

Dictator for a Day

By Russell Roberts

"I'll state the rules again," said Sam to his class of students. "You are a dictator. You can pass one law while you are dictator. One law and one law only. And it has to be a law, not merely a good intention. You cannot simply decree that people love one another or that diseases come to an end or that nobody gets hurt in car accidents. You must defend your choice mindful of the laws of nature and the laws of economics. Now who would like to begin?"

"I would pass a law requiring all students to graduate from high school," a girl's voice suggested.

"Why?" Sam asked.

"High school drop-outs cause a lot of problems. They commit crimes. Then they have trouble finding jobs and they end up on welfare."

"So everyone would have to stay in school. Do you think it would be hard to monitor compliance?" Sam asked.

"Not really."

"What would you do with people who were absent? What about kids leaving after attendance got taken? And let's suppose everyone complies with the law. What are you going to do about the kids who don't want to be there and ruin class for the others? Of course what you'd really like is a law that forced all students to stay interested in their classes. But that is against the rules. Who else has a proposal for the perfect law?"

The students kept proposing ideas and Sam kept poking holes in them. It was amazing how differently the students thought about the problems facing the country and how varied their solutions were.

Soon there was a clamor in the class-

room. "All right, all right," said Sam.

"You want to know my law. Fair enough. The one thing that I think would most transform America and make it a better place. But even though I believe it to be the best law, I would not pass it even if I were dictator for a day. Your job is to figure out why."

The class grew quiet.

"If I could pass one law," Sam continued, "and one law only, it would be—" he paused, "to ban TV."

Sam's suggestion was met with dumbfounded silence.

"Watching television is a total waste of time. It's the secret addiction. It turns us into zombies, flitting from channel to channel to escape reality."

Someone in the class snickered. "You laugh. But how many of you watch at least two hours a day? Three? Do you think you could go cold turkey? Do you think your life would be richer if you did? Ban TV and children begin to explore the world rather than sitting stupefied in front of the box in the corner. Ban television and families talk to each other over dinner, people begin reading again. Ban television and a person can learn to sit and think, a lost art."

"But some shows are good," a student interrupted.

"Aha!" Sam cried. "As with every policy we've discussed, there's a cost. But I'm confident the benefits far outweigh the costs. There are probably a few good shows. But the sewage far outweighs the spring water. Violence, sleaziness—"

Some members of the class giggled at the old-fashioned nature of this tirade.

"Seriously, it takes a toll on human decency. Watch MTV and your attitude toward women is cheapened. Watch enough murders on television and real



*"Why do people watch TV
for four hours a night?
Because their lives are empty.
And a law can't change that."*

murders become unfortunate annoyances rather than tragedies of immeasurable proportion."

Sam stopped to catch his breath.

"I speak from experience. I'm a recovering addict. When I realized how many nights I lost, hand on the remote, surfing the cable channels, I sprang into action. First I put the TV in the least comfortable room in my apartment. Then I dropped cable. Finally I sold my set. I'm free! And I'll tell you something. I read more books, do more volunteering, and spend more time talking to my friends and family than ever before. But I don't fool myself. I remain an addict. When I'm in a hotel I flip on the set and flip out. So I have no illusions about my ability to handle the temptation to avoid real life."

"So," Sam continued, "I believe TV is hazardous to your brain. But you know what? If I were dictator for a day, I still wouldn't ban it. Do you know why not?"

There was a tumult of answers but Sam quieted the class. "To help you guess, let's play one more game. It comes from a book called *Anarchy, State, and Utopia*, by Robert Nozick. Has anybody read it?" Sam paused. "Of course not. You're too busy watching trashy TV."

The class laughed.

"It involves what we'll call a Dream Machine. Once you have programmed it correctly and are hooked up to its sensors and electrodes, you experience any life you can possibly imagine—the ultimate game of virtual reality. Any dream will come true. While you are on the machine you can be President of the United States or the greatest rock star of all time. You can climb Everest, cure cancer, win an Oscar, make a billion dollars a year. And here is the magic of the Dream Machine. Unlike the dreams of slumber, these dreams will feel totally real. You will be lying on a table, hooked up to the Dream Machine, but in your consciousness you will be surfing flawlessly in Hawaii, singing the most popular song of all time, winning the NBA championship for the tenth time in a row, and it will all be as vivid as the feel of the pencil in your hand and the sound of my voice. How many of you would like to take the Dream Machine out for a spin?"

Every hand in the room went up.

"Of course you would," Sam continued. "But there's one detail I neglected to mention. This imaginary life that you get to experience while on the Dream Machine must replace your actual life. You will never wake up. You enter the room today as the teenager you are. You win the Masters, the Nobel Peace Prize, surpass the popularity of the Beatles, then you grow old and die. It can be a painless death, preceded by a glorious old age full of parades and honors. But after they unhook the last electrode, your brain will cease functioning and they will put you in the ground. While you're on the machine, the river of time will appear to flow at the same speed that it does now, out here in the real world. But in fact, your entire time on the machine will be less than five minutes. Then they will cart you off and bring in the next customer. Still interested?"

*A good life is real.
It's full of success—
and failure.*

There was silence in the room. Finally Sam filled it.

"I didn't think so. Why not?"

"It's not real," someone called out.

"I know," Sam said. "But you won't know that. It will feel real."

"But it's fake," a student said. "While you're on the machine, you will have cured cancer, but people outside of the machine will still be dying from it."

"That's true," Sam said. "But why would you care? For me the answer is that life on the Dream Machine is no life at all. Not only because it's not real. But also because the Dream Machine strips life of everything that makes life worth living. The striving, the seeking, and the finding. And the failing."

Sam continued, "Where's the magic of the 'finding' if you can never fail? If I offered you a billion dollars a year for the rest of your life, no questions asked, and the only string attached is that every year you must spend every dollar, would you take it? If you did, would you be happy?"

"Of course you'd be happy," a student said.

"For a while, you'd be deliriously happy," Sam continued. "Imagine the first day. Lobster and caviar for breakfast, lunch in Paris after a brisk trip on the Concorde with a hundred close personal friends, then dinner in New York in the Presidential Suite of the Plaza Hotel. Maybe courtside seats sitting with Spike Lee at the Knicks game. It's amazing for a day. Extraordinary for a week. But for a year? Ten years?"

"I'd like to try," said a student. The class rippled with laughter.

"I know. It sounds appealing. But after ten years of caviar for breakfast, caviar tastes like corn flakes. Let me tell you a story." The room went quiet.

"A man dies," Sam said, "and finds himself on the bank of the most beautiful trout stream in the world. The sky is a burning blue and a perfectly balanced

fly rod rests in his hand. Before him lies a perfect trout stream, a mix of rapids and slow pockets of water. He realizes he's in heaven. He looks upstream at a swirl. A fish has risen for an insect! He makes an exquisite cast to the exact spot. In an instant, the water explodes as an enormous fish surges to the surface. After a brief struggle he lands the fish. It must weigh 12 pounds! He releases the trout and turns back to the water. Again, a fish rises for an insect. Again, he makes a perfect cast. He lands another beauty. It's a miracle. The man falls to his knees in gratitude to God. But as the day wears on, fish after fish after fish breaking to the surface in answer to his efforts, he decides to deliberately cast poorly. He starts yelling and thrashing the water to spook the fish. Still every cast yields a fish. And he knows that he is not in heaven after all."

A student asked, "What's that have to do with banning television?"

"A good life is real. It's full of success and failure. Coming up out of the valleys makes the view from the peaks exhilarating. Catching a fish on every cast isn't heaven. Having a billion dollars is boring. And banning TV doesn't really fix the problems in the addict's life. Why do people watch for four hours a night and fall asleep at the clicker? Because their lives are empty. A law doesn't change any of that."

"I'm proud of not having a television. It's a triumph, albeit a minor one, over my baser nature. Isn't that what life is all about? Coming to know yourself and finding a way to do what is right? What's the good of having the government do it for you through a law that reduces your choices? That's not life, any more than if we changed the rules of the game and allowed the government to end anger or jealousy or greed or lust or violence. Life in that world would be no life at all."

Sam stopped. The room was silent.

"Time's up. See you all tomorrow."

This is adapted from Russell Roberts' new book The Invisible Heart: An Economic Romance (2001 MIT Press).



Where Legal Activists Come From

By Kenneth Lee

Lately, we've seen many crocodile tears shed by left-wing lawyers lamenting the judicial decisions which cemented George W. Bush's election victory. How wrong for unelected judges to be imposing themselves on the popular will! they have cried.

Ironically, the Left has for years been relying on courts to accomplish what it could not achieve in the voting booth. To take just one instance among thousands, when the New Jersey state legislature passed a law against taxpayer-financed abortions a few years ago, pro-choice groups didn't lobby politicians or try to elect similarly minded legislators. Instead, they challenged the statute in the New Jersey Supreme Court as a violation of the constitutional guarantee of equal protection. And sure enough, the court struck down the law as "discriminatory."

From freeing the mentally ill in New York City to defending racial preferences in California to contesting the presidential election in Florida, left-leaning lawyers have successfully waged a "rights revolution" over the last three decades. Trial lawyers increasingly litigate new entitlements for favored groups, establish exotic new individual rights, and overturn well-established legal and legislative prerogatives. As legal savant Walter Olson puts it, "Trial lawyers are now an unelected fourth branch of government."

What is less known is how law schools—as well as the corporate

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law firms which hire their students—increasingly provision young legal dreadnoughts to fight this rights revolution. The legal profession has always prided itself on providing *pro bono* services to indigent and unpopular defendants. In that same spirit, law schools have traditionally sponsored free legal clinics as a way to serve the "public good" and teach the art of advocacy. As a result, law school students routinely participate in clinics representing poor clients in, say, landlord-tenant disputes.

In recent years, however, law schools have shifted their focus away from individual needs and toward large, politically charged class-action lawsuits that attempt to force sweeping public policy changes. Each year, thousands of law students across the nation enroll in these courses, which generally include a classroom as well as a clinical component. In the classroom, professors lecture on novel legal theories (such as "environmental racism") which defy traditional common law norms. And in the clinical portion of the course, the students put the theory into action: Seasoned activist lawyers serve as mentors, helping students draft complaints and file briefs on behalf of the latest *cause célèbre*.

Law schools have established these clinics under the misleading rubric of promoting the "public interest." They claim that these clinical courses are steeped in the same venerable tradition of *pro bono* voluntarism. In reality, though, "public interest litigation" too often means training young lawyers to pursue partisan, often radical, policy goals—at the expense of the public.

Take Tulane Law School's Environmental Clinic, for instance. Tulane students waged a two-year court battle to

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fourth branch of government,
and it all starts
in law school.*

prevent Shintech, Inc. from receiving government permits to build a \$700 million PVC plant in the rural Louisiana neighborhood of St. James Parish. The law school students accused Shintech of "environmental racism," alleging that the plant pollution would unfairly affect the parish's poor, minority residents. Although polls showed that most of the parish residents supported building the plant, the students apparently had a different conception of what was in their interests. And their interminable litigation ultimately forced Shintech to build the plant elsewhere.

While the law school students celebrated their legal victory, the residents of St. James Parish mourned the economic loss. Dale Hymel, the president of the parish, lamented that "Shintech had proposed a program to train unemployed people in the parish, and now they are going to miss out on a good quality of life. The lost revenue and taxes are also a blow to our school system and police." Grayling Brown, president of the St. James chapter of the NAACP, added "We really need the jobs."

Perhaps one of the oldest and most successful "impact litigation" clinics is the Rutgers Law School's Women's Rights Litigation Clinic. Founded about three decades ago, it has served as a