

1988 election, 32 percent of Bush's ads were negative—compared with 41 percent of Democratic candidate Michael Duka-

kis's. The Republican's negative pitch that year clearly was a lot more memorable—and also, it seems, a lot more effective.

Rights Run Amok

"'Absolute' Rights: Property and Privacy" by Mary Ann Glendon, in *The Responsive Community* (Fall 1991), 714 Gelman Library, The George Washington Univ., Washington, D.C. 20052.

Under the spell of philosopher John Locke and the lectures on law of Sir William Blackstone, Americans from the beginning talked about property rights as if they were absolute. In practice there was a good deal of public regulation of property. The Fifth Amendment, for example, recognized the federal government's power of eminent domain. But the extravagant rights talk had a strong influence, Harvard Law Professor Glendon notes. In the late 19th and early 20th centuries, the U.S. Supreme Court's extreme view of property rights led it to reject much social legislation, delaying the nation's transition to a mixed economy and a welfare state until the Court reversed itself in the 1930s. In recent years, Glendon argues, absolutist rights talk has reappeared in the courts and passed into common discourse, only this time the rhetoric is about privacy, not property.

The Supreme Court and lawyers in general, Glendon says, have thought of the right of privacy "as marking off a protected sphere that surrounds the individual," and dressed the new right up in the old property-rights rhetoric. Privacy emerged as a distinct constitutional right only in 1965, in the landmark Supreme Court decision, *Griswold v. Connecticut*. Justice William O. Douglas found in the "penumbras" of the Constitution, "a right

of privacy older than the Bill of Rights" protecting the "intimate relation of husband and wife" from state interference. In 1972, the Court extended the right beyond the family and elevated it to a full-fledged *individual* right. The following year, in *Roe v. Wade*, the Court decided that the right was "broad enough to encompass a woman's decision whether or not to terminate her pregnancy." But, as had happened with property rights, Glendon writes, the high court since then has experienced difficulties "in working out principled limitations on a right that seemed for a time to have no bounds."

What's wrong with a little exaggeration about individual rights? For one thing, Glendon says, "no one can be an absolutist for *all* our constitutionally guaranteed rights, because taking any one of them as far as it can go soon brings it into conflict with another." In addition, she says, absolutist rhetoric encourages conflict and discourages reasoned dialogue. It expresses "our most infantile instincts rather than our potential to be reasonable men and women. A country in which we can do 'anything we want' is not a republic of free people attempting to order their lives together." Nor is it a country in which the responsibilities that must accompany rights get the attention they deserve.

FOREIGN POLICY & DEFENSE

World Champion For How Long?

"The Democratic Moment" by Marc F. Plattner, in *Journal of Democracy* (Fall 1991), 1101 15th St. N.W., Ste. 200, Washington, D.C. 20005.

The liberal democratic ideal is now in the ascendancy around the world—but how long can this happy moment last? Democ-

racy's fate, says Plattner, coeditor of the *Journal of Democracy*, depends on whether a rival postcommunist movement

appears and can attain enough economic success and popular appeal to challenge it for the world's allegiance.

There is bound to be some backsliding into authoritarianism by some of the world's new democracies, Plattner notes. But as great a misfortune as that would be for the people involved, he argues, it would not necessarily mean the end of democracy's global prestige. Even if a majority of the new democracies failed, the presumption would still be that liberal democracy is the only form of government suitable for mature nations.

"Democracy's preeminence can be seriously challenged," Plattner maintains, "only by an ideology with universalist aspirations that proves capable of coming to power in an economically advanced or militarily powerful nation."

Nationalism does not qualify as such an ideology, because it is not universalist. Islamic fundamentalism, although "probably the most vital alternative to democracy to be found anywhere today," is unlikely to present a serious global challenge. Conversions outside the Islamic world have been few, and Islamic fundamentalism appears unable to serve as the basis for economically or militarily successful regimes. Revolutionary Iran no longer seems "even the Islamic wave of the future."

The most likely "seedbeds for the birth of a new antidemocratic ideology," Plattner believes, are the Soviet Union and China. Their size and power, as well as

their influence over Eastern Europe and East Asia, respectively, make what happens in those nations crucially important for democracy's future. "The emergence of a military-backed neoauthoritarian regime, possibly after a period of chaos or even civil war, may be as likely an outcome as a stable democracy in both [countries] And if such a regime were economically or militarily successful, it could quickly become an attractive model for other countries in its region and in the world."

Developments in Japan and the other noncommunist countries of East Asia also bear watching, Plattner says. Despite the apparent stability of democracy in Japan, the future might lead not to a greater convergence with Western-style liberal democracy but to "an increased emphasis on those features that distinguish East Asian societies from the West." A new ideology could gradually evolve, which, he speculates, given the "extraordinary economic and technological dynamism of the region, could become extremely attractive to other nations."

One other nation holds a key to democracy's future, Plattner adds: the United States. "[T]here are many reasons to worry about the political, economic, and cultural health of American democracy," he notes. "A serious social or economic crisis in the United States . . . would have a devastating effect on the fortunes of democracy worldwide."

Day of Infamy

"The Intelligence Failure of Pearl Harbor" by David Kahn, in *Foreign Affairs* (Winter 1991-92), 58 East 68th St., New York, N.Y. 10021.

The Japanese attack on Pearl Harbor on Dec. 7, 1941, shocked Americans out of the illusion that they were safely isolated from the rest of the world and prompted U.S. entry into World War II. Some historians have maintained that U.S. intelligence analysts possessed advance information about the attack but failed to understand it. Writers of a more conspiratorial bent have contended that President Franklin D. Roosevelt (or, in a different version, Brit-

ish Prime Minister Winston Churchill) learned from his intelligence services that the attack was coming but kept quiet in order to get the United States into the war. For once, however, says Kahn, author of *The Codebreakers* (1967), things are almost as simple as they appear.

In one of the more serious studies of the question, *Pearl Harbor: Warning and Decision* (1962), Roberta Wohlstetter claimed that U.S. intelligence analysts failed to