

“the crucial career-building years (25–44)” do so only part-time. And many women gain more control over their work schedule by striking out on their own: Since 1997, the number of businesses owned or co-owned by women has jumped 11 percent.

None of this is what feminists in the 1970s envisioned, Belkin says, but it could be the start of a different revolution. Because so many women have exercised the option to downshift, more men are now doing so, too. “Sanity, balance and a new definition of success, it seems, just might be contagious.”

PRESS & MEDIA

License to Hunt

“Judging Reputation: Realism and Common Law in Justice White’s Defamation Jurisprudence”
by John C.P. Goldberg, in *University of Colorado Law Review* (Fall 2003), 290 Fleming Law Bldg.,
401 UCB, Boulder, Colo. 80309–0401.

After the First Amendment, there’s no more sacred text in journalism than the Supreme Court’s unanimous 1964 decision in *New York Times v. Sullivan*. By requiring plaintiffs in certain cases to prove that a defamatory statement had been made with “actual malice”—that is, with knowledge or reckless disregard of its falsity—the Court freed news organizations from having to worry much about libel or slander suits by the public officials they cover.

As Goldberg, a law professor at Vanderbilt University, explains, the Court’s seemingly unstoppable expansion of that privilege in later years led one of *Sullivan*’s authors, Justice Byron White, to conclude that the ruling ought to be scrapped. White, who served on the Court from 1962 to 1993, joined the *Sullivan* majority and was one of a bare majority of five justices that three years later extended the *Sullivan* principle from public officials to “public figures” more generally. That made it harder for movie actors, professional athletes, and other celebrities to sue successfully for libel or slander. But White argued against a fur-

ther expansion of *Sullivan* in a 1971 case, and he angrily dissented in a 1974 case in which the Court ruled 5–4 that even *private* figures had to prove negligence to collect any damages, and actual malice to be eligible for punitive damages. Press freedom, he said, “does not carry with it an unrestricted hunting license to prey on the ordinary citizen.”

White saw *Sullivan* as granting a limited privilege to foster democratic debate, and he objected to reading into the ruling any broad “free speech” principles, as some justices, leading constitutional scholars, and the press were all inclined to do. Before *Sullivan*, defamation law had been almost entirely left to state courts and legislatures. White didn’t want the federal government to completely displace state tort law.

He was unimpressed by arguments from Justice Hugo Black and others that freedom of the press required complete immunity from liability for defamation. News reporting, in White’s view, was not so different from other skilled occupations, and ought

EXCERPT

Bigger than the Bomb

Typos have an uncanny ability to survive reading and re-reading. If there is anything that could survive a nuclear attack, it is probably typographical errors.

—Thomas Sowell, columnist and economist, quoted in *National Review* (Nov. 10, 2003)

not be privileged just because it dealt with public issues. Just like bus drivers and judges, reporters should be held to the standard of their craft—and suffer the consequences when they fall short. But White’s

views remained distinctly in the minority. When he disavowed the *Sullivan* principle altogether in a 1984 case, only Chief Justice Warren Burger seemed ready to line up behind him.

RELIGION & PHILOSOPHY

Camus’ Dynamite

“Sisyphus and the Meaning of Life” by Russell Blackford, in *Quadrant* (Oct. 2003),
437 Darling St., Balmain NSW 2041, Australia.

Why go on? It’s perhaps the essential philosophical question, and one that has drawn philosophers like a magnet to the Greek myth of Sisyphus, whom the gods condemned to spend eternity rolling a boulder up a hill, only to have it tumble back down each time. Most famously, the myth drew the attention of the French novelist Albert Camus, who wrote about it in a classic existentialist essay, “The Myth of Sisyphus” (1942).

Camus saw in Sisyphus “a metaphor for our absurd condition in a universe that does not care for us and cannot guide us,” writes Blackford, a lawyer and writer in Melbourne, Australia. Camus wrote of humanity’s “incalculable feeling” of “divorce” from the universe and the painful sense that there is “no profound reason for living.” He did not rule out the possibility that a rational person would commit suicide.

Two later thinkers who grappled with Sisyphus and Camus’ poetically opaque reading of him took different paths. In his 1971 essay, “The Absurd,” philosopher Thomas Nagel inquired into the sources of the modern sense of absurdity. It’s not our awareness of the inevitability of death or the vastness of the universe that leads us to absurdity, Nagel writes. Such arguments are really only ways of expressing the deeper anxiety bred by “the collision between the seriousness with which we take our lives”—our activities, projects, and beliefs—and our deep sense that it’s impossible to find any ultimate foundation for the “values and commitments” we cite to justify them.

Camus probably would have disagreed. The source of absurdity is the “psychological disturbance” that occurs when we dis-

cover that the universe is not intelligible, in Blackford’s interpretation. Any “lucid consideration” of the human condition would inevitably yield the conclusion that it is “bleak and frightening.”

In *Good and Evil* (1970), philosopher Richard Taylor found in Sisyphus a “paradigm of meaninglessness” akin to human life, “essentially a cycle of reproduction from which nothing more ever comes.” Still, Taylor thought it possible that Sisyphus somehow enjoyed what he was doing, that all of us, just by “doing,” may create meaning for ourselves. The process may not be rational, Taylor said, but it can work.

Camus would have had none of that, says Blackford. Sisyphus could not have found any purpose or enjoyment in his pointless labor, only alienation and anger at his punishment. Yet it is that very alienation, in Camus’ view, that provides the liberating mechanism for humanity. “An impersonal universe sets no limits on our values, and Camus describes this as ‘the reason for my inner freedom.’” Without guidance—without a divine presence in the universe—we are left “free to live in accordance with our own values and create a life that has personal meaning,” Blackford writes, and he says Camus portrays this inner revolt in heroic terms: “Being aware of one’s life, one’s revolt, one’s freedom to the maximum, is living to the maximum.”

There’s something attractive about Camus’ vision, Blackford concedes, but perhaps more for the intellectual engaged in creative work than for, say, a tax attorney or a farmer or even a postman on his perpetual rounds. Indeed, whether or not one ac-