

9/11 speeches, which are impressive, poised, and powerful.

It is also a pleasure to savor the unscripted moments that confound critics' efforts to portray this president as a klutz. His impromptu bullhorn address to workers at Ground Zero—"I can hear you. The rest of the world hears you. And the people who knocked these buildings down will hear all of us soon!"—is lovingly recounted here.

But even for those of use who are conservative and admire the president, Mr. Sammon's tone is too richly adulatory, dwelling on success, and skating over failure. Take his depiction of the president's televised Oval Office address on the night of 9/11. Even those who broadly admire the president's handling of the war on terror will acknowledge that the speech was a failure. It was inappropriately small—the narrow and nervous essay of a state governor rather than the expansive and inspiring declaration of a national leader. Its insistence on "bringing the terrorists to justice"—seemingly, through some lugubrious legal process—was quite unsuited to the circumstances.

Tellingly, the author lets a quoted comment of a mid-level White House staffer—"Good job, Mr. President"—stand as the only assessment. It's as though Mr. Sammon would rather slide over this less-than-brilliant moment, saying nothing if he can't heap praise.

As it happened, of course, the president and his advisers quickly understood where they had gone wrong and almost immediately Mr. Bush began to talk of war. Nine days later, in his magnificent oration heard around the world, the president strengthened and cleverly enlarged on the message of his September 11 speech: "Whether we bring our enemies to justice, or bring justice to our enemies, justice will be done." In other words, America's military was going to go out and crush the killers. That was what the nation in its righteous rage needed to hear. And so did America's enemies in their caves and palaces.

The problem with this book is that there is little shading—Mr. Bush is depicted as a president who never makes a misstep. Some of the vicissitudes of the office are apparent—excoriation by the press, for example—but these are presented as the trials of a saint. And so the book subsides into hagiography. The reader is left to parse degrees of praise rather than getting judgment. It's an opportunity missed.



## Where's the Beef?

**Dominion:  
The Power of Man, the Suffering of Animals,  
and the Call to Mercy**

**BY MATTHEW SCULLY**

**St. Martin's Press/464 pages/\$27.95**

*Reviewed by Jeremy Lott*

As I worked my way through this latest oddball entry into the literature of what is loosely called the animal rights movement, I was repeatedly struck over the head with the impression that Matthew Scully is a much better person than I am. One of the incidents that finally prompted him to put fingers to keyboard was the case of a man who owned a home on a lake where a flock of geese decided to settle. The thing that got Scully's dander up was that the cad homeowner had them trapped and killed while he was away, not even bothering to do the dirty work himself.

The story about the geese is probably a pretty good Rorschach test—on the one hand they're not as cute as seals or as intelligent as dolphins, but neither are they as dangerous as snakes or as unpleasant as skunks. It also works because

unlike, say, elephants I have quite a bit of experience with geese. The two institutions of higher learning that I attended were lousy with the Canadian squawkers. While I've no doubt that the geese experience some sort of consciousness, feel pain, and exhibit complex social patterns, they also crapped up lawns and pathways, stopped traffic and occasionally attacked students—usually unprovoked. I may be a Philistine, but I cannot understand why killing a bunch of geese would produce pangs of conscience, let alone inspire someone to write a book.

Billed as a more religious counterpart to such secular animal rights polemicists as Peter Singer, Scully's *Dominion: The Power of Man, the Suffering of Animals, and the Call to Mercy*, is a curious read. Skillfully weaving argument with narrative, it begins with a series of concessions to *Dominion's* target audience: religious conservatives. This whole business of animals having "rights" is, Scully admits, a bit far-fetched. The relationship of man to beast, as practically understood and mediated through our religious traditions, is one of superiors to inferiors. The book takes its title from the first chap-

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ter of Genesis, in which God created the world and granted man "dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth."

The concept of dominion, Scully argues, has been grossly misunderstood

and to restrain our impulses and an ingenuity that would allow us to refrain from slaughtering and consuming animals if we so chose.

In order to buttress his argument for a more animal-friendly dominion, Scully takes his notebook and tape recorder to far flung locations: modern American indus-

"non-natural mortality," "biological removal," and "lethal sustainable use"—to public scrutiny. Particularly galling is the story of the killing of a baby humpback whale—if not an endangered species, then surely threatened—in order bait the mother. Rather than condemn this obvious violation of international norms and common sense, the pro-whaling countries link arms with the offenders and delay any action until the next meeting.

All of which is both entertaining and informative, but I'm not sure that one advances the cause of animals by shooting fish in a barrel. The problem that the animal rights crowd tends to bump up against is that most people do not have as finely tuned a moral sense as they seem to possess. On the one hand, certainly, we—if I may be so bold as to use the plural—see gross cruelty to animals as a pretty good indicator that someone is seriously unhinged and thus approve of laws that protect us by locking such people away. We are also open to passing further restrictions on how animals are to be treated and how they are to be killed—as painlessly as possible, one hopes. But we aren't about to give up meat or leather or stop drinking milk because some of our fellow citizens have "qualms" about how the animals are treated. Neither are we likely to support a total ban on whale or elephant hunting, though obviously we'd support measures—from free-market experiments to more heavy-handed actions of the state—to keep the species from going extinct. This stubbornness flows not from sadism on our part but from our own rough sense of what is right.

A conservative Catholic vegetarian and a former speechwriter for President George W. Bush, Scully objects to the idea put forward by the Catechism that attention lavished on animals is attention that could have been better spent on people. He argues that love isn't a zero-sum game: concern for animals can supplement and encourage concern for our fellow man. To a certain extent that is no doubt true, but most of us are more finite than Scully makes us out to be. If we were all saints, there wouldn't have been a need to write *Dominion*. But since we aren't, I suspect that Scully is about to be sorely disappointed. ➤

## **The biblical concept of man's dominion over animals, Scully argues, has been grossly misunderstood to mean "whatever we damn well please."**

to mean "whatever we damn well please." A careful reading of the first five books of the Hebrew Bible, however, demonstrates that even animals were given rest on the Sabbath, that they were not to be mistreated and that their slaughter was to be swift and as painless as possible, that whole species were declared "unclean" and thus largely spared the knife, that they were part of creation that God pronounced "good." This is a fair bit less than the blank check that most religious conservatives have in mind when it comes to dealing with those things that fly, trot, or creepeth.

As Scully tells it, animals were vouchsafed to man to be taken care of and to be used only insofar as there was a genuine need. However, "when substitute products are found, with each creature in turn, responsible dominion calls for a reprieve. The warrant expires. The divine mandate is used up. What were once 'necessary evils' become just evils." So, whereas fur was once needed for survival, it has now become a sinful extravagance. And vegetarian alternatives render meat eating suspect.

In support of this frankly theological argument, he cites several ancient saints (Francis, Basil, Isaac the Syrian) and a few modern ones (C. S. Lewis) to show that concern for animals was well represented long before today's activists were in red diapers. The difference is that the saints didn't harbor any confusion about the importance of man in the grand scheme of things: part of—but above—creation. When confronted with anti-animal rights rhetoric that places man at the head of an evolutionary food chain, Scully insists that, no, man is more than that. We have a unique ability to reason

trial hog farms, an annual meeting of the Safari Club International in Nevada, the International Whaling Commission in Australia. These are the most interesting parts of the book, because Scully is equal-parts diligent observer and wicked wit. Here's a description of the floor of the Safari Club convention:

These booths, manned by more than three thousand guides and outfitters serving the 13,554 naked apes attending the convention, run in eighteen rows, each about sixty yards long. Stuffed deer, caribou, zebras, wildebeests, elk, eland, dikdik, kudu, and impala are everywhere, some displayed in prone positions as if caught or being devoured by the stuffed leopards, hyenas, and cougars. Stuffed rabbits and fawns are stuffed into the mouths of stuffed wolves.

Along the way, Scully observes a four-star general who cries over his kills, wades through the wacky pseudospiritualist pro-hunting literature (a sample: "[Hunting is] an imitation of the animal . . . a mystical union with the beast."), and exposes the boosterish commercial extravagance of modern hunting. No longer content to go out in the woods with a shotgun and a dog in search of deer, ducks, and the like, animals are being imported into hunting parks, where weekend warriors can fell confused, controlled, and often drugged animals from the far-flung corners of the earth, and often write it off on their taxes.

*Dominion* also does yeomen's work opening up the International Whaling Commission—where the word "kill" is avoided in favor of such euphemisms as

# Ken Starr Writes a Book

(no, not about *that*)

**First Among Equals**  
**The Supreme Court in American Life**

**BY KENNETH W. STARR**  
Warner Books/320 pages/\$26.95

*Reviewed by David B. Sentelle*

Ken Starr has written a book about a subject on which he is perhaps better qualified to write than anyone else. No, not that subject. His focus here is the Supreme Court. As he notes, much has been written about the Court under Earl Warren, but relatively little about what has happened under Chief Justices Burger and Rehnquist. The Warren Court was accused—rightly, Starr says—of activist intervention in the broad range of human society. Presidents, mostly Republican, who have had the opportunity to appoint judges since then have decried judicial activism. This leaves the question: what role has the post-Warren Supreme Court played in American life? Starr's book presents a detailed, thorough, broad-ranging analysis of that question, along with a candid examination of the voting behavior of individual justices and how much difference the vote of a single justice has often made.

Why do I propose that Starr is uniquely suited to examine this subject? Starr himself answers that in his preface. His exposure to the post-Warren Court has been as intimate and complete as it could be for anyone outside the justices themselves. He was one of Chief Justice Burger's law clerks. He worked in the Reagan Justice Department on a number of high-profile Supreme Court cases, and indeed, on the vetting of nominees for the Court. He served five years as a judge of the United States Court of Appeals for the D.C. Circuit, directly below and obviously in the immediate sphere of influence of the Supreme Court. During that time he was the colleague of two future Supreme Court justices, leaving to become Solicitor General—the so-called “tenth justice”—who represents the United States before the Court. After that, when I did him the disservice of swearing

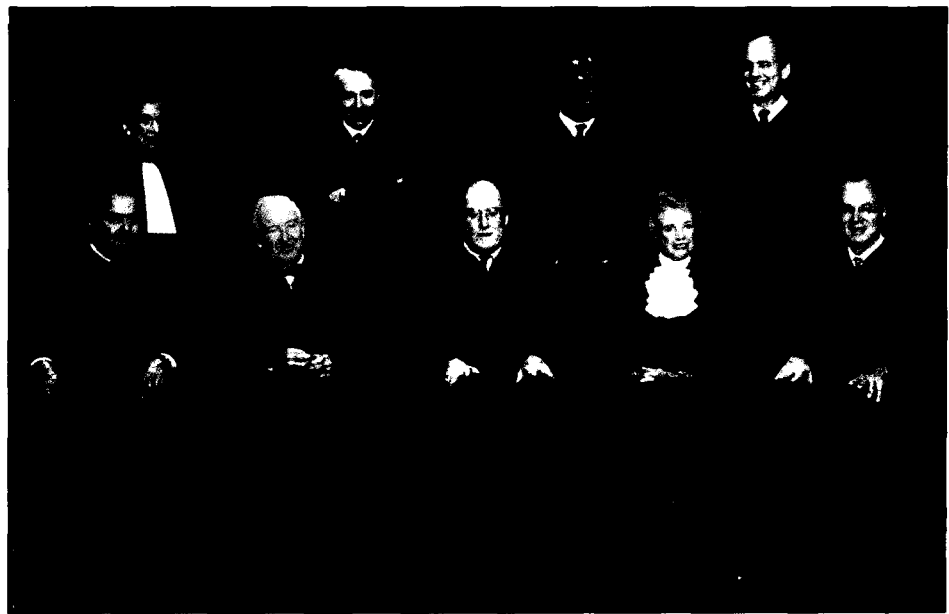
him in as independent counsel in the Whitewater matter, he conducted an investigation that resulted in two cases ultimately reviewed by the high court justices. Since then, his private practice has regularly taken him to the Supreme Court, and he teaches constitutional law at two distinguished law schools.

All that said, the reader's next question will be, what sort of book has that experience produced? The answer is: an emi-

to the powers and structures of the states, the federal government, and the various branches thereof.

While Starr discusses the relevant cases under each heading, and does so in a scholarly way no lawyer could fault, he at the same time presents them quite readably and understandably for the lay reader. That said, he does not water down the subject matter—the reader should be prepared to think.

At the end of his analysis of the Supreme Court's primacy, Starr deals at last with one of its most recent—and controversial—decisions, *Bush v. Gore*. While the reader may have the distinct impression that this last chapter was appended to an otherwise



nently readable and informative one. As the title suggests, Starr pursues a theme and provides ample evidence to the effect that the post-Warren Court has not retrenched from the Warren Court's perceived role of regularly striking down the actions of the other branches. That which the Framers determined to be the third branch, and which Hamilton supposed to be the least dangerous, has become—at least in its apparent ability to make final decisions—first among equals. Even after the end of the Warren era, Starr demonstrates, that remains so. As evidence of his thesis, Starr explores over a dozen areas of American life ranging from First Amendment rights of speech and religion, through abortion and affirmative action,

complete book, we should nonetheless be grateful for that coincidence, given the skill with which Starr demonstrates how that case and his main thesis comport.

Making the book more readable and entertaining—and certainly adding to its historical significance—Starr interweaves the broader historical picture with an analysis of how each of the justices on the post-Warren Court have influenced its developments and the historic results of its cases. Interestingly, he begins this analysis with the influence of a justice who never was—his and my friend and former colleague, Robert Bork. Starr presents persuasively the wider significance of Bork's failed nomination. He also shows in specific how differently the flag-burning cases

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