for abandoning “all effort to promote or maintain anything like a system of international law, or a system of arbitration, or of judicial settlement, through which a nation can assert its legal rights in lieu of war.” Wilson, however, would accept no compromise, and the Covenant was defeated.

Root worked hard throughout his life to put his vision into effect (in 1912 he won the Nobel Peace Prize, in part for negotiating treaties of arbitration between the United States and more than 40 other nations). But the Japanese invasion of Manchuria in 1931 and the remilitarization of the Rhineland in 1936 made the shortcomings of both isolationism and pure legalism evident. In 1945, Republicans and Democrats finally came together in strong support of a new international legal order in the United Nations, but one that melded law and power. The UN Charter was written, as *Time* put it, “for a world of power, tempered by a little reason.” The provisions giving the Soviet Union, China, Britain, France, and the United States permanent seats on the Security Council, along with veto power over Council actions, were recognition that a law-based order has to accommodate the realities of great-power politics.

The interesting question is why the United States, the overwhelmingly dominant power at the end of World War II, would choose to embed itself in a web of international institutions—not just the United Nations but the World Bank, the International Monetary Fund, the General Agreement on Tariffs and Trade, and the North Atlantic Treaty Organization. In *After Victory* (2000), political scientist John Ikenberry argues compellingly that the United States pursued an institutional strategy as a way of entrenching a set of international rules favorable to its geopolitical and economic interests. Along the way, however, it was repeatedly compelled to accept real restraints on American power in order to assure weaker states in its orbit that it would neither abandon nor dominate them. For instance, U.S. officials had a sophisticated strategy for rebuilding Western Europe and integrating West Germany into a Western European order but sought to keep America aloof from the process. The Europeans, Ikenberry writes, “insisted that the binding together of Europe was only acceptable if the United States itself made binding commitments to them.” The power of the United States to build a political order thus required the nation’s willingness and ability to tie itself to a legal order.

WHY DID THE UNITED STATES,
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Since the end of the Cold War, as Americans seem never to tire of repeating, America's power relative to that of other nations has only increased. But instead of hastening to reassure weaker nations by demonstrating our willingness to accept

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rules that further the common good, the United States is coupling its explicit drive for primacy with an equally explicit disdain for a whole range of treaties. Consider the current U.S. opposition to virtually all arms-control treaties—land mines, small arms, the Comprehensive Test Ban Treaty, the Anti-Ballistic Missile Treaty—and to efforts to strengthen existing treaties on biological and chemical warfare. The result? Nations around the world

are arming themselves, if not directly against us, then at least, as in the case of the European Union, to ensure that they have an independent military capability.

The 1945 strategy was the right one, and it is now more essential than ever. We have an opportunity to lead *through* law, not against it, and to build a vastly strengthened international legal order that will protect and promote our interests. If we are willing to accept even minimal restraints, we can rally the rest of the world to adopt and enforce rules that will be effective in fighting scourges from terrorism to AIDS. The Bush administration, or rather some of its leading members, have constructed and promoted a simplistic dichotomy: international law versus national sovereignty. The ridiculousness of that position is evident the minute one turns to the international economic arena, where the World Trade Organization has the power to impose enormous constraints on U.S. sovereignty. A panel of three independent trade experts, for example, can rule on the legality or illegality of a federal statute under international trade law, and then enforce its judgment by authorizing trade sanctions against the United States by all WTO members. No human rights or arms control treaty has teeth nearly as sharp. Yet the Bush administration strongly supports an expansion of the WTO regime. Why? Because the free-trade system ensured by the WTO yields benefits that greatly outweigh the costs of constraints on American freedom of action.

That is the right kind of calculus to make, rather than resorting to knee-jerk appeals to national sovereignty and fearmongering about world government. And by that sort of calculus, at a time when the United States is frightening and angering the rest of the world, the benefits—to ourselves and to other nations—of demonstrating once again that we are a superpower committed, at home and abroad, to the rule of law far outweigh the costs of self-imposed multilateralism.

International law today is undergoing profound changes that will make it far more effective than it has been in the past. By definition, international law is a body of rules that regulates relations among states, not individuals. Yet over the course of the 21st century, it will increasingly confer rights and

responsibilities directly on individuals. The most obvious example of this shift can be seen in the explosive growth of international criminal law. Through new institutions such as the International Criminal Court, created in 2003 and based in The Hague, the international community is now holding individual leaders directly accountable for war crimes, crimes against humanity, and genocide. Most important, under a provision that was insisted on by the United States, all nations that are party to the treaty have committed themselves to domestic prosecutions of potential defendants before the court. Only if the states prove unable or unwilling to undertake these prosecutions will the court have jurisdiction. Under this arrangement, for example, Chile would have had primary responsibility to prosecute former dictator Augusto Pinochet as soon as he was out of office. If the Chilean prosecutors and courts had failed to act, he would have been remitted to The Hague. (Instead, Pinochet was arrested in Britain in 1998, under a warrant issued in Spain, and after being returned to Chile was ultimately spared prosecution because of ill health.) The political effect of this provision is a much-needed strengthening of those forces in every country that seek to bring to justice perpetrators of such crimes within their countries.

But criminal law is only one field of change. A similarly radical departure from the traditional model of state-to-state relations is reflected in the 1994 North American Free Trade Agreement. Under its terms, individual investors can sue NAFTA member states directly for failing to live up to their treaty obligations. In one celebrated case, a Canadian funeral home conglomerate is suing the United States for \$725 million over a series of Mississippi state court decisions that it claims deliberately and unfairly forced it into bankruptcy; the decisions allegedly violated NAFTA guarantees that Canadian and Mexican investors will be granted equal treatment with domestic U.S. corporations. The WTO grows out of a more traditional form of law in which only states can bring suit against one another, but even in the WTO, evidence of the new trend can be seen in the knots of lawyers who congregate outside WTO hearing rooms to represent the interests of individual corporations directly affected by the rulings of the organization's dispute resolution panels.

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And now nongovernmental organizations such as Environmental Defense and Human Rights Watch are fighting for the right to submit briefs directly in cases that raise important environmental or human-rights issues.

As they come increasingly to apply directly to individuals, future international legal regimes will have more teeth than ever before—through links to domestic courts and by building up a direct constituency of important voters in important countries. The United States has long complained about the weaknesses of international treaty regimes, worrying that they bind states with strong domestic traditions of the rule of law but allow rampant cheating by states that lack such traditions or are without systems of domestic governance that check the power of leaders disinclined to follow the rules. Now is the

moment to begin putting these international regimes on a new foundation, allowing them to penetrate the shell of state sovereignty in ways that will make the regimes much more enforceable.

If the United States participates in the formation of these new regimes and the reformation of the old, in areas that include foreign investment, anticorruption measures, environmental protection, and international labor rights, it can help shape a new generation of international legal rules that advance the interests of all law-abiding nations. If it does not participate, U.S. citizens will be directly affected by international rules that ignore U.S. interests. To take only one example, suppose the EU participated with other nations in drafting an international environmental treaty that imposed sanctions on corporations that didn't follow certain pollution regulations. The United States could stay out of the treaty, but any American corporation seeking to do business in the EU would be affected.

The United States needs international law, but not just any international law. We need a system of laws tailored to meet today's problems. The Bush administration is right to point out that the rules developed in 1945 to govern the use of force don't fit the security threats the world faces in 2003. But those aren't the only rules in need of revision. Well before September 11, politicians and public figures were calling for major changes in the rules governing the global economy (remember the cries for a "new global financial architecture"?), a redefinition of the doctrine of humanitarian intervention, and major UN reform, including expansion of the Security Council's membership. All those appeals proceeded from the premise that the rules and institutions created to address the economic, political, and security problems present after World War II were inadequate, and sometimes counterproductive, in the face of a new generation of threats to world order—to name but a few, AIDS and other new contagions, global warming, failed states, regional economic crises, sovereign bankruptcies, and the rise of global criminal networks trafficking in arms, money, women, workers, and drugs.

The mismatch between old rules and new threats is even more evident today. Two years after September 11, and one year after President Bush called on the Security Council to prove its strength and relevance in world affairs by enforcing a decade of resolutions against Saddam Hussein, the UN General Assembly convened this fall in a world that had changed radically yet again. Now both the United States and the UN are targets in a country and a region that seem to be spinning out of control. It's time to end the finger-pointing and get serious about generating new rules and updating old ones. Institutions, too, must be reinvigorated and reinvented. The UN Trusteeship Council, for example, could be used to spearhead the civilian rebuilding of countries devastated by war, disease, debt, and the despair of seemingly endless poverty.

The world needs international law. The United States needs the world. The dream of a just world under law may be no more than a dream. But the United States has never been stronger than when it has led the world in trying to make the dream a reality. □

Sometimes a Great Notion

by Michael J. Glennon

Skepticism about international law abounds these days. A commentator in a national newsmagazine probably spoke for many when he wrote that international law is to law as professional wrestling is to wrestling: No one over the age of nine mistakes it for the real thing. International law has long had its critics, but in recent years they have seemed more numerous and included not only laypersons but specialists and diplomats. Meanwhile, its supporters express growing concern about its lack of clout. French president Jacques Chirac, for example, fears that the “law of the jungle” now prevails, and United Nations secretary general Kofi Annan has warned that we are “living through a crisis of the international system.” In an extraordinary news conference on July 30, 2003, Annan wondered aloud “whether the institutions and methods we are accustomed to are really adequate to deal with all the stresses of the last couple of years.” “What are the rules?” he asked.

Can it be that, 355 years after the Peace of Westphalia ended the Thirty Years’ War and established the principle of the sovereign equality of nations, the “rules” of the international system are still in doubt? In fact, most of the rules are not in doubt, and for the most part the international legal system functions effectively, regulating air travel, telecommunications, and the like. The problem, rather, is that the two categories of rules that *are* in doubt—rules about rules, and rules regarding security—are vitally important.

Rules about rules—so-called metarules—are foundational and shape the content of every legal system. They specify what qualifies as a “rule”—how the rules that govern day-to-day conduct are made and unmade. The rest of a legal system depends for its vitality and coherence on the strength of its metarules, and three particular metarules of international law provide especially weak support. These rules relate to the issues of consent, obligation, and causation.

First, consent. It’s commonly said that the international legal system is voluntarist, that is, that its rules are based on the consent of individual states. A state is not bound by any rule it does not accept. Thus, the system is grounded, ultimately, on self-restraint. Unless a state voluntarily restrains itself by consenting to be bound by a rule, it remains free to act in violation of the rule. This arrangement contrasts with the operation of domestic legal systems, which are based not on consent but on coercion. One can hardly decide that one will no longer be bound by the rule prohibiting bank robbery. A domestic legal system is voluntarist only in the sense that one can always leave it and relocate to a state with more congenial laws. In the international system, there’s no overarching authority. All states have an

equal right to accept or reject rules. It's sometimes claimed that this right of rejection exists only when a rule is first proposed, while it is in an inchoate state. But the whole logic of voluntarism undercuts this contention, for the notion of a consent-based system is meaningless if consent cannot be withdrawn in the same way it's given. States have not consented to the elimination of their consent.

But a system grounded on self-restraint creates serious problems—to the point of raising doubts as to whether it can accurately be described as “law.” A leading international jurist, Judge Hersch Lauterpacht of the International Court of

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Justice, addressed the question in a narrower context in a 1957 case involving the validity of a state's acceptance of a treaty subject to an unusual reservation. The reservation in question would have rendered the treaty applicable only when the reserving state desired it to *be* applicable. In Judge Lauterpacht's words, it would have left to the reserving state “the right to determine the extent and the very

existence of its obligation,” with the result that the state would have “undertaken an obligation to the extent to which it, and it alone, consider[ed] that it had done so.” And this would have meant, the judge concluded, that the reserving state had “undertaken no obligation,” for an “instrument in which a party is entitled to determine the existence of its obligation is not a valid and enforceable legal instrument.” The treaty as modified would have lacked an “essential condition of validity of a legal instrument.”

Judge Lauterpacht would no doubt be surprised to find that his logic in this one case could be extended to apply to the entire international legal system. But because the system is consent based, every state maintains the right to determine “the very existence of its obligation.” The judge's reasoning suggests, therefore, that all international legal “obligations” undertaken by states are illusory because an “essential condition” of law is missing. Absent genuine obligation rather than mere self-restraint, it's hard to make the case that international law is really law.

U.S. domestic law rejects the notion that self-restraints are binding law. In constitutional law, a branch of the federal government cannot impose binding obligations on itself. For example, an executive order issued by President Gerald Ford, and still in effect, prohibits officials of the executive branch from engaging in assassination. Yet despite that executive order, President Bill Clinton ordered the assassination of Osama bin Laden. Though the earlier order had never been repealed, the later order simply superseded it. Self-restraints are not binding law.

This suggests a second systemic weakness of international law, deriving from the notion of obligation. The “glue that holds the system together,” it's often said, is the rule that a state is bound to carry out treaties to which it is a party. But where

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UN secretary general Kofi Annan during the bitter debate before the Iraq War. Annan has questioned whether international institutions “are really adequate” to deal with today’s challenges.

does this rule to comply with treaties come from? In a consent-based system, from the states themselves. There’s no alternative. So states can reject this rule just as they can reject any other rule. Yet if states can turn their backs on the rule that requires compliance with all rules, where does that leave the system?

Again, to respond that states may *not* withdraw their consent from the rule requiring compliance with treaties would be to reject the voluntarist foundation on which the whole system is based and to necessitate some alternative, transcendent source of obligation — “some brooding omnipresence in the sky,” in the disparaging words of Oliver Wendell Holmes, Jr. Such an obligation would be moral, not legal, and its source would be unclear. Whether there exists a moral obligation to obey laws of human making is an important question — can a city council, for example, create a moral obligation to cross streets only in crosswalks? — but the question is moral, not legal.

The issue of obligation suggests a third systemic weakness, relating to causation. International law scholars have long been concerned about distinguishing what states do *as a matter of legal obligation* from what states do *for other reasons* — motivated, for example, by considerations of comity, courtesy, or simple self-interest. In assessing whether a given practice constitutes a norm of customary international law, therefore, international law has insisted upon some evidence that states have followed the practice in question because they have believed such conduct to be legally required. Traditional analysis, in other words, requires both a consistent state practice and a belief on the part of the state that the practice is obligatory as a matter of law. The belief must cause the conduct.

But the difficulty here is obvious. States, like individuals, seldom if ever act from a single intent. Conduct almost always flows from a tangled web of motives. Some international lawyers resolve this problem by assuming that if a rule exists and conduct consistent with the rule also exists, the rule must be the cause of the conduct. But such an inference is manifestly unjustified. If a city council adopted an ordinance requiring residents to brush their teeth daily, would it be accurate to ascribe the practice of daily toothbrushing to the new requirement imposed by law? In fact, it's often impossible to separate self-interested behavior from behavior caused by legal requirements.

The International Court of Justice took a new crack at this conundrum in *Nicaragua v. U.S.A* (1986). The case arose after the United States mined Nicaragua's harbors and otherwise provided support to the so-called *contras*, who were attempting to overthrow the Nicaraguan government. In the course of rejecting arguments that the conduct of the United States was lawful, the court considered the status of the underlying rule. "If a State acts in a way *prima facie* incompatible with a recognized rule," the court said, "but defends its conduct by appealing to exceptions or justifications contained within the rule itself, then whether or not the State's conduct is in fact justifiable on that basis, the significance of that attitude is to confirm rather than to weaken the rule." Unfortunately, the court's new approach is circular and self-referential. Sometimes a breaching state may indeed agree with a rule that it violates. But again, there may be many reasons why a state appeals to "exceptions or justifications" contained within the rule other than an intent to confirm the rule. For example, the state may wholly object to a rule but appeal to an exception merely to avoid retribution. The assumption that the state's intent is necessarily to "confirm" the rule is arbitrary. If the state has engaged in a *prima facie* violation of a rule, it's more sensible to conclude that the state *disagrees* with the rule, not that it wants the rule strengthened.

These conceptual problems arise primarily in connection with customary international law, but they can also infect the application of treaty rules, for obligations imposed by treaties and customary international law often overlap. Consider once again the practice of assassination, which is commonly said to violate not only customary international law but also Article 2(4) of the UN Charter, prohibiting any use or threat of force against the territorial integrity or political independence of a state. States rarely engage in assassination, but what's the proper inference to draw from their behavior? That assassination is legally prohibited? It's possible that states forgo assassination for reasons related entirely to self-interest: Many may believe that the risks of retaliatory assassination are too great. The source of the rule may be treaty or custom, then, but it's impossible to know whether the behavior in question represents compliance or coincidental conformance with the rule.

So is everything up for grabs in the international legal world? Hardly. As Columbia University law professor Louis Henkin has famously observed, "It is probably the case that almost all nations observe almost all principles of international law and almost all of their obligations almost all of the time." My point is simply that the international legal order is far more fragile than most domes-

tic legal regimes because it rests on a foundation of problematic metarules. Most of the time, the system works well enough because most states derive greater benefit from honoring day-to-day rules than from breaching them. Issues concerning the metarules do not arise, and international life proceeds. States that deviate from expected patterns of practice face reprisals. Sometimes, the consequences of divergence take the form of immediate diplomatic, economic, or military sanctions, and sometimes they're reputational, with penalties long-term and indirect. Either way, violators suffer costs, even though those costs are imposed horizontally, at the hands of other actors within the system, rather than vertically, at the hands of some supranational authority.

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Whether this is law, meaning a proper legal system, is, in many ways, beside the point. The real question is whether it works—whether the international legal system fulfills the functions that it's intended to serve. And here the record is decidedly mixed. Some rules work much better than others. As Georgetown University professor Anthony Arend has pointed out, legal rules have a stronger impact on state behavior in areas of “low politics” that “do not strike at the core security concerns of states”—international trade, communication, and transit—than they do in the realm of “high politics,” where issues *do* touch on states' core security concerns. On issues of high politics, consensus is much harder to obtain, and legal regulation is correspondingly more difficult. Accordingly, states are more apt to rely on themselves than on international institutions, for often their very survival is at stake. The determinants of state behavior in the realm of high politics tend to be the cultural, historical, and power-related factors that affect states' calculations of their nerve-center security interests. In this realm, international rules are epiphenomenal, more effect than cause. So while it's important to know that most states observe most rules most of the time, it's equally important to realize that when some states violate some rules some of the time, those states are likely to be among the most powerful states, the rules are likely to be extraordinarily significant rules, and violations are likely to be highly visible and historically significant. Hence, the recent burst of skepticism about international law.

By their very effectiveness, the enormous body of international legal rules governing the quotidian dealings of states and nonstate actors—rules affecting such matters as finance and trade—have spun an increasingly tight web of interdependence and made globalization possible. But the fact that planes land, packages are delivered, and phone calls go through does not mean that the international legal order is operating as it should. The risks flowing from the failure of security rules are not lessened because many less important rules work. Though rules governing the use of force constitute only a small part of the international regulatory scheme, their dramatic collapse has overshadowed international law's many small successes—and understandably so, for the stakes could hardly be greater. Until international law does a better job of tackling the large issues, doubts about it will persist. □

Two Cheers for International Law

by Oona A. Hathaway

In March of this year, as U.S. tanks began to roll toward Baghdad, international lawyers in the United States and abroad decried the action as a violation of the United Nations Charter. The invasion, some worried, would strip away the last pretense that international law could constrain state action. Today, as we face an increasingly conflict-ridden post-September 11 world, questions linger about the place of international law in maintaining international order. When states so openly flout it, is international law worth having?

Even before the invasion of Iraq, events had given pause to all but the staunchest defenders of international law. Near the end of the Clinton administration, for example, Senator Jesse Helms (R.-N.C.), chairman of the Senate Foreign Relations Committee, bluntly declared before the UN Security Council that if the United Nations were to seek to impose its power and authority over nation states, it would “meet stiff resistance from the American people.” The administration of George W. Bush, which came to power almost exactly one year later, immediately made clear that it shared Helms’s disdain for international law. Within his first six months in office, President Bush withdrew from the Kyoto global climate accord, threatened to abrogate unilaterally the 1972 Anti-Ballistic Missile Treaty, and revoked the signature of the United States on the treaty creating the International Criminal Court.

But not all the blame for today’s state of crisis in international law can be laid in Bush’s lap. The issue of the role of international law in regulating international relations has bedeviled the world community for decades. After World War II, even as the world pressed ahead with the UN and other new international institutions, widespread dismay over the failure of earlier institutions to prevent the collapse of order prompted a wave of attacks on the Wilsonian ideal of an international system founded on global legal order. As long as there was no sovereign power to manage enforcement, critics argued, international law was meaningless. To regard it as anything else was not just unrealistic but dangerous.

And yet, these deep-seated doubts have done nothing to stem the growth of such laws. More than 50,000 international treaties are in force today, covering nearly every aspect of international relations and nearly every facet of state authority. The treaties range from ambitious multiparty agreements to narrow bilateral pacts. This great edifice is now under siege,



War (1991) by William T. Ayton

yet those who built it have done little to explain or defend it to the public at large. Their inaction has allowed those who are skeptical of international law (and tend to know little about it) to fill the vacuum in the public debate. Little surprise, then, that the Bush administration has faced only a whimper of challenge to its policy of malign neglect.

The failure to mount a persuasive defense of international law has its roots in the universities, where so many of the ideas that inform public debate are incubated. With a few notable exceptions, legal scholars have remained largely above the fray. Instead of addressing crit-

ics, they have focused most of their attention on interpreting and creating international legal rules—and simply assumed that states will observe the rules. At the same time, an intellectual chasm has opened between students of law and students of politics: Legal scholars, for the most part,

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have ignored many questions about the role of political power, while political scientists, who think of power first and foremost, have tended to ignore international law. That division has prevented the emergence of a fuller view of the role of international law in the world.

But the chasm is closing.

A new vein of scholarship, which takes international law seriously while examining it critically, confirms neither the greatest hopes of international law's advocates nor the greatest fears of its opponents. Consider a controversial study in the *Journal of Public Economics* (Feb. 1997) by James Murdoch and Todd Sandler. It suggests that the 1987 Montreal Protocol on Substances That Deplete the Ozone-Layer, often hailed as one of the most successful international agreements of modern times, had virtually no independent impact on countries' use of ozone-depleting gases. The authors argue that the treaty merely codified an existing trend of voluntary cutbacks in emissions. But a more recent study by Beth Simmons in the *American Political Science Review* (Dec. 2000) indicates that rules in the International Monetary Fund's Articles of Agreement governing the financial policies of national governments have indeed been effective in influencing behavior. It's not just IMF pressure that does the job, Simmons found, but the desire of individual countries to establish their credibility in world markets.

My own recent research on human rights treaties suggests that they have effects fairly different from what either friends or foes of international law would expect. Countries that sign and ratify human rights treaties turn out to have better human rights practices than those that fail to ratify. Yet the difference is not very large. And some of the countries that *have* joined human rights treaties have worse human rights practices than those that have not joined. For example, the countries that have ratified the 1987 Convention against Torture have torture practices that are, on average, nearly impossible to distinguish from those of countries that haven't ratified the convention. Among the ratifiers are states—including Algeria, China, Colombia, Mexico, Peru, and Turkey—whose horrific abuses of their own citizens have been documented

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by the U.S. government and human rights organizations. Even more striking, states that have ratified regional conventions prohibiting torture, such as the Inter-American Convention to Prevent and Punish Torture, have *worse* practices on average than those that have not.

The facts may be bad news for those who see human rights treaties as an instant elixir, but they also confound the predictions of critics, who see the treaties as mere window-dressing. States do not agree only to treaties that require them to do what they're already doing, as critics contend. They actually join treaties that commit them to do something more.

My research also indicates that human rights treaties do not always have the effect their proponents intend. For example, while states with better practices are, on the whole, more likely to join human rights treaties than those with worse practices, only the most democratic states appear to *improve* their practices after ratifying human rights treaties. Signing a treaty is no guarantee that a country will make improvements. Egypt, Cameroon, and Mexico were among the earliest to ratify the Convention against Torture, yet they continued to have some of the worst torture practices well into the 1990s. Among states with otherwise similar economic and political characteristics, some that ratify human rights accords actually indulge in worse practices than those that don't ratify them. And some of the most brutal episodes of mass killing since World War II—the massacres in Cambodia, Rwanda, and Yugoslavia—occurred in countries that had ratified the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

Understanding how international law works in the real world requires a reorientation of our thinking. The critics are undoubtedly right about at least one thing: International law is nothing like domestic law. Unlike effective domestic law, it lacks a sovereign with the power to enforce it. The closest thing to an international sovereign is the UN, and it has virtually none of the powers necessary for effective governance, most notably the power of enforcement (for which it must depend on member states). Further, international law is largely voluntary; states are, for the most part, not bound by it unless they accede to it. If the same were true in domestic law, we all could decide for ourselves whether the nation's criminal laws applied to us. Needless to say, the laws would work much less well if that were so.

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Whether states will actually abide by international legal commitments once they are made is, of course, another issue altogether. Law that is not enforced will not be obeyed. That seems obvious. But a closer look suggests that the assertion is questionable. If enforcement were the only

reason people followed the law, the world would be a much messier place. I refrain from taking property that does not belong to me not solely because I fear punishment by the state. I abide by the law for a complex mix of reasons, including—besides fear of enforcement by the state—my moral beliefs, internalization of the legal rule, fear of retribution by the wronged party, and concern for my reputation if others learn of my wrongdoing. Even if I know there's no chance the state will punish me, there are many reasons why I'm likely to abide by the law.

Countries, too, observe the law for multiple reasons, and fear of enforcement is unquestionably among the more important of them; international legal rules that incorporate penalties for violations are more likely to be followed. But states, like individuals, observe rules for many other reasons as well. Because central enforcement of international agreements is rare, parties to international legal agreements often enforce the agreements themselves. Indeed, many trade and arms control agreements are effectively enforced by the threat of tit-for-tat retaliation. States may also face internal political or legal pressure to adhere to international law. Especially in democratic nations, people outside government can use litigation, media exposure, and political challenges to compel governments to abide by their legal commitments. Such pressure is a key reason why states abide by their commitments under human rights treaties.

Concern for reputation is an additional powerful motivation for states to keep their international legal commitments. If violations are likely to be discovered (as is often true, for example, with violations of international trade laws), states will be disposed to follow international rules in order to foster a good impression among other members of the international community. By making themselves look good, they may hope to attract more foreign investment, aid donations, international trade, and other tangible benefits. They may also accept limits on their own actions to obtain similar limits on the actions of others. Thus, they may limit the tariffs they charge on imports, for example, to obtain a reciprocal easing of access to the markets of other states. But when violations of international commitments are difficult to detect—such as occurs with the dumping of toxic waste, excessive air pollution, or police abuse of suspects—violations are likely to be more common. And last but not least, let's not forget that government leaders may even be led, on occasion, by their own moral judgment to abide by international legal rules.

International law, in other words, is neither as weak as its detractors suggest nor as strong as its advocates claim. The events of the past year have made it painfully evident that international law is not the panacea some might hope it to be. Yet it remains a powerful tool for creating international order in a world that desperately needs it. The challenge now is to move beyond bitter and unproductive all-or-nothing debates over the effectiveness of international law and find ways of harnessing its real but limited power to change the world for the better. □

Green Fatigue

by Stacy D. VanDeveer

Coming just after the end of the Cold War, the 1992 United Nations Summit on Environment and Development, in Rio de Janeiro, seemed to mark the beginning of a new era in global environmental politics. Most of the world's prime ministers and presidents journeyed to the Earth Summit, as it was called, including then-president George H. W. Bush (in a visit most noted for its brevity). Also attending were tens of thousands of other participants from in and out of government. The event won global media coverage. And the results seemed impressive. The Rio meeting and surrounding sessions produced the ambitious "Agenda 21" plan for sustainable development in the 21st century, and it spawned a number of agreements that accelerated the development of global environmental law, including measures that ultimately led to the Kyoto Protocol on Climate Change and to the Cartagena Protocol on Biosafety, which governs trade in genetically modified organisms. Ten years later, at the UN's World Summit on Sustainable Development, in Johannesburg, the mood was palpably different. The excitement and optimism of Rio were long gone. Attendance was down, and many government leaders were more inclined to back away from previously agreed-upon goals and programs than to embrace new



A new road slices through the Brazilian rain forest. International law's failure to stop many forms of environmental degradation has led to a new emphasis on political organization.

ones. There were no treaty signings or ambitious new agendas. The Johannesburg summit produced vague joint declarations and—according to Greenpeace—an “action plan” for the implementation of international commitments that lacked both a plan and action.

Long before the delegates gathered in South Africa in 2002, several cruel realities had combined to deflate the hopes and promises of Rio: the continuing degradation of the global environment, the growth of economic inequality, and the decreasing availability of foreign-aid dollars. After 2001, terrorism also began to divert attention and resources away from environmental and social programs. At the same time, many people who had been involved in such endeavors came to see the treaties, declarations, and freshly inked international laws as too circumscribed and too weak to tackle enormous problems. Many wondered whether summitry had become an expensive, exhausting distraction. While it would be wrong to say that the environmental community has turned away from international law, it's certainly true that the past 10 years have encouraged it to look toward other means of achieving its goals.

To understand how the earlier optimism yielded to bitter disappointment, one must begin with an essential fact: At the international level, central governing authority does not exist. The importance of that fact in the environmental arena cannot be overstated. The key elements of environmental cooperation include treaties and the small organizations that administer them (so-called secretariats), larger intergovernmental organizations such as UN bodies and the World Bank, international conferences or summits involving national officials, and a set of financial mechanisms to help pay

for these various components. International environmental governance is, in short, a complex and generally uncoordinated patchwork of relatively weak laws and underfunded and understaffed organizations—a far cry from the image of big, bureaucratic, sovereignty-stealing monoliths conjured up by critics. As a rule, powerful countries rarely propose to strengthen these international institutions. (This is not true in all areas of international law: Europeans are pushing for a strong International Criminal Court, while the United States favors more comprehensive and centralized international authority to promote liberal markets and enforce free-trade agreements.)

Officials in and out of government, from countries rich and poor, have become more outspoken in expressing their fatigue with international governance as a way of doing business. With good reason. Since the 1972 UN Conference on the Human Environment, in Stockholm, the number of environmental treaties, summit meetings, and joint declarations by national leaders has increased dramatically. Some 500 regional and global treaties have been signed, dealing with such issues as pol-

INTERNATIONAL ENVIRONMENTAL GOVERNANCE IS AN UNCOORDINATED PATCHWORK OF RELATIVELY WEAK LAWS.

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lution in shared rivers, lakes, and seas; wetlands protection; fisheries management; transnational air pollution; desertification; and trade in endangered species and hazardous wastes. Most treaties generate their own secretariats and commit governments to sets of domestic rules and regulations, periodic data-gathering and reports, and endless rounds of meetings, conferences, and committee work. All of this activity is uncoordinated and often overlapping and contradictory, and bureaucratic turf battles between governments and international organizations make coordination all the more unlikely.

Because few international agreements include the same set of nations, there's a hodgepodge of legally binding commitments across the globe. Various individual countries in the European Union have signed on to more than 60 different international environmental agreements. Even within individual national governments, coordination is poor at the point when agreements are negotiated. A U.S. delegation, for example, will likely include officials from many different government agencies, which will not necessarily share the same policy goals and priorities.

Pam Chasek, a coeditor of *Earth Negotiations Bulletin*, distinguishes between “convention fatigue” such as I’ve described above and “summit fatigue,” which stems, at least in part, from the growing number of increasingly expansive and overlapping global and regional meetings. The trend accelerated after the end of the Cold War, as UN summits were held on broad issues associated with environmental quality, economic and social development, children, women, population growth, and public health. Various regional groups of countries also hold regular summits, not to mention the periodic global and regional trade conferences and the annual Group of Eight summits. All this summitry, critics contend, consumes large amounts of time, energy, and money—and produces only more ambitious and unrealistic goals and declarations. In Johannesburg, some even suggested that the South African summit should be the last of its kind.

“Donor fatigue” is another plague afflicting the international community. Over the past decade, global levels of foreign assistance declined, as did the willingness of wealthy countries to pay their UN dues, join (and pay for) peacekeeping operations, and actually ante up the funds they had pledged at international conferences and summits. Even the treaties and organizations established to protect Earth’s ozone layer, widely considered among the most successful and efficient international efforts in history, persistently receive less money for their administrative apparatus than donor countries pledge—and this sum is much less than what is needed!

For their part, the poorer countries that receive environmental aid are tired of the cumbersome, bureaucratic, and frequently paternalistic conditions that donors attach. Moreover, the wealthy states of the global North have far more influence on the content of most environmental agreements than the poor developing states of the global South. Negotiators from poor countries tend to have far fewer resources to prepare for negotiations—less staff support, less access to scientific and technical information, and, often, simply less negotiating experience. The sheer number of treaties and summits is a great problem. In some environmental ministries, international travel is one of the largest line items in the budget.

Overall, there's a nagging sense that the plodding, incremental approach to international environmental problems is not working. Many of the shortcomings have been spotlighted recently in frank reports issued by UN agencies, the World Bank, think tanks, and environmental organizations. What's surprising is not the failings, most of which are familiar to observers of environmental politics, but the reports' honesty about them: the time-consuming and expensive negotiation and ratification processes; the generally weak, least-common-denominator outcomes that result from the desire (or perceived need) to achieve consensus; the chronic absence of a capacity to monitor countries' compliance with treaties and to punish their violations; the ill-coordinated and sometimes contradictory requirements in the treaties; and the lack in many countries of the organizational, technical, and financial means to meet commitments. Addressing these problems will require leadership (and probably money) from the world's most powerful nations—and that has not been forthcoming.

Because there's no central authority in the international community, *national* leadership (and sponsorship) is essential. Yet the world's wealthiest and most powerful countries have shown little leadership. The United States is an obvious example. Government officials often criticize environmental treaties, conferences, and goals, but they make few serious attempts to improve environmental governance. In fact, they seem to work much harder to undermine the pacts they dislike, such as the Kyoto Protocol, than to support those they favor.

Despite all the disappointments, there have been many successes in the past 30 years. Given the tremendous diversity of interests around the world, the fact that agreement has been achieved on so many treaties is itself an accomplishment. So is the recent effort to honestly confront and overcome the failings of this 30-year effort. There's been a big increase in cooperative research in many fields—and thus in our knowledge of the natural environment and its relationship to human health and well-being. International efforts have also produced hard results, notably in dealing with the depletion of the ozone layer and protecting (at least temporarily) elephants, whales, and other animal species from extinction.

The new internationalism has also played a significant role in giving global reach to concepts such as biodiversity, sustainable development, and ecosystem management, and to the debates surrounding them. The very notion that the state is responsible for protecting environmental quality on behalf of its citizens owes its acceptance to international efforts. When the UN Conference on the Human Environment convened in Stockholm in 1972, many public officials and ordinary citizens around the globe did not see environmental issues as “their” concern, and most states did not have large bodies of environmental law or environmental protection ministries. Now they do. In virtually every country—including those in the developing world—the environment is a leading political issue. The UN summits deserve at least some of the credit for these changes.

Summit meetings and new laws may have their limitations, but it's hard to imagine that *less* international cooperation would be an improvement. Such meetings and laws continue to play a valuable role. They legitimize environmental norms and ideas and provide standards against which national officials can be judged.

The Bush administration has rejected both the Kyoto Protocol and any serious domestic policy proposal to slow, much less reduce, the rate of U.S. emissions of carbon dioxide (currently almost 25 percent of the global total) and other climate change gases—and it has done so just as nearly every other developed country has joined the fledgling international effort. American isolation has itself become part of the domestic debate about climate change and a powerful argument in the hands of those who favor a stronger American policy. Nowhere is the international effect more apparent than in the burgeoning number of climate-change action plans and emissions-reduction goals drawn up by U.S. cities and states (and recently catalogued by the Pew Center on Climate Change), many of which cite the lack of national policy as a justification for action.

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If there is to be a post-Johannesburg “era of implementation,” in which governments keep as well as make promises, citizens and national leaders will need to hold public officials accountable. International environmental institutions can’t make states do what they don’t want to do, but citizens can. It is increasingly clear that treaties rely not only on states for implementation but on citizen activism and national environmental leadership. If citizens do not demand strong environmental policy from their own governments, no number of treaties and summits will “save the Earth.”

In no country is this clearer than in the United States. If Americans want more effective environmental law, they should demand that their own government actually abide by the promises it so often makes and so rarely keeps. Because U.S. citizens use a disproportionate share of the Earth’s resources, they have a disproportionately large opportunity to improve its environment by enacting strong and sensible policy at home and supporting—rather than undermining—international environmental laws and organizations. If U.S. policymakers don’t like the Kyoto Protocol, they could do more than complain that it’s unfair to the world’s wealthiest and most powerful country. They could adopt reasonable policies of their own designed to efficiently reduce emissions of carbon dioxide and other greenhouse gases in the United States.

Thanks to the past 30 years of global environmental summits and treaties, most of us know we are all in this together. The globalization of environmental politics is likely to continue, because the increasing consumption of resources and the large-scale alteration of the environment by humans will necessitate greater international cooperation. But success in protecting the environment will require a more explicit acknowledgment that treaties and high-profile conferences are no substitute for leadership at home. International cooperation can legitimize and support that leadership, but without greater international authority, it can’t protect the environment. That job is left to us. □

Why Scholarship Matters

Scholars are an endangered species these days, but what a poorer place the world would be without their dedication to detail and passion for accuracy. They're our invaluable guides to the monuments of the life of the mind.

by A. D. Nuttall

One sunny morning in, I think, 1966, one of my more enigmatic Oxford colleagues said to me, “Whatever happened to scholarship?” I made some nonsensical and uncomprehending reply, for the question, like many other remarks of this colleague, needed mulling over. He had noticed what I, with the musty integument of a 1950s Oxford education still spectrally about me, had not yet seen—that the ideal of scholarship had almost ceased to figure explicitly in the moralizing tittle-tattle of English literature academics. The incidence of the word in intellectual discourse had dropped, while that of *intelligent*, *brilliant*, and *right* had risen. *Scholarly* and *scholarship* are now terms for talking about individuals who are in some degree remote from us and belong to a culture very close to but not identical with our own.

It may be that *intelligence* and *rightness* have begun to take over from *scholarship* because of an increasingly widespread presumption that scholarship itself, insofar as it is commendable, is already comprehended by those terms. If a writer is intelligent and right about the material, what need have we to discuss the level of scholarship? All that matters has already been taken care of. In any case, if *scholarly* means no more than this, why revive a word that is otiose? If, on the other hand, it really does carry a meaning beyond *intelligent* and *right*, it may continue as a word, but we feel no obligation to notice it, since the whole duty of an intellectual is already comprehended by the other terms (*intelligent* and *right* and such). This, I suspect, is the tacit logic of the situation, and I want to argue that there is something crass, perhaps even disingenuous, in the general acceptance of it.

I was careful to say earlier that *scholarship* has ceased to figure explicitly in our talk, and I have tried to make it clear that it is the word, rather than the thought, that is now less prominent in gossip about our colleagues. But even now, the ideal of scholarship, openly upheld by the educators of my generation, continues to operate at an unacknowledged level, though in varying degrees. Let us return to the question, What does *scholarly* say that is not said by *intelligent* and *right*? The word, I think, connotes a quality of completeness:



A 17th-century ideal: The selfless scholar, pursuing knowledge for its own sake.

at the lowest level, complete literacy (never a colon where a comma should be); complete, though not redundant, documentation; complete accuracy, *even with reference to matters not crucial to the main argument*; and, together with all this, a sense that the writer's knowledge of material at the fringe of the thesis is as sound as his or her knowledge of the core material. This seems to me to be the essence of the matter—that although a strong central thesis may rightly absorb most of the energies available, the writer nevertheless maintains a broad front of total accuracy, a sort of democracy of fact, in which no atom of truth, however humble in relation to the main theme, shall be slighted.

Now this kind of vigilance, this regard for facts even when they are not pet facts, is not natural to human beings. Just as the ordinary person cannot copy a page of 18th-century prose without committing about 10 errors, so the ordinary person cannot tell a story or advance an argument without mangling and misrepresenting everything at the edge of his or her interest. Of course, people lie and blunder in their main theses too, but at least they are conscious that such behavior is discreditable. The very concept of trying to get *everything* right involves a queer, abstract altruism of the intellect, and it took thousands of years to learn.

Surveying the intellectual history of humanity, some may question whether the effort was worthwhile. So many wonderful people have been quite without scholarship; so many sad bores have possessed it in the highest degree. Shakespeare (natural man writ large, as the bardolaters used to say) has no tincture of scholarship. Everything relevant to his purpose he gets right, and the rest is what Virgil called *tibicines*—just props to keep the roof up. On the diction of a courtier, Shakespeare may lavish a linguistic scrupulousness beyond anything we can find in the commentaries of his critics, but on, say, surrounding geographical details (as, for instance, the sea coast of Bohemia), he will be content with his usual unobtrusive inaccuracy.

But since he is a writer of fictions, Shakespeare may be thought an inappropriate example. Let me bring the argument nearer home. What, today, is the difference between a scholarly article and one that is not particularly scholarly but yet such that we admire it? The brilliant but unscholarly article advances and adequately supports a new thesis of great intrinsic interest and explanatory power. At the same time, its author fails to specify which editions are being used, quotes on occasion from two different translations of the same work (without noticing that they differ), betrays in passing the fact—which does not destroy the main thesis—that he or she has not consulted the German original. Note that, as regards the main thesis, all is well. The scholarly article, in contrast, exhibits none of these “vices” and does things “in proper form.”

Since the author of the unscholarly article got right everything that he or she needed to get right, the extra, peripheral accuracy of the scholarly article would seem to be, by definition, superfluous. And this implies that scholarship, so defined, equals pedantry. Indeed, in the present climate of opinion, it is very easy to make our scholarly writer, doggedly crossing every “t” and dotting every “i,” look somewhat foolish. Who needs that sort of thing? Keats couldn’t spell. Plato couldn’t quote Homer straight (perhaps lacked even the *concept* of quoting straight). The great period of ancient scholarship was the Alexandrian, and it was the great period of nothing else, except perhaps astronomy. Jesus (though he gave the doctors in the temple a bad time) shows no sign of any scholarly distinction. All the really important things—and that includes the really important things of intellect and spirit—can go on without it.

To this it may be replied that scholarship, though never a necessity, has proved, at a modest level, a very useful assistant to the intellectual life. A former colleague has told me that he hates, instinctively and immediately, books with copious footnotes and indexes. I find such things useful and am more often irritated by their absence than by their presence. Scholarly scrupulousness is, in the first place, useful to other scholars, who may wish to push a given line of inquiry in fresh directions. Getting all your references right is a sort of good manners, like not slamming doors in people’s faces.

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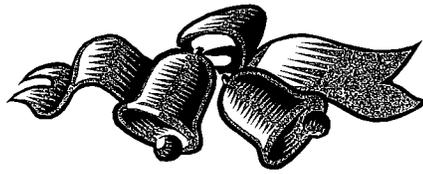
But, the antischolar may persist, the scholar's stance has grown more artificial with the years. Accuracy of measurement is necessary to the scientist, but scholarship carefully detached itself, as being "humane," from science some centuries ago, and its parade of accuracy, when set beside the scrupulousness of an Isaac Newton or an Ernest Rutherford, appears grotesquely factitious, an affectation rather than an instrument of the intellectual life. This view is given an extra charge by ex-scientist William Empson, who wrote in the preface to his *Milton's God*: "Line references are to the nearest factor of five, because factors of 10 are usually given in the margin of the text, and the eye can then find the place without further calculation. The show of scientific accuracy about literary quotations has reached a point which feels odd to anyone who knows how numbers are really used in the sciences."

My antischolar still speaks: Why should we insist that our students spell better than Keats did? Because a student who cannot spell will write "complaisant" when he or she means "complacent," or, worse still, forget the difference? Such things are drops in the ocean of the intellectual life. Anyone who thinks them more must be, intellectually, in a condition of senile myopia. Even if we admit that scholars do not form a completely closed society—differing in this from, say, philosophers, who really do spend most of their time wrestling with problems that would not have appeared but for other philosophers—and grant that the effects of scholarly activity permeate the larger intellectual world, is this intellectual world so important? The meticulous procedures of scholarship may have a certain ethical status within the group, but what if the group activity is itself only a kind of expensive sport, singularly lacking in spectator interest?

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The scholars annotate and review, while babies die and are born. Here the argument becomes radical, and I confess that, in a way, I find it insuperable: As long as people are starving and it is in my power to help them, it is wrong to stick to scholarship. I will add only that the same argument disposes of almost every human activity I can think of. We have all of us, by this standard, opted for second best; beside Simone Weil, we are all second-rate people.

But has the ideal of scholarship no foothold in morality at all? Is there no real virtue in it anywhere? The most obviously moral component in the scholarly ideal has already been mentioned: a reverence for truth, in all its possible minuteness and complexity. The absolute obligation of the scholar to truth, even at a terrible human cost, can be a severe, intransigent ethic, whose appeal will be greater for some people than for others. Personally, I feel that it has real force. There is no need to set it up as a simple, autonomous command: "Always tell the truth, not because it will make people happy, but



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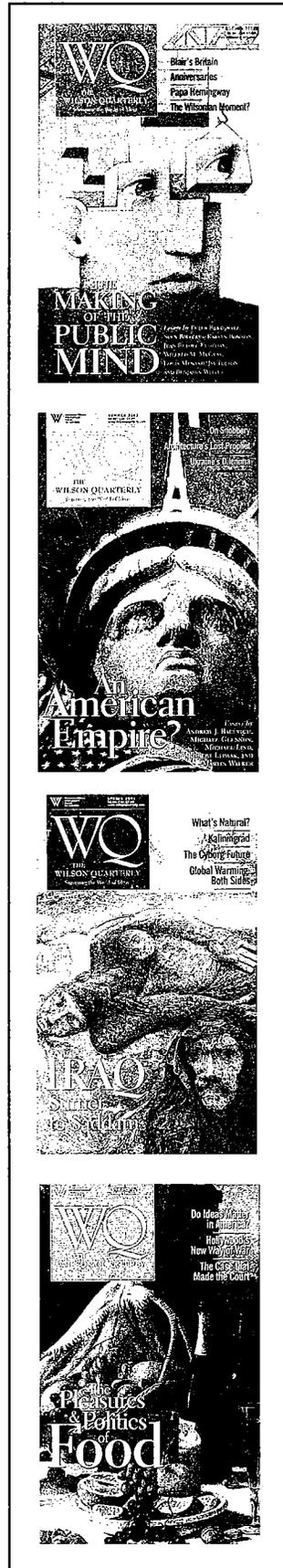
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because truth-telling is, in itself, right.” The issue is, in practice, muddier than that. Other obligations, such as the obligation of compassion, may also be present, in tension with the obligation to be truthful.

Meanwhile, scholarly truth-telling itself may have a utilitarian aspect. If we cannot place a reasonable degree of trust in our scholars, we cannot trust anyone. The contention of my antischolar—that even if habits of scholarly accuracy permeate the intellectual world, this intellectual world is itself negligibly small—rests, after all, on a rhetorical exaggeration. The area of influence is, in fact, immense: Ideologies spread wider every day, and in many populous nations the middle classes now outnumber the proletariat. In the practical details of daily life, habitual accuracy is a great oiler of wheels. The output of universities does, by and large, administer the complex institutions of Western society, and, if I ask myself what sort of higher education is likely to instill habitual, small-scale accuracy, I am inclined to think that the old-style scholarly training was better than the present Western vogue for matching ideologies (unless you want to train revolutionaries).

THE PRINCIPAL MORAL
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As noted earlier, the principal moral component of the scholarly ideal is truth telling. But ideals are one thing and practice another. *Scholarship* may mean truth telling and scrupulousness, but scholars are honest and false, like other people. Scholars may even have a greater capacity for evil mendacity than others just because of the authority they wield. I ask myself whether the ideal in any degree conditions the practice—whether the habit of verification, for example, makes people more truthful in general—and I think that it does, but not in any very marked degree. When I reflect on the character of scholars I have known, what strikes me immediately is their eccentricity. This feature of the scholarly character has a long history. The ancient scholar Didymus, who wrote between 3,500 and 4,000 books (ancient books were short, and the numbers reduce to a mere 300 or so modern books), is palpably eccentric, even at this distance. Quintilian tells us about the way he forgot in one book what he had written in another, and his nickname, “Brazen Guts,” is disquieting. What are we to think of Mavortius, who improvised Virgilian centos (that is, he could spontaneously emit metrically correct, meaningful Latin poetry composed entirely of rearranged fragments of Virgil)? The eminent numismatist Richard Payne Knight was deeply—some felt, inordinately—interested in representations of the phallus in antiquity. The great classical scholar Richard Porson once carried a young woman round a room in his teeth, and Friedrich August Wolf, during periods of strenuous study, “would sit up the whole night in a room without a stove, his feet in a pan of cold water, and one of his eyes bound up *to rest the other.*” When I was an undergraduate, the most learned philolo-

Scholars

gist I knew once said to an assembled class, “Gentlemen, I shall expect you on Tuesday at 11,” and when one of the pupils said, “But Mr. Smithers, you are giving a lecture in the schools at 11 on Tuesdays,” replied, “Ah yes, but that is on *Havelok the Dane*. You need not go to that.”

More worryingly, for all the scholarly ideal of objectivity, I have a distinct impression that real scholars, as compared with the smoother “ideas-men” who have begun to replace them, are characterized by a manic partiality toward their own theories. I remember my old tutor Robert Levens telling me how he once met W. S. Barrett, the learned editor of Euripides, and Barrett said something like, “Grube has just come up with a completely new explanation of line 843 — but I’ll shoot it down, I’ll shoot it down somehow.” We prate of scholarly objectivity, but does no one remember *odium scholasticum*, “scholastic hatred”?

Here is the learned classicist and poet A. E. Housman on Elias Stoeber, who, like Housman, wrote a commentary on the Roman poet Manilius:

If a man will comprehend the richness and variety of the universe, and inspire his mind with a due measure of wonder and awe, he must contemplate the human intellect not only on its heights of genius but in its abysses of ineptitude; and it might fruitlessly be debated to the end of time whether Richard Bentley or Elias Stoeber was the more marvelous work of the creator: Elias Stoeber, whose reprint of Bentley’s text, with a commentary intended to confute it, saw the light in 1767 at Strasburg, a city still famous for its geese. . . . Stoeber’s mind, though that is no name to call it by, was one which turned as unswervingly to the false, the meaningless, the un-metrical, and the ungrammatical as the needle to the pole.

Housman also thought little of Franz Buecheler, and still less of Siegfried Sudhaus. So he wrote, “I imagine that Mr. Buecheler, when he first perused Mr. Sudhaus’s edition of the *Aetna*, must have felt something like Sin when she gave birth to Death.”

And in his 1894 review of G. C. Schulze’s edition of Emil Baehrens’s *Catullus*, Housman said this:

The first edition of Baehrens’s *Catullus*, which now that the second has appeared will fetch fancy prices, was in the rigour of the term an epoch-making work. But it exhibited a text of the author much corrupted by unprovoked or unlikely or incredible conjecture; so that the task of revision was delicate, and the choice of a reviser was not easy. It was not easy, but scholars who are acquainted with the history of *Catullus*’s text and with the metres he wrote in, who know how to edit a book and how to collate a manuscript, who are capable of coherent reasoning or at all events of consecutive thought, exist; and to such a scholar the task might have been allotted. It has been allotted to Mr. Schultze.

High scholarship is clearly compatible with prejudice and bigotry. But even if particular scholars fail on occasion to come up to their own highest standards not only of charity but of ordinary fairness, habits are catching. The habit of truth-

fulness, though often dishonored, has spread and had effect. It has now become clear that the question, What can I do, as a scholar, that is morally useful? is quite different from the question, Should there be scholars? The answer to the first question is comparatively simple: Labor to be accurate, correct the errors of others with charity and honesty, free the minds of the young from cant, arm them against sophistry and imposture, teach them to be intellectually just. This duty is made the more pressing by the existence of bad scholars and teachers. As to the



A. E. Housman is best known today as a poet, but he was an exacting Latin scholar too, and the scourge of others less meticulous.

second question, Should there be scholars? I have to say that money spent on university libraries would be better spent on relieving the Third World. But if that is not to be, since man doth not live by bread alone but is an incurable spinner of ideas, we might as well have some individuals who are trained to ask critical questions—to weigh and to test. Even moral imperatives that seem most absolute, such as that of Marx or, in another age, of Calvin, turn out to need the modest queries of Merry Middle Earth.



I turn now to teaching. I have a generalized feeling that recent trends in university education have proved to be merely an extremely subtle way of making young people wretched. I say “subtle” because the superficial indicators point in the opposite direction. Under the old scholarly method, one was constantly under correction—one’s mental knuckles, so to speak, smarted continuously. Today, by contrast, the typical experience of a student in an English university is of a sort of matey neutrality: “Yes, that’s very interesting,”

WE DO NOT CHOOSE
CULTURE. GOOD OR BAD,
IT IS OURS WITHOUT
OUR ASKING.

says the tutor. A dreadful word, that “interesting.” Had it been available in Shakespeare’s time, Iago would have used it. One of the advantages of being told when you are wrong is that you gradually build up a sense of what it might mean to be right. Progress, when it occurs, is palpable. Meanwhile, that matey neutrality is often interpreted by students—correctly, I would say—as callous indifference.

We do not choose culture. Good or bad, it is ours without our asking. I used the phrase “man doth not live by bread alone” in a prescriptive manner earlier. I now use it descriptively. It is a fact that human beings ideologize. Although cultures without scholarship can be better than cultures with, other things being equal, a culture laced with scholarship is an inch



or two better than one without. In the face of this, it seems ill judged to pretend that the life of the mind does not matter or is less than fully real. The unimpeded exercise of the intellect itself constitutes a good—one of the terminal goods, though not the most important. But if intellection is one of the terminal goods, references to further utility have only a secondary status. That is why Aristotle chose to turn the argument round. If all the

goods are good only because they promote some other good, we are launched on an infinite regress. Somewhere there must be some thing or things for the sake of which the other goods exist, something not merely useful for a further purpose but good in itself. And so Aristotle asked, in effect, “What do we do when we are no longer pressed and harried by hunger, enemies, and sickness?” His answer, which is one of several possible, is that we then pursue with unimpeded energy the intellectual life. So that must be a good in itself—a terminal good.

History has played a series of strange tricks on Marx. About 20 years ago, a friend told me how he crossed from West Berlin to East Berlin and was profoundly affected by his visit. West Berlin, he said, was a showpiece of capitalism, blazing with pornographic cinemas, the shop windows loaded with *Playboy* magazine goodies and gifts for the man who has everything. Meanwhile, in East Berlin, autumn leaves drifted in a faded street of pale stucco houses; there was a long queue at the opera house, another at the concert hall, and the bookshops were full of classics

of German literature. It occurred to me as he spoke that he was moved entirely by the overmastering spiritual value of what he saw, or thought he saw, in East Berlin. Dialectical materialism had turned out to be so much less materialist. Then the Berlin Wall came down and an entirely different set of paradoxes appeared. Though the spirit had somehow flourished in the Marxist state, economic reality, the professed center of Marxist thinking, was catastrophic, desperate. And so the countries of the former Warsaw Pact moved convulsively to the free market and (with some exceptions) to its presumed necessary correlatives: the shutting of art galleries and opera houses, the opening of strip clubs. Today in the West, we hear little of Moscow and St. Petersburg except stories of drug wars and the like—a kind of exaggerated parody of the West. Another friend of mine observed that it was as if one were to think that, having ceased to be a believing Christian, one must forthwith become a Satanist.

I DO NOT THINK MILTON IS
GOOD BECAUSE HE GIVES
PLEASURE. I THINK HE GIVES
PLEASURE BECAUSE HE IS GOOD.



The monuments of the life of the mind are enormously good in themselves—some of the best things we have. We in England could live without Shakespeare and could not live without the sea, but, for all that, Shakespeare is very like the sea. Which brings me to the last benefit of scholarship, and to my mind the most important of all.

I once went to a lecture by F. R. Leavis in which he discussed what a literary education could give to the student. He said a good deal about the capacity for sensitive appreciation of the needs of others, about the capacity for a fuller life, about the development of critical acumen, and so forth. All a bit true and no more. As I left the lecture hall, I asked myself what my literary education seemed to be giving me, and suddenly the answer blazed in my mind. My teachers had given or were giving me (I refuse to shorten this list): Homer, Aeschylus, Sophocles, Euripides, Theocritus, Virgil, Horace, Chaucer, Langland, Spenser, Shakespeare, Donne, Marvell, Milton, Pope, Sterne, Keats, Wordsworth. And for good measure they added Sappho, Catullus, the Gawain poet, Marlowe, Herbert, Vaughan, Crabbe. And then more. I think I had never before noticed what wealth was there. Why did no one mention this? All the clichéd titles of dog-eared anthologies—*The Golden Treasury*, *Realms of Gold*, and the like—became for the moment soberly meaningful. It will be said that I am describing the literary canon, which has been shown to be an instrument of oppression. I would have had none of that then, and I will have none of it now. It was clear to me that I had inherited an endless, glittering landscape with hills, dales, and secret woods, “all mine, yet common to my every peer.”

There is no doubt in my mind that the scholars gave all this to me. It could be said that I might have read these books by myself, unaided by scholars. That is simply not true. The ancient authors would have been too hard. *Paradise Lost*, I am pretty sure, I would never have read, for I was instinctively repelled by it at first, though later it altered my consciousness of literature forever. Shakespeare I would certainly have read, but I would have been pusillanimously content with a fraction of his meaning. Mere perusal is not, after all, enough. These are not tables and chairs but great poets. They are immensely, indefinitely complex objects. Explainers, demonstrators, explorers must always be at work, or the thing itself will be lost.

More than that, the text we peruse is itself subject to decay. Even more than we need explanatory critics, we need editors. Wholly futile essays have been written on the supposedly Yeatsian phrase “soldier Aristotle.” Good editing showed that Yeats wrote not “soldier” but “solider,” and the hole was plugged. It is the editors who recover, preserve, and hand down. Scholarship is, at one and the same time, a conservative and an exploratory activity. Even a modern book, carelessly reprinted, deteriorates fast. Hard-pressed printers, true to their principle of *facilior lectio potior*—in effect, “choose the easier reading”—again and again substitute the commonplace for the unique, and the insensible drift from better to worse begins. The old principle of textual criticism was, of course, the opposite: Other things being equal, *difficilior lectio potior*, “choose the more difficult reading.” Housman shows profound editorial skill, in line with this ancient principle, when he tells how, in a printed version of a poem by Walter de la Mare, he read the words “May the rustling harvest hedgerow / Still the traveller’s joy entwine.” “I knew in a moment,” he writes, “that Mr. de la Mare had not written *rustling*, and in another moment I had found the true word.” The true reading was the much rarer word *rusting*, meaning “turning brown,” the *difficilior lectio*.

In the course of doing our job, we critics may find fault with a line of Hopkins or disparage a Miltonic lyric. But we should not forget that Hopkins’s and Milton’s writings constitute a good so great as to render such local discriminations needle fine in their ultimate effect—a good so great, in fact, that most of the time we do not even see it, any more than we feel the air in our nostrils.

Because one thing I am saying may seem strange, I will try in conclusion to make its full oddity clear. I am saying that Milton and Keats are, in a certain sense, good in themselves. I am conscious of saying this at a time when the wind of fashion is blowing stiffly in the opposite direction. When some theorists are willing to argue that the former substances—that is, the poem, the writer, and the reader—are all, equally, mere constructions, it would seem that, a fortiori, the *value* of a poem is the more certainly a social construction rather than a reality-to-be-perceived. Yet I am saying that the value is indeed just such a reality. Nor is my position here in any way a utilitarian one. I am not just saying that Milton and Keats give better and more lasting pleasure than Jackie Collins and

bingo (though I believe they do for a large number of people). The hedonistic argument that Donne will be found a better felicific investment than Agatha Christie is often used dishonestly by teachers, I think. The number of those for whom it is true must be small, and many people read Agatha Christie over and over again with the greatest of pleasure. If I examine my own sensibility, I have to say that not Agatha Christie, whom I can't read, but Arthur Conan Doyle has given me a little more pleasure than Donne has. Yet it is clear to me that Donne is better than Doyle, and the excellence of Donne interests me deeply.

If I were to tell a schoolchild that reading the classics would give him or her more pleasure than he or she could get from computer games, I should feel uncertain in my conscience afterwards. But if I were to tell the child that these books were really good, my conscience would be clear. I do not think Milton is good because he gives pleasure. I think he gives pleasure because he is good. If the sustaining of a certain quantum of pleasure were our sole aim in caring for the work of great poets, there would surely be occasions when it would be our duty to alter the text, to give not what Blake wrote but what people would like him to have written. The head-counting argument which tells us that the number of those who derive great pleasure from Johnson's *Rasselas* is small would suddenly have great weight.

To scholars, it is always the other way round: The poet's authority is first in their minds. It is the poet rather than the sensibility of the present age that is to be followed. Doubtless there will be cases (and scholarship will show us those cases) in which it makes no sense to look for the individual author. Ballad poetry is a possible example. But in those instances, a parallel principle will still apply: The authority of the culture that produced the work will be set above the present, receiving culture. The celebrated, learned drunk Porson said it all when he observed, "I am quite satisfied if, 300 years hence, it shall be said that one Porson lived toward the close of the 18th century who did a good deal for the text of Euripides." Why, so you did, sir (I address his ghost). What would F. R. Leavis say in similar circumstances? That he did his bit for D. H. Lawrence? Or that he did something to stop the rot among the English intelligentsia? I suspect that it would be the second. For Leavis was not a scholar. Therefore, his head is turned in another direction.

Certainly, if the sum of readers' happiness had priority over the author's words in the scholar's scheme of values, the task would be easier. The special discipline of compassing thought utterly unlike one's own would gradually fall into disuse. The study of literature would become for all what it already is for some, a mode of narcissism. Those who talk most loudly about "relevance" might be pleased to be handed not Milton but a Miltonized version of their own features. But to receive ourselves is to receive nothing, and those who provide such stuff are fraudulent. In contrast, the real scholars have been generous—the editors, the *editores*, the givers-out-into-the-world, the givers of good things. □

The Blair Moment

When British prime minister Tony Blair took office, he was committed to forging a new European identity for Britain. That great goal is still out of reach, and Blair's support for the United States in the Iraq War may have lost him the public confidence he needs to attain it.

by Steven Philip Kramer

*For surely once, they feel, we were,
Parts of a single continent!*

—Matthew Arnold

On April 11, 2003, the day Baghdad fell, British prime minister Tony Blair's big gamble seemed to have paid off. Blair had sent British forces into Iraq in defiance of strong popular and parliamentary opposition—and without the UN Security Council resolution he had so desperately sought. But none of the horror scenarios predicted by critics had occurred: no Iraqi use of weapons of mass destruction on the battlefield, no terrorist attacks on coalition cities, no uprisings on the “Arab street.” Saddam Hussein's ugly regime had fallen to coalition forces in just three weeks, and with only 31 British casualties among the 45,000 British soldiers and airmen in the Iraq theatre. As in World War II, Britain had proven America's effective and indomitable ally.

Yet what seemed Blair's finest hour was not fated to last—indeed, it posed a mortal threat to the larger goals he had set for himself. He had come to power in 1997 with the mission of transforming modern Britain and reorienting its place in the world. He pledged to end Britain's status as a metaphorical island-nation, and, before Iraq became the central issue of international affairs, he had been pretty successful in making Britain not only an integral part of Europe but one of its leaders. But the Iraq War has done more than delay implementation of Blair's grand strategy. It has threatened to unravel it—and even to bring Blair down. Britain now seems at times more an island than ever.

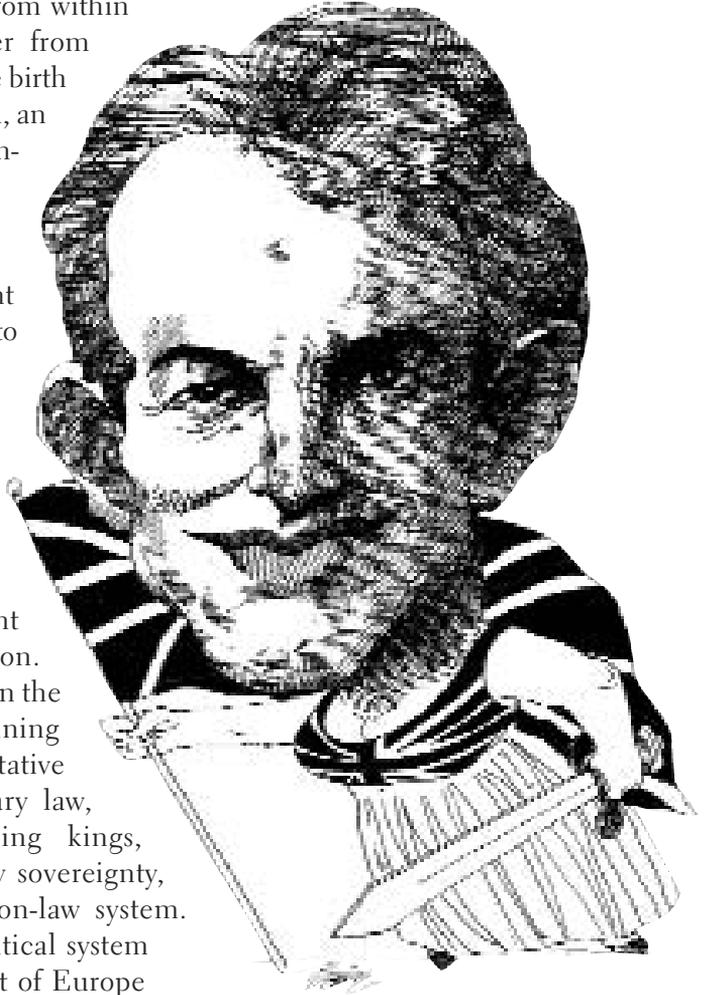
Of course, Britain is an island nation in the literal sense, but it hasn't always been one in a strategic sense. From the Norman Conquest in 1066 to around the time Queen Elizabeth I took the throne in 1558, Britain's destiny was closely tied to Europe's. As every reader of Shakespeare's histories knows, Britain was engaged for centuries in a struggle to conquer France. Only in the centuries separating the reign of the current Elizabeth from that of her 16th-century namesake was Britain an

island nation in the strategic sense—indeed, an island *empire*.

Four things made Britain an island empire. First, it possessed a superior blue-water navy, which could provide absolute security. Second, it defined its key interests as lying across the seas rather than across the English Channel. Because the empire was the promise and the Continent the threat, British policy toward Europe was largely negative, to prevent the emergence of a potentially hegemonic Continental power. The goal was not to act as a European power from within Europe but as a balancer from without. Third, Britain gave birth to the Industrial Revolution, an engine that in the 19th century made it the world's greatest power, the first great empire based on free trade. Fourth, Protestant Britain felt its very essence to be different from—and better than—the Continent's; its great historical enemies, Spain and France, were Catholic.

Moreover, England followed a different pattern of political development from the 17th century on. While royalist absolutism on the Continent was undermining incipient forms of representative government and customary law, England was overthrowing kings, establishing parliamentary sovereignty, and reaffirming a common-law system. But the nation saw its political system less as a model for the rest of Europe than as a happy exception, based on the special virtues of the English people. The struggles against the Spanish Armada, the France of Louis XIV and Napoleon, and the Germany of the Kaiser and Adolf Hitler were meant to preserve “this other Eden, demi-paradise,” “this blessed plot,” “against the envy of less happier lands.”

Yet even before the coronation of the second Queen Elizabeth in 1952, the underpinnings of British strategic exceptionalism were coming undone. Most obviously, with the rise of submarines and airplanes in the 20th century, Britain's navy could no longer guarantee the nation's security, as Hitler's fearful onslaught showed. Perhaps more important, Britain failed to



Tony Blair promised a warmer embrace of Europe but has often staked a different course for Britain.

achieve the “Second Industrial Revolution,” which involved the application of science and technology to manufacturing, and so lost its competitive edge by the late 19th century. Having invented the Industrial Revolution, shaped the laissez-faire state, and created a liberal international economic order in the 19th century, Britain by the second half of the 20th century had itself become the economic sick man of Western Europe.

The tragedy of the post-World War II period was that Clement Atlee’s government (1945–51), the first Labor government with a strong popular mandate and a majority in Parliament, tried to resolve Britain’s social problems without confronting its underlying economic maladies. As historian Correlli Barnett argues, Labor made a grave mistake by choosing this course while attempting to maintain Britain’s status as a global power. In contrast, France, while waging costly and ultimately futile colonial wars in Indochina and Algeria, was able to modernize its economy and develop an effective welfare state because, unlike Britain, it put together a coherent program of national economic planning.

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Its nationalized industries played an integral role in the plan, and the French economy was stimulated by early participation in the European Coal and Steel Community and its successor, the Common Market (which Britain did not join until 1973).

Britain, a state no longer liberal but not *dirigiste* either, experienced the worst of all worlds. There was no real economic planning, only short-

term intervention. The increasingly obsolete nationalized industries—such as coal, steel, telephone, gas, electricity, and the railroads—were supported but not modernized, and became a drag on the economy. Segments of the British infrastructure (such as transportation and health care) fell further and further behind their Continental counterparts, as did the educational sector. An unfortunate codependency developed between feckless management and trade unions committed to the preservation of a welter of archaic work rules. Governments, both Labor and Conservative, blessed their unfortunate *modus vivendi*. But relative economic decline does not make for a happy society, and British politics radicalized in the late 1970s. The Labor Party, taken over by a motley coalition of defenders of the welfare state, opponents of nuclear weapons and NATO, and the “loony Left,” went beyond the pale of electability.

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Under Prime Minister Margaret Thatcher (1979–90), the Conservative Party, which had lurched to the hard right, engaged in a “class against class” strategy aimed at recreating a classical 19th-century liberal state. Thatcher had some success in encouraging a more entrepreneurial economy, but at great social cost. Her prescription for Britain’s chronically ailing manufacturing sector was to privatize nationalized firms and to take the entire sector off government life support. It was sink or swim—and much traditional manufacturing sank. She tried to break the power of the trade unions to create a less restrictive and less expensive labor market. What she could not do was force British manufacturers to become entrepreneurial. And while Thatcher seemed determined to force the working class to accept the exigencies of a renewed British economy, she refused to spend on education the money that was needed to create a more skilled work force. Her hapless Tory successor, John Major (1990–97), brought little change to these policies.

The great paradox of Britain’s economic situation when Blair came to power in 1997 was that the country was both worse off and better off than the Continent: worse off because it had not enjoyed the high post-war growth rate and renewal of infrastructure achieved across the Channel; better off because Thatcher had freed it from the Procrustean bed of labor market restrictions impeding the transition to a modern information and service economy. Britain was still out of phase with Europe, but that now worked in its favor.

It’s no exaggeration to call Blair’s strategy “grand.” He not only wanted to bring the nation into the information economy of the late 20th century, but aimed at nothing less than giving Britain a new sense of national purpose and ending the age-old insularity of British thinking and behavior. His “New” Labor Party proposed a state that promoted economic growth by *not* meddling in the economy but that fought for social justice as well, believing that the social advancement of its citizens would in turn contribute to economic productivity. The new British state was also to reform its archaic political institutions and renegotiate its ties to the non-English areas of the United Kingdom (Scotland, Wales, and Northern Ireland). But most important of all, Blair’s Britain would finally accept that its destiny lay with Europe. Europe had to become the promise of Britain’s future, not the threat. And by embracing Europe, the prime minister believed, Britain could become one of its leaders.

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One key to economic success was fiscal policy. Chancellor of the Exchequer Gordon Brown vowed to exorcise the demons of unsound economic and monetary policies that had haunted Labor (but not only Labor) governments in the past. He immediately granted independence to the Bank of England, giving it freedom comparable to that of its U.S. counterpart, the Federal Reserve System.



To prove that Labor would pursue sound economic policies, he pledged not to raise taxes or exceed the spending guidelines the Conservatives had set for what would be the first two years of Labor's term. To enforce budget discipline, he extended his control over virtually all government departments. As the economy grew, revenues increased and the government won credibility, and Brown was able to free up new resources for infrastructure and social welfare. By then, however, public patience had worn thin with the lack of obvious improvement in public services, notably transportation and public health. While voters returned Labor to a second term in 2002 (few felt that the Conservative Party's standard-bearer, William Hague, offered a real alternative), there were loud complaints about the state of such services.



A powerful navy extended Britain's reach all over the world—and also reinforced its sense of itself as a nation apart. In this 1757 depiction of the Deptford dockyard, the mighty Royal George rides at anchor while the 80-gun Cambridge, banners flying, is launched.

A second goal was reform of the work force. “Britain must be the world’s number one creative economy,” Blair declared in 1997. “We will win by brains or not at all. We will compete on enterprise and talent or fail.” A strong and effective state would strive to create a dynamic civil society whose members contributed their skills to the new economy and, in turn, benefited from it. Traditional welfare would be replaced by efforts to help people get jobs. So Blair focused on investing in education and developing programs to increase workforce skills. But in

a low-tax economy there's not a lot of money available for education. Thus, an irony: The Tories, wanting to maintain free university education, would restrict expansion of the student body and thereby keep the education a preserve of the upper and middle classes, whereas Blair, seeking to expand working-class enrollment, initiated tuition charges.

On the whole, the Blair government's economic and financial policies were a great success. Britain achieved levels of growth, currency stability, and employment unparalleled in the postwar period, and superior to those of the major Continental countries. Britain no longer faced boom-and-bust crises; the pound was not threatened by currency speculation and devaluation. There was a real sense that everyone was on the same side, and Britain seemed, once again, to be riding the tiger of economic progress. This brought a new sense of self-assurance, with positive consequences for British relations with Europe. Yet the fact that Britain was doing so much better than the Continent raised doubts about whether it was in Britain's interest to surrender control of its currency to a distant, Frankfurt-based European Central Bank. And because Britain's success was based on low taxes and a more fluid labor market, the government was determined to maintain national control over these sectors of economic life as well. Thus, success reinforced island empire old-think.

Another target of Blair's reforms was the British constitution, long seen as embodying everything that was excellent and unique about Britain, a locus classicus of Britain's island mentality. The Revolution of 1688 established the basic principles of parliamentary supremacy, and, after the signing of the Act of Union with Scotland in 1707, a sense of British

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identity was successfully superimposed on the old national identities of England, Scotland, and Wales, if not that of Ireland. In *Britons* (1992), historian Linda Colley brilliantly describes the creation of this new identity but concludes that, after World War II, the process reversed itself, and, as elsewhere in Europe, subregional nationalisms returned. So political reality forced Blair to be

a constitutional reformer. The result was a system of devolution that gave Scotland its own parliament, with limited powers of taxation, and that accorded a lesser degree of autonomy to Wales. In addition, a constitutional framework had to be developed to resolve the long and deadly conflict in Northern Ireland. In dealing with these immediate problems, Blair could not escape fundamental questions about the nature of the British constitution and British identity.

Since 1688, changes to the constitutional system have never been "across the board" but only fixes (even the great Reform Bill of 1832 fits into this category). Britain's constitution was as full of anomalies and as asymmetrical as its Gothic cathedrals, whereas the constitutions of Continental countries, based on universal

principles, resembled neo-classical temples. But the former was made of tough stone that resisted the ages, whereas the latter often turned out to be cardboard palaces. Of the large states of Europe, Britain alone made a peaceful and enduring transition to democracy, thereby giving the impression that the virtue of its system, arising from inherited layers of institutions, laws, and traditions rather than a written document, lay in its uniqueness.

Blair's reforms might have foreshadowed the creation of a federal Britain with three levels: strengthened local government, subnational and regional governments, and the British Parliament at Westminster. The House of Lords might even have been transformed into a chamber of regions, like the German Bundesrat. Such a vision of British governance would have made Britain far more compatible with the rest of the European Union (EU) and, presumably, less terrified by the threat of a federal Europe. Instead, Blair's constitutional reforms dealt with issues piecemeal, and the result is a system more complex than before. Scotland and Wales are both devolved, for example, but they have different models of devolution. There are different forms of proportional representation for

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the parliaments of Scotland and Wales and the British seats in the EU Parliament, whereas the Westminster Parliament still retains the first-past-the-post system (as in elections for the U.S. House of Representatives, whoever wins the most votes in a district is elected). Scottish members of Parliament at Westminster can vote on strictly English questions, but English MPs cannot do the same for Scottish and Welsh issues. England has no regional government, but areas that seek regional status may attempt to secure it via referendum. London has an elected mayor, but no other large British town has one. The uncompleted House of Lords reform has produced an incongruous, interim body composed of life peers. There are also 92 hereditary peers chosen by the former hereditary members. The failure of Lords reform explains why Labor's constitutional forays have been faulted for a lack of imagination, vision, and coherence—and for a failure of will, too. Instead of learning from experience, Blair has created a new muddle by an abrupt announcement that he intends to abolish the ancient and much debated post of Lord Chancellor, which combines the powers of chief justice, cabinet member, and MP.

Blair's approach to constitutional reform has implications for policy toward Europe. To the extent that the British constitution is seen as the unique product of fortunate circumstances, two conclusions apply: The constitution cannot be exported to or adopted by other countries or the EU, and it would be tragic for Britain to come under the authority of a European constitution, which would surely be inferior to its own. These beliefs have helped perpetuate British ambivalence toward Europe. Nor has the government been frank with the public about the significance of the draft European constitution recently prepared by the European Convention, preferring to minimize its importance in order to

deflect calls to put it to a referendum. These calls emanate from Tories, who wish the European constitution ill and who would like to put an end to it. But they also come from pro-Europeans who want the British people to make a conscious and educated choice for Europe.

The end of the empire and economic decline reduced Britain's political power. Yet the consciousness of being different from Europe—and better—remained so strong that Britain could not even imagine wanting to become part of the

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European integration process that began after World War II. Britain supported integration—for the others. Dean Acheson's famous quip that Britain had lost an empire without finding a purpose was all the more unkind for being true. One of Tony Blair's major goals has been to make Britain an integral part of

Europe, even a leader. But to embrace Europe, Britain has to reconcile itself with its old nemesis—and frequent ally—France, which, more than any other nation, has shaped European integration.

In a famous passage of Charles de Gaulle's war memoirs, the general relates a conversation with Winston Churchill, in June 1944, in which Churchill states: "How do you expect us British to take a position different from the United States. . . ? We are going to liberate Europe, but that's because the Americans are with us to do it. For, understand this, every time we must choose between Europe and the open sea, we will always choose the open sea. Every time that I have to choose between you and Roosevelt, I will always choose Roosevelt." Making peace with France thus forces Britain to rethink its relationship with the United States.

In the critical debates of the past 200 years, Britain and France have almost always represented antitheses: reform versus revolution, economic liberalism versus protectionism and statism, empiricism versus rationalism, Shakespeare versus Racine. After 1945, France and Germany, great enemies since 1870, turned their relationship into a privileged partnership. But Britain and France, even though they were allies in the two world wars, remain at loggerheads over the great current debates in Europe, which have been intensified by the Iraq war: What should Europe's role in the world be? And what should its relationship with America be?

Ironically, these debates occur because the two nations now have so much in common. Of the EU states, only Britain and France are seriously involved in global security and think that Europe should be so involved, and only they have the independent military means to support such a role. Their respective conceptions of what the EU should be in institutional terms are no longer very different. Britain was late to enter the EU's forerunner, the Common Market, and remained deeply ambivalent toward an institution that seemed to reflect French predilections (not unnaturally, since integrated

Europe was largely a French idea). But today, as demonstrated by the recently completed work of the EU's Constitutional Convention, Britain and France have a common vision of a Europe structured along largely intergovernmental lines (i.e., key decisions are made by top national leaders meeting together in the European Council). What divides the two states is whether Europe should act in partnership with the United States, as the British think, or, in the French view, as a separate pole in a multipolar world, with the capacity and the will to be a countervailing force to the United States.

This difference of opinion stems in large part from the experience of World War II. The collapse of France in 1940 left Britain alone and threatened, and dependent for its survival on U.S. support. The ensuing Anglo-American alliance was the basis of the postwar "special relationship," in which a diminished Britain hoped to influence the new American superpower by playing Greece to its Rome. The United States, forced into a global role because of France's unexpected collapse, no longer regarded France as a great power, and Franklin Roosevelt disliked what he took to be de Gaulle's delusions of grandeur. De Gaulle—and all presidents of the Fifth Republic—sought to reinforce France's great-power role by standing up to America. He opposed the perpetuation of a bipolar world, which he believed weakened the role of the nation-state, the basic unit of politics. After the end of the Cold War, his successors decried the American-dominated unipolar world and hoped that Europe would play the global role that France no longer could: Europe would be a France writ large.

The symbol of France's aspirations for Europe was the concept of an autonomous all-European military force. After the 1992 Treaty of Maastricht established the legal basis for this so-called European Security and Defense Identity, an often fatuous debate raged about whether such a thing should be created and, if so, how. It got off the ground only when Tony Blair reversed British opposition at the 1998 Saint Malo summit meeting. France and Britain advocated the development under the EU of a military capacity for "autonomous action, backed up by credible force," to act, generally in peacekeeping operations, at times when NATO as a whole was not engaged. A militarily stronger Europe, speaking with one voice, would presumably be taken more seriously by the United States and give Europe more leverage in dealing with America. A fine balance was sought between British wishes to strengthen European capacity but not to undermine NATO, and French wishes to give the EU a more independent role in international security. Starting in 1998, it seemed that a synthesis might take place between British and French conceptions. The debate over Iraq, however, tore asunder the prospect of that synthesis.

For many years the British supported close transatlantic ties, not only because influencing the United States seemed the best way of affecting global security, but because they believed in a genuine community of val-

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The Blair Moment

ues spanning the Atlantic. Some of that belief remains, but since Iraq there is much more doubt. The Iraq War may represent the high-water mark of Anglo-American cooperation. There is a growing belief among policy elites in both Britain and France that the United States is no longer the generally benevolent power it once was, and that Europe must prevent it from doing dangerous things. The British and French remain divided over whether it is better to try to influence or to confront the United States.

America does not respond well to French confrontation, but it does not seem prepared to listen much to its friends either. There is intense discussion in Europe about whether Blair's support for American policy in Iraq has given Britain significant influence with the Bush administration. Downing Street asserts that President George W. Bush is far more pragmatic than he is generally portrayed to be, and that Blair enjoys great access and credit; critics insist that Britain has sold its birthright for a mess of pottage. British public opinion was not initially favorable to war, especially without a Security Council mandate, and much of



the Labor Party was opposed, even though most Labor MPs reluctantly gave Blair a vote of confidence on Iraq.

But the postwar debate about the existence of weapons of mass destruction and allegations of the misuse of intelligence materials to justify intervention in Iraq have gravely damaged the prime minister. He has

faced little real opposition from the inept Tory front bench but serious opposition from Robin Cook, former foreign secretary and more recently leader of the House of Commons, from which position Cook resigned because of government policy on Iraq. Blair's increasing tendency to define foreign policy in terms compatible with U.S. neoconservative thought, and reflections emanating from Downing Street to the effect that it is better to have a Europe divided than one aligned against the United States, do not help relations with his own party. It has become much more common for serious members of the policy establishment to question the special relationship with the United States. There is also a real danger that Britain could relapse to some extent into its pre-1997 situation, when it had close U.S. ties but exerted little influence in Washington, and when its influence in the EU was undercut by its own ambivalence.

If Britain wants to exert maximum influence in the debate over the future of European security and the relationship with the United States, Blair must bring Britain into the European Monetary Union (EMU), which means abandoning the pound for the euro and placing the Bank of England under the European Central Bank. But EMU seems to have suffered collateral

damage as a result of the Iraq War. Blair was not prepared to take the risks required to fight an EMU referendum in the fall of 2003, having to face the opposition of the media moguls who harangue against Europe in general and EMU in particular, and to overcome as well the powerful obstruction of Chancellor of the Exchequer Gordon Brown. Curiously, Blair, who professes a deep commitment to EMU, stacked the deck against a referendum by agreeing not to go ahead without Brown's agreement. Brown professes support for the concept of EMU (a profession widely doubted), but claims that he will base his decision to move forward on a series of allegedly objective economic tests that are, in fact, highly subjective. It is certainly legitimate to be concerned that entry into EMU take place under the right economic conditions. No one wants to repeat the monetary debacle that occurred when the government last placed the pound within a European currency framework, only to suffer an onslaught on Sterling in 1993 that forced Britain to leave the system and devalue its currency. This humiliating experience crippled the Major government. But it's not obvious that there ever will be a magic moment to join EMU.

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On June 9, 2003, Blair and Brown agreed to agree, or agreed to appear to agree, that the time was not yet ripe. They concurred that the sacrosanct tests were not yet satisfied. In truth, this was not the time to contest a referendum. The Continent was suffering from low growth and high unemployment—Sweden's voters would reject EMU in a September referendum—and Blair had only recently been bashing France for its position on Iraq. The two leaders held open the possibility of a referendum before the end of the current Parliament, by 2007 at the latest, but few saw that as more than a fig leaf. They promised to campaign actively for public acceptance of EMU, but signals have been mixed. If EMU is the test of whether Blair has led Britain to the point of abandoning its island identity and truly embracing Europe, he has failed—although, in all fairness, the fault is not his alone. There is something disturbing about a prime minister committed to EMU who cannot manage to bring Britain in despite two smashing electoral victories and an immense majority in Parliament, a politician with conviction who is willing to risk all in war yet is seemingly paralyzed over EMU.



There was a Blair moment. It occurred when nostalgia for an island Britain past gave way to a vision of a postmodern Britain. It was based on the notion that progress could be made by cooperation rather than conflict, and that it was time to move beyond archaic ideological and social enmities. Blair was said to be an unconscious Hegelian. His Third Way was a kind of synthesis. Britain could have its cake and eat it, too. This was a notion that was bound to please baby boomers and the young, who, never having experienced an economy of scarcity, do not understand that hard choices must sometimes be made.

The Blair Moment

Blair and Brown (with the help of the Tories) succeeded in making Labor appear the natural party of government, the guarantor of prosperity and financial responsibility. Blair has also had some success in molding Labor into a broad party whose appeal extends into the middle classes and the City (London's world financial center), a kind of modern version of 19th-century "New Liberalism," committed to activism and the pursuit of social justice. He consolidated Thatcher's return to liberal economics but eliminated the adversarial edge: Prudent financial management, an end to boom-or-bust, and a sound currency were seen as being in everyone's interest. His efforts to strengthen education and equality of opportunity are significant, but they cannot always counter the tendency of modern capitalism to increase inequality. Infrastructure reform has lagged. At times the government's policy seems too doctrinaire in its commitment to private-sector solutions, whether they work or not. To be sure, Britain fell so far behind Europe after World War II that it has not been easy to catch up. As for social services, it is a truism that a nation that chooses low taxes cannot afford social services at the level enjoyed in high-tax states.

The Blair government has dared look the identity question in the eye, and there's little doubt that in the coming decades the outlines of a new British identity and political system will emerge. Through piecemeal and often poorly thought out reform, the Blair government has destabilized the old system. But it is important that the new political system that emerges be both internally consistent and compatible with a European identity for Britain. This will not happen unless that compatibility is a conscious choice of government—as it should be.

Blair seemed well on the way to successful cooperation with France and to acting as a bridge between Europe and the United States. But the rise of a unilateralist United States and the Iraq War made that bridge role improbable. The Iraq War badly damaged British ties with France and undid much of the "confidence building" that had occurred since 1998. Many policymakers in Britain believe that the special relationship with America has reached the end of the road, that it is no longer in Britain's interest, that at the minimum it must become far more conditional. It certainly makes sense to consort with the only global superpower if you can influence it. But if you can't? A Europe that speaks with one voice and acts effectively will have more influence.

Blair crafted a superb grand strategy based on the international context of the last years of the 20th century. The Iraq War has changed the political context and undermined public confidence in his leadership, yet he seems to go on as if nothing has changed, as if he emerged strengthened from Iraq. Even if Blair is politically still very much alive, he should realize that many of his natural supporters don't like where he's heading. He needs to heed *Guardian* columnist Polly Toynbee's message: "It's not another leader we want, it's a better Blair." He needs to rethink his grand strategy, and, if he wants a European Britain, he needs to make some tough choices. But unless a "better Blair" emerges soon, his effectiveness as a leader, even his tenure as prime minister, may be ending. And that will defer the day that Britain is truly part of a united Europe. □

THE PERIODICAL OBSERVER

Reviews of articles from periodicals and specialized journals here and abroad

Politics & Government	87	100	Religion & Philosophy
Foreign Policy & Defense	89	102	Science, Technology & Environment
Economics, Labor & Business	92		
Society	95	105	Arts & Letters
Press & Media	98	108	Other Nations

Civil War in the Social Sciences

A Survey of Recent Articles

Leafing through the pages of the *American Political Science Review*, a reader might be forgiven for thinking he had stumbled upon an engineering journal, so thick are the pages with abstruse mathematics. Many political scientists have had the same reaction themselves. Indeed, there's now a civil war raging over the question, Is there too much "science" in contemporary political science—or, as those who would remove the quotation marks say, too little? In economics, a similar struggle over the meaning and role of science in the discipline has been underway for years.

Gathered under the inclusive (if, to outsiders, less than stirring) banner of "methodological pluralism," hundreds of political scientists have recently formed a "perestroika" movement to resist the ascendancy of the advocates of "hard science"—"rational choice" theorists, game theorists, and devotees of statistical analysis.

"These quantitative types, say perestroikans, exert hegemonic tendencies, ignoring or dismissing research that they don't consider 'scientific'—for example, interpretative research by area specialists . . . based on fieldwork in a specific country or among a specific people, or theoretical work [that] relies on a few carefully chosen case studies and historical context to prove a point," observes Sharla A. Stewart, an associate editor

of *University of Chicago Magazine* (June 2003), in an overview of the controversy.

It's tempting to call the perestroikans Luddites, says David D. Laitin, a political scientist at Stanford University and a rational-choice proponent. "Indeed, their abhorrence of all things mathematical—and their typical but useless conflation of statistical and formal reasoning—reveals a fear of the modern." While admitting that "seeking a science of social life" may well be "a Sisyphean project," he rises to defend it in *Politics & Society* (March 2003).

Laitin sees a role for "narrative" in political science, but only in conjunction with "statistical and formal analysis" and within a "scientific frame." Responding to the perestroikan argument for letting "a hundred flowers bloom" in the discipline, Laitin contends that "formal and statistical research" are not just two flowers among many, and that some lesser flowers should *not* be allowed to bloom: "If theoretical logic or scientific evidence finds a theory or procedure to be fallacious, that procedure's flower bed should no longer be cultivated within the discipline. There can be no hope of cumulation [of scientific knowledge] if we insist that all methods, and all procedures, must be protected."

It is precisely that "hegemonic ambition" that Gregory Kaska, a political scientist at Indiana University, and other perestroikans find objectionable. In zealous pursuit of it,

“some hard scientists have corrupted decision making on hiring, promotion, curriculum, and publication,” he writes in *PS: Political Science and Politics* (September 2001). “Many seek to indoctrinate graduate students instead of teaching them to think for themselves.” Hard-scientific scholarship, Kaska contends, “is increasingly irrelevant to the normative and practical problems of real politics.” It gives moral questions short shrift, pushes classical political philosophy to the margins, and strips what empirical facts it recognizes of context so thoroughly that it renders the theories it constructs largely irrelevant.

The insurgents have had some success. Leading perestroikan Suzanne Rudolph, of the University of Chicago, is now serving a one-year term as president of the American Political Science Association, and *American Political Science Review*, APSA’s flagship journal, has been including more “qualitative” research. But John Mearsheimer, another University of Chicago perestroikan and a noted “realist” foreign-policy theoretician, minimizes those triumphs. He tells Stewart that the only real question is, “Are the elite [university] departments willing to hire qualitative people?” That’s “where the Ph.D’s are produced who will populate the field over time.” He sees little sign of change.

Political scientists should look at what has happened to economics, Mearsheimer warns. “Economics was once a discipline that promised a home for qualitative research,” he says. “Now it’s been driven out.”

In economics, some of the dissenters, in 1993, formed the International Confederation of Associations for Pluralism in Economics. It includes evolutionary or institutional economists, post-Keynesians, and economic historians, among others.

In the *Journal of Economic Issues* (Mar. 2003), published by the Association for Evolutionary Economics, 15 scholars mark the 50th anniversary of David Hamilton’s *Newtonian Classicism and Darwinian Institutionalism* (re-published as *Evolutionary Economics: A Study of Change in Economic Thought*). The original title points to the opposition Hamilton identified: between classical economics, in which social organization and human nature are fixed, and institutional economics, in which they are always changing. The classical model

says that markets drive economic progress; in the evolutionary view, technological change is the driver.

But mainstream economics has evolved and now includes “significant discussion of evolution” and institutions, argues contributor David Colander, an economist at Middlebury College in Vermont. Institutional economists remain on the margins of their profession—deservedly, he seems to think—because of their “verbal, case study, historical approach.”

The behaviorists, a dissident group that rejects neither the neoclassicists’ number-laden methods nor their emphasis on the individual, have fared much better than other groups. Behaviorists regard the neoclassical assumption of a perfectly rational “economic man” as unrealistic. They argue that economists must make use of psychology, experimental evidence, and data from the field to create a more accurate model of economic behavior. People are more shortsighted, slower to learn, and more prone to the power of suggestion than conventional economics assumes. Consider a simple example: Even though it’s highly rational to save for retirement through a tax-advantaged 401(k) program, studies show that less than half of those eligible enroll if left to their own devices. But if new employees are automatically enrolled in their employer’s 401(k) program unless they opt out, enrollment climbs to about 70 percent.

At a conference sponsored by the Federal Reserve Bank of Boston (www.bos.frb.org), Harvard University economists Daniel J. Benjamin and David I. Laibson claimed that “many if not most” of the behaviorists’ basic insights are now “widely accepted within the profession.” Benjamin and Laibson said they anticipated that those perspectives would increasingly be included in policy discussions.

Perhaps so. But some developments don’t point to a peaceful resolution of the wars in the social sciences. At the University of Notre Dame, students arrived this fall to find the old economics department literally split in two: The Department of Economics and Econometrics is devoted to “rigorous theoretical and quantitative analysis,” while the Department of Economics and Policy Studies is committed to “analyzing issues relating to socioeconomic justice and ethics in economics.”

The Know Nothing Vote

“Intelligent Design” by George Bishop, in *Public Perspective* (May–June 2003), The Roper Center, 341 Mansfield Rd., Unit 1164, Storrs, Conn. 06269–1164; “Informed Public Opinion about Foreign Policy” by Henry E. Brady, James S. Fishkin, and Robert C. Luskin, in *Brookings Review* (Summer 2003), 1775 Massachusetts Ave., N.W., Washington, D.C. 20036.

Whatever the controversial subject of the day, from the war in Iraq to the creation of the universe, the American public is seldom at a loss for an opinion (or two or three). When pollsters come calling, only a stubborn few Americans end up taking the “don’t know” cop-out. But the fact is that, in many cases, the public simply doesn’t know what it’s talking about.

Take the question of whether so-called intelligent design—the idea that life is too complex to have developed by chance—should be taught in public schools along with Darwin’s theory of evolution. This was a hot issue in Ohio last year, notes Bishop, a political scientist at the University of Cincinnati. A poll conducted by Zogby International for the Discovery Institute, an intelligent-design advocacy group, found that nearly two-thirds of Ohioans supported teaching both Darwin’s theory and the scientific evidence against it. Another spring 2002 poll, conducted for *The Cleveland Plain Dealer* by Mason-Dixon, a Washington-based polling organization, produced a similar result.

But in a September 2002 survey by the University of Cincinnati’s Institute for Policy Research, 84 percent of Ohioans said they knew little or nothing about the concept of intelligent design. Why did Ohioans, apparently so ignorant of the subject, seem so well informed about it in the earlier polls? “Leading questions” in the case of the Zogby survey, says Bishop. The *Plain Dealer* poll, though free of

advocacy, “educated” respondents about the idea of intelligent design before asking their judgment about “equal time.” “Unsurprisingly, given the fairness framing of the issue,” says Bishop, most respondents chose the “teach both” option.

Filtering out the “less well-informed” is apparently not a realistic option for pollsters, notes Bishop, since “it would probably not make good copy to report, again and again, that large numbers of citizens, and in some cases majorities, have no opinions” on the hot issues of the day.

What’s needed is more extensive education of survey respondents, contend Brady, a political scientist at the University of California, Berkeley, and Fishkin and Luskin, director and research director, respectively, of the Center for Deliberative Polling at the University of Texas at Austin. In so-called deliberative polling, individuals are surveyed, then invited to spend a few days exploring the issues with the aid of balanced briefing materials and panels of experts, then finally surveyed again.

The result, argue Brady and his colleagues, is a “distribution of opinion [that] represents the conclusions the public would reach if people knew and thought more about the issues.” Such conclusions, they suggest, should count for more with the media than the opinions of the untutored public. But Bishop maintains that in cases in which the public is ignorant, as in the Ohio controversy, the illusion of an informed public can “seriously mislead the policymaking powers that be.”

The Cult of the Founders

“Founders Chic” by H. W. Brands, in *The Atlantic Monthly* (Sept. 2003), 77 N. Washington St., Boston, Mass. 02114.

The Founding Fathers, recently scorned as “dead white males,” are suddenly way cool. And Brands, a historian at

Texas A&M University who has contributed to the revival with a recent biography of Benjamin Franklin, warns of ven-

eration's perils: "In making giants of the Founders, we make pygmies of ourselves," and perhaps shrink from the bold actions the times require.

The bookstores and best-seller lists have been clogged with mostly adoring biographies of the Founders, notably David McCullough's Pulitzer Prize-winning *John Adams*, Joseph J. Ellis's *Founding Brothers*, and Brands's own *The First American: The Life and Times of Benjamin Franklin*, one of three recent Franklin biographies. It was not always thus.

In their own time, the Founders often faced withering criticism. *The Philadelphia Aurora* attacked President George Washington as "the source of all the misfortunes of our country." John Adams was derided as obese and tyrannical, Thomas Jefferson as godless and immoral.

In the early 19th century, the Founders' reputation was tarnished by their failure to resolve two great issues then facing the nation: slavery and the question of whether sovereignty lay with the states or the national government. The abolitionist William Lloyd Garrison burned his copy of the Constitution and denounced the Founders' creation as "a covenant with death and an agreement with Hell."

The end of the Civil War brought a surprising upswing in veneration of the Founders. Defeated Southerners felt a natural kinship with them because so many had been plantation owners, like themselves. Northerners viewed this shared respect as a point of reconciliation with the South. As they would in our time, books on the Founders began to emerge. James Schouler's 1880 seven-volume *History of the United States under the Constitution*



Images like this 19th-century engraving, The Apotheosis of Washington, have formed Americans' impressions of the Founders, but even Washington was criticized and vilified in his own time.

painted Washington as a "paragon," and was no less deferential toward the rest.

By the 1960s, the Founders' reputation was again in decline. "The sharpest insult was not criticism but neglect," says Brands. Antiliberal reaction has since helped bring them back into vogue.

Brands worries that the current excessive veneration of the Founders "inhibits action on important public issues." Why do both sides in the gun control debate, for example, argue endlessly over what the Founders intended in the Second Amendment? Why not just rewrite the amendment? he asks. Why should an untouchable First Amendment stymie campaign finance reform? The Founders weren't any smarter, wiser, or more altruistic than 21st-century Americans, Brands argues, but they were bolder. That's a quality worth admiring—and emulating.

Give Americans the Right to Vote!

“Shoring Up the Right to Vote for President: A Modest Proposal” by Alexander Keyssar, in *Political Science Quarterly* (Summer 2003), 475 Riverside Dr., Ste. 1274, New York, N.Y. 10115-1274.

Though attention soon shifted elsewhere in all the excitement at the close of the 2000 election, when Republicans in the Florida legislature threatened to select the state’s presidential electors, it came as a shock even to many knowledgeable observers that Americans do not possess a constitutionally guaranteed right to vote for president. Article II, Section 1, of the Constitution leaves it up to each state’s legislature to decide how the state’s delegates to the Electoral College (which actually elects the president) shall be chosen. Keyssar, a historian at Harvard University’s Kennedy School of Government, urges enactment of a constitutional amendment to remedy the defect.

Several constitutional amendments prevent states from denying people the right to vote on grounds such as race and sex, but none directly affirm the right itself. This omission is at odds with America’s “core political values” today, argues Keyssar, author of *The Right to Vote: The Contested History of Democracy in the United States* (2000).

In practice, of course, thanks to the 50 state legislatures, the vast majority of citizens now are able to vote in statewide elections for their state’s presidential electors. While it’s unlikely that a legislature would “legally hijack a presidential election” and thus touch off a “crisis of legitimacy,” Keyssar contends, the events of 2000 showed the need to make it impossible.

FOREIGN POLICY & DEFENSE

A Formula for Iraq

“Nation-Building: The Inescapable Responsibility of the World’s Only Superpower” by James Dobbins, in *RAND Review* (Summer 2003), 1700 Main St., P.O. Box 2138, Santa Monica, Calif. 90407-2138.

Longer version available at www.rand.org.

The examples of Germany and Japan after World War II are often cited to show what could be accomplished in reconstructing Iraq. But the United States has had much more recent and varied experience in democratic “nation-building”—in Somalia, Haiti, Bosnia, Kosovo, and Afghanistan. The fuller record, says Dobbins, who served as a U.S. special envoy in all five places and is now director of RAND’s International Security and Defense Policy Center, believes that democratic nation-building can work—but it takes huge investments of troops, money, and time.

The enduring “major transformations” in Germany and Japan have yet to be matched, but the nation-building effort that began in Kosovo in 1999 has been a “modest success,” and the one that began in Bosnia in 1995 has produced at least mixed results (democratic elections, but a weak constitutional government).

“From Somalia in 1992 to Kosovo in 1999, each nation-building effort was somewhat bet-

ter managed than the previous one,” Dobbins says. The disastrous effort in Somalia was plagued by “an unnecessarily complicated U.S. and United Nations command structure,” while in Kosovo there was “unity of command” on both the military side (under the North Atlantic Treaty Organization) and the civil side (under a UN representative). “Leadership was shared effectively between Europe and the United States.”

What mainly separates the successes from the failures in Somalia, Haiti, and, to date, in Afghanistan, “is not the country’s levels of Western culture, democratic history, economic development, or ethnic homogeneity,” Dobbins says. It’s “the level of effort that the United States and the international community have put into the democratic transformations.”

The number of troops deployed has ranged widely—from 1.6 million U.S. personnel in West Germany to 14,000 (U.S. and international) in Afghanistan. In Kosovo, there were 45,000 NATO troops, including 15,000 Americans. Providing the same level of troop

commitment in Iraq, taking into account its much larger population, would require 526,000 U.S. and other troops through 2005, Dobbins says. [At last count, only 130,000 U.S. and 21,000 other troops (half of them British) were in Iraq.] Kosovo also had 4,600 international civil police officers; for the same protection per capita, Iraq would need 53,000. Foreign aid in Kosovo during the first two years of occupation amounted to \$814 per inhabitant, and in Bosnia, \$1,390. Those lev-

els of aid in Iraq would add up to \$20 billion and \$36 billion, respectively, through 2005. [The Bush administration recently called for \$21 billion in aid.]

To meet all of these needs, the United States will have to broaden international participation in the effort, conclude Dobbins and his RAND colleagues. Recent history suggests that nation-building is “the inescapable responsibility of the world’s only superpower,” they say, but even a superpower can’t do it alone.

Defending the Coasts

“The Unwatched Ships at Sea” by H. D. S. Greenway, in *World Policy Journal* (Summer 2003), New School Univ., 66 Fifth Ave., 9th fl., New York, N.Y. 10011.

Since 9/11, Americans have paid a lot of attention to airport security. But terror could as easily come by sea as by air, and it’s far harder to make America’s ports and 95,000 miles of coastline secure, observes Greenway, a *Boston Globe* columnist. “Every day, some five million tons of cargo—more than 95 percent of this country’s non-North American trade—comes in through 361 ports, and less than 2 percent of it is ever inspected.”

The task of guarding the ports and coastline, he notes, falls to the “hitherto undermanned, underfinanced, ill-equipped” U.S. Coast Guard, a force of 35,000 regulars and 8,000 reservists. Incorporated into the new Department of Homeland Security last March, the Coast Guard is scheduled to get a \$1 billion increase in its \$5 billion budget, and 5,000 more personnel.

Budgetary constraints aren’t its only problem. Some 211,000 commercial vessels car-



A \$1 billion budget increase will help the U.S. Coast Guard defend against maritime threats.

rying 5.8 million 40-foot containers entered American ports in 2000. To search a single container takes a five-inspector team three hours. “Even if it were possible to search them all at U.S. ports of entry,” Greenway says, “an overzealous approach could stop trade dead in its tracks and bring this country’s economy to ruin.”

Efforts are under way “to push this country’s borders overseas to the points of loading,” notes Greenway. Under the Container Security Initiative undertaken by the U.S. Customs Service last year, customs officials can be stationed in foreign ports to inspect U.S.-bound cargoes. The needed agreements with other countries are now being negotiated.

“Were foreign ports to be made responsible, with American help, for guaranteeing the safety of containers and for properly sealing them before they are loaded onto ships

bound for the United States, security would be enhanced and commerce would not be unduly slowed,” Greenway observes.

Most goods that reach the United States by sea (excluding petroleum products) pass through Hong Kong, Singapore, Hamburg, Antwerp, or Rotterdam. These “superports” are the key to establishing a common standard for security.

Foreign ships approaching U.S. ports now must inform the Coast Guard four days in advance of arrival, listing their cargoes and crew members; before 9/11, only 24 hours’ notice was required. “Eventually,” writes Greenway, “a system will be worked out where reliable shippers who follow proper procedures in cooperating foreign ports will be allowed into U.S. ports without hassle, just as airports are trying to organize security to allow frequent and trusted travelers through quickly and easily.”

EXCERPT

Europe’s Exceptionalism

Europe is not a second America. It is at once less and more than a nation: It is a community of nations. Europe is perhaps the first example in history of a non-dominant world power. It has a rich historical experience, economic force, and its own social model. It is achieving its unification, and it is starting to endow itself with a foreign policy and a shared security policy. It has its own way of envisioning international concerns—always friendly when it comes to the U.S., rarely antagonistic, but sometimes just different. You should not then think that Europe’s calling is simply to be a host of docile—and generous—nations, following in your wake.

Such as it is, Europe can bring to the world a unique experience and a nuanced approach to current realities. Europe is first of all a zone of peace and a pole of stability. This is a great historical change! Let us not forget that European rivalries provoked two world wars and fostered two totalitarian regimes. Americans should be glad, as we are, that we have rejected nationalism, imperialism, and the desire to dominate.

Today, Europe offers those nations at odds with each other an example of how to get past historical antagonisms and peacefully resolve conflicts. If France, Germany, and Great Britain—who have often been at war with each other—are now friends, then India, Pakistan, and China could become friends, too. If the two Germanies have been reunited, then why shouldn’t there be, one day, a single Korea? If the Balkans are progressively reaching a state of peace, then why shouldn’t Central Asia arrive at the same end? Why shouldn’t Israelis and Palestinians live one day peacefully side by side? With the condition, of course, that peace be set as the goal.

—Lionel Jospin, former prime minister of France, in *The Hedgehog Review* (Spring 2003)

Against the Gay Ban

“Don’t Ask, Don’t Tell: Is the Gay Ban Based on Military Necessity?” by Aaron Belkin, in *Parameters* (Summer 2003), U.S. Army War College, 122 Forbes Ave., Carlisle, Pa. 17013–5238.

Under the compromise “don’t ask, don’t tell” policy adopted a decade ago, U.S. military service is still off limits to known homosexuals. But four other nations have lifted their gay bans in recent years with no apparent impairment of military effectiveness. The United States should follow their example, suggests Belkin, a political scientist at the University of California, Santa Barbara, and director of its Center for the Study of Sexual Minorities in the Military.

Australia and Canada in 1992, Israel in 1993, and Britain in 2000 eliminated their proscriptions, despite opposition from their armed forces and, in some cases, dire predictions about what would happen. Federal courts forced Canada’s hand, and the European Court of Human Rights, compelled Britain to act.

Researchers at Belkin’s center interviewed “every identifiable pro-gay and anti-gay expert on the policy change in each country including officers and enlisted personnel, ministry representatives, academics, veterans, politicians, and nongovernmental observers,” and also examined hundreds of documents and articles. They found that lifting the bans had little or no impact on the military services—“an absolute nonevent,” in the words of an Australian commodore. None of the 104 persons interviewed maintained that removal of the restrictions “undermined mil-

itary performance, readiness, or cohesion, led to increased difficulties in recruiting or retention, or increased the rate of HIV infection among the troops,” says Belkin.

Though more gay and lesbian soldiers revealed their sexual orientation after the bans were eliminated, most continued to avoid “outing” themselves. The Canadian military estimates that 3.5 percent of its personnel are gay or lesbian, but in 1998, six years after the ban was lifted, it received only 17 claims for medical and other benefits for homosexual partners. “Gay people have never screamed to be really, really out. They just want to be really safe from being fired,” said a lesbian Canadian soldier.

Many heterosexual soldiers object to homosexuality, Belkin notes, but there was no apparent increase in cases of sexual harassment or abuse after the bans were lifted. “In Israel, the 35 experts, soldiers, and officers we interviewed were able to recall only a handful of cases.”

Soldiers need not like one another to perform well, as many studies have shown, says Belkin. Of 194 combat soldiers in the formidable Israeli Defense Forces that he and a colleague surveyed, a fifth said they knew of a gay soldier in their unit. No study has found that any one of the 24 nations that now allow homosexuals to serve has suffered a decline in military performance as a result. The U.S. ban, Belkin concludes, is not needed for military effectiveness.

ECONOMICS, LABOR & BUSINESS

African Prospects

“Low Investment Is Not the Constraint on African Development” by Shantayanan Devarajan, William R. Easterly, and Howard Pack, in *Economic Development and Cultural Change* (April 2003) University of Chicago, Judd Hall, 5835 S. Kimbark Ave., Ste. 318, Chicago, Ill. 60637.

Experts have long argued that the key to fixing Africa’s economic woes is to increase public and private investment. It’s true that during the period from 1960 to 1994, African countries invested just 9.6 percent of their gross do-

mestic product (GDP), significantly less than the 15.6 percent average among other developing countries worldwide. But the authors of this study—Devarajan with the World Bank, Easterly with New York University and the

Center for Global Development, and Pack with the University of Pennsylvania—insist that “higher investment in Africa would not, by itself, produce faster GDP growth.”

After analyzing the effects of both government-sponsored and private investment in sub-Saharan countries, the authors found that such investments paid off in only one: Botswana. Through “pursuit of good policies, including exceptionally able management” of its lucrative diamond exports, and aided by an absence of ethnic conflict, Botswana achieved phenomenal growth in GDP per capita—almost 800 percent in the 1960–94 period. The diamond wealth wasn’t the difference; oil-rich Nigeria became an economic basket case over the same interval.

To those critics who suggest that the problem in Africa is that *not enough* money has

been invested, or that aid money comes with too many strings attached, the authors respond, in essence, “been there, tested that.” Easterly, for instance, calculated that if all aid given to Zambia had gone directly into investment, according to standard economic models it ought to have yielded a per capita income of \$20,320 by 1995; the figure the country actually managed was just \$600. Why such a difference? Because aid *never* gets translated dollar for dollar into jobs, but rather gets diverted to other uses, worthy (such as buying food) and unworthy (such as lining the pockets of government officials).

The authors zero in on Tanzania’s manufacturing sector—textiles, printing and publishing, and wood products—as a case study. Not atypically, investment in the East African country between 1975 and 1990

EXCERPT

Wall Street’s Moral Roller Coaster

Caught up in the market euphoria of the gilded '90s, it was easy to forget that during its first century and a half, the Street aroused the deepest misgivings. From the time of the American Revolution through the trauma of the Great Depression, millions of Americans cast a suspicious eye at a place they suspected of subverting values fundamental to the Republic: reward for hard work, equality of opportunity, democracy in public life. For many people, if not for everyone, Wall Street was a shadowy realm located dangerously close to the morally illegitimate. It nurtured self-indulgence and idleness, a hankering after wealth without work, and an addiction to speculative gambling. It cultivated aristocratic pretensions. It hatched unscrupulous, even criminal conspiracies to plunder the public purse. It was a nesting ground for alien English “devil-fish” and stateless Jews prepared to mortgage the nation’s independence for the meanest mercenary gain. It corrupted the democratic process, undermined the free market, monopolized vital resources, and mocked the nation’s egalitarian promise.

Only after the Second World War did the Street begin to shed this unsavory reputation. Then, during the last quarter-century especially, its moral reclamation proceeded at an amazingly rapid rate. Beginning with the Reagan “revolution” and with mounting passion all through the roaring '90s, Wall Street came to be widely admired not just as an avenue to wealth, but as a school of life, open to all, rewarding innovation, tough-mindedness, and studious attention to the inexorable laws of the free market. Reservations about its darker side were muted if not entirely silenced. This moral evolution of Wall Street from deviance to deliverance is a stunning commentary on the transfiguration of the nation’s sense of itself. Whether or not the Street is now about to undergo another long season in cultural excommunication remains to be seen.

—Steve Fraser, a teaching fellow at Princeton University, in *Raritan* (Winter 2003)

grew even as labor productivity fell. The authors' statistical analysis produces only a partial explanation: Bad management practices (e.g., running only single shifts) account for only one-sixth of the decline.

That mystery is the very point, the authors say. Until economists and others can identify more of the reasons why so much investment in Africa is wasted, it's unwise to pour more capital into the stricken continent.

Free Trade Defended

"Radical Birthday Thoughts" by Bill Emmott, in *The Economist* (June 28, 2003),
25 St. James's St., London SW1A 1HG, England.

The inequality between rich and poor nations, particularly between the richest few and the poorest few, has been growing in recent decades. But the anti-globalization skeptics who say that free trade means the rich get richer and the poor stay poor are wrong, argues Emmott, editor of *The Economist*, in an essay marking the 160th anniversary of the magazine's founding on a free-trade platform.

"Countries in Asia," he says, "have actually been narrowing the gap substantially: There, excluding already-developed Japan, in 1950–2001 income per head increased fivefold." In the period's early decades, the income growth was limited mainly to Hong Kong, Singapore, Taiwan, and South Korea; since 1980, it has spread to Southeast Asia and accelerated in China and India, the world's most populous countries. These are hardly laissez-faire states, but all have liberalized some markets. (Yet economic liberalization is not a miracle cure, as the cases of Russia, Ukraine, and Belarus make clear.) "For all the anti-globalists' cries on their behalf," Emmott adds, "few of the world's poorer countries show signs of wanting to retreat from liberalism: Their question, rather, is whether to extend it rapidly or gradually, and whether they have the domestic governmental institutions to cope with it."

Using the World Bank definition of poverty as income of \$2 or less a day, adjusted for differences in purchasing power, Surjit Bhalla, an Indian economist, calculates that the share of the world's population in poverty dropped from 56 percent in 1980 to 23 percent in 2000. That still represents a huge number of people—1.1 billion. But it's far fewer, says Emmott, than the 1.9 billion in poverty in 1980.

Before the era of liberalization that began about 1980, global poverty was on the rise.

Along with greater prosperity has come "an impressive expansion of political and civil freedoms," says Emmott. Eighty-one countries have taken "significant" steps toward democracy since 1980, according to a recent United Nations report. Of the world's nearly 200 countries, 140 now hold multiparty elections. To be sure, many of these countries still lack an independent judiciary, equality before the law, and constitutional limits on the abuse of power. Most nations in sub-Saharan Africa "have simply allowed a rotation of plundering governments." Still, by the UN report's count, 82 countries—home to 57 percent of the global population—are now full-fledged democracies.

Many countries still aren't rising out of poverty, Emmott acknowledges: Some of those in Asia, Central Asia, and Latin America, most in the Middle East, and almost all in Africa remain poor. "There, incomes have stagnated or even declined, and life expectancies are falling too, thanks to AIDS and other plagues." With 13 percent of the world's population, Africa accounts for only 3 percent of its gross domestic product.

If the pressure for protectionism is growing, Emmott argues, it is because of "the widespread and quite outrageous abuse, by capitalists, of capitalism," in the Enron scandal, for example, and other instances of corporate malfeasance in the United States and elsewhere. Laws against such abuse should be tightened and vigorously enforced, he urges. A revival of protectionism would be "a shame for the rich world, but a tragedy for the poorer countries."

EXCERPT

Free Trade Betrayed

Economist Jagdish Bhagwati of Columbia University has been one of the most visible and resolute intellectual advocates for free-market globalization, but lately he sounds a lot like Lori Wallach, the brainy lawyer who leads Global Trade Watch. “The process of trade liberalization is becoming a sham,” Bhagwati wrote recently in the *Financial Times*, “the ultimate objective being the capture, reshaping and distortion of the [World Trade Organization] in the image of American lobbying interests.”

Wallach and other leaders of worldwide popular dissent have been making the same argument about bait-and-switch diplomacy for a decade. “Oh, absolutely,” Bhagwati exclaims. “People like Lori Wallach are right.” The multinational corporate interests essentially hijacked the pure “free trade” principles Bhagwati espouses and turned “free-trade agreements” into their own agenda for a densely layered legal code—investment rules that impose a straitjacket of do’s and don’ts on developing-country governments.

The rights of foreign capital and corporations are to be expanded; the rights of sovereign nations to decide their own development strategies steadily eliminated. A country must not require multinationals to form joint ventures with domestic enterprises. It must not limit foreign ownership of its natural resources. National health systems, water systems and other public services must be open to privatization by foreign companies. Underdeveloped countries must, meanwhile, enforce the patent-rights system from the advanced economies to protect drugs, music, software and other “intellectual property” assets owned by wealthy industrialists. Any poor nation that dares to resist the WTO rule will face severe “sanctions”—huge cash penalties—and possibly *de facto* expulsion from the trading club.

“The developing countries are scared out of their wits now,” Bhagwati says, “because they don’t understand what they’re being forced to sign. The agreements are going way outside the trade issues and involve a helluva lot of things like your access to oil, your access to intellectual property and capital controls. . . . When I looked through the investment agreements, it was worse than reading my insurance policy for the fine print. I couldn’t make anything out of it, and I’m a reasonably informed person, a pretty smart economist as they go.”

—National correspondent William Greider in *The Nation* (Sept. 22, 2003)

SOCIETY

Why Teachers Matter

“Crowd Control” by Martin R. West and Ludger Woessmann, in *Education Next* (Summer 2003), 226 Littauer North Yard, 1875 Cambridge St., Cambridge, Mass. 02138–3001.

Reducing class size is an oft-recommended education reform, supposedly boosting student performance by letting teachers spend more time with individual pupils. In the 1999–2000 school year alone, states spent an estimated \$2.3 billion to accomplish that. But an international com-

parison suggests that there’s an interesting twist to the remedy.

West, a research fellow at Harvard University, and Woessmann, a senior researcher at the Ifo Institute for Economic Research in Munich, Germany, used data from the Third International Mathematics

and Science Study, conducted with middle-school students during 1994–95, to compare the effects of class size around the world. “While Americans squabble over whether class size should be 18 or 25 students,” they observe, “teachers in [South] Korean schools routinely face classrooms of more than 50 students.” In fact, the best-performing countries generally tended to have larger classes.

The researchers studied 18 countries, taking advantage of the natural variations in class size between grades to determine whether smaller was better. “We looked at whether seventh graders in a particular school performed better than the same school’s eighth graders (relative to the national average for their respective grades) when, on average, the seventh-grade classes were smaller than the eighth-grade classes.”

In only two of the 18 countries—Greece and Iceland—did smaller classes seem to

improve student performance. The results in 12 of the remaining countries were statistically insignificant: Class size made no difference. In four others (including the United States), there wasn’t enough variation in class size from one grade to the next to produce a meaningful verdict.

In Greece and Iceland, however, the authors found “substantial” benefits from reducing class size: “Students scored just over two points higher for every one student fewer in their class.” Why? The difference may be in the quality of the teachers, West and Woessmann speculate. The two countries rank relatively low in per pupil spending and teacher salaries—and, presumably, in teacher quality. Apparently, better teachers can handle bigger classes. “Smaller classes appear to be beneficial,” the authors conclude, “only in countries where average teacher quality is low.”

When America Was Really Diverse

“The People of British America, 1700–75” by Alan Taylor, in *Orbis* (Spring 2003), Foreign Policy Research Institute, 1528 Walnut St., Ste. 610, Philadelphia, Pa. 19102–3684.

Many Americans retain from their school days an image of 18th-century emigrants coming to British America of their own free will in search of liberty, and becoming more united as the revolution neared. But the demographic reality was very different, observes Taylor, a historian at the University of California, Davis.

By one estimate, the United States had a higher proportion of non-native speakers in its population in 1790 than it did in 1990. Many of the newcomers spoke African languages. “Most [emigrants] were enslaved Africans forced across the Atlantic to work on plantations raising American crops for the European market,” Taylor writes. “During the 18th century, the British colonies [including the West Indies] imported 1.5 million slaves—more than three times the number of free immigrants.”

Even so, he notes, “the colonial white population remained more than twice as large” as the population of enslaved Africans. The harsh conditions of slavery accounted for much of the gap. “In 1780 the black population in British America was less than half the total number of African emigrants received during

the preceding century, while the white population [was three times] its emigrant source.”

Virtually all of the 275,000 slaves imported into British America during the 17th century went to the sugar plantations of the West Indies, where extremely harsh conditions kept the death rate high and the birthrate low.

As the slave trade expanded in the 18th century, more slaves were taken to the Chesapeake and Carolinas. “On the colonial mainland,” says Taylor, “slave births exceeded their deaths, enabling that population to grow through natural increase, especially after 1740.” The mainland imported 250,000 slaves during the colonial period, and it sustained a black population of 576,000 by 1780. (The British West Indies had only 350,000 slaves in 1780, even though 1.2 million had been brought to the islands over the preceding two centuries.)

Meanwhile, emigration from England declined, from 350,000 in the 17th century to only 80,000 between 1700 and 1775—and at least 50,000 of these were convicted felons who were sold into indentured servitude. As



Britain recruited many non-English colonists for the New World, including these German Moravians shown building a stockade at Gnadenshütten, near present-day Bethlehem, Pennsylvania.

England's economy and military might grew in the early 18th century, imperial officials began looking elsewhere for colonists—chiefly, Scotland, Ireland, and Germany. “The new recruitment,” says Taylor, “invented America as an asylum from religious persecution and political oppression in Europe” (so long as the immigrants were Protestants). The

years 1700 to 1775 brought 145,000 Scots—many of whom preserved their Gaelic speech and customs—and 100,000 Germans. These foreigners outnumbered English newcomers 3 to 1. Thomas Paine was not indulging in his usual hyperbole when he declared, “If there is a country in the world where concord would be least expected, it is America.”

Smart but Single

“How the B.A. Gap Widens the Chasm between Men and Women” by Andrew Hacker, in *The Chronicle of Higher Education* (June 20, 2003), 1255 23rd St., N.W., Washington, D.C. 20037.

The growing gender gap on America's campuses may be ushering in a new era of life without marriage for educated women, contends Hacker, a political scientist at New York City's Queens College. It's happened before, though on a smaller scale: Through the early decades of the 20th century, graduates of women's colleges such as Vassar, Wellesley, and Bryn Mawr were less likely to wed. (“Only our failures marry,” M. Carey Thomas, a legendary Bryn Mawr president, defiantly proclaimed.)

Though, as Hacker notes, the term *spinster* “has disappeared, as has a presumption of celibacy,” the gendered disparity in numbers is a fact: For every 100 women who received a bachelor's degree last year, only 75 men did. The gap, he says, is making it harder for edu-

cated women to find equally educated mates.

Not so long ago, he points out, the collegiate sexual tables were turned: For every 100 men who obtained a college degree in 1960, only 54 women did. Such women were more likely to find husbands who'd also graduated, and the surplus of college-educated males meant that women who'd skipped higher education had a better chance of “marrying up.” Secretaries wed young executives; nurses wed doctors.

Today, however, it is men who increasingly “marry up”: Nearly 40 percent of married female graduates ages 25 to 34 have less educated husbands. But many educated women these days are unwilling to “marry down,” Hacker asserts. “As more and more women have experienced

higher education, they have developed higher expectations about what they want from life”—and set “higher standards” for potential husbands.

“[Women] have always had what it takes to be good students,” writes Hacker, “and ex-

panding opportunities over the last century have given them the chance to demonstrate that.” But as it almost always does in life, success exacts a toll. Among Americans who earn more than \$100,000 a year, 83 percent of the men are married, but only 58 percent of the women.

PRESS & MEDIA

The Daily Web

“The Next Great American Newspaper” by David Gelernter, in *The Weekly Standard* (June 23, 2003), 1150 17th St., N.W., Ste. 505, Washington, D.C. 20036.

Newspapers on the World Wide Web have their minor uses, but they’re so-o-o boring—little imitation-newsprint newspapers that are standoffish and hard to browse. Gelernter, a computer scientist at Yale University, thinks that “America’s next great newspaper” will be published on the Web but that it will be very different from today’s “conventional Web-based losers.”

“No Web newspaper will match all of newsprint’s best qualities,” says Gelernter, “but Web designers should *understand* those qualities so they can concoct new ones that are (in their ways) equally attractive.” A print newspaper, in his view, is “a slab of space . . . that is *browsable* and *transparent*. Browsable is what a newspaper is for: to offer readers a smorgasbord of stories, pictures, ads, and let them choose

EXCERPT

Disgrace in Baghdad

Terror, totalitarian states, and their ways are nothing new to me, but I felt from the start that [Iraq] was in a category by itself, with the possible exception in the present world of North Korea. I felt that that was the central truth that has to be told about this place. It was also the essential truth that was untold by the vast majority of correspondents here. Why? Because they judged that the only way they could keep themselves in play here was to pretend that it was okay.

There were correspondents who thought it appropriate to seek the approbation of the people who governed their lives. This was the ministry of information, and particularly the director of the ministry. By taking him out for long candlelit dinners, plying him with sweet cakes, plying him with mobile phones at \$600 each for members of his family, and giving bribes of thousands of dollars. Senior members of the information ministry took hundreds of thousands of dollars of bribes from these television correspondents who then behaved as if they were in Belgium. They never mentioned the function of minders. Never mentioned terror.

In one case, a correspondent actually went to the Internet Center at the Al-Rashid Hotel and printed out copies of his and other people’s stories—mine included—specifically in order to be able to show the difference between himself and the others. He wanted to show what a good boy he was compared to this enemy of the state. He was with a major American newspaper.

Yeah, it was an absolutely disgraceful performance.

—New York Times correspondent John F. Burns in *editorandpublisher.com* (Sept. 15, 2003), an excerpt from *Embedded: The Media at War in Iraq, an Oral History*, by Bill Katovsky and Timothy Carlson.

what looks good. “Transparent’ means you can always tell from a distance what you’re getting into . . . and you always know (as you read) where you are, how far you’ve come, and how much is left.”

Today’s Web newspapers allow readers to “search” them for specific subjects. But what readers mainly want to do, says Gelernter, is browse. “They want to be distracted, enlightened, entertained.”

A Web newspaper, he says, should be thought of as “an object in time,” and news as a “parade” of events. “Imagine a parade of jumbo index cards standing like set-up dominoes. On your computer display, the parade of index cards stretches into the simulated depths of your screen, from the middle-bottom (where the front-most card stands, looking big) to the farthest-away card in the upper left corner (looking small).” The parade is in continuous motion, as new stories pop up in front, and the oldest ones in the rear drop off the screen.

“Each card is a ‘news item’—text or photo, or (sometimes) audio or video,” he explains. The card has room for only a headline, a para-

graph, and a small photo. It can lead (with the click of a mouse) to a full story or transcript, but “the pressure in this medium is away from the long set-piece story, towards the continuing series of lapidary paragraphs.”

Instead of producing “a monolithic slab of text,” as in “today’s standard news story,” he says, reporters “will belt out little stories all the time, as things happen.” The new sort of news story will consist of “a string of short pieces interspersed with photos, transcripts, statements, and whatnot as they emerge. It is an evolving chain; you can pick it up anywhere and follow it back into the past as far as you like.”

Despite the competition from all-news cable channels, Gelernter contends, newspapers can still be first with the news—if they’re Web papers. “Because a Web-paper is a ‘virtual’ object made of software, capable of changing by the microsecond, lodged inside a computer where fresh data pour in constantly at fantastic rates, a Web-paper can be the timeliest of them all—and it can be a *great* paper if it plays to its natural advantages and delivers timeliness with style.”

Party Animals?

“Whispers and Screams: The Partisan Nature of Editorial Pages” by Michael Tomasky, *Research Paper R-25* (July 2003), Shorenstein Center on the Press, Politics and Public Policy, Kennedy School of Government, Harvard Univ., 79 JFK St., 2nd floor Taubman, Cambridge, Mass. 02138.

Partisanship is no stranger on the editorial pages of the nation’s newspapers. But there’s a significant difference in the way liberal and conservative papers handle it, argues Tomasky, a former fellow at the Shorenstein Center who was recently named executive editor of *The American Prospect*, a liberal biweekly.

Tomasky examined 510 editorials from the liberal *New York Times* and *Washington Post* and the conservative *Wall Street Journal* and *Washington Times*. The editorials dealt with 10 pairs of “roughly comparable” issues during the administrations of Bill Clinton and George W. Bush. The newspapers were about equally partisan in their treatment of “the other side” on matters of public policy, Tomasky writes. “For example, *The New York Times* opposed the [2001] Bush tax cut about as often, and about as strongly, as *The Wall Street Journal* opposed the [1993] Clinton stimulus package.”

But the papers’ treatment of “their own

side” was markedly different, he says. The liberal papers criticized the Clinton administration in 30 percent of the editorials, and praised it in only 36 percent. The conservative papers rapped the Bush administration in only seven percent of the editorials, while lauding it in 77 percent.

When the issue was secrecy, for example—in First Lady Hillary Clinton’s 1993 health-care task force and in the 2001 Bush Energy Task Force, chaired by Vice President Dick Cheney—the disparate treatment appeared again. *The New York Times* published four critical editorials about the Clinton panel’s secrecy, and five deploring the Cheney group’s. *The Wall Street Journal* printed eight editorials condemning the secrecy in the Clinton case, but only one about the Cheney panel’s secrecy—and it defended the vice president.

Tomasky thinks that the liberal papers take

“a traditional view of journalism as detached, independent, and unaffiliated (or at least less affiliated) with a particular political party,” while the conservative papers practice “a more ac-

tivist-oriented journalism,” closely aligned with a cause and a party. For the liberal papers, in his view, the question now becomes whether to follow the conservative example.

RELIGION & PHILOSOPHY

The Limits of Philosophy

“Truth but No Consequences: Why Philosophy Doesn’t Matter” by Stanley Fish, in *Critical Inquiry* (Spring 2003), The University of Chicago Press, Journals Division, P.O. Box 37005, Chicago, Ill. 60637.

Philosophy *can* matter. It can clarify ambiguity or encourage altruism or help people understand why they might like a particular painting. And it can be used to create and criticize wide-reaching theories about truth and reality and human nature. But, Fish argues, one’s most “philosophical,” or abstract, beliefs about Being, say, or Time do not influence, *and indeed have nothing to do with*, one’s behavior and choices in life: “Whatever theory of truth you might espouse will be irrelevant to your position on the truth of a particular matter.” Your position will depend, rather, on “your sense of where the evidence lies . . . the authorities you trust, the archives you trust.” That is to say, when trying to prove a point about something real, you can refer to mundane facts, such as experimental data or ethnographies, but not (or at least not successfully) to philosophical maxims, such as “observations are subjective” or “love conquers all.” Maxims—that is, generalities—are notoriously impossible to disprove, for they can always be reinterpreted. And even when they’re correct, they still don’t explain anything; they merely gloss what’s already true. But regardless of your metaphysical view of historical agency, the Civil War ended in 1865.

The point made by Fish, dean of the College of Liberal Arts and Sciences at the University of Illinois at Chicago and a prominent Milton scholar and cultural critic, is much more than methodological. He shows the impossibility of what he calls the “normative project of the Enlightenment,” the attempt to use philosophy’s supposedly unique powers, first, to abstract from everyday life to a universal, impartial perspective; then, free from cultural or historical distraction, to decide from that perspective how best to go about things;

and, finally, to apply those lessons to everyday life. But if you can’t derive universal ethical truths from day-to-day human interactions, and if you can’t influence day-to-day human interactions with universal ethical truths, the “special” capacities of philosophy are moot. Counsel on how to live is better sought in theology or literature.

This “normative project,” still pursued by individuals such as the German philosopher Jürgen Habermas, is at the heart of contemporary cultural debate. Most people agree that a society’s values are contingent—based, for example, on “historical accident,” or “the apparently pressing priority of a political goal (to defeat an enemy, to stabilize the economy, to maintain the purity of the collective).” But because some find these chance, relativistic norms deficient or unsatisfactory, they propose “transcontextual” standards—global and eternal—to transcend or ground them. Are there deep guidelines for living, and if so, can we get at them?

Fish’s decoupling of mundane philosophy and lofty philosophy drops from the docket the “‘Everything is relative’ vs. ‘Values are universal’” case. It remands such questions to the court of the “merely academic.” Everything may be relative, or there may be universal values. But neither possibility matters when it comes to how people live their lives. The *philosophical* position you favor makes no difference to how judgmental you are or how moral you are.

Are philosopher-kings, then, destined to be lame ducks? Should philosophy majors resign themselves to flipping burgers? Not necessarily. Philosophy’s methods of analysis and tradition of criticism are as important as ever. It’s just that philosophy, Fish says, isn’t the über-discipline some practitioners want it to be, the arbiter of truth about everything else.

Worshipping Chronos

“Dating History: The Renaissance and the Reformation of Chronology” by Anthony Grafton, in *Daedalus* (Spring 2003), 136 Irving St., Cambridge, Mass. 02138.

“We look up the dates of events in biblical and classical history,” observes Grafton, a professor of history at Princeton University, “and rarely worry how this knowledge was obtained.” But chronology—the study of *when* events occurred in historical time—was once “a cutting-edge interdisciplinary field of study. In Europe’s great age of unrestrained, exuberant learning, it attracted the most learned writers of them all.”

Working through ancient texts in Hebrew, Greek, and Egyptian, scholars toiled during the Renaissance to define the order of events from Earth’s creation to their own time. Printed chronologies enjoyed enormous popularity. Denys Petau’s *On the Reckoning of Time* (1627), for instance, went through dozens of editions. But just as the discoveries of explorers in the New World were forcing cartographers to redraw ancient maps, chronologers began finding that texts of the classical world held secrets that threatened to unravel the standard notions of historical time.

All civilizations have attempted what Voltaire once dismissed as “the sterile science of facts and dates,” but the results have only been as sound as the sources. Most useful are records that link descriptions of events to astronomical observations—the passage of comets, for instance, or the phases of the moon. The sophisticated calendars of the Aztecs im-

pressed even their Spanish conquerors. In Europe, Renaissance chronologers faced a particular challenge. Not only had many ancient records been destroyed—as was the case in the city of Rome—but scholars also were forced to accept biblical notions of time as sacred and true. There was one big problem: The Greek and Hebrew Bibles did not agree on chronology. Working backward from the birth of Christ, and forward from the moment of the Creation—as European chronologers did from the 13th century onward—the Hebrew text suggested that the Creation occurred in 5200 B.C., the Greek, around 4000. (English archbishop James Ussher famously arrived at the precise date of 4004 B.C.)

Into this perplexing mess stepped a remarkable scholar, a Huguenot named



Renaissance chronologers pored over ancient texts to affix absolute dates to events, seeking to order history back to the moment of Creation.

Joseph Justus Scaliger (1540–1609). Working what Grafton describes as “bibliographical and philological miracles,” this “most arrogant as well as the most learned of men” relied on his knowledge of ancient languages and astronomy to fix dates from the fall of Troy to the fall of Constantinople. He was the first to establish a “coherent, solid structure” of historical time, “basically the one that scholars still use.”

Scaliger’s greatest achievement may have been to reveal the painstaking discoveries of a third-century chronologer, Eusebius of Caesarea (in present-day Israel), compiled in two volumes. The first, Grafton reports, contained “a vast amount of information, some of it quite worrying to a Christian reader,” including chronologies of ancient Egypt and Babylon. The second contained “something that seems to have been new: a comparative table of world history from the birth of Abraham onward”—showing no

dates, but correlating events in the history of the world’s great empires. St. Jerome had translated Eusebius’s second book into Latin in the fourth century (ignoring the troubling first book). But until Scaliger came across the two volumes in 1602, no one seems to have wondered why Abraham’s birth coincided with the 17th Egyptian dynasty. As Scaliger realized, tracing backward from this coincidence led to the inescapable conclusion that the kingdom of Egypt had existed before Creation.

Scaliger’s revelations touched off debates that lasted for hundreds of years. Dissenters used the evidence to discredit the Bible, while other scholars got so bogged down in arguing about niggling details of Egyptian and Chinese chronology that Voltaire and the other philosophes centuries later came to see *chronology* as a “synonym for sterile pedantry.” Time had finally passed chronology by.

SCIENCE, TECHNOLOGY & ENVIRONMENT

Hydrogen Hype

“Rethinking Hydrogen Cars” by David W. Keith and Alexander E. Farrell, in *Science* (July 18, 2003), American Assn. for the Advancement of Science, 1200 New York Ave., N.W., Washington, D.C. 20005.

Are hydrogen cars the next new thing? Hydrogen fuels, advocates say, could reduce air pollution, ward off global warming, and reduce dependence on foreign oil. President George W. Bush has proposed a \$1.7 billion, five-year plan to develop hydrogen-fueled vehicles and supporting infrastructure. But Keith, a professor of engineering and public policy at Carnegie Mellon University, and Farrell, a professor of energy and resources at the University of California, Berkeley, say that, at this point, it’s just so much gas.

“If hydrogen cars are ever to match the performance of current vehicles at a reasonable cost—particularly fueling convenience, range, and size—technological breakthroughs in hydrogen storage and energy conversion will be required,” the authors say. Costs will be very high. Just setting up a new hydrogen-fuel distribution system would cost more than \$5,000 per vehicle initially.

Hydrogen can be burned cleanly or used in fuel cells, thus virtually eliminating vehicular air pollution, Keith and Farrell acknowledge. But the improvement would come at a relatively high cost because “regulation-driven technological innovation” has already reduced emissions from gasoline-powered cars to low levels. It will cost less than \$16,000 per metric ton to reduce nitrogen oxide emissions to meet the latest Environmental Protection Agency standards for gasoline vehicles. More gains can be had at relatively low cost. But the additional reductions achieved by hydrogen would cost roughly \$1 million per metric ton.

And while hydrogen cars emit no carbon dioxide at the point of use, the production of hydrogen is likely to release that greenhouse gas. Why? Because it is much cheaper to make hydrogen from coal or natural gas than from non-fossil fuel sources. If reducing carbon dioxide emissions is the goal, the authors say, it would be far more cost effective

to replace today's fossil fuel-fired electric power plants with wind or nuclear plants.

Hydrogen cars are an attractive long-run

possibility, Keith and Farrell conclude, but not the only one—and not one America should wholeheartedly embrace anytime soon.

Trapped in the Lab

"Patients Have Been Too Patient with Basic Research" by Ralph M. Steinman with Maia Szalavitz, in *Cerebrum* (Fall 2002), Dana Press, 900 15th St., N.W., Washington, D.C. 20005.

Biomedical researchers, working in laboratories with rats and mice and tissue cultures, have made great strides in the theoretical understanding of human diseases—but benefits to the people suffering from those diseases have not kept pace. The reason? Not enough physician-scientists, who both treat patients and use them in research, contend Steinman, a professor of immunology at Rockefeller University, and Szalavitz, a science writer.

"Historically, medical research was conducted by physicians, but the molecular and cell biology revolution changed that dra-

matically by the early 1960s," the authors observe. "Since then, even basic research on particular diseases has required specialized skills that most doctors never develop." And most specialized researchers, working at the cellular and molecular levels, are far removed from the bedsides of patients.

Of the 700,000 physicians in the United States today, only 14,000 are scientists working to apply lab discoveries to human disease. Their numbers have declined since 1980, for manifold reasons. It can take 12 to 14 years to become both a physician and a

EXCERPT

Let Us Age

The case for ageless bodies seems at first glance to look pretty good. The prevention of decay, decline, and disability, the avoidance of blindness, deafness, and debility, the elimination of feebleness, frailty, and fatigue, all seem to be conducive to living fully as a human being at the top of one's powers—of having, as they say, a "good quality of life" from beginning to end. We have come to expect organ transplantation for our worn-out parts. We will surely welcome stem cell-based therapies for regenerative medicine. It is hard to see any objection to obtaining a genetic enhancement of our muscles.

[But what] if everybody lived life to the hilt, even as they approached an ever-receding age of death in a body that looked and functioned—let's not be too greedy—like that of a 30-year-old? Would it be good if each and all of us lived like light bulbs, burning as brightly from beginning to end, then popping off without warning, leaving those around us suddenly in the dark? Or is it perhaps better that there be a shape to life, everything in its due season, the shape also written, as it were, into the wrinkles of our bodies that live it? What would the relations between the generations be like if there never came a point at which a son surpassed his father in strength or vigor? What incentive would there be for the old to make way for the young, if the old slowed down little and had no reason to think of retiring—if Michael could play until he were not 40 but 80? Might not even a moderate prolongation of life span with vigor lead to a prolongation in the young of functional immaturity—of the sort that has arguably already accompanied the great increase in average life expectancy experienced in the past century?

—Leon R. Kass, a fellow in social thought at the American Enterprise Institute, in *The New Atlantis* (Spring 2003)

research scientist—far longer than it takes to become just one or the other. The time spent in research training after medical school makes it harder for physicians to pay off their student loans (typically more than \$100,000). Research on humans is more complicated and takes longer than research on animals and lab cultures, and is less likely to yield positive, publishable results. And managed care—by forcing physician-scientists to treat more patients and by cutting funding to teaching hospitals for patients in clinical trials—prompts many physician-scientists to drop their lab work.

But the payoff from the combination of treatment and clinical research, in ideas generated and tested, and ultimately in benefits to patients, can be great, say the authors. In his own work with colleagues, Steinman has shown that a type of immune cell called

a dendritic cell not only directs the immune system to attack enemies, but can switch off immune cells poised to attack the body's own tissues—a discovery made only when a study was done of humans who had a deadly form of blood cancer. Thanks to pressure from pediatric oncologists, some 60 percent of children with cancer now are enrolled in clinical trials combining research and care, compared with only one percent of adults with cancer—and today at least 75 percent of the young victims are cured, compared with only five percent four decades ago.

Some steps have been taken to create more physician-scientists, without success so far. “As with the big research initiatives against AIDS and breast cancer, the public will have to demand that this research be done,” write Steinman and Szalavitz. “From the patient's perspective, nothing is more urgent.”

Free the Mice!

“Can We Trust Research Done with Lab Mice?” by Barry Yeoman, in *Discover Magazine* (July 2003), Buena Vista Magazines, 114 Fifth Avenue, 15th Fl., New York, N.Y. 10011.

Rodents—those ancient instigators of shrieks, disgust, and bubonic plague—have always found acceptance in at least one human setting: the laboratory. Mice have long been the primary subjects of medical, drug, and learning studies, but some young scientists are challenging the scientific validity of lab experiments done with mice.

Led by the Swiss animal behaviorist Hanno Würbel, reports journalist Yeoman, these scientists aim to prove that the bare-bones environment of most lab mice—shoebox-sized cages with no amenities beyond food and water—have serious biological effects on the animals that may compromise findings that are applied to human conditions.

To gauge the consequences of this environment, Würbel set up 24-hour video cameras monitoring the behavior of lab mice. The after-hours conduct he found was comparable to that of a schizophrenic or autistic human: highly regimented, repetitive activities for no practical purpose. Mice did backflips for 30 minutes at a time, gnawed at cage bars ceaselessly, and ran in continual circles. Scientists call such movements “stereotypies.”



“Tough day at the labyrinth!”

Würbel thinks that actual changes in the physiology of the animals are manifested in these behaviors.

Stolen looks at the mice's secret nightlife aren't the only indicator that impoverished lab conditions may have a profound effect. One study found that lead-contaminated drinking water damages the brains of mice in barren environments, but not those in enriched ones. Another found that small amounts of light in the lab at night significantly accelerate tumor growth.

Genetic research is also affected. In 1999, a Princeton University team removed a gene associated with the N-methyl-D-aspartate receptor in the hippocampus, a component of the brain that is a critical tool in transforming short-term memories into long-term ones. But when they placed some of these memory-deficient mice in cages enriched "with running wheels, playhouses, and an ever-changing assortment of toys" for two months, the animals were magically able to

remember again. As early as the 1950s, Mark Rosenzweig of the University of California, Berkeley showed that lab rats supplied with mazes, ladders, and sponges had increased enzyme levels, synaptic bridges, and cerebral weight.

Würbel stresses that he's more interested in the good of science than rodent liberation. He says that science would be the better for developing a more complete concept of the animals used in testing, including their evolutionary background and natural function. "I have a vision that there will be a time when we will have natural-like, although heavily managed, populations of rats or mice, maybe in big enclosures, representing whole populations."

Others reel at this suggestion. John Crabbe, a behavioral neuroscientist from Oregon, suggests that providing mice food, water, and clean bedding is plenty. Given that generations of mice have been raised in barren cages, perhaps that should now be considered their natural environment.

ARTS & LETTERS

Hip-Hop Bards

"Disappearing Ink: Poetry at the End of Print Culture" by Dana Gioia, in *The Hudson Review* (Spring 2003) 684 Park Ave., New York, N.Y. 10021.

Stepping out of the cloisters of English departments and literary journals for the first time in more than half a century, poetry is everywhere, according to Gioia, a poet and the chairman of the National Endowment for the Arts. And whom do we have to thank for this renaissance: a recipient of the Yale Younger Poets prize? An august literary critic? Guess again. A DJ named Cool Herc? Well, maybe.

Whether or not Cool Herc was the originator of hip-hop is a murky topic. It's clear, however, that the Bronx's gift to the world popularized rhyme and meter, making syllabic counts and verbal acrobatics a force in popular culture. Moreover, hip-hop, along with its close cousin, the poetry slam, and its rural neighbor, cowboy poetry, has created an appetite for oral poetry reminiscent of that in antiquity.

By the 1970s, the decade that witnessed

the birth of hip-hop, many dues-paying members of the literati saw rhyme and narrative verse as old hat, while free verse and "concrete poetry," in which the form of the words on the printed page is all-important, were à la mode. Rooted in the traditions of print culture, literary poetry still relied on variations of a 15th-century technology, movable type, for its preservation and dissemination. By contrast, the new popular poetry uses modern-day media such as radio, CDs, video, and the Internet, along with stratagems borrowed from the entertainment industry, to attract a general audience that is less and less inclined to devote time to reading.

Cowboy poetry, which originated in the oral verses of frontier folk, was revived after a 1985 convocation of poets by the folklorist Hal Cannon in Elko, Nevada. Born around the same time, poetry slams—whose cre-

ation some attribute to Marc Smith, a poet who hosted events at a Chicago bar called the Green Mill—are now featured at bars and cafés around the country. And last year, Russell Simons, founder of Def Jam Records, brought the phenomenon to Broadway. Poetry slams are competitive events, usually judged by a panel or audience. As in hip-hop freestyle competitions, the performer's charisma is an important factor along with the compositions, which are sometimes improvised. In a break from traditional, literary poetry readings, which tend to celebrate a poet's past written accomplishments, "much of the new oral poetry is never written down."



Poetry slammer "Wammo" performs before an avid crowd in Austin, Texas, in 1998.

"Today," writes Gioia, "for the first time in the history of American literature, it would be difficult for a new poet to build and sustain a significant reputation on print alone." With so many books flooding the market, poets and writers of all stripes are banking on their media savvy to attract readers. For Gioia, the demands of the audio-visual culture aren't necessarily a bad thing. While much of the new popular poetry may be found wanting in intellectual and aesthetic heft when compared with the canonical texts of literary poetry, it may well turn out to be as important a source of inspiration as cinema, another form that was often maligned in its early years.

EXCERPT

Alas, Emerson

Most people who are not specialists probably associate [Ralph Waldo] Emerson (1803–82) with a series of aphorisms that often seem tautological, sometimes mystifying, and eventually annoying: "Whoso would be a man must be a nonconformist." "Society everywhere is in conspiracy against the manhood of every one of its members." "Every natural fact is a symbol of some spiritual fact." "A man is a god in ruins." "Coal is a portable climate." "The sky is the daily bread of the eyes." After a few pages of this sort of thing, the mind begins to reel. He went on turning it out in bulk for 40 years of lectures and essays.

"I hate quotations," he announced in 1849. "Tell me what you know." In 1876, however, he declared, "Next to the originator of a good sentence is the first quoter of it." Not surprisingly, Emerson coined the two classic excuses for confusion of oneself and others: "A foolish consistency is the hobgoblin of little minds," and, "To be great is to be misunderstood."

Yet just as André Gide, when asked who the greatest French poet was, is supposed to have said, "Alas, Victor Hugo," so Americans must concede, happily or not, that Emerson is by far their most influential prose writer. Perhaps he was even a public intellectual in some usefully ambiguous sense. It's precisely the sort of phrase he might have devised.

—Christopher Clausen, a professor of English at Pennsylvania State University, in *The New Leader* (July/Aug., 2003)

Longfellow's Labor

"Be Up and Doing": Henry Wadsworth Longfellow and Poetic Labor" by Jill Anderson, in *Journal of American Studies* (Apr. 2003), School of International Studies, Brunel Univ., Uxbridge, UB8 3PH, England.

Let us, then, be up and doing,
With a heart for any fate;
Still achieving, still pursuing,
Learn to labor and to wait.
—“Psalm of Life” (1838)

A poet “on his sound anvil forges the broad shield of Truth and weapons of her warfare,” Henry Wadsworth Longfellow (1807–82) declared in an 1838 lecture. Yet invoking, in “Psalm of Life” and other popular poems, a life of strenuous effort, Longfellow offered no specific truths or purposes to be pursued, only the moral necessity of pursuit itself. Beneath all the resolutely uplifting sentiments, it seems, was an attempt to maintain republican virtue in a new era of selfish individualism and rising capitalism.

“As the market economy and the developing [political] party system provided more opportunities for the pursuit of individual gain and influence [in the first half of the 19th century], Americans resisted the abandonment of republican values,” writes Anderson, an editor and historian at the International Center for Jefferson Studies, at Monticello in Charlottesville, Virginia. To sustain the idea of “virtuous self-interest”

consonant with those values, Longfellow and many other authors of the period stressed effort and service for their own sakes, obscuring in a cloud of rhetoric “the more material aspects of self-interest” now coming to the fore.

In his poem “The Village Blacksmith” (1840), says Anderson, Longfellow’s message is clear: “Learn from the blacksmith to fashion each ‘burning thought and deed’ into a solid, honest, hard-working life.” That life, she writes, was more important “than the actual objects forged by the blacksmith, which go unmentioned.”

In Longfellow’s poems and in an emerging body of literature directed at young men, Anderson observes, “the successful achievement of middle-class manhood, represented by the figure of the ‘self-made man,’ rested on the careful manipulation and presentation of one’s own inner life. The authors linked right thought and feeling to social and economic success, a connection perhaps more wishful than realistic.” After all his exhortations to action in “Psalm of Life,” Anderson points out, Longfellow concluded on a darker note: His closing injunction to wait implied that “labor might not necessarily bring desired results.”

Upstairs, Downstairs

“The World as India” by Susan Sontag, in *Times Literary Supplement* (June 13, 2003), Admiral House, 66–68 E. Smithfield, London E1W 9BX, England.

In an idealized world of literature—a vision now brought closer to reality, thanks to the Internet, than at any other time in history—all works in all languages would be available to all people. What stands in the way, says Sontag, the noted writer and critic, are the limitations of translation. Technology hasn’t vitiated the lament of St. Jerome, who translated from Greek to Latin the *Chronicle* of Eusebius in A.D. 381, that “it is an arduous task to preserve felicity and grace unimpaired in a translation.”

For Sontag, translation is a necessary and almost sacred function, the “circulatory system of the world’s literatures,” and perhaps of humanity itself. In what she calls the “evangelical incentive,” translation can “enlarge the readership of a book deemed to be important.” Although this can promote a kind of scorecard approach—the number of languages in which a book gets published represents its worth—translation often occurs in only one direction, with “many more books written in English being translated into for-

eign languages” than vice versa. Almost “inconceivable,” in Sontag’s view, is the possibility that a serious novel originally published in a non-English language could make it to the *New York Times* bestseller list, as Thomas Mann’s *Doctor Faustus* did in 1948.

This is literature’s loss. Citing 19th-century German philosopher, theologian, and translator Friedrich Schleiermacher, Sontag notes that there is “a value in connecting with something that is different from what we know, with foreignness itself.” Such an approach renders the translator’s task immensely more difficult than mere transference of meaning; unless the translation sticks closely to the original, the reader “will be deprived of the knowledge of otherness that comes from reading something that actually does sound foreign.”

“The prestige of the nation-state in the 19th century was fueled by the consciousness of having produced great ‘national’ writers,” says Sontag, and, taking a cue from Goethe’s pro-

gressive dream of *Weltliteratur* (world literature), she proposes that we should have seen “the natural development of literature from ‘provincial’ to ‘national’ to ‘international.’” What has occurred instead, she asserts, is that language has become an insurmountable barrier to the spread of ideas. While English and its immediate cousins occupy the coveted upper floors of literature, “other languages and their literary products are confined to lower floors, low ceilings, blocked views.”

But in Sontag’s view, “every language is part of Language, which is larger than any single language. Every individual literary work is a part of Literature, which is larger than the literature of any single language.” To her, literary translation ultimately “is preeminently an ethical task, and one which mirrors and duplicates the role of literature itself”: to “educate the heart and mind; to create inwardness; to secure and deepen the awareness (with all its consequences) that other people, people different from us, really do exist.”

OTHER NATIONS

Reforming Japan

“Koizumi’s Top-Down Leadership in the Anti-Terrorism Legislation: The Impact of Political Institutional Changes” by Tomohito Shinoda, in *SAIS Review* (Winter–Spring 2003), 1619 Massachusetts Ave., N.W., Washington, D.C. 20036.

When Japan finally acted during the 1991 Persian Gulf War, its contribution of \$13 billion to help underwrite the war effort was widely derided as “too little, too late.” But 10 years later, in response to 9/11, Japan moved swiftly to back U.S. reprisals against Al Qaeda and the Taliban in Afghanistan, rapidly enacted antiterrorism legislation, and, under it, dispatched—for the first time since World War II—part of its armed forces on a military mission overseas, providing rear support for a U.S. deployment in the Indian Ocean. The different responses, explains Shinoda, a professor at the International University of Japan, show how much progress has been made in removing factional and bureaucratic shackles and strengthening the office of prime minister.

The Liberal Democratic Party (LDP), which controlled the Diet from 1955 to 1993, was divided into large factions. Faction lead-

ers chose the party chief, who became prime minister, and they influenced his cabinet selections. And the cabinet was reshuffled almost every year, enhancing the power of the government bureaucracies. All this, notes Shinoda, made for a weak prime minister.

In 1994, however, a new government formed by eight opposition parties began altering Japan’s political foundations. Under the old system, each legislative district had three to five seats in the Diet’s lower house, which encouraged fierce factional fights among LDP candidates competing for the same bases of support. The 1994 reform introduced 300 single-seat districts and 200 other seats filled by proportional representation. That helped undermine the factions.

The government’s poor performance in a series of crises—the 1995 Great Hanshin (Kobe) earthquake, the 1996–97 hostage crisis in Peru, and a 1997 oil spill disaster in the

Sea of Japan—highlighted the need for stronger central authority. Further reforms strengthened the prime minister, streamlined the cabinet, and curbed bureaucrats' influence over Diet politicians.

The current prime minister, the LDP's Junichiro Koizumi, elected in a landslide in April 2001, was the first "to be selected outside of the traditional factional power struggles," says Shinoda. He had the support of younger party members in the Diet and local party members outside Tokyo, and he was able to pick his cabinet without

consulting faction leaders. When the terrorists struck America on 9/11, Koizumi's government was ready to act decisively. Though he failed to win legislation providing for a strong response to any future military attack, he won a hard-fought parliamentary vote last July to send a military force to Iraq. While Koizumi—who's likely to win reelection this fall—has been unable thus far to lead Japan out of its economic morass, Shinoda believes that the stage at least has been set for a revitalized politics and effective national leadership.

Asia's Economic Tortoise

"Can India Overtake China?" by Yasheng Huang and Tarun Khanna, in *Foreign Policy* (July–Aug. 2003), 1779 Massachusetts Ave., N.W., Washington, D.C. 20036.

Though India, like China, has more than one billion inhabitants, it is no match for its fellow Asian giant in terms of gross domestic product (\$477 billion in 2001, compared with China's \$1.2 trillion) and other high-profile economic indicators. Even so, argue the authors, in the long run of economic development, India may have the last laugh.

"China's export-led manufacturing boom is largely a creation of foreign direct investment" (\$44.2 billion in 2001), with much of that money coming from the 55 million Chinese living abroad, note Huang and Khanna, professors at the Massachusetts Institute of Technology's Sloan School of Management and Harvard Business School, respectively. But Beijing has imposed restrictions on indigenous private firms to keep them from challenging its state-owned enterprises. Though the Chinese

economy has taken off in recent decades, "few local firms have followed."

In India, by contrast, foreign direct investment has been paltry (only \$3.4 billion in



To overtake China, India needs more home-grown entrepreneurs like Infosys founder Narayana Murthy, here greeting Microsoft's Bill Gates.

2001), in part because the Indian diaspora is much smaller (20 million), and, resented for its success, it has been much less willing to send money home. But New Delhi, which has backed away from micromanaging the economy in recent years, has provided “a more nurturing environment for domestic entrepreneurs,” say Huang and Khanna. Indian companies such as software giants Infosys and Wipro and pharmaceutical and biotechnology powerhouses Ranbaxy and Dr. Reddy’s Labs “now compete internationally with the best that Europe and the United States have to offer.” The *Forbes* 200 ranking of the world’s best small companies last year included 13 Indian firms but only four from mainland China.

“Democracy, a tradition of entrepreneurship, and a decent legal system have given India the underpinnings necessary for free

enterprise to flourish,” write the authors. And entrepreneurs there—such as Narayana Murthy, the founder of Infosys, who is often compared to Microsoft’s Bill Gates—have become folk heroes.

“India soon may have the best of both worlds,” say Huang and Khanna, for it is poised to reap significantly more foreign direct investment in the coming years. After decades of standoffishness, New Delhi is embracing the Indian diaspora. Not only are expatriates being encouraged to open their wallets, but many engineers and scientists are being lured home.

“With the help of its diaspora, China has won the race to be the world’s factory,” the authors conclude. “With the help of its diaspora, India could become the world’s technology lab.”

The Arab Democracy Deficit

“An ‘Arab’ More Than a ‘Muslim’ Democracy Gap” by Alfred Stepan with Graeme B. Robertson, in *Journal of Democracy* (July 2003), 1101 15th St., N.W., Ste. 800, Washington, D.C. 20005.

Not one of the world’s 16 Arab countries is a democracy, and many Western analysts say it’s because Islam is inherently antithetical to democratic forms. Stepan, a political scientist at Columbia University, and Robertson, a graduate student, beg to differ.

They looked at the Arab countries—including Algeria, Egypt, Morocco, and Saudi Arabia—and at the 31 non-Arab nations in the world with Muslim-majority populations. Using data for 1972–2000 from Freedom House’s annual survey of political rights around the globe, and from a similar undertaking called the Polity Project, Stepan and Robertson tried to identify the “electorally competitive” countries, those whose governments derived from “reasonably fair” elections.

Twelve of the non-Arab countries with Muslim majorities sustained “relatively high levels of political rights for at least three consecutive years,” the authors found. Eight of these—including Bangladesh, the Gambia, Malaysia, Mali, Nigeria, and Turkey—did so for at least five consecutive years. Of the Arab nations, in contrast, only Lebanon passed the three-year test (in the period be-

fore the 1975–90 civil war), and it failed to reach the five-year mark.

It’s conventional wisdom among social scientists that prosperity makes nations more inclined to hold meaningful free elections, yet seven wealthy Arab nations did not pass the rights test, while seven non-Arab, Muslim-majority countries with low gross domestic product per capita did. These political “over-achievers” were Albania, Bangladesh, the Gambia, Mali, Niger, Nigeria, and Pakistan.

The Arab “democracy gap” obviously can’t be blamed simply on Islam, the authors point out. But if “Arab political culture” is at fault, it’s not because of anything intrinsic to it, they believe. People in Arab countries have not developed the strong attachment to their nation-state that usually fosters democracy. Many Arab states, carved out of the defunct Ottoman Empire after World War I, have “relatively new and arbitrary boundaries.” Efforts to promote pan-Arabism and pan-Islamism, as well as the fact that Arabic is spoken in many different lands, have further weakened the nation-state’s appeal. Yet the authors believe that “internal pressures and initiatives” will eventually produce democracies in the Arab world.

CURRENT BOOKS

Reviews of new and noteworthy nonfiction

A Rake's Progress

GOUVERNEUR MORRIS:

An Independent Life.

By William Howard Adams.
Yale Univ. Press. 334 pp. \$30

GENTLEMAN REVOLUTIONARY:

Gouverneur Morris—The Rake Who Wrote the Constitution.

By Richard Brookhiser.
Free Press. 251 pp. \$26

Reviewed by Max Byrd

The two best-known stories about Gouverneur Morris are probably not true, alas.

In the first, during the summer of 1787 a mischievous Alexander Hamilton bets Morris a dinner that he will not walk up to the supremely aloof and dignified George Washington and slap him on the back. Morris does, and the General slowly removes his hand and stares in frozen silence until, as Morris says afterward, he wishes he could sink through the floor.

In the second, Morris, the "Tall Boy," as he was known to his contemporaries, notoriously successful with women, is said to have lost his left leg not in a carriage accident but diving through the bedroom window of a woman whose husband had come home inconveniently early. (Hearing the rumor, John Jay wrote a friend that he wished Morris "had lost *something* else.")

Crusty, puritanical John Adams, who knew Morris well, once described him as a man of wit and pretty verses, but "of a character *très légère*." It was a criticism Gouverneur (his mother's maiden name,

pronounced "Gov'nor") heard all his life, and it seems to have bothered him not a whit. For one thing, Morris's temperament, as a friend said, "admitted of no alliance with despondency." He enjoyed unashamedly his wealth, his wit, his wine, his women. "With respect for our Taste for Luxury," he wrote one day from Paris, "do not grieve about it." But for another thing, Morris was well aware that as far as political accomplishment and public service went, he had achieved far more than pretty verses.

He was born in 1752, on his father's splendid estate, Morrisania, in what is now the South Bronx. By the time of the Revolution he was a prosperous lawyer, active in New York politics, a warm friend to independence, but an even warmer skeptic in regard to the emerging democracy of the streets. "The mob begins to think and reason," he scathingly said in 1774. "Poor reptiles!"

Despite his aristocratic leanings, Morris served with distinction in the Second Continental Congress. In 1780 he lost his leg to a perhaps overly hasty amputation, and gaily told the "beau monde" that they were

acquiring a “wooden member.” In 1781 he was appointed assistant superintendent of finance for Congress and was instrumental in raising and dispensing the money that sustained the Revolution; two years later he returned to the practice of law. Then, in 1787, in one of the two great defining periods of his life, he found himself once again in Philadelphia, a delegate to the Constitutional Convention and, fatefully, a member of James Madison’s Committee on Style.

The new biographies by William Howard Adams and Richard Brookhiser, the first in many years, both offer solid, carefully detailed cradle-to-grave narratives of Morris’s life. And rightly, both devote many pages to Morris’s performance in the extraordinary Philadelphia gathering. His role, of course, hardly went unnoticed by previous historians. Despite being absent for a full month, the voluble and self-assured Morris spoke more often than anybody else, 173 speeches to Madison’s 161. Again and again he rose in support of what would finally emerge, a strong central government vis-à-vis the states. His rhetorical tactics were effective but abrupt, as Catherine Drinker Bowen has said: “first an eloquent, explosive expression of his position and then a cynical waiting while the Convention caught up with him.”

William Adams, a fellow of the Gilder Lehrman Institute of American History and the author of *The Paris Years of Thomas Jefferson* (1997), is very good on the theoretical issues debated by the Constitutional Convention and their implications for the practical politics of the Federalist era. He and Brookhiser both give Morris admiring credit for his unbending opposition to the institution of slavery. But for most readers, Brookhiser, the author of books on George Washington, Alexander Hamilton, and the Adams dynasty, goes right to the core: Morris not only debated the Constitution, he literally wrote it. For whatever reason, Madison’s weary committee turned over to Morris alone the task of putting the convention’s ideas into words. Those familiar, elegant words by which we are governed are his.

In an acute discussion, Brookhiser demonstrates at length how the Tall Boy’s conscientiousness and intelligence sharpened and

improved the convention’s wordy, prosaic draft. And he is elegant himself on the significance of one immortal revision: By changing “We the people of the States of New Hampshire, Massachusetts,” etc., into “We, the people,” Morris crafted “a phrase that would ring throughout American history, defining every American as part of a single whole. Those three words may be his greatest legacy.”

The second important period in Morris’s life began just two years later, when the New Yorker, traveling on private business, hobbled down the gangway at Le Havre and climbed into a waiting carriage for Paris. He was to live in France for six dramatic and passionate years altogether, as if on the stage of a stupendous theater, eventually becoming American minister plenipotentiary. Adams is surely right to say that Morris had a special affinity for cities and “seemed to draw his creative energy from . . . vital, restless urban centers.” In the spring of 1789, as all the world knew, there was no urban center more restless than Paris on the eve of revolution.

Three themes intertwine in both writers’ accounts of the Paris years. First is the striking contrast between two great Founding Fathers, the cerebral, supple, and democratic Thomas Jefferson, already there as minister (“cold as a frog,” Morris thought), and the extroverted, dashing Morris, distinctly aristocratic in his sympathies. The two men saw a great deal of each other, never openly quarreled, but remained, as personalities, mutually opaque. Their opposite reactions to the savage excesses of the French Revolution (the second major theme) were characteristic. “The liberty of the whole earth,” Jefferson famously said, “was depending on the issue of the contest, and was ever such a prize won with so little blood?” But Morris, encountering a mob with a head on a pike, its mouth stuffed with hay, recoiled in horror: “Gracious God, what a People!” “The best picture I can give of the French Nation,” he wrote home later, “is that of Cattle before a Thunder Storm.”

The third Parisian theme is beautifully handled by both biographers. Morris first met Adèle de Flahaut at a dinner in Versailles, and noted that night in his diary: “She speaks English and is a pleasing

woman. . . . If I might judge from Appearances, not a sworn enemy of Intrigue.” Not in the least, as it turned out. Adèle de Flahaut was married to an elderly *comte*, lived in an apartment in the Louvre, and was the acknowledged mistress of Talleyrand, the Bishop of Autun (and father of her son). Quickly, however, she made room in her ménage for Morris, and the two embarked on a dark and seductive affair whose frustrations and complexity sometimes seemed too great even for so sophisticated a celebrant of the “Connubial Mysteries” as Morris. (Adèle’s quality comes through nicely in her idea for how to manage the pious yet sensual Marie Antoinette: “I would give her a man every night, and a mass every morning.”) In the end, their affair, like so much else, could not survive the Revolution. Adèle’s husband was guillotined, she escaped to Germany and remarried, and Morris, like a character in Henry James, returned to the New World a sadder but wiser man.

The last phase of his life was eventful but lacks the clear patterns of the Paris years. In 1800, one of New York’s U.S. senators resigned, and Morris was chosen to serve out the remaining three years of his term. But the republican atmosphere of Jefferson’s capital was not to his taste—he was a staunchly conservative Hamiltonian—and he was not reelected. He promptly retired to Morrisania. On Christmas Day 1809 (“no small surprise to my guests”) he married his housekeeper, Anne Cary Randolph, who was, ironically enough, a distant cousin of Jefferson, and who had figured prominently a decade earlier in a lurid scandal involving adultery, infanticide, and perjury. (The events occurred on a Virginia plantation named Bizarre. If the Founding Generation did not exist, it would be impossible to invent them.)

Even in retirement Morris managed to



Gouverneur Morris (1752–1816)

leave his literal imprint on American life, for he was one of the first proponents of constructing a national canal system and served as chairman of the board of commissioners that created the Erie Canal. Perhaps more important to many Americans, Morris worked on a three-man commission appointed to plan for Manhattan’s growth above Houston Street. The classic grid of 12 parallel avenues and 155 streets at right angles is his work, and the commission’s report, as Brookhiser observes, is “marked with his prose rhythms.”

And, ultimately, for most people these prose rhythms are what count. It’s easy to caricature the aging rake, with his French cooks, his wooden leg, his thinning hair foppishly turned up in a hundred paper curlers. But beneath the caricature is a man of formidable intelligence, “cheery pessimism” in Brookhiser’s words, and remarkable literary powers. Morris’s *Diary of the French Revolution*, published only in 1939, is one of the great unknown documents in American history. Both biographers are good psychologists, and both do justice to Morris’s eclectic and enduring achieve-

ments. Adams's portrait is fuller in detail, though occasionally marred by his unrelenting hostility to Jefferson. Brookhiser comes closer to saying why a modern reader would want to know about Gouverneur Morris: "Good principles make a man admirable; a good style makes him arresting. Morris's sparkling prose still shines

after two centuries. Reading it, we hear a voice—so vivid, we imagine the speaker has just left the room, and so delightful that we want him to come back."

>MAX BYRD is the author of the historical novels *Jefferson* (1993), *Jackson* (1997), and *Grant* (2000), as well as a novel about the Santa Fe Trail, *Shooting the Sun, to be published in early 2004*.

Selling Style

*THE SUBSTANCE OF STYLE:
How the Rise of Aesthetic Value Is Remaking
Commerce, Culture, and Consciousness.*
By Virginia Postrel. HarperCollins. 237 pp. \$24.95

Reviewed by Paul Fussell

This book is a further emanation of the spirit of "futurism" by the author of *The Future and Its Enemies: The Growing Conflict over Creativity, Enterprise, and Progress* (1998). It might be thought to resemble recent books of literary and artistic criticism by Wendy Steiner, *The Scandal of Pleasure* (1995), and Denis Donoghue, *Speaking of Beauty* (2003). But there the similarity ends. Those critics address the nature of what was once revered as high culture, whereas Virginia Postrel's book concerns low and middle "consumer culture" aiming at mercantile profit. "Style," design, and color, Postrel insists, are, happily, imposing themselves in places formerly valued for "substance"—function alone. To sell successfully now, she implies, a monkey wrench or tire pump ought to exhibit "aesthetic" but unfunctional elements. This I find curious, like much of the book, and rather depressing. For the aestheticized object is found to carry a higher price and thus to augment both the profit of the seller and the annoyance of the buyer.

But there is a moment of relief from such suggestions. A few of Postrel's pages are devoted to the work of sociologist Stanley Lieberman, who has studied changing styles in the naming of children, the way Sean has replaced John or Robert, and Kimberly has

replaced Mary or Susan. Why do these few pages seem an oasis of harmless interest? The answer is that they alone are not devoted to the topic of low moneymaking.

The current "Age of Aesthetics" that delights Postrel turns out to rely largely on trivial novelty for its success in moving merchandise. For example, one of the notable creations of the age is the reform of the old-fashioned toilet brush, which seemed to the uninformed to do the job without recourse to anything like beauty or charm. "Every day all over the world," she trumpets, "designers are working to make a better, prettier, more expensive toilet brush for every taste and every budget. The lowliest household tool has become an object of color, texture, personality, whimsy, even elegance. Dozens, probably hundreds, of distinctively designed toilet-brush sets are available—functional, flamboyant, modern, mahogany.

"For about five bucks, you can buy Rubbermaid's basic plastic bowl brush with a caddy, which comes in seven different colors, to hide the bristles and keep the drips off the floor. For \$8 you can take home a Michael Graves brush from Target, with a rounded blue handle and translucent white container. At \$14, you can have an Oxo brush, sleek and modern in a hard, shiny

white plastic holder that opens as smoothly as the bay door on a science-fiction spaceship. For \$32, you can order Philippe Starck's Excalibur brush, whose hilt-like handle creates a lid when sheathed in its caddy. If your tastes don't run to trendy designers, for around the same price you can get a brush that hides in a ceramic cowboy boot. At \$55, there's Stefano Giovannoni's Merdolino brush for Alessi, its bright green T-shaped handle sprouting like a cartoon plant from a red, yellow, or blue plastic pot. Cross the \$100 barrier, and you can find all sorts of chrome and crystal, brushed nickel and gold, ranging as high as \$400."

That gives a good idea of what's going on here. Postrel is celebrating ways manufacturers and merchants can enhance profits by putting novelty to preposterous ends, thus giving jobs to crowds of designers. And the institution of silly or mendacious advertising is the mechanism the Age of Aesthetics has found indispensable.

Curiously, while attending to Postrel's book, I have been regaled by a full-page review, in the *Times Literary Supplement*, of *The Burned Children of America*, a collection of stories edited by Marco Cassina and

Martina Testa. The *TLS*'s review focuses on the damage language suffers from the habits of advertising. The increasing difficulty, as novelist Zadie Smith says in the book's introduction, is writing "an emotive sentence that has not already been used to sell humidifiers, Pepsi, or suppositories." The shrewd misrepresentation common in advertising increasingly "doubles for life, supplants, creates simulacra." One example would be the recent national deceptions on Wall Street, as well as those involved in selling a war to the credulous as if it were a commodity aiming at profitable mass acceptance.

Postrel even has a kind word for what might seem questionable "styles" so long as they appear to be new, such as young people appearing in public with metal studs in their cheeks and tongues, safety pins through their nostrils, or other types of "radical piercing," in the contemporary jargon.

If that is to suggest future American culture and consciousness, please count me out.

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CONTEMPORARY AFFAIRS

AMERICA'S NEWCOMERS AND THE DYNAMICS OF DIVERSITY.

By Frank D. Bean and Gillian Stevens. Russell Sage Foundation. 309 pp. \$32.50

If the American public's post-September 11 mood swing on immigration seems particularly stark, perhaps that's because it began just as we were recovering from the last one. By late summer 2001, it had become acceptable for national politicians, especially members of Congress, to acknowledge that they might have gone too far in the late 1990s with legislation that, taking a page from California's book, restricted access to public benefits by noncitizens. On September 5 of that year, the new Mexican presi-

dent, Vicente Fox, visited his friend George W. Bush in Washington to attempt a historic deal: the "regularization" of unauthorized Mexican immigrants already in the United States and the launch of a new "guest workers" program that would permit many more Mexicans to cross the border. Six days later, when a group of illegal immigrants, mostly from Saudi Arabia, brought this country to its knees, the deal was dead.

Instead of focusing on flawed intelligence, shoddy law enforcement, or extraordinary naiveté about what was going on in flight schools, many officials trotted out familiar and convenient scapegoats—the millions of people here without visas or with

visas long expired. In the interest of “homeland security,” we would track these people, regulate them, detain them, and, given the slightest excuse, expel them; and once more we would make it difficult for others to get in. How many Latin Americans, Europeans, Africans, and Asians eager to come here and contribute to our economic growth and intellectual firepower have been kept out—while entrenched terrorists, homegrown and imported, have gone about their business—we’ll never know.

So goes the sad history of American immigration policy: When in doubt, keep them out. If, in the process, we prolong a recession and lull ourselves into a false sense of security, among other consequences, that seems unimportant to many policymakers. But not to Frank Bean and Gillian Stevens, sociologists at the University of California, Irvine, and the University of Illinois at Urbana-Champaign, respectively, who have taken the opportunity to remind Americans that immigration remains, on balance, a great benefit to the United States.

As they note in their introduction—the best part of this otherwise somewhat technical tome—Americans view immigration with nostalgia and, at the same time, anxiety. The authors do a fine job of exploring and explaining these seemingly contradictory strains in the national attitude toward those who have accepted our promotion of the country as the world’s best place to live. We can thank Bean and Stevens, for example, for challenging the conventional wisdom that immigrants impoverish native-born American workers and exacerbate racial tensions. On the contrary, newcomers tend to stimulate economic activity, and, because of the increasingly diverse composition of the immigrant stream, they probably help defuse old hostilities.

That the advantages of an ever-changing national identity and culturally enriched society outweigh an occasional sense of drift and disruption seems, on the strength of the data assembled here, obvious. One senses that this book was well underway before the events of September 11, but in the aftermath it is all the more relevant and necessary.

—SANFORD J. UNGAR

NO EXCUSES:

Closing the Racial Gap in Learning.

By Abigail Thernstrom and Stephan Thernstrom. Simon & Schuster. 334 pp. \$26

In the century-long war between the advocates of process and the advocates of content in public education, Abigail Thernstrom and Stephan Thernstrom are firmly on the side of the latter. They believe that all children in primary grades should be taught to read and do arithmetic, even if that means that some of the learning may not be fun. They reject the notion that standardized tests suck the life out of a classroom. They doubt that teachers can be counted on, as the process side insists, to make schools work without a lot of outside assessment. They have seen content-rich, test-proven methods succeed in low-income schools, and they have been searching for a way to use those methods to bring average achievement rates of African American and Hispanic children up to the level shown by white and Asian American children.

This book, their manifesto, is one of the most valuable guides to saving American schools I have ever read. Stephan Thernstrom is the Winthrop Professor of History at Harvard University. Abigail Thernstrom is a senior fellow at the Manhattan Institute, as well as a member of the U.S. Commission on Civil Rights and the Massachusetts State Board of Education. They are confident of their opinions and not shy about expressing them. But they are also quick to admit when the research says their instincts are wrong. They lob several mortars into the enemy camp—showing, for instance, that more education dollars are not by themselves going to rescue low-income schools. But they also demonstrate that the Bush administration’s No Child Left Behind Act is unlikely to do the trick, either.

The most uncomfortable parts of this book for me, and I suspect for the Thernstroms as well, deal with the dysfunctional aspects of particular ethnic cultures. Black families, for instance, appear to have more trouble on average than their white counterparts in preparing their children for school, even when income differences are factored out. “The origins of the problem of inadequate schooling do not

lie with the children themselves,” the Thernstroms say. “They are only kids, after all—kids who come into kindergarten already behind. But the solution does lie in part with them and with their parents.”

They cite the HOME (Home Observation for Measurement of the Environment) scale devised by researchers who found troubling racial differences, acknowledged by both white and black scholars, in how parents expressed physical affection, answered children’s questions, and imposed discipline. The Thernstroms say that reformers must acknowledge that “meeting the demands of schools is harder for members of some racial and ethnic groups than for others. Some group cultures are more academically advantageous than others.”

But there are plenty of solutions, they believe. They describe in detail successful school programs run by educators of all ethnicities. Among the Thernstroms’ favorites are the KIPP (Knowledge Is Power Program) middle schools, the North Star Academy in Newark, New Jersey, the South Boston Harbor Academy, the Amistad Academy in New Haven, Connecticut, and the work of Disney Teacher of the Year Rafe Esquith in his fifth grade at the Hobart Boulevard Elementary School in Los Angeles.

Even the Thernstroms’ friends and admirers (like me, who had Abigail Thernstrom as



Closing the gap? A teacher and child paint together at New York City’s Bloomingdale Headstart Program.

a college political science instructor 39 years ago) will not like everything in this book. I think the authors should have celebrated more the rise in black achievement, even if a similar rise in white achievement has kept the racial gap from closing. And I think they are wrong to suggest that the dearth of advanced placement courses in inner-city high schools is simply the unavoidable result of poor academic preparation.

But it is impossible to reason intelligently about how to fix the bottom 25 percent of our public schools without absorbing the research and analysis presented here. I can hear the Thernstroms’ adversaries rolling up their artillery, but I don’t think they’re going to do much damage, because the authors have been so honest about the hard work that lies ahead for anyone who wants to help those schools.

—JAY MATHEWS

SCIENCE & TECHNOLOGY

INTERTWINED LIVES: Margaret Mead, Ruth Benedict, and Their Circle.

By Lois W. Banner. Knopf. 540 pp. \$30

At age 80, I confess to a long life before the advent of women’s studies, gender studies, and lesbian and gay studies. I thought I knew a lot about sexuality from my work as an anthropologist, and I considered myself a feminist. But I hadn’t closely followed the morphing of feminist theory and the women’s movement

into academic fields. This remarkable book has exposed me to new aspects of scholarly study and, more important, to new perceptions of anthropologists Ruth Benedict (1887–1948) and Margaret Mead (1901–78).

Benedict and Mead, preeminent American women of the 20th century, were also, as it happens, women who changed my life. Benedict’s *The Chrysanthemum and the Sword: Patterns of Japanese Culture* (1946) inspired me to become an anthropologist. Mead’s first ques-

tion to me in 1951, when I began a 27-year association with her, was “What do you think of Ruth Benedict’s book on Japan?”

I knew a bit about their close relationship, and learned more when Mead brought me into what remained of their circle. Intellectually, the two women complemented each other. Benedict had done work in philosophy and Mead in psychology; they shared an interest in literature. Benedict, the older of the two, began as Mead’s mentor. In time, they mentored each other.

What I did not know was who slept with whom during what stages of professional development and across what gender boundaries. Banner’s masterpiece of historical reconstruction challenges those who believe in fixed categories of sexual orientation—Benedict had one husband and Mead three—as well as those who adhere to old-fashioned notions of privacy. Except as case studies for a latter-day Havelock Ellis, does any of this matter? I think so. The libido should never be excluded from intellectual history. Life is a seamless web.

A professor of history and gender studies at the University of Southern California, Banner weaves a narrative of backstage and bedroom interactions from newly available letters and unpublished drafts of the two women’s autobiographical writings, including poems. Mead always advised anthropologists and psychiatrists to use themselves as data sources for understanding human behavior. Now, the Benedict papers at Vassar College and the Mead collection at the Library of Congress

offer up the women’s private lives with no misgivings about feeding the voyeur.

Banner provides insights into the intellectual history of the United States and anthropology’s place in that story. By focusing on the interplay of Benedict, Mead, their husbands, friends, lovers, and protégés, she takes readers well beyond the two women’s published work and shows the genesis of their thoughts on human plasticity, diversity, potential, configurations, and patterns, all pearls on a string of shared ideas. While going in and out of the closets of these great minds, the biographer also deftly links their ideas to the shifting Zeitgeist: the “free love” movement, the Depression, and especially the introduction of anthropology into public-policy discourse during and after World War II. As major thinkers who were also close to each other, the Mead-Benedict dyad and the circle around it can now be added to the Pre-Raphaelites, the Bloomsbury Group, and the American pragmatists chronicled in Louis Menand’s *The Metaphysical Club* (2001).

Current events give particular relevance to Banner’s last chapter, which recounts how Benedict and Mead—with funding from the U.S. Navy—organized an interdisciplinary study of contemporary cultures at Columbia University in 1947. The two women raised important questions about national character, the sort of questions that ought to be asked today about those parts of the globe resisting American hegemony.

—WILTON S. DILLON

ARTS & LETTERS

BROADWAY BOOGIE WOOGIE: Damon Runyon and the Making of New York City Culture.

By Daniel R. Schwarz. Palgrave
Macmillan. 346 pp. \$35

An apocryphal conversation from 1930s Hollywood: A mogul dissatisfied with a script says to the writer, “Put some Damon Runyon stuff in to give it some life.” The writer instantly understands. The script needs the sort of characters Damon Runyon (1884–1946) created for his popular short stories.

These days, Runyon’s name appears in

the news only when *Guys and Dolls*, the musical based on his stories, gets revived. In his time, the 1930s, he was the highest-paid newspaper journalist, good on all subjects—sports, headline trials, famous people, and everything about Broadway. His short-story collections sold in the millions, and 16 of the stories became popular movies. Every few years, someone discovers Runyon’s stories and finds in them the work of a gifted and unique writer. This triggers an analysis of the clever plots, the use of the present tense, and the fictitious gentility of conversation among bookmakers, heart-of-



Damon Runyon at the Kentucky Derby in 1938.

gold hookers, horse players, and cops and robbers. Daniel R. Schwarz, an English professor at Cornell University, is the latest to make the discovery. His *Broadway Boogie Woogie* puts Runyon right up there with the great Seabiscuit, a horse Runyon admired, bet on, and wrote about.

Schwarz says that Runyon, in his fiction, could transform the ordinary into the extraordinary. “But most important, his stories give us a complex reading of the diverse contexts that defined the image of New York City culture for Americans and Europeans—and indeed for New Yorkers themselves. Moreover, he was not merely a mirror of the world he observed but a creative force in shaping that world. When we look back at the major cultural forces shaping the history of the first half of the 20th century, and in particular our image of New York City, Damon Runyon looms large.”

Schwarz does not mention Thorstein Veblen, who used a puffed-up vocabulary to make straight-faced fun of the upper leisure class. Runyon, who did not finish grammar school and doubtless never read any Veblen, made fun of the lower leisure

class that lived within the loopholes of Title 18 of the U.S. Criminal Code. His straight-faced act consisted of never referring to a mobster as anything but a gentleman.

I would like to set forth a Runyonesque incident that happened to Damon Runyon himself. The facts have been verified by two sources.

About noon one spring day, Runyon kisses his showgirl sweetheart goodbye and leaves his West 57th Street apartment. He strolls toward Lindy’s Broadway Deli for his breakfast-luncheon and six cups of coffee. On the way, he meets a guy who tells him he has never seen Damon Runyon without a hat. Runyon decides to return to the apartment and get one of his 50 hats. (He bought more clothes than he could ever wear.) There he finds his girlfriend playing house with a gentleman named Primo Carnera, the heavyweight champ.

When Runyon, years later, tells the story to a friend, the friend asks what a gentleman does when he finds his beloved in the arms of the champ. Runyon says: “It’s all in the hat—you put it on and leave in a hurry.”

—JACOB A. STEIN

**THE MEANING OF EVERYTHING:
*The Story of the Oxford
English Dictionary.***

By Simon Winchester. Oxford Univ.
Press. 360 pp. \$25

Admirers of Simon Winchester's work will know that he has ventured onto this terrain before. In *The Professor and the Madman* (1998), known to British readers as *The Surgeon of Crowthorne*, he achieved bestsellerdom with an account of the peculiar working relationship between John Murray, editor of the first edition of the *Oxford English Dictionary*, and William Chester Minor, a conscientious lexicographer who also happened to be an inmate of the asylum for the criminally insane at Broadmoor. Having told that very odd tale, Winchester now turns his attention to the making of the OED itself.

Ever since the success of Dava Sobel's navigational history *Longitude* (1995), the publishing world has been awash with all manner of ripping nonfiction yarns. It can't be long before some lucky author lands a million-dollar deal to write @: *The Symbol That Built the Internet*. But Winchester's unobtrusive erudition and droll turn of phrase set him apart from the rest of the journalistic pack.

Like *Longitude*, *The Meaning of Everything* is a story of extraordinary endurance. When the idea of compiling a definitive survey of the English language was first mooted at a meeting of the Philological Society in 1857, nobody can have realized quite how taxing an endeavor it would become. Even by the all-conquering standards of the Victorian era, the multivolume work would be a colossal project. Seventy years would pass before it was complete.

After all the optimism of the inaugural speeches, the researchers soon became mired in the Sisyphean task of collating what Murray later termed "the multitudinous ramifications of meaning." (As Winchester makes clear in his crisp overview of the dictionary maker's art, it was no coincidence that Dr. Johnson defined a lexicographer as "a harmless drudge.") In spite of the prodigious energy of the early overseers, the project soon fell far behind schedule. The staff—who were eventually augmented by volunteer readers around the globe—struggled to keep track of the thousands of paper slips

that formed the basis of the ever-expanding work in progress. One set of slips, abandoned by a contributor, eventually turned up in a stable in County Cavan, Ireland; another was found in a villa in Tuscany.

The advent of Murray, one of those near-mythical polymaths of a lost era, proved the turning point. The son of a linen draper, he was working as a schoolmaster when formally appointed editor in 1879. It was not long before he brought the chaotic venture back on track. Even so, he was not to live to see it to fruition; he died in 1915, 13 years before the final pages were handed to the printers.

Although Oxford University Press is the publisher of Winchester's book, the firm's reputation does not emerge unscathed. After signing up for the dictionary around the time of Murray's arrival, the company adopted a stingy approach to the finances. It took Murray enormous effort to convince the Victorian bean counters that the dictionary should be treated as a monument for the ages.

Even then, the relationship between publisher and editor was frequently uneasy. During one moment of frustration, Murray considered resigning and taking up one of the many professorships being dangled before him by American universities. There was, as Winchester dryly notes, a certain prescience to Murray's observation: "The future of English scholarship lies in the United States. The language is studied with an enthusiasm unknown here."

—CLIVE DAVIS

**THE ART OF BURNING BRIDGES:
*A Life of John O'Hara.***

By Geoffrey Wolff. Knopf. 373 pp. \$30

The epitaph on the gravestone of novelist John O'Hara was a postmortem provocation to his critics: "Better than anyone else, he told the truth about his time. He was a professional. He wrote honestly and well." It didn't help that the words were his own.

O'Hara (1905–70) was the son of a prominent Irish physician in the coal-wealthy town of Pottsville, Pennsylvania (Gibbsville in his fiction). He was raised Catholic when Protestant was the socially preferable thing to be. A change in the family's fortunes kept him from attending Yale, and he never got over the exclusion. And he was a sucker all his life for the

presumed insignia of status—the right schools, the right clubs (and club ties), the right suits and shoes and cars.

Wonderfully attuned to the calibration of social codes in America, O'Hara holds the record for the number of short stories published in *The New Yorker*, and his books have sold millions of copies. But the bloated best sellers that made him rich in the 1950s and 1960s lost him the favor of critics, who insisted that his best work was either in his short stories or, worse, in his earliest novels, *Appointment in Samarra* (1934) and *Butterfield 8* (1935). Though O'Hara loved money, he desperately needed the respect of his peers too. And sometimes he got it—as when, in 1964, he received the Award of Merit for the Novel from the American Academy of Arts and Letters, an honor bestowed previously on Theodore Dreiser, Thomas Mann, and Ernest Hemingway. But the prize he thought he deserved, the big one, always eluded him. When John Steinbeck won the Nobel in 1962, O'Hara telegraphed his congratulations and said that he could “think of only one other author I'd rather see get it.”

The once-famous O'Hara has now fallen low. In part, that may be because manners no longer matter in America. When cellphones foul the air and flip-flops grace the workplace, and when any self, no matter how puny, qualifies as imperial, who can be anxious about the wrong tie? But O'Hara's reputation may be down as well because the man gave his critics so much reason to do him in. He was an obnoxious drunk, an insecure snob, a boastful and insufferable son of a bitch. That some folks suffered him nonetheless, and were his friends, is the mystery Geoffrey Wolff sets out to solve in this new biography: “The specifics of why a cherished friend was cherished—I had the hubris to believe I could name.” In the event, he doesn't quite succeed in naming them, though he brings a novelist's finesse and a wisened-up adult's jauntiness to the task. And unlike biographers who pretend to be omniscient, he is always ready to concede that we can't know what really happened.

There have been several earlier biographies of O'Hara. Do we need another? Maybe, if it gets his name before the public again. But shake the facts of the life as dexterously as Wolff does, they still roll out

snake eyes. To know the petty details of O'Hara's behavior—such as that he wanted a friend to steal matchbooks from New York's tony Racquet and Tennis Club so that he could leave them around his Princeton home for guests to see—is painful if you admire the fiction.

But if reading *about* O'Hara is a chore, reading *O'Hara* can be addictive. Though a fan, Wolff is insufficiently persuasive about the merits of the fiction. In four decades of novels and short stories, O'Hara created, mostly out of the doings of the Pennsylvania gentry in and around Pottsville, an entire fictional universe, immediately recognizable as his, where the painstakingly recounted personal and institutional histories seem to bleed together into a single vast chronicle of decline and disappointment. Yes, the multigenerational novels lumber from moment to moment, and always have years to go, but you keep turning the pages. And dozens of the short stories are flat-out, dead-on perfect (see *Selected Short Stories of John O'Hara*, with an introduction by novelist Louis Begley, published earlier this year). If O'Hara didn't tell *the* truth about his time, at least he told truths, and better than most of the competition.

—JAMES M. MORRIS

**GOOD MORNING,
MR. ZIP ZIP ZIP:
Movies, Memory, and World War II.**

By Richard Schickel. Ivan R. Dee. 329 pp.
\$27.50

Good Morning, Mr. Zip, Zip, Zip (the title comes from a children's song) is Richard Schickel's engrossing memoir of a “silly, hopeful boy” growing up in Wauwatosa, Wisconsin, in the 1930s and '40s. He dreams of literary fame until discovering the world of the movies, a world more “immediate and potent,” and ambiguously illuminating, too, than the sun-dappled suburban streets and sandlots around him. The author, an only child, looks back at his family's “sad failures of ambition, more subtle failures of love” with clear-eyed honesty and not a hint of “false nostalgia.”

We have come to expect sophisticated and articulate plain speaking from Schickel in his long tenure as film critic for *Time*. He

has written more than 30 books about the movies and iconic American figures such as Walt Disney, Clint Eastwood, and D. W. Griffith. But he is also the author of the thoughtful study *Intimate Strangers: The Culture of Celebrity* (1985), which, with what he calls here “a certain contempt for the false pieties and hypocrisies of our old public culture,” explores America’s enduring fascination with manipulated (and manipulating) images. The contempt is more rueful than sour.

In this memoir, he aims to weave together an unremarkable boyhood with the movies that informed it and, at the same time, to bring perspective to the “greatest generation” myth that wraps a flag around the realities of a dreadful war, much as wartime movies did. World War II films “always insisted on putting heroism within reach of ordinariness,” he writes. “This was, of course, nonsense. It may even have been—in the long run, for me and my generation—dangerous nonsense. Dangerous in the sense that it created false anticipations of adulthood, falsely idealized expectations—at least in me, trying so hard to decipher the mysteries of the universe.”

Schickel acknowledges the uplift, reassurance, and hope imparted by such films as *Mrs. Miniver* and *Since You Went Away*, with their sanitized parables of home-front courage and unity. They provided solace; they served freedom’s cause. Yet they also

“shyly, secretively, but authoritatively spoke” in the tongue of “wartime lies” for the “official culture.” He writes with an immediacy derived from having looked again at every film he discusses. Best image: captured nurse Veronica Lake hiding a live grenade in her cleavage as she lures a leering Japanese soldier to a fatal tryst in *So Proudly We Hail*.

The hateful Japanese, we can see now, were easier to demonize than the hateful Germans because, with so many Americans of European extraction, Hitler and fascism could be made to seem temporary aberrations. And never mind about the Holocaust, which virtually no American movie even mentioned, despite Hollywood’s and Washington’s certain knowledge of the developing horrors.

If this sounds merely revisionist or iconoclastic, Schickel’s tone is elegiac and humane. Deploring the feel-good fraudulence of *The Story of G.I. Joe* and, postwar, *The Best Years of Our Lives*, he writes that “if we cannot remember truthfully, we cannot think clearly or behave decently”—goals this honest, gracefully written book achieves. It is surely accidental, but Schickel’s pages are made more potent by the unavoidable parallel to our contemporary moment of bumper-sticker rhetoric as newer generations—ours and theirs—serve and fall in missions far from Main Street.

—STEVEN BACH

HISTORY

**THE IRISH WAY:
*A Walk through Ireland’s
Past and Present.***

By Robert Emmett Ginna. Random House. 298 pp. \$24.95

The walk through Ireland’s past promised in the subtitle of this book is far more compelling than the author’s walk through the present. Robert Emmett Ginna, who calls himself a “history-besotted writer,” has a sharp eye and a sure feel for the castles, forts, great houses, monasteries, and other places that contain so much vivid Irish history. He is adept at bringing to life the narratives embedded in the

landscape, and especially at summoning up a sense of “the dust of distant battles.” Visiting the Famine Museum in County Roscommon is an occasion for an abridged history of Ireland’s worst catastrophe. Elsewhere he recaps the 1798 Rebellion (the so-called Year of the French), and artfully recounts the battles waged at Birr Castle in County Offaly and the legends surrounding the Rock of Cashel, which include everyone from St. Patrick himself to Brian Boru. He is also gifted at resurrecting the memory of a select crew of departed luminaries, including Ireland’s most renowned composer, the blind harper Tur-

lough O'Carolan (1670–1738), and Oliver Goldsmith (c. 1730–74), author of the still-treasured poem “The Deserted Village.”

Most of Ginna's book, however, is not so colorful and memorable as these sporadic history lessons. Noting the recent economic prosperity that has made Ireland the “Celtic Tiger,” he tells us early on that “I wanted to learn in just what ways this new affluence had affected the land and the people I'd long known. . . . I was eager to see what the Irish had accomplished, what they had gained for themselves and perhaps had lost, and what they had preserved from a rich and tumultuous past.” The problem is that this quest too often leads him into the realm of the ephemeral and dull. Instead of, say, an incisive interview with Sinn Fein president Gerry Adams or even Unionist leader and Nobel Peace Prize winner David Trimble, we get platitudinous blather from the Lord Mayor of Cork: “He emphasized the resources and opportunities Cork offers to its youth: ‘Each can become an engineer or a window cleaner,’ he said. ‘Each one of these children can become whatever he or she wants to be. The opportunities are there.’” Ginna never digs under the façades. Everything the various entrepreneurs, politicians, and military men tell him is taken at face value.

What we learn about our author/traveling companion over the course of the book must be extracted from passing comments—he's 74 when he decides to embark upon this walking tour of Ireland, he “loved toy soldiers as a lad,” he's “reasonably” religious, he's originally from the vicinity of Fifth Avenue and 50th Street in Manhattan, he was a university teacher, and he “had become close” with playwright Sean O'Casey. But these little details are parsimoniously distributed, and one can't help but feel that the book would have been far more engrossing if its author had shared more of his own history and interior life. The most inexplicable instance of Ginna's holding back, especially in a book like this, is a passing reference to “County Cavan, whence my maternal grandmother hailed.” And that's it for poor, nameless granny. A bit of research resulting in a paragraph or two for her is the sort of touch that would have given this book more soul.

—TERENCE WINCH

***THE LAST REVOLUTIONARIES:
German Communists
and Their Century.***

By Catherine Epstein. Harvard Univ. Press. 322 pp. \$29.95

The truly remarkable revelation at the heart of *The Last Revolutionaries* is how little the German Communists changed over the course of the 20th century. While the world around them was transformed—by war, politics, culture, the growth of a complex interdependence—the pre-1933 radicals who became the dictators and propagandists of the German Democratic Republic (GDR) hewed to a static worldview. This rigidity, the Communists maintained, was the only way East Germany could steel itself against the capitalist, imperialist West. In the end, though, their refusal to change hastened the unraveling of the corrupt and backward GDR regime.

A history professor at Amherst College, Catherine Epstein puts this changelessness into sharp relief by tracing the rises and falls of some of the most prominent German Communists, from the Weimar Republic to the Third Reich to the Cold War to the post-Cold War era. These include the only two men to rule the GDR during its four-decade existence (1949–89), Walter Ulbricht and Erich Honecker, as well as lesser-known figures such as Karl Schirdewan, Gerhart Eisler, Franz Dahlem, and Emmy Koenen. Their stories—which feature Nazi concentration camps, forced exile, the Spanish Civil War, the Soviet Gulag, and the ruthless autocritiques that became a hallmark of communist life—provide deep insights into socialist totalitarianism.

Particularly helpful is Epstein's discussion of the complicated interplay of personal and political forces. How, for example, could Marxists reconcile their ideology with the Hitler-Stalin Nonaggression Pact of 1939? Or the 1953 workers' strikes? Or a party that from the beginning impugned, imprisoned, and in some cases murdered many of its most committed backers, all in the name of the proletariat?

Unfortunately, Epstein doesn't really plumb the underlying psychology here. She piques our interest by pointing to the

unavoidable conflict of collective versus individual interests, but she never moves beyond, or below, the obvious. Veteran Communists, she writes, had invested their whole lives in the workers' struggle; they feared what might happen if they were suspected of "arrogance," "individuality," or other bourgeois tendencies; and they genuinely believed that Marxism-Leninism, despite its dictatorships and food shortages, was superior to free-market democracy. "Communism was their *raison d'être*; to break with their faith would have dissolved the master narrative of their lives into countless meaningless episodes."

That's fine, but it reads a bit thin. The power of the totalitarian idea, as Milan Kundera and Alexander Solzhenitsyn, among others, have articulated, is the power to dissolve the sense of self and to corrode the fabric of society until there are no relations, no freely feeling and freely thinking human beings—indeed, no community—but only atoms tethered to the state. This is a rich and complicated topic, layered with thought, myth, and emotion, and it deserves deeper probing.

The Last Revolutionaries is well written, intelligent, and, unlike much of what is called history nowadays, devoid of postmodernist lingo and other academic fashion statements. But by the end, one is still left to wonder what exactly compelled these people to stay faithful to a regime and a politics that had wrought so much devastation.

—PETER SAVODNIK

**GRAND OLD PARTY:
*A History of the Republicans.***

By Lewis L. Gould. Random House.
602 pp. \$35

This much-needed history of the Republican Party takes as its theme America's partisan fluctuations during the past century and a half. Lewis L. Gould, a professor emeritus of histo-



With Calvin Coolidge directing it, the GOP elephant stamps out the snake of radicalism in this 1924 cartoon.

ry at the University of Texas at Austin, argues that the positions of the two major American parties have been almost interchangeable on a wide variety of issues, especially those relating to foreign policy and the division of labor between federal and state government.

What, he asks, does the Grand Old Party actually stand for? The Whigs, Know-Nothings, and others who formed the Republican Party in 1854 seized the initiative to become, in effect, America's party, the party of Union and patriotism. The Republican Party presided over the Civil War and Reconstruction, during which it intimidated opponents by waving the bloody shirt and taking the "patriotic" offensive. For all the cultural and political twists and turns in the years since, for all the contradictions brought about by shifting centers of power and interest, the Republicans have retained this position in the mainstream of national identity. Witness the Democrats' ongoing difficulty contending with, in Gould's words, the "sense of innate social harmony as the central fact of American political and economic life [that] remains a key element in Republican thought."

The Republicans' seminal contributions to modern American democracy, the Thirteenth, Fourteenth, and Fifteenth Amendments, did much to define a system of values for multira-

cial coexistence, but the price was high: Radical Reconstruction effectively scuttled Republican control of the South. A century later, it was the Democrats who set out to fulfill the promise of civil rights. The GOP opposed these New Frontier and Great Society reforms, and thereby won back the loyalties of Southerners.

Since splitting with Teddy Roosevelt's Bull Moosers in 1912, Gould notes, Republicans have generally opposed labor unions, welfare programs, and regulation of business. He also pays some extended recognition to such Republican presidents as William McKinley, Calvin Coolidge, Herbert Hoover, and Dwight Eisenhower, whose accomplishments were scanted during more liberal periods. With Barry Goldwater's 1964 presidential candidacy, Republicanism "shrunk and shifted rightward at the same time." By the 1980s, the GOP "had detached itself" from most of its own history. Current leaders, Gould

suggests, have become so arrogant as to raise doubts about whether they "really believe in the two-party system as a core principle of politics."

Unfortunately, Gould mostly sidesteps the fundraising dilemma of American politics. He discusses the post-Watergate regulations only briefly, by noting that "soft money" helped the Republicans because of their "greater access to corporate resources." The true magnitude of the problem, for the political system as well as for the GOP, and its defiance of workable solutions go largely unmentioned.

Still, Gould is especially effective in charting the shifts in the defining political issues of the past 150 years. And he reminds us that the Republican positions on these issues haven't always been predictable: The party has repeatedly "moved in directions that would have seemed improbable to its members only decades earlier."

—HERBERT S. PARMET

RELIGION & PHILOSOPHY

*EVIL IN MODERN THOUGHT:
An Alternative History of Philosophy.*
By Susan Neiman. Princeton Univ.
Press. 358 pp. \$29.95

Susan Neiman's "alternative history of philosophy" is no exercise in fashionable special pleading or canon reform but an attempt to show that Western philosophy has the wrong focus. Instead of the common but misleading alliance of metaphysics ("What is real?") and analytic epistemology ("What can we know?"), Neiman argues, philosophers ought to recognize that metaphysics is linked with ethics ("What is right?"). The traditional questions of appearance and reality, substance and change, reflect a sustained struggle, often frustrated or futile, with the problem of evil. This is not an unprecedented thesis—Aristotle, for one, had a version of it—but Neiman's modern focus and the unhappy coincidence of recent events make the issue of evil at once more difficult and more pressing.

Usually conceived as a strict theological debate within Christian theodicy, the problem of evil is based on the widespread perception that bad things happen to good people. If this is so,

then the Christian deity's "triangle of perfection"—the linked divine qualities of omniscience, omnipotence, and omnibenevolence—is challenged; at least one corner must give. If innocents suffer and die, then God must be ignorant, weak, or malicious. The 1755 Lisbon earthquake, a shocking devastation, prompted sharp criticism of the theodicy, especially Gottfried Leibniz's "best of all possible worlds" version, which was lampooned savagely by Voltaire.

Neiman, director of the Einstein Forum in Potsdam, asks: Are natural evils, such as the Lisbon earthquake, and human evils, such as the Holocaust, versions of the same problem, or are they distinct? If there is a distinction, what is it? We may abandon Christian belief, and so ease the sting of a natural disaster (it's no longer, except metaphorically, an "act of God"). But this will not help us when human-made evils, genocide and torture and terrorism, have the very same effect of tearing asunder our idea of the world as a place where things make sense.

The book is ordered in four long chapters, working within self-imposed restrictions of nei-

ther defining evil nor extending further back than the “modern” era, set here as beginning in 1697 with the publication of Pierre Bayle’s *Historical and Critical Dictionary*. Neiman’s first two chapters survey rival responses to evil: “The one, from Rousseau to [Hannah] Arendt, insists that morality demands that we make evil intelligible. The other, from Voltaire to Jean Améry, insists that morality demands that we don’t.” There follows a separate chapter on the mixed, category-defying views of Nietzsche and Freud, and a final one of assessment and account taking, including some nuanced reflections on the rhetorical uses of the word *evil* in the days and weeks following September 11.

Neiman’s book is written with considerable flair, as many critics have already noted, but it possesses a far rarer and more valuable quality: moral seriousness. Her argument builds a powerful emotional force, a sense of deep inevitability. Both natural and moral evils exist, and both have the power to threaten the intelligibility of the world as a whole. The unforeseeable attacks on the World Trade Center and Pentagon were evil not because people died—far more people die every summer on American highways—but because they tore our fragile tissue of meaning.

Evil in Modern Thought is not merely a clever revision of traditional intellectual history; it is a demand that philosophers, indeed all of us, acknowledge the deep responsibilities of being here, in a world where neither God nor nature—nor, sometimes, other people—cares what happens to us. It is not often that a work of such dark conclusions has felt so hopeful and brave.

—MARK KINGWELL

**THE SERENITY PRAYER:
*Faith and Politics in Times of
Peace and War.***

By Elisabeth Sifton. Norton.
353 pp. \$24.95

Reinhold Niebuhr (1892–1971) was the most prominent theologian of his day—he even made the cover of *Time* in 1948—and biographies of him tend to shoulder such colossal titles as *Professor Reinhold Niebuhr: A Mentor to the 20th Century* and *Reinhold Niebuhr: Prophet from America*. In this memoir, Elisabeth Sifton, Niebuhr’s only

daughter, breaks free from the venerating tradition and finds a much more personal approach.

Now an editor at Farrar, Straus & Giroux, Sifton experienced Niebuhr not only as thinker, activist, and writer but as parent. During a taxi ride to see *Singin’ in the Rain* at Radio City Music Hall, the young girl grew frantic that they were going to be late. “‘O God, please let the light turn green,’ I wailed from the jump seat. The rebuke was gentle but instantaneous. That’s not what prayer was for.”

In a doe-eyed manner, Sifton tells tales of the intellectual luminaries in the Niebuhr circle. When Niebuhr and his Union Theological Seminary friend Paul Tillich were suspected of communist tendencies in 1944, FBI agents trailed them everywhere, even “lurking around the card catalog at the seminary library.” To young Sifton, Justice Felix Frankfurter was Uncle Felix, who invariably asked her opinions on the latest news.

Though experienced by a girl, these events are recounted by a woman who seems to have inherited her father’s general judiciousness—and occasional stridency. She writes of his dismay over anti-Semitism in some Christian churches in the 1930s, and adds: “A half century later, Jerry Falwell and Pat Robertson . . . plumbed even deeper reservoirs of vain inanity. High-decibel religiosity, with its excellent profit margins and growing political clout, is drowning out true religion all over the country.”

The memoir is three-quarters done before it focuses on Niebuhr’s Serenity Prayer: “God, give us grace to accept with serenity the things that cannot be changed, courage to change the things that should be changed, and the wisdom to distinguish the one from the other.” According to Sifton, her father composed the prayer in 1943, first recited it later that year at Union Church in Heath, Massachusetts, then allowed it to be included in a 1944 book of prayers for military chaplains. “This was its first publication in any form and in any language, and it’s because of this little booklet that eventually it became famous,” she writes. Soon after, Alcoholics Anonymous started using the prayer, slightly simplified and, in Sifton’s judgment, watered down.

She brusquely dismisses the notion, popular in Germany, that the prayer's true author was F. C. Oetinger, an 18th-century German theologian: "Goodness, how easily [the Germans] armor themselves with the weird, awful presumption that in the Pro-

found Spirituality ball game they must surely have been the first to score a goal." She is protective of the prayer and its story. Which is understandable, as that story is so entwined with her own.

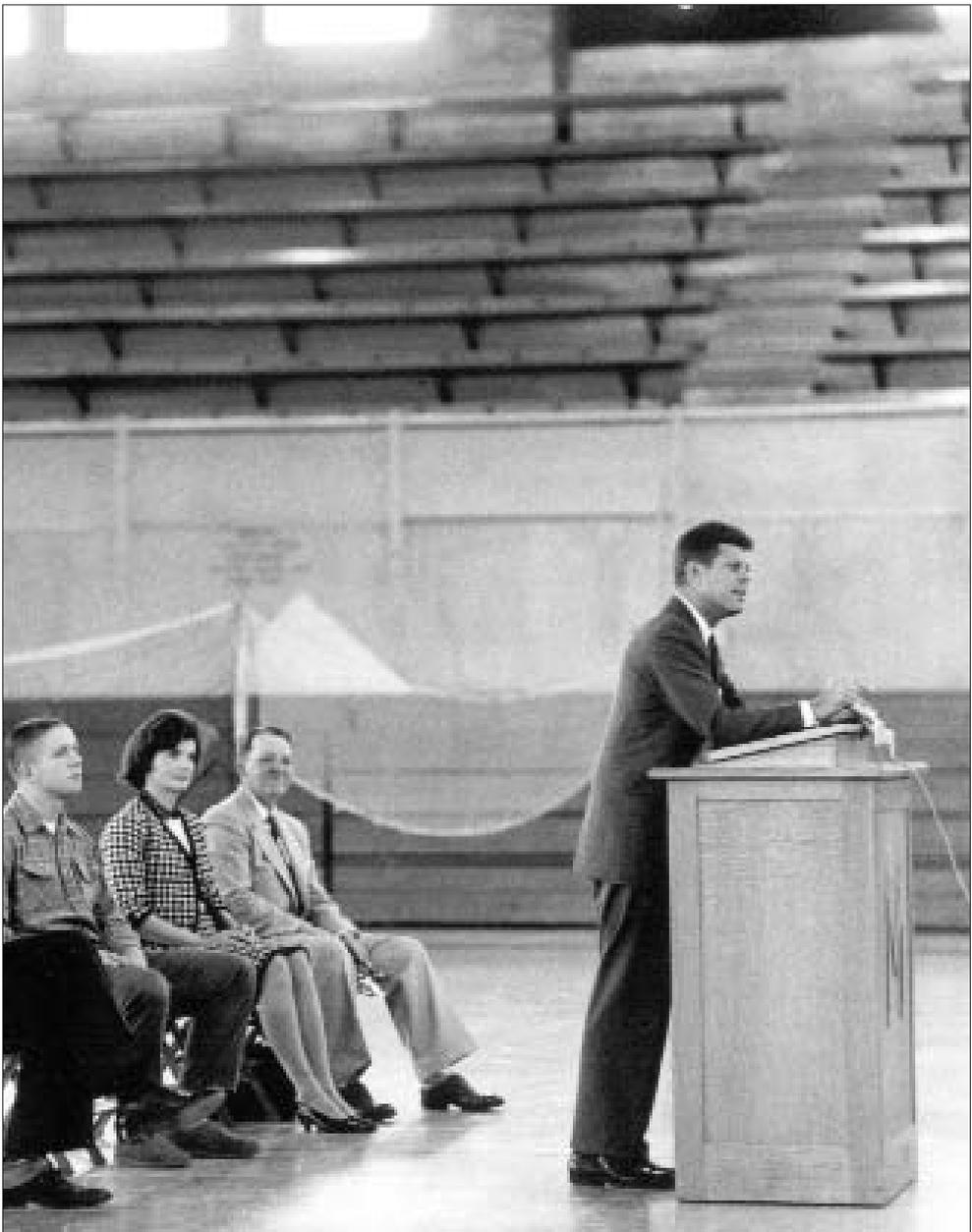
—KAREN RUTZICK

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PORTRAIT: The Campaign Trail



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Candidates testing the presidential waters this year may take some comfort from this photo of John F. Kennedy speaking before a bank of empty bleachers in a California high school early in 1960. The picture appears in *Remembering Jack* (Bullfinch), by photographer Jacques Lowe. At the Democratic convention in Los Angeles that July, Kennedy defeated Adlai E. Stevenson. Theodore H. White's account of the convention in *The Making of the President 1960* (1961) suggests another parallel between that era and our own: "Almost all those who had come from the East Coast had flown here on the new swept-wing jets, which now spanned the continent in five hours. Four years before, had they flown to Los Angeles, they would have come by the now-obsolete propeller-pulled airplane, and it would have taken them from nine to 11 hours. The continent had been cut in half. So much had America shrunk since 1956—so much had the world shrunk about America."

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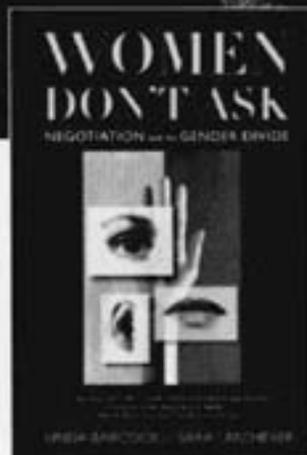
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Open for Thought

Photo by Meghan Barry



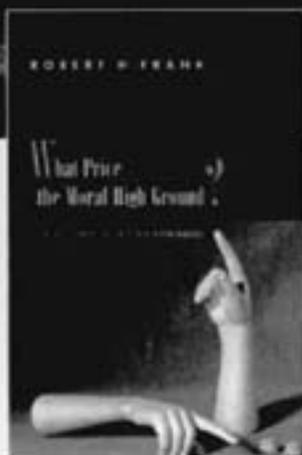
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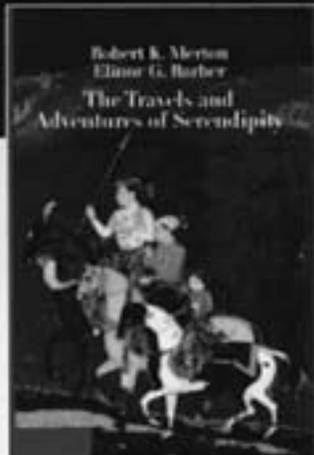
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