



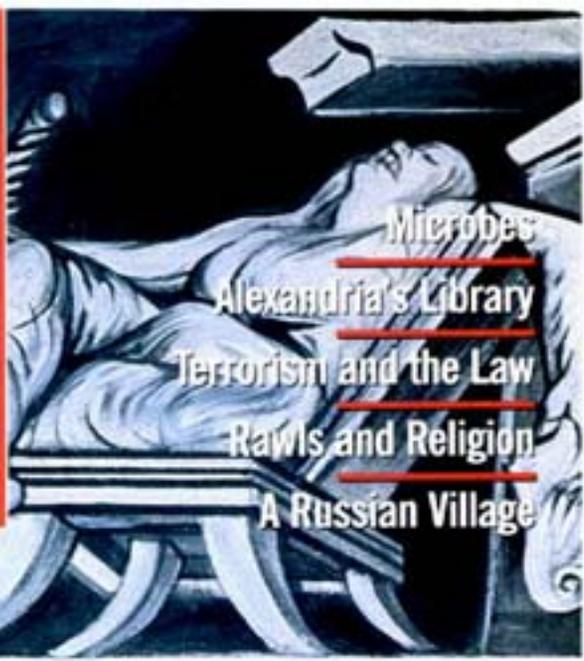
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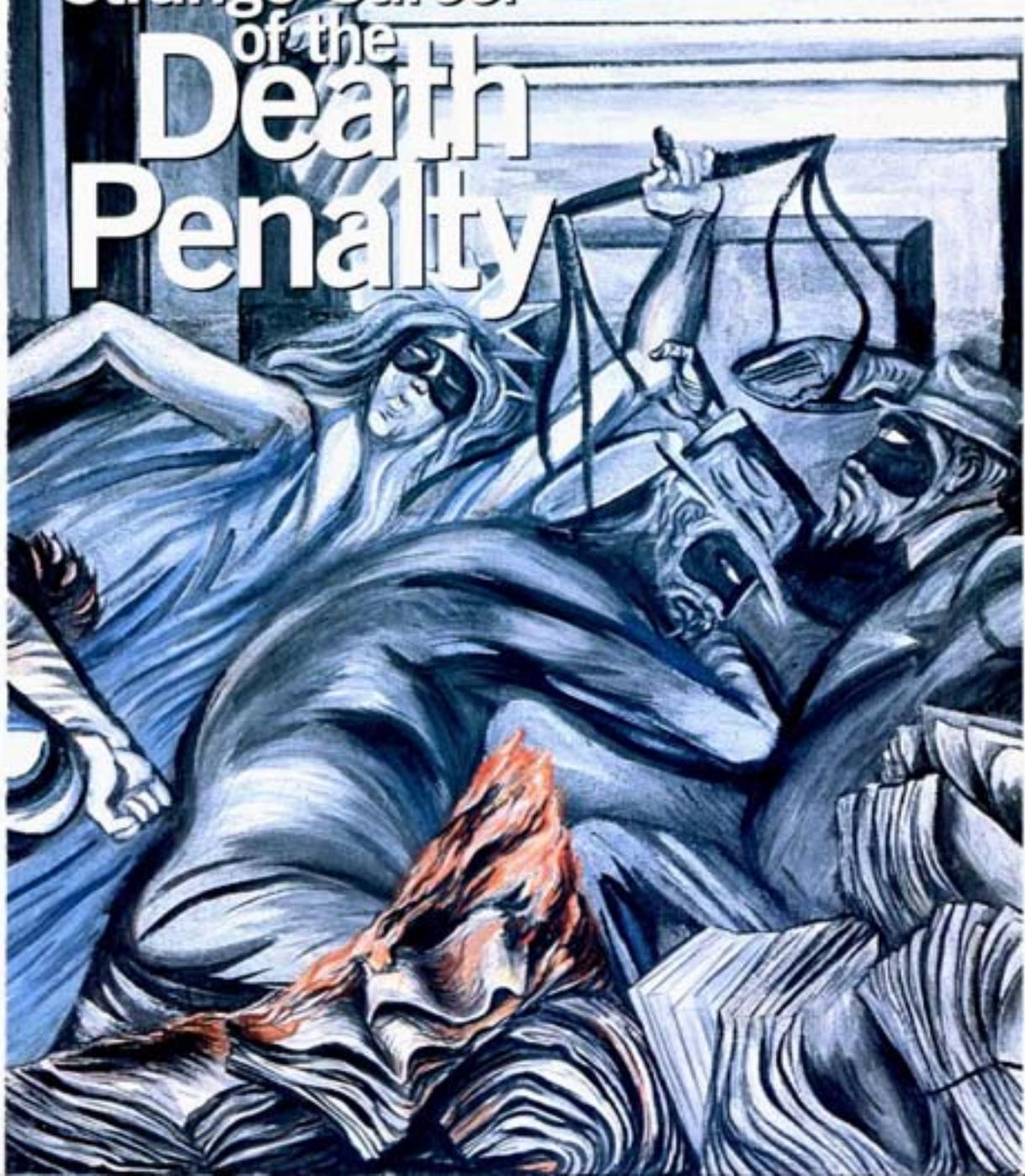
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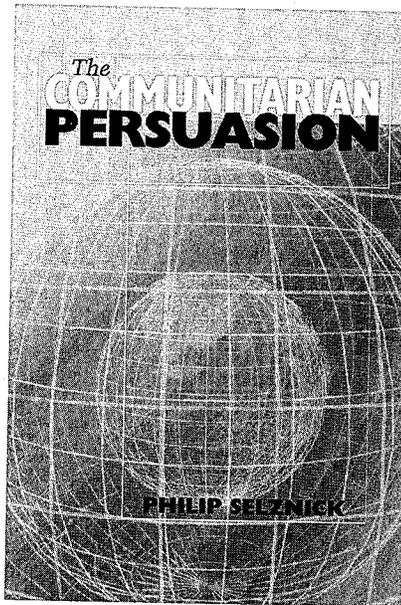
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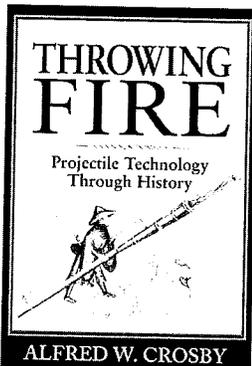
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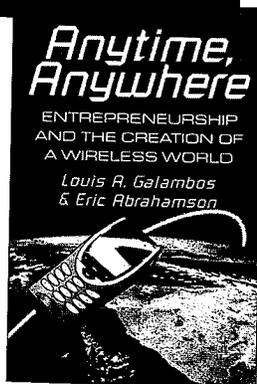
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COVER: *Justice* (1940), by José Clemente Orozco, detail from a fresco at Mexico's Supreme Court of Justice. Design by David Herbick.

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# Editor's Comment

Sometimes I wonder whether my greatest pleasure as an editor is to publish a wonderful piece that makes an argument I strongly favor or a wonderful piece that I find myself disagreeing with. It's an impossible question, or perhaps it's just the wrong question. The best essays are those that instruct us and make us think, whether we agree with the author or not. Readers of this issue's cover story by Stuart Banner will see what I mean. No matter where they stand on the death penalty, they will find themselves provoked and instructed by his political and intellectual history of capital punishment in America since the revolution wrought 30 years ago by the Supreme Court's ruling in *Furman v. Georgia*.

Banner is one of five essayists in this issue with a past or present affiliation with the Wilson Center, either as a visiting scholar or staff member. While the *WQ* is in no sense a house organ of its institutional parent, the Woodrow Wilson International Center for Scholars, the editors are lucky that their "house" is an extremely rich source of talent and ideas. Every year, some 150 scholars—academics, public officials, journalists, and others—come to the Center for varying lengths of time to pursue research and writing projects. The Center also hosts more than 350 seminars and meetings, which draw thousands of participants. One of the Center's distinguishing features is its steady commitment to nonpartisanship, neutrality, and intellectual excellence. That commitment makes the *WQ* especially proud of its parentage, and gives its editors a high standard to uphold.

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The writer's telephone number and postal address should be included. For reasons of space, letters are usually edited for publication. Some letters are received in response to the editors' requests for comment.

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## Who Rules?

When Michael Lind asks "Do the People Rule?" [WQ, Winter '02], he raises some fascinating questions of comparative politics. The democratic process works very differently in a federal system based on the compact theory than it does in one based on the national theory. There will be differences in the motivations of the voters, their organization into political parties, the institutions of decision making, the ideology of leaders, and the scope and substance of public policy. If you want a vivid illustration of these contrasts, compare the European Union based on the Maastricht Treaty, a compact agreed to by its member states, and the American Union based on the Constitution, an ordinance enacted by the people of the United States.

While these questions of contemporary American politics lend significance to Lind's discussion, he focuses it on the merits of the two theories and his preferred variant as historical accounts of our founding. I agree that among the Founders Madison is the best guide in this inquiry, but I must say that in this instance Lind does not take Madison's thinking at its best.

Dissatisfied with the usual statements of the two theories, including what I have written in support of the nationalist view, Lind prefers the alternative set forth in Madison's 1833 letter to Webster. In it, Madison argues that the Constitution was a "compact" among the several states which assigned different powers to the two levels of government, federal and state, making them "one nation, one people" in some respects but not in others. The fatal flaw in this "two sovereignties" view is that it provides no "common superior" that can control the two or judge between them. As a result, the citizen or business enterprise or political party confronted by conflicting commands arising from different readings of the Constitution by the two levels of government could not know which to obey or where to turn for an authori-

tative and conclusive decision. If put into practice, this theory would produce chaos. Terming Madison's view a "straddle," Professor Akhil Amar reports that, not surprisingly, it had no followers. Likewise, I know of no politician or student of politics in the 200 years or so of commentary on the Constitution who has adopted the aging Madison's view.

Nearly half a century earlier, however, in his nationalist phase during the ratification debates, Madison did provide a solution to the problem of federal-state conflict. In *The Federalist* 46 (1788), while approving the rivalry of the two levels as an example of checks and balances, he identified the "common superior." This would be "the great body of citizens of the United States," of whom "the federal and state governments are in fact but different agents and trustees" and who, if there were federal-state conflicts, would "in every case" decide the outcome. Restating the nationalist view, Madison concluded that "the ultimate authority, wherever the derivative may be found, resides in the people alone."

In this thumbnail sketch of the essentials of our federal system, Madison suggests how, in the day-to-day politics of the Republic, the people at large could use the two levels of government to protect their liberties and advance their welfare. He also presumes the first premise of national theory: that the Constitution, which established these two levels, was itself the creation of that people. The most succinct and authoritative assertion of this proposition is the celebrated opening of the Preamble: "We, the People of the United States . . . do ordain and establish this Constitution." That this reference to the constituent authority meant the people at large was immediately evident from the fierce reaction of the advocates of the compact theory, who objected, in the words of Patrick Henry, that the authorization should read not "We, the People" but "We, the States."

Both sides looked for justification to earlier events: the creation of the states and the declaration of their independence. On the compact



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side, Luther Martin proclaimed that "the separation from G.B. placed the 13 states in a state of nature with one another," which they remedied by a union "in the same manner as treaties and alliances are formed."

This view that the states had once been "sovereign and free" was, of course, precisely what Jefferson Davis argued when attempting to justify secession. In reply, justifying his use of force to suppress the rebellion, Abraham Lincoln took the nationalist view that "the Union is older than any of the States, and, in fact, it created them as States." The fact to which he referred was that at the outbreak of the Revolution, none of the extralegal bodies that had seized power in the colonies gave itself a constitutional existence until it was authorized to do so by the Continental Congress.

Reining in the ardent spirits of Massachusetts when they sought to move toward a separate legal existence, the Congress later gave this authorization to bodies in New Hampshire and South Carolina, respectively, and finally on May 20, 1776, voted a general authorization for the revolutionary assemblies, which included a mandate that they adopt a form of "republican government." Although this authorization was for John Adams equivalent to a declaration of independence, the Congress saw fit on July 4 to declare "the United Colonies" to be "Free and Independent States," identifying the new polity as "The United States of America." No revolutionary assembly declared its independence separately. Rather, as James Wilson hotly reminded dissidents in the Constitutional Convention, it was "by the Authority of the Good People of these Colonies" that they were declared independent of Britain, "not individually, but Unitedly."

While the new nation now had a name, except for the states, whose constitutional status was later presumed and modified by the constitution makers of 1787, it did not have a constitution that the people had created. In an earlier effort to establish a constitution, the Continental Congress drafted the Articles of Confederation and submitted them to the states for ratification. The Articles were explicitly based on a com-

pact. No more than an interstate compact today, however, did the Articles create a new and independent polity. The sovereign authority of the people had already done that in 1776. And when the government designed by the Articles failed, that same authority was again deployed to ordain the far stronger and more centralized framework of the Constitution. The states could have stopped this process at several points. Instead, they were used to call the Philadelphia convention and to ratify its proposals with remarkably little dissent.

It was an auspicious beginning. From the prewar agitation through a hard-fought war and a difficult reconstruction, the American people broke from the past into a radically different future with a degree of cohesion and common purpose unparalleled in the history of revolutions.

*Samuel H. Beer  
Eaton Professor of the  
Science of Government, Emeritus  
Harvard University  
Cambridge, Mass.*

I never thought I would catch one of your authors out on a fact, much less one that would be useful! I thoroughly enjoyed Michael Lind's essay on popular sovereignty, but he is not correct in stating that Texas is the only state that began as an independent republic. While the case may be weak for California, that is certainly not true for Vermont. Vermont declared itself a free and independent nation in 1777, with its own constitution and government; the capital was at Windsor. Not only did it declare itself free from the British monarchy, but also—and perhaps more pertinently—from New York, clearly recognizing that state as a separate entity. Vermont continued to be an independent republic until, in 1791, it joined the other colonies in a distinctly federal union. Indeed, there are those who would maintain that it remains a quite distinct entity to this day! As Lind states about Texas, the people of Vermont had then, and still have, no thought that they were reducing Vermont to an address.

*James C. Hall  
New Hartford, Conn.*

In the conclusion to his essay, Michael Lind rightly endorses James Madison's warning

against conflating the moral right of the citizens of a state to rebel against tyranny with their legal right to oppose the enforcement of national law, on the grounds that the individual states were the primary sovereign units that created the Union in the mid-1770s and reconstituted it in the late 1780s. Applying this same sensibility to the revolutionary circumstances under which the Union was formed demonstrates the futility of trying to impose any formal or legalistic notion of the priority of the nation or states on the messy conditions of 1774–76.

From its inception in 1774, the Continental Congress exercised some powers that were the domain of true nation-states, but so did the extralegal provincial conventions that would soon give way to the new state governments. Congress's ability to rule as effectively as it did stemmed from the popular support it enjoyed throughout the colonies as the embodiment of "the common cause," while authorities in the colonies-becoming-states were anxious to wrap themselves in the mantle of congressional approval for their actions—including the critical decision to write new constitutions. But Congress also represented the emerging states, and was reluctant to act without strong evidence of their support. To derive a persuasive legal theory of the nature of popular sovereignty from these messy materials is a fool's errand—which may be why we've been having this same debate for the past two and a quarter centuries.

*Jack N. Rakove  
Coe Professor of History and American Studies  
Stanford University  
Stanford, Calif.*

Michael Lind's article left me a bit cold. While it seems to me that originally the colonies became states and created the federal government, we have long passed the era in which the states are foremost in public life and public opinion. Life in the United States is largely organized by extended metropolitan regions. People in Cincinnati have nothing of daily importance to do with the inhabitants of Cleveland. We have in common only the nuisance of an anachronistic territorial unit that insists on legislating for the southern suburbs of Detroit (Toledo), a metropolis in the northeast that has been growing to connect with Pittsburgh and a metropolis in the southwest,

## Correspondence

intimately related to northern Kentucky and spilling over the state line slightly into south-eastern Indiana. One can ask what New York City has that links it to Buffalo and other upstate population centers aside from the state capital at Albany, in comparison to the frenetic daily rhythms that provide immediate intimacy with much of Connecticut and northern New Jersey.

It would be more rational to reconstitute our nation, focusing on our cities. One could then be governed with greater uniformity, fairness, and efficiency within units of our daily circulation, employment, and common problems.

Meanwhile, the will of the people nationally was frustrated in our most recent presidential election because where we lived was more weighty, thanks to the anachronistic Electoral College, than how we voted. Whatever “the people” constituted in the late 1700s, “the people” today are female as well as male, own or do not own property, and are of various skin colors. They are national whenever they rise beyond their daily metropolitan circuits.

*Laurence G. Wolf  
Cincinnati, Ohio*

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### Revisiting Museums

As an ardent museumgoer, and as someone who has worked with museums in curatorial roles for over 30 years, I found your recent essays [“The Once and Future Museum,” *WQ*, Winter '02] compelling and engaging. You have tellingly suggested that the museum, as a force in society, has entered a most uncertain period.

While the essays by Miriam Levin and Jayne Merkel effectively present the context for past museumgoing and the ways in which museum architecture is now more dominant than the content of collections, what the subtext suggests is that museums have lost their way. The sheer size of many institutions, their pandering to special-interest groups, and their denial of a clear educational role are rendering them obsolete, and making their role as purveyors of intellectual knowledge unsure.

At a time when entertainment values are everywhere, when the use of museum buildings as tourist attractions seems dominant, what will become of the collections that these institutions once studied and exhibited so well? Will

they be dispersed? Will they be seen as cultural artifacts that have no relevance for society, or will a new generation of curators (as well as the public) resume an effective examination of the objects housed in museums? The museum is at a crossroads. It could disappear as a purveyor of knowledge and as an educational tool. Only a renewed effort in understanding the importance of collections as models to learn from, and a vigorous commitment to ways of interpreting and researching the past, will allow these collections to have relevance.

You have fulfilled an admirable role in calling some issues to your readers' attention; now you should go further, with other articles, in trying to assess how museums can once again assume a role of intellectual leadership. If changes in museum emphasis do not happen, the future of museums will become increasingly nonintellectual and bleak.

*Gabriel P. Weisberg  
Professor of Art History  
University of Minnesota  
Minneapolis, Minn.*

Miriam Levin's very fine essay on “Museums and the Democratic Order” was of special interest to me as a former curator, from the mid-1970s to the mid-1990s, at the Smithsonian Institution's National Museum of American History. I particularly recall the growing concern that the artifacts we were exhibiting (as Levin puts it) spoke largely to “the politically and economically dominant caste,” and that “minority groups weren't showing up in proportion to their numbers in the population.” That period was marked by efforts, often hesitant but occasionally bold, to engage with historical topics that would make the museum a more meaningful place to a broader cross-section of the population.

Throughout the Smithsonian's historical bureaus, this process of constructing new and more inclusive narratives struck me as an essential change of direction. I am concerned, then, when I read in a recent article about the museum [*Washington Post Magazine*, January 22, 2002] that the museum's most generous private donor is disturbed by this kind of reinterpretation, and that he wants “to see everything taken out and really do an American history museum,” a kind of museum he sets in opposition to a “multiculture museum.” In the

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same article, another large donor is quoted as saying that the museum should be conceptualizing exhibits that are “180 degrees different” from what it has been doing in recent years.

I trust that the Smithsonian’s top management, while feeling well-deserved pride in its current fundraising successes, will keep in mind the crucial import—to quote Levin one last time—of considering “whole ranges of contextual materials previously ignored in order to interpret cultures from more egalitarian and arguably more authentic perspectives.”

*Robert C. Post  
Cambridge, Mass.*

In “Museums and the Democratic Order,” Miriam Levin elaborated on some difficulties entailed in establishing science museums in religious cultures that are relatively new to modern technologies (e.g., in Riyadh). She also reminded us of a dark side of museum history that places the spoils of empire on display. Whereas Levin addressed antithetical issues

involved in display (e.g., preservation of individuality and order), in “The Museum as Artifact” Jayne Merkel engagingly explored new developments in museum architecture. Together their essays inspire two questions: What will the museum of the future contain? What will the architecture look like?

The questions raised by Levin have their parallels in the work of a number of artists exploring topics of historical subjugation through deliberate acts of museum intervention. One thinks of Fred Wilson rearranging the artifacts of particular ethnographic displays to highlight their latent racism (e.g., he grouped silver urns along with slave shackles in his show “Mining the Museum”). Activist art about museums uses architecture, not just interior holdings, to address complex social issues. Merkel shows why some compelling new museum architecture is now stealing attention from the displays within. The architects form a hybrid group whose work can entail social critique (e.g., Merkel’s account of

## Correspondence

Diller & Scofidio's "Blur Building"). A history of this approach would include Gordon Matta-Clark, who often cut through the walls and floors of a building, conflating interior and exterior spaces.

Ellen K. Levy  
New York, N.Y.

Miriam Levin raises some serious issues about the past and current state of museums. After beginning as more collectors than interpreters, America's museum today offers greater educational opportunities than ever before. But as Levin points out, the real question lies in the "process by which the 'stuff' is chosen, displayed and interpreted." For most people, the majority of artifacts or objects have little value without interpretation. With interpretation, however, inevitable disagreement and even controversy emerge. Whose story is it anyway? Frederick Jackson Turner reminded us that, "Each age writes the history of the past anew with reference to the conditions uppermost in its own time." As 21st-century Americans, our belated recognition of the importance of a multi-ethnic and gender sensitive view of the past has unearthed some new ways to understand history. Often, however, in our attempt to re-interpret the past with present thinking, we overlook the context of the era in which the original event occurred. As a result, we sometimes impart a message that is both unintended and unfortunate.

Finally, Levin points out that our present obsession with "edutainment" is by no means new. Today's museum professionals, however, deal with a public that is bombarded with a myriad of choices for their limited free time. The future of museums rests on their ability to compete by being inclusive while stressing creativity and scholarship.

Arva Moore Parks  
Miami, Florida

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### *Islam's Crisis*

Richard Bulliet identifies Islam's greatest weakness when he notes the absence of a clear religious authority within the Islamic world. Thus, historically the Islamic world has periodically suffered through crises of authority, of which the current anti-Western violence is just

another manifestation. The rise of Islamist rhetoric and violence was produced at least in part by the declining influence of the *'ulama*, whose position was challenged by Muslim thinkers with secular educational backgrounds. Arab nationalist governments failed to solve their development problems or destroy Israel (the major goals of those countries in their early years) but did provide mass education to their burgeoning youthful populations, making them both able to read the message of the new Islamists and accept the revolutionary element contained within. The peculiar combination of these factors gave rise to governments of shaky legitimacy using co-opted *'ulama* (whose legitimacy was also under challenge) to out-Islamize their Islamist challengers.

Who, then, speaks for the liberal modernists within Islam, who have been in decline since Muhammad Abduh's time over a century ago? Bulliet's hope for a resurgence of Islamic liberalism by "Islam's leaders" is unlikely to be realized, I fear, since the absence of a clear leadership led to the crisis in the first place. It is certainly true that most Muslims are peaceful and not engaged in a violent struggle of civilizations with the West—a great silent majority of "conformists," as Bassam Tibi calls them. These conformists have learned an Islam that is increasingly politicized and anti-Western, however, and, at least in the Arab world, has been overlaid with a national-civilizational struggle over the state of Israel. With the reduction of the *'ulama* to quiescent mouthpieces for illegitimate states, and the absence of space for modernist interpretations of Islam, the message of hate and jihad taught by militant Islamists has resonated strongly throughout the Islamic world, and it is now an underlying base belief for many Muslim conformists.

To change that way of thinking will require a rare unity of thought among the authority figures within the Islamic world. And yet, this is a world with almost half of its population teenage or younger, who learn in educational systems that emphasize rote memorization rather than critical thinking. Even if the leaders are prepared to lead in the right direction, will the followers be prepared to follow?

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# Findings

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## Sour Notes

Remember the hoopla a few years ago when hundreds of Tokyo children suffered seizures while watching a cartoon on TV? Well, it's happened again. The culprit this time isn't *Pokemon*, but the victim is Japanese: a 23-year-old woman who suffered epileptic seizures whenever she heard Mariah Carey's "Dreamlover." The Annals of Improbable Research ([www.improbable.com](http://www.improbable.com)) found this one in a Japanese medical journal under



*Seizure inducing?*

the title "A Case of Musicogenic Epilepsy Induced by Listening to American Pop Music."

Aurally induced epilepsy is nothing new, ABC News points out on its Web site. The *New England Journal of Medicine* in 1991 reported on a 45-year-old woman whose seizures

were triggered by Mary Hart's sunny voice. Doctors prescribed anticonvulsants and, just to be safe, no more *Entertainment Tonight*. Another woman, perhaps luckless in romance, went into seizures whenever she heard Rodgers and Hammerstein's "People Will Say We're in Love." In the 1940s, according to ABC, Tommy Dorsey's "String of Pearls" provoked seizures in one woman, though Benny Goodman's version of the song left her unaffected. Different notes for different folks.

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## Words, Words, Words

§ In both Greek (*mys*) and Latin (*musculus*), the same word can mean, depending on con-

text, "mouse" or "muscle." In *Prime Mover: A Natural History of Muscle*, Duke University biologist Steven Vogel surmises that an ancient—one of those brawny discus throwers, perhaps—decided that his flexed bicep looked like a subcutaneous mouse.

§ Credit the French Revolution with the word *terrorism*. Writing in *Europe* magazine (October 2001), former Wilson Center public-policy scholar Martin Walker points out that the word first appeared in 1795 in reference to the Reign of Terror. "Incidentally," writes Walker, "it was the Nazi occupiers of Europe during the Second World War who characterized the work of French, Czech, Polish, and other resistance movements, supplied and fomented by Britain's Special Operations Executive, as 'terrorism.'"

§ Do sinful desserts cause sin? Sylvester Graham, a New England clergyman of the 19th century, maintained that sweet, rich foods (among others) could "increase the concupiscent excitability and sensibility of the genital organs." According to Barbara Haber's *From Hardtack to Homefries*, Graham favored simpler, less stimulating nourishment, such as the no-frills brown cracker that came to bear his name. A century and a half later, his cracker is a favorite at campfires, where it brackets rich chocolate and gooey marshmallows. Listen closely between verses of "Kumbaya" and you'll hear the reverend spinning in his grave.

§ Sensitized nomenclature is nothing new. In *Inventing the Victorians*, journalist Matthew Sweet quotes a circus brochure from 1899 on the subject of *freaks*: "The name is a harsh one, and the people themselves object to it. At two meetings held by them in protest last January, they decided, on the suggestion of Canon Wilberforce of Westminster, that they should be called 'prodigies.'"

§ Jeff Miller, a homicide detective who teaches a Smithsonian Resident Associates

## Findings

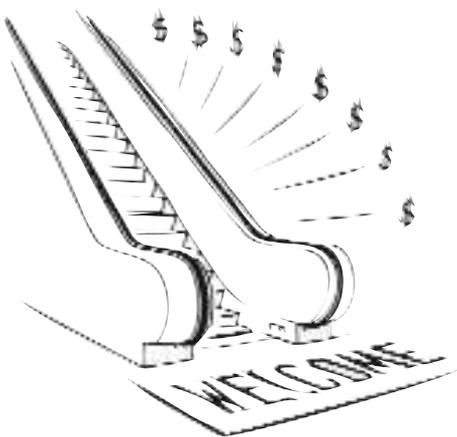
course on murder investigations, picks up jargon from the street. A driver doing the *Philly lean*, says Miller, is slumped down so far in the seat that he can barely see over the dashboard. Begun by gang members as a form of defensive driving, the Philly lean morphed, in the usual fashion, into a badge of hipness among suburban teens.

§ From Erin McKean's *Verbatim*, a new collection of essays on language: "The Reverend Thomas Cooper's *Thesaurus* (1565), the first great classical dictionary, would have been published five years earlier had not his wife, fearing that too much lexicography would kill her husband, burned the first manuscript."

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## Escalation

No invention has done as much for modern shopping as the escalator, declares *The Harvard Design School Guide to Shopping*. When stairs and elevators offered the only access, the upper levels of department stores never attracted the same foot traffic as the ground floor; many casual customers wouldn't bother schlepping up stairs or crowding into elevators. The escalator, which debuted in New York and London department stores around 1900, made the upper floors more inviting. "Because of its beauty, because of its continuous movement, and because it is comfortable to ride on," a 1949 promotional brochure boasted, "the Escalator beckons to the customer and assures him that he can travel upward quickly and without effort." Upper floors became nearly as profitable as the street level.



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## At Sea in Chicago

Mortimer J. Adler (1902–2001), philosopher, education reformer, and best-selling author, managed to distill the 102 core ideas from civilization's Great Books—the Encyclopaedia Britannica's oddball Synopticon project—but he didn't always succeed in imparting those ideas to undergraduates. In the *Common Review* (Winter 2002), Sidney Hyman, a senior fellow at the Great Books Foundation, recalls Adler leading a seminar at the University of Chicago:

"Despite Adler's questions, there were times when a seminar resembled nothing so much as a band of displaced persons wandering the landscape in search of a safe haven. Adler would try, by rephrasing his questions, to bring the participants to that kind of epiphany of reason whereby obscurity attains verbal clarity and form. The greater the delay before anything of the sort happened, the more he seemed to suffer real physical distress. But when a student broke through the impasse, Adler became airborne with enthusiasm, scraping his chair back from the table and jumping to his feet. He would clap his hands and stammer his delight over what had been gained on this side of understanding."

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## Grading Orwell

The wintertime brouhaha over several incidents of plagiarism brought to mind an earlier case of borrowed words, one undertaken in a spirit of inquiry rather than larceny. Of his undergraduate days, novelist Michael Crichton recounts in *Travels* (1988): "In the English department at Harvard, my writing style was severely criticized and I was receiving grades of C or C+ on my papers. At 18, I was vain about my writing and felt it was Harvard, and not I, that was in error, so I decided to make an experiment. The next assignment was a paper on *Gulliver's Travels*, and I remembered an essay by George Orwell that might fit. With some hesitation, I retyped Orwell's essay and submitted it as my

own. I hesitated because if I were caught for plagiarism I would be expelled; but I was pretty sure that my instructor was not only wrong about writing styles, but poorly read as well. In any case, George Orwell got a B- at Harvard, which convinced me that the English department was too difficult for me.”

Today, given Harvard’s well-publicized grade inflation, the author of *Animal Farm* would doubtless get an A. And so would the author of *Jurassic Park*.

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## The New Normal

President Bush’s soaring approval rating wasn’t the only attitude shift after September 11. A Barna opinion survey ([www.barna.org](http://www.barna.org)) found that the terrorist attacks gave absolute truth a bad name: Support for the proposition that “there are moral truths that are absolute” fell sharply, from 38 percent in early 2000 to 22 percent shortly after the attacks. (Hmm, polls on moral absolutes?) Political scientist Robert D. Putnam, writing in the *American Prospect* (February 11), notes that post-9/11, Americans grew more trusting of local news outlets, neighbors, and shop clerks. According to results assembled by the American Enterprise Institute’s Karlyn Bowman ([www.aei.org](http://www.aei.org)), half of Americans said that September 11 made them more likely to say “I love you,” and one in four said they were more likely to be on time for work.

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## Best Friend

A dog’s life? Hardly. *Regional Review* (second quarter 2001) reports that sales of dog food are growing considerably faster than the canine population. “Owners are trading lower-quality brands for higher-end premium foods . . . and are increasingly splurging for pet treats.” Having indulged ourselves with super-premium ice cream, gourmet coffee, and much else, perhaps we have decided to pamper our animal companions. Whatever the cause, that pet door may need enlarging.

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## Double Dose

Though Alka-Seltzer ads of the 1950s showed one tablet therapeutically fizzing, the dosage doubled in the 1960s. The reflux decade? No, an ad maker’s brainstorm. Working on the Alka-Seltzer campaign, ad executive Mary Wells Lawrence learned that aspirin was a key ingredient. Aspirin bottles commonly prescribed two tablets; would two Alka-Seltzers work better than one? Probably so, agreed a research doctor at Miles Laboratories, Alka-Seltzer’s parent company.



“We changed the directions on the packages,” Lawrence writes in *A Big Life in Advertising*, “and began showing

two Alka-Seltzers dropping into a glass of water in every commercial. Plop Plop Fizz Fizz. Miles created portable foil packs that held two Alka-Seltzers each and sold them in new places, magazine stands, bars, fast-food restaurants, powder rooms—they became ubiquitous—and, naturally, Miles began selling twice as much Alka-Seltzer.”

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## We Love to See You Smile

When McDonald’s opened its first restaurants in Moscow in 1990, according to Peter N. Stearns’s *Cultures in Motion: Mapping Key Contacts and Their Imprints in World History*, the company was obliged to arrange special courses to teach cashiers to smile at customers.

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## Talking Book

Running Press is marketing *Mr. Right When You Need Him*, by Karen Salmansohn, a slender book accompanied by a talking doll—male, dapper, winsome. Among his utterances: “You look thin! Did you lose weight?” “It’s not your fault, it’s mine.” “Can I take you shoe shopping?” As a particular selling point, Running Press points out that “he talks—but only when you want him to.”

# Terrorism and the Limits of Law

Few institutions have been more severely tested in the wake of September 11 than the law. How do we treat suspected foreign terrorists? What is the proper balance between self-defense and the protection of civil liberties? A legal scholar sees an important lesson in how America has responded.

*by Michael J. Glennon*

Cries of outrage erupted around the world this past January when the Pentagon released pictures of Taliban and Al Qaeda prisoners shackled, blindfolded by strange-looking goggles, and forced to kneel during their captivity at the U.S. military base at Guantánamo Bay in Cuba. Secretary of Defense Donald H. Rumsfeld's explanation that such methods were not inhumane and were used only when the men—dangerous terrorist suspects, after all—were moved from place to place did little to still the protests. But millions of Americans, and doubtless many abroad, thought to themselves: So what? It is likely, in fact, that many thought the prisoners deserved far worse. A CNN/USA Today/Gallup poll in early October revealed that 45 percent of those surveyed would approve the torture of captured terrorists who knew details of future attacks in the United States. One prominent American law professor has even suggested that judges be empowered to issue “torture warrants.”

There is no evidence that the roughly 300 men held at Guantánamo have been tortured, but there is no question that America since September 11 has experienced a sharp clash of values, pitting freedom against security, and law against politics. Yet the months since terrorists brought down the World Trade towers also show how the United States has come to balance competing con-

stitutional values, and—perhaps paradoxically—the way it has come to recognize the limits of the law as a tool for striking that balance.

Why not torture the terrorists? The answer is not as obvious as it may seem—and some of the most obvious answers don't hold up under scrutiny. In 20 years of teaching constitutional law, I have found that considering hypothetical cases can be a useful way to get at bigger truths. Many of these “hypos,” as they are called in law schools, are simply outlandish, but one has turned out, alas, to be a lot less improbable than it seemed before September 11. That is the famous, or infamous, “ticking time bomb” hypo:

*Assume that the police capture a terrorist whom they know has planted a nuclear bomb somewhere in New York City. The police know that the bomb will explode very soon; the city cannot possibly be evacuated. The terrorist refuses to talk. Question: Should the police torture him?*

Some students always answer with a flat no: Torture, they argue, can never be conducted under any circumstances. They usually give two kinds of reasons, one practical, the other theoretical. On the practical side, students cite the familiar “slippery slope” argument: Once we accept the per-



*After the Pentagon released this January 11 photo of Taliban and Al Qaeda detainees upon arrival at Guantánamo Bay critics accused the United States of using psychological control techniques.*

missibility of torture under any circumstances, we will end up torturing under many circumstances. The theoretical reason can best be described as a natural rights argument—it is an almost instinctive American response. It holds that human beings have certain rights that no government can take away, and that one of those rights is the right not to be tortured. Some natural rights proponents would add that it is impermissible to do evil even if good may come of it, or that the end can never justify the means.

Each of these arguments has flaws. The answer to the “slippery slope” view is simply that we have not yet reached the bottom of the slope, indeed, that we are far from it, and that long before we do reach the bottom we will stop. We can torture terrorists without opening the way to the torture of, say, car thieves. It is irrational not to act where we

must act just because, some day, we may act where we ought not act.

The answer to the theoretical, natural rights argument is complex, as is the natural rights argument itself. At bottom, though, the response is that the natural rights argument is not really an argument at all, but rather an assertion—an assertion that is as unproved as it is unprovable. It hinges on a set of presuppositions. The most prominent of these is the assumption of eternal right and wrong, of an overarching morality contingent upon neither circumstance nor culture, a “truth” that all rational people everywhere—all persons of “right reason”—must accept. Another presupposition is the moral necessity of accepting logical consistency. But proponents of natural rights have no response to the Nietzschean superman—the person who does not accept the same presuppositions as others, the person who says, in effect: “I do what I wish, period. I accept

no morality. I simply act.” Hence Jeremy Bentham’s famous characterization of natural rights as “nonsense upon stilts.”

On the other side of the debate over our hypothetical are students—most students, these days—who respond that of course we should torture the terrorist. Many of these students believe that this is simply a practical argument. They justify torturing, or even killing, the terrorist by relying on simple arithmetic: The lives of eight million are worth more than the life of one. No great philosophical inquiry is needed. Unlike natural rights, utilitarianism is modern and seemingly scientific—“empirical.” So it’s no big deal, these students believe, to fall back upon the same utilitarian philosophy in deciding to torture the terrorist.

But a vast body of philosophy does underlie the supposition that “simple arithmetic” is the proper focal point. That philosophy is utilitarianism, the notion of the greatest good for the greatest number. It is true that much of Western social policy today is built upon utilitarian scaffolding. The justification for the principle of redistributing wealth that animates many government programs, from graduated income taxes to historic preservation, is the idea that the number of people who will benefit is greater than the number of people who will be harmed.

But utilitarianism, like the natural rights approach, has its difficulties. Utilitarianism can lead to horrific social policies. A majority may somehow be “happier” if all men are required to wear crew cuts, or if all women are required to wear burkas, or if all “infidels” are put to death. How do we answer that majority?

Moreover, “empirical” though it may be, utilitarianism is not without its own presuppositions. Central among them is precisely the same assumption of the moral bindingness of logic that occurs in the natural rights argument. Why ought we give the greatest good to the greatest number? Like natural rights proponents, utilitarians have no answer to the Nietzschean superman who wants it all for

himself. Utilitarianism, like natural rights, turns out to be merely a rhetorically veiled system of personal preference. If either is pushed back far enough—if the “reason” for each premise in the syllogistic chain is answered with the simple question Why?—those reasons are revealed to be arbitrary.

Even this “postmodern” objection, though, has its problems. “Postmodernism,” writes Stanley Fish, himself a leading postmodernist, maintains “that there can be no independent standard for determining which of many rival interpretations of an event is the true one.” But postmodernism is subject to its own critique. The assertion that there is no independent standard—no universal truth—disproves itself. What is that assertion, after all, but a claim that something actually is universally true?

So the easy answers to the hypothetical are too easy. Each approach, in the end, opens the door to precisely the evils that it seeks to preclude. Each ultimately is arbitrary in that it relies upon premises that cannot be rationally proven but must, rather, be assumed. Each leaves us looking further.

Some years ago, Justice Hugo Black (1886–1971) reportedly gave an intriguing answer to the ticking time bomb hypothetical. There’s a particular reason to be interested in Black. He was one of the leading liberals of the Warren Court. Appointed by President Franklin D. Roosevelt, he had a strong commitment to civil liberties and individual freedom. Black was also the quintessential constitutional “absolutist.” He liked “bright line” tests—legal standards that were easy to apply and that admitted of no exceptions. When Black read the words, “Congress shall make no law . . .” in the First Amendment, he read them to mean that Congress shall make no law—not some law, not a few laws, but *no* law.

Black disdained “balancing tests”—standards that permitted judges to weigh competing interests case by case to reach different outcomes in different circumstances. Balancing tests, he believed, gave judges too

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much discretion, allowing them to substitute their own judgment for that of legislators. The job of judges, Black knew, is to interpret the law, not to make the law. Balancing tests reduce the law to mashed potatoes, to be shaped into anything any judge wants it to be, able to support any conclusion the judge desires. Black was the perfect person to whom the hypothetical could be addressed: How would the ultimate no-nonsense, “no exceptions” jurist who had an abiding respect for the dignity of the individual apply a rule that seemed to cry out for an exception? Should we torture the terrorist?

Black’s reported answer was, “Yes—but we could never say that.”

It is hard to resist reveling in the pithy wisdom of these words. In one sentence, Black reconciles down-home common sense with a profound recognition of the limits of the law—I should say, with a recognition of the limits of human cognitive and linguistic capacity.

Common sense kept Black, in the end, from being a true absolutist, at least within the realm of morality, if not law. By a true absolutist I mean one who refuses to balance competing values. An absolutist would say that a certain act is always, in every situation, wrong. Killing, lying, stealing, assassination—and, of course, torture—are examples of the kinds of acts some absolutists believe are always wrong, regardless of “exigent” circumstances. In his answer to the ticking time bomb hypothetical, Black reveals that he is willing to balance one value against another, weighing the evil of torture against the preservation of human life. So in a moral sense, the hypothetical seemed to have its intended purpose of “smoking him out,” of showing that even the most dedicated constitutional absolutist could, under the right conditions, be forced to jump ship.

But Black does not jump ship in the legal realm. *We could never say that.* He is unwilling to allow the law to reflect his moral judgment. It is one thing to acknowledge the moral propriety of torturing the terrorist, but quite another to conclude that such an admission should be acted upon by a court (or, presumably, by

a legislature). Why? We can only speculate, but Black might have responded that courts and legislatures, unlike the police, speak with words, not deeds. Don’t spell it out in a rule—don’t even try to spell it out—just do it. Because the human mind simply is not capable of finding words precise enough to eliminate all unwanted discretion. Because words are too slippery to be entrusted with the responsibility of staying put when strange new facts shake them around. Because any rule that would let us torture a terrorist, however carefully drafted, would inevitably be embraced by corrupt police officers or soldiers or prison guards somewhere as justification for doing what our society finds repugnant.

This answer, however, has an obvious shortcoming. It seems to assume that no legal norm is established if one simply intends not to establish a norm. Black’s answer brings to mind Abraham Lincoln’s quip: How many legs does a dog have if you call a tail a leg? Four; calling a tail a leg does not make it a leg. Calling a precedent a non-precedent does not make it so. Action counts. Intent is expressed in deeds as well as words. And deeds that are allowed to stand are likely to be repeated by others. Even if those deeds are not repeated, it is possible that the police officer who did the torturing could later be hauled into court for the act. What then? Turning a blind eye to manifest illegality could taint the entire legal system—though the law may have enough give at the joints to limit torture’s corrupting influence. (Those found guilty of torture where mitigating circumstances exist could be given suspended sentences, for example.)

Despite its flaws, “not saying that” is sometimes our best option. The courts have various ways of “not saying that.” One is encapsulated in Justice Oliver Wendell Holmes, Jr.’s famous dictum that hard cases make bad law. To avoid bad law, avoid hard cases; avoid resolving a conflict when two fundamental values clash. To resolve such a case is to risk establishing a formal legal precedent that will require a future case to be decided in a bad way. This is why the Supreme Court, when confronted with a hard case, is inclined to

underscore that its decision is restricted to the precise facts of the case before it.

**T**he ticking time bomb hypothetical is, to be sure, a hard and essentially implausible case. Yet it can be made even harder. Assume that the person who knows the location of the bomb is not a terrorist—or even a wrongdoer. Assume that he happens to know where the bomb is located but, acting upon some perverse principle, refuses to answer the authorities' questions. Suppose, for example, that the police know that the bomb is hidden in his mother's house, unknown to her, and that they don't know her address. Suppose that he declines to cooperate out of fear that the police will hurt his mother. Is it permissible to torture a wholly innocent bystander to spare the lives of eight million people?

One might say that the person is a wrongdoer for the simple reason that it is wrong not to reveal the whereabouts of the bomb. But I am aware of no crime that would be committed by his remaining silent. He is not legally a wrongdoer. Morally, one might think otherwise. But one could also argue that choosing one's own mother's life over the lives of strangers is no moral wrong.

Remember, this person, unlike the terrorist, has not chosen to act outside the law. He has every reason to believe that he is protected from community-sponsored violence. After all, he did what the community told him to do in the only way it could communicate authoritatively with him—through the law. If we are to permit the law's guardians to engage in an improvised and unauthorized utilitarian calculus that trumps the law here, why not elsewhere? And if "elsewhere" can be decided by the law's guardians to be anywhere the guardians wish, what has become of the law?

Since September 11 we have often heard potential departures from the legal order defended with the argument that the "Constitution is not a suicide pact." No one can quarrel with these words (Justice Arthur Goldberg's words, actually). Survival is the ultimate right, for societies as well as for individuals. But the proposition has come to be relied upon too often, in contexts in which societal survival is not at stake. The

statement has come to be shorthand for the idea that whenever the Constitution seems to be at odds with some transient utilitarian calculus, the Constitution must give way.

In its strong form, this argument is not just a case for occasionally violating the Constitution. It is an objection to the very idea of the rule of law. The rule of law substitutes for the series of utilitarian calculations that would otherwise occur in a lawless "state of nature." It says that we agree not to weigh costs against benefits where a specific rule of law applies. We do not permit a bank robber to excuse himself with the defense that the bank charged the community unconscionable interest rates, or a murderer to excuse himself with the defense that the deceased was a congenital bully. No: If the law provides the answer as to how certain wrongs are to be righted, then the law's answer controls. We do not set the law aside because the benefits of doing so seem to outweigh the costs.

I say "seem to outweigh the costs" because our assessment of costs can vary under different conditions. Recall Homer's story of the Sirens, the sea nymphs whose hypnotic singing lured sailors to crash their ships onto the rocks. And recall Odysseus's solution: Knowing that he would surely succumb to the Sirens' song (yet desperately wanting to hear it), he had himself bound to the ship's mast and told his crew to plug their ears. He ordered them to ignore his pleas to be untied, no matter how forceful. Knowing in calmer times, in other words, that he would assess the cost of succumbing to the Sirens differently than he would in a moment of great stress, Odysseus set down a rule that was not to be superseded by a later rule formulated in distress.

**S**ociety is like Odysseus. When it formulates constitutional limits, society says to itself: "When confronted with temptation, we may scream to be untied—untied to censor unwanted speech, to ban unwanted religion, to impose cruel and unusual punishments—but do not untie us! We know the true costs of these actions, and those costs are too great!"

So I am not making a roundabout case for the use of torture as an interrogation tool.



*The law is like the lashes that bind Odysseus, a form of self-protection against future temptations.*

To the contrary: The captives in Guantánamo Bay do not pose anywhere near as clear and present a danger as the ticking time bomb terrorist. As far as we know, no single, identifiable prisoner possesses information that could save thousands of lives. Torturing prisoners absent such exigent circumstances would represent a momentous and irreversible step backward toward war as it was fought centuries ago, war with no rules, war with no safe havens, war with no limits. No civilized nation can embark upon such a course unless it has decided to write off its future.

My case can be summed up in two words: *balance* and *limits*. The ticking time bomb hypothetical is a useful analytic tool not only for thinking about terrorism but for thinking about thinking. It makes us ponder whether any one value, however central to our culture, can ever be given overriding, controlling weight in any and all circumstances. The hypothetical shows how sticking to any absolute, inflexible principle come hell or high water can ultimately undermine the purposes that principle is intended to vindicate. It reveals the need to balance compet-

ing values, to reconcile countervailing ideals, pragmatically, with an eye to real-world consequences, not abstract theory.

**M**y argument points toward a need for a renewed respect for limits. Limits are implicit in balance: If no single value always, everywhere, trumps every other value, then every value has its limits. These limits are revealed in situations in which that value is not the only guiding principle. But respect for limits must apply not only to values. It must also apply to institutions—to the capacity of institutions to resolve problems. Law is one of these institutions, and Justice Black's position is a good example of respect for the law's limits.

Some disagree with Black. Appearing on television's *60 Minutes* after September 11, Alan Dershowitz, a noted American law professor and civil liberties lawyer, declared not only that the terrorist in our ticking time bomb hypothetical should be tortured but that judges should be authorized to issue "torture warrants" in such cases. When Mike Wallace replied that the idea "sounds medieval," Dershowitz had a thoughtful

reply: “My suggestion is that we bring it into the legal system so that we can control it rather than keeping it outside of the legal system where it exists in a netherland of winked approval.”

It is easy to hop on a high horse and score points by condemning torture, as a lot of critics were delighted to do after Dershowitz made his statement. But I commend him for braving the slings and arrows of the self-righteous in bringing this issue to the fore. Whether torture should be “brought into the legal system” or left outside it needs to be discussed, and it is a question on which reasonable people can disagree.

I commend Dershowitz, but I disagree with him. I disagree with him because I believe that he fails—unlike Hugo Black—to appreciate the outer bounds of what the law is able to accomplish. The law cannot manage all questions that society confronts. Sometimes, in attempting to do so, the law places a stamp of legitimacy on an activity that no civilized society can afford to legitimate. Sometimes certain activities belong in the netherland. Sometimes lawmakers seeking with the best of intentions to regulate an activity end up deregulating it. Sometimes the best regulation lies in no regulation. Sometimes the best way of enforcing limits is not to carve those limits into the law, where even carefully drawn words of limitation can unwittingly provide unwanted authority, but to count upon public servants to discern and respect those limits. Sometimes we must recognize that for the law to say something—for it to say anything—would undercut the objective that it seeks to achieve. Sometimes it may be necessary for good and just and decent public servants to do things that society in normal circumstances would find abhorrent. But: The law, in Justice Black’s words, “could never say that.”

All this places in perspective some of the steps that government has taken at home and abroad since September 11. Rights and interests must be balanced against one another—and in that process, the role of law is limited. Consider five recent examples, each of which presents a sharp clash of values.

1. The mass arrests of people in the United States suspected of links to terrorist organizations in the weeks after September 11 stretched to the limits any reasonable interpretation of the Fourth Amendment’s warrant and probable cause requirements. But the federal government does have a responsibility to protect the safety and well-being of the American people. If, as seems probable, it was reasonable to believe that Al Qaeda cells were still operating within the United States, and if it was also reasonable to believe that those cells were poised to strike again, was it not sensible to balance those competing values by arresting the likeliest terrorist suspects?

2. Racial profiling is invidious racial discrimination, and racial discrimination is subject to strict scrutiny by the courts under the Fourteenth Amendment. Strict scrutiny, however, is not the same as prohibition; the strict scrutiny hurdle is overcome with a showing of a compelling governmental interest. Government, again, has a compelling interest in protecting the physical safety of the American people. If every known perpetrator of the September 11 bombings is a male member of a certain age and ethnic group, is not a special focus on such people a reasonable way for government to vindicate that compelling interest?

3. Directing the armed forces to shoot down a passenger airliner filled with innocent civilians is not something a president normally does. Americans have a constitutional right not to be deprived of life without due process of law. But what process is “due” is a function of circumstance. When the plane may be headed for the White House or the Capitol or a nuclear power plant, does not that order represent a reasonable balancing of interests?

4. Jury trials and other procedural safeguards normally are required for nonmilitary personnel accused of serious crimes. But when the alleged offenses are committed by noncitizens (such as members of Al Qaeda) who are fighting overseas as irregular forces against the U.S. military, when those noncitizens are accused of war crimes, and when history shows that hundreds of military tribunals were used in postwar Germany

and Japan to try war criminals, would a reasonable balance of competing interests be struck by trying every last defendant in federal courts located in the United States?

5. Assassination is prohibited by executive order and by the Fourth Hague Convention of 1907. The *Army Field Manual* says that the convention's provision "is construed as prohibiting assassination . . . or outlawry of an enemy, or putting a price upon an enemy's head, as well as offering a reward for an enemy 'dead or alive.'" But the laws of war also prohibit the killing of innocent civilians. When the enemy is Osama bin Laden, who has dedicated his life to killing as many innocent civilians as possible; when his capture or extradition is not feasible; and when taking that one life can reasonably be expected to save the lives of thousands and possibly millions of innocent people, would such a provision be unreasonable?

This is not to say that every government action since September 11 has been justified by exigent circumstance. Procedurally and substantively, government officials have sometimes overreacted—perhaps most egregiously members of Congress. The joint resolution that Congress adopted in the panicky days after the September 11 attacks is a sad testimony to the capacity of even the most dedicated public officials to succumb to a herd mentality. Congress authorized the president to use "all necessary and appropriate force," without any geographical or procedural restriction, to prevent future acts of international terrorism against the United States. There is no excuse for authorizing the president—any president—to use armed force domestically, against people located within the territory of the United States, without well-defined limits. But the September 14 legislation did just that.

Also since September 11, state and local officials and some university administrators have not been consistent in their dedication to—or understanding of—the First Amendment. A number of university professors have been penalized for expressing offensive views and counseling hostility toward the government. But offensive speech is pro-

TECTED by the First Amendment; speech can only be curtailed when it leads to incitement to crime, not when it constitutes mere advocacy. The remedy for evil counsels, Justice Louis Brandeis wrote, is not repression and less speech; the remedy for evil counsels is more speech and good counsels.

Still, most of the steps taken by government officials since the terrorist attacks have been reasonable efforts to reconcile competing values, and if government has been slow to "say that," the reason may be that hastily writing these balances into law would not be a good way to protect cherished freedoms over the long term. Today's balances have been struck virtually overnight. But the liberties at stake have been developed over many centuries by many peoples: from the Magna Carta of the English barons who confronted King John at Runnymede in 1215, to the French Declaration of the Rights of Man and of the Citizen in 1789, to the American Bill of Rights in 1791, to the Universal Declaration of Human Rights adopted by the United Nations in 1948, these freedoms are the product of selfless struggles, of countless lives, of endless dreams, in the United States and other countries, and it would be a tragedy too great for words if we were to allow terrorists to persuade us to forgo that heritage.

It would also be a mistake, however, to think that the law is solely responsible for defending these freedoms. "Liberty lies in the hearts of men and women," said the great American jurist Learned Hand. "When it dies there, no constitution, no law, no court can save it." There is no substitute for a vigilant body politic. But neither is there a substitute for a judicious body politic, a people who recognize that there is such a thing as excessive freedom in the face of lethal danger. Protecting freedom too broadly today could lead to a backlash if more terrorist attacks occur tomorrow, leaving us with even less freedom than we would otherwise have. It is important to get it right at the start; striking a pragmatic balance between competing values is the key—a balance that recognizes that each value has its limits. □

# Rebirth of a Notion

The new Bibliotheca Alexandrina opens this spring on the shores of the Mediterranean atop the foundations of a great lost legend. Will it be a beacon of intellectual hope and openness for a country sorely in need of one? An ordinary library with none of its precursor's ancient luster? Or simply the world's largest phone booth?

by Amy E. Schwartz

Late this April, in a storied spot on Egypt's Mediterranean coast, international dignitaries will gather for the dedication of a sparkling new building whose tilted cylindrical shape is intended to evoke the power of the rising sun. The granite exterior wall is patterned in alphabets, an assortment of characters and hieroglyphs from 200 different writing systems ancient and modern. They mingle to project the sense that the building is a mysterious receptacle of some sort—a jar, a jug, a scroll—crammed with strange messages. And the impression is exactly right, because the building promises an implausible but somehow still thrilling answer to an old dream. Since 1990 its builders have been claiming that, when it opens, it will be a new, gloriously revived incarnation of the ancient library of Alexandria.

What could be more romantic than the idea of resurrecting the Great Library of antiquity, where the riches of classical learning, accumulated over centuries, were stored—only to be lost in a conflagration whose details remain in shadow? On the other hand, what could be more ridiculous? The ancient library was, after all,

famed not for architecture or material monuments but for the vast store of knowledge it contained, most of it now irretrievably lost. You can rebuild buildings, but you cannot restore a great scholarly endeavor simply by declaring you will do so. It's especially difficult when your site, once considered the center of the civilized world, is located in a nation that, far from reaching out to collect as much as possible of the world's knowledge, has been steadily flirting with book and press censorship, Islamic fundamentalism, and outright cultural repression.

The sponsors have tried. The new Bibliotheca Alexandrina, they say, will be “a lighthouse of knowledge to the whole world”—a not-so-veiled attempt to invoke the aura of the city's other great lost landmark, the Pharos, a lighthouse that was numbered among the Seven Wonders of the Ancient World. The project's logo is a schematic representation of the Great Lighthouse, the sun rising from the sea behind it. And some steps have been taken that go beyond letterhead, raising hopes that the new Bibliotheca Alexandrina could be, if not an





*An Egyptian diver goes face to face with this rare sphinx that has kept its head. It was discovered in the shallow waters of Alexandria's harbor, part of which will become an undersea antiquities park.*

instant wonder, then at least a respectable institution.

It wasn't always so. For most of the decade following its formal launch in 1990, the project, when it drew international attention at all, was as likely to evoke a snicker as a thrill. "Mubarak's new Pyramid," suggested a British publication in 1998. A white elephant, insisted others, an immensely sophisticated \$210 million building being erected in a nation with widespread illiteracy and courts that routinely yank books off library shelves lest they pose a threat to Islam. The sponsors of the new Alexandria, this critique runs, have erected a gorgeous edifice and raised a lot of money, but they have only intermittently grappled with the central question that shapes a serious library: What is to be in it?

Worldwide appeals for help brought donations of thousands of outdated textbooks and

obscure volumes of conference proceedings. A project director, pinned down on the lack of quality, conceded that it might be necessary to "swap" some. Even one of the early on-site directors from the United Nations Educational, Scientific, and Cultural Organization (UNESCO) admitted to me wryly in 1993 that the structural tendencies of his agency tended to push in the wrong direction. "It's a funny thing about cultural projects," he observed. "They have a tendency to migrate towards being architectural projects, which at least we know how to do."

The observation goes to the root of a more general skepticism. Alexandria was the seat of the Ptolemies, the home of geniuses such as Euclid, Eratosthenes, and Archimedes, and of Callimachus, who marshaled the forces of the open and culturally voracious Hellenistic Empire to build the library's collection. Twenty-three centuries after the founding of the ancient library, the main forces

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urging the Bibliotheca Alexandrina into existence are two enormous and lumbering bureaucracies in thrall to myriad political sensitivities: the Mubarak government in Cairo and the vast UNESCO machinery based in Paris. It's fair to say that no one expects either of these institutions to be a fertile seedbed for world-class intellectual endeavor.



In the last two years, stung by such dismissals, both bureaucracies have taken some steps to indicate their seriousness. Most important, they recruited a director of international stature: Egyptian-born urban planner Ismail Serageldin, who left a World Bank vice presidency to accept the job. Serageldin began by seeking and obtaining assurances that he would report only and personally to President Hosni Mubarak—not to Egyptian bureaucrats, religious enforcers, or spies.

Serageldin also has the reputation and the Rolodex to accomplish his stated goal of turning Alexandria into “another Davos,” a high-profile conference center that would focus on science and technology issues of interest to the Third World. He has assembled a board of trustees that includes such luminaries as Harvard University biologist Stephen Jay Gould and Italian humanist Umberto Eco. His World Bank brief included significant work on agricultural and food biotechnology issues; he would like to see a comparable scientific and technical focus in Alexandria. Such a vision, though considerably short of constituting a universal library, would nonetheless help the place function—as publicity materials have insisted from the start—as “a window on Egypt for the world, a window on the world for Egypt.”

Serageldin's vision also helps address, if obliquely, the question of whether a library in the venerable, Alexandrian sense is really the way to go nowadays for a city seeking to play a role in world intellectual affairs. Call it the post-library society argument: If scholars nowadays are more likely to work off Web pages on high-speed Internet connections

than from original manuscripts, then all they really need are a lot of clean and comfortable data ports. Building a \$210 million edifice with designer furniture from Norway and granite from Aswan and art from Australia and so forth simply amounts to constructing the world's largest and most expensive telephone booth.

But if arguments like these have done little to slow the construction of massive new libraries in places such as Paris and London, they were hardly likely to receive serious consideration in the romantic atmosphere that marks the Alexandrian project. And if a balance can somehow be struck between topical collections and scholarly research in the library, and connection building and gabfests at the University of Alexandria's conference center nearby, then perhaps a good international book collection will help the place achieve the global stature it desires.

Serageldin has finally put in place a credible collection policy to replace a decade of mounting chaos in the storage bins. As late as 2000, the library's Web site still carried an appeal for book donations, something that reputable library professionals the world over agree nets nothing but unmanageable mountains of trash. Serageldin himself observed after taking office that of 400,000 books already collected, roughly 200,000 should not form part of the permanent collection. That sets the library back considerably in its quest to obtain eight million books in two decades. But it is better so.

The new policy, which commits the library to collect intensively in a few areas, was drafted by Egyptian-born scholar Mohamed Aman, dean of the school of library sciences at the University of Wisconsin, Milwaukee and an early friend of the project. “Someday the library will have eight million books,” says Aman cheerfully, “but I'll be buried six feet under by then, with a lot of other people on top of me.” His schema calls for an official focus on technology, scientific ethics, Mediterranean area and environmental studies, and selected aspects of the region's rich past, including Islamic history and all periods of Egyptian history. The library is also supposed to amass special col-

>AMY E. SCHWARTZ writes about cultural issues for the Washington Post. Copyright © 2002 by Amy E. Schwartz.

lections in the history of religions, though it's hard to see how that will be accomplished in the present climate. (As recently as March 2001, the government felt it necessary to submit an "urgent report" to the Egyptian parliament denying accounts in Western newspapers that "Jewish money" had been donated to the library.)

The library will also take on the preservation of thousands of manuscripts—8,000 so far—collected from the scattered Christian monasteries of the Egyptian desert and from assorted municipal libraries and museums. It has already acquired the archives of the Suez Canal Company. And it has one other obvious and plausible role: to train a professional corps of Arabic-speaking librarians. Aman has drafted plans to found a badly needed International School of Information Science—a seemingly pedestrian name that gives the school the fetching acronym ISIS—and donated his personal library to the endeavor. In a reminder of the still somewhat nebulous state of the enterprise, the school anticipates offering a curriculum consisting entirely of remote-hookup Internet courses for the foreseeable future.



**D**irges for the ancient library echo down the ages. The most recent and vivid was sounded just a few years ago on Broadway, in Tom Stoppard's 1993 play about lost knowledge, *Arcadia*. In it, 13-year-old Thomasina studies the classics with her tutor, Septimus, in England in 1809. They are translating an account of Cleopatra on her barge when Thomasina, who considers Cleopatra "a noodle," is suddenly moved to bewail the loss that, as she was taught, followed on the queen's explosive association with Julius Caesar:

The Egyptian noodle made camal embrace with the enemy who burned the great library of Alexandria without so much as a fine for all that is overdue. Oh, Septimus!—can you bear it? All the lost plays of the Athenians! Two hundred at least by Aeschylus, Sophocles, Euripides—thousands of poems, Aristotle's own library. . . . How can we sleep for grief?

By the end of her speech Thomasina has collapsed sobbing on the floor, and Septimus, cradling her in his arms, offers the only possible comfort:

By counting our stock. Seven plays from Aeschylus, seven from Sophocles, *nineteen* from Euripides, my lady! You should no more grieve for the rest than for a buckle lost from your first shoe, or for your lesson book which will be lost when you are old. We shed as we pick up, like travellers who must carry everything in their arms, and what we let fall will be picked up by those behind. . . . The missing plays of Sophocles will turn up piece by piece, or be written again in another language. . . . You do not suppose, my lady, that if all of Archimedes had been hiding in the great library of Alexandria, we would be at a loss for a corkscrew?



**T**homasina's heartbreak is the classic response, but the project now reaching fruition on the curved corniche of modern Alexandria is pure Septimus. The official stance of the project's supporters is that this is not an impossible attempt to restore the past but simply a "revival" of the ancient library's questing spirit. The resolution has been hard to keep to; words like "rebuilding" and "reincarnation" keep creeping in.

The revival idea started out in the early 1970s as the brainstorm of a couple of professors at the University of Alexandria, who thought an appeal to the mystique of the ancient library would draw funding for construction and put Egypt's neglected second city back on the world's agenda. The idea was an instant seller. UNESCO took it up with alacrity, and by 1990, when a high-powered conference headed by President Mubarak's wife Suzanne released the Aswan Declaration officially launching the project, the concept alone had raised \$65 million in donations from the Arab world.

This was fortunate, because for a long time after that the concept was all there was. Directly on the heels of the Aswan Declaration came the Persian Gulf War. It not only distracted many of the donors (Saddam

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Hussein, before invading Kuwait, had donated \$21 million), it virtually halted Egypt's tourism industry, the first in a series of such blows that punctuated the 1990s as the Mubarak government battled Islamic extremists and extremists targeted tourists. Activity and construction resumed in 1993. Early in the life of the project, the university had deeded it a stunning parcel of its own land, with a view of the harbor and of the 15th-century Mameluke fort Qait Bey. An international competition produced a truly arresting design from the Norwegian firm Snøhetta and Associates—a “rising sun” that managed to call to mind both an ancient scroll and a microchip, with 11 tiered levels rising to the edge of a tilted, grid-covered circle that admitted natural light through the roof.

Depending on how you feel about projects that “revive” rather than study the past, you could call it exceptionally bad or extraordinarily good luck that, since construction started, a rush of unexpected new archaeological information has turned up, all of it pointing to the likelihood that the new library sits not far from the site of the ancient one. Alas, the digging of the foundations probably erased that ancient evidence for good.



E. M. Forster called Alexandria “the capital of memory,” but it is at least as much the capital of forgetting. Here is a history of books collected, then burned; of scientific principles elucidated before slipping into oblivion; of grand monuments raised only to be brought down by earthquakes. The library's hundreds of thousands of scrolls were not the only loss. Alexandria had an official Wonder of the Ancient World, the famed Pharos, which stood looking out to sea for a thousand years until an earthquake swallowed its last fragments around 1320. Even the tomb of Alexander the Great has disappeared without a trace, despite archaeologists' repeated attempts to find it.

The modern city is deeply marked by the invisible past—not just vanished books but vanished streets, vanished ideas, vanished connections on the map. To fly above the sea

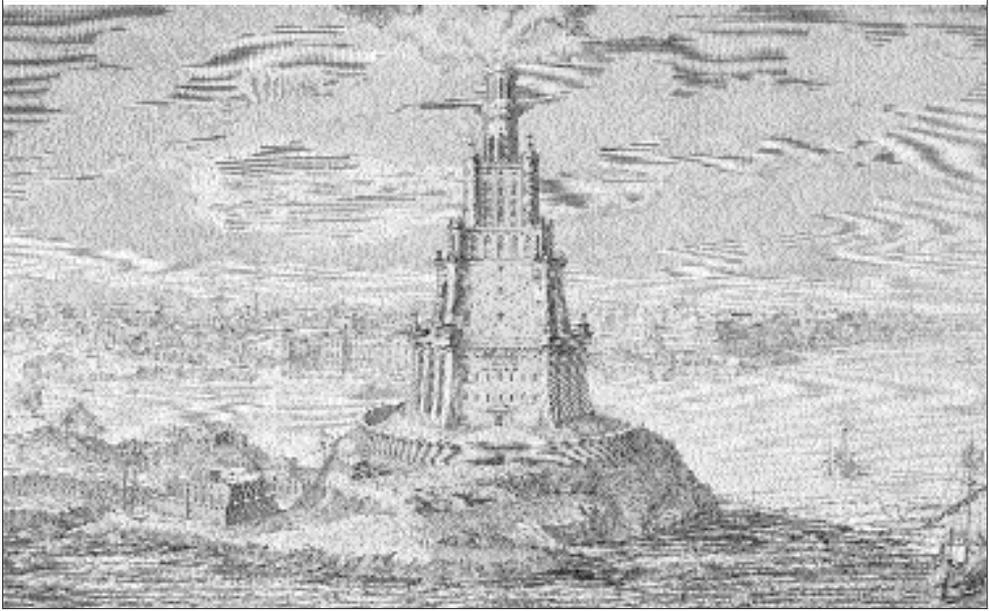
from Athens to Alexandria is to look down on a once-essential trade route, for ideas as well as goods. Greek scholars making their pilgrimages to the library traveled these lanes, as did the original manuscripts of the plays of Aeschylus, Sophocles, and Euripides after Ptolemy III tricked the Athenians into sending him the treasures.

The confusion begins once one arrives. Few cities with so resonant a past offer so little to the eye. The traveler with a head full of C. P. Cavafy and Cleopatra sees only a dusty industrial town, streets a charmless jumble, nothing but the sea and the cornice above it to provide a graceful note. Considering the detailed descriptions of Alexandria's glories in classical sources, its ruins are paltry. Pretty much the only universally agreed-upon remnant of ancient times is the inaccurately named Pompey's Pillar, a soaring reddish-brown column erected in honor of the emperor Diocletian some 300 years after Pompey's death.

“You must forget Athens and Rome,” admonishes the French archaeologist Jean-Yves Empereur, who did as much as any other single figure during the 1990s to bring Alexandria's tangible past out of the shadows—or, more precisely, out from under the waves. “Here, there is no temple standing, no Parthenon, no antique monuments integrated into modern architecture. . . . Nothing, either, of the library or the Mouseion, nothing of the royal palace or the famous Soma, the tomb of Alexander.” The Soma was last attested to by eyewitnesses in the third century A.D.

And yet, with patience, an attentive visitor can feel the shimmer of place beneath the shabby urban skin. The principal modern streets follow Alexander's ancient grid—laid down, as he instructed, so as to catch the cool breezes wafting from the sea. Under the streets, some 400 cisterns were attested to in classical times. About 10 have been located. A story persists of a young woman coming home from the movies on Rue Nabi Daniel who suddenly slipped beneath the pavement into one of those old cisterns and was never seen again.

By 1993, when I had my first look at Alexandria and at the site, tensions between the library's ambitions and its sponsors were



One of the Seven Wonders of the Ancient World, Alexandria's Great Lighthouse guided ships for a thousand years before two massive earthquakes destroyed it early in the 14th century.

running high. The architectural project was going fine, after an embarrassing confrontation in which local preservationists and archaeologists appealed to the international media to stop the library's sponsors from bulldozing the site without excavating it first. But the cultural project was suffering. Experts in book selection and preservation from 15 countries were gathering there for a meeting at which contracts would be signed and final strategies plotted; once they arrived, though, it was impossible to disguise that neither preservation nor selection had yet caught the attention of anyone making decisions. Office space in the "executive secretariat" a few blocks from the site was rigidly divided between the UNESCO people—including the Italian project director Giovanni Romerio—and the Egyptian representatives of the General Organization for the Alexandria Library, or GOAL, who were set to take over from Romerio's team as soon as the contracts were done. Each delegation had a brand-new computer system; the systems were not connected.

Romerio and a friendly cataloguer took me over the premises and into the book-sorting offices, which were stacked high with an estimated 35,000 volumes already "collected," including mathematics textbooks and copies of *Let's Go: Greece and Turkey*. Though

some were donations, others had been bought at the Cairo or Frankfurt book fairs under pressure of an annual use-it-or-lose-it book budget. The cataloguer noted that these books could now be tucked away easily—nobody was sure where, but perhaps in the basement of the conference center. At that, a high-ranking preservationist from the Bibliothèque Nationale in Paris leaped to attention. "Is it *climatisée*?" he barked. He swept Romerio off for an impromptu meeting. I waited several hours until finally a tired Romerio was released, admitting that, actually, he had not had time to think about whether the proposed book storage had air conditioning.

Romerio explained later that book selection continued to be a hostage to bureaucratic sensitivities. UNESCO wanted the library to collect materials related to the city's classical and humanist heritage. This would not only prevent its becoming a Mubarak vanity project but also help draw broader support—from great Western libraries and governments as well as from Gulf sheiks. But the Mubaraks, and others in the bureaucracy, were known to be uneasy at the suspicion that this library was less for Egypt than for some abstract entity called the world—from the sound of it, the *Western* world. They wanted to start with the collections that would help

Egypt now—mathematics, computer science, a good basic business-management training curriculum. Some Egyptian bureaucrats were not pleased at the eager role Greece was assuming. Could this project, this enormous investment to revive the glory of Egypt, be simply a masquerade for Westerners yearning to recreate their imperial, colonial past on Egyptian soil?

Though exaggerated, this possibility was not quite imaginary. Ignoring a nation's workaday present in favor of its glorious past is an easy mistake for visitors and foreign residents alike to make, and some of Alexandria's most celebrated modern writers—from Cavafy to Lawrence Durrell—have seen the city more in the context of its splendid Greek heritage than in the context of the Islamic world. Alexandria's first flowering can be successfully sold as belonging to the general patrimony of mankind, but its recent history is inevitably more polarized. It is understandable that Greeks involved with the library project look back with some nostalgia to the large and prosperous Greek community of the first half of the 20th century, when a quarter of Alexandria's population was foreign. After the "Arab socialist" Gamel Abdel Nasser overthrew the monarchy in 1952 and began to institute his nationalization program, that number was reduced to 800 persons out of four million. It is equally understandable that Egyptians view this period differently.

"When you're in Athens and you talk to people about this project," says Rosalie Cuneo Amer, an Italian-born librarian who runs a Friends of the Library group in California, "it's *their* project." And Egyptians? Over the years, Amer says, "Egyptians have internationalized a lot in their views" of the endeavor. But the tension remains bilateral. When the Hellenic Friends of the Bibliotheca Alexandrina proposed to donate a statue of Alexander the Great to stand at the entrance to the executive secretariat, local authorities initially blocked it, citing Islamic prohibitions on the human image. Another UNESCO-affiliated observer is more blunt: "Naturally, it's a Greek concept—the whole idea of a library. But you can't very well say that after Nasser kicked them all out."



The competing explanations for the original library's disappearance are themselves a lesson in the politics of memory. Start with what is known: Alexander the Great founded the city in 332 B.C., choosing the location based on a reference in Homer's *Odyssey*. The well-defended harbor fostered vigorous trade and cultural exchange. Soon two linked institutions arose in conjunction with the royal palace: the Great Library, which aspired to collect all the written knowledge of every known country (and at its height probably contained between 500,000 and 700,000 scrolls), and the Mouseion—temple of the Muses—which came as close as anything in antiquity to a research university faculty.

For the Mouseion, scholars translated the Hebrew Bible into Greek, determined the circumference of the Earth to within a few miles, developed a science of textual criticism that allowed them to produce an authoritative text of Homer, established that the seat of human thought was the brain rather than the heart, and invented the practice of alphabetization for book cataloguing. The library also had a shelf list, the famed Pinakes of Callimachus, an annotated bibliography of all of Greek writing that ran to 120 volumes.

All lost, of course. But how and why? An account in Plutarch, long taken as definitive, said that Julius Caesar accidentally burned the library in 48 B.C. when, caught in the civil war between Cleopatra and her younger brother, he seized the upper hand by setting fire to the ships in the harbor. The classicist Lionel Casson, in *Libraries in the Ancient World* (2001), suggested that the library was finally laid waste around A.D. 270 when the emperor Aurelian put down a rebellion, destroying the palace district. In his *Decline and Fall of the Roman Empire*, Edward Gibbon, who had a special dislike of religious fanaticism, laid the destruction of the library to the rioting Christian zealots, who destroyed the Serapeum, the preeminent pagan shrine, in A.D. 391.

The best-known story is at once the most colorful and the least likely. In this account, the Muslim conqueror of the city, Amr Ibn

al-As, sends word to Caliph Omar in A.D. 642 to ask if the books might be spared. The caliph's word comes back: "If the books accord with what is in the Koran, they are not required; if they do not accord with it, they are not desired. Therefore destroy them." In this telling, the half-million scrolls are consigned to the fires that heat the city baths. It takes six months to burn them all.

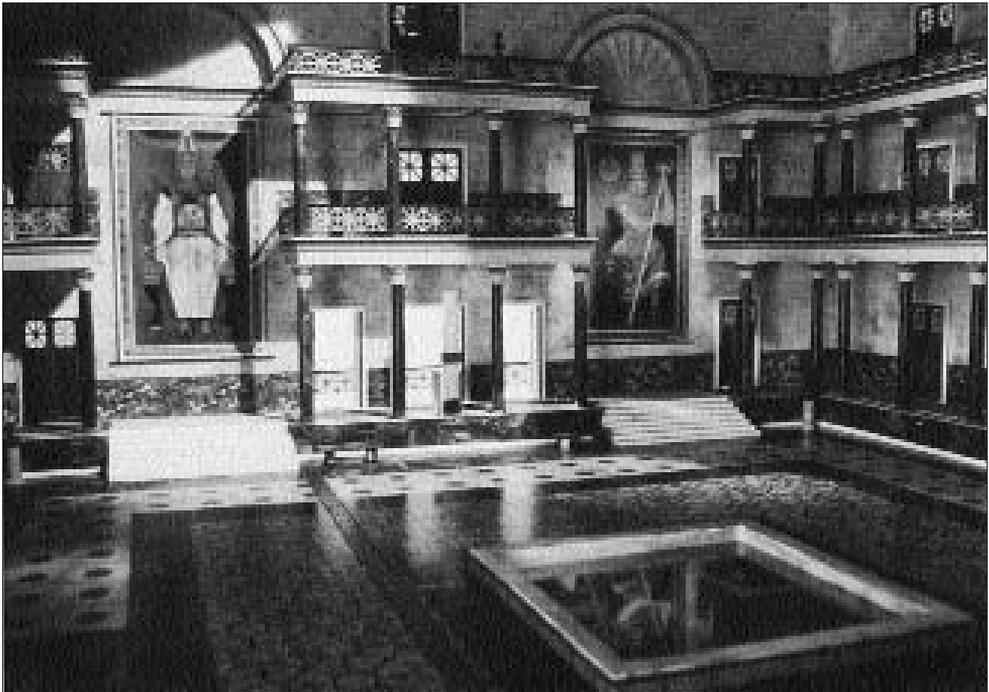
Authorities overseeing the Bibliotheca project have been keen to see this last story—popular in 19th-century Europe—debunked as a base canard on Islam. Mostafa el-Abbadi, one of the University of Alexandria classicists who conceived the project in the 1970s, took on this challenge in *Life and Fate of the Ancient Library of Alexandria*, published by UNESCO in 1990. El-Abbadi subscribes firmly to the Julius Caesar theory. His book concludes, after detailed argument, that the story about the caliph was dreamed up by Islamic (not Western) historians many centuries later as a way to make it seem less egregious that the caliphs of the time were selling off the contents of famous libraries to pay their armies.

From a scholar's point of view, all the theories are problematic, riddled with textual and

logical difficulties. If Caesar burned the library, why did it continue to be mentioned regularly for the next 300 years? If Amr did it, why does the first account turn up only in the 1300s? Perhaps the library suffered more than one phase of destruction. The storehouses burned by Caesar were said to contain only 40,000 books, a tiny fragment of the whole, and the "mother" library in the royal enclosure could have been lost centuries before the "daughter" library lodged in the Serapeum. Another recent scholar, the Italian Luciano Canfora, wrote in *The Vanished Library* (1987) that none of the stories was likely true; the most probable culprit was the moist Nile River Delta climate, which, unlike that of arid Upper Egypt, ensured that no manuscript written on papyrus could long survive.



Between 1994 and 1998, something happened that greatly magnified the city's ability to call forth its past to residents and visitors alike: Alexandria exploded with archaeological discoveries. It was an unlikely renaissance. Urban renewal generally destroys the ancient core of cities. The mod-



*A reconstruction based on scholarly evidence of the Great Hall of the ancient Alexandria library.*



*The new Alexandria Library is a simple circle inclined toward the sea, its design calling to mind three elements not usually linked together: the rising sun, an ancient scroll, and a microchip.*

ern city of Alexandria is built squarely atop the old one, making ordinary excavation impossible. Steady subsidence over the years, not to mention earthquakes, means excavators often find themselves digging in water once their trenches reach the Ptolemaic period. Atop all this history sit fin-de-siècle mansions protected as landmarks.

That leaves little room for excavation except in the occasional, short-term gaps left when commercial buildings are replaced. And this, with economic liberalization, was what started to happen in Alexandria in the 1990s. When developers began tearing down old movie theaters and other commercial buildings, archaeologists saw their first chance in years to glimpse what might lie below. In 1992, the Egyptian Antiquities Organization turned to Jean-Yves Empereur and his Centre d'études Alexandrines for

help. Their presence was partly fortuitous: Empereur, a noted French authority in a mostly neglected late-classical field, Hellenistic commerce, had established the center only two years earlier after a stint in Athens. He spent serious effort refining the techniques of “salvage archaeology,” rejoicing rather than complaining when an oncoming bulldozer afforded him a chance “to slip between the phases of destruction and reconstruction” to check on what lay beneath.

His team had an even more dramatic stroke of luck when authorities asked them to examine the likely impact of sinking a protective concrete breakwater in the harbor off Fort Qait Bey. For reasons partly technological, partly military, no one had ever managed to dive in the shallow, rough waters just off the Alexandrian coastline. And yet the Great

Lighthouse was known to have fallen after repeated earthquakes; its foundations were generally thought to be right under the fort's. It was known that other rulers of the city had dumped large chunks of masonry in the water to block the entrance to the harbor when under attack. Would six centuries of silt have left anything for the eye to see?

Empereur's team started diving in 1994, and stumbled immediately upon a vast field of ruins. Stone blocks, sphinxes, and other statuary covered acres and acres of the seabed. Diving in relatively shallow waters—around 30 feet deep—the expedition began to generate pictures that entranced a worldwide audience: a diver nose to nose with a sphinx; a sling raising a monumental block from the depths. More exciting still, a few of the monumental, decorated blocks had cracked in two or three pieces, suggesting that they had fallen from a great height—possibly, even probably, from the Pharos.

This apparent discovery of the remains of one of the Seven Wonders of the Ancient World is a reminder that the past is never so definitively gone as the surfaces of the modern world would suggest. Modern projects may wipe out the vestiges of their predecessors, but in Alexandria, at least, there always seems to be one more surprise.

In 1998 I paid another visit to the library project and spent some time with Empereur's divers, a young and lively group who dived when the weather was fair and plotted their finds onto an elaborate computer grid when it wasn't. They were up to 2,250 blocks and still counting. Some 30 especially dramatic objects—sphinxes, great Pharaoh-style statues of the Ptolemies—had been shipped on a worldwide tour of museums. The new dream of the local authorities—in which Empereur enthusiastically assented—was to create a brand-new tourist buzz around Alexandria by turning the remaining ruins into an underwater antiquities park.

It was Empereur who, at four o'clock one morning in 1993, had heard bulldozers working on the not-yet-excavated site of the new library. He alerted the chief local preservationist, Mohammed Awad. Between the two of them, they created enough noise in *Le Monde* and other high-profile European

media that UNESCO bestirred itself and the library project was prevailed upon to follow the rules. And what did they learn when two gorgeous mosaics—mosaics fine enough for Cleopatra's slipper to have trod—were unearthed? For one thing, that the new library may actually be located within the precincts of the old royal palace. But not much more because, of course, the exigent construction schedule required that they pull the mosaics out of the ground and put them on display somewhere else, rather than, as archaeologists prefer, study them in situ.



I was scheduled to meet Mohsen Zahran, one of the project directors, for a tour of the nearly finished facility a few years ago. I almost didn't go. The divers and preservationists had left me overwhelmed with a sense of the strange beside-the-point nature of the Bibliotheca Alexandrina, the immense and expensive weight of it, the intellectual comer-cutting it seemed to demand. It was four years and change since I had seen the site—by chance, I had been there watching on the day they cut out the second mosaic—and as I walked down the corniche toward it I half expected it still to look like a half-finished excavation, a pale-pink conference center next to a field of muddy holes.

But the giant building that we strolled through in the obligatory hard hats was nothing at all like an excavation. Its scale, even after all the talk, was astonishing. Most of the 11 tiers were done: Some were polished, marble-clad, carpeted; others still lacked their wiring, or else were wet, slippery, or open to the sky. What struck me most was that the building was not invisible. It was not a carefully labeled grouping of evocative fragments; it was not a vanished legacy. It was being constructed, put together, put up. Leave open for now the matter of what—if anything—will come from the books and databases, from the scientific conferences, from drop-in readers and the still-hypothetical scholars. In a city shaped by the endlessly repeated experience of losing what has been built and learned, there has to be a value—surely there is great value—in seeing, for once, the tape run the other way. □

# Letter from a Russian Village

The village puts food on the Russian table and serves as a personal safety net for city-dwelling relatives. In return for their pains the farmers get a fragile form of independence, but at a great price.

by Margaret Paxson

It starts with the hands. Hands that have grown numb over time, wooden. She has to strike those hands against a chair or a leg or another hand just to beat some feeling into them.

Yulia\* has been beating her hands this way in the eight years that I have known her. Her small hands with their smooth, thick fingers have been her livelihood, wielding scythes and shovels and plows and rakes, pulling roots and carrying pails of water and rinsing clothes in the icy waters of Lake Tikhonskoe. But last year, something changed. “It’s no use,” Yulia told me last summer. “I can’t milk the cow anymore. We’ll slaughter Lushka once there is a solid frost.”

Yulia, who turned 62 last year, has been living in the tiny village of Solov’ovo, about 300 miles north of Moscow, for 40 years. Born in another northern village in 1939, abandoned to an orphanage by age six, working in the industrial city of Cherepovets by her late teens, Yulia had a chance to leave rural life behind her. In the Soviet Union, village life was not only very hard and poorly paid but—for all the slavish work villagers did so their countrymen could eat—demeaned and derided by city dwellers.

In 1955 Nikita Khrushchev, in a quixotic flourish, ordered that corn be planted all over the Soviet Union as a part of his new, post-Stalin, postfamine agricultural policy. Young Yulia joined a work brigade from her factory and found herself on the shores of a lake on the edge of a pine-and-birch forest, where she caught the eye of a gentle man who quickly fell in love with her soft beauty. Her girlfriends in the factory thought she was crazy to accept a marriage proposal that would take her back to the countryside. But she did. Telling anyone who asked that she wasn’t afraid of hard work, she moved into a one-room cabin with her new husband’s parents and brothers and sisters. The village was beautiful then, as it is today: hills rolling softly down to the shores of a lake, nearby fields full of spring and summer wildflowers, horses roaming freely in the swampy lands beyond.

Now, 40 years after making her choice, this is the life that fills the hours of her days. There is planting and haying and harvesting to be done, animals to be tended, and a cow to be milked three times each day. Meals must be cooked, the house cleaned, firewood cut and hauled. There is no running water. There are almost no machines to help with the farm work. For most of Yulia’s life, the work for the collective farm had to be done first; the work that



\*I have changed the names of the village and its people.



*In wintertime Solov'ovo, the days are short and often overcast, bathed in a blue-grey light.*

kept the family alive was done at dusk or pushed to the end of summer. Always there was the race to finish before the autumn rains rotted the potatoes or spoiled the hay. This is the life that numbed her hands, twisted her back forever, and brought her groaning to her bed at the end of a long day. It was hard and sometimes brutal. There was war and famine and family violence. But most of all, there was work. In 40 years, Yulia and her husband took only one vacation together, to distant Leningrad for 10 days. That was it. How could they leave their farm? How could they leave their cow that had to be milked three times a day?

The cow. Farm life centers on the cow. It gives milk, and the milk is turned into cheese and butter and sour cream. Every spring it gives birth to a calf, which can be slaughtered, in turn, a half-year later to provide meat for the long winter. In the symbolic lexicon of the village, a cow means wealth. (Indeed, after the Bolshevik Revolution in 1917, two cows were enough for a villager to be considered rich, and therefore suspect.) Most heavy

farm labor is done to keep the cow fed and giving milk and reproducing. For the cow the hay is harvested. All that time spent stooped over the soil in the summer sun, brushing away the swarms of flies and avoiding the bees, all the sweat of the day, is for the cow, as well as the many mornings and evenings looking up at the clouds for signs of rain. The discussions Yulia has with her husband, the worries about a single teat that is having trouble, or about why the cow won't drink water or eat enough, or the risks of her being spoiled by the evil eye, or the nights of pacing before her calving—all for the cow. Lushka. Lushenka. So that day, in the summer of 2001, when Yulia looked at her hands numb as wood and finally said that the cow would have to go—that was a big day.

**I**n 1991, the Soviet Union collapsed and Russia began its transition from socialism to protocapitalism. In the cities, old women stood in rows at the metro, selling anything from cigarettes and underpants to plastic bags and family heirlooms. Gangsters acquired

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money, roaming the cities in fancy cars and Armani suits and indulging their taste for kitsch. New images and voices appeared in the media, luxurious new buildings sprang up in Moscow, and homelessness emerged as a social problem. A new instability shook what was once a complacent Soviet version of the middle class.

But what of the countryside?

In the Soviet village, socialism was embodied in the institution of the collective farm, or *kolkhoz*. In spite of petitions and protests, Solov'ovo had its turn at collectivization in 1933, and villagers there spent the next 60 years working not for their extended families but primarily for the extended arm of the state. In the period during and after World War II, stealing a turnip was enough to send a person to prison. Solov'ovo's land (like most of the land of the Russian north) was best suited to dairy production. There were milking quotas to meet, five-year plans to fulfill.

And so the *kolkhoz* workers spent their days laboring together in brigades, doing all the heavy work required to keep a few hundred cows alive.

In 1992, just as Moscow was beginning its wild ride toward capitalism, Solov'ovo's collective farm had a decision to make: What to do with its 85 head of cattle, now that subsidies from the state could no longer be counted on?

The answer: Slaughter them. Sell the meat. Leave that enterprise behind and concentrate on selling off the wood of the rich forests of the region.

The result: In Solov'ovo, as in countless small villages dotting the vast Russian countryside, the primary economy is now based on subsistence farming. The collective farm has not yet been privatized, although the villagers are beginning to use some of its land. Farmers in Solov'ovo are still making do with the potato plots assigned to their families in earlier decades and with the tangled gardens around their homes. They hunt in the forest and fish in the nearby lake. They keep bees for honey.

For Russia as a whole, this subsistence life

of the village has had several consequences. First in importance, villagers are relatively safe from the economic upheavals shaking Russia because they live mostly outside the money economy. One way or another, they produce most of what they need to survive. Conditions in rural Russia, which is home to about 27 percent of the population, are certainly harsh. Roads, telephones, telegraph, the postal system, and medical care have all deteriorated since the end of the Soviet Union. Salaries and pensions are tiny: between \$20 and \$50 a month. Still, this is money over and above a villager's basic needs for food and shelter. In cities, the same income barely manages to buy anything more than bread, *kasha* (grain), and tea for a month. Villagers remain insulated from the mixed blessings of a capricious money economy. When the skies do basically what they should, and health and strength remain, they need very little else.

Village life provides an independence that is bad news for political economists who see the expansion of markets as the *sine qua non* of democracy and civil society. It gives a dismaying answer to those who ask, "Who is feeding Russia?" But as villagers make do with what their hands produce, as they feed their children and their aunts and uncles and cousins in distant cities (who fill up their villages in the summer and share in the work), they are providing a social safety net, perhaps the only one with any real meaning in post-Soviet Russia.

Dependence on the hands, then, is a form of independence. Until the hands fail.

The first time I saw Yulia, it was a sunny day in the summer of 1994. The moment was very still and, for me, utterly captivating. She was returning from the fields with a small group of farmers all in white kerchiefs and caps, all carrying rough-hewn scythes and rakes. Yulia is darker than some, quieter than most. She likes to sing Soviet hymns and old Russian folk songs; she can dance a rather complicated jig. She

> MARGARET PAXSON, an anthropologist and former research scholar at the Wilson Center's Kennan Institute for Advanced Russian Studies, is currently writing a book on social memory in rural Russia. Copyright © 2002 by Margaret Paxson.



*A Solov'ovo family puts away hay for the winter on a plot of land a half hour's walk from the village.*

has a soft laugh. As fate would have it, I lived with her and her husband for a year and a half in their one-room house while doing research on social memory in rural Russia. They told me matter-of-factly one day not long after we met that they would be taking me in “as a daughter.” *Kak dochka.*

What I saw in Solov'ovo was a world of great symbolic and ideological complexity. While growing up as modern Soviets, learning to believe in the “radiant future” of communism, and weeping desperately when their “father” Stalin died, the villagers maintained their own sense of how the world works, how problems are solved, how power worldly and otherworldly can be invoked. So although they grew up celebrating the Christian holiday of *Troitsa* (Pentecost) as a secularized “Day of the Birch Tree” in their local clubhouse, every year they would steal away, family by family, to the graveyard, bringing offerings to their ancestors, talking with them, invoking their aid in the harvest, getting steadily more drunk and effervescent and connected with one another and with the dead.

Year in and year out, even when it was dangerous because of the eyes of informers, they would seek out local sorcerers and healers and women who could find animals lost deep in the woods because they knew how to talk to the “host of the forest,” known simply as “grandfather.” And always

they feared the evil eye, effusive praise, or anything that pointed to personal wealth or distinction. They protected their animals and the newly born from the glances of strangers, covering their baskets of berries or mushrooms, hiding signs of wealth, never looking the stranger too long in the eye.

**I**n this world that is very much its own, I have seen how farmers grapple individually and collectively with where they—as families, as villagers, as Russians—are going next. In Yulia's family, a son recently moved from his village to the ancient, once-bustling port city of Belozersk with his wife and two children. The farm work was too hard; the rewards were too few. Now he finds himself in a small urban apartment with no running water or central heating, hoping that he'll find some work, but if he doesn't, that his wife's salary as a teacher will sustain them for a while. Yulia's daughter lives with her husband and three children in a village 25 miles away and struggles endlessly with a full-time job at the local library, housework, the cow and calf and chickens she keeps, and a chronically sick son. For her family, there is never enough money and barely enough resources. Rural life is unforgiving in its demands. Leaving it can bring relief, but it can also bring uncertainty as the

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social safety net it provides becomes weaker or vanishes.

All over the world, societies find themselves in similar periods of transition. All over the world, people carry with them a deeply cultural sense of who they are. And everywhere they ask themselves, “What next?”

Since the fall of the Soviet Union, there have been two important ways of treating this very large question. The first way assumes that the “invisible hand” of the market will reach down and quickly turn Russia into something familiar to Westerners. As markets develop and grow, as competition expands, as corporate practices become transparent and “rational,” Russia will become democratic. The rule of law will rein in the excesses of renegade money-makers and politicians. Civil society will flourish. Russia will differ from America only in its preference for borsch and caviar over hot dogs and French fries. A little ballet, a little Cossack dancing, a couple of onion domes. Russia will become a rational capitalist society with a slight regional accent.

The second typical way of thinking about the Russian future has been to fall back on what anthropologists scorn as an “essentialist” concept of culture. The idea of culture has a long and controversial history among scholars, and one reason is that wielding the term carelessly can cause one to view the “other” as utterly different, a separate, impenetrable gestalt. The Russian “other” has been seen, for example, as slavishly loyal to despots, as a collectivist with no ability to act individually, as incapable of enterprise. Russian villagers carry the extra burden of how their own country’s elite has seen them: conservative, irrational, mulish, and brutish (and, at the same time, the repository of the national “soul”). Russia through this lens, and especially the Russian countryside, is eternally separate and different.

This view would hold that where Russia is going is nowhere. Ever.

This, of course, cannot be true, just as it cannot be true that there is a monolithic capitalist society out there that Russia is destined to merge with. It is true that Russia is changing. Even the Russian countryside—as rich and, in certain ways, as independent as its cultural traditions are—is changing. But how?

One day I asked Mikhail Alekseevich,

Yulia’s husband, how he knew when it was time to plant the potatoes. “Go out onto the fields barefoot,” he said. “When you feel the warmth start to rise from the earth, it is time to plow and to plant.”

From earth to foot, from eye to sky, this decision is made some time in the month of May. June, July, and August pass in fields and gardens, plowing and planting and weeding and hauling hay and water, water and hay. The growing season is only about four months in Solov’ovo; then the cold winds come and soon enough there is a frost and the leaves turn brown and there is darkness, cold, and rain. Once winter arrives, people settle into quiet rhythms; animals are penned up and closed in. As the winter stretches on, the vegetables gathered and preserved in the fall run out jar by jar; some of the meat slaughtered in the fall begins to rot; rats can be heard gnawing on the carrots in the cellar at night.

**T**he growing season in Russia ranges from two months in northern Siberia to six in the south. Throughout Russian history, that time has had to provide enough not only to feed the village family but to support the feudal landlord and the hungry empire. Though the Russian imperial court was as lavish as Versailles, the north of Russia is certainly not the center of France; because of their differences in land and climate, the force required to pull a Versailles out of the Russian population was exponentially greater. The tsars who led Russia from the 16th to the 20th centuries had little compunction about exploiting the serfs to increase their own wealth. In 1581, during the reign of Ivan IV (known as the “Terrible” and the first to assume the title of tsar), the serfs became indentured and were officially “tied to the land,” having no freedom to move without the permission of their lord. Escaping serfs were retrieved as any runaway slave would be. Taxes, which were paid collectively through village communes, were exorbitant. Battery and sexual license were common. Neither the emancipation of the serfs in 1861 nor the series of reforms during the first part of the 20th century did much to ease the burdens of the peasant class. The Revolution of 1917, though one of its stated intentions was to bring justice to the countryside, brought only more suffering and terror.



*Yulia heads toward Lake Tikhonskoe for a few hours of ice fishing. The lake provides the villagers with a treasured source of fresh food, especially when fruits and vegetables are scarce.*

The months are short to grow potatoes, to grow grain, to grow hay for fodder, to feed the family in the village, to feed the animals, to feed those who have moved away . . . to feed the country itself.

**I**n the seven years that I have observed the Russian countryside, I have seen the steady (but not final) disintegration of the kolkhoz. I have watched villagers inch their way onto kolkhoz lands for their own haying, which a law fresh on the books gives them the right to do. I have seen people retire. I have watched a post office close, a *medpunkt* (a tiny, seldom-used medical station) close, a local store close. I have seen people leave for the cities, with no intention of returning; I have seen others move into the village for good. There have been deaths from illness and suicide and violence. I have been to the graveyard for ancestor rites; I have watched scores of people visit a local sorcerer in search of healing for the sick or the lifting of curses from the accursed. I have heard tales of strange and wondrous beings that live in the forests where the mushrooms and berries grow. I have heard, in the winter, a quiet so quiet that one can hear the footsteps of a cat walking on the snow.

But mostly I have seen mornings when a man and a woman sit at a table and look out

at the sky and decide what needs to be done that day. I have seen them working. I have sat around a table with them as they ate and drank tea and rested from the labors of the day.

And now what do I see? A pair of hands, a worried look, a decision being made.

When the cow is slaughtered (when Lushka is slaughtered), there will be no more milk, and no more butter or sour cream or cheese. After the first frost of the year, there will be no more calves for the slaughter. And so there will be no more meat.

No cutting hay in the summer. No bees and biting black flies, no more sweating and burning under the sun. No looking to the sky for rain nearly every hour of every day.

The village of Solov'ovo, the home of the hands with no more feeling left in them, will have, this winter, one more family who looks at the sky in a new and different way. This family will no longer be a family of farmers. It will be a family of pensioners. Dependent. Changed.

Yulia wrote me not long ago. "New Year's we will be home," she said. "Sasha and Zina will come. Lena's daughter Olya is growing up. . . . Now we have no more animals, only our cats Kissa and Kotya. Our little cow Lushka is already gone. . . . There it is, some news." □

# The Return of the Imperial Presidency?

One lesson of American politics since September 11 is that some tensions between presidents and Congress spring from a deeper source than the partisan passions of the moment.

by Donald R. Wolfensberger

Moments after President George W. Bush finished his stirring antiterrorism speech before Congress last September, presidential historian Michael Beschloss enthusiastically declared on national television that “the imperial presidency is back. We just saw it.”

As someone who began his career as a Republican congressional staff aide during the turbulence of Vietnam and Watergate in the late 1960s and early 1970s, I was startled by the buoyant tone of Beschloss’s pronouncement. To me, “imperial presidency” carries a pejorative connotation closely tied to those twin nightmares. Indeed, *Webster’s Unabridged Dictionary* bluntly defines *imperial presidency* as “a U.S. presidency that is characterized by greater power than the Constitution allows.”

Was Beschloss suggesting that President Bush was already operating outside the Constitution in prosecuting the war against terrorism, or did he have a more benign definition in mind? Apparently it was the latter. As Beschloss went on to explain, during World War II and the Cold War, Congress deferred to presidents, not just on questions of foreign policy and defense, but on domestic issues as well. Whether it was President Dwight D. Eisenhower asking for an interstate highway system or President John F. Kennedy pledging to land a man on the moon, Congress said, “If you ask us, we will.” Without such a galvanizing crisis, the president would not be able to define the national interest so completely. “Now,” continued Beschloss, “George Bush is at the center of the American solar system; that was not true 10 days ago.” In fact, just

nine months earlier Beschloss had described Bush as “the first post-imperial president” because, for the first time since the Great Depression, “we were not electing a president under the shadow of an international emergency like the Cold War or World War II or an economic crisis.” Then came September 11.

Still, it’s hard to join in such a warm welcome for the return of an idea that was heavily burdened just a generation ago with negative associations and cautionary experiences. Presidential scholars understandably become admirers of strong presidents and their presidencies. But a focus on executive power can become so narrow as to cause one to lose sight of the larger governmental system, with its checks and balances. To invest the idea of the imperial presidency with an aura of legitimacy and approbation would be a serious blow to America’s constitutional design and the intent of the Framers.

It was historian Arthur M. Schlesinger, Jr., who popularized the term *imperial presidency* in his 1973 book by that title. Schlesinger, who had earlier chronicled the strong presidencies of Andrew Jackson and Franklin D. Roosevelt in admiring terms, admits in *The Imperial Presidency* his own culpability in perpetuating over the years “an exalted conception of presidential power”:

American historians and political scientists, this writer among them, labored to give the expansive theory of the Presidency historical sanction. Overgeneralizing from the [pre-



*“A Senator Fulbright to see you Sire. Seems he can’t reconcile himself to your infallibility,” reads the caption of this Vietnam War-era cartoon.*

World War II] contrast between a President who was right and a Congress which was wrong, scholars developed an uncritical cult of the activist Presidency.

The view of the presidency as “the great engine of democracy” and the “American people’s one authentic trumpet,” writes Schlesinger, passed into the textbooks and helped shape the national outlook after 1945. This faith of the American people in the presidency, coupled with their doubts about the ability of democracy to respond adequately to the totalitarian challenge abroad, are what gave the post-war presidency its pretensions and powers.

“By the early 1970s,” Schlesinger writes, “the American President had become on issues of war and peace the most absolute monarch (with the possible exception of Mao Tse Tung of China) among the great powers of the world.” Moreover, “the claims of unilateral authority in

foreign policy soon began to pervade and embolden the domestic presidency.”

The growth of the imperial presidency was gradual, and occurred “usually under the demand or pretext of an emergency,” Schlesinger observes. Further, “it was as much a matter of congressional abdication as of presidential usurpation.” The seeds of the imperial presidency were sown early. Schlesinger cites as examples Abraham Lincoln’s 1861 imposition of martial law and his suspension of habeas corpus, and William McKinley’s decision to send 5,000 American troops to China to help suppress the Boxer Rebellion of 1900. It is a measure of how much things have changed that Theodore Roosevelt’s 1907 decision to dispatch America’s Great White Fleet on a tour around the world was controversial because he failed to seek congressional approval. Then came Woodrow Wilson’s forays into revolutionary Mexico, FDR’s unilateral declaration of an “unlimited

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national emergency” six months before Pearl Harbor, and Harry Truman’s commitment of U.S. troops to the Korean War in 1950, without congressional authorization, and his 1952 seizure of strike-threatened steel mills.

In 1973, the year *The Imperial Presidency* was published, Congress moved to reassert its war-making prerogatives during non-declared wars by enacting the War Powers Resolution over President Nixon’s veto. The following year, prior to Nixon’s resignation under the imminent threat of impeachment, Congress enacted two more laws aimed at clipping the wings of the imperial presidency and restoring the balance of power between the two branches. The Congressional Budget and Impoundment Control Act of 1974 was designed to enable Congress to set its own spending priorities and prohibit the president from impounding funds it had appropriated. The Federal Election Campaign Act of 1974 was supposed to eliminate the taint of big money from presidential politics. Subsequent years witnessed a spate of other statutes designed to right the balance between the branches. The National Emergencies Act (1976) abolished scores of existing presidential emergency powers. The Ethics in Government Act (1978) authorized, among other things, the appointment of special prosecutors to investigate high-ranking executive branch officials. The Senate, in 1976, and the House, in 1977, established intelligence committees in the wake of hearings in 1975 revealing widespread abuses; and in 1980 the Intelligence Oversight Act increased Congress’s monitoring demands on intelligence agencies and their covert operations.

Since those Watergate-era enactments, presidential scholars have decried the way Congress has emasculated the presidency. As recently as January of last year, political scientist Richard E. Neustadt, author of the classic *Presidential Power* (1964), lamented that “the U.S. presidency has been progressively weakened over the past three decades to the point where it is probably weaker today than at almost any time in the preceding century.” Neustadt cited congressional

actions as one of several causes of the decline.

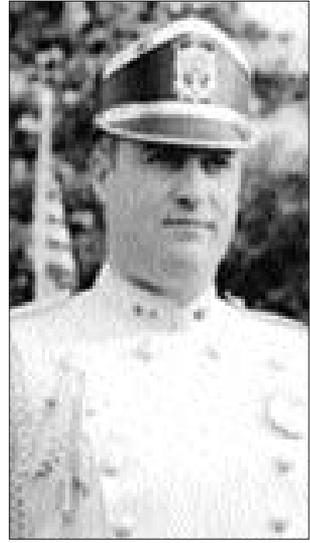
As one who worked in the House of Representatives from 1969 to 1997, I have long been puzzled by such complaints. They have never rung true. What I witnessed during those years was the continuing decline of the legislative branch, not its ascendancy. Even Congress’s post-Watergate efforts to reassert its authority look rather feeble in the harsh light of reality. The War Powers Resolution has been all but ignored by every president since Nixon as unconstitutional. They have abided by its reporting requirements, but presidential military forays abroad without explicit congressional authority continue unabated. Bosnia, Kosovo, Haiti, Somalia, and Serbia come readily to mind.

The congressional budget act has been used by every president since Ronald Reagan to leverage the administration’s priorities by using budget summits with Congress to negotiate the terms of massive reconciliation bills on taxes and entitlements. The independent counsel act has been allowed to expire twice—though, in light of the unbridled power it gives counsels and the potential for abuse, this may have been wise. Federal funding of presidential campaigns has not stopped campaign finance abuses. And congressional oversight of perceived executive abuses has met with mixed results at best.

In the meantime, presidents have been relying more heavily than before on executive agreements to avoid the treaty ratification process, and on executive orders (or memorandums) of dubious statutory grounding in other areas. Administrations have defied Congress’s requests for information with increasing frequency, dismissing the requests as politically motivated. And they have often invoked executive privilege in areas not previously sanctioned by judicial judgments.

The most recent example is Vice President Richard Cheney’s refusal, on grounds of executive privilege, to turn over to the General Accounting Office (GAO), an arm of Congress, information about meetings between the president’s energy task force and energy executives. The controversy took on added interest with

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*Uniforms redolent of imperial pomp briefly appeared on White House guards in the Nixon administration, only to vanish after a public outcry.*

the collapse of Enron, one of the energy companies that provided advice to the task force. Vice President Cheney, who served as President Gerald R. Ford's White House chief of staff, said his action was aimed at reversing "an erosion of the powers" of the presidency over the last 30 to 35 years resulting from "unwise compromises" made by past Administrations. President Bush backed Cheney's claim of executive privilege, citing the need to maintain confidentiality in the advice given to a president.

It is revealing in this case that the congressional requests for information came not through formal committee action or subpoenas but more indirectly from the GAO, at the prompting of two ranking minority committee Democrats in the House, even though their Senate party counterparts are committee chairmen with authority to force a vote on subpoenas. The committee system, which should be the bulwark of congressional policymaking and oversight of the executive branch, has been in steady decline since the mid-1970s. Not the least of the causes is the weakening of committee prerogatives and powers by Congress itself, as a response to members' demands for a more participatory policy process than the traditional committee system allowed. Party leaders eventually replaced committee leaders as the locus of power in the House, a shift that was not altered by the change in party control of Congress in 1995.

Another contributing factor has been the shift in the Republican Party's base of power to

the South and West, which has given a more populist and propresidential cast to the GOP membership on Capitol Hill.

Even with recent promises by Speaker of the House Dennis Hastert (R-Ill.) and Senate Majority Leader Tom Daschle (D-S.D.) to "return to the regular order" by giving committees greater flexibility and discretion in agenda setting and bill drafting, Congress is hamstrung by self-inflicted staff cuts and three-day legislative workweeks that make deliberative lawmaking and careful oversight nearly impossible. The "permanent campaign" has spilled over into governing, diminishing the value members see in committee work and encouraging partisan position taking and posturing. (It also makes members eager to get back to their districts for the serious work of campaigning, which explains the three-day work week in Washington.) It is easier to take a popular campaign stand on an unresolved issue than make a painful policy choice and explain it to the voters.

Is it any wonder that even before the current emergency the executive was in a stronger position than Congress? Such power alone is not necessarily a sign of an imperial presidency. But testing the limits of power seems to be an inborn trait of political man, and presidents are no exception. Even presidential power proponent Richard Neustadt, who sees the presidency at the beginning of this 21st century as the weakest it's been in three decades, concedes that none of the formal limits on presidential powers by Congress

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or the courts have managed to eliminate those powers of greatest consequence, including the “plentitude of prerogative power” (a Lockean concept of acting outside the constitutional box to save the nation) that Lincoln assumed during the Civil War.

Both presidents George H. W. Bush and George W. Bush, to their credit, sought authorization from Congress for the use of force against Iraq and international terrorists, respectively, before committing troops to combat. Yet both also claimed they had inherent powers as president to do so to protect the national interest. (The younger Bush was on firmer ground since even the Framers explicitly agreed that the president has authority to repel foreign invasions and respond to direct attacks on the United States.)

**T**he presidency is at its strongest at the outset of a national crisis or war. Just as President Franklin D. Roosevelt was encountering public and congressional wariness over his depression-era policies in the late 1930s, along came World War II and a whole new lease on the throne. Presidential power tends to increase at the expense of Congress. Alexander Hamilton put it succinctly in *The Federalist* 8: “It is of the nature of war to increase the executive at the expense of the legislative authority.”

One way to gauge this balance of power is to look at the extent to which Congress deliberates over policy matters and the extent to which it gives the president most of what he requests with minimal resistance. Two weeks after Congress passed a \$40 billion emergency spending bill and a resolution authorizing the president to use force against those behind the World Trade Center attacks, Senator Robert S. Byrd (D-W.Va.) rose in a nearly empty Senate chamber to remind his colleagues of their deliberative responsibilities. “In the heat of the moment, in the crush of recent events,” Byrd observed, “I fear we may be losing sight of the larger obligations of the Senate.”

Our responsibility as Senators is to carefully consider and fully debate major policy matters, to air all sides of a given issue, and to act after full deliberation. Yes, we want to respond quickly to urgent needs, but a speedy response should not be used as an excuse to trample full and free debate.

Byrd was concerned in part about the way in which language relating to the controversy over adhering to the 1972 antiballistic missile treaty had been jettisoned from a pending defense authorization bill in the interest of “unity” after the terrorist attacks. But he was also disturbed by the haste with which the Senate had approved the use-of-force resolution “to avoid the specter of acrimonious debate at a time of national crisis.” Byrd added that he was not advocating unlimited debate, but why, he asked, “do we have to put a zipper on our lips and have no debate at all?” Because of the “paucity of debate” in both houses, Byrd added, there was no discussion laying a foundation for the resolution, and in the future “it would be difficult to glean from the record the specific intent of Congress.”

A review of the *Congressional Record* supports Byrd’s complaint. Only Majority Leader Daschle and Minority Leader Trent Lott (R-Miss.) spoke briefly before the Senate passed the emergency spending bill and the use-of-force resolution. The discussion was truncated chiefly because buses were waiting to take senators and House members to a memorial service at the National Cathedral.

The House, to its credit, did return after the service for five hours of debate on the resolution, which it passed 420 to 1. Some 200 members spoke for about a minute each—hardly the stuff of a great debate. At no time did any member raise a question about the breadth, scope, or duration of the authority granted by the resolution. The closest some came were passing references to the way in which President Lyndon B. Johnson had used the language of the 1964 Gulf of Tonkin Resolution as authority to broaden U.S. involvement in Vietnam.

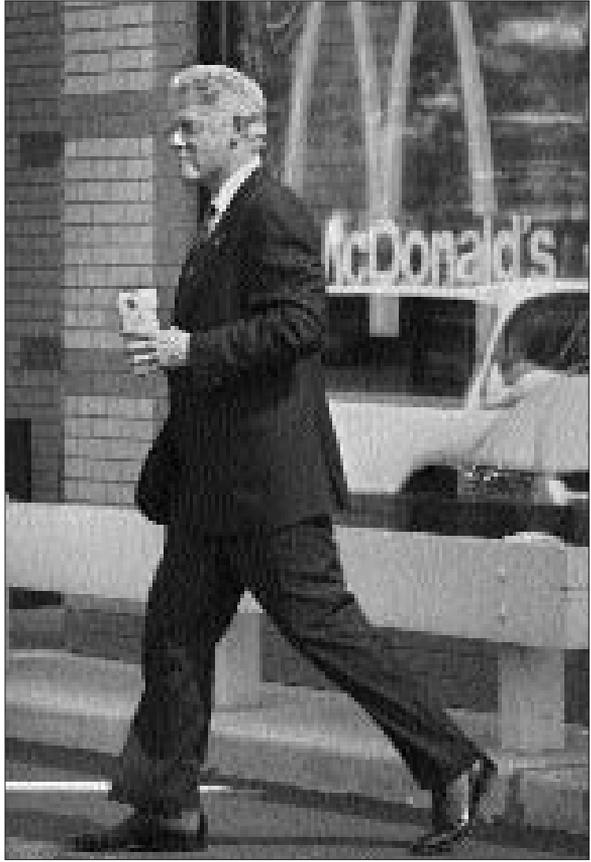
To the credit of Congress, a small, bipartisan leadership group had earlier negotiated a compromise with the White House to confine the resolution’s scope to “those nations, organizations or persons” implicated in the September 11 attacks. The original White House proposal was much broader, extending the president’s authority “to deter and pre-empt any future acts of terrorism or aggression against the United States.” The language change is significant. If President Bush cannot demonstrate that Iraq was somehow involved in the September 11 attacks but decides to take military action against it, he will have to decide whether to seek additional authority from Congress or act without it, as

President Bill Clinton did before him.

In times of war or national emergency, presidents have always acted in what they thought to be the national interest. That is not to say that Congress simply becomes a presidential lap dog. While it tends to defer to the commander in chief on military matters once troops have been committed to combat, it continues to exercise oversight and independence on matters not directly affecting the war's outcome. For example, President Bush was forced to make drastic alterations in his economic stimulus package by Senate Democrats who disagreed with his tax relief and spending priorities. And even in the midst of the war on terrorism, the House and Senate intelligence committees launched a joint inquiry into why our intelligence services were not able to detect or thwart the September 11 terrorist plot. In the coming months, moreover, Congress is sure to have its own ideas on how the federal budget can best be allocated to meet the competing demands for defense, homeland security, and domestic social-welfare programs.

**I**s the imperial presidency back? While at this writing the White House has not overtly exercised any extraconstitutional powers, the imperial presidency has been with us since World War II, and it is most likely to be re-energized during times of national crisis. Every president tends to test the limits of his power during such periods in order to do what he deems necessary to protect national security. To the extent that Congress does not push back and the public does not protest, the armor of the imperial presidency is further fortified by precedent and popular support against future attacks.

What is the danger in a set of powers that have, after all, evolved over several decades into a widely recognized reality without calamitous consequences for the Republic? As James Madison put in *The Federalist* 51, “The separate and distinct exercise of the different powers of government . . . is admitted on all hands to be



*He had the common touch—and an imperial taste for sending U.S. troops abroad without congressional approval.*

essential to the preservation of liberty.” The “great security against a gradual concentration of power in the same department,” he went on, is to provide each department with the “necessary constitutional means and personal motives to resist. . . . Ambition must be made to counteract ambition.”

The Constitution's system of separated powers and checks and balances is not a self-regulating machine. Arthur M. Schlesinger, Jr., observed in *The Imperial Presidency*, that what kept a strong presidency constitutional, in addition to the president's own appreciation of the Framers' wisdom, was the vigilance of the nation. “If the people had come to an unconscious acceptance of the imperial presidency,” he wrote, “the Constitution could not hold the nation to ideals it was determined to betray.” The only deterrent to the imperial presidency is for the great institutions of our society—Congress, the courts, the press, public opinion, the universities, “to reclaim their own dignity and meet their own responsibilities.” □

# Living with Microbes

Human beings have long used antibiotics and other weapons to wage war on microbes. But microbes seem to evolve almost as quickly as scientists devise new means to destroy them. It is time to abandon the war paradigm, the authors argue, and embrace new methods that will allow us a greater measure of peaceful coexistence with microbial life.

*by Joel L. Swerdlow and Ari D. Johnson*

**I**n January 2000, nearly two years before terrorists destroyed the World Trade Center and attacked the Pentagon, before anthrax-laden letters spread fear and death through the postal system and the country, the National Intelligence Council warned that naturally occurring infectious diseases were a serious threat to national security and international stability.\*

This threat is growing worse. In the past 20 years, nearly three dozen deadly microbes have been identified for the first time. These include the viruses that cause hepatitis C, D, and E; the Ebola virus; hantaviruses, which attack the respiratory system; and, most pervasive, the Human Immunodeficiency Virus (HIV). Epidemics of dengue fever, meningitis, influenza, cholera, and other diseases have become increasingly common. One in every 12 people on earth is infected with malaria, in part because the anopheline mosquito has grown increasingly resistant to insecticides and, as an effect of global warming, is now found in areas where it was never seen before. With the emergence of multidrug-resistant bacteria and the AIDS pandemic, the tuberculosis mortality rate is rising for the first time in 40 years.

The first new class of antibiotics to be discovered in 30 years has already encountered resistance even though it has not yet been widely used. The same is true for the new antiviral drugs. By 2005, half of all AIDS patients in San Francisco will not respond to any treatment currently available. Mounting evidence implicates bacteria, viruses, and protozoa in an array of conditions and diseases previously thought unrelated to infection: heart disease, rheumatoid arthritis, diabetes, multiple sclerosis, autism, chronic lung diseases, and at least one-quarter of the known varieties of human cancer.

\*The unclassified version of the report is available at [www.cia.gov/cia/publications/nie/report/nie99-17d.html](http://www.cia.gov/cia/publications/nie/report/nie99-17d.html).



*A worker at the U.S. Centers for Disease Control in Atlanta can safely conduct research on deadly biological agents—both natural and manmade—in the High Containment Laboratory.*

Nonetheless, there is reason for optimism. During the past two decades, evolutionary biologists, microbiologists, and other researchers have begun to learn how and why microbes evolve. In the process, they have found a more effective way of dealing with infectious disease than the old state-of-war, them-or-us approach. This new understanding focuses on our evolutionary relationships with microbes. It tells us that virulence, the harmfulness of a microbial infection, is a product of the evolutionary interplay between microbes and humans. And it shows how we can direct microbial evolution away from infectious disease and toward a more mutually beneficial relationship. In an essay nearly 20 years after his seminal *Structure of Scientific Revolutions* (1962), Thomas Kuhn wrote that in certain periods “the pieces suddenly [begin] sorting themselves out and coming together in a new way.” That is exactly what is going on now.

The evolution of any species requires a population with a diverse gene pool that gives each individual in the species unique characteristics. As Charles Darwin pointed out in *Origin of Species* (1859), environmental forces favor the survival and reproduction of individuals with certain specific characteristics. Take the human thumb. For our hominid ancestors to develop opposable thumbs, individuals must have appeared whose genes governing the thumb happened to be different, giving them the new ability to hold weapons and tools. This proved a great advantage in surviving in their environment and therefore passing those genes to the next generation. Over time, those without these particular genes evolved in another direction, or died out.

Now turn to the surprising mechanics of microbial evolution. Darwin had no idea of the importance of microbes when he published *Origin of Species*, but

microbes follow Darwinian evolutionary theory very efficiently. Some bacteria can create three generations in an hour. Such brief life spans together with high mutation rates facilitate the rapid development and transmission of minute variations. But there is a twist. Microbes have been devising survival strategies for billions of years and they have developed some remarkable qualities. Bacteria and viruses, for example, can capture and incorporate DNA from *other* microbes, plants, and animals, and pass this DNA on to their progeny.

**H**umans live on extraordinarily intimate terms with these highly adaptive organisms. Indeed, we cannot live without them. Recent studies have shown that we owe at least three percent of our genetic material to viruses, and that many of our genes have bacterial origins. Mitochondria—the very small, rodlike structures found in most cells that help break down glucose into usable energy—evolved from bacteria and are vestiges of a mutually beneficial relationship so intimate that their individual bacterial identities became subsumed by animal cells long before humans appeared.

The figures are astounding. Microbes living inside each human being outnumber the human population of Earth. The microbes that live in our bodies and on our skin outnumber our body's cells 9 to 1. Microbes flow through our veins, lie on our eyes, and colonize our digestive and respiratory systems. Among other benefits, they aid digestion, make possible the production of vitamin K and other essential elements, and stimulate development of the immune system—all without our being conscious that living things are constantly at work inside us. Some neuroscientists believe that the presence of bacteria might even be necessary to normal growth of the human brain.

So important are microbes to human identity that Joshua Lederberg, who won the 1958 Nobel Prize in medicine for his discoveries concerning genetic recombination and the organization of genetic material in bacteria, has suggested the term “microbiome” to describe the single biological unit of humans and the microbes that dwell within them. Within that microbiome, however, humans can direct the forces that favor the propagation of certain microbes over others. Even the most minute changes inside our bodies can determine which microbes die and which survive and reproduce. Thus do we define the path of the microbes' evolution.

Humans also direct the evolution of microbes through our impact on the external environment. We have radically increased our numbers on Earth, domesticated plants and animals, contributed to global warming, drawn our food supplies from around the world, crowded into cities, and fought a continuum of wars—and all of these activities constitute intense, unforgiving, *selective* forces

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that guide the evolution of microbes striving to survive in our shared environment. Moreover, deforestation and the spread of industrialized society into previously isolated areas have facilitated contact among microbes that had formerly lived in separate ecosystems. A study in *Global Change & Human Health* (July 2000) concluded that “logging activities, hunting of non-human primates, and international travel are likely to increase the frequency at which novel microbes successfully enter the global human population.” The rise of HIV and AIDS is an example of this phenomenon.

How and why some microbes began to make us sick remains a secret still locked inside the human and microbial genomes, but civilization itself is the leading suspect. Jean Jacques Rousseau took the improbable view that his “Noble Savage” lived with “almost no illness.” It is probable, however, that by domesticating animals very early in the history of human development we came in close contact with microbes that became virulent once inside us. In his book *The Origins of Human Disease* (1988), Thomas McKeown states flatly: “We owe the origin of most serious infectious diseases to the conditions which led to our cultural heritage, the city-states made possible by the planting of crops in the flood plains of Mesopotamia, Egypt, and the Indus Valley.” Civilization has its price.

HIV, the virus that causes AIDS, comes from Africa’s equatorial rain forest, as does the Ebola virus, which in Gabon seems to be marching slowly toward more populated areas. “We cannot abruptly move into entirely new environments without peril,” health policy expert Marc Lappe writes. “The history of malaria, plague, Lyme disease, and exotic viral diseases such as Lassa fever and hemorrhagic fever [has] shown us that when we disturb the environment, we often imperil ourselves.”

**T**his history deserves emphasis because it runs so contrary to modern attitudes, which regard infectious diseases as calamities of nature, inflicted on us like a tornado or earthquake, rather than something we ourselves have helped to create by changing the environment around us. The new selective forces that the altered environment creates direct the microbes’ evolution, sometimes encouraging an evolutionary path that leads to the emergence of new diseases or to changes in diseases that already exist. These processes have been going on for a long time. When the Spanish explored the Amazon River basin in 1562, for example, they reported nothing resembling malaria, which was soon to be—and still is today—one of the region’s greatest killers. How does our disease-stimulating activity compare with that of other eras? It’s “operating in high gear now,” historian William H. McNeill wrote recently in a new preface to *Plagues and Peoples*, his classic 1976 study of epidemics from ancient Egypt to the present.

Associating disease with other forms of life is a relatively recent idea. Ancient

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## *Living with Microbes*

Greek writers attributed illness to spontaneously generated “putrefactive effluvia” in the air. Chinese healers believed that smallpox came from “womb poison” generated at the time of sexual intercourse. The first conceptual breakthrough came when 16th-century Italian poet and physician Girolamo Fracastoro argued that living seeds of disease traveled through the air. In the late 17th century, lens grinder Anton van Leeuwenhoek (1632–1723) observed that “animalcules” appeared under the lens of the microscope he had invented. But it wasn’t until more than 300 years after Fracastoro that French chemist Louis Pasteur



*French chemist Louis Pasteur demonstrated that microbes could have useful purposes, but his work chiefly gave weight to the view of microbes as the enemy.*

(1822–95) provided the framework for understanding these living things the naked eye could not see. Pasteur discovered that milk spoiled only when microscopic organisms were allowed to enter, and that, conversely, beer and wine needed such organisms to ferment properly. He demonstrated that microbes could be benign and useful tools as well as our deadly enemies. Pasteur’s subsequent work on vaccines for anthrax and rabies proved conclusively that microbes cause disease in humans, replacing

the theory, which had dominated Western thought for more than 2,000 years, that disease derives from imbalances within the body.

“Pasteur single-handedly spawned the antibacterial age,” biologist Tom Wakeford writes in *Liaisons of Life* (2001). Darwin, who had lost a daughter to scarlet fever while writing *Origin of Species*, hailed the microbe-disease connection as the “greatest triumph” science had ever achieved. By the end of the 19th century, demonization of germs fueled sales of products such as Microbe Killer, a concoction that included red wine, hydrochloric acid, and sulfuric acid. By 1890, it had become so popular in the United States that 17 factories were needed to produce it. (The phobia continues to thrive today, as witnessed by the increasing number of antibacterial products found in supermarkets.) More significantly, scientists soon provided support for the germ assassin perspective by identifying the infective microbes associated with specific diseases, including tuberculosis, diphtheria, typhoid, cholera, plague, and malaria.

The solution to the problem of disease suddenly seemed straightforward: Identify the guilty microbe, then destroy it. In 1910 Paul Ehrlich, a physician and pharmaceutical researcher, discovered that a synthetic compound derived from

arsenic killed the microbe responsible for syphilis. “We must learn to shoot microbes with magic bullets,” Ehrlich told colleagues.

A romantic aura began to shape the public image of the warrior-scientists fighting to protect us. “It is as sure as the sun following the dawn of tomorrow,” proclaimed Paul de Kruif in his immensely popular *The Microbe Hunters* (1926), “that there will be other microbe hunters to mold other magic bullets, surer, safer bullets to wipe out for always the most malignant microbes.”

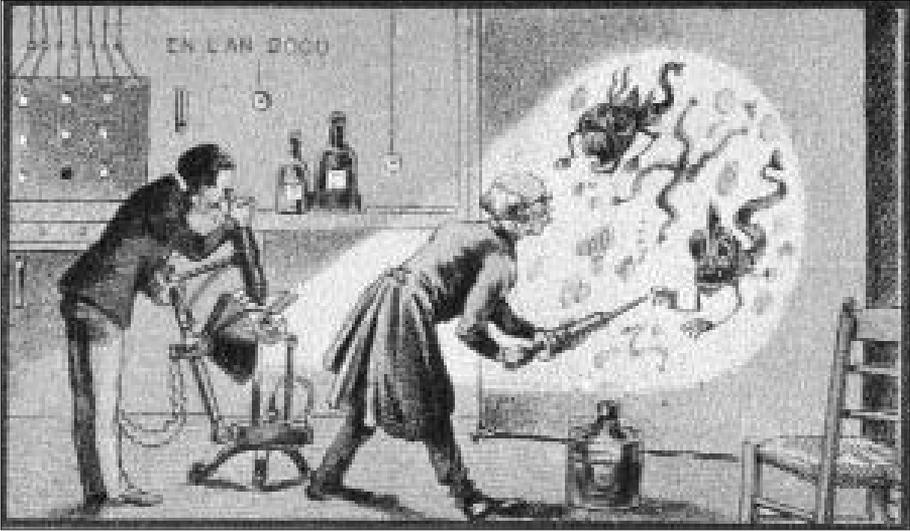
Penicillin, identified in 1928 by Alexander Fleming and first used on a patient in 1940, solidified the faith in magic bullets. Microbes were the enemy, and the human body was the battleground. To begin to sense just how welcome these magic bullets were, one need only remember 16-year-old Calvin Coolidge, Jr., son of the 30th president. In 1924, young Calvin developed a blister on his big toe while playing tennis at the White House. It became infected. As his fever rose, surgeons decided that it was too late to amputate his foot. They cut his leg open to the bone and drained the spreading infection. An anxious nation hung on the news bulletins. After a week of extraordinary pain, the boy died.

**T**he generation that remembers the Coolidge story, and what it felt like to be so helpless, is past or passing. Their children and grandchildren, the baby boomers, came of age with antibiotics and experienced the sexual revolution with an if-you-get-it, penicillin-will-cure-it attitude. These antibiotics, together with vaccinations, prompted post-World War II experts to predict an end to infectious disease. The U.S. surgeon general proclaimed in 1969 that it was “time to close the book” on the problem. Macfarlane Burnet, who won the 1960 Nobel Prize in medicine for his work on the human immune system, said in 1972, “The future of infectious diseases will be very dull.” Lewis Thomas, dean of the Yale Medical School, told students in 1976 that there were “no new diseases to be discovered.” Five years later, when the U.S. Centers for Disease Control (CDC) reported the first deaths from what became known as AIDS, 250,000 people were already infected in the United States alone.

Today’s young people have only known a world in which HIV makes sexual intercourse far more risk filled than it was in the years before Ehrlich found a treatment for syphilis. They also face the threat of drug resistance, which is taking a lot of the magic out of the magic bullets, sometimes rendering them useless.

Using antibiotics and other drugs to carpet-bomb our bacterial populations and kill them en masse creates enormous selective pressure that favors the survival, propagation, and evolution of microbes that can resist these attacks. Some abuses from the 1950s and 1960s—such as penicillin throat lozenges and adding antimalaria drugs to table salt in high-risk areas—seem incredible to us now. But abuses continue. According to the World Health Organization, two-thirds of all

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In 1912, a French cartoonist envisioned “Germ Hunting in the Year 2000”: find and kill.

oral antibiotics used worldwide are purchased without proper medical advice, diagnosis, or care. Moreover, people do not use them properly. One-third of U.S. pediatricians admit to overprescribing antibiotics to ease the concerns of parents and their young patients—even though resistance has been observed and well documented beginning with the first patient to receive penicillin.

At least one-quarter of all antibiotics used in the United States are employed in the food industry. The drugs prevent infection in animals and fish that are raised in crowded conditions, and, through mechanisms no one understands, they also stimulate growth. Apples and other fruit crops are commonly sprayed with antibiotics in an effort to combat microbial attacks. The result—not surprising in terms of human influence over microbial evolution—is that people acquire serious infections resistant to antibiotics they have never ingested *except in food they’ve eaten*.

As resistance to every known antibiotic increases, we continue to see ourselves in a war. “The enemy is invisible, furtive and gaining in strength and numbers,” the CDC warned last year in “Plans for the New Millennium.”\* Just as in traditional warfare, new technologies promise to make killing easier and more effective. Like laser-directed “smart bombs,” drugs based on the microbial genome will target biochemical processes with increasing precision. (Of course, smart bombs sometimes turn out to be not so smart.)

**A**mong the possible new weapons are bacteriophages, viruses that can kill bacteria. Use of bacteriophages began in the early 20th century, but research stopped—except in the Soviet Union—with the advent of antibiotics. In Sinclair Lewis’s 1925 novel *Arrowsmith*, researchers gasp at this “supreme way to kill pathogenic bacteria.” Bacteriophages offer exciting prospects, but far from reason enough to think we’ll win the war. We are instead merely escalating a race that lacks

\*This is a chapter from the CDC’s report *Emerging Infectious Diseases: A Strategy for the 21st Century*. The entire report is available at [www.cdc.gov/ncidod/emergplan/summary/index.htm#home](http://www.cdc.gov/ncidod/emergplan/summary/index.htm#home).

what military planners call an “exit strategy.” Julian Davies, president of the American Society of Microbiology, strongly believes that “as competitors the microbes are unbeatable.”

Nor will vaccines provide victory. “The evolution of vaccine resistance is almost as inevitable as the evolution of antibiotic resistance,” biologist Paul Ewald writes in *Plague Time* (2000). Two examples: Rapidly evolving HIV has so far defied the efforts of our best brains and huge amounts of money; and influenza viruses evolve ahead of vaccines that are redesigned every year. Neglecting the impact of our efforts on such rapidly evolving microbes may make things even worse. Using mathematical modeling, researchers have demonstrated that partially effective vaccines—those that temporarily limit toxicity but do not prevent transmission to new hosts—can force the evolution of microbes toward increased virulence.

**T**n 1973, biologist Leigh van Valen proposed “a new evolutionary law” which he called the “Red Queen Principle.” Acknowledging that the principle simplifies reality, he cited the Red Queen’s proclamation in Lewis Carroll’s *Through the Looking Glass: In Wonderland*, everyone must run as fast as possible just to stay in the same place. Van Valen concluded that the evolution of multiple organisms is a race that “no species can ever win, and new adversaries grinningly replace the losers”—only to be replaced in turn. To think otherwise, van Valen wrote, is “wishful thinking, the imposition of human values on nonhuman processes.”

What we are in fact doing may be worse than what van Valen imagined. By devising weapons of increasing technological sophistication just to stay in place, we escalate a race that soon weakens or renders useless even the most potent new drugs. This escalation is not inevitable. If we think and act in accordance with evolutionary principles, recognizing our role as the chief director for microbes in and around us, we can shut off the escalator.

But to do so, discipline is crucial. “A call for prudence and control has often been made during the past 25 years,” microbiologist John Davison writes, “but has been largely ignored.” The record does not give great cause for optimism, but there are ways to de-escalate. Possible strategies include:

- Choosing drugs that are less susceptible to resistance. All antibiotics do not work in the same way on the same types of microbes. For some drugs, resistance might develop within weeks, while other drugs might stay effective for decades.
- Ending abuse by the food production industries. The European Union, for example, has banned the agricultural use of antibiotics to promote livestock growth, if those antibiotics are also used in human medicine.
- Monitoring patient use of antibiotics. Programs that observe tuberculosis patients to ensure that they take all the necessary drugs throughout their six-month treatment regimen have significantly stemmed epidemics of drug-resistant bacilli.
- Screening for resistance. Genotype screening and genome mapping, though costly and time consuming, can identify those drugs that will be most effective against microbe strains that infect a given patient. These

## Understanding Microbes

Microbes are often divided into four major categories—bacteria, viruses, protozoa, and fungi—each with its own characteristics. This article focuses on the first three.

Bacteria reproduce by splitting, and can pass through 30 generations, which would span considerably more than 1,000 years in humans, in as little as a single day. This ability alone gives bacteria the capacity to generate vast genetic variation by mutations of single base-pairs, the building blocks of DNA, with every generation.

Viruses and protozoa exhibit similarly short life spans, and to similar effect. Retroviruses are especially volatile because they carry their genes not in the stable double-stranded form of DNA, but rather in a more volatile single-stranded form that must be copied and integrated into host-cell DNA in order to reproduce.

The retrovirus HIV is the foremost example of rapid viral evolution in action. This volatility is amplified by the tendency of reverse transcriptase, the enzyme tool that HIV uses to copy and integrate itself into the DNA of its host, to make errors without the normal built-in capacity to correct them, thus creating a high frequency of random base-pair mutations in the virus. The frequency of such mutations is so high that if it were increased, the virus would not be able to function properly and propagate. Its rapid mutation rate causes so many different forms of HIV to develop quickly within each host that in each patient certain mutant forms of the virus are able to evade every attack by synthetic drugs and by the immune system. These forms, or strains, multiply and change in turn. Thus, once the HIV virus enters a human and begins to replicate, multiple different strains start evolving in response to selective pressure from immune responses and synthetic treatments. Much like Keanu Reeves stopping time in *The Matrix* to dance between bullets, rapid evolution allows HIV to escape any magic bullet drug shot at it.

Unlike bacteria and viruses, protozoa can replicate sexually, reshuffling their genes with every successive generation in a process called recombination. Compare the last 300 or so human generations spanning many thousands of years, with the 300 generations a bacterium, virus, or protozoan might run through in a week or two. Through this rapid succession of generations, microbes generate immense genetic variability.

But the awesome evolutionary capacity of bacteria and viruses extends far beyond the mutations of generational replication. In fact, much of the ability of viruses and bacteria to adapt rapidly to new environments stems from their ability to transfer genes laterally. Bacteria and viruses can acquire advantageous genes during their life span and pass them on—not only to their progeny but to vast populations of microbes of varying degrees of relatedness. Bacteria can acquire and spread genes

tests are particularly useful in determining treatments for such rapidly evolving infections as HIV.

- Using multidrug cocktails. These treatments reduce the chances of developing resistance because microbes are less likely to adapt to numerous drugs simultaneously.

Late in his career Darwin concluded, “The more I look at plants, the higher they rise in my mind.” *Arabidopsis*, a common weed and the only plant whose genome has been completely mapped, teaches us one way to

not only from divergent species of bacteria but from viruses, protozoa, fungi, plants, and animals, and the environment.

Through unique processes, bacteria can pick up and incorporate naked DNA they encounter in the environment (transformation). They can also contact cells of other organisms directly. For example, a bacterium and a plant, or a bacterium and a yeast cell, could transfer genes in the form of highly mobile genetic elements—plasmids and “transposable elements,” or transposons (conjugation). Finally, they can acquire new genes from other organisms through infection by bacteriophages—viruses whose name means “bacteria eaters”—that can package microbial DNA and transfer it to bacteria, or to whole populations of bacteria (transduction).

Through these processes, virtually any gene sequence of any origin can be transferred to and between bacteria, blowing away the generational and species boundaries that limit the evolutionary rates of sexually reproducing animals. Imagine being able to acquire and exchange new genes through a handshake, or by picking them up off the street. All these capacities allow bacteria to generate and share immense genetic variation that, under selective pressure, can drive evolution at an unparalleled rate. Mechanisms of lateral transfer, such as plasmids and transposons, lie behind the rapid evolution of antibiotic resistance as well as the evolution of virulence characteristics in bacteria such as *Vibrio cholerae* and subspecies of *Salmonella*.

Viruses exhibit similarly dramatic adaptive abilities of genetic variance, as they are capable of capturing genes from any of the range of hosts they infect. A 1999 study published in the *Proceedings of the National Academy of Science* demonstrated that a plant virus infected an animal host and then recombined with an animal virus, to form an entirely new viral strain with a new combination of genes. In almost comic-book superhero fashion, microbes acquire special powers from one another, and even gain new powers, by combining or collaborating.

Scientists have recently discovered an extraordinary process that allows bacteria to use complex cooperation techniques to enhance their adaptive capabilities. Some species of bacteria have also evolved the ability to form single-species or multiple-species communities, in which they can build communal defenses and regulate communal expression of different genes based on population size or changing environmental pressures. These communities, called *biofilms*, now account for a high percentage of infectious diseases, and are virtually unaffected by all conventional drug therapies.

Underlying the vast diversity of the microbial world is unparalleled genetic variation. Such awesome evolutionary capacity reveals the extent to which the magic-bullet strategy for disease eradication underestimates the complexity and the power of microbes.

use natural evolutionary forces for our own ends. Plants, like humans, face constant assault by microbes, and respond, in part, by producing defensive chemicals. Researchers were surprised to discover that *Arabidopsis* rotates its antimicrobial chemicals instead of unleashing them all at once. When it changes chemical defenses, microbes that are expending extra effort to maintain genes resistant to the now-irrelevant chemical are suddenly at an evolutionary disadvantage and are far more likely to disappear—losing in the evolutionary competition to more efficient, nonre-

sistant microbes. Plant and human defensive systems have much in common, and many plants generate compounds that stimulate the human immune system—something achieved by only a small number of recently developed synthetic drugs. As more plant genomes are studied, more immunity-stimulating drugs are likely to emerge.

**I**n the meantime, we can borrow techniques from *Arabidopsis*. Bacteria that are resistant to tetracycline, a widely used antibiotic, produce certain essential proteins more slowly than nonresistant bacteria do. Substitute another antibiotic for tetracycline, and the resistant bacteria suddenly find themselves at an evolutionary disadvantage. Eventually they disappear. The result, which can seem miraculous to both physicians and patients, is that resistance is reversed. When the patient takes tetracycline again, it works. Using similar procedures, doctors have also reversed resistance to the commonly used antimalaria drug chloroquine. Researchers are now working on ways to apply rotational techniques to the mounting challenge of multidrug-resistant infections that are spreading rapidly through intensive care units.

Rotational strategies could be particularly significant in poor countries. In Zambia, for example, where annual spending on health amounts to only \$6.54 per capita, they would be invaluable. Tetracycline is one of the cheapest drugs available, while antibiotics to treat tetracycline-resistant infections can be prohibitively expensive. The same is true of chloroquine. Drug rotation, however, must be administered carefully. Studies indicate that if a single antibiotic is used too long, bacteria will evolve to resist

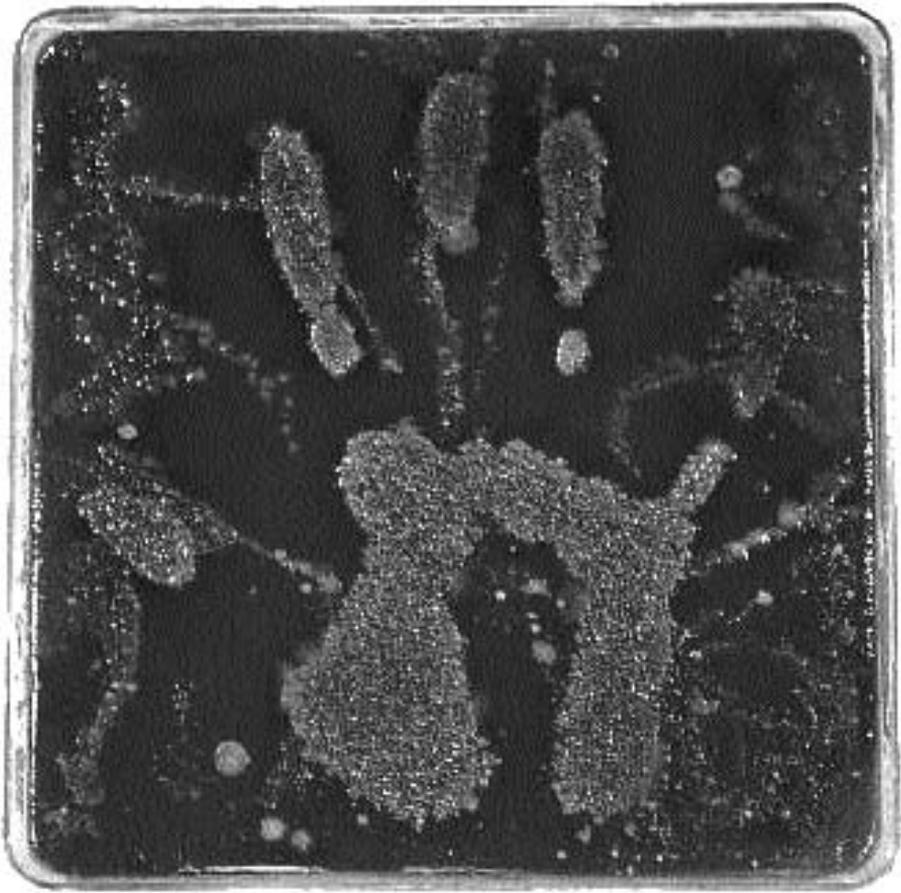
it more and more efficiently. Using one drug in isolation for an extended period could thus create resistance that is even more difficult to reverse.

A more effective way to kill microbes emerges from a question some evolutionary biologists have raised: With all that we're learning about how microbes evolve, why don't we

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strike at their evolutionary mechanisms? If therapies reduced, manipulated, or eliminated the evolutionary mechanisms of disease-associated microbes, magic bullets could more easily kill them.

“Drugs are evaluated on their potential to kill virus. Fair enough,” biologist Stephen Palumbi writes in *The Evolution Explosion* (2000). “But the virus is not the only enemy we face. Another foe is the *evolution* of the virus, and few drugs are evaluated on the basis of their ability to kill this process. Furthermore, if drug resistance is inevitable, then by choosing drugs, we are in effect choosing the evolutionary trajectory of the virus. Why not use this opportunity to channel the virus into an evolutionary cul-de-sac and then let loose the pharmaceutical dogs?”



*An agar plate displays the results of a bacterial test done on a person's hand. The human body teems with such microorganisms, which outnumber human cells 9 to 1.*

Palumbi cites an HIV drug called 3TC that serendipitously can also reduce the genetic mutation rate caused by HIV's reverse transcriptase. By reducing genetic variability, 3TC slows HIV evolution and makes the virus an easier target. The most successful treatment strategies for HIV thus far, Palumbi notes, have combined drugs aimed at killing the virus with drugs that slow its evolution.

Or consider this: In order to evolve resistance to the newer antiviral drug ddI, HIV must shake off its resistance to the older drug AZT. So AZT and ddI could be administered together to take advantage of the virus's inability to resist both drugs simultaneously.

Some new drugs are able to disrupt bacteria's evolutionary mechanisms. The newest derivatives of quinolone antibiotics were designed to eliminate the prime culprits in the evolution of antibiotic resistance: the gene carriers called plasmids. Plasmids move between bacteria of the same and different species carrying genes that confer antibiotic resistance. Though these quinolone derivatives eliminate plasmids only when administered in dangerously high dosages, failure does not invalidate the strategy.

The growing scientific understanding of microbial evolution is also inspiring new strategies. Researchers have discovered that bacteria

throughout nature form *biofilms*, which are communities of single or multiple species that coordinate defensive strategies by “talking” to one another via chemical signaling. This helps them respond more forcefully and more quickly to threats from antibiotics or the immune system. One of their techniques is to produce chemicals that make the bacteria invisible to attacking forces until bacterial populations are large enough to develop communal protections.

Biofilms cause many intractable chronic infections, especially in the ear and respiratory systems. Antibiotics are designed to combat free-floating bacteria, so “biofilm bacteria are just about 1,000 times more resistant,” explains biologist William Costerton, chair of the American Academy of Microbiology’s Committee on Microbial Communities. Costerton and his colleagues are exploring how to strike not at bacteria but at their ability to form biofilms. Their tools include ultrasonic waves, as well as weak electrical and magnetic fields. These interrupt the signaling mechanisms and disrupt biofilms, leaving the isolated bacteria more vulnerable to attack.

As directors of microbial evolution, we can recognize that killing microbes is not necessarily the best way to eliminate disease. Rather than cut off their evolutionary legs, we can point those legs in a different direction, and give microbes reasons to evolve into harmless or even mutually beneficial relationships with us. If Pentagon scientists can “weaponize” microbes by making them more likely to cause and spread disease, why can’t we turn the evolutionary engine in the opposite direction—in effect, domesticating microbes much as we have domesticated plants and animals?

Microbial domestication will require new ways of thinking, focused primarily on achieving a more balanced relationship with microbes. It runs contrary to the aims of most biomedical research and to the popular imagination, both of which are heavily invested in better bullets. Talk about balance can seem antiquated, even prescientific. “Why do Westerners want so much to always kill the microbe,” asks an ayurvedic physician in India, whose system of knowledge dates back to the dawn of recorded history. “Live at peace with it.”

Nobel laureate Joshua Lederberg raises much the same question when he notes that focusing so many resources and so much attention on killing the virus that causes AIDS “may have deflected less ambitious, though more pragmatic aims, including learning to live with the virus by nurturing in equal measure the immune system that HIV erodes. After all, natural history points to analogous infections in simians that have long since achieved a mutually tolerable state of equilibrium.”

**P**rogress does not always mean moving forward. To move forward in our relationship with infectious diseases, we must embrace notions of balance that have been eclipsed by Pasteur’s germ theory and the quest for magic bullets. Science itself opens the door to balance by demonstrating how virulence evolves and can be manipulated. Public-health reforms that reduce the possibility of microbe transmission—by, say, keep-

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ing sewage out of the water supply or encouraging safer sex practices—are one way of directing the evolution of microbes away from virulence. The fewer transmission opportunities a microbe has, the more evolutionarily advantageous it is for that microbe to preserve the health of the person upon whom it depends.

This transmission-virulence theory, developed over the past two decades by biologist Paul Ewald, rests on the observation that, in many cases, the more opportunities microbes have to move between hosts, the less dependent they are on each host. And the less dependent they are, the more prone they are to exploit and kill the host.

Microbes are not vindictive; they're just using available resources to survive, exploiting us somewhat the way we exploit the land by strip-mining. Because we are not immediately dependent upon preserving a particular terrain for our own survival, ripping it open to obtain resources to further our own survival is appealing. Microbes don't kill us for fun any more than we strip-mine for fun.

*Vibrio cholera*, a bacterium associated with cholera, demonstrates how this works. This bacterial species spreads easily through water, even when its human hosts are so sick they cannot move from their beds. After infecting a person who drinks contaminated water, the cholera bacteria replicate rapidly. This proliferation inside a human digestive system triggers acute diarrhea, sending large populations of cholera bacteria through the water supply to many new hosts, continuing the cycle. To *Vibrio cholerae*, humans need be no more than an expendable resource to facilitate its replication.

But if drinking water is clean and waste is disposed of hygienically, viru-

lence no longer offers cholera the same evolutionary advantage. Unable to move easily from one person to another, the bacteria must link their own survival more closely to that of their hosts. Thus, the most virulent strains of cholera are found in communities without effective sanitation systems. Areas with better sanitation systems report cases involving much less virulent strains.

BLOOD TESTS INDICATE THAT SOME PEOPLE HAVE HAD THE EBOLA VIRUS IN THEIR BODIES BUT HAVE NEVER SHOWN SYMPTOMS OF THE DEADLY EBOLA HEMORRHAGIC FEVER.

of transmission? The most serious and widespread type of HIV, HIV-1, emerged from Central Africa, where studies show that sexual practices favoring transmission of the virus are more common than in West Africa, where the relatively rare, less virulent type, HIV-2, emerged. Similar correlations occur even within each HIV type. Supporters of

the transmission-virulence theory assert that HIV-2 is less virulent in Senegal than in Ivory Coast because sexual transmission is less likely in Senegal.

Great mysteries remain. The poliomyelitis virus, for example, usually lives in the gut and spreads to new hosts by leaving the body through feces and entering the mouths of people who come in contact with the fecal matter. The virus causes disease only when it invades the host's nervous system. What would drive the virus to invade the host nervous system, harming its host without increasing its chances of transmission to new hosts? Further study is necessary to test the transmission-virulence theory and address such paradoxical situations.

Understanding the evolution of virulence may ultimately help us identify the source of the chronic infectious diseases that seem to afflict a growing percentage of the world's population. It would be important to know, for example, if acute diseases evolve into chronic diseases because microbes ratchet down their virulence so that they can keep living inside their human hosts.

The transmission-virulence theory ties virulence to a dynamic relationship between humans and microbes. It thus defies the traditional understanding of virulence, which to some extent persists today. *Virulence* derives from the Latin *virulentus*, meaning "full of poison." As the name suggests, virulence since the advent of germ theory has been seen as the product of microbes' ability to deliver disease-causing poisons.

Genomic research demonstrates that microbes evolve what scientists call "virulence characteristics," mechanisms that facilitate the transfer of genes to other microbes. One example is "pathogenicity islands," clusters of genes that increase microbial virulence. These genes can be transferred by a variety of carriers including the previously mentioned plasmids.

But recent studies indicate that virulence cannot be explained by inher-

ent microbial characteristics alone. To cite a few examples: One-third of the world's 6.1 billion people carry the tubercle bacillus, but 90 percent will never develop active tuberculosis. In the United States, studies indicate that bacteria involved in spinal meningitis live harmlessly inside the noses of one-quarter of everyone in the country. Similarly, heliobacter bacteria cause peptic ulcers, yet half the population is estimated to harbor them. Blood tests indicate that some people have had the Ebola virus in their bodies but have never shown symptoms of the deadly Ebola hemorrhagic fever.

**A**s such examples demonstrate, it is impossible to group microbes strictly into “virulent” and “nonvirulent” categories. “Virulence”—the capacity to cause disease and a measure of the seriousness of that disease—is one of many possible results of a dynamic interaction between immune system and microbe. Virulence emerges both from microbial characteristics and human characteristics, and hence from the interaction between the two.

Thus, we cannot properly say microbes are “disease causing” or call microbes “pathogens.” Microbes are not pathogens that cause disease. A particular relationship causes microbes to have a pathogenic effect. We must learn a new vocabulary to describe infectious disease. Only then will we be able to explain why most “virulent microbes” seem to cause disease for only a tiny percentage of the people in whom they live.

“We need to consider the big picture,” the editors of *Science* noted recently. “People are not infected with one organism alone—we are host to communities of many species, most of which do us little harm. We need to spot the shift in the dynamics between microbe and host that tells us when harm might follow.” Joshua Lederberg believes we should also replace “the war metaphor with an ecological one,” concentrating on why most microbes don’t make us sick.

In the early 20th century, researchers who were not even thinking in evolutionary terms developed a vaccine for diphtheria whose functioning demonstrates how we can benefit by shifting the dynamics between microbe and host. The principles and mechanisms are straightforward. Diphtheria bacteria infect the respiratory tract and generate a toxin that kills respiratory cells, from which they obtain nutrients. To make this toxin, Ewald explains in *Plague Time*, the bacteria use perhaps five percent of their protein resources. The vaccine contains a mutated toxin that triggers an immune response. Should diphtheria bacteria appear, these antibodies rush into the respiratory tract and sequester the newly appearing toxins before they can kill respiratory cells. The bacteria that continue the production of toxins—now a useless drain on resources—are put at an evolutionary disadvantage. Soon, almost all of the diphtheria bacteria that are left circulating in the vaccinated population are those that do not produce the toxin.

Today, new technologies prepare us to apply this evolutionary model more widely. Although not yet consciously applied to the host-microbe relationship, research in directing evolution has been underway on a molec-

ular level for at least a decade. Chemists, for example, have been placing libraries of different proteins under selective pressure in laboratory environments and developing compounds for industrial and therapeutic purposes. Microbiologists have similarly directed the evolution of RNA—single-stranded DNA—toward novel biological functions.

**T**o improve host-microbe relationships by directing the evolution of microbes, researchers must understand them genetically. New DNA microarray technology can measure the actions of large numbers of genes that carry the code for the human immune system, for microbes related to infectious disease, and for microbes that live normally inside us. Knowledge gained from such measurements could facilitate the development of vaccines like the diphtheria vaccine as well as strategies to stimulate specific elements of the immune system.

Research into the structure and function of particular genes is already producing surprising results. Because of mechanisms not well understood, a genetic mutation that causes the pneumonia-related bacterium *Streptococcus pneumoniae* to resist penicillin also reduces or eliminates the bacterium's virulence.

Thus, while penicillin resistance may now limit the drug's use as a microbe *killer*, penicillin could become a tool for directing the evolution of pneumonia bacteria away from virulence.

We can also manipulate the competition *between* microbes that occurs inside the human body. Researchers in northern and western Thailand have observed that the reproduction of

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HIV is slowed in AIDS patients who also suffer from a disease called acute scrub typhus, a potentially fatal bacterial infection. No one advocates using scrub typhus as a form of treatment for HIV, but clearly there is a mystery here worth probing. As microbiologist and immunologist Cedric Mims puts it, "Successful microbes know more about immunology than do the immunologists!"

"Probiotics"—bacteria administered as medicine—are an increasingly popular means of taking advantage of this ubiquitous competition between microbes. One of the earliest advocates of probiotics was immunologist Elie Metchnikoff (1845–1916), who championed the benefits of sour milk. Metchnikoff drank sour milk in astonishing quantities to chase out intestinal invaders. More than a century later, researchers are finding mounting evidence that lactobacilli, the bacteria found in sour milk, can sensitize the human immune system early in life, preventing allergies by keeping it from attacking harmless or helpful foreign bodies.

To cite another example: Alpha-streptococcus bacteria normally colonize the tonsils, making it difficult for other types of bacteria to enter in ways

that would cause ear or respiratory infections. Antibiotics, however, often knock out alpha-streptococci, making people more susceptible to such infections. Administering alpha-streptococci along with antibiotics is thus one way to protect patients from infections.

Modern society has grown accustomed to assuming that when problems appear, science or technology will provide the necessary fix—even when science and technology themselves have caused or exacerbated the problem. In the case of infectious disease, solutions driven by science and technology do indeed exist. They begin with new concepts: Virulence arises from the relationships between humans and microbes, not from microbes alone. We can direct the evolution of microbes in more benign directions. New discoveries, furthermore, will soon lead to practical applications. As we better understand the selective forces generated by drugs, the immune system, and the body's microbial community on a genetic level, more opportunities will arise to control these forces and direct the human-microbe relationship away from virulence.

**T**he National Intelligence Council report cited in the opening paragraph of this article mentions none of this, even in its “Optimistic Scenario,” but we do not need an intelligence report to begin to act. When germ theory emerged in the late 19th and early 20th centuries, people started to wash their hands more often and took other steps to improve sanitary conditions. Hospitals adopted measures to protect patients from infection. Researchers began to look for the guilty microbes and the weapons to kill them. As we recognize that we can direct microbial evolution, we will make the provision of clean water and the disciplined use of antibiotics much more of a priority. These are things we already know we should be doing anyway. And instead of focusing research on killing microbes, more and more scientists will search for ways to improve our relationship with them.

In adopting this approach, we will regain something that has been lost as we've grown more sophisticated. In the *Iliad*, Greek warriors defy instructions from one of Apollo's priests, and the angered god sends an invisible “deadly archer” who kills warriors until “corpse fires burned on, night and day.” Only when the priest's instructions are obeyed does the archer leave.

The story may sound primitive to the modern ear, but the ancient Greeks embraced a truth that we too often ignore: Some rules cannot be violated without grave consequences. For them, defying the gods proved disastrous; for us, defying nature's ineluctable laws of evolution will bring us to the same awful end. It is our task to understand these laws and apply them in ways that best serve our interests.

Darwin published his epochal *Origin of Species* 143 years ago. But more than 8,000 years before that, people with only primitive technology and no written system of knowledge saw possibilities in wild jungle fowl. They began to breed them selectively, eventually producing what we now call chickens. As we face challenges with stakes that are immeasurably higher, we must do what they did: make evolution work for us, not against us. □

# John Rawls and The Liberal Faith

John Rawls, a giant of modern political philosophy, has worked throughout his career to articulate the theoretical foundations of liberalism. Almost against his will, Rawls has suggested that those foundations are entangled with, and fortified by, religious faith.

*by Peter Berkowitz*

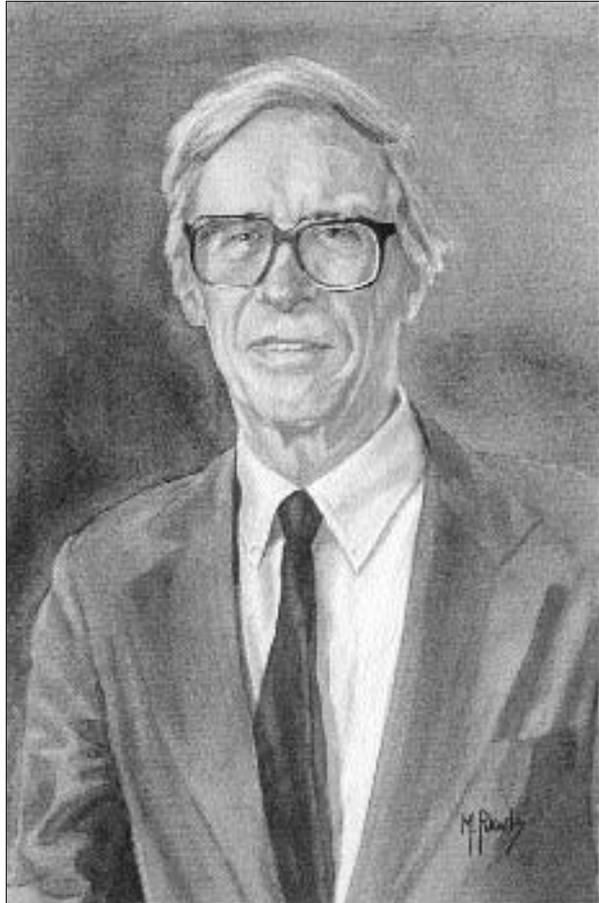
**L**iberalism has always staked its claim to govern on its superior rationality. The modern liberal tradition, with its premise of the natural freedom and equality of all, arose in the 17th century partly in response to the turmoil of Europe's wars of religion. When John Locke set out in his first *Letter concerning Toleration* (1689) to demarcate the sphere of life that belonged to religion and the sphere that belonged to secular authorities, he relied on reason rather than religion to map the boundaries. In the 18th and 19th centuries, in the writings of Montesquieu, James Madison, John Stuart Mill, and others, liberalism forged an alliance with the commercial spirit, science, and democracy. These were the forces associated with progress, while religion was generally equated with reaction. In the 20th century, the liberal tradition faced the eruption of the forces of unreason in hideous secular forms—Nazism and communism—and defeated them. At the beginning of the 21st century, a threat to the liberal tradition has erupted again, this time drawing strength from religion.

Over the centuries, however, the liberal tradition has also drawn strength from religion. Locke viewed the law of reason—a moral law that he regarded as universal and objective—as an expression of God's eternal order. He also argued that religion, no less than reason, taught toleration. In the 19th century, Alexis de Tocqueville argued that liberal democracy in America depended on the vitality of the people's religious faith. Hegel sought to show that the liberal state is Christianity in secular and political form. Today, even as the United States wages a worldwide war against religiously inspired terrorism, religion remains a powerful force within America itself.

Yet at the heart of the liberal idea a question remains: Is it reasonable for a liberal to be religious? Can it be reasonable to claim to put freedom first while also binding oneself to a system of theological notions about where

we come from, what we are, and how we ought to live? Such doubts have a distinguished pedigree in the liberal tradition, and they have impelled many contemporary liberals to regard religion with intense suspicion, if not outright hostility.

In the old quarrel between liberalism and religion, John Rawls, the preeminent academic moral philosopher of the last 50 years, has often seemed to encourage the view that while liberals must tolerate religious faith, it would be unreasonable for them to profess it. But with the publication at the end of his career of his



A portrait of philosopher John Rawls, by his wife Mardy.

*Lectures on the History of Moral Philosophy* (2000), Rawls's most searching examination of liberalism's foundations, he provides reasons to believe that far from being the antithesis of freedom, religious faith of a certain sort may be the basis of our respect for freedom, the very thing that renders our respect rational.

**R**awls's *Lectures* is based on his notes for the class on moral philosophy he taught at Harvard University between 1962 and 1991. As in all his writings, he gives pride of place in these lectures to questions about moral reasoning. He is concerned above all with the logic of morality, its presuppositions, its principles, and the basic legal and political institutions that flow from it. Rawls finds inspiration chiefly in the daunting writings of the great 18th-century German philosopher Immanuel Kant. He does discuss other thinkers. David Hume, with whom he begins, raised the question that Kant attempted to resolve: How can there be universal moral standards untainted by our passions and interests? Part of Kant's answer is elaborated in the *Critique of Pure Reason* (1781): The very structure of reason, independent of our passions and interests, provides universal standards. Another part is found in the *Groundwork of the Metaphysic of Morals* (1785), *The Critique of Practical Reason* (1788),

and other works in which Kant develops the idea from a variety of angles that the universal moral standard takes the form of a law, the Categorical Imperative, which requires us to act according to a maxim that we could will to be a universal law. Rawls concludes with Hegel, who clarified, corrected, and supplemented Kant. But, as in Rawls's other writings, Kant is the looming philosophical presence.

Despite the title's suggestion that the book will be a panoramic survey, Rawls turns in the *Lectures* to the history of moral philosophy in the apparently narrow interest of making sense of Kant. But he turns to Kant in order to make sense of the moral life as it truly is. The implication is that the history of moral philosophy culminates in Kant and more or less comes to an end in the Kantian-inspired moral philosophy that Rawls's own work exemplifies. What Rawls introduces as a circumscribed scholarly effort to understand Kant is actually a bold defense of the Kantian idea that the very essence of morality consists in reasoning correctly on the basis of universal moral laws.



Immanuel Kant

**A**n intriguing mixture of circumspection and boldness has been a leading trait of Rawls throughout his career. Colleagues and students at Harvard marveled at the quiet and unassuming manner of this man whose work his many admirers believe is likely to stand alongside that of Kant, and Locke and Mill too, as a lasting contribution to the liberal tradition. As a young assistant professor in the early 1950s, Rawls was already devoting himself to development of the ideas about freedom, equality, and justice that would eventually establish him as the most influential academic moral philosopher of his age. Yet he did not publish his first book, the seminal *A Theory of Justice*, until 1971, when he was 50. His second book, *Political Liberalism*, born as a response to criticisms directed at his first, did not appear until 1993, two years after Rawls had retired. In 1999, when he was 78, he published two more books. *The Law of Peoples* is a compact volume in which he develops a liberal theory of international law and foreign policy. In the massive *Collected Papers* he gathers together the vast majority of his published scholarly articles, virtually every one an occasion to elaborate or modify his interpretation of the moral and political imperatives of liberalism. In *Justice as Fairness: A Restatement* (2001), Rawls seeks to provide a final, unified statement of his ideas. But it is in *Lectures on the History of Moral Philosophy*, a work composed, in effect, over the entire span of his career, that Rawls provides

>PETER BERKOWITZ, a research fellow at the Hoover Institution and a contributing editor at *The New Republic*, teaches at George Mason University School of Law. His *Virtue and the Making of Modern Liberalism* (1999) was issued in paperback last year. Copyright © 2002 by Peter Berkowitz.

the most sustained and provocative exploration of the theoretical foundations of his liberalism.

*A Theory of Justice*, 20 years in the making, was immediately hailed as a classic. Not only was it the defining work of Rawls's career, but it also set the agenda for an entire generation of moral philosophers and political theorists. In 600 highly theoretical, closely argued pages, Rawls sought to show that a distinctive conception of justice is implicit in relatively simple human "intuitions," and that it has definite implications for constitutional law and the basic organization of political institutions.

**T**he well-ordered state that emerges from Rawls's prodigious philosophical labors is nothing very novel, especially for the professors who have always been his chief audience. It is the familiar modern progressive welfare state, which seeks to protect individual liberty while redistributing wealth in the name of social and economic equality. What makes *A Theory of Justice* distinctive is the complex conceptual machinery Rawls assembles in making his case. But what is truly remarkable, when you step back and think about it, is Rawls's crowning contention that a certain interpretation of left-liberal politics is not only right and good and in accord with our intuitions—all partisans see their own positions that way—but that such a politics is nothing less than an imperative of reason—objective, universal, and, when all is said and done, binding on everybody.

The key device Rawls uses to derive all of this from our intuitions is what he calls the "original position." Think of it as a modern version of the early liberal thinkers' "state of nature." It is a purely hypothetical state or condition that Rawls constructs in order to determine what choices about basic principles a perfectly reasonable person would make if asked to design a society from scratch. In order to guarantee their reasonableness, Rawls puts his hypothetical subjects behind a "veil of ignorance." The veil of ignorance removes from their sight the attributes that distinguish them from other human beings. They are stripped of information about what is given to them in particular by society and what is given to them in particular by nature and fortune. To ensure that their choice of fair principles for social cooperation is not influenced by morally irrelevant factors, they are deprived of knowledge of family and friends, social class and political opinions, nation and religious beliefs, height and weight and sex, and whether they are healthy, wealthy, or wise. Nevertheless, they know that in the society they design, they will share four traits with all other human beings: desires that require the cooperation of others to satisfy; rationality, which enables choice among different ends; a sense of justice; and a capacity to formulate ideas about what is good. This is the "original position."

According to *A Theory of Justice*, anyone in the original position would rationally choose to live under a conception of justice founded on two principles. The

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first principle provides that “each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.” This principle has priority; it cannot be violated, even in the name of the other. The second, the so-called difference principle, stipulates that “social and economic inequality are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all.” These principles, formed by reasoning in the original position, represent an interpretation of the moral and political significance of the freedom and equality of persons.

When it comes to the relation between reason and morality, *A Theory of Justice* suffers from a fundamental ambiguity. Rawls himself sometimes notes, but obscures by endless restatement and qualification, that the original position is not a point of departure for discovering morality’s premises so much as a formulation of them and a means for sketching out some of their most basic practical implications. The veil of ignorance is not a device for deriving morality: It already reflects an interpretation of what is and what is not morally relevant for politics. Because it takes a strong stand on the essence of morality, presupposing that what is morally worthy in human beings is their elemental freedom and equality—and not, for example, particular pas-

sions and virtues such as courage and self-control, or practical attachments and achievements such as friendship and family—the original position is moral through and through. And controversial.

At the same time, to make the case that it would be rational to choose his two principles—which in significant measure define the essential features of progres-

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sive politics in America—Rawls must introduce assumptions about human nature that are not secured by reason. They are based instead on his understanding of human psychology. He assumes, for example, that people are fundamentally risk averse. Placed in the original position, they would not gamble on principles that might allow them to come out far ahead of others. Instead, they would choose principles of justice that provide the highest possible standard for the minimal conditions under which society would allow anyone to live. Why? Because they might be forced to live under those conditions themselves.

The obfuscations that underlie the relation between reason and morality in Rawls’s theory encourage an unlovely tendency—which ripens in the thought of his disciples—to regard anybody who does not share the enthusiasm for an energetically redistributive liberalism as more than mistaken. By cloaking its political conclusions in the mantle of disinterested and universal reason, *A Theory of Justice* insinuates that many opinions heard in pub-

lic debate—on welfare reform, on abortion, on affirmative action—don't deserve a place at the table. They are, in this view, unreasonable. Such a view can all too easily feed the illiberal conviction that left-wing progressives are separated from centrists and right-wing conservatives not just by opinions (over which reasonable people can disagree) but by a gulf akin to the one that separates civilized people from philistines and barbarians.

**I**n *Political Liberalism*, Rawls tried to allay the concerns of those—particularly communitarians—who found that the conception of liberalism he had developed in *A Theory of Justice* went too far, making comprehensive claims about morality and politics that failed to respect the limits of reason and the value of tradition and faith. Rawls responded with a line of argument that seemed to meet his critics halfway. He implicitly acknowledged defects they attributed to his argument, but he said they were defects that were not essential to his conception. His brand of liberalism, he argued, did not depend on comprehensive moral claims or controversial first principles, and did not forsake the shared values and actual agreements of people living in today's liberal democracies. But by insisting in *Political Liberalism* that his liberalism could be understood as “political, not metaphysical,” Rawls exacerbated the confusion about the relation between reason and morality inhering in *A Theory of Justice*.

The key concept in *Political Liberalism* is “the idea of public reason.” This is the reason, or that part of reason, that should govern citizens of a liberal democracy in deliberating about constitutional essentials and questions of basic justice. It is based on the idea of the “reasonable.” People are reasonable by virtue of “their willingness to propose and abide by fair terms of social



The Sorrowing Soul Between Doubt and Faith (c. 1887), by Elihu Vedder. Rawls has struggled to define the ambiguous relationship between reason and morality.

cooperation among equals,” which requires “their willingness to accept the consequences of the burdens of judgment” (i.e., they recognize that citizens inevitably will come to different conclusions about important moral and political questions). While few readers would quarrel with Rawls’s definition of what is reasonable, it is odd for him to suggest that qualities that have built into them the idea that consent and fairness and equality are good things are not at the same time essentially moral, and therefore entangled with opinions about metaphysics and first principles.

**T**he idea of public reason is not a correction of the confusion found in *A Theory of Justice*; it is only a more subtle version of it. This reluctance to state clearly liberalism’s dependence on morality and metaphysics would be nothing more than an eccentric intellectual tic were it not that this obfuscation reflects, and provides continuing cover for, the unlovely tendency to advance one’s own partisan political judgments as if they flow from impartial reason. Taking one’s stand with reason rather than morality—especially a “reason” into which considerable moral and political content has already been poured—is a way of being judgmental without getting personal or political, of seeming to remain above the partisan fray.

In a long footnote in *Political Liberalism*, Rawls himself demonstrates how easy it is to abuse the idea of public reason by peremptorily conferring its prestige on quite debatable moral and political judgments. The footnote deals with the issue of abortion, and Rawls assumes “three important political values: the due respect for human life, the ordered reproduction of political society over time, including the family in some form, and finally the equality of women as equal citizens.” But in the very effort to show the real-life operation of public reason, he dispenses with argument and instead offers authority:

Now I believe any reasonable balance of these three values will give a woman a duly qualified right to decide whether or not to end her pregnancy during the first trimester. The reason for this is that at this early stage of pregnancy the political value of the equality of women is overriding, and this right is required to give it substance and force. Other political values, if tallied in, would not, I think, affect this conclusion.

Note well what Rawls says on this formidable issue, and the ease with which he says it. Public reason, as Rawls wields it, goes well beyond providing the ground rules for debate between pro-choice and pro-life forces. It proclaims that the pro-life view is unwelcome in public debate because it does not acknowledge public reason’s minimal determination: “At this early stage of pregnancy the political value of the equality of women is overriding.” And Rawls thinks it enough to assure the reader that public reason declares all of this without examining the key competing “political value,” due respect for human life in the form of the life of the fetus or unborn child.

It is sobering to observe that even in the hands of a careful and high-mind-

ed thinker such as Rawls, the appeal to public reason can serve to highhandedly deny the reality of competing goods and tragic choices and intractable questions—to disguise, in other words, reason’s limits. The master’s lapse dramatizes how readily partisan intellectuals might arrogate public reason and, thus armed, use it in the heat of public debate to dispense with reason, cut off discussion, shut down questioning, and stop the inquiring mind dead in its tracks.

In *The Law of Peoples*, Rawls revisits the question of public reason, but he only compounds the confusion. He reiterates the claim that public reason is political rather than

metaphysical—that it has nothing to do with controversial beliefs about human nature and comprehensive moral, philosophical, and religious conceptions. Yet he holds that public reason specifies “equal basic rights and liberties for all citizens”—which sounds a lot like a moral claim with metaphysical roots, even if it’s one that virtually all Americans would endorse.

The confusion is compounded in other ways. To avoid, under the guidance of public reason, the making of universal, comprehensive claims, political liberals “seek a shareable public basis of justification for citizens in society.” Yet political liberalism’s very quest for laws and institutions that can in principle be shared by and justified to all is motivated by the sort of universal, comprehensive claims—about freedom and equality and what it means to treat people fairly—that it earnestly forswears and says, for the record, that it does without. And so on. The consistency in his confusions suggests that the idea of public reason answers a need that arises within Rawls’s thinking to hide his universalism while extending it to cover all peoples.

TAKING ONE’S STAND WITH  
REASON RATHER THAN MORALITY  
IS A WAY OF BEING JUDGMENTAL  
WITHOUT GETTING  
PERSONAL OR POLITICAL.

**I**n the interpretation of Kant in *Lectures on the History of Moral Philosophy*, Rawls’s inability to decide whether liberalism’s moral foundations are secured by reason comes most clearly to light. On the one hand, he emphasizes the centrality to Kant’s philosophy of “the fact of reason.” As Rawls explains it, this is “the fact that, as reasonable beings, we are conscious of the moral law as the supremely authoritative and regulative law for us and in our ordinary moral thought and judgment we recognize it as such.” In other words, the very operation of reason compels us to accept the moral law. But on the other hand, Rawls stresses Kant’s view that the moral law only achieves its full significance and justification in the spirit of religious faith:

I conclude by observing that significance Kant gives to the moral law and our acting from it has an obvious religious aspect, and that his text occasionally has a devotional character.

What gives a view a religious aspect, I think, is that it has a conception of the world as a whole that presents it as in certain respects holy, or else as wor-

thy of devotion and reverence. The everyday values of secular life must take a secondary place. If this is right, then what gives Kant's view a religious aspect is the dominant place he gives to the moral law in conceiving of the world itself. For it is in following the moral law as it applies to us, and in striving to fashion in ourselves a firm good will, and in shaping our social world accordingly that alone qualifies us to be the final purpose of creation. Without this, our life, in the world, and the world itself lose their meaning and point.

Now, perhaps, we see the significance of the mention of the world in the first sentence of *Groundwork I*: "It is impossible to conceive anything in the world, or even out of it, that can be taken as good without qualification, except a good will."

At first it seems strange that Kant should mention the world here. Why go to such an extreme? we ask. Now perhaps we see why it is there. It comes as no surprise, then, that in the second *Critique* he should say that the step to religion is taken for the sake of the highest good and to preserve our devotion to the moral law.

These religious, even Pietist, aspects of Kant's moral philosophy seem obvious; any account of it that overlooks them misses much that is essential to it.

One is tempted to say of Rawls's philosophy what Rawls says of Kant's philosophy. For both one must ask: How can the moral law be both a fact of reason and in need of justification by faith?

Perhaps in the end it is less that Rawls is confused than that his conscientious philosophical investigations lead him to keep bumping up against fundamental tensions in the liberal spirit. And these fundamental tensions shed light on conflicting qualities to which the liberal spirit seems to give rise. On the one hand, for example, an appreciation that the moral foundations of liberalism are bound up with a faith in human dignity, a faith that is not entailed or guaranteed by reason, may encourage a certain humility, of the sort shown in toleration, in interest in the variety of ways of being human, and in skepticism about comprehensive claims. On the other hand, the conviction that the founding truths of liberalism, as well as the more contingent policies and political institutions a person may prefer, are implicit in common sense may promote a certain hubris. It is this hubris that one sees in the bullying, blustering attitude of people who are secure in the knowledge that those who disagree with them on social and political matters suffer from wicked or twisted minds. Contemporary liberals do not have a monopoly on humility or on hubris. But the ascendancy of one or the other of these qualities in the liberal spirit may make the difference between a liberalism that knows its limits and a liberalism that knows no limits.

In an instructive phrase in the *Lectures*, Rawls says that Kant's moral philosophy aspires to the ideal of an "aristocracy of all." This calls to mind John Stuart Mill's vision of a society of sovereign individuals, as well as the Protestant notion of a "priesthood of all believers." All three notions are variations on a venerable modern theme: the harmonization of a substantial human equality with a sweeping individual freedom. It is not hard to understand the aspiration to an aristocracy of all. But can a person's human desire for dis-

inction be satisfied in a society in which everybody is recognized as an aristocrat, sovereign, or priest? What are the practical effects on our hearts and minds of the conviction that each person is supreme? And what are the implications for moral psychology, or how the moral life is actually lived, of a form of moral reasoning that authorizes all individuals to conceive of themselves as laying down universal laws? These are some of the intriguing questions—seldom raised by his colleagues and students—that Rawls’s probing classroom lectures ought to provoke among those who wish to assess the reasonableness of Rawlsian liberalism.

**I**n the universities, at a time when most philosophy professors were engaged in dry-as-dust conceptual analysis, John Rawls gave new life to a certain progressive interpretation of classical liberalism. His philosophical labors, which were devoted to clarifying the structure of liberal thought, brought to light, in some cases unwittingly, stresses and strains, fissures and flaws, and ironic twists and turns in the liberal spirit. Nowhere was this more true than in relation to liberalism’s foundations.

Rawls’s thinking culminated with a series of books in which he defended the idea of a “political conception of justice.” This was supposed to be a free-standing liberalism, a liberalism resting solely on Americans’ shared intuitions about freedom and equality. From these shared intuitions, Rawls tried to derive fair terms of social cooperation, the constitutional ground rules under which it would be reasonable for free and equal citizens to choose to live. But is the intuition that we are free and equal a free-standing truth of reason? Or is it a belief that is also nurtured by religious faith? While many of Rawls’s followers regard it as bad manners (at best) to raise such a question, we now know, thanks to his recently published lectures, that Rawls himself raised the question and saw something serious at stake in how it was answered.

In trying to come to grips with the foundations of liberalism, Rawls offers conflicting ideas. On the one hand, he holds that the founding moral intuitions are self-evident. On the other, he holds that they rest on faith. Yet if good arguments can be made on behalf of both propositions, then by definition the moral intuitions cannot be self-evident. What is evident is the doubt about how precisely to understand liberalism’s moral foundations. So at minimum it is reasonable to pursue the fecund thought that Rawls’s free-standing liberalism actually stands on an act of faith. Perhaps Rawls’s conflicting accounts can be reconciled, as in the Declaration of Independence, through the idea that a certain faith impels us to hold as self-evident the truth that all people are by nature free and equal.

No one is saying that liberalism requires you to be religious or that religious people are more amply endowed with the liberal spirit. But for those who care about understanding liberalism, a more precise knowledge of its foundations should be welcome. And as a practical matter, for those who care about freedom and equality, knowledge of the foundations of the truths we have long held to be self-evident can contribute to our ability to cultivate the conditions under which we can keep our grip on them firm. □

# The Death Penalty's Strange Career

Last year, 66 convicted murderers were executed in the United States, and several thousand still sit on death row. Yet 30 years ago, with public support for capital punishment seemingly on the wane, the Supreme Court ruled every death penalty statute in the land unconstitutional. Our author details the paradoxical developments of the past three decades.

*by Stuart Banner*

**O**n June 29, 1972, the U.S. Supreme Court handed down one of the most surprising decisions in its history. By a vote of 5 to 4, it ruled in *Furman v. Georgia* that every existing death penalty law in the United States was unconstitutional.

The ruling touched off the biggest flurry of capital punishment legislation the nation had ever seen. The day after *Furman*, legislators in five states declared their intention to introduce bills to resurrect the death penalty. President Richard Nixon asked the Federal Bureau of Investigation to supply him with incidents in which convicted killers had committed a second murder after being released from prison. In California, where the state supreme court had ruled that the state constitution barred capital punishment, support for the death penalty was strong enough to propel the issue to the ballot in November 1972. The voters reinstated the death penalty by a 2 to 1 margin. By 1976, four years after *Furman*, 35 states and the federal government had enacted new capital punishment statutes.

Public opinion on capital punishment shifted dramatically within months of the U.S. Supreme Court's decision. In March 1972, a few months before *Furman*, supporters of the death penalty outnumbered opponents just 50 percent to 42 percent, according to a Gallup poll. By November 1972, the margin was 57 percent to 32 percent. An eight-point margin had grown into a 25-point margin in seven months. By 1976 supporters outnumbered opponents 65 percent to 28 percent, the widest gap since the early 1950s. The shift was uniform across all regions of the country. The belief that Americans had repudiated the death penalty—the linchpin of abolitionists' constitutional argument in the *Furman* case—had been decisively disproven.

Neither the poll results nor the number of states with statutes authorizing capital punishment would change much in the ensuing decades. This suggests that the swing back to the death penalty would have taken place eventually, with or without *Furman*. In the long history of the death penalty, periods of strong abolitionist sentiment—some states eliminated the death penalty as early as the ante-

bellum period—have always been followed by sharp drops in support for abolition. In the last three decades of the 20th century, growing public demand for law and order meant that an era of restoration was likely anyway.

But if *Furman* did not influence the direction of change, it almost certainly influenced its speed. Suddenly, capital punishment was a more salient issue than it had been in decades, perhaps ever. People who previously had had little occasion to think about the death penalty now saw it on the front page. *Furman*, like other landmark Court cases such as *Roe v. Wade* (1973), had the effect of calling its opponents to action.

**T**he new death penalty statutes were drafted to conform to the opinions of the two justices who had held the balance of power in *Furman*, Potter Stewart and Byron White. What had troubled them about the death penalty was its randomness. When juries were given complete discretion to choose between life and death, the two justices concluded, the resulting pattern of verdicts had no rhyme or reason. On identical facts, one jury might sentence one defendant to death, while another jury might sentence another defendant to prison.



*Still a potent symbol, the electric chair is rarely used. Lethal injection long ago became the preferred means of execution.*

There were two ways to correct the problem, and some states tried each. One solution was to take discretion away from the jury by returning to the old practice of defining a class of crimes for which the penalty would always be death. In North Carolina, for instance, death became the mandatory sentence for first-degree murder and aggravated rape. The other solution was to legislate standards that would narrow the jury's discretion in determining who would live and who would die. For guidance the states looked to the Model Penal Code, drafted a decade earlier by a group of eminent lawyers, judges, and law professors. It listed aggravating circumstances (such as a previous conviction for a violent felony) and mitigating circumstances (such as the defendant's youth). In

order to sentence the defendant to death, the jury would have to find at least one aggravating circumstance present. The jury was then to weigh the aggravating and mitigating circumstances in deciding on the sentence.

The new sentencing schemes were put to immediate use. In 1974, a total of

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149 people were sentenced to death, probably more than in any year since 1942. (The U.S. Justice Department did not collect such data from 1951 to 1959.) The next year, 298 people were sentenced to death, far more than in any previous year for which data exist. The lawyers who had battled for years to persuade the Supreme Court to abolish the death penalty had inadvertently created a monster.

No executions could be carried out, however, until the Supreme Court had ruled on the constitutionality of the new sentencing schemes. The Court announced in January 1976 that it would hear appeals of five murder cases from different states, cases that would become collectively known as *Gregg v. Georgia*.

The Legal Defense Fund (LDF) and its principal litigator, law professor Anthony Amsterdam, led the argument against the death penalty, as they had in *Furman* and many earlier cases. Each of the states had its own lawyer, but they were overshadowed by Solicitor General Robert Bork, who filed a brief for the Ford administration seeking to overrule *Furman*. The case quickly became a contest between two of the foremost lawyers of the era: Amsterdam, on the faculty at Stanford University, who had devoted his career to abolishing the death penalty, and Bork, on leave from Yale University to serve as solicitor general, who had become the nation's leading advocate of the constitutionality of capital punishment.

Amsterdam and the LDF faced a strategic puzzle. They had advanced two kinds of arguments in *Furman*: a *procedural* argument, that the means by which capital punishment was imposed rendered it cruel and unusual punishment; and a *substantive* argument, that the death penalty was unconstitutional regardless of how it was administered. The substantive argument had commanded only two votes on the Court in *Furman*, and it was not likely to do any better in *Gregg*. The procedural argument had been the winner, but now the states had corrected the procedural flaws the LDF had identified. To have any hope of success, the LDF would have to find procedural problems in the new statutes. But making that argument would open the LDF lawyers to the charge that by their interpretation *no* death penalty procedure could ever satisfy the Constitution. And if that charge were justified, the procedural argument would turn into the very substantive argument the LDF needed to avoid.

The LDF's briefs all made the same point. The sentencing schemes of all five states purported to do away with discretion in the choice between life and death, but all they really did was shift that discretion to other parts of the criminal process. "Prosecutorial charging and plea-bargaining discretion, jury discretion to convict of one or another amorphously distinguished capital or non-capital crime, and gubernatorial discretion to grant or withhold clemency are all equally uncontrolled and uncontrollable," the LDF contended. "In its parts and as a whole, the process is inveterately capricious."

There was nothing else the lawyers could say, but the argument inevitably led Amsterdam into trouble at oral argument. Chief Justice Warren Burger was the first to pounce: "Since there is always an initial discretion on the part of the prosecutor, and . . . at the far end a power of clemency by an executive," he pointed

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out, “then no statutes can meet [your] standards.”

Amsterdam was in a bind. If he agreed, he would be conceding that he was in fact arguing that capital punishment was unconstitutional under all circumstances, and he would lose. If he disagreed, he would be asked to identify the kind of statute that *would* meet constitutional requirements—that is, asked to identify the circumstances under which he would concede defeat. Amsterdam did the best anyone could do in the situation: He responded that he would “eventually take the position” Burger accused him of taking, but that it was “not a position that needs to be taken in this case” in order for the Court to rule in his favor.

But the issue could not be avoided. “Suppose just one crime, say, air piracy, and nothing else,” Justice John Paul Stevens posited. “Would your argument about total discretion render such a statute unconstitutional?” The question put Amsterdam back in the same

bind. If he said no, he would be telling his adversaries how to bring back capital punishment. If he said yes, he would be confirming Stevens’s suspicion that the LDF’s argument would have the effect of invalidating every conceivable sentencing scheme. Amsterdam struggled to answer, but the dilemma was irresolvable: Either the states could draft constitutional statutes or they could not.

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**A**t the justices’ conference two days later, most of the votes were unsurprising. William Brennan and Thurgood Marshall stuck with the positions they had taken in *Furman*: Capital punishment was unconstitutional, period. Burger, Harry Blackmun, and William Rehnquist stuck with their positions too. If, as they believed, the statutes at issue in *Furman* were constitutional, the new ones were easily so. Byron White, who had joined the majority in *Furman*, found that all five states had satisfied his original concern with arbitrariness, so he joined the three Nixon appointees in voting to uphold the statutes.

That left the decision in the hands of Stewart, Stevens, and Lewis Powell. “In light of what 35 states have done since 1972,” Stewart explained, one “can no longer argue that capital punishment is incompatible with evolving standards of decency.” Stewart and his two fellow swing voters joined Brennan and Marshall in declaring the mandatory death penalty unconstitutional. There was still too much discretion in the process. But the trio joined the four other justices in approving the sentencing schemes that guided the jury with instructions about the circumstances surrounding a crime. The opinions were published on July 2, 1976, almost exactly four years after the Court had declared the death penalty unconstitutional in *Furman*.

Capital punishment was back. Six and a half months later, Gary Gilmore of Utah became the first person to be executed in the United States in a decade.

The death penalty’s popularity held steady for the rest of the century.

## *The Death Penalty*

*The last public hanging in America occurred on August 14, 1936 in Owensboro, Kentucky. Public revulsion at such gruesome spectacles had been growing for decades.*

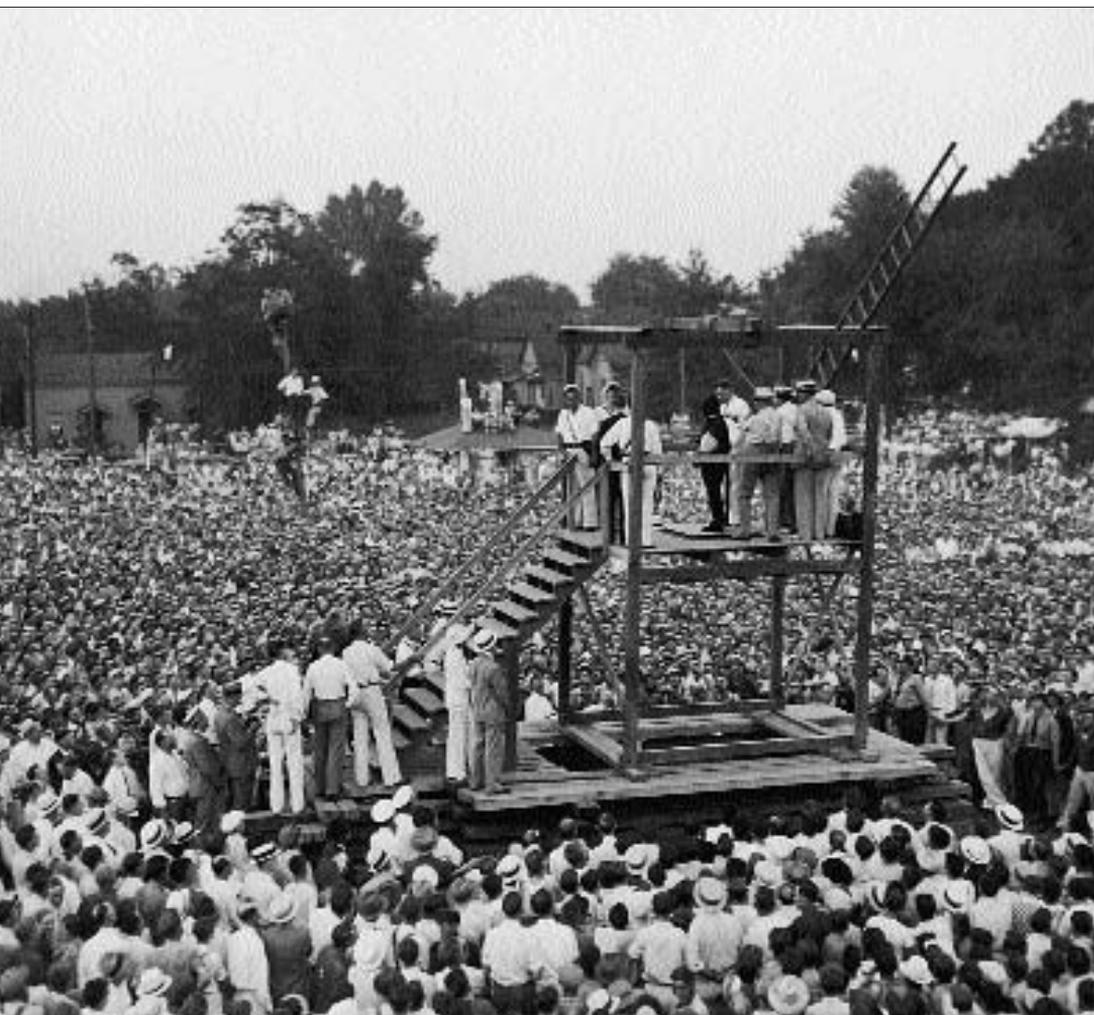
Between 1977 and 1998, the percentage of those polled who favored capital punishment for murder fluctuated between 66 and 76 percent. The percentage who opposed it fluctuated between 19 and 28 percent. (Some people report no opinion, so the percentages do not add to 100.) The level of public support was higher than at any time since the first polls on the issue were taken, in the 1930s. It was remarkably consistent across regions and demographic groups. The only significant disparity in attitudes turned on race, unsurprisingly, but people of all races tended to favor the death penalty. White people just liked it more. Whites annually favored capital punishment by approximately a 4 to 1 margin, while the margin was much smaller among nonwhites. There were other demographic differences, but none were very large. Men favored the death penalty a bit more than women, Republicans a bit more than Democrats, the rich a bit more than the poor.

If only a small minority of Americans considered themselves opponents of the death penalty in principle, a majority harbored reservations about it when presented with alternatives. In the late 1980s and early 1990s, when polls were rephrased to ask whether murderers should be sentenced to death or to life in prison without parole, slightly less than half of respondents expressed a preference for the death penalty. When the alternative to death was life in prison without parole plus restitution to the victim's family, support for the death penalty dropped to around 30 percent.

It was nevertheless true that in the 1980s and 1990s the great majority of Americans, in all parts of the country, favored the death penalty at least as an option. For an elected official to disagree with that sentiment in public was often tantamount to giving up hope of continuing a career in public office. In 1988, many observers concluded that Michael Dukakis lost any chance of winning the presidency after he emphasized his opposition to capital punishment during one of his televised debates with George H. W. Bush. Four years later, in the midst of the 1992 campaign, Governor Bill Clinton made it a point to return to Arkansas to sign the death warrant for Ricky Rector, a brain-damaged inmate so oblivious to his fate that he planned to save the dessert from his last meal to eat after his execution.

While there was not much regional variation in public opinion, there were striking differences in practice. By the 1990s there were 38 states with death penalty statutes, only three more than in 1976. Of the 12 without such laws, nine were in New England or the northern Midwest. (Seven had abolished capital punishment long before: Michigan, Rhode Island, and Wisconsin before the Civil War; Iowa and Maine in the late 19th century; and Minnesota and North Dakota in the years before World War I.) New England and the northern Midwest were the only parts of the country where homicide rates were considerably below the national average. It may be that in those regions capital punishment was popular but not par-





ticularly salient—most supporters simply did not consider the issue important.

There were also pronounced regional differences in the pattern of executions and death sentences. Of the 598 executions conducted between 1977 and 1999, all but a handful took place in the South. Texas was the leader, with 199, followed at some distance by Virginia (73), Florida (44), and Missouri (41). The leader among the northern states was Illinois, with only 12.

**I**f capital punishment as a general policy was no more popular in the South than in the North, why did the southern states have so many more death sentences? And why was the distribution of executions so much more uneven than the distribution of death sentences? Race was not the answer. By the 1980s and 1990s, black defendants were no more likely than white defendants to be executed in most states. So why were executions so much more frequent in the South?

One cause was the fact that the murder rate was much higher in the South than in the North. In most years between 1976 and 1998, the homicide rate in the four-state area of Texas, Louisiana, Arkansas, and Oklahoma was three to four times greater than in New England. The number of death sentences in a state in

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the decades after *Furman* was closely correlated with the number of homicides in that state. Southerners had more opportunities to impose the death sentence than northerners did, and the prevalence of murder may have made them more willing to impose it in any given case.

But differences in murder rates were most likely too small to account for the North-South disparities in death sentences and executions. By the end of the century the southern states were conducting as many executions as they had in the 1940s, but executions were still rare in the North. The remainder of these regional differences was probably attributable chiefly to disparities in the way states provided defense lawyers. Defendants charged with capital murder were almost always too poor to pay a lawyer. In most of the northern states, capital trials were handled by experienced public defenders, many of whom specialized in capital cases. In most of the South, by contrast, capital defendants were represented by lawyers in private practice who were appointed by trial judges to handle individual cases. Compensation was so low that it often attracted the least-skilled segment of the bar—and many of these lawyers had no experience in criminal matters. Many made no effort to gather evidence that might help their client avoid a death sentence. Horror stories abounded of defense lawyers who slept through parts of the trial or used racial epithets to refer to their own client before the jury. Similarly inept appellate counsel ensured that death sentences were upheld on appeal. In these states, someone accused of a capital crime might obtain a competent lawyer only after his execution date had been set—too late to make a difference in most cases.

**O**f all the aspects of capital punishment's popularity, perhaps the most curious was the increasing irrelevance of what had once been a crucial question: whether capital punishment deters murder any more than prison does.

That issue, a staple of the debate since the early 19th century, was taken over in the 1970s by economists. They created equations expressing the murder rate as the product of a host of different variables, one of which was the likelihood of being executed. They then used the statistical technique called multiple regression to measure the effect on the murder rate of changes in that one variable, while holding all the others constant. The first economist to use this technique was Isaac Ehrlich, who in 1975 calculated that each execution prevented approximately eight murders. The finding received enormous public attention, because it appeared just as the Supreme Court was preparing to consider the post-*Furman* death penalty cases.

Ehrlich did not lack for critics. They pointed out, among other things, that his list of factors was short; including more factors that contributed to the murder rate might reduce or even eliminate the measured impact of the death penalty. Other critics demonstrated that Ehrlich's results were sensitive to tiny changes in the data used. He had studied the period from 1933 to 1969, for example, but if the five most recent years were removed, the deterrent effect disappeared.

Neither Ehrlich's work nor that of his critics had much effect on the Court's decision in *Gregg*. The debate did attract a swarm of social scientists to the attempt to measure deterrence, and by the end of the century there was an abun-

dant literature in academic journals of law and economics. A few studies found a deterrent effect, but most did not. There was a raging methodological disagreement over how best to pick the variables, and a nagging suspicion that researchers' own attitudes toward capital punishment were subconsciously influencing the forms of equations. The lack of academic consensus allowed advocates in the public-policy arena to choose the studies that supported their own views. Much of the public, meanwhile, stuck to the pervasive folk wisdom that the death penalty *had* to have a deterrent effect.

It soon became apparent, however, that the popularity of capital punishment had little to do with deterring crime. Surveys conducted between 1983 and 1991 uniformly indicated that a large majority of supporters would still favor the death penalty even if it had no effect whatsoever on the murder rate. They valued capital punishment for two other purposes. Both were very old, and both had been in abeyance for some time.

One was retribution. Long rejected as a legitimate goal of punishment in academic and policymaking circles, retribution made an astonishingly fast

comeback. Part of its rise was a reaction to the widespread loss of faith in the power of prisons and other institutions to rehabilitate criminals. Part grew out of the resurgence of causal models of crime that rested on the free will of the criminal rather than on social or biological forces beyond the criminal's control.

Speaking in favor of the death penalty before a committee of the New Jersey Senate in 1982, a representative of the state attorney general's office made it clear that his opinion had little to do with deterrence: "The idea that the punishment must fit the crime is something more than . . . the idea that somehow we ought to try to discourage others from committing crimes by imposing prison sentences and other forms of punishment. . . . Somehow society needs to feel that when a criminal act has been committed, its interests have been vindicated."



*In Philadelphia, a family grieves over a young murder victim. The homicide rate dropped sharply during the 1990s, but 15,517 people were murdered in the United States in 2000.*

The point was made again and again: Capital punishment was a moral imperative, regardless of whether it reduced the murder rate or cut murderers off from the possibility of rehabilitation. Sometimes retribution was cited as an instrumental value, as in previous centuries. The anger people felt toward criminals, disparagingly labeled “revenge” by the previous generation of criminologists, was in fact the glue that held society together, argued political scientist Walter Berns. The criminal law “must remind us of the moral order by which alone we can live as *human beings*,” Berns concluded, “and in our day the only punishment that can do this is capital punishment.” But it was probably more common to think of retribution as an end in itself, as an emotional need that only an execution could fulfill.

The second purpose that seemed to be served by the death penalty was harder to defend intellectually but may have been more important. Back in the days of public hangings, an execution had been a vehicle for a collective condemnation of crime. Going to a hanging was a way of siding with the community against the criminal, a means of broadcasting the seriousness with which one took crime and its consequences. When the ceremony was moved indoors, the execution lost much of its purpose as a vehicle of denunciation. Beginning in the 1970s that symbolic function returned, this time attached not to the ceremony of execution but to support of capital punishment as an abstract policy. To declare in favor of capital punishment was often implicitly to announce that one wanted to “get tough on crime” in order to reduce its frequency, that criminals ought to be held morally responsible for their actions, that crime was chosen by criminals rather than forced upon them by genes or their environment, and that the worst criminals were unlikely candidates for reintegration into society. These were the same

symbolic statements that had once been made by spectators at public executions.

What was unfortunate about this shift was that it greatly muddled the debate by permitting support for capital punishment to be invoked in situations in which the death penalty could not conceivably be applied. When the New Jersey legislature was considering a bill to reinstate the

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death penalty, one senator said that he had been deluged by pro-capital punishment letters and telephone calls from people who recounted their own experiences as assault victims. “Almost all these letters ask the same questions: Why don’t our laws protect us? . . . What has happened to justice in our country?” The frequency of assault and other low-level crimes could hardly be affected by capital punishment for murder, but that was not the point. Support for the death penalty was a shorthand way of expressing concern about crime generally.

Elected officials were quick to capitalize on this symbolism. By 1998, the federal criminal law included no fewer than 46 capital crimes, virtually all of them

variations of murder defined so narrowly and yet with so much overlap among them that one suspects Congress was motivated chiefly by a desire to claim credit for putting a large number of death penalty laws on the books.

Capital punishment after *Gregg* was not only a political issue. The Supreme Court's involvement turned it into a constitutional issue as well. Within a very short time the Court constructed an intricate Eighth Amendment jurisprudence on the foundation of *Furman* and *Gregg*, a body of cases distinguishing the practices that would or would not amount to cruel and unusual punishment. The result was a significant shift in decision-making authority among the three branches of government. Issues that had once been decided by legislatures, or by governors during the clemency process, now became constitutional questions to be decided by courts.

Was capital punishment too severe for crimes less grave than murder? The question had been the subject of fierce political debate within legislatures since the late 18th century. Governors had always considered the gravity of the crime in deciding whether to grant clemency. But after *Furman* and *Gregg*, the issue was recast as a constitutional question: Would it violate the Eighth Amendment to execute a criminal for committing a crime short of murder? In *Coker v. Georgia*, only a year after *Gregg*, the Court held that the death penalty was a cruel and unusual punishment for rape. What about a defendant technically guilty of murder who was not the actual killer? The criminal law had always held accomplices guilty of the crime they helped another commit, but a defendant's minimal participation had always been a factor tending toward clemency. Now it became a constitutional question: Was it cruel and unusual to execute the accomplice? In 1982 the Court held that it was, by a 5 to 4 vote; in 1987, after Justice White switched sides, the Court held that it was not, also by a 5 to 4 vote.

What if the defendant were very young? The Court held that the Eighth Amendment permitted the execution of a defendant who was 16 years old at the time he committed the crime. What if the defendant were mentally retarded? The Court held that the Eighth Amendment did not prohibit executing people with mental retardation. These had been classic legislative or clemency issues for hundreds of years, but now they were novel constitutional questions.

New questions arose. There was endless controversy over whether the states' definitions of aggravating and mitigating circumstances were too broad or too narrow to guide juries. In the end, the Court held that the states could not restrict the jury's consideration of mitigating evidence—that the jury must be allowed to consider any kind of evidence that might point against a death sentence, not just the evidence relevant to one of the statutory mitigating circumstances. That conclusion went halfway toward undermining the constitutional regime created by *Furman* and *Gregg*, under which state statutes were supposed to channel the jury's consideration of evidence at sentencing to prevent the random imposition of death sentences.

Most of the other half of the decision, the identification of aggravating circumstances, was cut loose from statutory guidance not long after, when the Court allowed sentencing juries to consider nonstatutory aggravating evidence as well. By this point, all that was left of the constitutional framework was the require-

ment that the jury find a single statutory aggravating circumstance before proceeding to what had become a virtually unguided exercise of discretion.

For a time the Court did exclude one kind of evidence from sentencing, evidence of the effect of the murder on the victim's family and friends, but that was by a 5 to 4 vote. In 1991, the Court overruled its prior cases and let in such "victim impact" evidence as well. After 1991, well-conducted capital sentencing hearings normally included emotional presentations by both sides, matching the defendant's weeping relatives against the victim's weeping relatives, in an effort to gain the sympathy of the jury. Any pretense that this was a rational process of distinguishing degrees of culpability was long gone.

In the 20 years after *Gregg*, capital punishment occupied a significant percentage of the Court's time; accruing, as a result, were scores of cases making up a complex and ever-shifting body of law. Justice Antonin Scalia, among other critics, complained of "the fog of confusion that is our annually improvised Eighth Amendment, 'death is different' jurisprudence."

Much of the fog was produced by the Court's ceaseless effort to reconcile two irreconcilable goals—consistency across cases, which is best achieved by formal rules restricting jury discretion; and attention to the unique characteristics of each case, which is best achieved by allowing the jury unrestricted discretion. In 1994, a few months before he retired, Justice Blackmun finally gave up. "Over the past two decades, efforts to balance these competing constitutional commands have been to no avail," he despaired. "From this day forward, I no longer shall tinker with the machinery of death." But the rest of the Court tinkered on.

**M**any areas of the law are complex, but the tragedy of the Court's Eighth Amendment jurisprudence was that all the complexity served scarcely any purpose. Trials were long and expensive, lawyers had to master bodies of arcane doctrine, every case raised several issues that could be plausibly litigated on appeal, and yet, for all that, the process of distinguishing the murderers who would be executed from those who would be sent to prison seemed no less haphazard than it had been before.

There was one piece of good news. Before *Furman*, it was common knowledge that black defendants were sentenced to death at higher rates than white defendants. Econometric studies conducted after *Gregg* revealed a less consistent pattern. In some states, the race of a defendant was no longer a factor influencing the likelihood of a death sentence. In some states black defendants were still disadvantaged, but in others white defendants were now disadvantaged.

This change almost certainly had little to do with the new sentencing schemes. It was most likely a product of two other developments. First was the Court's holding in *Coker v. Georgia* that the Eighth Amendment barred capital punishment for rape. Rape had always been the crime for which the race of the defendant made the biggest difference in the sentence. Second was the fact that blacks gained better representation on juries after the 1960s, especially in the South, where most of the death sentences were imposed.

Capital sentencing was not free from racial disparities, however. Econometric studies revealed a pronounced bias based on the race not of the defendant but of the victim. The first and most extensive of the studies, conducted in Georgia, showed

that when all other variables were held equal, a death sentence was 4.3 times more likely when the victim was white. Similar results were obtained in other states. Abolitionists quickly adopted these findings as an argument against the death penalty. Capital punishment, they contended, undervalued the lives of black victims. But the implications were not entirely clear. Would things be better if more killers of black victims were sentenced to death? Because most murders involved criminals and victims of the same race, that would cause more black defendants to be sentenced to death.

The race-of-victim disparity was the vehicle for the LDF's last serious effort to persuade the Supreme Court to declare capital punishment unconstitutional, in *McCleskey v. Kemp* (1987). Race discrimination had been the original reason for the LDF's involvement in death penalty litigation in the 1960s and it had been that silent specter that had prompted the Court to require statutory standards to guide the jury's discretion. The persistence of racial differences, the LDF argued, demonstrated that the "post-*Furman* experiment has failed."

WOULD THINGS BE BETTER IF  
MORE KILLERS OF BLACK VICTIMS  
WERE SENTENCED TO DEATH?

The argument fell one vote short of a majority. Lewis Powell, who wrote the majority opinion, firmly believed that the pattern of results in thousands of cases should never upset the verdict in a single case. "My understanding of statistical analysis—particularly what is called 'regression analysis'—ranges from limited to zero," he confessed to his law clerk. But he was well aware that allowing statistical attacks on criminal convictions promised to open a Pandora's box. What about other minority groups? What about gender disparities? Everyone knew that women were very rarely executed—did that violate the constitutional rights of men? What if there were racial or other disparities in the length of prison sentences? The LDF was "attacking the jury system," Powell noted to himself.

Suffusing the Court's opinion in *McCleskey* was a weariness, a pessimism about the possible. "Apparent disparities in sentencing are an inevitable part of our criminal justice system," Justice Powell wrote. "The Constitution does not require that a State eliminate any demonstrable disparity." Fifteen years after *Furman*, the Court had given up hope of eliminating the arbitrariness that had once been the motor of constitutional change.

If the constitutionalization of capital punishment failed to impose any order on the task of distinguishing which criminals would live or die, it had a profound impact on the death penalty considered more broadly. Clemency rates suddenly declined, chiefly because most of the factors that governors once weighed in considering whether to commute a sentence were now handled in the courts. Abolitionists, seeing that success in the political arena was unlikely, put more energy into courtroom battles. One result was that the average period between sentencing and execution grew from 51 months during 1977–83 to 134 months by 1995.

Jury selection could take weeks. The sentencing phase of a capital trial, if conducted skillfully on both sides, was a battle of philosophies. The prosecutor told a story of free will, of a criminal with the opportunity to choose between good and

## *The Death Penalty*

evil. Defense counsel countered with a narrative of determinism, of social and biological forces that would have driven anyone to crime. This was a very old battle, dating back to the late 18th century, but it was a battle that had always been fought in the public, political arena, over whether capital punishment ought to exist at all. Now it was fought in the capital trial itself.

The constitutionalization of capital punishment created an enormously complicated, expensive, and time-consuming apparatus that had little real effect on the outcome of cases. Being executed was still, as Justice Stewart had put it in *Furman*, like being struck by lightning; the only difference was that it now took a decade and millions of dollars of public money for the lightning to strike.

**A**t the beginning of the 21st century, capital punishment is once again a firmly established part of American criminal justice. Death sentences and executions have become so commonplace in some states that they are no longer news. And the execution rate, which has dropped slightly in the past three years, seems poised to skyrocket. As of January 1, there were 3,711 prisoners on death row. The annual number of death sentences regularly exceeds the annual number of executions by a factor of three. As more and more of these inmates reach the end of their appeals, if all else stays the same, the execution rate is likely to reach several hundred per year. The abolitionist movement is weak, and the Supreme Court seems unlikely to introduce any new constitutional limits on capital punishment. The death penalty looks as if it is back to stay.

If there is any hint of a possibility of change, it is in the mounting number of innocent people turning up on death row. The risk of executing the innocent has haunted capital punishment for centuries, but until the post-*Furman* era it was a problem handled by executive clemency. With the decline of clemency, there is no longer any routine mechanism for resolving post-trial claims of innocence. When an innocent person is sentenced to death, his best hope is that his cause will be taken up by someone with the time and resources to conduct a thorough investigation. Such people are rare, but they have nevertheless produced some startling results. Between 1987 and 1999, a total of 61 condemned inmates were released from prison because they were discovered to be innocent. A few were beneficiaries of DNA testing, a technology unavailable when they were convicted, but most were not. Most had been victims of dishonest witnesses, prosecutors, or police officers, whose lies were found out only years later.

Support for capital punishment has diminished only slightly as a result of the revelations. The execution of Timothy McVeigh this past June demonstrated that when a criminal is clearly guilty and his crime especially horrible, the death penalty is as popular as ever.

Yet if any current development has the potential to alter public opinion, the execution of innocents is it. If even more such cases were to come to light, or if a sympathetic and apparently innocent person were to be executed, support for the death penalty could conceivably dwindle quickly. In the past, when the market for news was largely local, high-profile cases could quickly tip public opinion in particular states one way or the other. Today, with national media spreading information about a single crime or a single defendant to every part of the country, the right case might have a similar effect—this time nationwide. □

# THE PERIODICAL OBSERVER

Reviews of articles from periodicals and specialized journals here and abroad

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## *A Scholarly Crime Wave*

*A Survey of Recent Articles*

“Teachers are supposed to be role models in students’ lives,” declared Roy Groller, a sophomore at the University of Pennsylvania. “They should try to lead by example.”

He was explaining to a *New York Times* reporter (Jan. 15, 2002) his opposition to the use of historian Stephen Ambrose’s books in university classes now that the emeritus professor at the University of New Orleans stands accused of plagiarism. After an exposé by Fred Barnes of the *Weekly Standard* (Jan. 14, 2002), the best-selling author of *The Wild Blue* (2001) and seven other books since 1997, denied having committed plagiarism. But he acknowledged having “used” extensive passages from another author’s work while making only footnoted references to the source. He promised to use quotation marks in future editions.

Ambrose soon was joined in the media’s dock by another popular historian, Doris Kearns Goodwin, a Pulitzer Prize-winning author who had taught for 10 years at Harvard University. She, too, denied the plagiarism charge, but said that, yes, mistakes had been made in her 1987 book, *The Fitzgeralds and the Kennedys*, and would be rectified.

Those are only two of the scholarly scandals of recent months. The other cases appear much more serious.

One involves Michael A. Bellesiles, a professor of history at Emory University, and his cel-

ebrated *Arming America: The Origins of a National Gun Culture* (2000). The work, seemingly based on exhaustive research, was acclaimed by the eminent historians Edmund Morgan and Garry Wills, and last year won Columbia University’s prestigious Bancroft Prize for history. Bellesiles contends in his book that, contrary to popular myth, no “gun culture” existed in early America, that until the mid-19th century only a minority of white men—15 percent prior to 1790—owned firearms. When local militia were summoned, government had to supply the guns.

*Arming America* lent credence to the view that the Second Amendment was meant to protect a collective, rather than an individual, right to bear arms. It was swiftly embraced by gun-control advocates and furiously attacked by the National Rifle Association. Then James Lindgren, a law professor at Northwestern University, and other scholars began to question Bellesiles’s methods, zeroing in on his use of county probate records to support his contention that private ownership of firearms was rare.

“It is unprecedented for such a celebrated work of scholarship to contain as many errors,” Lindgren tells Danny Postel of the *Chronicle of Higher Education* (Feb. 1, 2002). Don Hickey, a professor of history at Wayne State University, in Nebraska, who originally supported Bellesiles’s thesis, now views the book as “a case of

genuine, bona fide academic fraud.”

Responding to his critics in the *Organization of American Historians' OAH Newsletter* (Nov. 2001), Bellesiles minimizes the importance of the five paragraphs devoted to the probate records in his 444-page text, and says that a flood in his office “turned most of the legal pads on which I had taken notes into unreadable pulp.”

But Lindgren and others, after examining some of the original probate records, were unable to replicate Bellesiles’s findings. And some records he cited apparently do not exist. “Bellesiles claimed to have counted guns in probate records of the estates of people who died in 1849 or 1850 and 1858 or ’59 in San Francisco,” writes Melissa Seckora, an editorial associate at *National Review* (Oct. 1, 2001). “The problem is that, according to everyone who should know, all the probate records that Bellesiles allegedly reviewed were destroyed in the 1906 San Francisco earthquake and fire.” Emory launched a formal inquiry into the Bellesiles case in October.

The January 2002 issue of *William and Mary Quarterly* contains four essays on *Arming America*, and a reply by Bellesiles. Three are severely critical. Bellesiles found that only seven percent of Maryland men owned guns, but Gloria L. Main, who teaches at the University of Colorado at Boulder, points out that he ignored her study of probate records in six Maryland counties from 1650 to 1720, which showed 76 percent of young fathers owning arms of some sort. Other studies of probate records in early white America, she notes, “also report rates far higher than Bellesiles’s, and none falls below half.” The burden of proof is on him, Main asserts, and he has failed “to lay out his methods for critical perusal.” Richard Roth, a historian at Ohio State University, makes a similar complaint, and adds to the list of Bellesiles’s alleged errors his calculations showing that homicide rates were low during the period. “It appears that every mistake he makes in his own calculations goes in the same direction, in support of his thesis,” says Roth. Rice University historian Ira D. Gruber agrees.

But even if Bellesiles is wrong about the extent of gun ownership in early America, writes Jack N. Rakove, a historian at Stanford

University, his book—by stressing firearms’ limited practical value in daily life and the shortcomings of the militia—still sheds new light on the meaning of the Second Amendment.

Responding to the essayists, Bellesiles denies bias, admits a few errors, and says he now believes that the method he used to determine the presence of guns from the probate records is “insufficient.” But he again minimizes the importance of the probate records and other “quantitative material.” “If you strike the probate evidence,” he writes, “the argument still stands.” Whether his career still stands is now up to Emory University.

Another case of a provocative thesis resting on questionable evidence is the celebrated “small world” notion that there are “six degrees of separation” between any one person and another. Acclaimed social psychologist Stanley Milgram (1933–84) advanced the thesis in the premiere issue of *Psychology Today* in 1967 and it caught on, giving rise to a notable 1990 play, *Six Degrees of Separation*, and a recent game, *Six Degrees of Kevin Bacon*. But Judith S. Kleinfeld, a psychologist at the University of Alaska, Fairbanks, says in *Society* (Jan.–Feb. 2002) that when she dug into Milgram’s papers at Yale University recently, she made a “disconcerting” discovery: He apparently suppressed evidence at odds with his thesis. In Milgram’s experiments, subjects were asked to find a way to get a parcel to a distant stranger by passing it along through a chain of acquaintances. In fact, his papers suggest, most of the parcels never even reached their destination.

Yet another case of academic malfeasance involves Joseph Ellis, a professor of history at Mount Holyoke College and the Pulitzer Prize-winning author of *Founding Brothers* (2000). After a *Boston Globe* (June 18, 2001) exposé, he admitted that he had lied when he told students in his classes on the Vietnam War that he had fought in the war. Though Mount Holyoke’s president at first minimized the offense, the college eventually rebuked Ellis and suspended him for a year without pay. Ellis planned to use the year off “to find time for self-reflection and to begin work on a new book.” He is expected back in the classroom in September.

## One Nation?

“Bowling Together” by Robert Putnam, in *The American Prospect* (Feb. 11, 2002), 2000 L St., N.W., Ste. 717, Washington, D.C. 20036, and “A Stronger Nation” by Alan Wolfe, in *The Responsive Community* (Spring 2002), 2020 Pennsylvania Ave., N.W., Ste. 282, Washington, D.C. 20006-1846, and “The Continuing Irony of American History” by Wilfred M. McClay, in *First Things* (Feb. 2002), P.O. Box 401, Mt. Morris, Ill. 61054.

“As 2001 ended, Americans were more united, readier for collective sacrifice, and more attuned to public purpose than we have been for several decades,” writes Putnam, a political scientist at Harvard University and the author of *Bowling Alone: The Collapse and Revival of American Community* (2000). If any further proof of this proposition is needed, then Putnam has it, in the form of extensive public-opinion data on such matters as trust in government before and after September 11.

Yet as Putnam points out, it’s one thing to feel united and another to do something about it. “Civic solidarity is what Albert Hirschman called a ‘moral resource’—distinctive in that, unlike a material resource, it increases with use and diminishes with disuse. Changes in attitude alone, no matter how promising, do not constitute civic renewal.” Putnam prescribes a vastly enlarged government-sponsored youth volunteer program, “more activist civics education in our schools,” and enactment of a “progressive” agenda to bridge “ethnic and class cleavages.”

Wolfe, the director of the Boisi Center for Religion and American Public Life, at Boston College, sees another sort of solidarity growing out of September 11. He believes that President George W. Bush’s praise of the nation’s Muslims is an important step in the redefinition of America’s understanding of the basis of its moral character. A nation that defined itself first as Protestant, then Christian (in order to embrace Catholics), and then Judeo-Christian (after fighting the genocidal Nazis) is ready to redefine itself again. The United States already has more Muslims than Episcopalians, and it’s only a matter of time before Muslims outnumber Jews in America.

At the same time, notes Wolfe, the fact that the nation’s leaders could assemble in the National Cathedral and follow religious leaders of many faiths in prayer without causing a ripple of controversy suggests that Americans have turned a corner with regard to “one of our most contentious issues.” Maybe “common sense” will allow us to make more room for religion in public life.

From McClay, the most conservative of this trio of writers, comes a cautionary note. He is as “ready to roll” as anyone, but he’s bothered by the simplistic moral calculus the war has encouraged. Recalling the Protestant theologian Reinhold Niebuhr, a committed Cold War anti-communist who nevertheless warned America not to be blinded to its own moral failings by the righteousness of its cause, McClay calls for a more sophisticated understanding of what’s involved in the war against terrorism.

He writes: “It is not good, [Niebuhr] would say, to call Osama Bin Laden ‘the evil one,’ a phrase deliberately suggestive of Satan—not so much because our opponent is not evil, but because we are not pure enough ourselves and cannot honestly offer ourselves up as children of light, poised against the children of darkness.” September 11, McClay argues, should remind us of certain universal truths about human nature.

“We should not imagine that the problems we faced on September 10 have gone away,” McClay concludes. Abortion, human cloning, and other issues of great moral import remain. “We should not fail to see, in fact, that the same prowess we use to defeat mass murderers a world away is threatening us too, arising out of our greatest areas of strength—our scientific and technical skills.”

## Dueling Pollsters

“Assessing Poll Performance in the 2000 Campaign” by Michael W. Traugott, in *Public Opinion Quarterly* (Fall 2001), Annenberg Public Policy Center, Univ. of Pennsylvania, 3620 Walnut St., Philadelphia, Pa. 19104-6220.

Political prognosticators seemed to fare almost as badly as Al Gore in the protracted 2000 presidential election. Not only did red-faced TV network anchors have to retract their hasty projections on election night, but most national pollsters had to swallow their forecasts of a narrow victory in the popular vote for George W. Bush. Should the pollsters now don sackcloth and ashes? Not necessarily, argues Traugott, a professor of communication studies at the University of Michigan.

In the popular vote, Gore got a winning plurality of 48.4 percent, beating Bush by half a percentage point. Of the 19 final pre-election surveys of “likely voters” by different polling organizations, 14 gave the nod to Bush, while two had Gore with a small lead, and three (including two by the same firm, using different techniques) called the race a dead heat. That may not seem a great record, but the vast majority of all the polls accurately showed the contest for the popular vote to be very close. In fact, says Traugott, the 2000 surveys “were about as accurate as the average [of such polls] since 1956.”

As the 2000 election reminded us, however, the popular vote isn’t what matters most. In what may be a trend—one likely to be accelerated by the 2000 outcome—several polling firms collected state-by-state data to forecast the all-important Electoral College vote. (Not all of them surveyed all 50 states and the District of Columbia.) All told, they made 149

predictions and were wrong 17 times. Two of the pollsters, missing the final result in Florida, foresaw a narrow Gore win in the Electoral College. The third firm, which wrongly put eight states in Bush’s column, awarded him 354 electoral votes—83 more than he actually got.

Academics did worse than the commercial pollsters in predicting the winner of the 2000 election. Using historical models based on the state of the economy and presidential-approval ratings, political scientists confidently unveiled seven forecasts at the annual conference of the American Political Science Association in



August 2000. All seven anticipated a Gore victory, with the Democrat beating Bush in the popular vote by between 5.6 and 20.6 percentage points.

Did the professors’ models have a Democratic bias, or did Gore muffle an election that should have been his? It’s too close to call, as a pollster might say.

## What, Me Worry?

“The Myth of the Vanishing Voter” by Michael P. McDonald and Samuel L. Popkin, in *American Political Science Review* (Dec. 2001), American Political Science Assn., 1527 New Hampshire Ave., N.W., Washington, D.C. 20036; “Just One Question” by David W. Moore, in *Public Perspective* (Jan.–Feb. 2002), The Roper Center, 341 Mansfield Rd., Unit 1164, Storrs, Conn. 06268.

On any list of national trends that have had academics and pundits wringing their hands, the decline in voter turnout and the (per-

haps related) loss of trust by Americans in their government must rank high. Yet, according to the authors of a pair of recent articles, the

two supposedly alarming trends are the veriest illusions.

Take the oft-reported decline in voter turnout since the 1960s, when more than 60 percent went to the polls in presidential election years. So low has the nation supposedly sunk in the intervening years that the 1996 election drew less than half of the American electorate to the voting booths.

But the widely reported “turnout rate” is not really the number of votes cast divided by the number of Americans eligible to vote, note political scientists McDonald, of the University of Illinois at Springfield, and Popkin, of the University of California, San Diego. The denominator researchers use instead (because it’s more readily available) is the Census Bureau’s calculation of the voting-age population. This figure includes noncitizens, felons, and others not eligible to vote, and excludes military personnel and other citizens overseas who are eligible.

Making use of government statistics on noncitizens and the other subgroups, McDonald and Popkin modify the voting-age population figures to produce a more accurate estimate of the electorate and its turnout. Their calculations show that turnout did indeed fall after 1960—from a 1960 level of 63.8 percent to 61.5 percent in 1968 and 56.2 percent in 1972. But since then, the number of ineligible noncitizens and felons has been increasing rapidly, and when that and other adjustments are made, the post-1972 numbers show no clear trend up or down.

The turnout for the 1996 election, by these new calculations, was *more* than half (52.6 percent) of the eligible electorate, and for the 2000 contest, 55.6 percent. In the 1992 election, 60.6 percent of the eligible electorate voted—a figure that should warm

the hearts of analysts who mourn a golden age they thought ended in 1960.

The alarmists still have the supposedly low level of trust in government to worry about (or at least they did before the September 11 terrorist attacks sent poll-measured trust in government surging to its highest level in decades). But Moore, senior editor of the Gallup Poll, says that even before the terrorist attacks there was no clear cause for concern.

There may have been a decline in “trust” over the years, he says, but it was unclear just what “trust” meant or how much of it there was. The level of trust varied widely with the wording of pollsters’ questions. The most often cited poll, conducted since 1958 by the University of Michigan’s National Election Studies, asked respondents if they could “trust the government in Washington to do what is right—just about always, most of the time, or only some of the time?” In 1997, only 32 percent gave one of the first two responses. Yet that same year, Gallup got a very different answer with a slightly different question: It found that 62 percent had “a great deal” or “a fair amount” of “trust and confidence . . . in the executive branch,” and 54 percent did “in the legislative branch.”

Even if the levels of trust in government fell as low as alarmists believed, observes Moore, American democracy did not seem impaired. Citing a 1998 Pew Research Center report, he notes that in surveys conducted between 1987 and 1997, about 90 percent of Americans consistently said they were “very patriotic.” Other polls confirmed that. “If people remain committed to their country, even though they believe the government does what is right ‘only some of the time,’ what’s the problem?” asks Moore.

## FOREIGN POLICY & DEFENSE

### *The Winds of War*

*A Survey of Recent Articles*

When an essay calling for the invasion of Iraq appears in the well modulated pages of *Foreign Affairs* (March–April

2002), the leading forum of America’s foreign policy establishment, it’s hard to see what’s left to debate. Especially when the essay is writ-

ten not by a Republican hawk but by the former director of gulf affairs on President Bill Clinton's National Security Council, Kenneth Pollack. Especially when the essay echoes in just about every important particular the prescription offered by Robert Kagan and William Kristol in the conservative *Weekly Standard* (Jan. 21, 2002). And especially when the same issue of *Foreign Affairs* opens with an essay by a *Washington Post* editorial writer calling upon the Bush administration to accept "the logic of neoimperialism."

On the assumption that the invasion of Iraq will not already have occurred when this survey appears, consider Pollack's account of the doves' position. They note the absence of conclusive evidence tying Iraq to the September 11 attacks. They oppose American unilateralism and favor a multilateral effort "to revive U.N. weapons inspections and re-energize containment."

Pollack essentially says that this argument is nonsense. Since the end of the Persian Gulf War, the United States has sought to contain Saddam Hussein—a "serial aggressor"—and prevent him from rebuilding Iraq's military power. It used "a combination of economic, military, and diplomatic constraints," and the strategy worked—for a time. But not only did Saddam long ago halt UN inspections of his weapons facilities, but now even some U.S. allies routinely violate the sanctions against Iraq. And China went so far as to build a fiber-optic communications network for Saddam (the target of U.S. air strikes in January 2001). France, Russia, and China have rejected the Bush administration's effort to implement "smart" sanctions, which would ease economic restrictions while tightening others. The doves' strategy simply will not work.

What about relying on deterrence to control Saddam? "Too risky" is Pollack's verdict. While the Clinton administration may have rejected the label "rogue nation," Iraq is quite rogue-like: The United States cannot assume Saddam will behave predictably.

It's not Iraq's sponsorship of terrorism that ought to compel U.S. action, as some hawks contend, but "the risk that a nuclear-armed Saddam might wreak havoc in his region and beyond," Pollack writes. He rejects the

notion of an Afghanistan-style campaign. The attack must be quick and overpowering, in part to prevent Saddam from using his two or three dozen Scud missiles, potentially armed with chemical or biological weapons. (Kagan and Kristol point out that the chief U.S. hope of preventing such an outcome is a hammer blow so powerful that Saddam's officers are persuaded that his regime is doomed and thus refuse to follow his orders.) Up to 300,000 U.S. troops would be needed. Such an attack would elicit loud protests from China, France, Russia, Saudi Arabia, and others, but they could do nothing, Pollack says. The United States would then need to commit itself to rebuilding Iraq, probably with the help of the United Nations or others. But Washington would need to retain ultimate authority.

**T**he most important question yet to be decided may be not whether or how to topple Saddam Hussein but how to define the coming campaign. Is it simply a war against terrorism, as the Bush administration has so far—despite the president's denunciation of the "axis of evil"—chiefly suggested? Should it be part of a larger and more ambitious strategy of realpolitik in the Middle East, as Pollack and others argue? Or a step toward an American assumption of "the responsibilities of global leadership," as Kagan and Kristol urge? Or is it a phase in the larger "clash of civilizations" that Harvard political scientist Samuel Huntington predicted several years ago?

At the moment, realpolitik seems to be the dominant motif, though it's often difficult to keep the various strands separate. One of the most articulate advocates of this point of view is Bernard Lewis, the eminent historian of the Middle East. Writing in *National Review* (Dec. 17, 2001), he declares that virtually every regime in the Middle East, including America's putative friends, feels deeply threatened by the United States—not so much by its power as "by the sources of that power—America's freedom and plenty. . . . For America to seek friendship or even good relations with such regimes is a forlorn hope." Lewis concludes: "The range of American foreign policy options in the region is being reduced to two alternatives: Get tough or get out."

A more ambitious, even imperial, note is struck in the *Weekly Standard* (Jan. 18, 2002) by Reul Marc Gerecht, a fellow at the American Enterprise Institute. His target is Iran. He argues that the United States should attack “with enormous force” if it finds clear links between Tehran and Al Qaeda, using unspecified “military actions” against Lebanon and other parts of the “Iranian world” even if it does not. The goal: to topple the mullahs (along with Saddam) and “sow the seeds for a new, safer, more liberal order in the Middle East.”

Writing from the left in the *Nation* (Jan. 21, 2002), University of Maryland political scientist Benjamin R. Barber declares that the real enemy is global capitalism and “corrosive secular materialism. . . . The war on terrorism must be fought, but not as the war of McWorld against jihad. The only war worth winning is the struggle for democracy.”

“Yesterday’s utopia,” he declares, “is today’s realism.”

In the *New York Review of Books* (Jan. 17, 2002), writer Ian Buruma and Hebrew University philosopher Avisha Margalit argue that the war is not a “clash of civilizations” but a struggle with Islamist revolutionaries whose ideology is little different from that of Western totalitarians past. Like the fascists of Italy, Germany, and Japan and like communists since Karl Marx, Osama bin Laden and his allies loathe Western culture with its diversity, freedom, rationality, and unheroic bourgeois existence. Yet it is unheroic accountants and undercover agents rather than “special macho units blasting their way into the caves of Afghanistan,” the authors say, who are best suited to combating the new ideologues.

So the question remains: What kind of war?

## *Kids in Combat*

“Caution: Children at War” by P. W. Singer, in *Parameters* (Winter 2001–02), 122 Forbes Ave., Carlisle, Pa. 17013–5238.

Armies and guerilla forces around the world have discovered a potent new weapon in the past few decades: children. The U.S. military will soon have to come to grips with the challenge.

According to Singer, an Olin fellow at the Brookings Institution, children under the age of 18 are fighting in more than 75 percent of the world’s armed conflicts. Africa is the epicenter. In Sierra Leone alone, up to 20,000 children currently bear arms; “roughly 80 percent of the rebel Revolutionary United Front (RUF) organization is aged seven to 14,” Singer reports. In Uganda, the antigovernment Lord’s Resistance Army is composed almost entirely of children, including some 12,000 who were abducted over a 10-year period (and at least one five-year-old). Child soldiers—abductees and volunteers alike—have also fought in Palestine, Sri Lanka, Chechnya,

Kosovo, Guatemala, Mexico, and many other places. In Colombia, kids comprise roughly 30 percent of some guerilla units. In Myanmar, 12-year-old twins Luther and Johnny Htoo led the antigovernment God’s Army until their recent surrender.



*Johnny and Luther Htoo, 12-year-old twin brothers and leaders of the Myanmar-based “God’s Army” guerilla group, recently surrendered to Thai security forces.*

The United Nations conservatively estimates that there are now 300,000 active child combatants worldwide, including an unknown number of girls. More than 50 states recruit children.

Singer cites two reasons for the rise of the child soldier. The vast numbers of children living in poverty provide an ample supply of recruits and candidates for forced service. And a worldwide glut of powerful small arms in the wake of the Cold War—perhaps 550 million—makes it easy to equip these children. In Uganda, an AK-47 costs no more than a chicken.

The use of children in war is not only a violation of international law in itself but tends to lead to more violations. “Experience has shown that [children] are among the most vicious combatants,” Singer reports, in part because they are

often brutalized as part of their training. Children also suffer greater casualties than adults. Commanders often use them as shields or cannon fodder in order to spare their more valuable adult fighters.

U.S. troops must be prepared to confront children, Singer warns. Six British soldiers were taken hostage in Sierra Leone in 2000 when they refused to fire on child soldiers. An obvious alternative is to target their adult leaders. Another tactic is to “fire for shock” rather than for “effect.” That means “heavy use of smoke and demonstrative air, arms and artillery fire” in order to scare an enemy into flight or surrender. The sad irony, says Singer, is that the highly mobile, lightly armed forces that the United States increasingly relies on for far-flung missions “may be the most ill-equipped of all to respond.”

## *How Britannia Lost the Waves*

“The Continuing Argument over Jutland” by Louis D. Rubin, Jr., in *The Virginia Quarterly Review* (Autumn 2001), Univ. of Virginia, One West Range, P.O. Box 400223, Charlottesville, Va. 22904-4223.

The Battle of Jutland, one of the great naval battles in modern history, fascinates British sea historians the way Gettysburg fires the Southern imagination, each spawning a steady stream of critical studies. Both battles held out the tantalizing promise of total victory—yet each ended in a measure of failure.

According to Rubin, an emeritus professor at the University of North Carolina, Chapel Hill, a cataclysm such as Jutland seemed predestined once Germany’s Kaiser Wilhelm II decided in the early 1900s to build a navy capable of challenging Great Britain’s domination of the seas. It may have been the greatest mistake the Kaiser (who was a grandson of Queen Victoria) made, since it ensured that Britain would not ally itself with Germany in case of a European war.

Both navies were constructing a new class of superbattleships patterned after the HMS *Dreadnought* (launched in 1906), an 18,000-ton warship bristling with ten 12-inch guns, capable of 21 knots. By the time World War I broke out in 1914, the British navy had 20 such

ships, while Germany had 13.

By May 1916, frustrated by a British blockade, the German navy tried to lure the superior British Grand Fleet into a trap in the North Sea along the Danish coast. But the British, privy to German wireless communications, were already steaming eastward as the Germans headed north. The ensuing sea battle would pit 150 British vessels against 100 German ships.

What should have been a decisive victory for the British never materialized. Their force, under the overall command of Admiral Sir John Jellicoe, blundered several times, and its officers showed little initiative. Miscommunication and bad luck cost the British several chances to wreak havoc on the German fleet. At one point, Admiral Hugh Thomas-Evans led his dreadnoughts straight at the Germans, apparently because he was awaiting orders from Jellicoe’s flagship to turn away. The British lost several battle cruisers when advanced German armor-piercing shells penetrated their magazines.



*British ships under heavy fire in Robert Smith's The Battle of Jutland (1916).*

In the end, the German fleet was able to slip away, leaving the British in control but badly bloodied. They lost 115,000 tons of ships and more than 6,000 men, as opposed to 61,000 tons and just over 2,500 men on the German side.

Rubin places much of the blame for this unachieved victory on Jellicoe, whose over-meticulous rules of engagement filled 200 pages. In striving for “centralized control,” Jellicoe produced subordinates unwilling to think for themselves, a weakness exposed by poor communications during the battle. But in a larger sense, the real culprit may have been the culture of the British navy. According to Andrew Gordon’s *Rules of the Game: Jutland and British Naval Command* (2000), ever since the great victory by Horatio Nelson at Trafalgar in 1805, the navy had been suffused by what Gordon calls “the

social religion of deference.” It had always been the realm of gentlemen, but peacetime and the Victorian emphasis on structuring and ordering behavior made it even more inflexible. At the same time, technological change—steam power, iron and steel ships, and long-range guns—made the need for innovation in naval thinking much greater.

After Jutland, Jellicoe gave way to a more innovative successor who encouraged the kind of initiative that would allow the British to sink the *Bismarck* in 1941. But it was too late. After World War I, Britain ceded its primacy over the waves to the United States. And the Kaiser’s navy? Although he claimed victory at Jutland, Wilhelm became convinced that Germany’s surface fleet would never alter the course of the war and turned instead to unrestricted submarine warfare.

## *China’s Rap Sheet*

“China’s Use of Force, 1950–1996, and Taiwan” by Allen S. Whiting, in *International Security* (Fall 2001), MIT Press Journals, 5 Cambridge Center, 4th Flr., Cambridge, Mass. 02142–1493,

Before September 11, the conflict between China and Taiwan stood near the top of U.S. foreign policy concerns. Whiting’s essay suggests it should be there still.

He looked at eight cases in which China resorted to military force for deterrence or coercion, including the 1950–53 Korean War, the conflicts over small Taiwanese

islands in the 1950s, the 1962 border war with India, and the 1969 border clashes with the Soviet Union. Whiting, who is a professor emeritus at the University of Arizona, sees five common elements in China's behavior. Its leaders 1) had an exaggerated perception of the threat to China, 2) were willing to take on a superior enemy, 3) carefully managed risks, 4) gave advanced "deterrence warning" to their foes, and 5) always sought to seize the initiative and be preemptive. By Whiting's reckoning, Beijing chalked up four clear victories and no serious defeats by using this method.

This historical experience does not augur well for peaceful relations between China and Taiwan, and Whiting's vision is darkened by several new factors. In the past, for example, China almost always gave early warning of its intent to use force—partly because that gave it the opportunity to amass needed forces. But a conventional attack across the treacherous 100-mile-wide Taiwan Strait is unlikely. China would likely use missiles, and that would give it an incentive to strike suddenly

and decisively. The Chinese penchant for seizing the initiative further increases the likelihood of such a strike.

Whiting also worries about the dangers of miscalculation. Mao Zedong and Deng Xiaoping often underestimated their foes' response, and unlike them, China's new generation of leaders "lack any military experience." What they do share with their predecessors is a belief in the primacy of political goals over military considerations, and that could lead to hasty action. Not only has there been growing talk of unification with Taiwan, but "rising instability" in China might make it more tempting for the leadership to launch a unifying war effort. At the same time, Whiting says (writing before September 11), China's leaders regard the United States as a paper tiger.

Whiting does not go so far as to predict war. He sees several encouraging developments, such as the growing traffic in people and goods between China and Taiwan. But "China's past pattern in the use of force casts a worrisome shadow over the next decade."

## ECONOMICS, LABOR & BUSINESS

### *Another Path*

"Social Policy and Mortality Decline in East Asia and Latin America" by James W. McGuire, in *World Development* (No. 10, 2001), American Univ., 4400 Massachusetts Ave., N.W., Washington, D.C. 20016-8151.

Everybody knows that South Korea, Taiwan, and the other Asian "tigers" provide the model that other developing nations ought to follow, right? Only if you assume that rising incomes are the key to well-being, writes McGuire, a political scientist at Wesleyan University. Things change if you substitute other goals that make at least as much sense, such as improved life expectancy and infant mortality.

By those measures, two of Latin America's

best performers, Chile and Costa Rica, have done as well as South Korea and Taiwan. [See chart.] Between 1960 and 1995, for example, the two Latin nations reduced infant mortality by 91 and 86 percent, respectively, while South Korea cut the infant death rate by 93 percent and Taiwan by 80 percent. Interested in living a long life? By 1997, Chileans and Costa Ricans both enjoyed somewhat longer life expectancy than their Asian counterparts.

	Life expec. at birth, 1960	Life expec. at birth, 1997	Infant mortality, 1960 (per 1,000 children)	Infant mortality, 1995 (per 1,000 children)	Total fertility rate, 1960 (births per woman)	Total fertility rate, 1997 (births per woman)
Chile	57.1	74.9	118	11	5.3	2.4
Costa Rica	61.6	76.0	87	12	7.0	2.8
S. Korea	53.9	72.4	90	6	5.7	1.7
Taiwan	64.3	74.6	54	11	5.8	1.8

By a variety of measures, however, South Korea and Taiwan vastly outperformed Chile and Costa Rica. The two Asian countries' export-led growth policies produced much higher incomes and greater income equality, along with lower rates of child-bearing and more widespread education. The World Bank calls this the "shared growth" model. But the two Latin countries both have strong welfare-state traditions, dating to the 1920s in Chile and the 1940s in Costa Rica. Both made energetic efforts to extend health care and other services to the poor during the 1960s and '70s. By contrast, the two Asian countries were both Japanese colonies before 1945, and improvements in public health—medical care, water and sanitation works—were imposed by the imperial overlords. As a result, public health was-

n't seen as part of the citizen's package of rights after 1945, McGuire says.

There's another crucial difference between the two pairs of countries. During much of the 20th century, both Latin countries had democratic governments (the most prominent exception being the Pinochet years in Chile, 1973–89) and strong labor unions. Democracy arrived in South Korea only in 1988, and in Taiwan only in 1996.

The Asian model may work for some countries, McGuire concludes, though following it is a bit like trying to play basketball like Michael Jordan. "The cases of Chile and Costa Rica show that strong performance at human development is possible even in countries that struggle with slow economic growth, a high degree of income inequality, and prevalent income poverty."

## *What's Wrong with Japan?*

"The Wrong Problem" by Harald B. Malmgren, in *The International Economy* (Nov.–Dec. 2001), 1133 Connecticut Ave., N.W., Ste. 901, Washington, D.C. 20036.

Japan's economy has been ailing for more than a decade, and the conventional wisdom is that the world's second largest economy won't improve until Tokyo gives top priority to dealing with the mountains of bad debt held by Japanese banks. That's a fool's errand, says Malmgren, a former deputy U.S. trade representative (1973–75) who now heads the Malmgren Group.

Nobody knows how big the Japanese banks' bad debt problems really are (including the banks themselves), but one thing is clear: Writing off such "nonperforming" loans will mean closing many businesses and prolonging the recession, thus adding to the mountain of bad debts. And banks that hold lots of bad debts won't make loans to help businesses start up or expand.

Malmgren argues that the Japanese should learn from America's painful economic restructuring. "In the 1980s we had the rapid emergence of private equity and venture capital, high-yield bonds, securitization of debt, derivatives, and myriad other new financial instruments. . . . This opened the way for dramatic changes in merger and acquisition activity, buyouts,

mezzanine financing, incubation of start-ups, bundling of distressed assets, and many other essential steps on the path to restoring the competitive strengths of the U.S. economy."

The American financial revolution got money from savers into the hands of those who needed capital. Japan today has huge pools of "sleeping money" in pension funds and personal savings accounts. What's needed is regulatory reform to spur the creation of "non-bank financial institutions" such as venture capital funds and mutual funds. (Such institutions now account for more than 80 percent of U.S. business financing.) In 1979, for example, a U.S. Department of Labor regulatory change allowed private pension systems to make limited investments in new and small businesses and other "risky" enterprises.

Yes, the banks' bad debts need to be addressed, Malmgren says. But "working on bad debts first, without attention to the crying need for restructuring Japan's stalled economy, can only bring even deeper recession and more deflation—and more bad debt."

SOCIETY

## Coffee, Tea, and Colonialism

“The Essence of Commodification: Caffeine Dependencies in the Early Modern World” by Ross W. Jamieson, in *Journal of Social History* (Winter 2001), George Mason Univ., Fairfax, Va. 22030.

It’s astonishing to consider how much of early European colonialism had to do with the acquisition of “drug foods”: sugar, tobacco, and, in all its delightfully stimulating forms, caffeine. Yet the history of caffeine shows that the transactions between colonizer and colonized did not run only in one direction, writes Jamieson, an archaeologist at Simon Fraser University, in Vancouver.

Coffee, for example, was not even cultivated until the mid-15th century, when Arab growers in Yemen domesticated the wild Ethiopian plant and Muslim Sufi devotees began using the potent little beans in all-night religious ceremonies. Coffee’s popularity quickly spread throughout the region. Istanbul boasted more than 600 coffeehouses by the

1560s. When Europeans became involved in the trade in the 1610s, they competed with Arab traders for markets in the Near East and Asia rather than export coffee to Europe. By contrast, in the 16th century, the Spanish conquerors of the New World found a crop, cacao or chocolate, that the Maya, Aztecs, and others had esteemed and cultivated for centuries. The colonists soon developed their own taste for the drink, and they established cacao plantations and an extensive local trade in the bean—but for a century, none of that trade crossed the Atlantic.

Then, in the mid-17th century, caffeine drinks suddenly achieved enormous popularity in Europe. Jamieson thinks the craze sprang from social changes within Europe rather than shrewd marketing. Europe was urbanizing, and the old hierarchical social order was giving way to something new and as yet undefined. What better way to establish your social standing than to sip an exotic and expensive brew?

Along with caffeine, the Europeans imported social customs and habits from the colonial world. With coffee, for example, came the Arab coffeehouse, an exclusively male preserve, generally open to various social classes. Oxford had such an institution in 1650; within a few decades there were thousands throughout England. The coffeehouse “replaced the alehouse as a place for men to meet to discuss business and politics . . . and the caffeine beverages were associated with [bourgeois] sobriety and virtue.”

Cacao, however, was consumed by both men and women, as it was in the New World. Today’s latte lovers would find themselves quite at home with the special tools and rituals involved in its preparation—most of them borrowed from the Aztec aristocracy. (Cinnamon and



Coffee, tea, cacao: Europe’s three favorites in the 17th century

vanilla were often mixed in, as were chili peppers.)

Tea has a different history. China managed to maintain a monopoly on tea production until the 1830s, when the Dutch planted the first successful crop in Java. (Britain's Indian tea plantations were started two decades later.) Even so, business boomed. By the 1740s, Jamieson reports, "afternoon tea was an important meal in England, the Netherlands, and

English America." Women monopolized the drink and presided over the tea ritual, which brought families together and provided opportunities to teach children good manners and to demonstrate the decorum and respectability that were essential to status in the new social order. All of which makes one wonder what some archaeologist a hundred years hence will make of the sudden American passion for Starbucks.

## *Blame It on the 1920s*

"Why We Don't Marry" by James Q. Wilson, in *City Journal* (Winter 2002), Manhattan Inst., 57 Vanderbilt Ave., New York, N.Y. 10017.

Despite the apparent stabilization of some social trends, one in five white children, and more than one in two black children, are born out of wedlock. Many critics blame "the '60s" for starting the trend, but Wilson, the noted social scientist and emeritus professor at the University of California, Los Angeles, points to an earlier decade—the 1920s—and roots that stretch back to the 18th century and the Enlightenment.

It is in the nations "where the Enlightenment had its greatest effect"—Australia, Britain, Canada, France, the Netherlands, and the United States—that families with an absent father are most common today, he points out. "It was in the enlightened nations that nuclear rather than extended families became common, that individual consent and not clan control was the basis of a marriage contract, and that divorce first became legal."

By enthroning human reason and discarding many ancient rules, the Enlightenment "gave us science, technology, freedom, and capitalism," says Wilson—but also over time undermined old beliefs. "Whereas marriage was once thought to be about a social union, it is now about personal preferences. Formerly, law and opinion enforced the desirability of marriage without asking what went on in that union; today, law and opinion enforce the desirability of personal happiness without worrying much about maintaining a formal relationship."

The change was slow and almost unnoticed, Wilson says. "The most important Enlightenment thinkers assumed marriage and denounced divorce." But things changed. By the late 19th century, the

notion that the public should support needy children whose mothers were widowed was winning acceptance, and slowly over the decades ahead the circle of "needy" fatherless children was broadened.

Meanwhile, the movement for the legal emancipation of women was gaining force. Nineteenth-century women "could not easily own property, file for a divorce, or conduct their own affairs. By the 1920s most of these restrictions had ended." Affluence and freedom proved a heady mix. The 1920s produced "an enthusiastic display of unchaperoned dating, provocative dress, and exhibitionist behavior. Had it not been for a time-out imposed by the Great Depression and the Second World War, we would no longer be referring to the '60s as an era of self-indulgence; we would be talking about the legacy of the '20s."

The '60s just "reinstated trends" begun earlier in the century, "but now without effective opposition." Affluent, upper-middle-class people reshaped the culture, with the poor paying the price. For example: "People who practiced contraception endorsed loose sexuality in writing and movies; the poor practiced loose sexuality without contraception."

These deep-rooted cultural changes are not easy to reverse, notes Wilson, and many, such as the advances in women's rights, should not be. Americans aren't even likely to accept tougher divorce laws. Still, the fact that Americans continue to get married and hope their children will too encourages Wilson. If marriage is to regain its former stature, it will not be through government policies, but "from the bottom up by personal decisions."

PRESS & MEDIA

## Over There

“Foreign News: What’s Next?” by Michael Parks, in *Columbia Journalism Review* (Jan.–Feb. 2002), 2950 Broadway, Columbia Univ., New York, N.Y. 10027.

While much of the U.S. news media’s coverage of foreign affairs since September 11 shows “American journalism at its best,” they largely missed the boat in covering a telltale string of earlier attacks on the United States by Islamic extremists, observes Parks, the interim director of the School of Journalism at the University of Southern California.

There were attacks on the World Trade Center in 1993; on apartments housing U.S. Air Force personnel in Saudi Arabia in 1996; on U.S. embassies in Kenya and Tanzania in 1998; and on the USS *Cole* in the Yemeni port of Aden in 2000. These incidents were reported episodically, sparking only limited investigative reporting and few follow-up stories on U.S. antiterrorism, immigration, and intelligence efforts or on the sources of anti-Americanism abroad.

Even when the U.S. Commission on National Security, chaired by two former senators, concluded in January 2001 that “Americans will likely die on American soil, possibly in large numbers,” at the hands of foreign terrorists, few news organizations passed this assessment on.

Study after study has shown that in the decade after the Cold War and the Persian

Gulf War ended, network newscasts, newspapers, and newsweeklies sharply trimmed international coverage. But in doing this they were going against the preferences of a substantial part of their audience, Parks maintains. He cites a pre-September 11 survey showing that most Americans ranked protecting the United States from terrorist attacks as the country’s top foreign-policy priority.

Yet that same 2001 survey and others indicate that only about 30 percent of Americans are interested in foreign news, about half as many as are interested in local news. Even CNN and other news organizations strongly committed to foreign coverage, Parks notes, were cutting staff before September 11.

News executives such as Paul Friedman, executive vice president of ABC News, don’t think September 11 changed much. “I don’t share the cockeyed optimism that we have all learned our lesson and will now rededicate ourselves to foreign news,” he says. “The [public] interest simply isn’t there.”

Other news executives disagree, reports Parks. They see the situation “as a test of the journalistic craft, of persuading readers and viewers to read and watch what they need to know and understand.”

RELIGION & PHILOSOPHY

## What’s Wrong with Human Rights?

“The Attack on Human Rights” by Michael Ignatieff, in *Foreign Affairs* (Nov.–Dec. 2001), 58 E. 68th St., New York, N.Y. 10021.

Even human-rights activists have been plagued by doubts in recent decades: Isn’t the claim that all humans are endowed with certain inalienable rights just a mask the West uses as it seeks to impose its values on other cultures? The critics—from Muslim fundamentalists to postmodernist academics in the West—have a point, argues Ignatieff, director of the Carr Center for Human Rights at Harvard University’s Kennedy School of Government. But it’s not the one they think they have.

“Rights discourse is individualistic,” he says. “But that is precisely why it has proven an effective remedy against tyranny, and why it has proven attractive to people from very different cultures.” Setting basic standards of “human decency” empowers the powerless.

The push for human rights has not come exclusively from the West, Ignatieff points out. Though the West took the lead in drafting the Universal Declaration of Human Rights in 1948, representatives of Islamic and other non-

Western traditions also took part. Moreover, the document itself—coming in the aftermath of World War II and at the dawning of the Cold War—was much less a proclamation of Western superiority than a warning to avoid recent European mistakes.

In the half-century since, says Ignatieff, it has become more apparent that the West does not speak with one voice about specific human rights. The British, the French, and the Americans construe such rights as privacy, free speech, and possession of firearms differently. On issues such as capital punishment and abortion, America and Europe are increasingly at odds.

Yet the splintering of the Western consensus does not necessarily presage the demise of the human rights movement, according to Ignatieff. Rather, it signals the movement's belated "recognition that we live in a world of plural cultures" whose diverse views deserve

to be heard. "Western activists have no right to overturn traditional cultural practice, provided that such practice continues to receive the assent of its members."

Human rights advocates, says Ignatieff, the author of *Isaiah Berlin: A Life* (1998), should adopt philosopher Berlin's concepts of "negative" and "positive" liberty. "The doctrine of human rights is morally universal, because it says that all human beings need certain specific freedoms 'from'; it does not go on to define what their freedom 'to' should comprise." Muslim women who demand the right not to be tortured or abused are not therefore obliged to adopt Western dress or lifestyles. And the very fact that many among the non-Western world's "powerless" are demanding such basic human rights gives the global movement legitimacy. Instead of apologizing for their cause, human rights activists need to press it harder.

#### EXCERPT

### *A Source of Human Rights*

*Several features [of the Universal Declaration of Human Rights] set it apart from both Anglo-American and Soviet-bloc documents, and these should be kept in mind as contests over the meanings of the Declaration's provisions continue. Consider the following: its pervasive emphasis on the "inherent dignity" and "worth of the human person"; the affirmation that the human person is "endowed with reason and conscience"; the right to form trade unions; the worker's right to just remuneration for himself and his family; the recognition of the family as the "natural and fundamental group unit of society" entitled as such to "protection by society and the state"; the prior right of parents to choose the education of their children; and a provision that motherhood and childhood are entitled to "special care and assistance."*

*Where did those ideas come from? The immediate source was the 20th-century constitutions of many Latin American and continental European countries. But where did the Latin Americans and continental Europeans get them? The proximate answer to that question is: mainly from the programs of political parties, parties of a type that did not exist in the United States, Britain, or the Soviet bloc, namely, Christian Democratic and Christian Social parties.*

*And where did the politicians get their ideas about the family, work, civil society, and the dignity of the person? The answer is: mainly from the social encyclicals *Rerum novarum* (1891) and *Quadragesimo anno* (1931). And where did the church get them? The short answer is that those encyclicals were part of the process through which the church had begun to reflect on the Enlightenment, the 18th-century revolutions, socialism, and the labor question in the light of Scripture, tradition, and her own experience as an "expert in humanity."*

—Mary Ann Glendon, Harvard Law School professor, in *Commonweal* (Oct. 12, 2001)

## Who Needs Courage?

“The Ambivalence of Political Courage” by Jason A. Scorza, in *The Review of Politics* (Fall 2001), Univ. of Notre Dame, P.O. Box B, Notre Dame, Ind. 46556.

Political courage is not much in favor among contemporary liberal political thinkers. They would gladly trade *courage* for *compassion*, Scorza notes. Many take their cue from Montesquieu, who was glad to see the spirited world of the ancients give way to the gentler spirit of commercial society. Philosopher Richard Rorty says of today’s liberal democratic leaders: Even if they “are bland, calculating, petty, and unheroic, the prevalence of such people may be a reasonable price to pay for political freedom.”



*Churchill's bold front buoyed wartime Britain.*

Scorza, a professor of political science and philosophy at Fairleigh Dickinson University, takes a different view. He acknowledges the earlier work of political scientist Judith Shklar, who warned in her 1989 essay “The Liberalism of Fear” about the cruelty and fear that “are the principal inhibitors of freedom.” For Shklar, the “primary political evil for liberalism is institutionalized cruelty,” the threat of death and torture that governments use against their own citizens. Against these threats, Scorza lists three different types of political courage that may be—and indeed ought to be—part of the liberal state. First is the

courage of patriotic citizens, the type of citizen-soldiers whom Pericles hailed in his Funeral Oration, when he called on “men of courage” who “were resolved that at least their country should not find herself deserted by their valor.” Second is the courage of pragmatic leaders, who are willing to lay aside their “personal ethical beliefs” for the greater good of their people. Scorza cites the example of Daniel Webster during the Compromise of 1850, which strengthened the existing Fugitive Slave Law but delayed the Civil War. Finally, Scorza mentions the “courage of conscientious citizens” who must sometimes take a stand against decisions by their leaders that they find immoral or misguided.

Why do many liberal thinkers worry about the effects of courage? Because there are real dangers inherent in each form of courage. Citizen-soldiers, for instance, may be too likely to resort to violence rather than compromise when their nation is threatened, and they are much more prone to blind loyalty to leaders. The pragmatic officeholder may inadvertently and, perhaps, with the best of intentions, become a force not for progress and social justice but, rather, as Webster may have been, for injustice and the status quo. And the “conscientious citizen,” while potentially uncovering or protesting wrongdoing, hovers perilously close to fanaticism. “Intoxicated by the romantic appeal of courageous political action, and blinded by their own ideals,” such people may follow the dangerous path of such firebrands as John Brown.

Scorza acknowledges that each form of courage carries dangers when taken to extremes, but “all are needed, from time to time, by societies that aspire to social justice, stability, and personal freedom.” The politically courageous may clash, but in doing so “they may also hinder the dire consequences that can stem from an excess of blind loyalty, a surplus of fanatical or solipsistic conscientiousness, or a proliferation of amoral pragmatism.”

## *A Posthuman Future?*

“How to Regulate Science” by Francis Fukuyama, in *The Public Interest* (Winter 2002),  
1112 16th St., N.W., Ste. 530, Washington, D.C. 20036.

“Regulation brings with it many inefficiencies and even pathologies,” writes Fukuyama, a noted conservative thinker and author of *The End of History and the Last Man* (1992) and other books. “But in the end, there are certain types of social problems that can only be addressed through formal government control, and biotechnology is one of them.”

Though it could produce incomparable benefits, such as a cure for cystic fibrosis or diabetes, biotechnology also presents immense dangers—in human cloning for reproductive purposes, in eugenically selected “designer babies,” and, ultimately, in the possible loss of any distinctive meaning to being “human.”

A complete ban on human cloning for reproductive purposes (as recently urged by a National Academy of Sciences panel) is justified, in Fukuyama’s view, because such cloning would result in “highly unnatural” parent-child relationships and would be the entering wedge leading to “designer babies.” Such a ban would also demonstrate that political control of biotechnologies can be achieved.

The point must be made even though U.S. and international efforts to curb the spread of nuclear weapons, as well as restrictions put on neuropharmacological drugs and other dangerous products of science, already give the lie to “the widespread belief that technological advance cannot be restrained.”

But human cloning for reproductive purposes is an exception among the coming biotechnologies, says Fukuyama. Most others will demand “a more nuanced regulatory approach” than an outright ban. Take, for example, the diagnosis and screening of embryos for birth defects and other traits before they are implanted in the womb. “In the future,” he asks, “do we want to permit parents to screen and selectively implant embryos on the basis of sex and intelligence, of hair, eye, or skin color, or sexual orientation, once these characteristics can be identified genetically?”

It will be necessary, he says, to draw lines between legitimate and illegitimate uses of the technology—between, for instance, therapy and human enhancement. “The original purpose of medicine is, after all, to heal the sick, not to turn healthy people into gods.”

Existing federal agencies such as the Food and Drug Administration won’t be up to the job, in Fukuyama’s view. Their mandates are too narrow, and much biotech research is now privately funded. He envisions a new agency to regulate biotechnology, with “statutory authority over all research and development, and not just research that is federally funded.”

If nothing is done, Fukuyama warns, science may lead humanity into “a posthuman future in which we have the capacity, slowly but surely, to alter the essence of human nature”—while losing any “clear idea of what a human being is.”

## *Curious Science*

“Fighting Chance” by Siddhartha Mukherjee, in *The New Republic* (Jan. 21, 2002),  
1220 19th St., N.W., Washington, D.C. 20036.

Last fall, in the wake of the anthrax attacks on several news organizations and Capitol Hill offices, Harvard University biologist John Collier suddenly found himself thrust into the national spotlight. Just a few months before, Collier and his colleagues

had discovered a means of blocking the toxic effects of anthrax, pointing the way toward an eventual antidote. The Pentagon and the Department of Health and Human Services set aside nearly \$2 billion for antiterror research, and Senator Max Cleland (D-Ga.)

called for a Manhattan Project-style assault on weapons of bioterror. Mukherjee, a doctor at Massachusetts General Hospital who teaches at Harvard Medical School, believes such targeted research will likely waste money and yield few results. “Scientific discoveries often happen when they are least expected,” he points out.

Collier’s case is instructive. He began studying anthrax in 1987, intrigued by the manner in which the bacterium attacks human cells. He did not set out to find an antidote but rather to delve “deeper and deeper into the basic biology of anthrax toxin.” (U.S. Army researchers at Fort Detrick, Md., began working on anthrax in the 1960s but made no comparable contribution.) Collier’s approach unlocked a critical method in the microbe’s attack, leading to the discovery of the drugs that could interrupt the process.

Almost the opposite approach was tried with HIV research. In the early 1990s, AIDS activists put tremendous pressure on scientists at the National Institutes of Health (NIH) to produce results. And they got them. Adopting a “mission-oriented” approach, the researchers were able to develop effective antiviral therapies, “even before much of the

basic biology of the virus was fully understood.” The cost, however, was enormous. A 1999 study by NIH found that the federal government had spent proportionately more money (in dollars per year of life saved) on AIDS than on any other disease. Collier explained to Mukherjee that declaring war on a disease invites “bad science—a lot of junk aimed at getting some of that pork-barrel money.”

Ironically, NIH and the National Science Foundation were established to provide federal backing for exactly the kind of “curiosity-driven” basic science that Collier represents. Important discoveries more often come about by synthesizing results from seemingly disparate fields than emerge as the end product of goal-oriented research. The protease inhibitors that have been the most effective weapon against AIDS were only found because of earlier work by scientists studying kidney disease.

“Examples of such serendipitous breakthroughs abound in the folklore of science,” says Mukherjee. But “the more narrowly you define a scientific goal—hoping to focus and streamline discovery—the more you potentially logjam the discovery process itself.”

## *Baby, It’s Busy Up There!*

“The Gas between the Stars” by Ronald J. Reynolds, in *Scientific American* (Jan. 2002), 415 Madison Ave., New York, N.Y. 10017–1111.

A new and startling picture of the vast interstellar regions of the Milky Way has emerged over the past several decades. Astronomers long conceived of the “interstellar medium” as a static reservoir of very thin gases, little more than a nuisance that got in the way of their efforts to observe the stars. The medium was thought to be much like the atmosphere of the moon, which is to say no atmosphere at all—a medium that conducted neither sound nor heat.

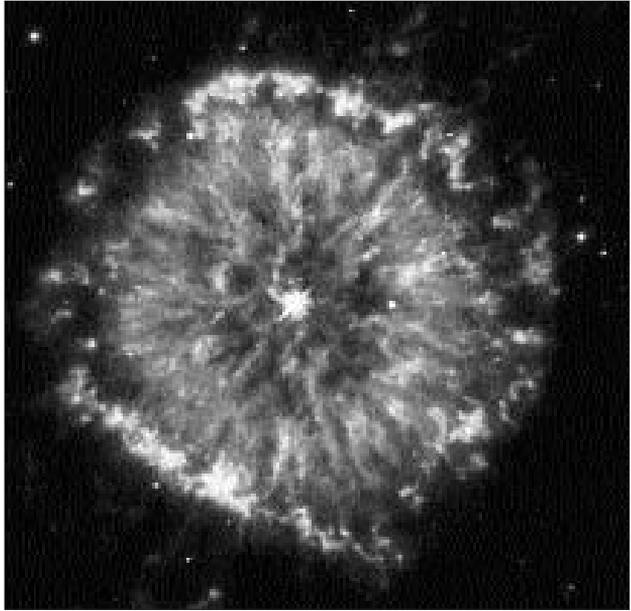
“Now we recognize the medium as a tempestuous mixture with an extreme diversity of density, temperature, and ionization,” reports Reynolds, an astronomer at the University of Wisconsin, Madison. (The medium is about 90 percent hydrogen in various forms and 10 percent helium, with trace amounts of other elements.)

“Supernova explosions blow giant bubbles”; there are “fountains,” “chimneys,” and “clouds.” Conceptually, the interstellar medium increasingly looks like Earth’s atmosphere, binding together the galaxy and ensuring that an event in one place will have an impact in another. This new view is revolutionizing the way scientists comprehend the galaxy.

For example, it now appears that supernovas (exploding stars) create vast “hot bubbles,” along with cosmic rays that “raise the pressure of the interstellar medium; higher pressures, in turn, compress the dense molecular clouds and increase the chance they will collapse [and form] stars.” Oversized bubbles may extend all the way to the halo of the galaxy, each forming a kind of cosmic chimney that transports hot gases

from its supernova to the outer reaches of the Milky Way, where the gases cool and rain back on the galaxy.

Stars thus seem to be the “main source of power for the interstellar medium.” But it’s not a certainty. Reynolds says that the loop above one huge bubble “looks uncomfortably similar” to certain features of our own sun that are created by the sun’s magnetic field. It may be that magnetic activity dominates the galaxy’s atmosphere, just as it does that of the planets and stars. That would make the analogy between the interstellar atmosphere and our own earthly one “even more apt than we think.”



*This collapsing star in the constellation Aquila began emitting a huge cloud of gas several thousand years ago, but the image is only now being captured by the Hubble Space Telescope.*

#### ARTS & LETTERS

## *The Decline of Commercial Architecture*

“Design and Development” by Witold Rybczynski, in *Wharton Real Estate Review* (Fall 2001),  
Lauder-Fischer Hall, 3rd fl., 256 S. 37th St., Philadelphia, Pa. 19104-6330.

Commercial real estate developers, who are responsible for the vast majority of new buildings in the United States, seldom win plaudits for great architecture. Not one of the nine projects that won the Progressive Architecture Awards last year was a developer-driven building. Yet Rybczynski, an author and University of Pennsylvania professor, isn’t ready to lay the blame at the feet of money-grubbing developers.

“In the past,” he notes, “some of the most imaginative and experimental architecture was commissioned and built precisely by and for real estate developers.” As long ago as 1728, the speculative builder and designer John Wood erected a spectacular and innovative residential complex in the English resort town of Bath that included, among other things, “33 three-story houses behind a façade that was loosely based on the Roman Coliseum.” The renowned architect John Nash designed the Royal Opera Arcade, a glass-roofed shopping

street (and precursor of the mall) that opened in London in 1818. Other examples include New York City’s Dakota apartment building (1884) and Rockefeller Center (1933). The many commercial commissions of modernist master Mies van der Rohe included the aluminum-and-glass Lake Shore Apartments (1951) in Chicago—a now familiar style that was revolutionary in its day, according to Rybczynski, “influencing the design of both office buildings and high-rise apartments for more than two decades.”

So why did developers move away from cutting-edge architecture? Rybczynski is skeptical of the pocketbook explanation. History shows that good architecture doesn’t have to cost more. He thinks the change has more to do with a shift in the patronage of high-profile architecture.

Beginning in the late 1960s, governments, tax-exempt institutions, and private individuals had the biggest building budgets,

and thus the ability to make an architect's reputation. "Public clients were notorious for ignoring the user, whether it was the tenant in a high-rise public housing bloc, or a child in a windowless schoolroom, and for spending [other people's] money on architectural experiments. . . . Such clients have encouraged architectural styles that are often bleak and whose minimalism runs in the face of

common taste. It is a didactic architecture of private symbols and quirky theories, that favors aesthetics over function, exterior expression over interior convenience, and design purity over clients' demands." Why would a developer—or anybody else who cares about the comfort and happiness of a building's inhabitants—hire architects with an agenda like that?

## *A Crisis for Catholic Writers?*

"The Last Catholic Writer in America?" by Paul Elie, in *Books & Culture* (Nov.–Dec. 2001), P.O. Box 37060, Boone, Iowa 50037–0060.

This essay is not really about the "last Catholic writer in America"—there isn't a "last." Today, "if you are a Catholic writer," Elie observes, "it is as though you are the only person left who takes this stuff seriously—the only writer who cares about religion, and the only Catholic who has any literary taste. You are the last Catholic writer in America, and you are afraid the species is dying out."

In some ways, things were not that different for the previous generation of great American Catholic writers: Flannery O'Connor, Walker Percy, Thomas Merton, Dorothy Day. Much of the talk of Catholicism's "communal character" was "just a theological stereotype. One of the four past greats once wrote, "Today, each writer speaks for himself, even though he may not be sure that his work is important enough to justify his doing so."

Yet many things are different, notes Elie. Today, "the authors of the best Catholic writing may not be known to us as Catholics," Elie writes. "They may not be Catholics at all." He thinks of the novelist Denis Johnson and the short-story writer Richard Bausch, neither of whom is Catholic though both have written about the struggle for faith and the need for redemption in a way that Flannery O'Connor surely would have understood, though she might not have comprehended "the mismatch between the religious impulse and the church's resources for dealing with it."

O'Connor's faith was as natural to her as the air she breathed. In a curious twist, she did not write about Catholics but about Protestants because, she once explained, Protestants had "more interesting fanatics." Elie claims "that the Catholic writer today has less in common with O'Connor than with the primitives and grotesques she wrote about."

### EXCERPT

## *Giving Life a Theme*

*The great themes of literature have always been such valuable things as courage, freedom, and love; human failings like pride, greed, and revenge; and a few others—usually tragic aspects of character and experience, most notably death. Almost all great works can be linked to one or many of these themes. The frequency with which the theme is courage may give a clue as to why we read. Given the themelessness of real life, works of art concentrate and illustrate for us what experience may not provide; they may talk about what we dimly sense but do not articulate in mundane daily life.*

—Diane Johnson, novelist, in *The Southern Review* (Autumn 2001)

He cites the young evangelist in *Wise Blood* (1952): “He doesn’t believe in Christ but still thinks the church has betrayed Christ’s message. If he had written a book, it would be taught [today] in the divinity schools.”

O’Connor’s evangelist says simply, “Either Jesus was God or he was a liar.” This kind of black-or-white position does not comport easily with our age of grays. “So it happens,” says Elie, “that the Catholic writ-

ing of our time is not written out of faith, but out of an aspiration. . . . The writer would like for the Catholic religion to be true, indeed yearns for it to be revealed as such. . . . If it can be made believable in writing, maybe it really can be believed in.”

Elie himself is an editor at Farrar, Straus and Giroux. His book on O’Connor, Percy, Merton, and Day will be published next year.

## *The Gift That Keeps on Giving*

“Intellectual Property” by Frederick Turner, in *American Arts Quarterly* (Fall 2001), P.O. Box 1654, Cooper Station, New York, N.Y. 10276.

One great irony in the recent furor over Napster—the Internet-based company that allowed users to freely exchange copyrighted musical works—is that the fight to enjoin the company was led by Metallica, a heavy metal rock group that succeeded during the 1980s largely by encouraging fans to make “bootleg” recordings of their live performances and share them with others.

Turner, a professor of arts and humanities at the University of Texas at Dallas, sees a crucial difference between Napster and Metallica. Even though the group freely bestowed its “art”—the music it created—on its fans, it retained “a kind of ghostly ownership” of the music. This ethereal presence hovers over every transmission of art, including art that is purchased. According to Turner, if the buyer is willing to acknowledge that presence—in essence, honoring the maker of the art as its creator—the work will “continue to appreciate in value.”

Another example may make this conundrum clearer. No one would purchase a signed painting by Pablo Picasso, scratch out the painter’s signature, and replace it with his own name. Why? Because along with the painting’s purchase came “a gift that the artist gave,” a “gift not entirely the artist’s own in the first place.” The artist’s signature carries the artist’s “giftedness,” which “came to him as the legacy of his genes and of the artistic tradition in which he worked.” It is this “compound spiritual presence” that makes the painting valuable, and that value—a “gift that keeps on giving” to both the purchaser and his heirs—disappears with the erasing of the signature.

In Turner’s view, Napster invited trouble by desecrating what he calls this “shrine of the gift.” But similarly flawed, he believes, is the action of Bill Gates, “who has reportedly bought the reproduction rights to a large fraction of the world’s works of art.” What Gates has purchased “is a real economic asset, but it is also a sort of zombie, bereft of its connection with its maker and with the maker’s own makers.”

The choices for artists are profoundly murky. Allow greater access to their work, and become like poetry, which, says Turner, has struggled “unsuccessfully with the problems of copyright for over 400 years, and is a poverty-stricken profession as a result.” Or adopt elaborate strategies to ensure the uniqueness of the art—as modernists and postmodernists did, which leads to “disgusting styles or content, bottling oneself up in spiritual contemplation, [or] using transient and fragile materials.” Somewhere in the middle lies the complicated solution to what must become a new kind of transaction between artist and owner, which has “something to do with reproduction—in both senses,” in a new world where “a valuable object can be perfectly reproduced.”

Turner sees hopeful signs in the emergence of the new classicists in the late 20th century—artists such as the painter Audrey Flack and the late sculptor Frederick Hart—who consciously “customize their work for their buyers, so that any work cannot be alienated from maker and purchaser and the relationship between them.” This is the only way, Turner believes, that artists can truly “embody intellectual property in market property.”

OTHER NATIONS

## Asia's Individualists

"Two Funerals and a Wedding? The Ups and Downs of Regionalism in East Asia and Asia-Pacific after the Asian Crisis" by Douglas Webber, in *The Pacific Review* (No. 3, 2001), Routledge Journals, Taylor & Francis, Inc., 325 Chestnut St., 8th fl., Philadelphia, Pa. 19106.

Everywhere in the world, the trend seems to be toward regional integration—except in Asia. The region does have three potential counterparts to the North American Free Trade Agreement (NAFTA) and the European Union (EU), but two have fallen on hard times and the third seems unlikely to succeed.

According to Webber, a political scientist at INSEAD (the European Institute of Business Administration), these three Asian attempts at regionalism share a number of problems.

The 10-member Association of Southeast Asian Nations (ASEAN) is a Cold War relic built on a foundation of anticommunism. It showed signs of life when it helped persuade Vietnam to withdraw from Cambodia in the early 1990s and planned a regional free-trade area. A much larger assemblage, the Asia-Pacific Economic Cooperation Group (APEC), held a summit meeting in Bogor, Indonesia, in 1994, and this organization also showed great promise, reaching what prominent U.S. economist C. Fred Bergsten called "potentially the most far-reaching trade agreement in history." (APEC embraces the major Pacific Rim countries, including the United States and Russia.) Then came the Asian financial crisis of 1997–98, which exposed the underlying weaknesses of these organizations and spoiled their grand plans.

Out of the crisis came a new, albeit more informal, organization: ASEAN Plus Three (APT). Encompassing Japan, China, and South Korea as well as the ASEAN countries, it spoke of launching an East Asian free-trade

zone, moving toward monetary cooperation and possibly a single currency, and other measures. Webber is skeptical that much will come of these ideas.

The big problem is leadership. Experience shows that regional groups must be led either by a benign power (e.g., the United States in NAFTA) or a duo (e.g., France and Germany in the EU). But Japan and China, the APT's big powers, aren't likely either to cede power to each other or to cooperate very closely. Indeed, leadership woes helped cripple Asia's other regional organizations. ASEAN stumbled in part because it was led by Indonesia, which went into crisis after the fall of President Suharto in 1998; APEC failed to implement its ambitious trade liberalization plans because of a clash between its leading duo, Japan and the United States.

The APT enjoys the advantage of a high level of trade among its members—higher than that among the three NAFTA countries. But it shares a handicap with its regional counterparts: It encompasses many diverse countries and even civilizations—Chinese, Japanese, Islamic, and Buddhist. (ASEAN stumbled when it admitted formerly communist countries in the 1990s.) They could be driven together if the United States takes a hostile posture toward Asian regional efforts, but that wouldn't provide lasting glue, Webber thinks.

He speculates that Asia's future may lie not in grand schemes of union but in a more modest network of bilateral free-trade agreements between compatible countries, such as Singapore and Australia.

## Turkey's Choice

"Dreaming in Turkish" by Stephen Kinzer, in *World Policy Journal* (Fall 2001), Q Corp., 49 Sheridan Ave., Albany, N.Y. 12210.

Two words define Turkey today, writes Kinzer, former Istanbul bureau chief for the *New York Times*. The first is *istiklal* (inde-

pendence), which represents for him the country's long struggle to "break away from its autocratic heritage, from its position out-

side the world's political mainstream, and from its fears." But opposing *istiklal* is another word, *devlet*; the "dictionary says it means 'state,' but it also means something much uglier." To Kinzer, *devlet* represents every element of Turkish society that opposes freedom, that keeps it from fulfilling the "glorious historic mission" envisioned by Mustafa Kemal Atatürk in 1923 when he "transformed a shattered and bewildered nation into one obsessed with progress." *Devlet* means "saying no to dissent, no to iconoclasm, no to new ideas, no to the kind of boldness and daring that propelled Atatürk to greatness."

Ever since Atatürk created the modern Turkish state out of the ashes of the Ottoman Empire, Westerners have hoped that Turkey could provide a model in the struggle to reconcile Islam and modernization. Turkey is the key to stability in the Middle East because of its location: Situated at the juncture of Europe and Asia, it is the "gateway to Russia and the Slavic world," and shares borders with Syria, Iraq, and Iran. But though Turkey has a constitution, no one would mistake it for a democracy. Only in 1950 did the military commanders—the de facto ruling class since Atatürk's death in 1938—allow free multiparty elections, and

three times since then they "have staged coups to depose elected governments." After the last coup, in 1980, a new constitution gave the military veto power over government policies.

Violence has strengthened the military's hand. In the 1990s, a series of Kurdish revolts were brutally suppressed. Dissent is nonexistent, and newspapers print nothing without the approval of the military. Foreign powers have limited influence. The United States maintains a strong military relationship with Turkey (home to important U.S. air bases) "while seeking gently to promote the values of tolerance and free choice." The Europeans have denounced Turkey's human rights abuses while dangling the carrot of eventual European Union membership—"a huge prize that will guarantee generations of freedom and fulfillment." But Turkey would first have to become a true Western-style democracy.

What stands in the way? According to Kinzer, the military's efforts to control dissent have effectively eliminated the possibility of open politics. Although there are many educated people in the country, the "military schools are far superior to those most civilians attend," and while Turkey



*Shoppers throng Istanbul's Istiklal Street beneath the ever-present gaze of Kemal Atatürk.*

has talented “writers, thinkers, university professors, and business executives,” its political system excludes them from positions of power. In Kinzer’s view, “in no country is the gap between the quality of the educated elite and the quality of the political class as great as it is in Turkey.”

Many Turks seem resigned. While some younger folk resent the lack of freedom, they also see the military as Atatürk’s inheritor and the most competent institution in Turkish society. Young men must perform military service, and hence Turks “do not fear

their army or consider it oppressive, the way terrified Africans and Latin Americans did when cruel military dictatorships dominated their societies.” On the contrary, many view the military as a bulwark against extreme Islam, the Kurds’ periodic revolts, and the turmoil in neighboring Iran and Iraq.

More than 75 years after the revolution that overthrew the Ottomans, Kinzer says, the country must once again “break free of its shackles and complete its march toward the democracy that was Atatürk’s dream.”

## *China’s Persecuted Catholics*

“A Tale of Two Bishops” by M. A. Thiessen, in *Crisis* (Feb. 2002),  
1814 1/2 N St. N.W., Washington, D.C. 20036.

In a dingy Shanghai apartment, an 83-year-old man in “a moth-eaten sweater and worn slippers” greets the first Westerner he has met in many years. The old man is Joseph Zhongliang Fan, the Roman Catholic bishop of Shanghai. He lives under virtual house arrest, having spent the years from 1955 to 1985 as a prisoner in the Chinese *Laogai*, or gulag.

Fan has been relatively fortunate, writes Thiessen, a Washington writer who was Fan’s visitor that day. “The persecution of underground Catholics in China is systematic, ongoing, and brutal. Bishops, nuns, priest and laity are arrested, beaten—sometimes killed.” Some 1,200 churches have been torn down during the past three years in one province. In 1999, Rev. Yan Weiping was found dead after being arrested while saying mass. He had been beaten and thrown from a window.

No such dangers face Bishop Aloysius Jin Luxian, of the 45-year-old officially sanctioned Chinese Catholic Patriotic Association, which rejects the pope’s authority. Fan and Jin were both protégés of Fan’s predecessor, and both went to jail with him in 1955. Like Fan, Jin spent many years in prison, but he eventually broke. In 1985, he agreed to be consecrated as the Patriotic Church’s bishop in Shanghai, usurping his mentor, and was excommunicated by Rome. Thiessen visited him too. “He looks like the

stereotypical sweet, elderly priest. But his words are bitter—full of disdain for his suffering brothers and sisters who remained loyal to Rome.”

Why does Beijing fear its tiny Catholic minority? China, says Thiessen, “is spiritual dry brush—a small spark could set off a giant spiritual brushfire.” That’s why it has also suppressed the Falun Gong movement.

There are signs of dissension within the Patriotic Church. When the church moved to consecrate 12 new bishops in January 2000—on the same day Pope John Paul II was to elevate 12 bishops in Rome—nine of the men balked and 130 seminarians refused to attend the ceremony.

For all that, Beijing and Rome have been engaged in a delicate dance of reconciliation for several years: John Paul II has acknowledged the church’s errors in China during the colonial period; Beijing apparently sought his prior approval of a new Patriotic bishop. The Vatican “desperately wants to prevent” a permanent breach like the one that led to a separate Church of England centuries ago. Beijing is intrigued, says Thiessen, by a deal that would require the Vatican to sever official relations with Taiwan. Last year, Bishop Fan and Bishop Jin met to discuss the choice of a successor in Shanghai. However, they couldn’t agree on a candidate.

# CURRENT BOOKS

*Reviews of new and noteworthy nonfiction*

## *The Heart of the City*

*DOWNTOWN:*

*Its Rise and Fall, 1880–1950.*

By Robert M. Fogelson. Yale Univ. Press. 492 pp. \$35

*Reviewed by Witold Rybczynski*

**T**he almighty downtown of the past is gone—and gone for good,” Robert Fogelson writes in his stimulating new history of a long-neglected subject. “And it has been gone much longer than most Americans realize.” The second part of this statement encapsulates his provocative thesis: that long before the failures of urban renewal, the intrusions of urban interstate highways, and the competition of suburban shopping malls and office parks, the downtown was on the wane.

The few recent books on the downtown have been works of urban advocacy, arguing that this precious part of our heritage must be saved, revitalized, restored. This approach tends to cast a rosy and nostalgic light on the past. By contrast, Fogelson, a professor of urban studies and history at the Massachusetts Institute of Technology, approaches the subject dispassionately and meticulously, and in the process punctures a few myths.

First of all, he points out the unusualness—indeed, the uniqueness—of the extremely dense, nonresidential district in the center of the city. Although the popular media refer to “downtown Madrid” or even “downtown Kabul,” these cities actually scatter and mix work, entertainment, shopping, and living. They don’t have downtowns in the American sense.

The concentration of the American downtown, particularly in its heyday of the 1910s and 1920s, was extraordinary.

Typically covering less than a square mile, the downtown district included all of the city’s business offices, all of its government offices, most of its professional offices, all of its department stores, most of its large hotels and restaurants, and a host of other services. Conspicuously absent were homes. You didn’t live downtown, but if you wanted to see a lawyer, or go to a nightclub or a movie, or shop, or have



*The Chicago Loop, State and Madison Streets, 1910*

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dinner, this is where you came. On a typical day in 1920, more than three-quarters of a million people poured into downtown Chicago or Philadelphia. “It is safe to say that most people who lived in big cities—as many as one-half to two-thirds, according to one transit engineer—went downtown every day in the mid and late 1920s,” writes Fogelson.

Those who didn’t come on foot often rode a streetcar, another American phenomenon. Philadelphia, an average American city in regard to streetcars, in 1890 had more than three times as many miles of track per capita as Berlin, five times as many as Paris, and eight times as many as London. But as American downtowns became denser and streets more congested, the pace of traffic—streetcars included—significantly slowed.

Something had to be done. Chicago and New York City built elevated railways, which produced a great deal of noise and darkened the street as well as adjacent properties. This “solution” provoked much opposition and didn’t spread to other cities. Underground railways, pioneered in London, were an alternative. But going underground was extremely expensive, and many people believed that it would only increase downtown congestion.

Whereas today support for or rejection of mass transportation often marks the divide between liberals and conservatives, this was not always the case. In the 1920s, opponents of downtown subways and elevated trains included such progressive groups as the Regional Plan Association of New York and the American Institute of Architects. Supporters included downtown businesses and city administrations, for whom downtown property taxes were a major source of revenue. But few American cities were dense enough to justify the cost of rapid transit, whether below or above ground. By the late 1920s, Fogelson writes, the country had only about 350 miles of rapid transit lines (of which a little more than a third ran underground, mostly in New York City and Boston), compared to 41,000 miles of traditional streetcar tracks. The intense debates over mass transit illustrate one of Fogelson’s themes: Americans, even as they built it and used it, felt deeply ambivalent about downtown.

As American downtowns expanded between 1880 and 1930, they tended to get taller. This

is a crucial part of the story, for vertical growth not only created the requisite density, it also tended to raise property values, which discouraged all but commercial and retail uses.

Skyscrapers are a popular symbol of downtown, yet Americans were not universally enthusiastic about tall buildings. Between 1880 and 1910, a remarkable number of cities adopted height limits, often around 10 stories (rather than, as in European cities, six or seven stories): Boston, Baltimore, St. Louis, Cleveland, New Orleans, Los Angeles, Washington, D.C., and even the city considered the cradle of skyscraper architecture, Chicago (though its 130-foot limit was often breached in practice). Holdouts included New York City and Philadelphia—where the majority of early American skyscrapers were built—as well as Detroit, Pittsburgh, and Minneapolis. In the end, tall buildings didn’t really matter. Downtown Philadelphia, which had many tall buildings, and downtown Boston, which had only two buildings higher than 20 floors, declined equally in importance.

The cause for downtown’s decline lay elsewhere. In 1941, John A. Miller, a transportation consultant, observed: “The basic question is whether we can retain the city as a central market place, and at the same time decentralize residences to the extent that everyone lives out in the suburbs or country.” It was a rhetorical question. For more than a decade, the answer had been apparent: Once people lived far from downtown, and especially once they traveled by automobiles rather than the crowded and unreliable streetcars, it was no longer logical to have a single center for the entire metropolitan area. Downtown merchants and bankers built suburban branches, and downtown hotels gave way to suburban motels. Although advocates hailed the downtown as the indispensable heart of the city, many cities flourished despite weak hearts; and the second-largest city in the country, Los Angeles, became an economic powerhouse without ever having an important downtown (Houston, Dallas, and Atlanta later repeated this pattern).

Fogelson describes various attempts in the 1930s and 1940s to stem the tide and bring citizens back downtown. These included expanded mass transit, road improvements, and expanded parking. Immediately after World War II, there was also slum clearance—

the antecedent to the urban renewal projects of the 1960s. If the blighted areas adjacent to downtown could be improved, the reasoning went, the middle class would return, and downtown would thrive once more.

But by then it was too late. The chief reason that Americans stopped going downtown, according to Fogelson, is that they no longer needed to—or wanted to. “For the average person it might have been a thrill to go downtown in the late 19th and early 20th centuries,” he writes. “It might even have been a thrill in the 1920s, when the downtown hotels, department stores, office buildings, and movie theaters dazzled the senses—and, with their doormen, bellhops, elevator operators, shoeshine boys, sales-girls, floorwalkers, and ushers, offered a level of service that all but disappeared in the second half of the 20th century. But by mid 20th century the thrill was largely gone.”

Fogelson breaks off his account in 1950, so he doesn’t deal with the ballyhooed downtown revivals of the 1980s and 1990s. But his balanced, sobering history leaves little doubt that, whatever the future holds for downtown, its

glory days are past. It is now merely one of several metropolitan centers, and in many cities not even the most important one.

*Downtown* contains an evocative photograph of the Chicago Loop—the corner of State and Madison Streets—taken around 1910. The scene is enormously crowded. Lines of streetcars are backed up, and the street is flooded with people who have spilled over from the broad sidewalks. It’s a serious crowd, the men in suits and hats, the women in long, dark dresses. The atmosphere is one of busyness and purposeful activity. What a contrast to downtowns of today, which are almost never this crowded, and whose chief occupants are either the poor or idling tourists. The almighty downtown, which didn’t just dominate the metropolitan region but came to stand for the American city itself, is truly gone.

>WITOLD RYBCZYNSKI is the Meyerson Professor of Urbanism at the University of Pennsylvania. His books include *Home: A Short History of an Idea* (1986), *City Life: Urban Expectations in the New World* (1995), *A Clearing in the Distance: Frederick Law Olmsted and America in the Nineteenth Century* (1999), and *The Look of Architecture* (2001).

## *Bound and Determined*

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*THE CORSET:*

*A Cultural History.*

By Valerie Steele. Yale Univ. Press. 199 pp. \$39.95

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*UPLIFT:*

*The Bra in America.*

By Jane Farrell-Beck and Colleen Gau. Univ. of Pennsylvania Press. 243 pp. \$35

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*Reviewed by Eve Auchincloss*

As Marie Antoinette rode in a cart to her execution, hair cropped and hands tied behind her back, the artist Jacques Louis David, who was in the crowd, did a quick, cruel sketch of her in profile, back arched, and bosom thrust forward but drooping as it would not have done had she been wearing a corset. In all of Vigée Marie Lebrun’s portraits of her, whether in shepherdess muslins or court finery, the breasts are pushed high and the back is proudly straight. Even in the

queen’s last moments, uncorseted, her body assumed the posture that tightly laced stays had exacted throughout her life.

Since the Renaissance, when clothes were first cut and tailored rather than simply draped, aristocratic women—later those of all classes, and men too—improved the body underneath with corsets that affirmed the wearer’s respectability and sex appeal. In a handsomely illustrated history of the corset, Valerie Steele, the author of *Fifty Years of Fashion*

## Current Books

(1997) and the editor of the journal *Fashion Theory*, demonstrates how various were the kinds of corsets, the ways they were worn, and the meanings they conveyed to their wearers. To some they were no doubt oppressive, although conferring gentility; to others, they rendered that matchless sense of being perfectly well dressed. Though tight lacing was probably never so bizarre as cartoons of the day suggest, then as now there was much talk of fashion victims. Montaigne compared women's courage in accepting the rigors of corsetry to that of gladiators and saints.

The sense of discipline, the approach to an ideal achieved by taking a few inches off the waist, lifting the breasts and thrusting them forward—such were the rewards of discomfort. When fashion called for décolletage, as it frequently did during the 400 years of the corset's life, the breasts swelled appetizingly above the close-fitting bodice. One writer observed, "As for her fair Breasts, they are half imprisoned, and half free; and do their utmost endeavor to procure their absolute liberty." One thinks of Samuel Johnson declining to visit David Garrick's green room, lest the "white bubbies" of the actresses overexcite him.

Although tightly laced bodices had been de rigueur since tailoring first began, the durable fashion seems to have been introduced by Catherine de Medici. The strict, boned corset was to be the norm until about World War I. In the beginning a blade of whalebone, called a *busk*, was set in a pocket running up the front. In time, more bones were added on the sides. One 18th-century corset that survives has 162 pieces of whalebone. Goya's paintings of the Maja stretched out on a couch, dressed and undressed, clearly illustrate how the natural form had come to be seen through an invisible corset. Her waist is pinched; her breasts are separate, high, and firm as marble.

Artists and caricaturists had a field day with the corset. In many a boudoir scene, a woman in her stays converses easily with an unabashed gentleman caller who watches while the maid tightens the laces or helps her mistress wriggle into a gorgeous dress. Thomas Rowlandson's *A Little Tighter* shows a slender man desperately struggling to lace up the stays of a porcine female. In a Gavarni drawing, a man unlaces his wife, puzzled that the knot at the bottom is different from the one he tied that morning.

Women clung to their stays while philosophers and medical men, echoing Rousseau, inveighed against them. One French writer argued that they degraded the human race; an Englishman observed that the stay gave "a stiffness to the whole frame, which is . . . an enemy of beauty." Indeed, in the wake of the French Revolution, clothes grew looser and corsets less taut, often achieving their purpose without bones. The waist disappeared, and the bosom became the focus of attention. But by the 1820s the boned corset was back, more essential than ever, with its contradictory but irresistible message of straitlaced propriety and sexual allure. "Niggardly waists and niggardly brains go together," one famous reformer declared late in the 18th century, and produced a tortuous argument explaining why corseted women scream at the sight of a mouse.

Steele devotes many pages to the alleged medical consequences of corsetry. The list of possible troubles is fantastic, including apoplexy, hysteria, asthma, kidney disease, dropsy, epilepsy, hemorrhoids, hunchback, and on and on. Absurd, but in a few cases not wide of the mark. Breathing was indeed impaired, so that the corseted woman drew shallow breaths in the upper diaphragm (though one consequence of this was a pretty fluttering of the bosom). Breathlessness would be common, and fainting during vigorous exertion not uncommon. (When corsets became easier to lace and unlace, maids were no longer indispensable; in the event of "swooning, vapours, oppression, and spasms," a helpful bystander could quickly undo the knot.) Constipation was another plausible consequence, and corsets could possibly have contributed to miscarriages and prolapsed uteruses. But the incensed critics would have nothing less than that corsets "lay their victims in the grave . . . loaded with guilt."

At the outset of the 20th century a new corset claimed, without much foundation, to be more comfortable. It had a metal busk running down the front that made the wearer arch her back and thrust out her chest and rump, the now low-slung bosom assuming a pouter pigeon form. The result was a weird S-shape that threw the wearer off balance. Even so, this vogue lasted a good decade, until the liberating garments of Paul Poiret,

Madeleine Vionnet, Lucile (Lady Duff Gordon), and Coco Chanel rendered small waists and monobosoms obsolete.

And yet the issue of tight lacing was not quite dead. It returned with Christian Dior's New Look in 1947 and has been kept alive since by fetishists. One of these, whose corset-compressed ribs are illustrated in an x-ray, is also photographed in a dazzling costume worn over a grotesquely pinched waist not much bigger around than her upper arm. Her breasts are unalluringly squashed against her chest and her face registers what looks like acute distress. One can't turn the page fast enough.

Steele quotes from a wealth of letters written to magazines during the 19th century describing tight lacing in fetishistic language.

There is talk of discipline, compulsion, suffering, and submission, and descriptions of the sensations induced in the wearer as delicious, superb, and exciting. Some of the tales of boarding schools where the girl (or boy, for that matter) is tight laced until a 13-inch waist is achieved read like excerpts from pornographic novels.

A state of partial undress does carry a peculiar sexual charge. Édouard Manet painted the courtesan Nana in a blue satin corset and frilly petticoat, blue stockings, and high-heeled shoes. Only her face and arms are bare, yet the painting is certainly erotic. "The satin corset may be the nude of our era," said Manet. In 1878, a painting of a nude asleep on a bed while her lover watches caused a scandal owing to one seemingly innocent element: the pile of clothes on the floor in the foreground—starched petticoat and red corset—to which the fascinated eye is drawn. The discarded clothes were suggested to the painter by his brilliant friend Edgar Degas, who understood the subversive life of inanimate objects, "corsets, for instance, that have just been taken off and that seem to retain the shape of the body."

With the 20th century, the corset became a little problematic. Those of 1900 were mon-



Tight Lacing, or Fashion before Ease, by John Collet (1770–75)

strous, but since they gave the breasts no support, they did start women wearing proto-brassieres. The brassiere was to be the undergarment of the new century, though corsets had not really gone. They lingered on as the girdle well past midcentury, and have resurfaced in spasms ever since.

**U**plift: *The Bra in America*, by Jane Farrell-Beck, a professor of textiles and clothing at Iowa State University, and Colleen Gau, a writer and businesswoman, takes up where the corset began to leave off—or be left off. As various light and loosely fitted fashions succeeded the pouchy monobosom of 1900, the desirability of a brassiere became apparent. Advertisers described going braless as "vulgar, unhygienic, and incorrect."

Their products began to have more alluring names—"Blue Canoe," "Bonzette," "Fancee Free"—and innovations came thick and fast. Underwiring was devised as early as 1923; adjustable straps followed. The Great Depression hardly affected underwear sales, and bra makers went on from the gentle curves of the 1930s to a pointy "belle poitrine" exemplified by the Sweater Girl. *Brassiere*, originally a Norman word describing a boy's jacket, was supplanted by *bra*, just as pajamas

became pj's. Cups sized as A, B, C, and D came in during the late '30s. Young wearers had their own categories: *nubbins*, *bubbins*, *chubbins*, *droopers*, and *super-droopers*.

The war brought plenty of customers but not enough raw material. Shortages produced bras made of coarse, colorful Mexican cotton; the flat chested wore padding of milkweed fuzz. In the military atmosphere of the 1940s the torpedo bra silhouette was introduced, "which turned breasts into a pair of nose cones," as the authors put it. (It survived, unfortunately, into the 1960s.) Bombs may have been more important than bras, as one advertiser said to excuse late orders, but the Sweater Girl was an essential morale builder among the troops.

After the war, brassiere makers competed for attention with amusing, sometimes bizarre features. The "Mon-e-Bra" had a zippered compartment in which to stow cash; strapless bras abounded; there was a number featuring ocelot fur; "Très Secrète" was inflatable—you adjusted your size to suit the occasion. Advertising such as Maidenform's "I Dreamed" campaign, which variously depicted the supposed female fantasy of disporting in public while clad only in a bra from the waist up,

became as important as new designs. But there could be slips. "I Dreamed I Was a Matador" went over like a lead balloon in the Spanish-speaking world.

In the 1960s, the women's movement brought chaos and the threat of extinction. Bras were for burning, and girdles mercifully dropped out of sight with the appearance of pantyhose. By 1969, say the authors, legs were in and breasts were out. Twiggy, measuring 31–24–33, represented the new ideal.

The ideal didn't last long. Today, the profits in this business are considerable. In 1999 Victoria's Secret grossed \$2.1 billion, and it is not even one of the biggest makers. The irony is that because of costs—Warner's spent a million dollars to develop a stretch strap—almost all bras are now made abroad; simply sewing on a label justifies claiming them to be "Made in U.S.A."

The *Uplift* authors' survey among older women found that about half of their respondents don't like to wear bras, made in the U.S.A. or not, while many have given them up entirely and don't give a damn about fashion.

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## Catching the Conspirators

LINCOLN'S ASSASSINS:  
*Their Trial and Execution.*

By James L. Swanson and Daniel R. Weinberg. Arena Editions. 151 pp. \$45

*Reviewed by Thomas Mallon*

The literal theatricality of Abraham Lincoln's assassination, that audience participation event in which John Wilkes Booth broke the fourth wall, has blinded the average citizen's historical memory to much else that transpired in Washington on that night and over the following three months. Booth's supporting cast—the conspirators who plotted at Mrs. Surratt's boarding house (with or without her knowledge)—are more or less forgotten now, but in the spring and summer of '65, following

the death of the spectacle's murderous star, they served the country as emotional understudies. "Their names were on every citizen's tongue," write James Swanson and Daniel Weinberg in this weirdly handsome pictorial recreation of the conspirators' hooded imprisonment, military trial, and, for four of the eight, quick execution. "Newspapers in every city, town, and hamlet across the country wrote about them. People bought their photographs." The episode was, according to the authors, "a

landmark in the history of American journalism and popular culture,” and anyone who examines this coffee-table assemblage of old documents and images will be hard-pressed to dispute their judgment.

Signing off on their preface in July 2001, Swanson and Weinberg could not have anticipated the peculiar relevance their text would acquire by fall. When President Andrew Johnson agreed with Secretary of War Edwin Stanton’s insistence upon a military trial, he sparked this now familiar-sounding criticism from Lincoln’s former attorney general, Edward Bates: “Such a trial is not only unlawful, but it is a gross blunder in policy: It denie[s] the great, fundamental principle, that ours is a government of *Law*, and that the law is strong enough, to rule the people wisely and well; and if the offenders be done to death by that tribunal, however truly guilty, they will pass for martyrs with half the world.” (Stanton did give way enough to allow the public and press into the proceedings, but the nine judges, Swanson and Weinberg remind us, were “most of them army generals and not one of them a lawyer.”) Along with debate over judicial procedure, the trial gave rise to a discussion—again contemporary seeming—of whether the Confederacy had plotted “to spread yellow fever throughout the North and win the war by contagion instead of the cannon.”

The most absorbing items in this display—photographs that Alexander Gardner made of the accused, on the deck of their initial shipboard prisons and later on the scaffold—establish a connection between this sepia subject and our whole age, not just the present military moment. The only photos Gardner copyrighted were ones he took of the man who had stabbed Secretary of State Seward, Lewis Powell (alias Lewis Payne), whose hunky looks and physique set him quite apart from the rest of Booth’s ragtag associates. Swanson and Weinberg speculate that Gardner may have made so many Powell pictures, in such various poses, “to show to members of Seward’s household to establish Powell’s identity as Seward’s assailant,” but the authors go on to note the “directness and

modernity” of the images in which “Powell leans back against a gun turret, relaxes his body, and gazes languidly at the viewer.” Indeed, Powell, whose picture earns the back cover of this new book, looks exactly like a blank-eyed beefcake in a Calvin Klein underwear ad. With Booth gone, Powell was, however unacknowledged in psyches mourning Lincoln, the New Boy.

He didn’t die quickly, either. Once the drop fell from the scaffold erected in the yard of Washington’s Old Arsenal Penitentiary, according to the *National Intelligencer*, Powell’s muscles continued contracting for at least seven minutes: “At one time he drew himself up so far as to assume the position one would take in sitting down.” Powell’s is one of the bobbing, struggling bodies that appear as a blur in Gardner’s execution photographs. The pictures render him a kind of stage star making the leap to motion pictures.

Swanson is an attorney and author who has been collecting Lincolniana since he was 10; Weinberg owns Chicago’s Abraham Lincoln Book Shop, a remarkable store known to any writer who has ever ventured into the life of the 16th president. Their *Lincoln’s Assassins* has a careful but definite point of view. (The descendants of Samuel A. Mudd, the doctor who set Booth’s broken leg during his flight from Ford’s Theatre, will not be using this book in the family’s long-running campaign to clear their ancestor’s name.) The volume’s lavish, painstaking production allows many of the reproduced printed materials to be not only savored in their yellowish antiquity, but actually read off the page in something like their original form. Still, for all its scholarly utility, there’s no getting away from the book’s function as a gruesome reliquary, one that allows a strangely thrilling visit to the patch of ground—now a tennis court—over which Lewis Powell and his confederates, in their varying degrees of guilt, once dropped to their deaths.

>THOMAS MALLON is the author of 11 books, including a novel about two bystanders at Lincoln’s assassination, *Henry and Clara* (1994), and the newly published nonfiction work *Mrs. Paine’s Garage and the Murder of John F. Kennedy*.

## ARTS & LETTERS

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**SINCLAIR LEWIS:**  
*Rebel from Main Street.*

By Richard Lingeman. Random House.  
659 pp. \$35

In 1960, at a writers' luncheon at Trader Vic's in San Francisco, I said to Mark Schorer that, having spent so many years working on his monumental biography of Sinclair Lewis (1885–1951), he must have grown very fond of his subject. "On the contrary," he replied. "I like him less every day, every week, every month, and every year."

It's hardly the attitude of an objective biographer, as Schorer's damning *Sinclair Lewis* (1963) proves. Now Lingeman, a senior editor at the *Nation* who wrote a two-volume biography of Theodore Dreiser, helps to set the record straight. Every bit as detailed and as thoroughly researched as the Schorer tome, Lingeman's book provides a far more empathetic picture of the talented, tortured, and ultimately tragic creator of *Main Street* (1920), *Babbitt* (1922), *Arrowsmith* (1925), *Elmer Gantry* (1927), and many other novels.

Since the publication of this eminently readable biography, I have found myself frequently consulted on the sage of Sauk Centre—for I am surely the only person still alive who lived with Sinclair Lewis. He was the principal figure in my life during five months of 1947, and his presence stays with me vividly to this day.

At age 25, while visiting my parents in Santa Barbara, California, I read that Lewis was in town for a few weeks. I sent a note asking to meet him. Probably the most famous and wealthiest novelist in the world, he was also America's first winner of the Nobel Prize for literature, so I was surprised and elated when he invited me to tea. He asked to read the first 75 pages of the novel I was working on, and the next day he advised me to throw away the first 72 of them. He asked for the next 75, called at 2 A.M. to say he liked them, and offered me a job as secretary-companion at his home in Massachusetts "as soon as you learn how to play chess."

At 62, he was tall and fiercely ugly, quite the ugliest person I had ever seen, with a scarlet

face ravaged and pocked and cratered from operations for skin cancer. Yet when he started to talk, one no longer was aware of a face, but only of a powerful personality and a towering imagination and great boyish enthusiasm. Lingeman quotes John Hersey's remark that when Lewis spoke, "his face suddenly turned on, like a delicate brilliant lamp."

I had a fantastic run as Lewis's secretary, but it ended abruptly when I brought my 26-year-old girlfriend on the scene. The aging novelist fell in love, fired me, and pursued this young lady—and his youth—even to Europe.

During those months, those exhilarating months, I did an oil painting of Lewis. He refused to look at it, but it turned out well by my lights, and it now hangs at the University of Texas at Austin. Over my desk I keep a large copy, which chides me daily—I hear him snarl, not unkindly, "You can write better than *that!*" Lingeman ends his wonderful biography in italics: "*He really cared.*"

Ernest Hemingway was once quoted as saying, in his usual vicious way, "Sinclair Lewis doesn't matter." But I suspect that in a hundred years, when people want to know what America in the first half of the 20th century was all about, they will turn not to Hemingway's jaded expatriates but to Carol Kennicott, George Babbitt, Samuel Dodsworth, Martin Arrowsmith, and Elmer Gantry.

—BARNABY CONRAD

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**A JACQUES BARZUN READER:**  
*Selections from His Works.*

Edited by Michael Murray. HarperCollins.  
615 pp. \$29.95

Why should a book as enthralling as this leave a reader dismayed? Because it prompts a sobering question: Where are today's Jacques Barzuns, heirs to the nonagenarian cultural critic's range, wit, style, and appeal? The original was born in France in 1907 and came to the United States in 1920. He graduated from Columbia College in 1927 and stayed on at the university for almost 50 years—to earn degrees, join the history faculty, be professor, dean, and

provost, shape the field of cultural history, and become an ornament to the intellectual life of the nation. He edited the first of his 35 books as a college senior, and published in 2000 the most recent, the best-selling *From Dawn to Decadence*, an 800-page *summa* of his beliefs about the course (now downward) of Western cultural life since 1500.

The perfect epigraph to this selection of writings from Barzun's long career comes from the man himself: "The finest achievement of human society and its rarest pleasure is Conversation." The intent of a critic, "beyond that of saying what he thinks," is in effect to initiate a conversation, "to make two thoughts grow where only one grew before." Barzun's life-long project has been to elucidate "the critical judgments that lead to truth." He writes with great authority, out of an ordered set of reflections, conclusions, and convictions, yet he always seems open to challenge. But the challenger had better be prepared: If we are to arrive at the truth, "it is always important to think straight, which means keeping words as strict as possible."

The genre of cultural history Barzun helped to create embraces just about everything that, in editor Murray's words, "might help to depict the substance, the feel, the import of the past." The limits "are fixed by the breadth of the practitioner's knowledge, eloquence, and tact." And practitioners don't come more knowledgeable, eloquent, tactful—well, maybe more tactful—than Barzun. He made a field equal to his boundless curiosity: "Variety and complexity are but different names for possibility; and without possibility—freedom for the unplanned and indefinite—life becomes a savorless round of predictable acts." No topic is too large, no detail too negligible, to engage his attention. He wants to explain great swatches of history, and he's willing to pick at the smallest threads to do so.

Barzun renders judgments about topics that furrow the brow, such as art, science, democracy, pedagogy, and sex and sexuality (the latter an abidingly powerful force in literature, the former as routine as a plumber's manual), and topics about which everyone can breathe a little easier, such as crime fiction and baseball ("a kind of collective chess with arms and legs in full play under sunlight"). He writes, *inter* a humbling number of *alia*, about French vow-



Barzun made the cover of *Time* in 1956.

els, Lincoln's astonishing prose, the James brothers (William and Henry, though he probably could have done Jesse and Frank too), Oscar Wilde ("one of the critics thanks to whose exertions Western art is unique in being an object not only of enjoyment but also of self-aware contemplation"), the first railroads, life in Paris in 1830, the true mission of universities and the proper responsibilities of their administrators (he is proud of having revised, while in office at Columbia, a series of forms—not Platonic forms, just plain old paper forms of the sort that are the thin life's blood of university routine), and critics who don't understand their place ("criticism, however lofty, profound, subtle, and divinatory, remains exposition and analysis; it is referential and argumentative; it is not original, creative, independent of a text or a theory"). Time and again, he challenges the received view that rests on false or second-hand information. The message is plain: Return to the primary evidence, see it with fresh eyes, and report what you have seen, no matter the consequences.

Barzun once wrote that George Bernard Shaw "remains the only model we have of what the citizen of a democracy should be: an informed participant in all the things we deem important to society and the individual." Ease your chair over a bit, Shaw. Barzun has earned a seat in your high row.

—JAMES MORRIS



Mary Colter's design for a "typical stone cottage" at the Grand Canyon's Indian Gardens section

**MARY COLTER:**  
*Architect of the Southwest.*

By Arnold Berke. Princeton Architectural Press. 320 pp. \$35

After the West was won, somebody had to imaginatively lose it. During the first decades of the 20th century, that task fell to Mary Elizabeth Jane Colter (1869–1958), the Minnesota-bred daughter of Irish immigrants. Working for the nation's chief promoters of western tourism, the Fred Harvey Company and the Santa Fe Railroad, Colter "restored," for American consumption, the indigenous architecture of the dispossessed, creating hotels, train stations, shops, and restaurants modeled on Native American and Hispanic cultures. Colter even built "ancient ruins," such as the Grand Canyon National Park's Watchtower, its weathered, craggy façade covertly supported by steel girders.

The art critic Robert Hughes once called Colter a pioneer of "the American theme-park mentality." That backhanded tribute did at least anticipate a time when Colter's genius for "oldening things up," as the architect herself put it, would look pretty impressive. After years spent riding through the Southwest on horseback, sketching pueblo ruins and Hopi villages, Colter knew all the uses for stone, brick, tile, iron, glass, and textiles. Her careful reinterpretations became the great architectural legacy of America's railroad culture. Colter's work would not be matched during successive waves of automobile-based tourism.

With this gracefully written account, Berke, an architectural historian and preservationist, provides the first serious study of Colter's contribution. Whether from discretion or ignorance, he says almost nothing about her personal life. Though beautiful as a young woman,

Colter never married and apparently didn't form intimate attachments with men; nor did she care for the company of women as a class. She appears to have been a singularly tough-minded character whose work was her passion.

Hopi House (1905), Colter's first project for the Harvey Company, was built of local stone and wood to look like the ancient village of Oraibi in Arizona. An ersatz trading post stocked with Native American arts and crafts, Hopi House symbolized the partnership between commercialism and romanticism embraced by the Harvey Company. If the paternalism of her employers bothered her, Colter never complained. Rather, she made sure that the local Indians hired to perform the traditional dances knew their steps, and that the artisans charged with producing "ancient" murals and traditional sand paintings worked by the book.

Like Frank Lloyd Wright, who once designed a home without closets (his distraught client had too many possessions anyway, Wright coolly insisted), Colter must have been a nightmare to work for. At age 76, she was still making her crew of masons tear up a fireplace repeatedly to achieve just the right degree of "casualness" in the brickwork. Still, she earned respect because she demanded nothing she couldn't deliver. She could lay adobe bricks, mix plaster washes, and fix viga joints better than most tradesmen.

Colter retired to Santa Fe in the 1950s. She had amassed an exceptionally valuable collection of Native American jewelry and pottery, but her favorite possession—some drawings made by Indian prisoners after the 1876 Battle of the Little Bighorn—had no monetary value. The drawings had been given to the family when she was a child, and she had hidden them under her mattress, defying orders to burn them in case of

smallpox contamination. Shortly before she died, Colter donated the drawings to the Little Bighorn National Monument—her way, perhaps, of giving back to a dying culture what she'd stolen in good faith.

—A. J. HEWAT

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**THE REBUKE OF HISTORY:  
*The Southern Agrarians and American  
Conservative Thought.***

By Paul V. Murphy. Univ. of North Carolina Press. 351 pp. \$49.95 cloth, \$19.95 paper

Intellectuals cultivate what Freud termed the “narcissism of small differences,” so it’s no surprise that the intellectual history of American conservatism embodies as much contention as consensus. Even so, for those who like their history simple and linear, the story Murphy tells with such thoroughness and insight will come as a rebuke, as it were. A professor of history at Grand Valley State University in Michigan, he offers a dense but cogent account of how the radical movement known as Southern Agrarianism became one of the main strands of American conservatism.

Agrarianism’s manifesto, *I’ll Take My Stand: The South and the Agrarian Tradition* (1930), was written by “Twelve Southerners,” including poet-critics John Crowe Ransom and Allen Tate, and novelist-poet-critic Robert Penn Warren. The Agrarians contended that an agricultural economy was uniquely suited to human flourishing, and that the values and traditions of an agrarian ethos were ideal to support a stable, coherent society that emphasized family and community. Such a traditional social order was hostile both to state power and to the untrammelled market, while inclined toward natural piety and religious

observance. As the prime historical exemplar of such an ideal order, the Agrarians unapologetically touted the antebellum South. Not surprisingly, and not entirely unjustly, they were accused of being economic reactionaries, cultural and social traditionalists, and racists.

In the more affluent but anxious Cold War era, the Agrarians and their followers shed the agricultural emphasis and became identified with a general defense of traditional Western-Christian culture against the acids of modernity and secularism. As such, the movement was seduced by William F. Buckley’s largely successful “fusionist” effort to create a broad church of conservatism, with latter-day Agrarians such as Richard Weaver and M. E. Bradford generally siding with the traditionalist (as opposed to the libertarian) wing. By the 1980s, Agrarianism had transformed itself once again, this time becoming a largely academic exercise caught up in questions about the survival of southern identity.

In a book with many virtues, Murphy skillfully charts Agrarianism’s twists and turns. Along the way, he lucidly explicates—and then criticizes—positions with which he clearly disagrees. He emphasizes the Achilles’ heel of race and slavery that southern conservatives, except for Robert Penn Warren and a few others, never really overcame.

Beyond race, Agrarianism’s problem was that it never had the courage of its convictions against finance and industrial capitalism; nor was it willing to take a stand on the environmental damage inflicted by capitalist as well as socialist economies. Rather, it took the easy way out by embracing American conservatism’s obsessive hostility to the state. In doing so, southern conservatism acquiesced in the late-20th-century version of the Gilded Age.

—RICHARD H. KING

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## CONTEMPORARY AFFAIRS

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**FOOLED BY RANDOMNESS:  
*The Hidden Role of Chance in the  
Markets and in Life.***

By Nassim Nicholas Taleb. Texere.  
203 pp. \$27.95

You are considering an investment adviser with an admirable track record:

For 10 years, through good times and bad, he has consistently made profits for his clients, even as other advisers have crashed and burned. If you are convinced his methods are lawful but know nothing else about how he picks winners, should you hire him?

Most of us would say you can't argue with success. If he has managed to make profits over a sustained period, he must have a knack for anticipating the market, and it's a pretty good bet he'll keep it up. This, hedge fund operator Taleb tells us, is an example of being fooled by randomness. The investment adviser's long string of successes may be only a streak of good luck that will end once you hand him your money.

Counterintuitively, even a long series of wins can be the result of chance; it all depends on how many attempts you make. If one person starts flipping a coin, it is highly unlikely that his first 20 flips will be heads. But let's say you gather a million coin flippers in a stadium and, after every flip, you ask those who got tails to leave. After 10 flips, there will be about 1,000 left; after 15 flips, about 30. Each survivor can justifiably claim to have an enviable record in coin flipping, yet we can confidently say that about half of them will get tails on the next flip. Some will get 17 or 18 consecutive heads, and one may even get 20, yet—extraordinary as that record may be—no rational person would give more than 50/50 odds that the 21st flip will also be heads.

This is easy enough to recognize in theory but devilishly hard to apply in practice. The successful investment adviser's track record—taken in isolation—looks impressive. Our minds are geared to extract order from chaos, and we resist the possibility that his success might be due to dumb luck.

Using a variety of imaginative examples, Taleb reminds us that we view the world through the lens of survivorship bias—we tend to consider only the few winners and not the many losers in a particular endeavor. The hotshot investment adviser enjoys an aura of competence because we find it hard to imagine that someone could do so well based on luck alone. But viewing him in isolation is a mistake; many people entered the business at the same time, and it was statistically quite probable that a few would wind up having unusually long winning streaks. Yet good luck in the past, no matter how sustained, is no guarantee of good luck in the future. Taleb gives many examples of investors who lost huge sums by entrusting them to traders with excellent track records.

Is there no such thing as competence, then? Taleb does not go quite so far: "I never said that

every rich man is an idiot and every unsuccessful person unlucky, only that in absence of much additional information I prefer to reserve my judgment. It is safer."

In reality, there is no safe harbor. Reliable information costs money and time; opportunities may be lost. Even though success may be the fruit of good fortune, it may also be the result of competence, or a combination of the two. We live in a world of probability and must make judgments on the evidence available within a finite amount of time. While it is important to remember, as Taleb shows in his charming and colorful book, that randomness can fool us, ignoring the most obvious inference from the available evidence can lead to errors as well. In the end, we cannot escape making judgments—and hoping for a little luck to help us along.

—ALEX KOZINSKI

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*THE UNFINISHED BOMBING:  
Oklahoma City in American Memory.*

By Edward T. Linenthal. Oxford Univ. Press. 304 pp. \$30

Death is a cultural commodity in the work of Linenthal, empathic chronicler of acts of civic memory. He has already written books on battlefield preservation and the Holocaust Museum, and now he poses anew the question, How do Americans seek to purify or sanctify scenes of mass violence? *The Unfinished Bombing*, while obviously not conceived as such, is also counterpart to future books on the World Trade Center tragedy. Linenthal's account of the dedication of a grand memorial on April 19, 2000, the fifth anniversary of the Oklahoma City disaster, cannot but be read in anticipation of how New York will memorialize September 11, 2001.

The Oklahoma City bombing occurred at 9:02 A.M., virtually the same time of day that Manhattan experienced what Linenthal terms the "last moments of ordinary time." Oklahoma City, too, offered symbols of unspeakable shock—blasted bits of paper settling like snow, a child's charred sneaker, pagers going off inside the rubble—followed by makeshift memorials, diatribes about cowardice and evil, and, of course, initial assumptions of Muslim culpability. But this painstakingly researched book is less a tale of ter-



*At the Oklahoma City National Memorial, dedicated on April 19, 2000, each bronze-dipped chair bears the name of a bombing victim.*

ror than a portrait of a community's five-year campaign to restore peace to its collective heart by discovering an enduring lesson.

Linenthal lays out the so-called progressive narrative (grit brings out the generous and good), the redemptive narrative (a victim's father speaks out against capital punishment), and the toxic narrative ("we still find pieces of glass in our library books"). The book's most indelible story concerns Baylee Almon, the one-year-old whose lifeless body in the arms of fireman Chris Fields became an iconic photographic image. Linenthal brilliantly captures the fetishization of Baylee and the rude exploitation of the baby's mother, with entrepreneurs hawking T-shirts, statues, keychains, even a phone card that promised to "*memorialize* the tragedy . . . in a way that no other depiction ever could."

Linenthal points a critical finger when he accounts for divisions among Oklahomans in deriving meaning from events or in arguing over who qualifies as a "survivor." He handles the design competition for the Oklahoma City memorial with similar skill. But he is often hesitant to criticize the voices he records. To read this book is to sit through an interminable parade of banality: citizens recommending that road signs near the site read "Drive

Carefully / Angels Crossing," television commentators proclaiming the nation "one family." Subtle analysis could have replaced much of the democracy in these pages.

As poignant as his words often are, Linenthal starts and stops with a portrait of the survivor mentality. He chooses not to speculate about the modern meaning of terror, or to address such issues as vengeance. Are there lessons to emerge from the crisis and its resolution? Yet perhaps the unsatisfying aftertaste on finishing this book isn't the fault of the author. As Rev. Robert Wise remarked after seeing the remains of dismembered children from the Murrah Building, "We are not made to understand."

—ANDREW BURSTEIN

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***THE NEW THOUGHT POLICE: Inside the Left's Assault on Free Speech and Free Minds.*** By Tammy Bruce. Prima Forum. 300 pp. \$23.95

There is much to quibble about in this polemic, but to judge it by the standards of an academic treatise, or even those of a comprehensive popular book, would be to miss an absolute jewel with a vitally important message. Bruce points out the futility and the dangers of trying to advance civil rights by restricting civil liberties. Along the way, she provides an insider's—indeed, an apostate's—account of the hostility that much of the contemporary Left feels toward independent thinking.

A columnist and a former president of the Los Angeles chapter of the National Organization for Women (NOW), Bruce sets the tone with the story of the *Dr. Laura* battle. While preaching toleration of gays and lesbians, TV talk-show host Laura Schlessinger expressed the view that homosexuality results from a "biological error." Led by the Gay and Lesbian Alliance Against Defamation (GLAAD), a coalition of feminist, gay, and purportedly antibigotry organizations launched a mammoth protest. It aimed not to discredit Schlessinger's ideas, which were widely and wildly misrepresented, but to silence her. "If she can't be controlled," GLAAD executive director Joan Garry is quoted as saying, "she must be stopped." Major advertisers abandoned *Dr. Laura*, TV stations moved it from mid-morning to postmidnight slots, and the production com-

pany finally canceled it.

Bruce characterizes herself as “an openly gay, pro-choice, gun-owning, pro-death penalty, liberal, voted-for-Reagan feminist,” an ideological blend that didn’t endear her to feminist leaders. When Bruce led the Los Angeles NOW chapter, the organization’s national leadership pressured her not to criticize O. J. Simpson as a wife beater. Alienating black organizations and leaders could endanger the coalition built around race, gender, ethnicity, and sexual identity. Liberation, Bruce realized, was secondary; the principal goal was defending this alliance of victims.

Though Bruce’s descriptions of the deprivations of the contemporary antiliberty Left are compelling and, from my own experience, on target, her explanations sometimes sound a bit facile. She notes the double standard embodied in university speech codes, for instance, but says little about its philosophical origins. Her concluding chapter equates devotion to capitalism with devotion to liberty, an argument that overlooks the long tradition of leftists devoted to free speech—not to mention the occasional capitalist who would gladly tolerate a police state so long as the trains run on time.

Bruce is at her best when telling stories, some of which are more extraordinary than she realizes. During the Simpson trial, she wrote to Judge Lance Ito and complained that he was treating prosecutor Marcia Clark with less courtesy than he was lavishing on the male attorneys. At Ito’s invitation, Bruce and a fellow NOW leader went to the judge’s chambers for a private, off-the-record meeting. Afterward, Ito seemed to treat the female prosecutor with greater respect. “Although that event did not have an impact on the trial’s eventual outcome,” Bruce writes, “it’s an example of a kind of activism that can and must be engaged in.”

It’s also the kind of activism that, had Simpson been convicted, might well have triggered a reversal. Judges aren’t supposed to meet with partisans in the middle of a trial, even partisans seeking nothing more than courtroom courtesy. But the lack of legal sophistication that allows Bruce to tell the Ito story so innocently also accounts for much of the unvarnished power and directness that make her book a valuable contribution to the literature of liberty.

—HARVEY A. SILVERGLATE

## HISTORY

### *TAKING HAITI: Military Occupation and the Culture of U.S. Imperialism, 1915–1940.*

By Mary A. Renda. Univ. of North Carolina Press. 414 pp. \$49.95 cloth, \$19.95 paper

No one who has been to Haiti is likely to forget the experience, and almost everyone who has been there retains an interest in the country and its culture. It is one of those countries that, though small and unimportant from an economic or political point of view, has a history that reaches beyond its boundaries, a history of unequalled tragic grandeur. Haiti’s heroic but unsuccessful search for security and freedom seems profoundly to epitomize the individual human condition.

President Woodrow Wilson sent American troops to stabilize Haiti in 1915, and they remained until 1934. At first sight, an account of the occupation through the lens of current

academic obsessions with race, gender, and class might seem a depressing prospect, an opportunity for the mechanical repetition of ideological clichés, but Renda transcends the genre by the excellence of her writing, the quality and interest of her evidence, and her temperate voice.

Renda sets out to deal with the American attitude toward Haiti rather than with the Haitian attitude toward America. She first asks what the Americans thought they were doing in Haiti, from presidents down to the marines who carried out the occupation. Were they restoring order to a chronically chaotic country, bringing Christian civilization to benighted pagans, securing a strategic base at Môle St. Nicholas (one of the few deep-water harbors in the Caribbean), seeking new markets and economic domination, or some combination of all these? Although no definitive answer can be

given, Renda conveys the texture of the occupation by examining a number of unusual and revealing sources, such as the postcards the marines sent home and the private correspondence of their commander.

The author writes scathingly about the Wilsonian highmindedness that sent marines into Haiti in the first place. She sides with George F. Kennan, who, in *American Diplomacy, 1900–1950* (1951), saw more of a threat to world peace in a foreign policy that allegedly pursued abstract ideals than in one that openly pursued concrete national interest. Wilson, thinks Renda, was an archetypal liberal humbug who was unable to see any contradiction between the occupation in practice of Haiti and the right in theory of small nations to self-determination. Similar contradictions characterized the occupying troops, whose actions were sometimes philanthropic and sometimes brutal.

The second half of the book concerns representations of Haiti in American pulp fiction, plays, serious novels, films, plastic arts, and even wallpaper. For some years before World War II, Haiti was an object of fashionable interest (Eugene O’Neill’s play *The Emperor Jones* started the ball rolling). It was seen by turns—and sometimes at the same time—as dangerous, sexually alluring, primitive, exotic, noble, and culturally authentic. People used Haiti according to their purposes: American racists saw its history as proof positive that blacks were unfit to rule themselves, while American blacks, smarting under segregation and other disabilities, saw in figures such as Toussaint L’Ouverture and le Roi Christophe proof that black heroes could equal white ones. It is the author’s thesis that exposure to Haitian themes had a profound effect on American race relations.

Renda’s discussion of these matters is subtle, honest, and evenhanded, where it could easily have been strident. One lesson from this most interesting book is that while powerful nations can change small ones, they cannot mold them into any shape they choose. Neither men nor nations are putty. This is a lesson that has still not been fully assimilated in the corridors of power.

—THEODORE DALRYMPLE

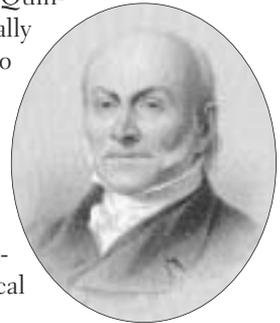
**AMERICA’S FIRST DYNASTY:  
*The Adamses, 1735–1918.***

By Richard Brookhiser. Free Press.  
244 pp. \$25

Why family political dynasties come into being is not altogether clear. Name recognition is important but not sufficient. Franklin Roosevelt benefited from sharing a surname, and to some extent a family, with his fifth cousin Teddy, but no other Roosevelt ever captured the country’s heart. Kennedys have provided endless reams of copy but so far only one president. The present White House incumbent was picked by his party from a group of (arguably) more impressive contenders in part because of his patrimony, yet it required a national emergency to give him the look of a leader.

Genetic inheritance might be a factor, although many more sons and daughters have failed to match their successful parents’ careers than have equaled them. What seems more significant is the momentum generated by the founder’s commitment to public service, carried down through each succeeding generation. That and the lash of high expectations: John and Abigail Adams told John Quincy that his career should reflect his “advantages”—if it did not, that would be due to his “*lasiness* [sic], *slovenliness* and *obstinacy*.”

*America’s First Dynasty* is the story of two presidents, John (1735–1826) and his son, John Quincy (1767–1848); Charles Francis (1807–86), John Quincy’s son, an especially valuable minister to England during the Civil War; and Charles Francis’s son, Henry (1838–1918), a formidable historian and political observer. It



chronicles a **Like son: John Quincy Adams** family whose members, “although admirable, and frequently lovable, [were] seldom likable.” They



**Like father: John Adams**

were, with few exceptions, driven, intense, hypercritical—almost never, it seems, at ease. Fortunately, they were also the stuff of fascinating reading, as David McCullough and now Richard Brookhiser make clear.

Benjamin Franklin famously said that John Adams, his colleague in the quest for French support of the American Revolution, was “always an honest man, often a wise one, but sometimes, and in some things, absolutely out of his senses.” Adams was very much in his senses during the critical months leading up to the colonies’ declaration of independence. One pro-independence delegate called him “Our Colossus on the floor”; another, “the Atlas of American independence.” Peculiar and prickly, Brookhiser calls him, and yet he was also brilliantly clear in argument and dogged in the pursuit of freedom.

A farmer’s son, Adams was democratic in his respect for the rights of others, of whatever station, and puzzled by his friend Jefferson’s continued reliance on slave labor. Yet he was also convinced that aristocratic status could be defended on the ground that people admired the well born and relied on them to protect society against despots and political chaos. Paine and other levelers thought him a friend of privilege. He would probably have replied that he was a friend of civic order.

Neither he nor his highly intelligent, public-spirited descendants were natural politicians. “John and John Quincy . . . both professed to be above the scrum of partisanship; to desire office only when it came to them; to disdain the fever of ambition,” Brookhiser writes. “They were sincere enough in these professions to hobble themselves in their practice of politics; not nearly sincere enough to stay home.” John’s presidency (1797–1801) was distinctly second-rate, marked by long absences from the capital. He was totally absorbed by the pursuit of great objectives, and almost as completely repulsed by the political environment surrounding them. Of John Quincy’s term (1825–29), the kindest that can be said is that it was largely hapless. He was, however, a powerful voice against slavery when he returned to public life as a congressman, and he argued the *Amistad* case

before the Supreme Court on behalf of African captives in 1841.

Charles Francis helped persuade England not to recognize the Confederacy—a matter critical to the survival of the Union. With him in London was his son Henry, who alone of these four Adamsses never sought public office, though he remained a close (if often contemptuous) observer of the political class throughout his long life. He had an impressive grasp of the nation’s history, and produced a great account of its early years—though by the 1870s there had “seep[ed] into Adams’s writing the arsenic whiff of unrelieved irony, the by-product of forswearing power.” A brilliantly phrased observation, applicable not alone to Henry Adams.

The Adamsses were important figures in American life for a century and a half. Other dynasties may have lasted as long in business, farming, or perhaps the arts, but it is hard to conceive a match for theirs in terms of public service. That it was achieved without inherited rank or title makes it all the more remarkable, and worthy of recalling in this excellent account.

—HARRY MCPHERSON

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**ENGAGEMENT WITH THE PAST:  
*The Lives and Works of the World  
War II Generation of Historians.***

By William Palmer. Univ. Press of Kentucky. 372 pp. \$32

Soviet historians used to joke that they were the bravest academics of them all. Any fool could predict the glorious Soviet future; only the boldest would dare deal with something so dangerously unpredictable as the past. But then all historians do this, reinterpreting and even reinventing the past in the light of concerns and biases of their own day. In Britain and America over the past 50 years, there were few risks and many rewards for striking out boldly in a fast-expanding field.

Palmer, a professor of history at Marshall University in West Virginia, has written a most engaging book about the generation of British and American historians who challenged the orthodoxies sustaining some of the most cherished national myths. Christopher

Hill portrayed the English Civil War as a class struggle. The German-born Geoffrey Elton (a Jewish refugee who spent his career trying to comprehend the enigma of the hospitable English) asserted that what we thought was the birth of the English nation under the Tudors in the 16th century was in fact mere bureaucratic reorganization. J. H. Plumb found the Whig Revolution and Ascendancy equally the work (and profit) of Tories. A. J. P. Taylor deflated the heroic legend of 1940 by pointing out that “all that was best and most enlightened in English life” had been only too willing to appease Hitler.

In America, the Arkansas-born C. Vann Woodward, who recalled as a boy watching a lynch mob form and seeing the Ku Klux Klan march into church in full regalia, revealed a South rather less segregated, far more divided, and much more complex than the conventional view had it. William McNeill, a Canadian Presbyterian transplanted to a riotous 1920s Chicago, leapfrogged the Great Man school of history to give pride of place to microbes and plagues rather than human weapons. The brilliant young Arthur Schlesinger, Jr., who challenged the deeply held American myth of the classless society by identifying the class politics in the Age of Jackson, went on to revive the Great Man delusion with a moving if near-hagiographic account of John F. Kennedy’s *Thousand Days*.

Palmer is on to something when he suggests that the World War II historians had much in common beyond the way they potted back and forth across the Atlantic to form an almost single culture. The American historians were grappling with the origins of a great power that had suddenly reached its prime, while the British were dealing with the causes of their decline as well as with the causes of their earlier ascendance to global power. And both were living in societies gripped by the Cold War, which made Marxist analysis, whether of the English Civil War or the American one, acutely political.

The author clearly relishes the grand tussles, such as the debate between Lawrence Stone and Hugh Trevor-Roper over the decline—or rise—of the English gentry in the century before the Civil War, or between Trevor-Roper and A. J. P. Taylor over the roots of World War II. Indeed, the book would be far less enjoyable without Trevor-Roper, an intellectual bully with a killer instinct. No wonder half of Oxford cheered when Taylor rebutted his attacks in a celebrated *Encounter* article called “How to Quote—Exercises for Beginners,” which showed Trevor-Roper misquoting or unfairly summarizing what Taylor had written. Taylor concluded: “The Regius Professor’s methods might do harm to his reputation as a serious historian, if he had one.”

—MARTIN WALKER

## RELIGION & PHILOSOPHY

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### *CHURCHES.*

By Judith Dupré. HarperCollins. 168 pp. \$40

In 1996, Dupré published *Skyscrapers*—a fine collection of minibiographies of the world’s most famous very tall buildings, presented chronologically in a distinctively proportioned volume, 18 inches tall and eight inches wide. The left-hand page was given over to a black-and-white photograph of a particular building, while on the facing page was stacked all the accompanying information. It was both an inventive design

decision and a clever marketing device.

In 1997 came her equally informative book *Bridges*. Since these structures also tend to be unidirectional, the format of *Skyscraper* was repeated, only this time turned on its side. While justifiable, this approach had its drawbacks. *Bridges* spans three feet when open. This not only makes it awkward to handle; it also imposes potentially threatening structural demands on the book’s comparatively modest spine.

After three years, Dupré is back with another large volume, *Churches*. As she states in her

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foreword, this is a highly subjective collection of approximately 60 examples of Christian architecture built around the world at various times over the past 1,800 years. Some, like the great cathedrals of northern Europe or the Basilica of St. Peter's in Rome, are very familiar. Others, such as the modest Ethiopian churches of the 13th century, cut from the top down into volcanic rock, or San Francisco Acatepec in Mexico, with its exuberant ceramic-and-stucco decoration, are wonderful surprises. The stops on Dupré's tour are all rewarding.

Like its two predecessors, *Churches* cleverly and appropriately begins with a conversation between the author and a contemporary architect—in this case, Mario Botta, a man widely recognized for creating distinctive and highly personal churches in his native Switzerland. Botta's words remind us that even the most awe-inspiring church represents at its core a solution to a number of very practical problems. Dupré further underscores the relevance of her subject by including several contemporary churches and the stories behind them. In so doing, she helps us appreciate and ultimately share in her commemoration of some of mankind's most meaningful architectural achievements.

My only complaints stem from the book's design. As in *Skyscrapers* and *Bridges*, each structure is given its own spread, and once again half of that spread is devoted to a single photograph. Some of the smaller images seem lost on the oversized pages (a foot wide by 16 inches high), while others are of insufficient quality to hold up at the necessary level of magnification.

The page opposite each photograph features an extended piece of text, several smaller photos with captions, a horizontal band with a fragment of prayer or Scripture, a second band with the "who, what, when, and where" information, sometimes a quotation, and, last and absolutely least, a floor plan the size of a large postage stamp—generally too small to be read, and lacking any scale that would permit readers to compare one edifice with another. Dupré justifies this fragmented design as reflecting and celebrating (celebrating!) the "kaleidoscopic information deluge of our times." But don't people enter churches, at least in part, for relief from the information deluge of our times? These pages aren't awful, but they are a missed opportunity to reflect, through a careful placement of infor-



*Celebrating mass at Paris's Sainte-Chapelle.*

mation, the sense of order maintained in even the most elaborately decorated church interiors by the reassuring hints of structure.

And last, the book's unusual binding. The front cover has been split down the middle and bound at both sides, so that it opens like a pair of cathedral doors. But there is no follow-through on this idea: We immediately confront the large pages, bound at the left in the customary fashion. "The book's unusual format calls attention to itself as an object to be held and read," Dupré writes. To be read, yes, but held? Any book that stretches 31 inches when open is going to be a bit of a challenge, and, with the split binding, the pages on the left side are only partly supported, while the other half of the front cover flaps uselessly to the right.

To get at the content, which I reiterate is worth the effort, you'll first have to overcome the package. In short, you'll need a table.

—DAVID MACAULAY

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### *THE LIAR'S TALE:* *A History of Falsehood.*

By Jeremy Campbell. Norton. 363 pp.  
\$26.95

In this beautifully written book, Campbell, a Washington correspondent for London's *Evening Standard*, sets out to

defend lying, or at least to explain it sympathetically. While stipulating that lying cannot succeed unless truth is the norm, he maintains that “humanity would never have stayed the grueling course to its present high place on the evolutionary ladder on a diet as thin and meager as the truth.”

Nature, Campbell points out, routinely lies. The perched female firefly *photuris* imitates the mating signals of another firefly species, lures a male over, and eats him. A household dog—man’s best friend—will go to the door as if it wants out, and then race to claim the master’s vacated chair.

In a crisp and remarkably readable discussion of how philosophers have addressed the topic, Campbell demonstrates that truth has become less absolute and less compelling over the centuries. The “logos,” where reason exists in nature such that humans can tune it in, allowed a harmony with the Almighty until Ockham’s razor sliced God away (as being incomprehensible) in the 14th century. Niccolò Machiavelli’s prince had to be a fraud to maintain power over the stupid citizenry. We move from René Descartes, who believed that falsehood arises because the will is free, to David Hume, who elevated the search for truth even as he acknowledged that the lie might be useful, to Immanuel Kant, who subordinated the search for truth to the search for

meaning. Friedrich Nietzsche considered lying more natural than telling the truth, and Sigmund Freud deemed self-deception the key to human behavior.

Taking the next step, some modern-day philosophers conclude that there is no truth with a capital “T,” and that any truth we happen to find is conditional and transitory. As a result, the many faces of falsehood today outshine the dull, singular, and prissy quest for an absolute. Because thought is a captive of language, and language is promiscuous, unreliable, and downright mischievous, truth telling in modern society is battered and abused.

Early on, Campbell suggests that polygraphs work because lying is so contrary to the human psyche that it can be detected electrically—in essence, that we are hard-wired to tell the truth. He never returns to this provocative notion, one that seems at odds with his later contentions.

In the last few pages, he argues that social morality is more important in a democracy than individual morality, citing as an example Bill Clinton’s survival of the Lewinsky scandal. Where did this distinction between individual morality and social morality come from? Perhaps Campbell’s next book will explain, or perhaps I should re-read this one. In any event, the final destination may be surprising, but it’s very much worth the ride.

—JOHN FROHNMAYER

## SCIENCE & TECHNOLOGY

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### *A BRIEF HISTORY OF SCIENCE: As Seen through the Development of Scientific Instruments.*

By Thomas Crump. Carroll & Graf.

425 pp. \$28

This one-volume history of science begins with a preface explaining that it’s no longer feasible to write a history of science in one volume. The subject has grown too vast and varied. Scientists can barely stay abreast of their own disciplines, and academic historians prefer to dig narrow and deep.

As a retired professor of anthropology at the University of Amsterdam, Crump can afford to indulge his fondness for breadth and compendiousness, but by his own admission this book

can’t live up to its title. He discusses only what he calls the hard, exact sciences (is the reader to infer a smidgen of disdain for the soft, squishy ones?), and restricts the subject further by putting experimental discoveries and practical inventions at center stage, with the role of theory reduced to an occasional voice from the wings.

The author’s ambition, however, is laudable. He begins with some harsh words against Aristotle, whom he calls a “reason-freak” for coupling ineluctable logic with self-evident (to him) principles, such as the notion that heavy objects fall faster than light ones. The dogmatization of such erroneous ideas made true science impossible. Only when Francis Bacon

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and others began to emphasize empirical facts and experimental tests could modern science begin.

Historians have conventionally identified Copernicus as a seminal early figure for his intellectual leap of putting the Sun at the center of our planetary system. But as Crump explains, ingrained philosophical prejudice led Copernicus to stick with perfectly circular orbits, which caused him no end of difficulty. It was Johannes Kepler, building on the massive compilation of observations by Tycho Brahe, who proved that the planets follow elliptical orbits. This apparently small geometrical innovation was an epochal development: It placed mathematical analysis of hard-won data above abstract reason in the forming of scientific theories.

Crump makes a worthy effort to explain the importance of devising reliable, standardized ways to measure things—distances, masses, times, electric currents, and so on. Such mundane matters are usually relegated to footnotes, but Crump provides anecdotes that illustrate how much ingenuity was required to solve these forgotten problems. Unfortunately, highlights such as these are buried in a generally rambling text in which the author is at pains to mention every experiment and invention he can think of and leave the reader to figure out their importance. As much as Crump wants to concentrate on observations and experiments, it takes theory to cohere apparently contradictory or inconsistent empirical findings into a comprehensible whole. His reluctance to provide clear summations of the bits and pieces of evidence is tantamount to writing a murder mystery and leaving out the final chapter.

—DAVID LINDLEY

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### *SCIENTISTS, BUSINESS, AND THE STATE, 1890–1960.*

By Patrick J. McGrath. Univ. of North Carolina Press. 248 pp. \$39.95

McGrath has written an extremely important intellectual history of American science in the 20th century. While delving into such familiar episodes as the Manhattan Project, the debate over the hydrogen bomb, the security hearing of J. Robert Oppenheimer, and various arms control issues, McGrath concentrates on

the larger question of how scientists changed American political culture. His insights are sure to stir controversy.

An independent historian trained at New York University, McGrath argues that beginning in the 1890s, an elite group of American scientists forged a profitable alliance with the country's corporate, political, and military elites. Initially, this alliance elevated the status of scientists in the public-policy arena. As expert technicians, these corporate scientists—such men as Frank Jewett, Karl Compton, David Lilienthal, Vannevar Bush, and James Conant—believed that science could transform America and inaugurate an era of economic progress, social stability, and national security. Inspired by that “Great Engineer,” Herbert Hoover, they thought of themselves as progressives who could construct a “harmonious, classless meritocracy.” In 1890, America had only four industrial research laboratories; by 1930, there were more than a thousand.

The meritocratic dream, together with Hoover's presidency, collapsed in the Great Depression. During World War II and then the Cold War, McGrath argues, a different vision of American science prevailed. The relatively moderate progressive vision of Lilienthal, Bush, and Conant was supplanted by a scientific militarism. “Scientists and administrators such as Edward Teller, Lewis Strauss, and Ernest Lawrence, with their full-throated militarism and anti-communism, pushed American scientists and their institutions toward a nearly complete and subservient devotion to American military interests.”

Even President Dwight D. Eisenhower felt compelled to protest. When an official committee in 1957 advocated expanding the nation's nuclear arsenal, Eisenhower said: “You can't have this kind of war. There just aren't enough bulldozers to scrape the bodies off the street.” Yet Bush, Conant, and the other moderates mostly stayed silent. “I kept in channels rather religiously, perhaps too much so,” Bush once reflected. By the 1960s, this once idealistic class of corporate scientists had made so many compromises that they had become mere technicians serving military masters. These experts, as McGrath puts it, “did not openly challenge the policies of their allies and benefactors. They were simply good soldiers.”

—KAI BIRD

## CONTRIBUTORS

**Kai Bird**, a Wilson Center fellow, is the author of *The Chairman: John J. McCloy and the Making of the American Establishment* (1992), *Hiroshima's Shadow: Writings on the Denial of History and the Smithsonian Controversy* (1998), and *The Color of Truth: McGeorge Bundy and William Bundy* (1998). **Andrew Burstein**, a professor of history at the University of Tulsa, is the author of *Sentimental Democracy: The Evolution of America's Romantic Self-Image* (1999) and *America's Jubilee: How in 1826 a Generation Remembered Fifty Years of Independence* (2001). **Barnaby Conrad**, the author of 30 books, including the best-selling *Matador* (1952), directs the Santa Barbara Writer's Conference. **Theodore Dalrymple**, a physician and psychiatrist who practices in England, is the author of the newly published *Life at the Bottom: The Worldview That Makes the Underclass*. **John Frohnmayer**, a former chairman of the National Endowment for the Arts, is an ethics scholar and trial lawyer in Bozeman, Montana. **A. J. Hewat** is a writer and editor living in Connecticut. **Richard H. King**, a professor of American studies at the University of Nottingham and currently a visiting fellow at Vanderbilt University, is the author of *A Southern Renaissance: The Cultural Awakening of the American South, 1930–1955* (1980) and *Civil Rights and the Idea of Freedom* (1992). **Alex Kozinski** is a federal judge in California. **David Lindley**, the author of *Boltzmann's Atom: The Great Debate That Launched a Revolution in Physics* (2000) and the coeditor of *Webster's New World Dictionary of Science* (1998), is writing a biography of the Victorian scientist and entrepreneur Lord Kelvin. **David Macaulay's** books include *Cathedral: The Story of Its Construction* (1973), *Pyramid* (1975), *Great Moments in Architecture* (1978), *The Way Things Work* (1988), *Building Big* (2000), and *Angelo's Work* (2002). **Harry McPherson**, who served as an aide to President Lyndon B. Johnson and wrote *A Political Education* (1972), is a lawyer practicing in Washington, D.C. **James Morris** is a former deputy editor of the *Wilson Quarterly*. **Harvey A. Silverglate**, a civil liberties attorney in Boston, is the coauthor of *The Shadow University: The Betrayal of Liberty on America's Campuses* (1998). Former Wilson Center public policy scholar **Martin Walker** is the author of *America Reborn: A Twentieth-Century Narrative in Twenty-Six Lives* (2000) and the newly published novel *The Caves of Perigord*.

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## FROM THE CENTER

“I need not tell you, gentlemen, that the world situation is very serious,” Secretary of State George C. Marshall said when he unveiled the great plan that bears his name at Harvard University in the fateful summer of 1947. His words ring as true today as they did then. As the focal point of the war on terrorism shifts from bringing evildoers to justice to developing a long-term policy for national security, it is time for a bold American foreign policy initiative.

With the Marshall Plan, the United States showed its leadership and recognized that its security interests were tied to the stability of another part of the world with the potential to affect America. Hitler’s fall ended the immediate threat to U.S. interests. But Marshall knew that America’s work was not done.

War-torn Europe needed to be rebuilt in order to ensure peace for future generations. The Marshall Plan planted the seeds of economic opportunity and ensured the economic revitalization of Western Europe’s economy.

Focusing first on Palestine, America now needs to develop a Marshall Plan for the Middle East. Stability can only be built on a foundation of economic opportunity and the hope for a better life. Stability will foster a moderate Palestinian middle class which in turn will marginalize the radical elements of Palestinian society. When progress seems unattainable, it is easier for people to blindly buy into a cause that promotes a false notion of who is to blame. While there are destitute countries that do not breed terrorists, there is no doubt that armies of terror are motivated by economic despair. The question of the moment is this: Can America provide realistic hope and leadership to a vital region of the world whose stability is vital to U.S. national security?

A new Marshall Plan would not be just a gift. A plan to help economically develop Palestine would be a strong signal to the Arab world that the United States understands its frustrations. Yet America must not compromise Israel’s interests. Any foreign

aid package must be tied to a guarantee of Israel’s security and recognition of its rights.

An interconnected world means more responsibility for everybody. The United States must make an investment in its national security by investing in that of others.

There is a perception among Americans that their country wastes countless dollars on foreign aid, but the reality is that U.S. foreign aid in 2000 amounted to only 0.1 percent of the gross national product (GNP). The United States, the strongest nation in the world, ranks 22nd in the world in the share of GNP devoted to foreign aid. In dol-

lar terms, America’s European allies together spend three times as much as the United States. Yet September 11 demonstrated

that America is as susceptible to instability in the world as any other nation.

There will certainly be a lag time between the commencement of such a program and visible results. Significant violence could well continue for some time. But we must focus on the future if we are ever to curb the zealotry and anguish that drive people to the depths we have seen. A Palestine that joins the global exchange of trade, finance, and technology will be less likely to suffer internal disarray. A Palestine that benefits from the mutual reliance on trade and education that so many other countries now enjoy is in America’s national interest.

A Marshall Plan for Palestine could be expanded into other countries and become the cornerstone of a new Middle East. Today’s worldwide tensions and the need to protect America’s next generation require that we think boldly and creatively. On December 3, the latest group of 40 Marshall Scholars was announced. As Americans bound for study abroad under a program created to honor that great statesman, they represent his dream of a more harmonious world order. Let us hope that they, and the country they represent, continue to strive for a world that brings out the best in all of us.

*Joseph A. Cari, Jr.*



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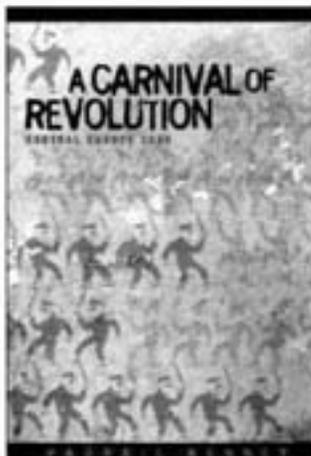
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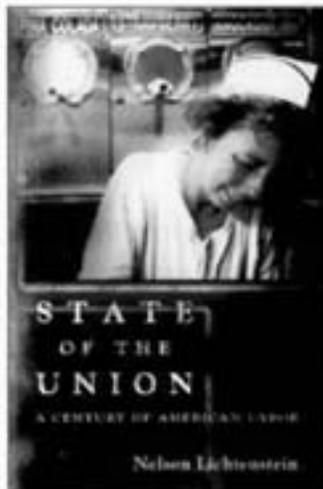
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