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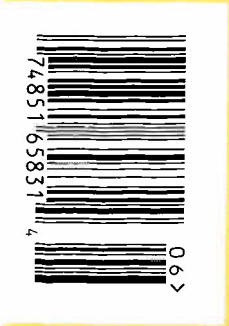

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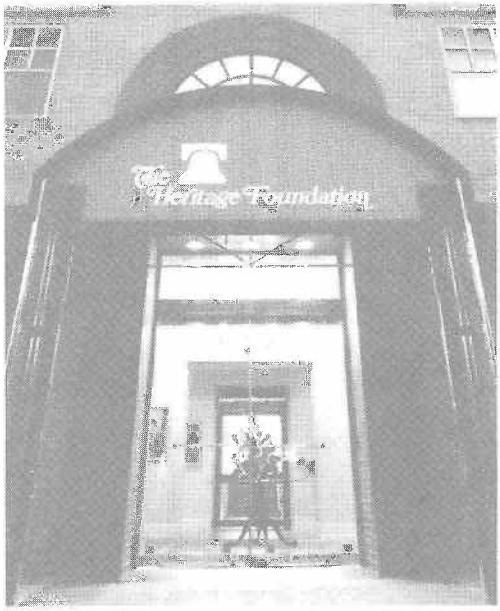

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Russia: Too Sick to Matter?

By NICHOLAS EBERSTADT

FOR RUSSIA AND ITS PEOPLE, the nightmare of Soviet totalitarianism has come to an end, only to be followed by a phenomenon much more familiar in Russian history: a "time of troubles." And although this current "time of troubles" is surely less brutal for ordinary Russians than the original "Time of Troubles" preceding the accession of the Romanov dynasty — likely milder, indeed, than the other "times of troubles" during the intervening four centuries — today's episode shares with all its predecessors an overarching and indeed defining characteristic: a sudden, dramatic, and, from a Russian nationalist standpoint, distressing enfeeblement of the Russian state.

In barely a decade, Moscow has plummeted from the status of an imperial superpower to a condition of astonishing geopolitical weakness. To be sure, Soviet might, resting as it did upon the grotesque arrangements of a special tyranny, may be said to have been in some sense abnormal. Even so, with today's spectacle — in which the Russian state's role in international affairs is so conspicuously diminished as to seem at times negligible — it would appear that the pendulum has swung toward another, almost equally unnatural, extreme.

The symptoms of the Russian Federation's newly limited capabilities for influencing international events (or for that matter, events within its own borders) are both diverse and abundant. Politically, some would argue, the very existence in Russia of a constitutional democracy — *any* constitutional democracy — should be regarded as a triumph in itself. Perhaps so, but in Russia today, "real existing constitutional democracy" is, at least for now, an essentially moribund edifice. Its wax museum president; its simultaneously fractious and paralyzed legislature; its fictitious, "Dead Souls" approach to taxation and budgeting; its "federalism" of local unaccountability and central government decay; its largely ineffectual judiciary: In all, the Russian political system is at present poorly suited to effecting decisions, mobilizing

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resources, or applying governmental will.

From an economic standpoint, Russia's weaknesses are manifest. Although ambiguities surround both old Soviet economic statistics and the new Russian statistics, official data strongly suggest that the Russian Federation's economy today is amazingly small. In 1997, total reported exports of goods and services were almost identical in Russia (population: nearly 150 million) and Sweden (population: 9 million). (Russia's trade ledgers are probably distorted by under-reporting, but her true export revenues may still not have matched those of such miniature countries as Singapore and Belgium.[1]) At official exchange rates, Russia's estimated GNP in 1997 just barely exceeded $400 billion — thus ranking slightly above Australia's ($380 billion). "Purchasing power parity" (PPP) adjustments alter the picture only to a degree: By that benchmark, according to World Bank calculations, Russia's 1997 economy would have been about as big as Spain's, although smaller than Canada's or Indonesia's. If accurate, those World Bank estimates would have meant that per capita output in 1997 was actually lower in Russia than in such places as Lebanon or Peru.[2] All of these figures, furthermore, refer to Russian conditions *before* the August 1998 collapse of the country's finances, since which time the country's economic performance has only worsened.

The fact that it took two years for the military to suppress the Chechen rebels speaks for itself.

Then there is the matter of military strength. Since the collapse of communism, Moscow's has evidently all but evaporated. Where the Red Army once entertained global ambitions, the Russian Army's conventional forces now find containing an insurrection in a small region within the nation's borders to be an almost overwhelming challenge. The dismal performance of the Russian Army in Chechnya attests to no less; the very fact that the military campaign to suppress Chechen rebels had to last nearly two years speaks for itself.

So straitened are Russia's current circumstances that the Western world has implicitly, but almost totally, redefined the nature of the external security problem it expects to confront from the Russian state. No longer is that problem perceived to center upon Moscow's ability to project power abroad. Instead, it is believed to emanate primarily from the potential consequences of Russian internal political decay and military decline: the sell-off of military hardware to rising powers like China, or of nuclear technology to would-be proliferators like Iran; weakened controls over the government's arsenal of weapons of mass destruction; or internal convulsions with international repercussions. To the extent that Western governments today perceive a "Russian threat," it is not because they regard Moscow as an *intentional* menace, but rather because they see it as an unintentional menace, a burden.

Many observers both within Russia and outside it take as self-evident the

proposition that Russia's current condition of extreme weakness — virtual prostration — is only temporary, and will be corrected. Emblematic of this view is this assertion by Sergei Rogov, director of Moscow's Institute of the USA and Canada: "Sooner or later, Moscow will again be a major international player."[3]

The sorts of developments that would be necessary for a Russian geopolitical recovery are easy enough to identify. They would include such things as coalescence of a rule of law, a policy-competent central government, creation of an attractive "business climate," and reinvigoration of the leadership and institutions of the armed forces. Many of these qualities, however, involve historical changes that could require correspondingly historical time spans to enact — and all of them are of course dependent upon unforeseeable, unreliable contingency. For these reasons alone, Russia's international comeback could be a very slow and gradual affair under the best of circumstances.

Yet even such a qualified prognosis for a Russian comeback may prove to be overly optimistic, because it does not take into account a factor that could prove critical to an eventual Russian recovery. That factor is the health of the Russian people.

Illness and mortality trends do not typically play a great role in world affairs. In Russia today, however, the nation's health conditions have become so degraded that it is possible to imagine these constituting an independent, and perhaps significant, constraint upon Moscow's prospects for re-attaining Great Power status. Russia's ongoing crisis in public health — and "crisis" is hardly too strong a word — is historically unprecedented: No industrialized country has ever before suffered such a severe and prolonged deterioration during peacetime. Given its particular characteristics, Russia's health decline promises to be especially difficult to reverse. Such health trends augur ill for the Russian economy — and it is economic power that must ultimately underwrite any sustained resumption of international influence for Russia.

Thus, "unnatural" as Russia's current weakness is held to be in many quarters, there is a real possibility that the country's startlingly adverse health trends will consign it to further relative economic and political decline for as much as another generation.

Anatomy of a health crisis

ALTHOUGH THE USSR'S DEPARTURE from the world stage was remarkably peaceful, the collapse of the Soviet system nevertheless brought on a veritable explosion of mortality in Russia. Between 1989-91 (the last years of Soviet rule) and 1994, crude death rates in Russia shot up by 40 percent.[4]

Though the mortality situation has improved somewhat since then, crude death rates in Russia in the first half of 1998 were still nearly 30 percent

higher than they had been in the USSR's final years.[5] This mortality shock (in tandem with a concomitant sudden drop in fertility levels) has pushed Russia into a continuing population decline for the first time since World War II. At the moment, Russia's deaths are exceeding its births by well over half — about 700,000 a year.

Although the fact has gone largely unrecognized, the loss of life from this quiet crisis in Russia has been a catastrophe of historic proportions. The dimensions of the catastrophe are suggested by estimates from the World Health Organization (WHO).[6] WHO has prepared "age standardized" death rates for Russia and many other countries. (These "standardized" rates differ from the crude rates in that they control for population aging and other such phenomena.) Against the benchmark of 1987 — a relatively good year for personal survival in the old Soviet era — "excess mortality" in Russia during the four years 1992-95 would have amounted to nearly 1.8 million deaths. To put that figure in perspective: For the four years of World War I, the military death count for the Russian Empire is generally placed at 1.7 million.[7] And WHO has not yet published "age standardized" death rates for Russia for the years 1996-98; when it does, we are likely to find that Russia's "excess mortality" in the 1992-98 period alone exceeded 3 million deaths.

Russia's deaths are exceeding its births by about 700,000 a year.

The abrupt worsening of Russian health conditions since the end of the communist era is all the more noteworthy because health trends in the *fin-de-regime* USSR were themselves so very poor. From the end of the World War II to roughly 1960, the Soviet system presided over a swift and dramatic improvement in Union-wide health levels; by 1960, in fact, life expectancy at birth in Russia proper had caught up with America's, and was poised to exceed it. Just at that juncture, however, Russia began to experience broad health setbacks. Death rates began to rise — first among middle-aged men, then for a steadily spreading number of male and female age groups. Even infant mortality reportedly went up.

Initially, Soviet authorities responded to these unfavorable findings by suppressing information about them; with Gorbachev's glasnost policy, this veil of statistical secrecy was lifted. Official figures revealed that overall life expectancy for Russia was no higher in the late 1980s than it had been in the early 1960s — and that for adults, life expectancy was actually somewhat lower than it had been a quarter century earlier.[8]

After decades of stagnation, and now recent, unmerciful retrogression, Russia's health profile no longer remotely resembles that of a developed country; in fact, it is worse in a variety of respects than those of many Third World countries. In 1997 — the most recent year for which such estimates are available — overall life expectancy in Russia was thought to be somewhat under 67 years. That would have been lower than Russia's life ex-

pectancy four decades before — but it would also be distinctly lower than the life expectancies today of such spots as Mauritius, Ecuador, or Azerbaijan. Mexico, for all its travails and troubles in the 1990s, now enjoys a life expectancy estimated to be over six years higher than Russia's.[9]

Throughout most of Latin America and the Caribbean and a growing number of countries in Asia, women can now expect to live longer than their Russian counterparts. But survival prospects are especially poor for Russian men. According to the most recent figures available life expectancy at birth for males in Russia today hovers around 61.[10] That ranks below the corresponding current estimates for such places as Egypt, Indonesia, or Paraguay.[11]

Among Russian men, moreover, health conditions are particularly bad for those of working age. In Australia today, by way of example, a 15-year-old boy would, under current survival patterns, stand about an 80 percent chance of living to age 65. In the Russian Federation, by contrast, barely 40 percent of those same 15-year-olds would make it to 65. Although its records are limited to countries with relatively complete death registration since World War II, the WHO database cannot provide another instance of such bleak survival odds for "able-bodied" men — even men from the African island of Mauritius in the late 1950s enjoyed better prospects than today's Russians.[12]

For every subsidiary age group from 15 to 65, death rates for Russian men today are frighteningly high. Youth may be the prime of life — but Russian men in their late teens and early 20s currently suffer higher death rates than American men 20 years their senior.[13] For their part, Russian men in their 40s and 50s are dying at a pace that may never have been witnessed during peacetime in a society distinguished by urbanization and mass education. Death rates for men in their late 40s and early 50s, for example, are over three times higher today in Russia than in Mexico. To approximate the current mortality schedule for Russian middle-aged men, one has to look to India — the India, that is, of the early 1970s, rather than the much healthier India that we know today.[14]

Uncertain origins

How is the Russian health disaster to be explained? The troubling fact is that international public health authorities have yet to come to any general agreement about the particular causes of Russia's health crisis — much less an understanding of the precise magnitude of the tolls being exacted. Reviewing available evidence three years ago, Dr. Lincoln Chen of the Harvard School of Public Health and colleagues concluded that "the root causes of the Russian health crisis remain uncertain." Our understanding of the upsurge in Russia's death rates has not advanced dramatically since then.

Yet, although we may not be able to account conclusively for the roots of Russia's health crisis, we may nevertheless obtain important clues about its nature from the country's death statistics. Apart perhaps from infant deaths, mortality registration has been reasonably complete in Russia since at least the 1960s. And Russian statistics also classify deaths according to reported causes. While cause-of-death statistics are never perfect, and may be more than ordinarily problematic for Russia, they do at least offer the most reliable hints as to what is ailing the country today.

The first thing to note is what is *not* apparent in the statistics. Many medical specialists within Russia itself, for example, would strongly agree with Georgetown University's Murray Feshbach that "environmental issues lurk behind much of the [Russian] public health problem."[15] The Soviet system's appalling destruction of nature — its casual and wanton poisoning of air, land, and water — has already been grimly documented, most notably by Feshbach himself.[16]

What fells forests or slays wildlife does not always kill people.

But what fells forests or slays wildlife does not always necessarily kill people. If, for example, severe air pollution were exacting a particular toll on the Russian people, we might reasonably expect to find evidence of extraordinary respiratory afflictions — but Russia's death rate attributed to diseases of the respiratory system has reportedly *declined* slightly since the early 1980s, and is currently lower than in such countries as the Bahamas, Ireland, or Singapore. By the same token, while there is little doubt that radiation and other potentially deadly mutagens have been handled recklessly by the USSR (and now by the Russian Federation), the death rates attributed to cancer in Russia today have changed little for a decade or more — and in fact are essentially indistinguishable from those reported in such countries as the U.S., the UK, Germany, or France.[17]

The human cost of Russia's "ecocide," to be sure, may yet prove horrendous; but if we are to judge that cost by available mortality data, such a dire verdict cannot yet be rendered.

Then there is the question of communicable disease. In recent years, Russia has suffered outbreaks of typhus, typhoid, and cholera; diphtheria is reportedly rampant; and the identified incidence of tuberculosis, which has more than doubled since 1990, is — by WHO definitions — now formally epidemic.

That Russia today should be so manifestly incapable of coping with contagious diseases so routinely controlled and suppressed in so many other regions of the world is surely suggestive of a breakdown in the country's public health system — and perhaps indicative as well of upheaval within its social structure. But the impact of epidemic disease per se on Russia's health decline is easy to exaggerate. In 1995, deaths attributed to infectious and parasitic diseases comprised less than 2 percent of Russia's overall age-stan-

dardized death rate; while the level was almost four times as high as (say) Sweden's, that discrepancy accounted for less than one-fiftieth of the overall mortality gap between the two countries. On the country's current mortality schedules, Russians face only about a 2 percent chance of eventually dying from a communicable disease — 98 percent will die from something else. Obviously, then, the principal constituents of Russia's health disaster would seem to lie elsewhere.

But where? To go by cause-of-death statistics, the overwhelming majority of excess Russian deaths — by comparison both with Western countries today, and with Russia itself in earlier years — would seem to fall in two categories: "cardio-vascular disease" (or CVD: heart attacks, strokes, and the like) and "accidents and adverse effects" (injuries — including suicide and murder — and poisonings).

Russian men, for their part, have no peers in succumbing to deadly injuries.

If cause-of-death statistics are to be believed, the world has never before seen anything like the epidemic of heart disease that rages in Russia today. For men and women alike, the standardized death rate in Russia today attributed to CVD alone is higher than the death rate in the U.S. *for all causes combined*. And although men the world over are prone to distinctly higher death rates from heart disease than women, Russia's female CVD mortality rate is currently roughly twice as high as the male rates in such countries as Canada, Italy, and Spain. In the West, CVD mortality peaked in the late 1950s and 1960s, and subsequently declined substantially. In Russia, however, already unrivaled rates have continued to climb.

As for deaths from "external causes," medical statistics have never before documented a plague of the proportions that wracks Russia today. The United States is widely regarded as a violence- and injury-prone society. Yet the U.S. death rate attributed to injuries and poisonings currently stands at only *half* of the reported Russian rate of the Brezhnev and Gorbachev years — and Russia's rate has doubled again since then. At this juncture, despite the enormous worldwide disparity between men and women in deaths from violent causes, the mortality rate ascribed to injury and poisoning is higher for Russia's women than it is for America's men.

Russian men, for their part, have no peers in succumbing to deadly injuries. Although the Russian male mortality rate from "external causes" was reportedly significantly lower in 1995 than it had been in 1994, it was nevertheless nearly three times higher than in Mexico or Venezuela, and over half again as high as in Colombia — a country then convulsed by drug warlords and unchecked narco-terrorism. Under prevailing cause-of-death patterns, a baby boy in Russia in 1995 stood almost a 1 in 4 chance of eventually dying from some sort of external trauma; in Britain, to provide some sense of contrast, the corresponding risk would have been about 1 in 30.[18]

How to explain modern Russia's extraordinary disposition for injuries and cardiovascular disease? The upsurge in deaths due to external trauma is surely influenced, after a fashion, by broad social trends from the ongoing Russian "transition." It is much easier now than in the past, for example, for Russians to buy a car — and by extension, to kill themselves on the roads. By the same token, with the virtual collapse of police authority and the corresponding rise of "*mafiya* capitalism," Russian citizens are more likely now than in the past to die from free-lance criminality.

In a much narrower sense, however, Russia's epidemic of deaths from external trauma is intimately linked to its staggering consumption of hard spirits. The heavy vodka drinking for which the USSR was so notorious has been replaced in post-Communist Russia by an even more extreme regimen of national alcohol abuse. Contemporary Russia's thirst for vodka, indeed, is almost impossible for Westerners to imagine. According to a 1993 national household survey, for example, over 80 percent of Russian men were drinkers and their alcohol intake reportedly averaged nearly 600 grams per day.[19] That would be the equivalent of over five bottles of vodka a week, every week. And since these figures were self-reported, they may have been underestimates. Other contemporary studies suggested that the *average* level of alcohol consumption for the *entire* Russian adult population — men and women together — exceeded 400 grams per day: that is to say, three bottles a week. Since 1993 alcohol consumption may have declined, but Russian drinking patterns have hardly moderated.[20]

Their thirst for vodka is almost impossible for Westerners to imagine.

Those patterns have deadly consequences. In 1996, over 35,000 Russians died from accidental alcohol poisoning. (America is not exactly a country of teetotalers, yet in the United States — a country with almost twice Russia's population — the corresponding figure averages about 300 persons a year.[21]) Extraordinarily heavy drinking is also implicated in Russia's explosion of deadly injuries, for many of the fatal falls, crashes, suicides, and murders in Russia today are thought to occur while the victim (or perpetrator) is drunk.[22]

Alcohol abuse surely also plays a role in Russia's surfeit of deaths from coronary disease, since binge drinking is associated with CVD mortality.[23] But other aspects of the Russian lifestyle undoubtedly contribute to the problem. Heavy smoking (prevalent in Russia today) contributes strongly to the risk of CVD — as do lack of exercise, diets too heavy in fatty foods, and obesity, all of which are rife among the Russian populace. At work together, these risk factors may disproportionately heighten vulnerability to cardiovascular threats.

In addition, there is evidence that attitudes, outlook, and stress (what clinicians now term "psycho-social variables") may also affect susceptibility to

CVD. Although such data are tentative and must be treated with considerable care, there are indications that the incidence of clinically defined "depression" may be rather greater in Russia today than among other, Western European, populations.[24] And in a major recent study of Russian health conditions, researchers concluded that health risks were strongly associated with the perception that one had little control over one's own life.[25] Association, of course, does not establish causality — but it raises the possibility that the profound and apparently deepening pessimism about personal circumstances widely reflected in an array of opinion polls and surveys is among the determinants underlying Russia's fearsome levels of cardiovascular death.

If a better medical system were currently in place, Russia's death rate from CVD would doubtless be reduced. That CVD epidemic, however, speaks to much more than the failure of a particular public health sector. For the risks that are resulting in these unparalleled levels of cardiovascular mortality are strongly behavioral, and perhaps also attitudinal, in nature. They are representative of, and appear to be deeply ingrained within, the current Russian lifestyle. Until these behaviors and attitudes — call them "ways of life" — change radically, it will be correspondingly difficult to change the health risks they generate in any appreciable manner.

Prospects for recovery

THE RUSSIAN PEOPLE are not the only urbanized, educated populace in our era to experience sudden upward spikes in mortality, or precipitous and unexpected declines in general levels of health. At least four other countries — Spain (1936-39), Western Germany (1943-46), Japan (1944-45), and South Korea (1950-53) — record cruel plunges in countrywide life expectancy around the middle of the twentieth century.

Merely to note those dates, however, is to see a contrast between these cases and the case of Russia. The mortality crises in Spain, Western Germany, Japan, and South Korea were direct consequences of wars or civil war. Each of those mortality crises proved transient. In the four war-riven states, health recovery commenced spontaneously with the cessation of fighting. In each case, life expectancy at birth quickly recovered to pre-disaster levels. Thereafter, brisk tempos of further health progress ensued — almost as if disaster had never struck.

The most remarkable instance of such post-disaster health progress is undoubtedly Japan's. In 1944-45, male life expectancy at birth in Japan had been driven down essentially to Neolithic levels (under 25 years). Yet barely three decades later — in the late 1970s — Japan was estimated to enjoy virtually the highest male life expectancy in the world.

Can Russia hope for an analogous revitalization of health trends in the decades immediately ahead? From today's vantage point, such an outcome would seem unlikely. Remember: The Russian crisis has erupted in a country

in a formal state of peace.[26] In origin, duration, and character, Russia's mortality crisis is fundamentally different from those others. And in every respect, Russia's distinctions portend both greater difficulties in re-attaining previous health conditions and a more limited scope for exacting health gains after that *status quo ante* is finally reached. Paradoxically, even if Russia's health recovery were to begin immediately — or were discovered to be already underway — the particulars of the country's health crisis suggest that Russia's international health ranking might nevertheless continue to decline for another several decades.

Devastating as the Spanish Civil War, World War II, and the Korean War all were, moreover, the demographic toll that each of those catastrophes imposed appears to have had surprisingly limited impact on the health of the crises' survivors. Recent estimates by demographers, for example, suggest that World War II and its repercussions cost Western German women born in 1920, who were exposed directly to the destruction and privation of that terrible defeat, an average of only about six months of life expectancy.[27]

Russia's deadly ailments tend to be resistant to immediate medical interventions.

No similar presumption can obtain for Russia. To the contrary: Given the prolonged period of health stagnation and decay before the recent Russian health crisis, and the indications that Russia's pattern of excess deaths may be partly or even largely related to accumulated lifestyle-related risks, there is every reason to expect the burden of this crisis to continue to weigh heavily upon the Russian people even after its most acute phase has passed.

Two specific features of Russia's current patterns of death and disease argue especially strongly against the likelihood of a speedy health turnaround.

The first has to do with the country's current cause-of-death structure — the particular *types* of fatal illnesses, in other words, that are killing people in modern Russia. For Russia's deadly ailments, by and large, are afflictions that tend inherently to be more resistant than others to immediate medical interventions, and less amenable than others to significant short-run control.

The point can be illuminated by contrasting cause-of-death patterns in contemporary Russia and post-war Japan (see Figure 1). In 1995, Russia's overall age-standardized death rate was just about the same as Japan's had been in the early 1950s. The composition of the two countries' death rates, however, was dramatically different.

In postwar Japan, infectious and communicable disease was a vastly greater threat to public health than it is in Russia today. Death rates from respiratory illnesses (among them, pneumonia and influenza) were over two-thirds higher than in contemporary Russia, and mortality from tuberculosis

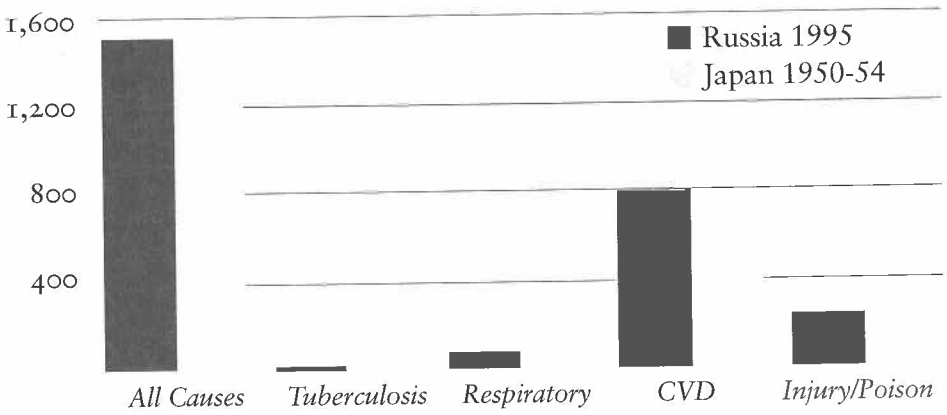
(a major killer in Japan during those years) was fully seven times higher. Fortunately for the Japanese, those were diseases that could be rapidly and inexpensively suppressed by newly invented medicines and fairly basic public hygiene measures. In the face of these sustained interventions, declines in death rates were immediate and dramatic. In just the 10 years between the early 1950s and the early 1960s, for example, Japan's TB death rate fell by 63 percent.

In Russia today, the principal causes of death — CVD and injury/poisoning — together account for two-thirds of the nation's mortality. Death rates from CVD are nearly twice as high for modern Russians as they were for postwar Japanese; death rates for injury and poisoning, over three times higher. And unfortunately for Russia, these are not the sorts of deaths that can be easily prevented through inexpensive prophylactic health policies.

In theory, an injury prevention strategy could bring quick benefits. In practice, such a strategy would be daunting to enact in Russia today. It

FIGURE I

Death Rates by Cause in Russia 1995 and Japan 1950-54



Numbers are in deaths per 100,000. Age mortality rates are standardized against WHO "European model" population.

Sources: World Health Organization; Japanese Statistics Bureau; Goskomstat of Russia

would have to induce tremendous behavioral changes on the part of the Russian people — most important, a radical drop in the prevalence of heavy drinking. Given Russia's seemingly unique passion for vodka, eliciting sustained declines in alcohol consumption would not be easy. Nor would it be inexpensive. In addition to the direct costs of an anti-alcohol campaign, there could be major revenue implications for the state, for traditionally the Russian budget has been almost as dependent upon liquor as have the Russian people.[28]

Unlike sudden injuries, CVD typically is the culmination of a lifetime of

insults visited upon the cardiovascular system. With heart disease, in a real sense, today's "bills" cover "debts" accumulated over long periods in the past. For this reason, trends in deaths from heart disease in any country can never turn on a dime. Even with sensible, well-funded medical policies and wholesale popular embrace of a more "heart-healthy" lifestyle — none of which conditions obtain in today's Russia — the control and reduction of CVD death rates tends to be a relatively gradual affair. And, of course, it is now known that heredity plays a significant role in cardiovascular risk. Some researchers speculate that such hereditary risk factors may be disproportionately concentrated in particular ethnic populations.[29] If there should happen to be a hereditary predisposition to CVD for some non-trivial fraction of the Russian population, reductions in cardiovascular mortality would presumably prove that much more difficult to achieve.

Trends in deaths from heart disease can never turn on a dime.

A second, related, reason we should not expect speedy improvement in Russian health conditions is that Russia's health trends today embody a large measure of what might be termed "negative momentum." In Spain, Western Germany, Japan, and South Korea, local health conditions had been progressively improving for decades before their respective cataclysmic upheavals; when the conflicts that triggered their mortality crises came to a close, the survivors and their descendants continued upon already-established paths of national health advance. In Russia, by contrast, health conditions have been stagnating — in fact, worsening — for over three decades.

To appreciate just how much "negative momentum" lies within contemporary Russian health trends, one might compare death rates for Russia proper in 1994 and, say, 1964. For men 15 years of age and older, death rates were higher in 1994 than they had been 30 years earlier — for most age groups, in fact, far higher. For men in their early 30s, mortality levels were twice as high for 1994 as for 1964; for men in their early 50s, they were almost two and a half times as high. The situation was only somewhat better for women. For them, death rates were worse than they had been three decades earlier for all groups 25 and older; for women in their 30s, 40s, and 50s, death rates typically had jumped by about half from 1964 to 1994.

These health setbacks mean that, at any given age, Russian adults are dying at a tempo that had been observed back in the 1960s only among distinctly older age groups. In 1994, the trend reached its nadir, with the absolute death rate for Russian men in their late 20s, for example, matching the death rate for men *in their early 40s* in 1964. While mortality rates have improved somewhat since the *annus horribilus* of 1994, Russian men, according to the latest data available, are nevertheless today dying at a pace reported by counterparts fully 10 years their elder back in the 1960s; for a

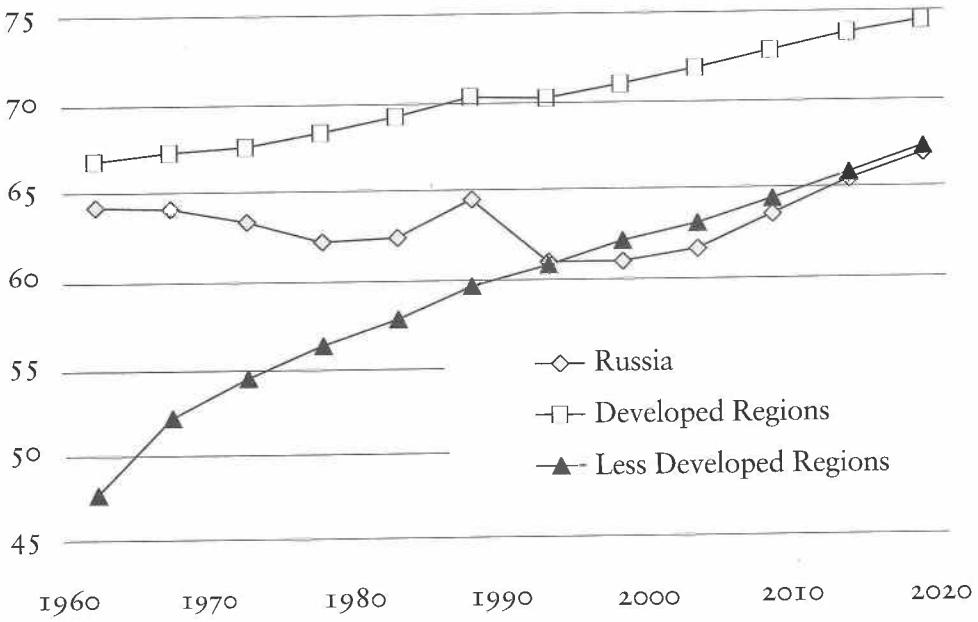
number of female age groups, the differential remains at five years or more.

If death rates provide an accurate reflection of general health conditions for a country like Russia, it would seem that the Russian population as a whole has been growing progressively frailer in recent times — that irrespective of chronological age, today's men and women alike are in a real sense more "elderly" than were their counterparts in their parents' generation.

Under such circumstances, simply re-attaining within the next 20 years the health levels Russia "enjoyed" in the 1960s will be no mean feat; indeed, it will require far-reaching changes in both lifestyle and environment for the country as a whole. The 50-year-olds in Russia 20 years hence are the 30-year-olds of Russia today — and by many indications, these particular 30-year-olds are strikingly less healthy than their predecessors a few decades earlier. The same may be said of most of the current Russian cohorts — male and female alike — that will compose the majority of the Russian population, and the great majority of the Russian labor force, 20 years from now. Modest as the goal may sound, getting back to the *status quo ante* is an ambitious health goal for Russia today — one that, quite possibly, may not be accomplished for years.

In its latest round of world demographic projections, the United Nations World Population Division proposes an overall life expectancy of just over

FIGURE 2
Male Life Expectancy at Birth



Actual and projected life expectancy at birth in years. Life expectancies are measured in five year periods from 1960-65 to 2015-20.

Source: U.N. World Population Division

70 for Russia for the years 2010-15 — just over 65 for men; just over 75 for women.[30] These life expectancy projections are a bit more optimistic than those of the Russian State Statistical Committee (Goskomstat)[31] — whose estimates, in turn, may prove to be overly optimistic for reasons already mentioned. But even taken at face value, their implications are arresting, as Figure 2 demonstrates.

If the U.N. projections prove correct, for example, male life expectancy in Russia in 2010-15 will be barely higher than it was back in the early 1960s — that is to say, half a century earlier. Moreover, during Russia's prolonged bout of stagnation, health conditions in most of the rest of the world have been gradually improving — and are projected to continue to improve in the future. Thus Russia's international health standing is envisioned as declining for decades to come — even after the country's health recovery has commenced.

In the early 1990s — after the onset of Russia's current, acute mortality crisis — life expectancy for the country as a whole is estimated to have been almost five years higher than in the collectivity the U.N. terms the "less developed regions" (low-income Asia, Africa, and Latin America). Twenty years from now, by these projections, overall life expectancy in Russia would be only about two years higher. Life expectancy for Russian men would be ever so slightly lower than the overall male average for those regions.

In starker terms: In the Western hemisphere, to go by these projections, only Bolivia, Guatemala, and Haiti would have a lower male life expectancy than Russia's own 20 years hence. Russia's overall life expectancy would be lower than those of such Asian countries as China, Indonesia, Iran, and Vietnam. Male life expectancy would be lower in Russia than in India or Pakistan — and would be just about the same in Russia and Bangladesh.

Projections of this sort, of course, must be treated with caution. In the event, the ones just cited may overestimate Third World health progress: A terrible epidemic, war, or other disaster may depress life expectancy far below the future levels anticipated. But that caveat holds equally for projections of health progress within the Russian Federation. Though they can hardly be presumed to foretell the future, these projections emphasize just how easy it will be in the years ahead for Russian health conditions to slip further down into the ranks of the Third World — and how extraordinarily hard it will be to forestall such an eventuality.

Poor health and economic power

If Russia's health prognosis is indeed as gloomy as it seems, mortality and disease will pose major obstacles to economic development in Russia for decades to come.

In our era, the wealth of nations lies in their human resources. Land, commodities like oil, and even physical property have all been making a steadily

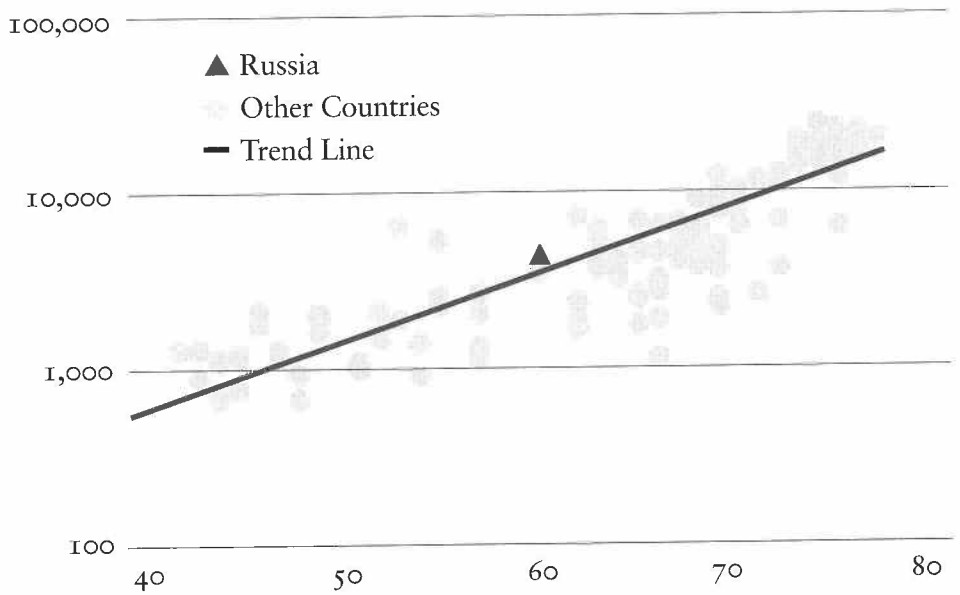
diminishing contribution to economic output over the course of the modern age. A debilitated, unhealthy Russia is utterly unlikely to be capable of maintaining a highly productive economic system. Rather, Russia's continuing relative decline in international health rankings is likely to be accompanied by a continuing relative decline in her international economic standing. Given Russia's prospective health problems, its economy 20 years hence may look even smaller by comparison with others than it does today.

Internationally, the correspondence between health and productivity is a strong one, as may be seen in Figure 3. No matter whose statistics one chooses or what time period one examines, countries with higher levels of life expectancy tend to have higher levels of per capita output — and the ones with lower output tend also to have poorer levels of health.

The relationship between health and economic productivity is of course vastly more complicated than can be depicted in a simplified graphic. For one thing, health improvements are often themselves consequences of productivity improvement: Higher incomes permit populations to purchase better medical care, and to adopt lifestyles that reduce the threats of ill health and death.[32] Conversely, improvements in health may have productivity-enhancing properties that come into play only over the long run[33] — properties that a point-in-time snapshot like Figure 3 is incapable of representing.

FIGURE 3

Male Life Expectancy v. *Per Capita GNP*



Per capita GNP is measured in international dollars (1997 PPP). Male life expectancies are estimates for the year 1996.

Source: World Bank; U.N. World Population Division

Nevertheless, the fact remains that, at any given time, a country's level of life expectancy turns out to be quite a good predictor of its level of income. There are, of course, certain countries for which such predictions consistently veer off the mark, but even in those cases, the deviations are readily explicable.

The United States, for example, "overperforms" economically — its income level is always higher than would be predicted solely on the basis of its health attainment. That differential may be understood in terms of the added productivity made possible by our technological pre-eminence, our corporate/managerial advantages, and our cadre of highly trained specialists. Conversely, China is an "underperformer" economically — there, per capita output is always lower than the country's life expectancy per se would predict. But given China's technological backwardness and the still problematic nature of its "institutional infrastructure" (markets, laws, and the like), it is hardly surprising that human resources should be less productive in China than they might be elsewhere.

Russia's GNP is just about what one would guess from its level of life expectancy.

For the Russian Federation today, life expectancy happens to be a rather good predictor of productivity. Russia's per capita GNP, in other words, is just about what one would guess from its level of life expectancy; by some comparisons, in fact, Russia's output levels look slightly *better* than one would predict on the basis of health alone. That should be sobering news for Moscow, for it suggests that the country's current economic weakness is not so much an aberration attendant to its ongoing "transition process" as it is a fact connected closely with the country's extraordinarily high levels of mortality and illness. Unless Russia can hope to emerge as a U.S.-style "overperformer," its future economic and health progress will be closely linked.

For all the reasons we have already seen, health progress in Russia over the next several decades may well be painfully slow. Just what would this portend for the Russian economy?

One way of thinking about the question would be to compute illustrative GNPs for Russia and other countries on the basis of today's international relationships between health and productivity, but using the numbers for life expectancy and population size that are projected for, say, two decades from now. Obviously, this will be a highly imperfect approach, but it may nonetheless prove useful in gleaning an impression of what lies ahead.

Although current U.N. demographic projections envision a total Russian population smaller 20 years from now than it is today, they also anticipate life expectancy to be somewhat better. Using crude, health-based "predictors," such a future Russia could be assigned a real GNP of a little over a trillion present U.S. dollars. Taken at face value, that total would imply conse-

quential economic progress for Russia in the years ahead — a respectable pace of GNP growth averaging, say, 2.5 percent per year.

But the world is a moving target and much of the world may be moving more rapidly than Russia in the decades ahead. Certainly health-based "predictors" of economic performance would suggest as much. The same methods that depict a future Russia with a trillion-dollar economy 20 years from now, for example, can be used to conjure up a Turkish economy of equal or even greater size. Similar calculations portray a Russia virtually encircled in Asia by larger economies: Not just Korea, Japan, China, and India, as today, but also Pakistan and Iran — all could have economies at least as large as Russia's own.

This illustrative approach, indeed, suggests that Russia's international economic ranking could drop steadily over the coming 20 years, notwithstanding an envisioned measure of national health recovery and economic progress. At the moment, Russia's economy is probably the world's thirteenth or fourteenth in terms of overall size.[34] Crude, health-based calculations imply that it might possibly be as low as, say, twentieth two decades from now.

The gap between Great Power ambition and resources is simply too great.

What would it mean to be the world's twentieth largest economy 20 years from now? We might get some sense of the geopolitical ramifications by considering the world's twentieth largest economy today. The World Bank provides PPP adjusted estimates of national output for 1997; though these should not be taken as precise, they offer at the least a sense of scale.

Consider Thailand or Australia. Neither of them would have been the world's twentieth largest economy in 1997 — they were both almost certainly too big for that. Instead, visualize something in the vicinity of Argentina or South Africa: perhaps Holland.

With the power of the Dutch economy, or the South African economy, or the Argentine economy at its disposal, a radical or revisionist state could today cause tremendous difficulties for its neighbors, its region, and arguably even the entire international community. It could be a nuisance, a headache, or (if left unchecked) a predatory menace. But no matter what its international disposition, no matter how shrewd and ruthless its statesmen, a country with an economy the size of Argentina's today could not hope to lay claim to Great Power status. The gap between that ambition and the resources necessary to realize it would simply be too great.

What holds for Argentina today may obtain for the Russian Federation tomorrow. A less peaceable, more militant Russian state than the one we know today could easily be a source of tensions and a cause of troubles that the international community currently does not have to contend with, and naturally would prefer not to. But if the Russian Federation's relative eco-

nomic standing continues to slip in the decades ahead, genuine Great Power status will drift ever further from the grasp of Moscow, irrespective of the priorities, ideology, or skill of its leadership. Russia's potential for mobilizing national power is severely impaired today by the sickness of its people — and sickness looks to be an even more crippling constraint on Russian power over the generation to come.

An unhealthy Great Power?

IT IS, OF COURSE, possible to argue that Russia's current trends in sickness and death will not necessarily impede the country's comeback on the world stage. At least two such objections deserve consideration.

The first would hold that the economic costs of Russia's health crisis are not nearly as grave as has been suggested here. Consider a possible counterargument by analogy. Some recent econometric research on the repercussions of the international AIDS epidemic, for example, has concluded that this pestilence, gruesome as its human consequences may be, has had only a negligible impact on economic growth and output — even in AIDS-ravaged areas of sub-Saharan Africa.[35] Using similar reasoning and a similar econometric framework, one new study estimates that the total costs of Russia's mortality crisis are surprisingly low: only 0.3 percentage points a year knocked off the country's economic growth rate.[36] That would be a drag on economic growth, to be sure, but only a relatively minor one: by implication, Russia's burden of disease might not be nearly so onerous as to prevent the county's ascendance as a major global economic power — and thus, a major political power — in the decades immediately ahead.

Brave drunkards fare less well in today's high-precision aerial combat.

Without gainsaying the sophisticated modeling techniques being marshaled here, one can make two points about this type of objection. First, it is quite possible that estimates of a negligible economic cost for the sub-Saharan AIDS epidemic are actually quite wrong, drawing as those models did on much more preliminary information about a scourge that now is radically depressing life expectancies in countries across the entire sub-Sahara.[37] Second, the debilitating illnesses and afflictions pressing down life expectancy in the Russian Federation today would appear to be distributed much more broadly over the populace than would be an AIDS epidemic of equal lethality; if so, the economic impact of the Russian-style health retrogression could be commensurately greater.

A second kind of objection asserts that, however weakened, the Russian populace remains a force to be reckoned with in world affairs due to its for-

midable potential on the field of battle. Edward N. Luttwak offered a variant of this argument almost 15 years ago, when he warned readers against "Delusions of Soviet Weakness":

> . . . [D]runkenness is no doubt pervasive in the[ir] . . . armed forces. But the Russians have always been great drinkers. Drunk they defeated Napoleon, and drunk again they defeated Hitler's armies and advanced all the way to Berlin.[38]

Yet this objection, too, now appears overtaken by certain events. Operation Desert Storm may have offered us a glimpse of the next face of war: the hi-tech, information-intensive arrangements that currently travel under the banner of the "revolution in military affairs." While this nascent "revolution" may not invest the armies that embrace it with invincibility, it looks nonetheless to confer upon them tremendous advantages over their "pre-revolutionary" opponents. That being the case, what are its implications for Russian military might?

A debilitated Russian populace is unlikely to support a "revolution in military affairs" worthy of the name. In a sick country, amassing the requisite corps of soldier/specialists to conduct high-technology warfare may be a challenge in itself. (Brave and regimented drunkards may have succeeded in marching on Paris and Berlin in the past, but they would fare rather less creditably today in, say, high-precision aerial combat.) More important, though, a debilitated Russian populace will be hard-pressed to finance the far-reaching expenditures and investments that a meaningful "revolution in military affairs" would demand.

If Russia cannot support a full-fledged "revolution in military affairs" in the next decades, it may still be able to field a large conventional force — a force that would perhaps enjoy overwhelming capabilities by comparison with a number of neighboring states. But such an armed force would have little capacity for projecting military power far beyond its borders or against Great Power adversaries[39] — no matter how courageous or casualty-tolerant the Russians happened to be.

Too sick to matter?

A DECADE AGO — at the end of the Soviet era — the Russian Federation contained the world's fifth largest population. By 2020, according to U.N. projections, Russia's population will be no larger than ninth. In the late 1980s, Russia's life expectancy, though lower than Europe's, Japan's, or America's, was nonetheless higher than Asia's or Latin America's; 20 years from now, according to U.N. projections, Russia's life expectancy would be lower than those of 125 of the 188 countries and territories assayed — and as we have seen, even this may turn out to be an optimistic assessment.

In the Soviet era, Russia was the sick man of Europe. Today, it is also the sick man of Asia. This illness does not look to be quick in passing. If the humanitarian implications of Russia's health crisis are pressing, the strategic implications also appear to be inescapable.

Russia's well-wishers — like the Russian people themselves — should hope for a speedy establishment of civil society, a sturdy rule of law, and sound, steady economic policies for the Russian Federation. They should also pray for enlightened public health measures to tackle the country's terrible health situation (a program, incidentally, to which *not one* of Russia's many political parties at this time is yet committed).

Russia's imagined antagonists, for their part, should not base their fears and apprehensions on the specter of a rapidly reviving "Great Power" Russia. As orderlies at medical institutions around the world can attest, even a weakened patient must be treated with care if he is seized by delirium. But it looks as if Russia is going to be in bed for a long, long time.

Notes

[1] Derived from International Monetary Fund, *International Financial Statistics*, vol. 51, no. 1 (January 1999); U.N., *World Population Prospects: The 1998 Revision* (New York: U.N. Population Division, forthcoming).

[2] World Bank, *World Development Report 1998/99* (New York: Oxford University Press, 1998): pp. 190-191.

[3] James Meek, "U.S. Views Russian Bear As Largely Declawed," *Washington Times* (27 January 1999): p. A18.

[4] Goskomstat of Russia, *The Demographic Yearbook of Russia 1995* (Moscow: Goskomstat, 1996): p. 19.

[5] Derived from *The Demographic Yearbook of Russia 1995* and *U.N. Monthly Bulletin of Statistics*, March 1999, vol. 53, no. 3, p. 10.

[6] World Health Organization, *World Health Statistics Annual* (Geneva: WHO), various editions.

[7] Anthony Bruce, *An Illustrated Companion to the First World War* (London: Michael Joseph Ltd., 1989): p. 86.

[8] For more details, see Vladimir Shkolnikov, France Meslé, and Jacques Vallin, "La Crise Sanitaire en Russie: Tendences récentes de l'espérance de vie et des causes de décès de 1970 à 1993," *Population* (Paris, 1995): nos. 4-5, pp. 907-943; Jose-Luis Bobadilla, Christine A. Costello, and Faith Mitchell, eds., *Premature Death in the New Independent States* (Washington, D.C.: National Academy Press, 1997).

[9] *World Health Statistics Annual 1996.*

[10] *Zdavookhraneniye Rossiyskoy Federatsii* 1999, no. 1 pp. 3-18; translated as "State Report on Public Health in 1997" in U.S. Foreign Broadcast Information

Service (hereafter FBIS), FBIS -SOV-1999-0405 (14 August 1999).

[11] World Bank, *World Development Report 1998/99* (New York: Oxford University Press, 1998): pp. 192-193.

[12] *World Health Statistics Annual*, 1993 and 1996 editions.

[13] *Ibid.*

[14] *Ibid.*; U.N. Population Division, *Model Life Tables for Developing Countries* (New York: U.N., 1983).

[15] Murray Feshbach, "Dead Souls," *Atlantic Monthly* (January 1999): pp. 26-27.

[16] For example, Murray Feshbach and Alfred Friendly, Jr., *Ecocide in the USSR: Health and Nature under Siege* (New York: Basic Books, 1992); Murray Feshbach, editor-in-chief, *Environmental and Health Atlas of Russia* (Moscow: Paims Publishing House, 1995).

[17] *World Health Statistics Annual 1996.*

[18] Data in preceding paragraphs drawn from *World Health Statistics Annual*, various editions.

[19] David A. Leon et al., "Huge Variation in Russian Mortality Rates 1984-94: Artefact, Alcohol, or What?," *The Lancet*, no. 9075, vol. 350 (9 August 1997): pp. 383-388.

[20] *Ibid.*

[21] *Zdravookhraneniye Rossiyskoy Federatsii* (May-June 1998) no. 3, translated as "Russia: State Report on Public Health (Part 1)," FBIS-TEN-98-341 (7 December 1998), electronic version; National Center for Health Statistics, *Vital Statistics of the United States 1992*, vol. 2, part A (Hyattsville, Md.: U.S. Department of Health and Human Services, Public Health Service, 1996): p. 206.

[22] See Laurent Chenet et al., "Deaths from Alcohol and Violence in Moscow: Socio-Economic Determinants," *European Journal of Population*, vol. 14, no. 1 (1998): pp. 19-37.

[23] See Laurent Chenet et al., "Alcohol and Cardiovascular Mortality in Moscow: New Evidence of a Causal Association," *Journal of Epidemiology and Community Health*, vol. 52, no. 12 (December 1998): pp. 772-774.

[24] See, for example, Tony Charman and Irina Pervova, "Self-Reported Depressed Mood in Russian and UK Schoolchildren: A Research Note," *Journal of Child Physchology and Psychiatry*, vol. 37, no. 7 (1996): pp. 879-883.

[25] Martin Bobak et al., "Socioeconomic Factors, Perceived Control and Self-Reported Health in Russia. A Cross-sectional Survey," *Social Science and Medicine*, vol. 47, no. 2 (July 1998).

[26] The Chechnyan rebellion does not alter this assessment. If Chechnyan combat cost 50,000 deaths, as is commonly suggested, those losses would amount to less than 2 percent of Russia's "excess mortality" for 1992-98.

[27] Charlotte Hoehn, "Kohortensterblichkeit unter besonderer Berücksichtigung der Weltkriege," in Reiner Hans Dinkel, Charlotte Hoehn, and Rembrandt D. Scholz, eds., *Sterblichkeitsentwicklung — unter besonderer Berücksichtigung des Kohortsansatzes* (Munich: Harald Boldt Verlag, 1996).

[28] In the late 1980s, alcohol sales may have accounted for 12 percent of all Soviet state revenues — and the fraction may have been even higher in earlier years. See

Stephen White, *Russia Goes Dry: Alcohol, State, and Society* (New York: Cambridge University Press, 1996); Vladimir G. Treml, *Alcohol in the USSR: A Statistical Study* (Durham, N.C.: Duke University Press, 1982).

In April 1992 the Russian Federation relinquished the state's monopoly on liquor sales; at the end of 1998, however, it reimposed that monopoly. See Dmitry Dukachayev, "Vodka Monopoly Returns," *Current Digest of the Post-Soviet Press*, vol. 50, no. 30 (1998): p. 4.

[29] R.S. Houlston et al., "Genetic Epidemiology of Differences in Low-Density Lipoprotein (LDL) Cholesterol Concentration: Possible Involvement at the Apolipoprotein B Gene Locus in LDL Kinetics," *Genetic Epidemiology*, vol. 7, no. 3 (1990): pp. 199-210.

[30] *World Population Projects: The 1998 Revision.*

[31] "INTERFAX Statistical Report," vol. 7, issue 33, no. 308 (14 August 1998); reprinted as "Russia: INTERFAX Statistical Report, 8-14 August 1998," FBIS-SOV-98-226 (14 August 1998), electronic version.

[32] Lant Pritchett and Lawrence H. Summers, "Wealthier Is Healthier," *Journal of Human Resources*, vol. 31, no. 4 (1996): pp. 841-868.

[33] Robert W. Fogel, "Economic Growth, Population Theory and Physiology: The Bearing of Long-Term Processes on the Making of Economic Policy," *American Economic Review*, vol. 84, no. 3 (1994): pp. 369-396.

[34] *World Development Report 1998/99.*

[35] David E. Bloom and Ajay S. Mahal, "Does the AIDS Epidemic Threaten Economic Growth?" *Journal of Econometrics*, vol. 77, no. 1 (1997): pp. 105-127.

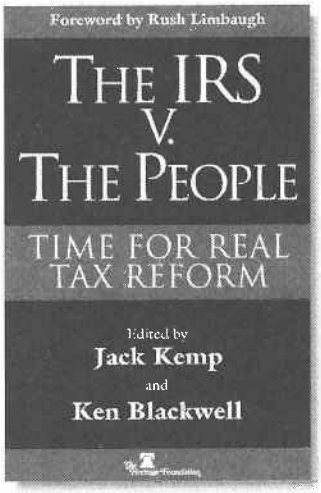
[36] David E. Bloom and Pia Malaney, "Macroeconomic Consequences of the Russian Mortality Crisis," *World Development*, vol. 26, no. 11 (1998): pp. 2073-2085.

[37] According to the U.N. Population Division's most recent estimates, for example, life expectancy at birth in Botswana fell by almost 14 years between the early and the late 1990s.

[38] Edward N. Luttwak, "Delusions of Soviet Weakness," *Commentary* (January 1985): pp. 32-33.

[39] Even if Russia cannot institutionalize its own full-fledged RMA, it may be able to react with some effectiveness against RMAs by other states with what Gen. John Reppert had described as "asymmetric responses" — strategies and techniques for disrupting its opponents' information systems, for instance. See John C. Repport, BG USA (Ret.), "The Russian Military and New Approaches to Warfare," unpublished paper, Workshop on Russian Military Innovation, SAIC Strategic Assessment Center, McLean, Va. (12 January 1999).

Washington, We've Had Enough!



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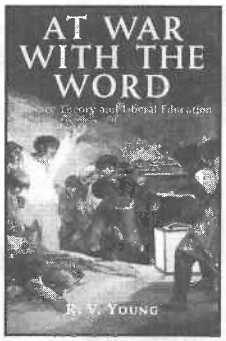

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By JOHN O. MCGINNIS

MOMENTOUS PUBLIC ISSUES, like impeachment, have at least this virtue: They promote political accountability by forcing citizens to take positions that will be remembered. Such public reasoning carries with it the risk of public exposure. During President Clinton's impeachment, certain feminists became poster girls for hypocrisy because their support for Clinton conflicted with their previous positions, such as their attacks on Clarence Thomas. But there is a second kind of exposure that can be equally important. Under outside scrutiny, some groups — particularly intellectuals — forsake the style of reasoning they apply regularly in the seclusion of their own salons. This divergence between private and public intellectual persona can reveal the frailty of the ideas by which such groups make an academic living.

As a law professor who testified before the House Judiciary Committee on the subject of impeachment, I had firsthand knowledge of the incongruity of most law professors' approach to this issue. Of course, I was not surprised that my colleagues almost universally opposed the impeachment of the president. Just as it was said in the late nineteenth century that the Anglican Church was the Conservative Party at prayer, our universities today are the Democratic party at play. Indeed, the more than 6 to 1 statistical imbalance in the legal academy between Democrats and Republicans may not fully capture the vigor of its commitment to this president because law professors are most passionate on the subjects of abortion on demand and racial and ethnic preferences — the two issues on which Clinton is most reliably left-wing.

What was curious about my colleagues' presentations was not their bottom line but their methodology. In their academic writings, most professors of constitutional law deploy a signature theory of constitutional interpreta-

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John O. McGinnis is professor at Cardozo School of Law.

tion of their own devising, usually some iteration of what are amusingly called "non-interpretative" theories of interpretation. For modern constitutional theorists, the current meaning of the Constitution must be divined through liberal moral theory, or generated by a close study of watershed elections, or grasped by "translating" the Framers' commands to a new code appropriate to our era.

For instance, Laurence Tribe, one of those who argued against impeachment at the hearing, defends *Roe* v. *Wade* in his constitutional law treatise on the grounds that the Constitution must be construed to protect fundamental rights even if these rights are not enumerated in the Constitution. He then contends that the right to an abortion is fundamental on the basis of a farrago of value judgments also nowhere implied by the Constitution, such as the claim that legal restrictions on abortion "subordinate women to men." Ronald Dworkin, perhaps the most celebrated legal theorist alive today and a signer of the law professors' letter opposing impeachment, is able to discover abortion rights in the Constitution even without appeal to unenumerated rights. For him, the Constitution consists of a set of moral principles so broad as to permit the Supreme Court to set itself up as a commission of moral inquisition on all legislation. To condemn the constitutionality of abortion regulations, he musters moral judgments similar to those of Professor Tribe — judgments that are incontestable only in the sense that an overwhelming majority in the academy would never dare question them.

For some constitutional theorists, the current meaning of the Constitution must be divined through liberal moral theory.

In contrast to the popularity of "non-interpretative" theories, like those of Dworkin or Tribe, the legal academy almost universally derides originalism — the view that the Constitution should be interpreted according to its original meaning — as a dead hand constraining social progress. For instance, to an originalist the Constitution itself suggests that capital punishment must be permissible under at least some circumstances, because it provides that, "No one shall be held to answer for a capital crime unless on a presentment or indictment of a Grand Jury" and that, "no one shall be deprived of life, liberty or property without due process of law." Dworkin, however, argues that the Eighth Amendment can still prohibit capital punishment because the ban on "cruel and unusual punishment" reflects our evolving standards of decency. According to the professor, the content of these new standards can be intuited by judges and professors even if their intuitions conflict with those of the overwhelming majority of people, who support the death penalty.

The disdain for originalism carries over from the constitutional questions involving rights to those involving the structure of the government. Many of

those who signed the letter opposing impeachment have also argued that the Supreme Court was correct to have discarded the original understanding of federalism. For instance, Professor Lawrence Lessig of Harvard, yet another signer, has argued that federalism must be "translated" so as to be compatible with a more centralized state, which, in his view, is necessary to regulate modern society.

In their writings on impeachment, however, law professors became, *mirabile dictu*, originalists themselves. Without so much as an explanation, let alone an apology, for their transformation, they wove their arguments almost exclusively from text and history.

Of course, being rusty at the mere carpentry of legal analysis, they often misused the most elementary of tools of the originalist method. The professors misconstrued language. For instance, their letter against impeachment argued that the phrase "high Crimes and Misdemeanors" was wholly or largely directed to acts committed in a public capacity, because the adjoining words in the clause governing impeachment, "Bribery" and "Treason," defined acts necessarily committed in the public capacity. This was obviously an error of interpretation. If an executive branch official passed money to influence a judge for a private matter, his act would nevertheless constitute bribery. As for treason, tell the Rosenbergs that it is a crime that can only be committed in a public capacity.

In their writings on impeachment, law professors became, mirabile dictu, *originalists themselves.*

The professors also failed to consider very pertinent evidence from the era of the Framing about the gravity with which perjury was regarded. John Jay, the first chief justice of the United States, said of perjury flatly, "there is no crime more extensively pernicious to society" because it undermines the system of justice at the heart of a civic republic.

As hypocrisy is the tribute that vice pays to virtue, so a faulty reading of text and feeble historical research became the tribute that these liberal law professors paid to originalism. But *why* did such professors, in their testimony and op-eds and endless media appearances, remain faithful to originalist methodology at all, when they ridicule it in their scholarship?

Since it was clearly not by choice, it must have been a decision forced by circumstance. If they had placed their arguments about impeachment in the context of their own often conflicting theories of constitutional interpretation, they themselves would have been ridiculed by members of Congress, because their theories would have been so obviously at odds with common sense. Impeachment was unlike academic debates and even judicial proceedings in one salient and salutary respect: The public was actually paying some attention; therefore, arguments that flew in the face of our common pool of reasoning would have been heavily penalized.

The impeachment hearings are not an isolated example of legal theorists abandoning their own theories in public forums. For instance, Bruce Ackerman, the Yale constitutional theorist, has long contended that the Constitution can be amended outside of the formal process spelled out in the document. In the professor's view, we can dispense with the fusty process of requiring two-thirds majorities in the Congress and ratification by three-fifths of the states. Instead, we can amend by arriving at a revolutionary "constitutional moment," at which time Congress and the president act in a way that was previously unconstitutional and their action is subsequently ratified by their reelection.

In the *Harvard Law Review*, Ackerman contended that the North American Free Trade Agreement (NAFTA) could be given effect by ordinary legislation instead of requiring ratification by two-thirds of the Senate, because the treaty ratification requirement had been made a dead letter by a previous "constitutional moment" earlier in this century. Appearing before Congress, however, he did not advance under his own academic coat of arms but made instead a weak textual argument on behalf of NAFTA's constitutionality. The reason for his reticence is clear: Many senators and reporters would have recognized that Professor Ackerman's endorsement of ad hoc populist revisions of our founding document discards constitutional restraints when they are most needed — in moments of popular passion. The whole point of a Constitution is, in the memorable words of Justice David Brewer, to have "Philip sober control Philip drunk."

Despite the consensus against originalism in the legal academy, it reigns supreme in the public mind.

The impeachment-hearing conversion of law professors has many lessons. The most obvious is that, despite the consensus against originalism in the legal academy, it reigns supreme in the public mind. The Constitution is a recipe for government, and the common man, unschooled in the intricacies of theory, understands that to follow a recipe you need to understand it according to the meaning it had to those who formulated it. Otherwise you may get an utterly different dish — one prepared to the perhaps eccentric taste of the cooks. One further argument intuitively understood is that originalism is the only possible default rule for interpretation. Without originalism, our law professors could have spent the entire debate in fruitless disagreement about which of their many "non-interpretative" theories to choose.

But there are also larger lessons about the ability of public attention to act as a counterweight to the bizarre flights of fancy that are now pandemic in the legal academy. Recently one prominent left-wing scholar denied that

conservatives face discrimination in the legal academy because they are conservatives. Instead, he contended that conservatives were disfavored because they keep working on the boring theory of originalism in constitutional law and textualism in statutory interpretation rather than working to formulate new, "cutting-edge" theories.

This professor was inadvertently revealing what motivates many legal academics — the taste for novelty rather than the love of truth. It is of no consequence to those ensconced in tenure that each novel theory has itself been shown wanting. Indeed, these flaws present an opportunity for further critique and yet another parlor game. The public may not be experts but they recognize that more is at stake in legal analysis than the opportunity to amuse and dazzle your friends. Many of the theories offered in the academy are so patently dangerous to legal regularity that they dare not speak their name in public.

THE PUBLIC ARENA ALSO makes it difficult for other kinds of academics to spout nonsense. For instance, academic history today is affected by all sorts of fads, but only academics who eschew such theories can make a lasting impression on the public imagination. David Fromkin's recent book, *The Way of the World* (Knopf, 1998), presents a history of the entire progress of mankind in some 222 pages. He proceeds on a theory of human motivations and environmental influences that would have been immediately recognizable to the reader of Gibbon, Tacitus, or Thucydides. While *The Way of the World* offers a deeper explanation of a much vaster swath of human enterprise than most readers could likely provide if asked to do so, the book resonates with our experience and comports with the kind of explanations we give for contemporary events around us. Fromkin is thus able to advance a narrative and persuade us to take the time to read it in a mere couple hundred pages.

In contrast, a feminist theory of history proceeds on claims of patriarchy and conspiracy that we do not apply in daily life. Such histories do not move the general public or sustain a comprehensive narrative. It is hard to imagine a feminist interpretation of human progress that covers the same terrain as Fromkin in the same 222 pages. There would be too much explaining to do; events and actions that could be readily understood as straightforward would have to be tortured into yielding esoteric meaning. This is the reason those caught up in the academic fashion of the moment choose obscure subjects and are published only by the academic press. It is a sad truth that much of what is written in our universities today is based on the occult ideas of such narrow sects that they could never attract the slightest amount of public interest.

Of course, it is not only academics whose practices might be improved by the periodic glare of publicity. Unchecked self-interest encourages many professions to use government and non-profit institutions in ways that are con-

trary to the public interest. For instance, ordinary lawyers have a tendency to prefer an unsound legal methodology — one that preserves discretionary authority in the courts. If the judiciary is not constrained by clear rules, lawyers become more powerful and command higher fees because they are positioned to guide the perplexed through the exercise of this discretion. As a result of this self-seeking will of the legal class, law has become much less fixed, certain, and constraining, making it a less efficient method of resolving human disputes.

Lawyers and judges are able to transform jurisprudence to meet their needs, rather than the needs of society, because most of the time society simply isn't paying much more attention to them than to academics. Thus, televising judicial proceedings, including those of the Supreme Court, would serve as a useful counterweight to the interest that lawyers as a group have in distorting the law.

Public attention by its very nature is at best intermittent.

In short, the spectacle of law professors being forced to speak a common language of common sense rather than their usual peculiarly self-interested jargon should make us think more broadly about the need for public accountability in our society. If all professions are, at least in part, conspiracies against the laity, a central issue for political science is how to structure government so that these conspiracies are periodically exposed. Only in this way can we avoid a society that sinks under the weight of the barnacles of false ideas and corrupt institutions that interest groups, like academics and lawyers, generate over time.

We will face several difficult hurdles in building such structures. First, public attention by its very nature is at best intermittent. While some liberals advocate a democracy in which all people spend much of their time reviewing and discussing public policy, this dream is both a fantasy and a nightmare. Individuals will largely pursue their private endeavors, and we should be grateful for this intractable fact of social life, because such enterprises, and not endless chattering about public life, are the ultimate source of wealth and meaning in our lives. Moreover, politics commands even less attention than it once did because of the growth of other sources of entertainment. Even Abraham Lincoln and Stephen Douglas would not have attracted the crowds they did if a hundred channels of other fare were on offer.

Second, we must recognize that some subjects demand such expertise that they require more than ordinary insulation from the dangers of public error and mass hysteria. Judgments in physics and biology and even in some kinds of economics may be unfathomable to those unschooled in those disciplines. Nevertheless, even here scientists may acquire interests not shared by the public at large — perhaps, for instance, in complete liberty for experimentation, whatever the social costs. We cannot therefore exempt any group from

the sudden glare of harsh scrutiny. Instead we need to shape our structures of governance and social norms to fit the nature of the subject matter we want the public to monitor.

The need for purgation can be met in part by legal mechanisms that are already in place. First, the Constitution pits the branches against one another in other lustral struggles besides impeachment. For instance, the Appointments Clause requires the Senate to confirm the president's key nominees. The contests over such nominations have helped us understand the deep principles animating an administration. The debate over Lani Guinier's demands for racial representation in the political process revealed the separatism that was implicit in Clinton's breezy promise to make his administration "look like America."

Congressional hearings are another way of calling to account not only the administration, but many sectors of society that seek insulation from scrutiny. It is a mistake to think that the most important product of these hearings is legislation. More important, the hearings may force groups to take positions and expound their principles in a way that shows consistency (or lack of consistency) with the principles that are necessary to sustain a free society in the long run. The spirit of such hearings should not be solely that of accommodation; sometimes only conflict can reveal the essentials. The wisdom of cloning, for example, cannot be resolved by the expertise that has created its possibility. Instead cloning forces us to go back to the fundamental questions of the nature of freedom and control over others. It thus cannot but release passionate disagreement as its implications are more broadly disseminated.

The need for periodic disinfection of the corners of society is not a new problem in political philosophy.

THE NECESSITY for periodic disinfection of the corners of society — particularly those, unlike the market for example, that are not subject to self-cleansing processes — is not a new problem in political philosophy. In his *Discourses on Livy,* Machiavelli recommended that the government be structured so that its contending elements — the monarch, the aristocracy, and the plebes — come periodically into sharp conflict so that the nation would be forced back to first principles, thereby scrubbing away the grime accumulated by parochial priorities and petty events. In his *Histories of Florence* he provides a powerful metaphor for this political ablution — fires burning away the pestilential air of the swamps in order to permit men to live together in that greatest of all Renaissance cities.

The Machiavellian perspective is a reason to welcome the impeachment of President Clinton, regardless of one's views on his acquittal. Far from

being a distraction from the real business of government, it *was* the fundamental business — laying bare the fault lines of society that, if unrevealed, would eventually become an even greater threat to the Republic.

First, groups that had previously been seen as disinterested were unmasked as groups focused only on their own narrow interests. Academics, for instance, in lining up on one side of the issue and relying on legal theories that they denigrate in the rest of their work, showed themselves as a group whose work is result-driven rather than principled. The professed concern of newspapers, like the *New York Times*, for the highest standards of ethics in government was exposed as a sham. These papers harshly criticized Clinton — right up until it seemed he might lose office to a cause supported by the religious right. In defending Clinton, their chauvinist provider, certain feminists gave a whole new meaning to the old slogan "the personal is political": Their professed concern for the personal was simply a means of gaining political power.

Other truths about our society and its institutions also shimmered at least for a moment. It became more widely recognized that the capacity for dissimulation that marks a master politician of the welfare state, who can promise benefits to all, corrodes not only himself but society. The Senate was seen as an institution whose concern for its dignity can sometimes outweigh concern for the merits of an issue. In the glow of impeachment, the costs of moral permissiveness on a whole generation were uncovered. The list could go on: Impeachment was a flame that illuminated much of what various elites and interest groups try to keep secret.

Thus in the aftermath of impeachment, we should not be thinking about how to avoid such contests in the future, but about how to build more of them into our system. The notion of catharsis through contained conflict is as necessary as it was in Machiavelli's day — perhaps more necessary as our greater wealth makes it easier for us to ignore danger ahead. Our society, however, has many more than three identifiable elements about which Machiavelli wrote. Therefore, we may need a far more reticulate social structure, with many more intersections of conflict, if we are to purge our own pestilential air. For primitive man, the central question was how to make controlled use of fire to sustain human flourishing. It remains an enduring problem of human governance.

Lessons Our 401(k)s Taught Us

By DAVID MASTIO

THE NEED TO REFORM the tottering Ponzi scheme that is our Social Security system is widely accepted among policy makers, even if the political willingness to tackle the subject is lacking. Today's system, in which current workers pay the benefits of current retirees, is going to crash in the next century on the demographic rocks of the Baby Boom's retirement. And even if somebody can figure out a way to avoid that problem by tinkering at the margins of the system, the fact would still remain that Social Security is a rotten deal — when they retire, people can look forward to a lousy rate of return on the money they have paid in during a lifetime of work.

As for where workers can get a better rate of return, the answer is not, obviously, through the government-run system. The only serious hope is with the private sector, as a host of studies, from The Heritage Foundation, the Cato Institute, other think tanks, congressional committees, and official commissions have concluded. For conservatives, private accounts for individuals, into which people would deposit a portion of the money they currently hand over in payroll taxes, are the best solution. The research persuasively shows that over anyone's working life, regardless of income level, such accounts, properly invested, will make retirees much better off than even the best they can expect from the current system. The difference can amount to hundreds of thousands of dollars.

The two key words to remember are "properly invested." The benefits that people *can* realize are not the same as the results they *will* realize if they fail to follow sound investment advice on how to structure their accounts, how to allocate assets between stocks, bonds and other instruments, how to maintain a diversified portfolio, etc. In fact, most serious plans for partial Social Security privatization include regulatory safeguards designed to steer people in the right direction. In a Cato plan, for example, a national "Board of Trustees" would oversee investment decisions, and the system would require that Americans "invest in only approved asset classes," keep their

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investments within "maximum percentage limits on each asset class," and change their "portfolio composition as retirement age nears," among other things. The regulations in the Cato plan are not just a nod to the politically achievable — a concession market-minded reformers must make out of the recognition that a wholly unregulated system is a political non-starter. They are also an acknowledgment that sound investing is not something all Americans will do automatically.

In fact, there is a depressingly large and growing body of evidence that given complete freedom to manage their own private Social Security retirement accounts, too many Americans would make poor investment decisions, thereby depriving themselves of some or all of the benefits of privatization. Typically, those who, in the context of Social Security reform, raise concerns about the savviness of Americans as investors are coming from the anti-privatization side of the debate — those who have a political interest in keeping Americans beholden to the government-run scheme, regardless. Their complaints are often no more than a polemical smokescreen for a hidden anti-reform agenda.

But it's a mistake to dismiss concerns about investor knowledge altogether — a fact that is implicitly acknowledged by the regulations to govern investment decisions in current reform proposals. The reform debate needs to look at where Americans are in terms of their investment knowledge, as well as the political pressures Americans and their elected representatives may try to exert on a partially privatized Social Security system. The case against sticking with the current failing system will be no weaker for the exercise; in fact, a clear-eyed assessment can only strengthen the case for reform by clarifying what is at stake in private accounts.

What investors (don't) know

MANY AMERICANS, ALAS, know little about stocks, bonds, and retirement. This is the conclusion reached by none other than the companies and organizations that would benefit most from a system of private accounts. The Vanguard Group, the National Association of Securities Dealers, the Securities Industry Association, the Investment Protection Trust, Merrill Lynch, *Money* magazine, and the Securities and Exchange Commission have all done studies or issued reports that reach the same general conclusion. To make matters worse, much of the research over the past five years has focused on the knowledge of individuals who already own stock and are thus presumably more familiar with the workings of financial markets; the research has still found severe financial illiteracy.

According to these sources, for example, a majority of Americans don't know that stocks have had the best historical returns of all investments. (A quarter of them think that bank certificates of deposit offer the best historical rate of return). More than a third can't figure out whether $1,000 invest-

ed at 8 percent for 30 years would grow to more than $5,000 or less (the answer is more). And those are the better results. Eighty-six percent of Americans don't know the difference between a growth stock and an income stock. Eighty-eight percent don't know the difference between a load and a no-load mutual fund. Most Americans don't know why they should diversify, and 45 percent think diversification "guarantees" their investments won't fall when the market does.

These facts about public investment knowledge are no fluke. In more than a dozen surveys, performed by reputable firms for a host of organizations with varying interests, Americans have shown generally poor knowledge about retirement and saving.

Whatever the historical origins of this ignorance, the list of problem areas is lengthy. Almost half of investors don't know what impact mutual fund expenses have on returns. As for government rules that shape individual retirement investing, knowledge is just as murky. Only one in eight knows the eligibility rules for tax-deductible IRAs. And only two-thirds know the maximum they can contribute to their 401(k) account.

Most Americans don't know that stocks have had the best return of all investments.

Just how ignorant *are* some amateur investors? Consider a common problem in defined-contribution plans, such as the 401(k) — where a worker can save a percentage of his pretax earnings in an employer-created account with a number of investment options ranging from money-market and bond funds to individual stocks. Say an investor joins the program at the beginning of a long bull run. Quickly, his $10,000-a-year contributions push his portfolio past six figures. Then the stock market gets the jitters and drops a bit. Confident in the belief that diversification will "guarantee" his savings, our investor is shocked upon receiving his monthly statement to see that his retirement savings have dipped to $80,000. Angry at the turn of events and concerned about further drops, our investor yanks his money out of stocks and sticks them into a nice, safe money-market fund. There the money sits, earning 4 percent annual interest. Meanwhile, stocks bounce back up by 20 percent and our investor misses the rebound.

That happened thousands of times in the summer of 1998 to investors who let world financial problems spook them. If our investor had done nothing — the preferred option of anyone who understands market volatility, diversification, and the need for long time horizons — his portfolio would be intact. However, an ignorant investor can easily find his savings set back by years. Indeed, a recent study by a 401(k) consulting firm showed that average investors in mutual funds cut their return in half by moving in and out of funds rather than standing pat.

The fact is that investing for retirement really does take 40 years, or it

ought to, and even when done expertly, includes long periods of what looks like failure (flat or negative returns). The research indicates that many people, not surprisingly, don't respond well to apparent failure. They have a hard time accepting it as an inevitable element of investing. They want to *do* something about it, in many cases despite the fact that the right thing to do is nothing. Nor is doing nothing necessarily easy. It's a choice, like any other, that has to be reaffirmed every day.

Too conservative and too risky

No less important than the question of *what* people know is how they *act* on what they know. As it happens, a rich vein of research on the way Americans have handled their 401(k)s has been available for more than a decade. This research is particularly valuable, for investor decisions about 401(k) accounts are the best real-world proxy we are likely to find for how people will manage their privatized Social Security funds. The studies — done by private consultants like Hewitt Associates, arms of the government like the Securities and Exchange Commission, and think tanks like the Employee Benefit Research Institute — do not paint a reassuring portrait of how well-equipped some Americans are to handle their retirement cash themselves.

For example, the best analysis of 401(k) asset allocation shows that Americans are placing only between a third and 45 percent of their cash into equity funds. (Another third of 401(k) funds goes into various lower-return, lower-risk categories like bond funds, guaranteed investment contracts, balanced funds and money-market funds.) Expert opinion does vary on precisely what the "right" percentage would be. But it's clear that to get high returns, less than half is way too low. The Securities and Exchange Commission put it this way: "The public has a 'play it safe' approach to investment. People seem so concerned with avoiding investment disasters that they make do with overly conservative investments. Much of the public is intimidated by the stock market and frightened of its volatility."

Similarly, what cash does go into equity funds is not very broadly distributed. According to the Hewitt 401(k) Index, 26 percent is in large-capitalization stock funds (commonly defined as funds that invest in companies valued at $5 billion or more), 5 percent in mid-cap (between $1 billion and $5 billion), 1 percent in small-cap ($1 billion and under), and 3 percent in international funds. Although it is true that during the past few years, in particular, it has certainly been advantageous to have a stock portfolio packed with large firms as their stock prices have skyrocketed, in many other periods, mid-sized and small firms have offered a better return. Not many retirement planners would suggest that clients put three times as much money in large-cap U.S. stocks as in all other categories of equity combined. Nonetheless, this is precisely what many people, perhaps for reasons peculiar to amateur

investment psychology, are wont to do.

Even worse, 401(k) participants have a huge appetite for the stock of their own employers. Hewitt reports that 28 percent of balances are in the stock of the participants' companies. Such a large concentration of retirement savings in a single stock is universally viewed by retirement planners as a mistake, for the simple reason that it is a large and unnecessary risk. While the broad U.S. market has shown steady appreciation for the past century, there is no such record for single stocks.

Nor is the abundance here a product of employee benefit packages in which employers contribute matching funds in the form of stock. A January 1999 Employee Benefit Research Institute (EBRI) study shows that even in 401(k) plans where there are no employer-directed contributions, from 20 percent to 33 percent of balances are in company stock. Even among 401(k) participants in their 60s, the group closest to retirement — and therefore the very people who should be taking the smallest risks with their money — 401(k) balances show from 16 percent to 26 percent invested in employers' stock. The irony is that this decision is fed by the same over-conservative investment philosophy that distorts the rest of participants' portfolios. An average but somewhat ignorant investor feels that he knows his company and its prospects best. Thus, he feels as safe with his own company stock as he does with a government bond, despite the historically high risk.

Many investors hold risky, unbalanced portfolios that might not provide for an adequate retirement.

The net problem is that too many 401(k) participants hold risky, unbalanced portfolios that might not provide the growth needed to fund an adequate retirement. Moreover, the potential problems people will have in the near-universal privatized Social Security system are probably underestimated by the 401(k) analysis. Overall, 401(k) participants are better educated, more knowledgeable, and better off than Social Security participants in general.

How people invest

MOST PRIVATIZATION PLANS start with an analysis of U.S. stock market returns after inflation over the past 70 years. They observe, correctly, that an average return in a private account would be 7 percent, and there are no bear periods in the market long enough for individuals to be worse off with private accounts as compared to Social Security.

These points are true in general. But when we take people's real-world behavior into consideration, a slightly different picture emerges. The con-

servative nature of the public's investment choices may mean that returns are lower. Worse, with equity funds concentrated for many people in one asset class (large-capitalization stocks) and the stock of their own employer, portfolios for many will be far more volatile than the stock market as a whole. Last year, while the stock market dropped and then rose by more than a fifth, many well-known stocks rose or fell by more than half.

To be sure, some advocates of privatization have tried to incorporate such real-world behaviors into their work. In a 1997 paper by the Cato Institute called "Common Objections to a Market-Based Social Security System: A Response," the authors correctly factor in at least one real-world phenomenon, namely the administrative costs of managing a portfolio (a factor that some early analyses of the benefits of privatization neglected to include). Cato's updated analysis proposes a portfolio divided 60 percent stock, 40 percent bonds, with 1 percent administrative costs.

Privatizing Social Security could deliver a large financial benefit to just about every investor.

The results accurately show that privatizing Social Security would deliver a large financial benefit to just about every investor in possession of such a portfolio. But would most American investors want to maintain such a portfolio? The fact remains that few have shown the willingness to leave as much as 50 percent of their portfolios in stock funds. Nor do such calculations on return take into account the risk that comes from having a quarter of an average portfolio in a single stock — one that, as we have seen, is all too commonly assumed by many investors.

The problems that arise in the way average 401(k) participants order their investments are exaggerated in the case of low-income earners (defined as $40,000 a year or less). Studies by the 401(k) Institute, as well as opinion polls, have shown that these particular investors or potential investors are far more conservative in their investment choices than are others, and far less knowledgeable overall.

Perhaps the most powerful argument made on behalf of privatization is the fabled "minimum-wage millionaire," in which a burger-flipper who invests broadly in the stock market is able to retire, literally, as a millionaire. But if such a minimum-wage worker takes ill-advised risks by buying heavily in Burgerama stock, the result may be very different.

Another pressing question is just how *much* saving for retirement Americans are really willing to do. No matter how savings is measured, the trend for the past half-century has been down. In 1997, the savings rate fell to its lowest level in 50 years — 3.8 percent. Just between 1987 and 1997, the rate dropped by 28 percent.

The past two decades' tax history brims with attempts to use tax policy to increase the incentive for saving — Individual Retirement Accounts (created

and expanded several times), 401(k) accounts (which came into wide use), and lowered capital gains tax rates all were, in part, attempts to reverse the decline of personal savings in the U.S. The results were nil. Well-off Americans with the most savings simply shifted their account balances around in an effort to capture all the tax advantages.

A primary reason cited by conservatives for the decline of savings is the regressive bite of Social Security taxes as the rates have been repeatedly raised over recent decades. Privatization won't change that tax bite. It's also possible that for some, the existence of a private Social Security account will become an excuse for not saving money they might otherwise put away or to save more conservatively. Already, a quarter of those eligible for 401(k) retirement programs choose not to participate. In a system where taxpayers see significant balances building up in their government savings accounts, it would not come as a surprise if some curtail or even suspend their 401(k) and IRA contributions, thereby shifting savings, as they have in response to other government attempts to prod the public into increasing its savings.

Political pressures

THE REGULATIONS that govern private Social Security accounts are intended to do the work that investor knowledge will not do for all Americans. Almost every proposal for privatization includes provisions to protect people from swindles and mistakes. A 1997 paper by the Cato Institute cited earlier spells out what those regulations — subject to the approval of a national "Board of Trustees" — would look like:

- *Investors can chose from only "approved" asset classes.*
- *Investors must limit the percentage allocated to each asset class.*
- *Portfolio composition must change as retirement nears.*
- *Investors must take enough risk to "reasonably assure the building of wealth."*
- *Investors can place their accounts only with approved service providers.*

There is a risk here as well, namely, government interference in the way these accounts are invested. Federal Reserve Chairman Alan Greenspan testified before Congress that he believes no system could be set up to fully insulate direct government investment in stocks from political pressure. It is easy to see how politics could intrude upon investment decisions in indirect ways as well. Will members of Congress or future administrations be able to restrain themselves from insisting that Social Security participants shouldn't invest in companies that break U.S. laws, like anti-trust or international sanctions? There will certainly be pressure for such things as a "social conscience" provision in the regulations for "approved service providers" — a

provision that might push toward investing in minority-owned business or away from tobacco and gun companies, or towards companies that are expanding their U.S. manufacturing operations and away from companies closing factories in the United States.

Also worth considering are the political pressures regulations may give rise to among investors unhappy with outcomes in the short term. Any system of regulations that forces account holders away from their overly conservative preferences (40 percent stock funds, 60 percent conservative investments) and toward a prudent but more risky allocation of retirement investments — say 70 percent stock funds mixed among large, medium, and small U.S. firms along with some international exposure and 30 percent bonds or other conservative investments — runs a huge political risk. Some account holders are likely to demand "action" — meaning federal financial intervention — during years in which a prudent, professional investment strategy looks like a rout. Regulations or not, some Americans will be reluctant to grit their teeth and watch years of savings disappear in a bear market.

Success, for its part, will bring opposite pressures to bear on retirement fund accounts. Imagine the best-case scenario, in which millions of low-skill workers across the nation enter their 40s and 50s with six-figure, even half-million dollar retirement accounts. Then their kids want to go to college, say, or a relative without health insurance becomes gravely ill, or the investors themselves want to buy their first house. Can a rich retirement system resist becoming the piggy-bank for other worthy causes?

The past two decades' history should give pause. Individual Retirement Accounts, for example, are more accurately abbreviated IHHERAs (Individual Health-care/Home-buying/Education/Retirement Accounts). The litany seems more likely to grow longer than to get shorter. The story of 401(k)s is much the same. Today, 50 percent of plans, covering 70 percent of the participants, allow loans. Already in 1996, 18 percent of eligible participants had loans, which averaged 16 percent of their account balance.

The good news

NOT ALL THE RESEARCH about Americans' 401(k) behavior is depressing. Actually, many 401(k) account holders have shown they are able to make some remarkably sophisticated investment decisions. Amidst last year's market turmoil and bleak media coverage, less than 1 percent of 401(k) account balances were taken out of stocks in any one month (much more was moved among stock funds, which is a problem). The January EBRI report also shows that Americans know they should have a higher exposure to stocks when they are young and slowly reduce that risk as they near retirement; the report also indicates that they are acting on that knowledge in their 401(k) asset allocations. There is no denying that the availability of 401(k)s, as well as years of a raging bull market, have served

simultaneously to democratize the shareholding community and to instruct many first-time investors in the market's ways. It is certainly reasonable to expect universal private Social Security accounts to result in similar improvements in investor knowledge.

And, of course, the question of how well-prepared Americans are to make the right decisions about their privatized Social Security accounts is hardly the same as asking whether Social Security should be privatized at all. For young Americans, a monkey with a modem and an e-trade account could get a better return investing in stocks than a 20-something can expect from the money he will be forced to "invest" into pay-as-you-go Social Security.

In the end, however, the fact remains that no regulatory system can fully protect people from their folly. And folly, alas, is the word that comes to mind for the way some people currently approach investment decisions. The current system offers no hope of a solution, and privatization will afford virtually everyone with an opportunity to be far better off in retirement than under government run Social Security, at no additional cost to themselves. But it is only an opportunity — one that many people will seize, some will ignore, and some will bungle. There is no use pretending or hoping that bungling won't happen. In fact, it will be important to take steps to minimize its effects.

What Voters Want

The Politics of Personal Connection

By DAVID WINSTON

It is pardonable to be defeated, but never to be surprised.
— Frederick the Great

NEWT GINGRICH STOOD before the TV cameras on election night 1998 confused, angry, and disoriented. He had expected to win a significant number of House seats, which would secure his speakership and his agenda for the next two years. He had weathered, he believed, the worst that anyone could throw at him — from a coup by his trusted advisors, to a massive Democratic effort to pursue ethics charges against him, to 120,000 negative television spots produced by organized labor and the Democrats. But he had survived, and he had set up the 1998 election just the way he wanted. Now he faced the cameras having suffered a huge defeat — and he didn't know why.

In 1996, about two weeks before the election, Bob Dole, a true war hero and one of the most respected legislators ever to serve in Congress, realized he wasn't going to win the presidency. In frustration, he blamed the American people, crisscrossing the country to tell them they were wrong. Inside the Dole campaign, it was referred to as the "Wake Up, America" tour. Just 18 short months earlier, it looked like any Republican would beat Bill Clinton, but Dole now faced a humiliating defeat, and he didn't know why.

In 1994, Clinton and his staff huddled on election night — removed from

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the public. They had been handed a historic defeat. After having laid out a bold and ambitious series of proposals, Clinton had done something a Democratic president had not done since 1946. He had lost both the House and the Senate — and he didn't know why.

How could these three very different political leaders be so far off in their expectations about the results of an upcoming election? The reason is that each had crafted a strategic vision and tactical plan based on assumptions that missed the most important shift in American political behavior since the 1920s. American voters now are largely unwilling to make political decisions based on liberal or conservative ideology — that is, by locating themselves somewhere on the left-right political spectrum and supporting the candidate located closest to them or opposing the candidate farthest from them. Voters have evolved new, highly personalized ways of choosing, and more often than not, they regard attempts to make them view the world in ideological terms as too constricting. Politics will never be the same again, and politicians who miss this change are apt to be left behind scratching their heads as the masters of this new politics emerge victorious at the polls.

Ideology and its discontents

THE BASIC PARADIGM of political decision-making since FDR has been ideological. Think of a straight line from left to right, with "liberal" at one end, "conservative" at the other, and varying shades of "moderate" in between. Candidates have tried to place themselves along that spectrum at a point that includes at least 50 percent of voters. Exactly where that point is varies considerably. Fifty percent plus one in a very liberal district (say, the Upper West Side of Manhattan) is very different from the same point in a conservative district (Orange County, California).

In an ideological world, politics and political appeal are largely a matter of the positions a candidate takes. Gun control: For it? Liberal. Against it? Conservative. To state the position is to make the pitch for support, because in an ideological world, voters know where they stand and respond to candidates accordingly.

Today, for some voters, a "conservative" or "liberal" label is a drawback, because many people now tend to view both terms — rightly or wrongly — as extreme. Nor is the solution for politicians somehow to take a "moderate" view, that is, simply a blend of liberal and conservative positions.

Increasingly, people do not see themselves as fixed somewhere on the political spectrum of left to right. Rather, they see the political spectrum as something outside of themselves, and in evaluating candidates, they do not respond merely to the stating of a position. On the contrary: They are responding to politicians who present a similar view of ideological politics — as alien to the real concerns of real people. They often resent those trying to advance ideological views as persons with agendas separate from and

indifferent to their own. What they want, and what successful candidates are giving them, is a more personalized politics.

Origins

IN PREPARATION for the 1984 campaign, Ronald Reagan's pollster and strategist, Richard Wirthlin, conducted a study of how the American electorate was making political decisions. His insight was that people were beginning to make decisions in a much more personal, values-based way. The way politicians frame an issue for voters is as important as the substance of the position they take. "Message development" is king.

The successful politician is the one who places the issue in a more personal context.

Take a hypothetical example — an across-the-board tax cut. Never mind that conservatives would generally favor such a tax cut on principle, and liberals generally oppose it. People don't respond merely, or even chiefly, ideologically. If they did, it would be enough for a politician to say, "I favor (or oppose) an across-the-board tax cut." People would then know as much as they need to make up their minds.

But voters are more inclined to respond favorably to a politician who does more than make his position clear. Increasingly, the successful politician is likely to be the one who places the issue in a more personal context. For example: "Voters will get to keep more of their own money." (On the negative side: "This tax cut will benefit the rich the most.") The next step is to connect the benefit to a personal consequence for voters. The candidate supporting the tax cut might talk about how people will have more money for their family, to pay for their children's college, or to take care of elderly parents. The candidate against it might note that in order to pay for this tax break for the rich, it will be necessary to cut programs for families, college, and the elderly.

The question then becomes more intimate: Who can make the case for or against a particular policy proposal in the way that best resonates with most people's personal values, the things of concern to them in their lives? In the example of a tax cut, those favoring it might try to connect with a person's sense of self-esteem in the form of his ability to provide for his family. On the other side, avoiding cuts in programs might connect with people's sense of personal security, since they might one day rely on those programs.

By this point, there is very little of an ideological nature going on here. Although conservative and liberal ideas are under consideration, they are accepted or rejected primarily on the basis of how they connect with people's lives. The politician's task is to make that connection — and the politician

who does so will always have an advantage over a politician stuck in an ideological world where he thinks merely taking a position does the trick.

Wirthlin's model looked something like this: *Issue/Attributes* connect to *Issue/Voter Benefits* connect to *Personal Consequences* connect to *Personal Values*. In this model, *Issue/Attributes* are the proposals and ideas politicians put forward — positions. *Issue/Voter Benefits* explain how these positions benefit people. *Personal Consequences* spell out the impact of these benefits on people's goals. *Personal Values* take us to the heart of people's hopes and concerns.

As Wirthlin understood, and later Dick Morris, voter decision-making has become much more complicated. This new personalized decision-making process has overwhelmed the simple, one-dimensional construct of ideology.

From ideological to personal

AMERICANS GAVE MUCH of the credit for deliverance from the Great Depression to the liberalism of FDR, and liberalism dominated the political landscape for decades. Over the years, however, the country began a slow shift to the right, a shift that culminated in 1980 with the election of Ronald Reagan and a Republican Senate. In 1984, Reagan won the last avowedly conservative-liberal presidential contest, running against an opponent, Walter Mondale, who had announced he was going to raise taxes, thereby openly aligning himself with a liberal ideological perspective.

In 1988, the Democratic Party tried to dress up Michael Dukakis's liberalism in the guise of "competence" in an effort to make the party's ideology more palatable to voters. George Bush insisted that the "competence" tag was just liberalism trying to advance under a false flag. "Competence" didn't survive the assault.

By 1992, however, a new kind of election was in the making as two events converged. Bill Clinton was working tirelessly to define himself as a new kind of Democrat, taking the party with him. Meanwhile, George Bush had driven up the cynicism of the American electorate by breaking his "no new taxes" pledge. He was punished in the primaries by conservatives, and then punished in the general election by the politically disaffected supporters of Ross Perot.

Clinton didn't run an ideological campaign. Instead, using the slogan "Putting People First," he cast himself as a caring populist who understood the values and concerns of everyday people. Meanwhile, he castigated George Bush as elitist, out of touch with regular folks. Clinton even took on his own party's liberal base, openly chastising the rap performer Sister Souljah.

The formula worked — well enough to take him to the White House. But once he got there, pressures from the traditional liberal constituency, including the Democratic Congress, mounted to move him leftward. He did em-

brace some "centrist" positions — for example, his wish to placate the bond market, in pursuit of lower interest rates. But for the most part he retreated from the personalized political style in which he campaigned and instead engaged in a series of clearly ideological battles. From gays in the military to a tax increase at the end of his first six months to a massive government-run health care program proposal a year later, Clinton found himself caught in an ideological web from which he could not extricate himself.

The 'Revolution' of 1994

HAVING REJECTED LIBERALISM in 1980, 1984, and 1988, the electorate had no intention of embracing it anew in 1992. By 1994, disappointed voters punished Clinton for betraying their trust, much as they had Bush, handing him the worst defeat a Democratic president has suffered since 1946. As Clinton sat with his advisors on election night in 1994, it became apparent that the assumptions he made in formulating political strategy for his first term were wrong. These assumptions were:

- *In the 1992 election, the country rejected conservatism in favor of a leader who would govern farther to the left.*
- *By using class warfare to split the country, it would be relatively easy to garner the support of a majority of Americans for more liberal positions.*
- *The American people would accept a big-government solution to health care.*
- *By cooperating with the liberal Democratic leadership in Congress, the White House could enact its political agenda.*
- *Policy successes would lead to political successes.*
- *The country wanted big ideas as opposed to incremental improvement.*

The assumptions here are classically ideological. Clinton was creating a left-oriented, class-focused, redistributionist program with massive government expansion as the centerpiece. Perhaps this is not what he had originally intended, but during the course of his first two years, especially trying to work with the liberal Democratic leadership in Congress, this is what his presidency became.

The election that followed was a repeat of the 1984 election, and Democrats were routed. The Republican victory, however, did not reflect a desire on the part of the electorate for a *conservative* ideological solution to national problems. The "Harry and Louise" ads that aired against the Clinton health care plan did as much as anything to set up Clinton for defeat in the fall. These ads, funded by the health insurance industry, created a new context for the health care debate far more favorable to Republicans and con-

servative positions. They connected to people's personal fears about losing their doctors and their desire for reliable, quality health care. Opinion turned against the liberal approach because people felt connected to the conservative approach.

The damage of 1996

AFTER THE 1994 VICTORY, Newt Gingrich strode into the limelight with a new vision of conservatism and quickly went to work on his ambitious agenda. But as did Clinton after the 1992 election, Gingrich misinterpreted his victory. The election of 1994 was a rejection of the liberal direction Clinton had tried to take the country; it was not an affirming election for conservatism. Republicans thought differently and set about the avowedly conservative, ideological project of reducing the size of government. This set the stage for the dramatic confrontation over the government shutdown of 1995.

In 1995, Clinton, who learned from his mistakes in 1993 and 1994, recovered and moved into "triangulation." The political strategy that goes by that name is widely misunderstood — namely, as a sort of "moderate" course between liberal Democrats and conservative Republicans on the political spectrum. In fact, triangulation is not an exercise in claiming the ideological middle ground; it is a strategy that rejects ideological points of view altogether, concentrating instead on making a connection with people.

Clinton was polling daily, and so he was aware of the public's wariness of conservative ideology. In the fall, Clinton did something radical that was sneered at by many Republicans at the time. Although he had the communications firepower of the presidency behind him, he went on the air with a massive advertising campaign that bombarded the American people and echoed the themes coming daily from the Oval Office and Democrats on the Capitol Hill. Clinton's message effectively changed the context of the political debate.

He approached the shutdown not by casting it in liberal/conservative terms but by connecting it to voter fears and concerns. His advertising portrayed him as a caring president desperately trying to keep Social Security checks and Medicare payments flowing, in the face of a narrow-minded, extreme opposition that cared more about politics than people.

Republicans, without the benefit of any polling, believed the country supported the idea of smaller government. The public may have. But people didn't translate the shutdown into an effort to achieve "smaller government." Instead, they looked at it from a personal perspective. For some, a late Social Security check, a closed national park, or a delayed flight. For others, no passport, missing food stamps, a Medicare foul-up. Republicans talked about smaller government as a theoretical idea. Clinton talked about how the shutdown would affect people's lives. That, not the abstract project of smaller government, is what people responded to.

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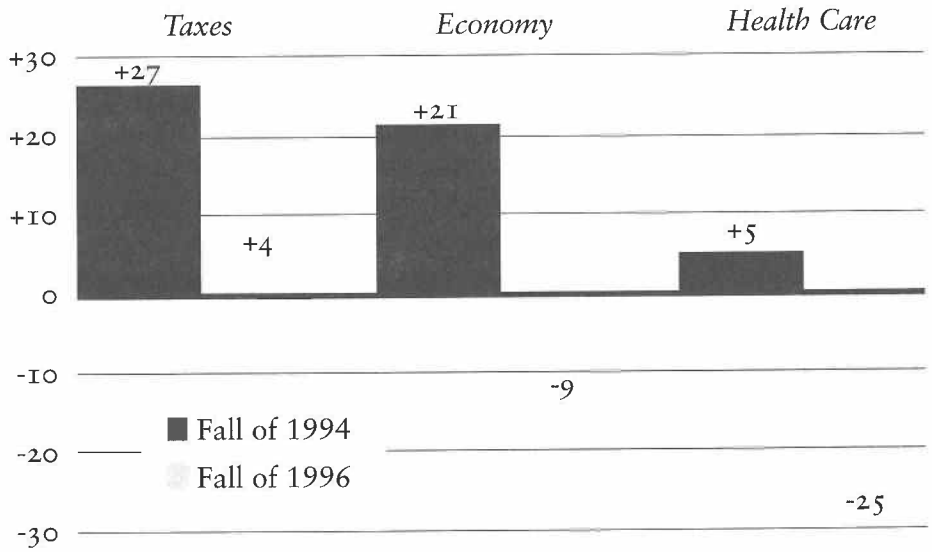
Although many conservatives refused to admit it, Clinton's success was staggering. By January 1996, Clinton's advertising campaign had put the Republicans in a defensive position from which they have yet to recover. Supported by vigorous polling that gave him a blueprint for victory, Clinton shaped the political environment, connected to people's fears and their wants, and won. Republicans, on the other hand, did virtually no polling and had little idea of how the public was reacting. They relied on their ideological instincts, and their instincts failed.

Republicans believed that, in any event, there was plenty of time to repair any image problems left over from the shutdown. They were half-right. Many voters don't make up their mind on specific candidates until later in the election cycle. But by connecting with the voters early, Clinton and the Democrats were able to define the election issues on their terms and create a negative Republican "brand image" at the same time.

Just how successful was the Democratic effort? Look at the survey questions that ask which party will do a better job handling a particular issue. After 1994, Republicans had significant leads in a cross-section of issues. From 1994 to 1996, those leads evaporated (see below).

When election day arrived, the image of congressional Republicans that

Republicans Lose the Edge:
1994 and 1996 "Issue Handling" Ratings Compared



The poll asked, "Do you think the Republican party or the Democratic party would do a better job at dealing with the following issues and problems?" The bars represent the difference in percentage points between those who answered "the Republicans" and those who answered "the Democrats."

Sources: CNN/USA Today/Gallup

most voters took to the polls had been created by Dick Morris almost a year before.

Bob Dole fared no better. The Dole campaign also misread the political tea leaves in the early months of 1996 and made a number of strategic assumptions that proved to be irrelevant or even wrong. These included:

- *The election could be won by labeling Clinton a liberal and Dole a conservative.*
- *An emphasis on the contrast between Dole as hero and Clinton awash in scandal would drive voter behavior.*
- *Republicans had become a majority in 1994, setting the stage for victory in 1996.*
- *Americans are generally conservative.*
- *The Reagan majority still existed and could be re-formed based on the right mix of positions — that is, ideologically.*
- *Since voters don't make decisions until the last month before election day, activities should be focused late in the campaign.*

Some of these assumptions were, in fact, true. Dole was viewed as more conservative, more of a hero, and more a reflection of the '94 Republican victory. The country was more conservative. But Bob Dole was utterly uncompetitive with Clinton in the ability to explain the connection between one's positions and people's lives. The result was decisive.

The 1998 surprise

Once Clinton discovered the efficacy of using personalized politics against ideological politics, he used it time and time again against the Republican majority with great effect.

That Republicans were truly lost after the 1996 elections was obvious. Gingrich, like Clinton and Dole before him, made a number of assumptions that proved disastrous:

- *In the sixth year of a presidency, the party out of the White House always picks up seats in Congress.*
- *America believes in conservative ideas — all that is needed is an effective vision to engage them (a la Reagan).*
- *The electorate would not focus on the election until the last month.*
- *Public opinion research would have no value until the closing weeks of a campaign.*
- *Personal disapproval of Clinton would negate Clinton's high job approval.*
- *Clinton's job approval would decline by the time of the election.*

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- *A low-turnout election would favor Republicans.*
- *Motivating the base to turn out would be critical for both parties.*
- *Clinton, a liberal pretending to be moderate or conservative by stealing Republicans' ideas, would revert to being liberal before the election to try to motivate his party's base.*

Like Dole's assumptions, these were ideologically driven. Throughout 1998, Democrats talked in terms of people and values. Republicans talked in ideological terms. The negative image of the Republican Party established by Clinton during the budget shutdown and reinforced in the 1996 election still haunted Republicans in 1998. They were viewed as single-minded, partisan, inflexible.

In addition, Republicans, still living in an ideological world, refused to believe that the Democratic Party had really changed. For their ideological construct to remain valid, Republicans had to believe that Democrats were flying under a false flag to fool voters but would revert to type. Democrats didn't. Many Democratic leaders certainly remain liberals, but the Democratic Party, like many other left-oriented parties around the world, was forced to change after the success of conservatism in the 1980s.

Finally, going into the fall of 1998, Republicans spent a significant amount of time on impeachment, something that two-thirds of the public clearly opposed. The anti-impeachment sentiment, however, was never really relevant to the thinking of the Republican leadership. In fact, on balance they regarded it as a political plus, focused as they were on the party base, with which impeachment was popular, as the key to the election. And as it happened, they believed that neither impeachment, nor a lack of legislative accomplishment — in fact, nothing — could alter the historical pattern according to which Republicans would pick up seats.

Even on Election Day, Republicans in the leadership did not see the disaster that was about to hit them. Predictions of a 30-seat gain still carried credibility among many. The electorate dealt their confidence in historical inevitability a crushing blow.

Lessons learned the hard way

IN THE NEW WORLD of personalized politics, voter decision making has changed in very fundamental ways. The past three elections have taught us three crucial lessons:

In order to lead, one must have a solid understanding of the American people. Leading means more than just taking a position. It means listening closely to what people have to say. In the past few years, dictates of ideology have led political operatives, especially Republicans, to disdain polling. Democrats, by contrast, have listened to public opinion because they want to understand the complex interaction of many proposals on issues and how

the public feels about them. For Democrats, polls have been strategic tools that give them the ability to understand and better communicate with the electorate and make the all-important connection to voters' personal concerns. Republicans have used polling unevenly and narrowly. They see its value mainly in telling them how they are doing, whether an advertisement's message is working. And when the news from polls is bad, they often react by questioning the validity of the survey itself.

Because most Republicans have grown up politically in an ideological world, they see issues in terms of black or white; right or wrong; conservative or liberal. For Republicans, polling is purely tactical. They are suspicious of any effort to test issues themselves. This lack of interest in public opinion has made the Republican Party tone deaf in many situations, whether developing legislative plans or waging political campaigns.

Polls don't replace principles. They are tools that help candidates communicate better with voters.

Recently, we have heard Republicans saying, "I don't listen to polls. I do what I think is right." Since polling is the process of understanding what Americans think, a rewording of that statement might be: "I don't listen to Americans. I do what I think is right." Or at least that's what many Americans think they're saying. If Republicans are going to win, making a badge of honor out of refusing to listen to the American people is foolish.

Polls don't replace principles or ideas. They are tools, like television advertising or direct mail, that help candidates and parties communicate better with voters. In an ideological world, they were important in measuring party and ideological affiliation, the strength of ideas, and political progress. In a more personalized political culture, they are essential to understanding how to make the connection between political positions and voters' personal concerns. Never has public opinion been more important or more difficult to discern.

Public opinion is dynamic, not static. In the world of ideology, public opinion is regarded as largely fixed. One is either a liberal, a conservative, or something in between, and that won't change. The month before the election is the heart of an ideological campaign, at which time candidates define themselves and try to prevent their opponents from creating a new image.

In our world of personalized politics, successful strategists will understand that public opinion is constantly changing. It can be shaped. A key part of any successful campaign is likely to be its earliest phase, perhaps before the opponent even realizes that a campaign is under way, when strategists shape the public view of the context of the election by engaging voters in personal terms.

Message delivery occurs all the time. There are opportunities every day to shape the context of the next election.

Conservative ideas — and liberal and centrist ideas, too — will be successful only to the extent they have a personal appeal for people. Consider an example: It frustrates Republicans endlessly that most voters agree with them that responsibility for education should generally remain at the state and local level, yet in survey after survey, the same voters overwhelmingly have more confidence in the Democratic Party on the issue.

Republicans think that because they are right on the underlying principle of local control, this should naturally translate into political success — a classic ideological view. What they fail to understand is that voters can disagree with Clinton or the Democrats on one or more of the basic elements of an issue, but their resistance can be overcome with other proposals that create a different political context and connect with people personally. People also care about class size, a safe learning environment, quality instruction, and discipline. So when Clinton focused on 100,000 new teachers for smaller class size, 5,000 new schools for a safer environment, national education standards to ensure quality, and school uniforms to minimize distractions, people were prepared to forgive him on local control.

Ideological conservatives tend to see voters who support the concept of local control and also support Clinton's education policies as inconsistent and therefore in need of education themselves. But the electorate doesn't see education, or most issues, in "either/or" terms. It's the package that counts — including the packaging.

Voters will likewise respond to conservative ideas — if politicians will show them the benefit of those ideas in their lives. But they are less and less likely to embrace a "conservative agenda" just because it is conservative. If conservatives can't or won't explain how conservative ideas will work for people, people in our personalized political culture are likely to turn to the ideas of those who can and will.

Diversity on Trial

Three views from Boalt Hall

By Nick-Anthony Buford,
Heather McCormick *&* Joshua Rider

Editor's note: *Boalt Hall, universally regarded as one of the top law schools in the nation, is a crucible of this country's dispute over diversity. As a public institution, part of the University of California at Berkeley, Boalt is subject to the provisions of California's Proposition 209, the ballot initiative passed in 1996 that banned preferential treatment based on race, sex, color, ethnicity, or national origin. The effect of 209 on the Boalt class of 2000 was noteworthy. One black student matriculated that year.*

Proposition 209 has been much protested, by Boalt students and faculty alike. It is safe to say that a substantial majority of students opposes the post-209 admissions policies. The academic year 1997-98 saw widespread protests at the school.

This in turn has led to concerns on the part of some students about another kind of diversity at Boalt — namely, the openness of the campus to diversity of expression and point of view. Some student supporters of 209 felt their views were unwelcome, to put it mildly.

In 1998 David Wienir, a student in the class, put out a call for papers from his fellow students asking their views on diversity of expression at Boalt. He formulated the questions as follows: "How healthy is the marketplace of ideas at Boalt? Do you have a fair opportunity to share your ideas in the classroom? Does expression flow freely in an environment of diversity, or does the climate of tolerance at Berkeley paradoxically inhibit true diversity of opinion?" Wienir received more than two dozen responses, which have now been collected into a book, The Diversity Hoax, *published by the New York-based Foundation for Academic Standards & Tradition (FAST). In the words of the non-profit's executive director, Marc Berley, FAST's mission is "to empower diverse college and university students nationwide to restore both high academic standards and humanistic study of liberal arts in the Western tradition to their schools." Three of the law students' papers follow. They are reprinted with permission of FAST and the authors.*

What Ever Happened to J.S. Mill?

By NICK-ANTHONY BUFORD

LAW SCHOOL IS PERHAPS the greatest invention ever devised for taking individual creativity and free thought and locking it up in a box. Here's the idea of law school: Get a liberal arts undergraduate education. Read Kant. Read Locke. Read Emerson. Read Frost. Read Thoreau. Debate the meaning of life, and liberty, and culture. Travel to far-away places. Study abroad. Immerse yourself in new friendships and experiences. Grow. Drink. Think broadly about the meaning of something you love, and enjoy. Get an education that personally fits you, and your interests.

Then stop. And throw it all away, and get a McLaw Degree — one size fits all. One opinion fits all. Or so it seems at Berkeley.

You see, at Boalt — or at least to the vocal liberal thought-police of students who think that they must police the law school for signs of intellectual heresy and conservatism — the only thing that the great lawyers do of value is push the envelope of civil liberties law. Contrary thought is not encouraged. Oneness is the rule.

Let's consider the lawfulness of homosexuality, for example. Whereas sodomy is a crime in many places, a large number of students at Boalt evidently think that homosexuality is, or should be, constitutionally protected as a part of one's personal privacy. They have a right to think so. But precisely because everyone is clearly entitled to their own opinions and expressing them publicly, the viewpoint of the students at Boalt who have been agitating publicly for homosexual rights can't be considered to be the only viewpoint that should be respected. Gay rights is, after all, an issue over which reasonable people differ, sometimes heatedly. Perhaps homosexuals should be granted special legal protection in a number of areas. Or perhaps homosexual activity should not be protected at all, whether on constitutional grounds or to protect the superior interest represented by the traditional family. Or perhaps something in between is right. To say the least, a settled rule of law is unclear here; consensus is elusive. But clearly and loudly, the raised voices in favor of homosexual rights at Boalt have chilled contrary speech through intolerance of contrary views.

Where could the law possibly go on this issue? Well, existing trends could continue. It's not unforeseeable, given recent judicial decisions, that in the future the utterance of an opinion contrary to the majority opinion at Boalt in favor of gay rights might be treated as the equivalent of racist hate speech. Or perhaps any meaningful public discussion about whether the dominant opinion on gay rights is the correct one would be treated as creating a hostile work environment in violation of sexual harassment laws. Regardless of

the future, the current situation is that already; students who individually challenge the dominant paradigm with their own thoughts are ostracized by many other students at the law school — perhaps intentionally, perhaps unintentionally.

Though I have kept my true feelings about the gay rights movement to myself while at Boalt (talk about racial quotas is the topic *du jour,* it seems), I have felt ostracized nonetheless when I have chosen to express my opinion on other topics. And that shunning has been a direct result of what I have chosen to say in class: about crime and personal responsibility; about affirmative action; about taxes; about environmental over-regulation; about property rights being just that — rights; about the proper size and scope of government; and about law. And there are some folks that have managed never to say a word to me — or to say very little to me — all year. In a class of 273, however, that is kind of hard.

At Boalt, far too often disagreements are taken personally.

I suppose that that ostracization is self-imposed, in the sense that it results from my own voluntary behavior in choosing to express my views. But it is also the result of others — others who are perhaps oversensitive, perhaps petty, or who perhaps just cannot see that all coins have two sides. In my experience, other people at Boalt choose to penalize you when you speak up, by choosing to ostracize you. And at Berkeley — once the great home of the "Free Speech Movement" — this is not what I had expected. My undergraduate institution was full of opinionated people — just like Boalt. But unlike Boalt, the disagreements were not taken personally. In other words, even opinionated people recognized the right of other people to have contrary opinions. At the California legislature, where I worked for a year as a staff member, there were many disagreements, but by and large the disagreements were not taken personally there either. At Boalt, however, disagreements far too frequently appear to be taken personally. If you don't agree with the dominant liberal strain of thought at Boalt, you *must* be a fascist. I know; I have heard this label used to describe me here. Funny, I've always thought of myself as a classical liberal — the type that defends vociferously the rights of people to disagree with me, and to say so, even if I think they are wrong.

Once, at a reception of some sort, I was asked by a student of color, whether, in spite of all the "agitating" at Boalt against the ethnic composition of the mostly white Class of 2000, I felt welcome at the law school as a member of that class? I didn't know what to say, because I hadn't expected the "I take things personally" attitude of other people at Boalt. I forced the answer "yes," but I meant no. I didn't see the point in trying to explain myself to someone I perceived was making a tokenist effort to talk to me about how this student's agitating compatriots had made me feel. I am a minority. That doesn't make me agree that everyone with brown or black or

yellow skin must think alike. If that point isn't self-evident, I didn't see how I could communicate it to someone who didn't already understand.

It's undeniable that at Boalt, free speech and free discussion are chilled. It affects all of us. And, ironically, the inspiring, "traditional" 1960s paradigm of Berkeley — of respect for diverse opinions — is subverted and trampled by the new intolerance of the activist student thought-police who police the discussions that take place daily in the classrooms and hallways. I remember one instance in particular when I was practically reprimanded by a fellow student for having spoken my mind. It struck me that this verbal, public, high-minded scolding — it was like being put in a New England-style pillory of sorts — implied several things: (1) that this is our turf, and you're not one of us; (2) that on our turf, you'd better play by our rules; and (3) our rule is to allow you only to say that which we can tolerate, so fall in line. Unfortunately for any self-appointed censors, however, I've decided one thing for certain — whatever it is that bothers others about what I say, I don't plan on stopping. I won't fall in line. It is my prerogative to express myself.

One doesn't have the freedom to grow if one is afraid of retribution.

Were he alive, John Stuart Mill, a libertarian, would not like the Berkeley of today, because he valued freedom of expression and public debate as a method of arriving at fundamental truth. Were he alive, Henry David Thoreau, a transcendentalist, would not like the Boalt of today, because he appreciated that the freedom to express unpopular views without retribution (the freedom to dissent, in other words) lies at the core of a free society.

But the late Rev. Martin Luther King Jr., were he alive today, would in fact like Boalt, because today, post-affirmative action, he would behold a truly color-blind admissions policy which does justice to the dignity of individuals in the Kantian sense — the dignity that results from not treating people as means to an end, but as morally significant entities in and of themselves.

Speak that last thought at Boalt and you will be ostracized, as I have been. You will be ostracized because the thought-police at Boalt can't grasp the importance of the preceding two truths — about the value of public discussion — represented by Mill and Thoreau. One does not truly have the freedom to think, and grow, however, if one cannot express one's thoughts without fear of retribution.

American culture glorifies the dissenting individual. That is in part a direct consequence of Berkeley's 1960s legacy, the counterculture of that era, and the Free Speech Movement that was its genesis. We value the road less traveled when two paths diverge in the woods. We glorify the person who marches to the beat of a different drum. We value those who have done things their way. Perhaps Boalt will learn this valuable cultural lesson one day (after all, it once taught it) and stop ostracizing dissenting individuals.

Until then, I will continue to be the back-bench dissenter in the classroom. I will continue to help expose the dominant paradigm for what it is — just one way of seeing the world.

In spite of the smothering political correctness at Boalt, I highly recommend it to anyone who likes to think for oneself. The hostility of the "audience" at Boalt to hearing your message can often be formidable. But press on. It's worth it. There is, after all, no better place to preach the Gospel than in the den of the devil. You see, it is the very hostility of the audience at Boalt that makes your own personal viewpoint that much more worth expressing.

There are so many of us in law school each day, but how many are actually heard from? Not many. I ask you, is that the idea of an education? Is that the idea of law school? It shouldn't be, but it is the idea at Boalt.

The Unprofitable Monopoly

By HEATHER MCCORMICK

I CAME TO BOALT HALL with the optimism shared by many first-year students. If ever there were a place where open-minded people would engage in dialogue and emerge for the better, it would be UC Berkeley School of Law (Boalt Hall). Four years later, I no longer share that optimism. For I have found that the "marketplace of ideas" at Boalt is actually a monopoly.

My first big lesson in the silencing of dialogue happened in first-year property class. The professor — thankfully a visiting one — showed a video on housing discrimination. After the video, she called for an open dialogue, encouraging everyone to express what they felt about what they had seen. As the exchange progressed, one of my classmates raised his hand, with a hypothetical based on reverse discrimination. (Granted, it was a bit peripheral, but that's not so uncommon for first-years and their hypotheticals.) "How could you even bring that up?" the professor demanded. "It just belittles everything you've seen here!" Her tirade went on for a good two minutes, while my classmate sunk down into his chair, lowered his eyes, and said nothing.

The professor's response foreshadowed what too often passes for "open dialogue" at Boalt. Those on the far left are entitled to say whatever they want, without regard for simple civility or for restraint in levying accusations. Those who disagree with them are to remain silent.

Of course this is a simplification of the situation at Boalt. In fact, I believe that many Boalt students who lean toward liberalism nevertheless would like to see a more balanced dialogue. But, frustratingly, not many will stand up for it. Nor will those on the right. Why is it that we, as advocates in training, are nevertheless so reluctant to stand up for our positions?

Like most monopolists, the liberal voice at Boalt has achieved its position through unfair competition. One of the most powerful and destructive tools in silencing dissenting voices at Boalt is the casual use of various "isms." I am continually amazed by how easily certain students at Boalt will use one of their classmate's particular comments or political beliefs, without more context, in order to label them racist or sexist. If you believe that disparate impact in and of itself isn't enough to constitute an Equal Protection violation (i.e., if you agree with the Supreme Court's jurisprudence), then you're a racist. If you, despite your well-intentioned, fine-toothed combing of the Constitution, just can't find a legal rule that says that veterans' preferences are impermissible gender discrimination, then that is sexism. If you think that these veterans' preferences are acceptable as a matter of policy — for the liberals who are willing to concede that there is a difference between constitutional permissibility and policy advisability — then that is *extreme* sexism. And woe to you if you believe that mothers on crack should lose their babies, you poor racist, sexist loser.

Many who disagree with the ultra-liberal viewpoint at Boalt have learned to keep silent.

Holding any of these beliefs does not, in and of itself, make one a racist or a sexist. But expressing such beliefs in the classroom setting, with an acute awareness that certain of your classmates will use them to infer such traits about you, is really tough to do. When I say "infer," I don't mean to believe in a silent way. I have heard all of the above beliefs expressly called racist or sexist in the classroom. And if your classmate is publicly calling the beliefs that you hold racist or sexist, then it doesn't take a great inferential leap to recognize that your classmate is publicly calling you a racist or a sexist. No one wants to be called — or thought — such ugly things by their peers. As a result, many who disagree with the ultra-liberal viewpoint that dominates discussion at Boalt have learned to keep silent. I have tremendous respect for those who are brave enough to risk this unfair labeling in order to offer an alternative viewpoint, and I have tried my best to be among them. Still, there are times when it's just not worth it to speak out, and this is the much more common response at Boalt.

The silencing of the conservative voice at Boalt is no trivial matter. All voices deserve the chance to be heard and considered. It's a matter of respect and dignity for the individual. This is an argument long advanced by liberals, yet conveniently forgotten as applied to those who disagree with them.

The silencing of dissenting voices at Boalt also means that our classroom discussions are much less rich than they might otherwise be. In reading this article, maybe you have assumed that I am a conservative. I am not. I am a moderate Democrat. That my viewpoints can pass for conservatism in the classroom (which they sometimes do) appalls me and shows just how flat

the debate is. Our expectations are anchored far to the left at Boalt, and in most classes, we don't hear from true conservatives at all, only less extreme liberals. This lack of exchange is not only boring, it is antithetical to the educational mission of a university. The concept of a marketplace of ideas is based on the benefits of competition, from which the most meritorious ideas will emerge. But the liberal monopoly at Boalt has squelched the competition, and as monopolists tend to do, has left us with a product that is both costly and less than optimal.

During the Proposition 209 protest that took place on the first day of school this year, I listened to a professor speak about how Boalt's entering class is less qualified than those of the past. She wondered how Boalt students could have an informed discussion about interpretive concepts such as probable cause and reasonable doubt without the input of African-American and other minorities who bring a unique perspective to the debate. She was absolutely right. Yet we continue to ignore, even silence, the conservative voice that is present at Boalt and which could also contribute to the richness of the debate. How can we expect to have an informed discussion about Proposition 209 when I have not heard — not once — anyone at Boalt publicly admit to supporting it? How shall we talk about gender discrimination in a class with only a few males? Once we leave Boalt, how shall we be effective lawyers, politicians, and businesspeople, when we have spent three years completely isolated from the political tide that predominates in our state?

How shall we be effective lawyers if we are kept isolated from the political tide?

The unfortunate result of this one-sidedness is that many Boalt students are completely ignorant of the arguments put forth on the right, except in their grossest generalities. Whether your agenda is liberal or conservative, it pays to understand the other side. If the exchange were robust, we might even learn something.

Sadly, the liberal monopoly has made robust exchange a scarce good at Boalt. This is disappointing, because most of us in law school are relatively young, still trying out new ideas and testing the bounds of our beliefs. Yet this type of development requires a tolerant, forgiving atmosphere, one that allows for the full exploration of ideas, including directness, exaggeration, and even mistakes. But because no such atmosphere exists at Boalt, students are rarely willing to put their necks on the line. Knowing that what you say can and will be used against you makes students very careful — too careful — about what they say. They cautiously state just enough to get a point across, lest any passionate overstepping forever be ascribed to their belief system, rather than viewed as what it was meant to be — an exploration. So discussion is couched, watered-down at Boalt. We have "debate lite." In our quest to all just get along, we avoid the controversial, especially challenges

to the liberal hegemony. Our behavior is more like that of polite dinner guests than that of law students. This self-imposed reservedness is every bit as inhibiting to our development as is the lack of dialogue along the political spectrum.

In all fairness, some professors do try to encourage a more vigorous, balanced discussion. For example, I am currently in a gender discrimination class with Professor Linda Krieger. While she comes at the issues from a liberal perspective, she has made clear from the beginning that alternative points of view are welcome. But so far, we haven't had many takers. This has to do with the composition of the class itself. We have only three men in the course, and I don't think it's going out on a limb to say that none of them are conservatives. Any true conservative has long since been scared away from even walking into any course at Boalt on discrimination, because the type of tolerance Professor Krieger proposes is almost nonexistent at Boalt. As a consequence, her offer of tolerance for diverse viewpoints falls flat on homogeneous ears.

While professors preach to the choir, the ideological gap widens.

Of course, it's easy to say that men just aren't interested in a class on gender discrimination, whites just aren't interested in a course on critical race theory. But this doesn't ring true with my experience. Many men and many whites at Boalt would like to take discrimination classes; it is an interesting and evolving area of the law. Yet, the conservatives among these groups are fearful of exposing themselves to an atmosphere in which their ideas, and sometimes even their presence, is not welcome. So, while the vast majority of corporations and law firms are headed by conservative males, we have none in our class on gender discrimination. Those who could learn the most from the class never walk in the door. Professors teaching discrimination law go on preaching to the choir, and the ideological gap at Boalt continues to widen.

This brings me to my final point about why the lack of dialogue between liberals and conservatives at Boalt is critical. It has created division where there might otherwise be tremendous opportunities for alliances. For example, many people at Boalt believe adamantly in the importance of having strong minority representation in the law school. You would think that this would lead to coalition-building around the Proposition 209 issue. Instead, the most extreme at Boalt organized the movement and engaged in activities that alienated most of their initial supporters, and I count myself among that group. While I endorse efforts to increase minority enrollment at Boalt, there was no way I was going to stand in the Dean's office and shout down a woman who has devoted a lifetime to defending the rights of women and minorities. Nor would I barge into first-year classrooms asking white men to give up their seats. Such actions make misguided, unfair accu-

sations. But there was no room for dialogue between the extreme voices and those of moderation.

This typifies the "either you're with us or you're against us" attitude that characterizes the far left at Boalt. These monopolists have bundled their practices, and either you buy them all, or you are not welcome to participate. In this way, the same unwillingness to engage in dialogue, restraint, and compromise that has hindered classroom exchange at Boalt has infected Boalt's political movements as well. Of course, all the blame cannot lie with the left. During the objectionable protest activities, the moderates engaged in their usual silence, lacking the guts to stand up and say, "No, that is wrong." Instead, they quietly distanced themselves from the movement. A great opportunity for political alliance was lost.

More conservatives must express their views, in spite of the fear of being demonized.

Currently, the divide between liberals and conservatives at Boalt causes suspicion on the left, and resentment on the right. Yet imagine a Boalt where these differences instead produced a rich exchange, fostering respect for individual viewpoints, learning and enlightenment in the classroom, and productive political alliances. I have no easy answers about how to get there, and I am quite certain that no easy answers exist. Yet, there are steps we can take to change.

More conservatives must be willing to express their viewpoints in class, in spite of their fears of being demonized. Should the debate become one-sided nevertheless, more liberals and moderates need to offer alternative perspectives, even if that means playing devil's advocate.

In addition, we must all use restraint in our use of the various "isms," and in our tendency to hurl accusations. I sometimes think that activists at Boalt think they have succeeded when they have silenced the other side. I have indeed learned much from liberal classmates at Boalt — about unconscious racism, about supposedly neutral legal and social standards, and about different perspectives in general. But when I think about the moments that produced this learning, they were either moments of dialogue or of quiet self-reflection. Never were they moments of racially charged debate, for it seems to me that very little deep learning occurs from a defensive posture. When you call your classmate's views racist or sexist, he naturally becomes defensive. Take on his viewpoints with counter-arguments, not with convenient labels. And despite the fact that law school has instilled in us the litigator's value of debate, remember that discussion, not debate, is often a more effective tool for enlightening a colleague.

I do not mean to suggest that enlightenment, or agreement, should be the ultimate goal. One of the traditional, annoying, and arrogant aspects of conservatism is the idea that liberals are naive idealists, who will see the wisdom of conservatism once they learn the ways of the world. The far left at Boalt

suffers from a similar annoying arrogance. They seem to think that conservatives are ignorant of the perspectives of the oppressed and would come around to a better view if only they were more enlightened people. Perhaps that is why some Boalt liberals have deemed a "be silent and listen" agenda appropriate. But just as liberalism is not necessarily a product of naiveté, neither is conservatism necessarily a product of ignorance. Well-informed people disagree. That is the richness of the marketplace of ideas, a richness we should celebrate, not suppress.

Professors, you, too, have an important role. Make clear at the outset of your courses that diverse viewpoints are valued, repeat the offer throughout the course, and be sure you live up to it by encouraging those who do offer competing perspectives. If you sense a dearth of discussion on one side of an issue, then play devil's advocate and prompt it. If you see a student engaging in the type of accusations that will stifle debate, then discourage this behavior. Many of you have learned to be effective moderators of discussion, but more of you could learn to be better facilitators. You have colleagues — for example, Professor Jesse Choper — who are masters of this art, so learn from their expertise.

Let's add civility and tolerance to the list of norms we demand from one another.

I certainly do not mean to imply that every course or discussion must be ideologically balanced. It would be ludicrous, for example, to expect that a course in critical race theory would be so, since a political perspective is inherent in the material. You as professors have your own perspectives, and by all means you should teach from them. But the richness of your scholarship can only be improved by contrasting it with competing assumptions, exposing its flaws, and highlighting its strengths. You professors who teach courses that traditionally scare away conservatives (or liberals) have a special duty to be proactive to recruit and welcome them. If nothing else, I guarantee it will enliven your teaching experience.

We cannot rely on the bravery of conservatives or the self-restraint of liberals to solve the problem in its entirety. Nor can professors play the facilitator role alone. Each and every one of us has responsibility to maintain the conditions that foster open dialogue — conditions of civility and tolerance for diverse viewpoints, including conservative ones. Maintaining these conditions includes admonishing those who violate them. It isn't easy to censure your classmates when they make statements or accusations that silence dialogue. Yet, we as Boalt students manage to enforce all kinds of informal norms in the classroom. Witness the demise of most of the red-hots (those who talk to hear themselves speak) after the first year. Let's add civility and tolerance to the list of norms we demand of one another.

One of the biggest obstacles so far in accomplishing this goal has been guilt — white guilt, male guilt, whatever you want to call it. Because the

voices of women and minorities have been silenced for so long, and because these groups are feeling attacked by California's current political climate, we are reluctant to censure members of these groups, even when they do cross the lines of civility. Perhaps we even worry that those lines of civility are the ones drawn by the dominant culture, and that they might not be the same for other groups. I believe that this reluctance and fear are why some of the activities of the Proposition 209 protest, which offended many people's sense of fairness, nevertheless failed to draw much public criticism at Boalt (though they drew a lot of criticism in hushed voices).

In short, at Boalt we tolerate more extreme behavior from women and minorities and those advocating on their behalf than we do from other individuals. Maybe this is right in some degree — I'm not sure — but it is not right when applied without bounds. Discouraging the incivilities and accusations that stifle classroom debate while maintaining a healthy respect for our historical inattention to the voices of women and minorities is a difficult balancing act. But we must not give up on the task, allowing the voices of an extreme few to silence dialogue among many.

I hope that all groups at Boalt, including the far left, will view the current situation as an opportunity for positive change. For unlike a monopolist in the marketplace of goods, the monopolist in the marketplace of ideas suffers alongside those whose voices have been silenced. A free and open marketplace of ideas benefits all without regard to ideology.

Quibbles about the Margins

By JOSHUA RIDER

MY INITIAL REACTION to being asked to contribute to a collection of thoughts on the state of free discussion at Boalt was hesitance. While I looked forward to reading such a collection, I felt that I had little to say that would be of interest, as my opinions on this issue are neither particularly passionate, nor to my mind, exceptional among my classmates. If anything, I feel I am more staid than many of my classmates. I am a bit older than the average — perhaps my fire for such things is somewhat abated.

Still, the invitation came from a friend, who swayed me with the desire to make the collection as broadly representative as possible, reminding me that even the mediocre need representation. Persuaded by this and by his chiding that a diary-like tone was not only allowed but expected, I reluctantly agreed. I hope the result is neither too obvious nor too boring to delay the reader from the rest of the tome.

The question before me is: "How open and free is the flow of opinion at Boalt?" To which my immediate and considered answer is borrowed from

my constitutional law professor, his all-too-familiar refrain of "compared to what?" Is the Boalt community as tolerant of dissenting voices and opinions as one might ideally desire? Surely not. Is it as bad as anywhere else? Has this important center of the Free Speech Movement paradoxically become a place where little is tolerated except lock-step conformity? Hardly.

Boalt strikes me as freer and more tolerant than I expected of a law school (even the law school at Berkeley), in most ways, and less so in but a few. I was particularly struck my first semester by how genuinely curious and open-minded most of my classmates seemed — how willing they were to consider alternative viewpoints both in the classroom and out. Far different from the enervated pre-professionalism I had been warned of and had prepared for, at even the best of law schools.

Surely there were exceptions, students who seemed strident in pushing a point upon both professors and classmates, and less than gracious with disagreement, but they were just that: exceptions.

Most of those with real political convictions seem energized by the reactions they receive.

Admittedly, things have changed a bit as we have gone through the first year. Some of the tolerance and civility of the first days seems to have been generated by the uncertainty of new environs, and the lingering possibility that we might not succeed here as we had done before. This wore off. The process accelerated after the first-semester grades were released. Most students found that if they didn't do as well as they wished, they certainly weren't in danger of being run off campus.

The second semester has been less civil than the first. While I'm not sure political convictions are any more strongly held than before, they are certainly expressed more openly, and difference of opinion is more likely to be thought of as error. More students tuned out their classmates more readily. More whispered comments, giggles, eye rolls, shoulder shrugs, sneers, etc., during class signal when a comment is unpopular (I admit to being guilty of all this from time to time, although I do try to police myself in such things). Appellations previously absent, like "fascist" and "terrorist," are used by some, if only at the margins or among like-minded spirits. I know not whether this trend will continue or accelerate throughout my stay here, but I think not. The atmosphere has seemed to me to reach a stasis, and we seem no more or less civil to one another than the second- and third-year students I know.

What's the effect of the sort of minor incivility that characterizes our classroom interaction on the real flow of ideas around here? Not much. One thing that accounts for this is that the eye-rolling, shoulder shrugs, and sneers during class seem equally directed toward students who feel the occasional need to voice calls for *the Revolution* and those who suggest everything went wrong at the New Deal. Also, most of those who have some real

political conviction don't seem to be anything but energized by the reactions they receive. While I'm sure at times the "micro-aggressions" (if I can borrow and probably misuse that evocative term) that characterize our classroom and extracurricular behavior hurt those who are subject to them, this pain doesn't seem to silence.

There are some exceptional examples of bad behavior: Boalt Hall building walls spray-painted, fire alarms pulled, posters for certain groups pulled down. All I can say to this is that no one is willing to claim responsibility, we're not even sure law students are involved, everyone seems willing to say it's a bad idea, and the targets of such actions naturally blame their political opponents, all of which strikes me as pretty lame. No one here has been beaten, threatened, ostracized, or even seriously snubbed, as far as I can tell, for their political opinions or actions. I don't mean to suggest that an atmosphere is non-representative simply due to the absence of these things, but I do mean to say that democracy does require a thick skin. The incivility at Boalt is just that and nothing more. Being called a racist or a terrorist may not be much fun, but, hey, anyone silenced by this doesn't have much interest in speaking.

Boalt is occasionally puerile but otherwise evenhanded in its civility.

If I'm right and the discourse here at Boalt is occasionally puerile but otherwise evenhanded in its civility, why all the complaining? Make no mistake, there is a lot of complaining, as I'm sure some of the other contributions demonstrate. As seems all too common in our larger political discourse, everyone at Boalt is a victim. Everyone is a target for the forces of (take your pick): the liberal bias of established academia/cultural elite, the conservative backlash of the right-of-center, the hopelessly politically correct, or the white, able-bodied, straight, well-to-do males (in the interest of full disclosure: this last is an incomplete but nevertheless accurate description of the author of this submission).

I think the explanation for this is perfectly simple: We are law students, pursuing a career in, arguably, vindication of rights, slights, and yes, social causes. We do not take slights gracefully, it is not in us. We are not selected (or self-selected) for our stoicism. Law is the center of whiners, in the very best sense of the word. Not Woody Allenesque, get-on-the-couch-and-bitch whiners, but the "I-can't-believe-the-world-is-this-screwed-up" whiners. So it does not surprise me when we all seem a little more ready to complain of the injustice of it all than even the mainstream American victim. This explanation may strike one as glib, but I'm convinced it is a large part of the story.

I've spent a lot of time talking about the student body. What about the faculty, staff, administration? I'm not really qualified to hold forth on these things other than to say that I haven't seen or heard a professor silence a viewpoint in the classroom that was even tangentially related to the course

of study — with one exception. On about the fourth or fifth day of my first semester, Professor Dwyer informed the 120 first-year students in his property class that, while the view that could be summarized "all property is theft" was perfectly coherent and could be argued cogently, such a view would not allow one to score well on the bar exam. He discouraged, but did not disallow, taking such a view as one's first premise in doing our reading and our writing assignments for the class. He merely reminded us that one would be accountable for the nuances of the rule against perpetuities regardless. He further suggested that if one held that view seriously, one might be at the margins of the law curriculum and might want to think about a joint degree of some kind. This approach seems pretty typical of the faculty I've encountered.

One final observation, put forward even more reluctantly than the rest. There is one kind of silencing that pervades the Boalt discourse: admissions to the community, both for faculty and students. In this Boalt is suffering. The racial/ethnic/economic diversity of my class (and of the classes that preceded me, and certainly of the classes to come during my time here) is not representative of that of the state of California or of the nation. No one is silenced once they get here, it's getting here that's the gag. There are opinions and positions and voices in the American debate that are not heard here. Not because those here don't speak them, but because those who speak them are not here.

I don't know what to say about this. Here, this problem is horrific, but only marginally less so throughout the rest of elite legal education. The causes run far beyond Boalt. I believe, though I'm *willing* to be convinced otherwise, that the faculty and administration are not doing everything that could be done to combat the re-segregation of this campus. I believe, though I would *hope* to be convinced otherwise, that even were they doing everything within their power under the law (and yes, somewhat beyond it) the situation would confound them — they simply do not have enough power to cure this. That, of course, does not excuse the insufficiency of the efforts. Similar observations could be made of the diversity of the faculty itself. Given the magnitude and scope of the problem of entrance to this community, the problems of censorship once we're here are quibbles about the margins.

BOOKS

Disruption & Redemption

By DAVID BROOKS

FRANCIS FUKUYAMA. *The Great Disruption: Human Nature and the Reconstitution of Social Order.* FREE PRESS. 336 PAGES. $26.00

THE RANKS of conservatism are filled with cultural pessimists. There are those who think the ethos of the 1960s continues to eat away at America's moral capital. There are those who think America is being degraded by a vulgar mass media. There are those who see militant secularism trying to purge biblical morality from public life. And then there are those, such as Paul Weyrich, so disturbed by America's decision not to expel Bill Clinton that they are apparently tempted to retreat to remote monasteries where they will cultivate private virtue privately.

Our cultural pessimists need some fresh air. They should try wandering around any middle class suburb in the nation, losing themselves amid the cul-de-sacs, the azaleas, the Jeep Cherokees, the neat lawns, the Little Tikes kiddie cars, and the height-adjustable basketball backboards. Is this really what cultural collapse would look like?

The fact is that America does suffer from many real problems: the rise in divorce and illegitimacy, mediocre schools, vulgar pop culture. And there are pockets of America where social capital is almost non-existent. But in most places, Americans learn to adapt to changing times. They have come up with new procedures, like community policing, or new institutions, like couch-strewn bookstores, that begin to restore community and social order. They take some of the things that seem intrinsically subversive — nose piercing, to take a shallow example — and they domesticate them so that they carry almost no cultural meaning. The evidence of our eyes, ears, and senses is that America is not a moral wasteland. It is, instead, a tranquil place, perhaps not one that elevates mankind to its highest glory, but doing reasonably well, all things considered.

Now along comes a data-packed book to give some credence to the things we can observe around us. Francis Fukuyama's *The Great Disruption* argues that the information age has weakened hierarchies and exacerbated the decline of kinship networks. It has led to a real decay of social order. But, the book explains, human beings have an innate hunger for hierarchy and social structure. When chaos licks at their lives, they adapt and rebuild. And there are signs that America is settling upon new social norms and rules of behavior.

Fukuyama is famous as the author of one of the most widely debated, and widely misinterpreted, essays in recent

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David Brooks, senior editor of the Weekly Standard, *is writing a book about the manners and morals of affluent America.*

history. His piece, "The End of History," published in the *National Interest* in 1989, entered global public discourse (a fact brought home to me during a trip to deepest Ukraine just after the fall of the Soviet Union, where I had tea with a group of young journalists who talked about Fukuyama as familiarly as they talked about the local weather). A surprising number of commentators looked at his title and, idiotically, assumed that Fukuyama was arguing that from now on nothing important would happen. In fact, he was arguing that history has a progressive direction whose endpoint is liberal democracy — a thesis which has not been disproved by subsequent events. The book that grew out of that essay was one of the finest non-fiction books of the past quarter century — provocative on every page, and profound on a number.

Where political philosophy in the persons of Hegel and Alexandre Kojeve informed *The End of History*, in *The Great Disruption* Fukuyama draws on, of all things, social science and even biology. The new book is largely a survey of data on various social problems, paired with a summary of recent findings from anthropology and brain research about innate human nature, to shed light on sociological trends.

The book starts with a description of the creative but destructive force of the information age. "A society built around information tends to produce more of the two things people value most in a modern democracy, freedom and equality," Fukuyama writes. "Freedom of choice has exploded, whether of cable channels, low cost shopping outlets, or friends met on the internet. Hierarchies of all sorts, whether political or corporate, come under pressure and begin to crumble." The same culture of intensive individualism that leads to all the innovation corrodes sources of authority and weakens bonds that join families, neighborhoods, and nations.

In countries that have joined the information age — Fukuyama relies on data from the 29 member states of the Organization for Economic Cooperation and Development (OECD) — there has been a widespread loss of trust in the institutions of authority, whether it is police authority, religious authority, or governmental authority. There has been a startling weakening of family ties. This has resulted in a tremendous rise in divorce. The U.S. divorce rate skyrocketed in the late 1960s and has only begun to drift slightly lower recently. Partly but not only because of weakened family ties, there has also been a marked decline in fertility. As Fukuyama notes, in countries like Spain, Italy, and Japan, fertility rates have dropped so precipitously that the total population in each successive generation will be 30 percent smaller than in the previous one. Mean-

The evidence is that America is not a moral wasteland. It is, instead, a tranquil place. Perhaps not one that elevates mankind, but doing reasonably well, all things considered.

while, partly as a result of these two trends, illegitimacy rates have shot upwards. The trend took hold first in the United States and then later, to greater or lesser degrees, in most of the other OECD countries. In most areas, the U.S. suffered the sharpest deterioration and has enjoyed the most noticeable subsequent rebound, but almost all the nations exhibit the same trends. Catholic countries, like Italy and Ireland, did not see their divorce rates shoot up as fast or as far, but such cultural factors only seem to delay or mitigate the underlying forces.

What exactly caused this breakdown? Fukuyama explores the usual theories, giving a measure of credence to a few and finding serious deficiencies in others. Liberals say the information age economy punishes blue-collar workers, exacerbates inequality, and so leads to social breakdown. Fukuyama counters that the evidence doesn't correlate. For example, crime skyrocketed in the 1960s without a massive increase in inequality or poverty, and crime has plummeted in the '90s without any massive decreases in inequality and poverty. Others, conversely, say that greater affluence weakens traditional bonds and leads to social breakdown. It's true that divorce, say, is less costly for the affluent, but by and large the timing of the trends refutes this thesis as well. Social scientist Charles Murray says bad government policies caused much of the breakdown. But while illegitimacy correlates to bad welfare policies, Fukuyama points out, such policies don't take account of parallel changes in other indicators of family breakdown, such as infertility, divorce, cohabitation, and so on.

Fukuyama says, rather, that increasing individualism, favored by the right on the economic issues and the left on cultural matters, is the primary reason for all the social decay. One possibility is that cultural and intellectual trends favoring greater individualism and self-expression — such as the growth of psychology and the spread of Nietzschean relativism — were building throughout the century. But their impact on the middle class was delayed by the Great Depression and World War II. Then after the war, everything hit at once and — kablooey! "It is as if Emile Durkheim's prediction that in a modern society, the only value uniting people would be the value of individualism itself, had come true: people reserve their greatest moral indignation for moralism on the part of other people," Fukuyama notes.

But why, then, have so many of these social indicators turned around (if only slightly in some cases) over the past few years? The answer is that human beings are not merely victims of forces larger than ourselves. We respond. We respond by instinct and by reason.

We have an instinct for community, of a sort. Hobbes may have thought that the state of nature was a war of all against all, but biological research indicates this isn't true. Apparently, certain habits of social cooperation over time have become genetically encoded into our brains. "It is isolation rather than sociability that produces pathological symptoms of distress for most people," Fukuyama observes. Aristotle said that man is instinctively a political animal; now there is genetic proof. All the thinkers great and small who treated individual brains as formless clay to be molded by environment seem to have had it wrong.

Fukuyama spans disciplines. His forays into brain chemistry are impressive. He also devotes significant sections to an exploration of what research into primate behavior might tell us about the human hunger for hierarchy and order.

Fukuyama describes a chimp colony in the Netherlands observed by primatologist Frans de Waal. The aging alpha male of the colony was gradually unseated by a coalition of two younger males. Then, once the old one was out of the way, cooperation gave way to rivalry as the two younger ones started vying for control. It turns out that lead chimps don't dominate by physical intimidation. No one chimp is strong enough to hold off the rest of the group. Candidates for lead chimp must form coalitions through pleading, bribery, and begging. In this fashion, one of the Dutch chimps was able to form a larger faction on his side and come out on top. In a chimp colony in Tanzania, two rival gangs formed. Parties of four or five males from the northern gang would go out on raiding parties and murder isolated males from the other gang until every one of the southern males was killed, along with several females. In other words, primates cooperate in order to compete against rival individuals or gangs. The humane virtues like cooperation come intermingled with the Darwinian ones like the urge to dominate.

This instinct to cooperate and compete with our fellows is so strong in humans that we come into this world stocked with such emotions as anger, pride, shame, and guilt — all of which, Fukuyama says, "come into play in response to people who either are honest and cooperate, or who cheat and break the rules."

The upshot is that when cooperative arrangements break down, people strive to create new ones. They don't wait for some lawgiver to hand down rules from a mountaintop. They do it themselves, because they are social animals with enough reason to figure out how to cooperate. "Knowing that there are important natural and spontaneous sources of social order is not a minor insight," Fukuyama writes. "It suggests that culture and moral values will continue to evolve in ways that will allow people to adapt to the changing technological and economic conditions they face."

Fukuyama says that increasing individualism, favored by the right on economic issues and the left on cultural matters, is the primary reason for all the social decay.

So as societies move through time, they build up social capital, use it up, and then begin replenishing it. This process of regenerating social capital, or renorming, Fukuyama continues, is complex, sometimes requiring several generations. Religions can play a role. So can capitalism, which polishes manners as much as it sometimes obliterates them. The Victorians regenerated their social order, taking a society that was chaotic and making it far more orderly. And so can we.

"There is growing evidence that the Great Disruption has run its course, and that the process of renorming has already begun," Fukuyama writes in the final section of the book. He points to declining crime rates, falling divorce rates, dropping welfare rolls. The number of children born to single mothers appears to have stopped increasing.

In complex societies, perhaps especially in complex societies, rules and norms will continue to burble up from the ground of human instinct to create "self-organization."

Furthermore, Fukuyama hints at but doesn't elaborate much on less statistical straws in the wind — the popular success of such stern moralists as Dr. Laura Schlessinger, the success of the Promise Keepers, the growing stigma that now attaches to divorce.

These changes are by and large not imposed from the top down. Many social thinkers had theorized that as societies grow more complex, informal social norms, say those based on the customs of the family or the tribe, would be replaced by formal norms, written down as laws and regulations by the state. But if the evidence from biology is true, then even in complex societies, perhaps especially in complex societies, rules and norms will continue to burble up from the ground of human instinct to create what Fukuyama calls "self-organization" — so long as the people in the society share some cultural understandings, have a sense of living within common boundaries, aren't plagued by tyrants, and so on. People won't forgo all hierarchical organizations, not by a long shot, but they will supplement organizations with organic norms of their own making.

In the end, Fukuyama concludes, there are two processes working through history. In the political and economic sphere, history appears progressive, gradually moving from tyranny to democratic capitalism. In the cultural sphere, there is no easy progression, but there is reason for hope, because human beings have innate capacities to reconstitute social order. That's a moderately optimistic conclusion, and one I think borne out by the evidence around us.

The Great Disruption is also an informative tour through the recent histories of sociology, biology, even management theory. As always, Fukuyama's range is dazzling. But perhaps he has shifted a bit too much from political theory to social science, too much from intellectual trends to statistics. Because surely there is a lot going on in America, as Fukuyama would be the first to concede, which can't be described by data. Statistically, the Upper East Side of Manhattan of 1999 probably looks a lot like the Upper East Side of Manhattan of 1965, but that doesn't mean there haven't been important changes there in the way people think. Thirty years ago, Upper East Siders were throwing parties for the Black Panthers (a social capital-depleting enterprise if ever there was one). Now they are throwing parties

for the Central Park Conservancy. In other words, had Fukuyama allowed himself to build a case based on reporting rather than just statistics, his argument would have been all the stronger.

Furthermore, if Fukuyama had taken a less empirical approach, he would have been able to address head-on a question that was central to his first book. Is the staid society we find at "the end of history" really the society we want to live in?

The full title of that book was *The End of History and the Last Man.* The Last Man is the figure left standing after the fundamental conflicts have all been settled. He is an orderly fellow. He would never do much that would cause him to show up in the statistics of social breakdown; a country of Last Men comes out near the top of the OECD comparisons. But he is also mediocre, tepid, mild. He is interested in health and safety, in comfort and self-preservation, and he has lost touch with troubling and transcendent ideals. He has shed loyalties and obligations that led his ancestors to desperate acts of courage and self-sacrifice. He is tolerant and non-judgmental, because to judge is to risk turmoil and conflict.

There were times during the American public's recent outbreak of non-judgmentalism over the Monica Lewinsky scandal when it seemed that the Last Man had come and settled on these shores. And indeed, if we go back to the cul-de-sacs and wander through the suburbs, the threat of Last Manism — if something so mild and mediocre can be called a threat — seems more immediate than the threat of social breakdown. Maybe Fukuyama has simply accepted the triumph of the Last Man. Maybe he has adopted social science in the same spirit that led the philosopher Alexandre Kojeve to go off and become a bureaucrat in Brussels. If history is over and the Last Man is triumphant, then the grand questions have been settled and one might as well go about the mundane business of technocratic management.

I hope that's not all there is. If America is able to rebuild social capital and restore order, perhaps the Last Man is not the end of the story. The reconstituted social order might turn out to be fertile ground for the flourishing of higher ideals and nobler aspirations of the kind that social science data can neither capture nor inspire. For that we need philosophy, or religion, or the inspiring examples of history.

The Way the World Works

By Holman W. Jenkins Jr.

Thomas L. Friedman. *The Lexus and the Olive Tree: Understanding Globalization.* Farrar Straus & Giroux. 382 pages. $27.50

One of the most misunderstood formulations of economics is "comparative advantage." All the term means is that if you are India and you can earn $3 an hour growing wheat or $5 an hour making

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Holman W. Jenkins Jr. writes the "Business World" column for the Wall Street Journal.

steel, make steel, even if somebody else — say, the South Koreans — can earn $20 an hour making steel.

"Comparative advantage" has never meant that you have to be the best in the world at something in order to participate in the world economy. Nonetheless, many economists end up sounding like that's what it means. Perhaps this is why we get so many images of the global economy as a runaway train flattening those who get in its way. Or why every so often the United States or the Europeans or the Japanese get into a panic about "losing" some industry. Thomas L. Friedman's *The Lexus and the Olive Tree* is about as colorful a meditation on globalization as you're likely to find. Yet every third page seems to talk about somebody or other becoming "road kill" in the global economy. Is this really how it works?

If a visionary set out to design a nation to prosper in such a world, "he would have designed something that looks an awful lot like the United States of America."

Friedman is the highly readable foreign affairs columnist for the *New York Times*. He has written a highly readable book, even if it sometimes feels like the world's longest *Business Week* article. His anecdotes keep coming and coming, even when some good old-fashioned thumb-sucking would be in order. Perhaps this is an occupational hazard for any newspaper journalist, whose readers at any hint of heavy lifting are likely to flip the page. But someone sitting down with a book has made at least a provisional commitment to endure the tedium of extended explanation.

On any number of things, though, Friedman is right and even eloquent in his offhand way. Technology and the "democratization of information" are pushing all the other changes, from freer access to capital and greater individual mobility, to a shift in emphasis from expanding the *quantity* of governance to expanding its *quality*. If a "visionary geo-architect" set out to design a nation to prosper in such a world, Friedman writes, "he would have designed something that looks an awful lot like the United States of America."

At the same time, Friedman can sound almost sorrowful that these guns of globalization are being trained on the heads of political leaders who have been accustomed to ignoring the needs and wishes of their people. Most dubious of all is his assertion that the global marketplace has become the new organizing logic of international affairs now that the world is no longer organized by the bipolar standoff of the Soviets and NATO. Even if you don't buy it, this is an interesting theme. But it is not one that lends itself to being reported to death. It needs to be developed analytically.

Is this new world order, as Friedman puts it, "incredibly coercive" as well as potentially enriching? In practice, the global economy has made nation-building much easier. Today the same Third

World that in the 1960s was deemed ripe for starvation and suffering on a massive scale is now seen mainly as a threat to "our" jobs. The "electronic herd," as Friedman calls the fund managers, currency speculators, and growing ranks of individual investors with an international perspective, are not an army of bandits who take a country hostage and punish it if it doesn't yield to their desires. Countries only gain by opening themselves to trade and investment. Yes, nations must change and adapt, but when haven't nations had to change and adapt to currents in the world around them?

Consider the case of Malaysia, a country that lately has been feeling badly used by the global marketplace because of the Asian meltdown. Most of the capital that was mobilized and squandered, such that the economy now faces a period of repair and reflection, was mobilized and squandered *locally*. It was Malaysian banks, drawing on the savings of Malaysia's domestic entrepreneurs and workers, that prostrated themselves before local regime cronies and financed skyscrapers, factories, and golf courses that had no earthly hope of attracting customers. Meanwhile, Western companies that manufacture the vast proportion of the world's computer disk drives in Malaysia continue merrily about their business, generating wages and tax receipts to keep the country on its feet.

There is nothing endemic to our age about economies wasting capital through bad incentives, and many have been down this road besides Malaysia. But you would think from Prime Minister Mahathir's tirades against the "Jews" and "morons" of the currency markets that globalization has been a curse. Truth to tell, it's the one thing still working in Malaysia. It's the reason Malaysia will probably come out all right in the end.

In Friedman's title, the "Lexus" (an upscale Toyota coveted by the world's yuppies) is meant to stand for the homogenous material plenty of the globalized market. The "olive tree" represents the particularities of place and culture that are presumably menaced by the globalized market. The book's premise is that globalization is something new under the sun, taking away the freedom countries once had to pursue their own paths in the world.

But nations have never been free to follow their own paths. Having plodded through many of the same parts of the world as the author, I can share his dismay at the proliferation of traffic jams and Kentucky Fried Chickens in countries that would otherwise seem colorfully exotic to a Westerner. One wonders, though, how the locals feel about their exoticism. Poverty is picturesque, at least the poverty that often attracts a first world visitor, that of decaying colonial architecture left over from a previous bout of globalization. Teeming numbers of bicyclists on Hanoi's French-built streets going about their business under conical hats is picturesque; the coming of skyscrapers and taxicabs and jerks with cell phones isn't.

But neither is *real* poverty picturesque. A decade ago visitors to Western China could still report seeing peasants so poor that they covered themselves with dirt because of their lack of clothes. If you accept that poverty and cultural difference are not

the same thing, then the common notion that globalization means the death of difference will seem overstated. The nature of our world is that large chunks of the past are always disappearing. But it does not follow that homogenization is the fate of mankind. Cultural and individual identity are syncretic. The motive to enrich and elaborate one's distinctiveness is aroused by contact with others.

Such formal rebellions against the market as exist (Iran, Afghanistan, Algeria, Chiapas) look suspiciously like distorted and misdirected local rebellions against the very poverty and isolation characteristic of these locations in the first place. The rebellions may have failed, but one thing that does flourish in isolation is grandiosity. These movements and their leaders have extraordinarily high opinions of their own rightness. The most sterling example is North Korea, which practices a form of olive tree worship known as Juche (or self-reliance), whose founder, Kim Il Sung, called himself the "Sun of Mankind," and whose people have been on worsening starvation rations for the past five years.

The world is full of cynical politicians, of course, but one doubts whether the masses of people in *any* country would really reject the options and opportunities of the global economy in order to make an ideological fetish out of their olive tree. Taking part in the global economy does require a degree of good-humored humility, however. Even Americans have had to go to work for foreigners. India must cheerfully accept a lower standard of living than South Korea, though they both export steel. National grandiosity does not fare well when that great institution of reality-testing, the market, is allowed to work. In one of Friedman's telling anecdotes, the South Koreans, an excessively prideful people, go in short order from treating their foreign borrowings and currency reserves as national secrets to publishing real-time updates on the internet in order to placate the market actors who are Korea's only way out of financial crisis.

Swallowing a bit of misplaced pride, though, is not much to ask in return for the rapid progress such countries can make. Since the Asian meltdown, it has been an article of faith that China must devalue its currency in order to keep its wage rates competitive. Why, then, are so many big Western manufacturers itching to shift their production from other Asian countries to China? Because higher wages are more than offset by better services, lower bureaucratic overhead and (believe it or not) less corruption than in Vietnam or Indonesia. Productivity matters more than wage rates. That's why our theoretical South Korea can keep making steel despite the competition from low-wage India. China has begun moving up the food chain faster than many might have expected.

Nonetheless, there is something inherently humbling about having to appeal to foreign investors. Consider the rhetoric of the nation-builders of an earlier generation, such as Kwame Nkrumah or Julius Nyrere, who were proud to be poor. That rhetoric is virtually unheard today, aside from the fulminations of Slobodan Milosevic. Countries have become almost like corporations, ingratiating and eager to please. Friedman cites a *New York Times* reporter who, in the middle of attending a Mexican rally calling for

the death of the country's finance minister, receives a cell phone call from the finance minister preening over his success in placing a bond issue in international markets. One of the undercurrents of this book is the sense of relief on the part of well-meaning leaders, such as Chuan Leekpai of Thailand or Ernest Zedillo of Mexico, that the markets have given them an unambiguous star to steer by despite tumultuous domestic politics.

Friedman does a fine job of illustrating the mechanics of globalization — perhaps too fine a job. But he never really justifies his larger claim that this is a new world order. Instead he has a breakdown in the final chapter: There he is standing on the tarmac in Rwanda, scene of horrible ethnic killing, and he suddenly starts thinking (or so he tells us) how horrible the freshmen House Republicans are:

> I said to myself, "Well my freshman Republican friends, come to Africa — it's a freshman Republican's paradise." Yes sir, nobody in Liberia pays taxes. There's no gun control in Angola. There's no welfare as we know it in Burundi and no big government to interfere in the market in Rwanda.

Nothing unites these thoughts about Rwanda and Republicans except that they occur in the head of Tom Friedman, yet they become the basis for a tirade equating Republican policies in the United States with murder and chaos in Africa. Well, such things happen: Two unrelated wires get crossed and an irrational outburst results. The amazing thing about Friedman's outburst is that it survived multiple drafts and the attention of an editor.

But maybe globalization as a new geopolitical order isn't such a promising theme after all. Maybe globalization is merely the outgrowth of a particular set of relations between states, not the cause of it.

As Friedman himself recalls, the U.S. economy in the nineteenth century was

One doubts if the masses of people in any *country would really reject the opportunities of the global economy to make an ideological fetish out of the olive tree.*

built with capital and labor imported from around the world. Chinese workers were imported to build the railroads and European immigrants to man the factories of the Northeast. The wealth to build the railroads was mobilized by bond houses in London and Paris. It was no accident that this all took place during a quiescent period between the Napoleonic era, which was the culmination of a century's worth of great power struggle over the New World, and the renewed race for overseas empire that eventually was brought home to Europe as World War I.

The global flow of capital and labor was interrupted by World War I, but got restarted in the 1920s, until monetary and protectionist blunders brought

it to an end. Then it got started again after World War II. Looking even farther back, to the city-states of the ancient Mediterranean, we might conclude that globalization is *normal* human behavior — though routinely interrupted by the conflicts of great powers that undermine confidence and mobility.

In some places today, international politics is trying to restore its primacy, but we still live in a world where the adventurers and dreamers are Marco Polos rather than Napoleons. Some pundits still yearn for the supposed stability of the Cold War, but periods of true stability have been periods like the present age, when the aims and ambitions of statesmen are confused and fragmented, and the world belongs to entrepreneurs, inventors, and the global missionaries of trade and finance. Friedman has produced a rich sourcebook of snapshots of this world in progress. And, yes, as long as the ambitions of statesmen remain in remission, it should be an excellent time to own stocks.

Men at War

By Tod Lindberg

Mark Bowden. *Black Hawk Down: A Story of Modern War.* Atlantic Monthly Press. 386 pages. $24.00

For most of this century, the cultural depiction of war has centered on the soldiers doing the fighting. The result has been one intimate portrait after another of horror, brutality, and violent death designed to engender in the reader or viewer sensations of mortal dread, of hope mixed with desperation, of confusion and uncertainty, akin to those soldiers feel in the heat of battle. This intimate perspective on war flourished first in highbrow literary circles in the aftermath of the incomprehensible carnage of World War I. Since then, it has become virtually ubiquitous. Long before *Saving Private Ryan*, the soldier's perspective became our standard perspective on war at all levels of cultural seriousness, from comic books to newspapers to bestsellers to movies and television shows to those works short-listed for literary prizes.

The soldier's-eye view of war is not the only possible cultural perspective on war, of course. Clearly Shakespeare attaches more importance to what Henry V has to say that St. Crispian's Day than to what the rest of the band of brothers might be thinking on the eve of the battle of Agincourt or during it. Nor does Shakespeare's Henry fail to speak to us to this day.

Yet it is also true that no one alive today is much like Henry — nor Agamemnon, Scipio Africanus, nor the host of others whose exploits were once at the center of reflections on war and peace. Perhaps we don't hear much about warrior-kings and conquerors because we have none. Likewise, in a century distinguished by the creation of a mass culture on one hand and the flourishing of individualism on the other, why wouldn't we be keenly interested in war considered through the prism of the soldier? Note too the odious character of this century's war-worshipping regimes, those for which war

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and its instruments are the stuff of anonymous, mass spectacle. Add conscription to the mix, the fact that whether to face violent death in battle has often been the most important choice *denied* an individual in this century of rising individualism. In thinking about war, therefore, we have many good reasons for our cultural focus on Everyman *in extremis*.

But let us not forget another fact about this perspective on war: Generally speaking, its propagators have had an agenda. Their ambitions extend far beyond aesthetic realism — blood, body parts, and all. They are also in a general sense anti-war.

They may (or may not) concede the necessity of war or its inevitability; they may (or may not) hold the view that the test of combat can bring out the best in man as well as the worst. But assuredly, they see no glory or opportunity for glory in what they portray; to them, no one who has known war could rationally seek war, except (perhaps) in times of dire emergency. As for those of us who have not had to risk life and limb in battle, the implication of this perspective is that one's impressions of war are accordingly stunted, possibly to the extent of rendering questionable one's standing to say anything at all about war. It is surely an article of faith among many utilizing this perspective that even the most vivid account of combat can only hint at the vividness of the real thing. This cultural focus on gruesome actuality paradoxically suggests that in our exposure to these scenes of combat, what we mainly learn is how much we will never know.

In truth, this is a somewhat odd literary or cultural stance. Consciously or not, its practitioners are building not a bridge to allow an audience access to their experience and imagination, but rather a wall that claims their experience and imagination are beyond access by any audience. This would seem to be equivalent to a declaration in advance of artistic failure. But then, their purpose here is extra-literary anyway. The reason so many have tried to rouse fear in us through horrific accounts of combat is to bring us around to their view of war as horror above all. The project would seem to have been almost entirely effective, since no one in the civilized world today is the least bit casual about war — although the question remains whether the proliferation of this point of view is a cause of the universal revulsion, or whether a spreading revulsion at war led to the near-ubiquity of the intimate point of view.

At first glance, *Black Hawk Down* would seem to be of a piece with the dominant cultural trend. *Philadelphia Inquirer* reporter Mark Bowden's best-seller is an account of the 1993 firefight in Mogadishu that left 18 Americans dead and dozens more badly wounded, resulting shortly thereafter in the abandonment of the U.S. effort to restore order in warlord-riven Somalia. This is as riveting a description of a battle as you are ever likely to come across, all the more remarkable for the fact that Bowden was not there himself, but rather pieced the story together after the fact from hundreds of interviews with participants and military records painstakingly extracted from an initially reluctant Pentagon. What is different here and elevates *Black Hawk Down* above even the

century's best miniatures of war is that Bowden has no discernible agenda. Instead, he has a story to tell, and unlike so many others who have recently assayed war, he lets the events and characters speak for themselves.

It's a complicated story, one that richly illustrates the meaning of the phrase, "the fog of war." Bowden tells it straightforwardly. A task force of Army Rangers and Delta Force operators embark on a daylight raid on a target in the heart of lawless Mogadishu for the purpose of capturing senior lieutenants to warlord Mohamed Farah Aidid. They have practiced this sort of mission endlessly and executed similar ones successfully. The task force expects to be in and out in less than an hour. Most of its members haven't even bothered to bring along their canteens, preferring instead to load up on extra ammunition. But things go wrong. An inexperienced Ranger misses the rope on his way out of a helicopter hovering at 70 feet. He must be evacuated. A convoy of trucks and Humvees misses turns on the maddeningly complex, unmarked street grid of the wrecked city. As a result of the delay, the Somali resistance mounts. Lucky shots from grenade launchers fell first one Black Hawk helicopter, then another, and the force sets off on the tortuous, dangerous attempt to rescue survivors and retrieve the bodies of the dead. Taking serious casualties now at the hands of Somali militiamen, irregulars, and amateurs with AK-47s — and inflicting on the Somalis thirtyfold or more violent deaths in return — the task force finds itself fragmented, hunkered down as darkness falls, desperately in need of reinforcement if it is going to get out at all.

Bowden's characters are not literary spokesmen for a point of view on war; neither is the Mogadishu he describes some sort of metaphor for human malevolence.

Bowden's characters are not literary spokesmen for a point of view on war; neither is the Mogadishu he describes some sort of metaphor for human malevolence; nor is his intercutting between the men on the ground and their commanders out of harm's way an occasion for infusion of irony and other literary artifice. This is the story of the real participants in a very harrowing gunfight at a particular time in a particular place, and Bowden seems to have set as his goal nothing fancier than getting the details right — which turns out to be a goal surpassingly more impressive when achieved, as here, than the delivery of anti-war homilies, however eloquent.

The themes that emerge in *Black Hawk Down* do so organically. Because of this, the book becomes positively subversive of our dominant cultural portrait of war. Yes, there is bloody mayhem here, and the entirely rational fear soldiers feel as they try to withstand a surprisingly furious assault, and the sense of dread and uncertainty gradually mounting with each bit of bad news, and the urgent effort to keep the wounded alive, and

the weight of the sudden death of comrades. But that is hardly the whole story. The emotional range here is far broader than the distance from fear to regret; it includes as well pride, righteous anger, honor, determination, respect, fraternal love, and in many instances, a richly mordant sense of humor. (One wounded Delta Force operator muses on the possibility that a Somali rocket-propelled grenade might hit the armored personnel carrier evacuating him and others after the long battle: "You know what we should do. We should kind of crack one of these doors a little bit so that when the RPG comes in here we'll all have someplace to explode out of.")

These are elite American soldiers. Most are Rangers, meaning they have not only enlisted in the army but also volunteered for advanced airborne training and endured as well the rigors of Ranger school. Others in *Black Hawk Down* are members of the supersecret Delta Force, masters of the heights of American soldiering. The Rangers and the "D-boys," as the Rangers call them, train for war every day, practicing to perfection the art and craft of controlled but hellish violence.

More to the point, they want to fight. And in the non-fiction environment of *Black Hawk Down*, by contrast with much of our culture's intimate portraiture of war, this desire of theirs is no literary contrivance designed to be shattered by exposure to war's horror. Some of them — let's be blunt — *like* the fight here. Some of them can't imagine pursuing another line of work. Some of them look back on this brutal night in Mogadishu as time well spent and would, of course, do it again.

The feeling is not unanimous, nor for that matter unmixed. Bowden relates some thoughts of Sgt. Mike Goodale during the fight:

> He thought about how much he wanted to go to war, to see combat, and then he thought about all those great war movies and documentaries he'd seen about battles. He knew he'd never see another of those films and feel the same way about it. *People really get killed.* He found the best way to accept his predicament was to just assume he was dead already. He was dead already. He just kept on doing his job.

But consider also:

> [Spec. Shawn] Nelson surveyed the carnage around him and felt wildly, implausibly lucky. How could he not have been hit? It was hard to describe how he felt . . . it was like an epiphany. Close to death, he had never felt so completely alive. . . . He felt he would never be the same. He had always known he would die someday, the way anybody knows that they will die, but now its truth had branded him. And it wasn't a frightening or morbid thing. It felt more like a comfort. It made him feel more alive.

Spec. Chris Schleif is less introspective as he prepares to join a convoy to relieve those still trapped in the city:

> The [M-60] gun and ammo can were still slick with [Sgt. Dominick] Pilla's blood and brain matter. Schleif ditched his own weapon and boarded the Humvee with Pilla's. "He didn't get a chance to kill any-

> body with it," Schleif explained to Specialist Brad Thomas, who like Schleif was heading back out into the city for the third time. "I'm going to do it for him."

And we meet Pvt. George Siegler desperately running to leap onto an armored personnel carrier to take him out of the city after that long night:

> [He] sprinted up to the hatch . . . just as a voice yelled from inside, "We can only take one more!" [Lt. Larry] Perino already had one leg in the hatch. Out of the corner of his eye Perino saw the younger man's desperation. He withdrew his leg from the hatch and said, cloaking his kindness with officerly impatience, "Come on, Private, come on." It would have been easy for the lieutenant to say he hadn't seen him. Siegler was so moved by the gesture he decided then and there to reenlist.

It is impossible to read *Black Hawk Down* and conclude that this range of emotion, including an appetite for battle even after having had the experience, is anything but real in these men. And though this is hardly the sensibility of civilian life in our times, it is equally impossible to conclude that these soldierly emotions are irrational or even especially hard to understand. Mark Bowden describes the context with precision, thereby allowing the humanity of his real-life characters its due.

Black Hawk Down should also cause us to reflect further on the dominant images of war in this century. Having grown accustomed to the portrait of combat as the ultimate monstrosity, what then are we to make of those who train for it in the expectation and even the desire of facing it? How could they wish this? Must they not be monsters?

Of course not, as *Black Hawk Down* amply documents. The second great paradox of the intimate portraiture of war is that in the name of preventing the infliction of carnage, it dehumanizes those who fight, transforming them into automatons and victims in order to make the point. *Black Hawk Down*, by contrast, is truly intimate; the closer we look, the more unmistakable the humanity.

The fact that some of our finest soldiers can't wait for their next battle must never influence us in deciding whether or not to send them off to war. The matter is much too grave for that. But likewise, the question is too grave to derive its answer from our century-long cultural exploration of the horror of war from the soldier's point of view — especially now that Mark Bowden has shown what a proper miniature really is and by implication how defective, tendentious, and dehumanizing so many previous such efforts have been.

LETTERS

Overcoming ADD

SIR,—I read Mary Eberstadt's article ("Why Ritalin Rules," April/May 1999) with great interest. As a fourth grade teacher, I interact daily with children who take Ritalin. In my first year of teaching alone, I had 3 to 5 children in every class who were diagnosed with ADD — most of them boys.

These children are not very different from other children. Some are just not performing at the level their parents expect or have not accomplished what a sibling has accomplished. Others are watching their parents go through difficult divorces and experiencing other complications at home.

But most of the children in my classroom diagnosed with ADD have even more difficult family lives. They live in families without love or attention. Many are fatherless or have fathers who are abusive. These are children who arrive at school early and are picked up late by harried parents who work long hours. Their parents refuse to discipline or correct their behaviors because, after all, they have ADD. "It's not my child's fault! He can't help it. We rely on the Ritalin."

Many of these parents become indignant and angry when I try to change their child's behavior at school and solicit help from them at home. Their frustrations are apparent, and I empathize with them. After all, I don't have to live with their child.

But for these parents, it is more than a case of frustration. Taking the time to work at loving their children with quiet resolve and patience is much too difficult and worrisome. It can take years to see a change in behavior. Impatient parents reach out for Ritalin instead of their children. A quick fix (but rarely a permanent fix) is the chosen elixir. Unfortunately, as long as Ritalin is around, the quick fix will always be the first choice.

MICHAEL CRAGG
Charlottesville, Va.

SIR,—While Mary Eberstadt's article lays much of the blame for the overdiagnosis of ADHD on parents, teachers, pharmaceutical companies, and interest groups, she fails to sufficiently tackle the culpability of doctors.

As you well know, there is no objective abnormality that explains ADHD, no biological marker, and quite possibly no medical validity to its frequent diagnosis. If that is so, then the millions of children said to have ADD are normal American children conforming to a subjective diagnosis. And yet the diagnoses continue.

The medical profession is not unaware of this. The ADHD Consensus Conference, held at the National Institutes of Health in November 1998, states in its final draft: ". . . we do not have an independent, valid test for ADHD, and there are no data to indicate that ADHD is due to a brain malfunction."

Two federally-funded scientific studies using MRI show that children exposed to chronic stimulants demonstrate measurable brain atrophy, which is not found in children who do not use stimulants and are also said to have

ADHD. It is my understanding that, for all intents and purposes, neuron damage is irreversible. Doctors are hardly living up to their medical code of "first do no harm."

NESTOR SOSA
Chatsworth, Calif.

SIR,—Mary Eberstadt discusses several books that share her critical view of the widespread use of Ritalin, but let me share one more your readers might consider, *Ritalin is Not The Answer* by David B. Stein, Ph.D. (Jossey-Bass Publishers, 1999).

While debunking the Ritalin mythology, Dr. Stein offers practical and systematic advice for parents on how to manage their children's behavioral problems without resorting to drugs. Included is a ten-step checklist to help parents "stop creating" children with ADD. Dr. Stein's bottom line is that parents cannot hand over their parenting responsibilities to a bottle of pills. Rather, they must be actively and consistently engaged in their children's lives. After all, Anne Sullivan did not medicate Helen Keller. Applying optimism and hard work, they worked together to overcome physical obstacles.

JOANNE SADLER BUTLER
Alexandria, Va.

'Ritalin Rules' Rebuked

SIR,—It still amazes me that after almost 50 years and 1,200 plus independent double blind-studies, non-professional critics such as Mary Eberstadt feel qualified, even justified, writing a misinformed article that may cause parents to push the panic button and make decisions deleterious to their child's future.

There is little doubt that some children (but not all) who take methylphenidate experience a "rebound" (the valleys) as Mrs. Eberstadt notes, which can be unpleasant and frustrating for both the child and parent. Fortunately this side effect lasts for only about 30 minutes before it clears. Children who experience severe or chronic "peaks" and "valleys" can be put on other stimulant medication without the "rebound" effect.

The article misrepresents the effects stimulant medication have on those with ADHD in comparison to the non-ADHD population. Sure, most children and adults who use a stimulant medication feel more alert. That's why they are called stimulants. But there is good reason to believe that non-ADHD groups don't exhibit any enhancement in their school performance, or improvement in social functioning or family relationships from Ritalin, unlike their ADHD counterparts. Aspirin reduces a fever, but doesn't lower the temperature for a person without one. Ritalin improves the lives of the ADHD diagnosed in much the way glasses help the myopic, but strain the eyes of persons with 20/20 vision. One can't use a normalizing medication to become *more* normal.

Perhaps everyone demonstrates some symptoms that resemble ADHD. However, doctors adhere to the strict guidelines and criteria of the *Diagnostic and Statistics Manual* (DSM-IV) before prescribing Ritalin. ADHD is viewed on a linear continuum from mild to severe. On a bell curve, only the final 10 percent on the end of the continuum meet the diagnostic criteria for ADHD. A diagnosis is given only

when other psychological or environmental influences have been ruled out. Also, clinicians take into consideration a thorough developmental and psychosocial history. No medical or social stone is left unturned before a diagnosis of ADHD is concluded.

The most misleading part of your article presumes that medication *is* the sole treatment for ADHD. This is patently untrue and certainly not recommended. Rather, the most effective treatment involves a mixed approach that includes counseling, monitoring the medical condition, teaching parenting skills, and managing classroom behavior. And when supportive, informed, and active parents are part of the treatment, the child experiences the most profound success.

Unfortunately, some family doctors and pediatricians are not up to date with the latest research on assessment and treatment. Stories of doctors freely prescribing stimulant medication after a five minute discussion with an emotionally distraught parent, sadly, are true. This minority of doctors does and should elicit the concerns expressed in your publication. However, misinformed doctors are the exception to the rule. Scaring parents into ignoring (or never seeking) medical advice for their children is dangerously irresponsible.

In closing, ADHD does not preclude a successful life. I am a licensed clinical social worker with ADHD and the parent of two children with ADHD. Children and adults with ADHD initially enter my practice feeling helpless and hopeless. Many of my clients have been misdiagnosed and prescribed medication that did not offer any relief from their symptoms. But correct medication and counseling can dramatically improve their ability to assimilate in family, social, and academic settings with little difficulty. No, it is not a perfect world and these clients did not experience personal success overnight. But through diligence, parents, children, and adults can attain their goals and recapture their self respect.

Ritalin is one of many drugs that have improved our lives over the past 40 years. Why not acknowledge the benefits many people have experienced by taking medication for ADHD rather than continue the unfortunate characterization of ADHD as a psychosis and Ritalin-taking as an addiction?

ELLIS D. BERKOWITZ
York, Pa.

SIR,—Mary Eberstadt's article is a model of selective reporting. By picking and choosing a few lines — most of them out of context — from several decades' worth of research, she presents what appears to be a compelling portrait of a fictional disorder and parents so eager to pass off their parental duties that they willingly drug their children.

A better essayist would have been as critical of her own sources of information as she was of the targets of her argument. While she offers the patently false intimation that CHADD's interest in decontrolling Ritalin was related to pharmaceutical funding, she never questions the information provided by the DEA, which itself has proven unreliable. It was its hapless oversights in 1993 that allowed many parts of the U.S. to run out of Ritalin several months before the end of the production year. And the DEA declaration of a marked rise in stimulant abuse among high school students could never be

established by the National Institute on Drug Abuse or other scientific sources.

Further, Eberstadt does not bother to educate readers about the critical distinction between Ritalin production quotas and Ritalin prescribing rates. The rise in the former, a figure set by the DEA, provides a much more impressive statistic than that in the latter. Without context, perspective, and proportion — all requirements of sound scholarship — statistics can be bent to any deceitful whim.

Similarly, Eberstadt also fails to mention that CHADD has always acknowledged financial contributions to its annual educational conferences in its members' program announcements, which is a standard practice for most charities addressing medical disorders. The idea that CHADD had something to hide concerning its contributions from then-Ciba-Geigy, is distortion.

Eberstadt takes a mocking tone in describing the efforts CHADD has made on behalf of its constituents, such as lobbying for school and workplace accommodations. The difference, clearly, is that CHADD recognizes that ADHD is a serious disability while Eberstadt thinks it's mass hypochondria. What kind of association would not advocate for accommodations that will assist its members in leading better lives? Apparently, because Eberstadt is unable to believe three decades' worth of research and the experience of millions of parents, children, and teachers, the association representing those groups shouldn't either.

None of what Eberstadt has to say is original: Similar accusations aired in a 1995 docu-drama produced by John Merrow (*The Merrow Report*) that aired on some PBS stations. Eberstadt again conveniently fails to mention that Merrow's salacious accusations would later be dismissed as false, unsubstantiated, or unworthy of ink by better investigative reports in *Time*, *Newsweek*, and *USA Today*, as well as on *60 Minutes*.

As the recently held NIH Consensus Conference on ADHD concluded, ADHD is a neurobiological condition, as influenced by heredity as are human height and other physical attributes. This disorder poses substantial risks to both ADHD individuals and to society, and is as impairing to major life activities in its own way as are learning disabilities, mental retardation, major depression, or other major psychiatric or developmental disorders. And as more than 250 controlled scientific studies attest, stimulant medication (including Ritalin) is the most effective treatment available. It is a pity Eberstadt did not use her print space or talents to educate, rather than titillate, your readers — and with outdated propaganda at that.

RUSSELL A. BARKLEY, PH.D.
University of Massachusetts Medical School
Worchester, Mass.

THE AUTHOR RESPONDS,

My thanks to Joanne Sadler Butler, Nestor Sosa, and Michael Cragg for their letters.

Though I have not heard of the particular book mentioned by Butler on the drug-free management of behavioral problems, interested readers should know that a related effort was made by Thomas Armstrong in *The Myth of the ADD Child* (Dutton Books, 1995). Armstrong devotes some two hundred pages to strategies for improving "your child's behavior and atten-

tion span without drugs, labels or coercion" — strategies ranging from increasing physical exercise, giving the child real-life tasks to accomplish, spending more time together as a family, limiting access to television and video games, and other sensible advice from which all children, but perhaps particularly those troubled by the behaviors that are now being called ADD-related, would seem to benefit.

Nestor Sosa's comment is most interesting for its alarming reference to "two federally-funded scientific studies" that "show that children exposed to chronic stimulants demonstrate measurable brain atrophy, which is not found in children who do not use stimulants and are also said to have ADHD." I have not seen these studies and would be interested in obtaining citations.

Michael Cragg's poignant letter emphasizes an important point: the role played by the child's home environment in the behaviors now being attributed to ADD. Cragg's experience in the classroom suggests to him a logical link between what is called ADD and a real-life deficit of another kind of attention — parental attention. Sadly, the link that seems so obvious to him is one of the least-explored aspects of the ADD explosion in all the medical literature. As Lawrence Diller observes in *Running on Ritalin*, "researchers in the ADD field have paid much less attention to the context of children's lives than to the wiring of their brains." He cites the particularly remarkable fact that "of more than a hundred articles and chapters in books published by Harvard's Joseph Biederman and his colleagues exploring the nature and treatment of ADD, only two studies analyze in any detail family and environmental risk factors for ADD in children."

One of these studies, Diller goes on to report, happened to find "a strong association" between the risk of ADD and numerous stresses such as "severe marital discord, low social class, large family size, paternal criminality, maternal mental disorder, and foster care placement." The second one found that the most significant environmental factors associated with ADD were "exposure to family conflict and maternal mental illness." Thoughtful laymen like Cragg will hardly be surprised by these findings. What is surprising, even shocking, is that the same medical professionals who have taken the lead in diagnosing and treating ADD have shown so little interest in pursuing environmental, as opposed to biological, explanations of the behaviors associated with this subjectively-defined disorder.

Instead, as I explained in "Why Ritalin Rules," the view of the medical establishment has increasingly collapsed into a single formulation: If ADD is the problem, then Ritalin is the solution. Ellis D. Berkowitz, whose letter otherwise concedes a number of points made in my essay, takes issue with this syllogism, assuring us that medicine is always the last resort. This writer extols the fanciful idea that doctors hold to the notion that ADHD exists on a bell curve and that only "the final 10 percent on the end of the continuum meet the diagnostic criteria for ADHD." What we are required to swallow here is the notion that, for every 10 patients they see who could be diagnosed ADHD in some form (mild to severe), doctors are prescribing Ritalin only for one of them, consigning the other nine to non-drug therapies. This notion is simply preposterous. If such scrupulosity were indeed the order

of the day, then millions of children would not be taking Ritalin.

Ellis Berkowitz also says that the idea that "medication is the sole treatment for ADHD" is "patently untrue." He should meet Russell A. Barkley, another letter writer, who happens to be one of the leading figures in the pro-Ritalin literature. Though he does not mention this in his letter, Barkley has gone on record as saying — I am quoting Diller here — that "Ritalin *alone* may appropriately be used as the first and only intervention — and even that the physician 'need not feel guilty' if other services are not provided." Naturally — and fortunately — not all physicians are as convinced of Ritalin's powers as is Barkley. In practice, many hold to the idea of "multi-modal" treatment, and some simply refuse to prescribe stimulant drugs to children at all. What Berkowitz fails to recognize is that when faced with such physicians, parents wanting only a prescription — frequently, in the hopes that it will placate their child's teachers or school administrators — need only find another doctor who is more accommodating. If such doctors were hard to find, then Ritalin would not be as ubiquitous as it is in homes and classrooms around the country.

Russell A. Barkley's letter is clinically interesting on several counts. Readers should note, although he modestly does not, that Barkley is the author of classic books on ADD and what he calls its "holy trinity of symptoms." Even among Ritalin's passionate advocates, Barkley has distinguished himself by rushing where many dare not. He claims, for example, that in many cases of ADD, "talk" therapies or special education may not be useful at all; that children with ADD are "disabled" in the same way that blind or deaf children are; and that some people with ADD will need to take Ritalin *for life*.

Though he does not mention this fact, either — one can only wonder why not — Barkley is also on the advisory board of CHADD, which doubtless explains the animus behind his elementally ad hominem offering. What substance there is in his response can be boiled down — charitably, at that — to three points.

First, he claims I insinuated that CHADD takes the position it does on Ritalin because of the financial support it has received from the drug's manufacturer. Now for a bit of perspective. I submit that most people would find it interesting if any interest group were to pressure the DEA to decontrol any particular powerful drug — only to have that group turn out to be bankrolled by the very company which stands most to gain from loosening controls. Let the reader draw what inference he will from the particular case of CHADD and Ritalin's manufacturer. Personally, I believe that CHADD would have acted the same even if it had never taken a dime from Ritalin's makers; such is the totemic status of the drug that one can easily imagine its defenders acting out of love rather than money. At the same time, the fact that CHADD has seen fit to accept hundreds of thousands of dollars from the same firm that profits from Ritalin prescription-writing suggests, at the very least, a curious lack of humility in CHADD's efforts to change public attitudes about methylphenidate — to say nothing of a gross insensitivity to appearances.

Second, Barkley charges me with using "outdated propaganda" to make

my point. Readers of the essay will know that it drew on a variety of sources, including most prominently two books published just last year (Diller's *Running on Ritalin* and Richard DeGrandpre's *Ritalin Nation*), Armstrong's 1995 *The Myth of the ADD Child*, and the 1995 DEA background report on methylphenidate that was, as I mentioned, "backed by scores of footnotes and well over 100 sources in the medical literature." None of these works is outdated — indeed, all are more recent than the pro-drug texts cited most frequently by Ritalin advocates. Further, not one of these sources can accurately be described as propaganda (apart, that is, from the twisted worldview according to which any negative facts about Ritalin are to be dismissed with that lazy political smear). Barkley, tellingly, does not mention any of these sources by name. His silence means one of two things: acquiescence, or the fact that he cannot refute a single one of these texts in print. Nor does he challenge my summary of the many (failed) attempts to locate the missing link between ADD and brain activity. Nor does he dispute what is obviously the most important fact about how ADD/ADHD diagnoses are made: that "we do not have an independent, valid test for ADHD," as the NIH put it.

Finally, Barkley raises a single epistemological point: that "the DEA declaration of a marked rise in stimulant abuse among high school students could never be established by the National Institute on Drug Abuse or other scientific sources." What about the facts Barkley passes over in silence — that "between 1990 and 1995, there were about two thousand thefts of methylphenidate, most of them night breakins at pharmacies," and that "the drug ranks in the top 10 most frequently reported pharmaceutical drugs diverted from licensed handlers"? That undercover narcotics officers confirm that "Ritalin is cheaper and easier to purchase at playgrounds than on the street"? That in 1991, children between 10 and 14 years old were involved in about 25 emergency room visits connected with Ritalin abuse, whereas four years later that number for the same age group had grown to *400 visits* — the same as for cocaine?

Though the list of statistics pointing to a rise in Ritalin abuse could go on and on — these particular numbers are drawn from the DEA, *Running on Ritalin*, and *Ritalin Nation*, respectively — the point would remain that Barkley and his followers cannot bring themselves to recognize that Ritalin, like related stimulants, is being used recreationally all over the country, and that the explosion in Ritalin prescription-writing has been the single most important factor contributing to such nonmedical use. I have no doubt that if the day comes when the National Institute on Drug Abuse does issue a report confirming a rise in Ritalin abuse, Barkley and his followers will dismiss it, too, as "outdated propaganda." Their faith in Ritalin — one that continues to deform debate on this subject — requires no less.

Anyone familiar with the literature will be moved by the troubled individual stories that have resulted in all those Ritalin prescriptions; as noted in my essay, "that some children are born with or develop behavioral problems so severe that drugs like Ritalin are a godsend is true and sad." But it is impossible to believe that such stories account

for more than a small fraction of the drug's caseload. Today, no doubt some families have indeed found the drug to be the panacea its advocates promise — just as Freud once believed cocaine, Ritalin's close relative, to be the wonder drug of his own generation until the addiction and ruination of a close friend convinced him otherwise, and just as millions of Americans, most of them women, were only decades ago routinely prescribed amphetamines for everything from lethargy to weight loss, ultimately to popularly deplored effect. One can only hope that it will not take a disaster or series of disasters involving Ritalin to move the medical world to a reconsideration of who needs this drug and why. The appearance in the past few years of the critical literature cited in my essay suggests the optimistic possibility that such a reconsideration may already have started in earnest.

Gingrich Never Lost

SIR,—I object to your analysis of Newt Gingrich's speakership in your last issue ("Gingrich Lost and Found," April/May 1999). Sitting from your vantage point on the sidelines, you have bought into the media's spin of the Gingrich Revolution. It was the press, not the Republican faithful, that "lost" Gingrich.

The mainstream press attacked him early, late, and forever. They reported on how much he was hated and despised as though it were a news item and they never allowed him a chance to vindicate himself.

For example, Brent Bozell of the Media Research Center counted 10,000 references to the so-called Gingrich college course scandal compared to less than 50 references when he was cleared by the IRS.

Taking on the media is not easy or popular, but buying into the press's spin of Gingrich's speakership is inexcusable. Given this slanted reporting, is it any wonder that Gingrich could do no right in the public's eyes? Stiffen up and show a little more backbone in standing up to the Washington establishment.

JOHN DALE DUNN
Lake Brownwood, Tex.

Choice Begins at Home

SIR,—You passed up a golden opportunity to report more good news on schools in the special issue on school choice (January/February 1999). With all of the stories on vouchers, you failed to mention the amazing success of the homeschool movement that exists without federal dollars. Parents who homeschool sacrifice every day in order to take responsibility for the education of their children. Homeschooling families exhibit the best of the American pioneer spirit. They receive no government help. No vouchers. No acknowledgement. No approval. Just results.

JOHN DAVID MCPEAK
Brussels, Belgium

LETTERS TO THE EDITOR

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Undefended!

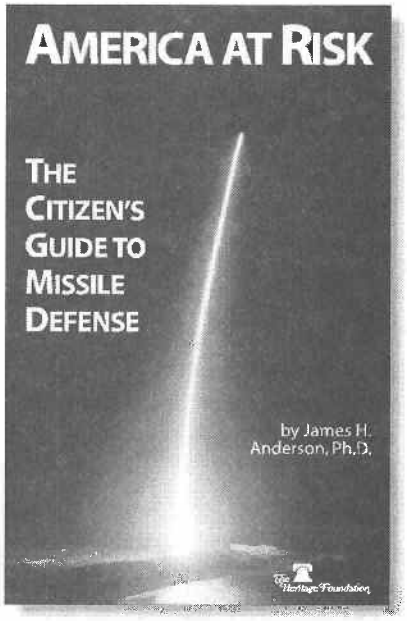
Unlike some Hollywood fantasy or plot in a Tom Clancy novel, the threat of a missile attack on a major U.S. city is all too real. In *America at Risk,* Heritage analyst James H. Anderson explains the strategic, legal, and moral dimensions of the missile defense issue in terms that every American can understand. He details the threat from Third World rogues and the real danger of accidental or unauthorized launches from Russia or China. The hard truth is that America today is unable to defend itself from even one missile attack. But the good news is that an effective missile defense system is within reach and affordable.

"I often remind people that a ballistic missile attack using a weapon of mass destruction from a rogue state is every bit as much [a] threat to our borders now as a Warsaw Pact tank was two decades ago."

— Secretary of State Madeleine Albright

"I cannot imagine what an American President would say to the American public if there was an attack and he had done nothing to prevent it."

— Former Secretary of State Henry Kissinger



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