

England and France ruined the Dutch commercial empire, the republic lacked the domestic resources to be other than a pawn in the games of others. England was also able to use its financial strength to borrow instead of tax, and to hire mercenaries and subsidize allied armies rather than conscript large numbers of its own citizens. Sweden during its period of enormous strength was able to make up for a weak domestic economy by fighting on the continent, supporting its armies by plunder. Prussia tried this too, but had to squeeze its small domestic base, thus becoming Downing's model of a successful absolutism.

France had a large internal market, but to mobilize it meant uprooting provincial and noble privileges. The Bourbons fell short of the Hohenzollerns. The French Revolution was triggered not only by a fiscal crisis but by the survival of an independent aristocracy that saw that crisis as a chance to strike and by the continued capacity of the peasants to rebel when the ruling classes were in disarray. Downing argues that it was the "fissures and weaknesses in French military-bureaucratic absolutism" that were its undoing. The revolution returned France to a "democratic trajectory," but at high cost. "The promise of democracy was followed by chaos, terror and Napoleon," writes Downing. The sudden mobilization of the masses was destabilizing and created social antagonisms that plague France to this day. Downing believes a "direct institutional continuity of medieval constitutional government" was the better path to democracy.

Yet constitutionalism survived only

where it was able to adapt to the needs of the Military Revolution, the Estates accepting the responsibilities of the Crown. Downing's constitutional states fought just as many wars as did the absolutists. Applying this insight to the present century, two world wars belie the notion that democracies won't fight. Only governments with popular support have been able to mobilize the resources to wage modern war on a large scale. A world of democratic nations would be capable of unleashing the most devastating wars in history arising from persistent sources of conflict.

Of course liberal political orders can also fail. In 18th-century Poland the gentry were "little more than sacks of potatoes, whose main concern outside their manors became the protection of their liberties and incomes from the crown." The gentry used constitutionalism to paralyze the central government, with the result that Poland vanished from the map. "The Polish gentry exchanged the privilege of national sovereignty for the right to make money," Downing concludes, making them "perhaps the most irresponsible elite in all European history."

In Downing's ideal modern democratic nation-state, there is a balance of rights and duties. He notes that, "Military service and citizenship were intertwined in antiquity" and that the medieval knight exchanged military services for his liberties and privileges. This exchange was extended to all classes by the Military Revolution: mass armies led to an expanded franchise. Patriotism motivated sacrifice but also sparked social reform on the ground that "a land fit for heroes" should await the returning troops. Minorities gained respect from their valor in combat.

Yet hiring preferences for veterans, V. A. hospitals, and the G. I. Bill are benefits that differ fundamentally from those of the present welfare state, where the shrill demand for rights is accompanied by an equally loud rejection of duties. The same imbalance is evident in granting the vote to "citizens" who have performed no public service, not even the payment of taxes. Democratism has spawned new threats to constitutionalism more dangerous than any king.

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Gradgrind in Love

by David Gordon

Sex and Reason

by Richard A. Posner

Cambridge, Massachusetts: Harvard University Press; 458 pp., \$29.95



Richard Posner has a complaint against many of his fellow judges. Owing to their lack of up-to-date information and their conservative backgrounds, his colleagues often decide cases that touch on sex in an ignorant and benighted manner. Judge Posner aims to remedy matters with this comprehensive treatise, which offers both a theory of how sexual customs have evolved and normative guidance on abortion, censorship of pornography, homosexual marriage, and similar issues.

Before his elevation to the Court of Appeals, Posner achieved renown as a leading proponent of the law-and-economics movement; and the present work rests on an extension of this approach to sexual matters. Cost and benefit, the basic categories of economics, govern marriage and the family no less than the business world.

More concretely, Posner holds that three factors principally determine the nature of marriage in a society: the scarcity of available women; the degree of urbanization; and, most importantly, the work accessible to women outside the home. In ancient Greece, female infanticide among other reasons led to a dearth of marriageable women; as a result, women married at a much younger age than men. The sole aim of the marriage was reproduction. Women had nothing to 'sell' but their reproductive power and were left sequestered in the home. No close emotional bonds formed between husband and wife, and men found solace in sexual affairs outside the marriage with both women and other men.

The rise of Christianity drastically altered the customary style of marriage. Though reproduction of course remained vital, marriage increasingly came to involve close emotional union. Posner oddly calls this "companionate" marriage, although the term normally designates a form of childless trial marriage that Judge Benjamin Lindsey pro-

LIBERAL ARTS

PAY NOT TO PLAY

A proposal to "vaccinate all young women against pregnancy" with Norplant, to distribute free contraceptive devices "in every public lavatory," and to establish school-based "Planned Parenthood clinics" was submitted to the commissioners of Cook County, Illinois, last May, according to Kathleen Sullivan of Project Respect. Commissioner Maria Pappas (D-Chicago), author of the proposal, also recommends "federal and state supported incentive programs" against pregnancy and a "rebate or voucher for not getting pregnant."

moted with great notoriety some sixty years ago. Bertrand Russell's *Marriage and Morals*, which Posner frequently cites, devotes a chapter to it, but Posner has apparently not taken notice.

The type of marriage that has prevailed in the Western world for nearly two thousand years is, according to Posner, due for replacement. Contemporary women have entered the job market in large numbers and their financial dependency on men has lessened. To Posner, this development portends the decline of lifelong marriage. Cohabitation for limited periods will replace traditional marriage, a trend that will proceed all the faster as developments in technology detach sex from biological reproduction. Posner looks to the liberal sexual morality of Sweden as the wave of the future, at least for the West. (He devotes only a few pages to non-Western societies.)

Posner's speculations are beset by a number of problems. Of each of his stages, he asks: what economic functions does marriage play in society? But to describe a function does not suffice for a causal explanation, as Ernest Nagel long ago showed in a classic paper. Posner needs to demonstrate how the actions of individuals lead to the spread of the customs he describes. He devotes all of one paragraph to this key difficulty; the implausible "Darwinian" mechanism he refers to requires primitive tribesmen to possess a sophisticated knowledge of economics and anatomy.

Posner thinks that a great advantage of his theory over "moralistic" explanations of sex is that it generates testable hypotheses, e.g., "black men commit fewer heterosexual rapes than white men, after allowance is made for other variables that explain differences in crime rates. . . ." While this particular statement "is not supported" by the data, the ever-ingenuous Posner finds comfort in the fact that although "the coefficient of the nonwhite variable is positive for rape . . . [it is] much smaller in the case of rape than is the case of any other crime against the person." In other words, though the hypothesis is wrong, it might have been even more erroneous. Thus the theory is vindicated.

Although one can only be impressed by Posner's vast erudition, albeit gathered with the help of 11 research assistants, he makes a number of questionable claims. For instance, he states that,

"Textual silences can be pregnant. From the fact that the Ten Commandments do not forbid incest we should not infer that the ancient Jews condoned the practice. . . ." He evidently has forgotten that the Old Testament contains detailed regulations forbidding incest. And why does he think that the "disapproval of male adultery" began with Christianity? Although by definition in the Old Testament adultery can occur only with a married woman, both persons involved are subject to the death penalty. As a source for the Roman Catholic position on transsexual operations, he cites a pamphlet by an Anglican theologian. Some Catholic theologians, Posner quite correctly thinks, are not completely hostile to contraception. But one of his two examples is Germain Grisez, a leading opponent of contraception who has written a book attacking it, and it is false that David Popenoe, the foremost sociologist of the Swedish family, found no ill results from Sweden's family structure except a rise in juvenile delinquency.

If the book consisted only of Posner's descriptive theory of sex, it might be rated informative, though overly speculative and careless. Unfortunately, a substantial part of the work consists of Posner's venture into moral theory, and here his skill at argument deserts him.

He discovers an internal tension in the position of most critics of abortion. "Suppose the mother has a 10 percent chance of dying unless she has an abortion. A majority of supporters of the right-to-life movement would think abortion permissible in these circumstances. The implication is that a mother is worth ten fetuses"—a contradiction of their professed belief that the life of the fetus equals in value that of the mother. Further, since a mother is worth no more than a child, the latter "is also worth ten fetuses. And this, I claim, is what right-to-lifers are committed to believing if they want their beliefs to be consistent." Not at all: a view regarding the permissibility of abortion need not be based in any way on a comparison of the value of different lives. Posner seems incapable of grasping a moral theory that, unlike his own utilitarianism, judges acts by other criteria than maximizing value.

In his discussion of pornography, Posner once more puts logic to work: "The feminists fear that pornography causes rape; [Irving] Kristol that it causes the

substitution of masturbation for intercourse. Since rape is a form of intercourse, Kristol must believe that pornography reduces the incidence of rape; while feminists must believe that it reduces the incidence of masturbation." An analogous "argument" will make the fallacy clear. Television and books are partial substitutes for each other. Therefore, an increase in the sale of calculus textbooks will decrease the number of viewers of *Sesame Street*.

Rape gives Posner more than a little trouble. It is not intrinsically wrong; the view that certain acts are immoral independent of consequences rests on religious beliefs that Posner thinks outmoded. Although most "Western intellectuals" have given up belief in God, many continue to think that human beings are "not just animals endowed with large brains but beings of a special worth and dignity, endowed with a moral sense and entitled to respectful treatment by our fellow men." This is idle superstition: it generates no testable propositions. Away with such nonsense!

Why then is rape wrong? What if a rapist derives more satisfaction from his assault than his victim suffers injury? Would a utilitarian then favor it? Posner's moral slide rule gives us the answer: "licensing utility monsters such as Bluebeard or de Sade to rape would not really be utility-maximizing, if only because of the fear it would generate in the community as a whole and the expense of the self-protective measures that this fear would incite." Were Posner not an influential federal judge whose views help form the law, this imitation of Mr. Gradgrind would be laughable.

What is the upshot of Posner's long inquiry? He vigorously opposes efforts to promote the traditional family. Resistance to the Swedish utopia that lies ahead comes from "social conservatives, who dislike change." These troglodytes lack the trust in the free market of the followers of John Stuart Mill. That many of these "social conservatives" support the free market to a far greater extent than Mill seems not to have occurred to him.

Posner himself hardly qualifies as a champion of the free market. He favors governmental subsidies of sexual education and contraceptive advice, even though his own analysis of the consequences of abortion, homosexuals in the military, etc., lends only "equivocal sup-

port” to the liberal policies he endorses, as he himself recognizes. His discussion offers us no means to weigh the good and bad consequences of the various measures he proposes. Thus, all he is really entitled to say on utilitarian grounds is that he does not know whether his program of sexual reform will be beneficial. But this does not stop him: Sweden, with its “morally indifferent” attitude toward sex, beckons.

Sex and Reason leaves me astonished. The combination of assiduous reading with preposterous errors, poor reasoning, and moral blindness is in my experience unique. Yvor Winters’ description of Ezra Pound applies with much more justice to Posner; he is a barbarian loose in a museum.

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Bambino and Minotaur by Jeffrey Meyers

Intellectual Memoirs: New York
1936-1938

by Mary McCarthy

Foreword by Elizabeth Hardwick

New York: Harcourt Brace Jovanovich;
114 pp., \$15.95



The philosopher Ludwig Wittgenstein once mentioned the self-punishing limitations of his projected but never written autobiography: “I cannot write my biography on a higher plane than I exist on. And by the very fact of writing it I do not necessarily enhance myself; I may therefore even make myself dirtier than I was in the first place.” Mary McCarthy, paraphrasing Orwell’s essay on Salvador Dali, agrees that this genre demands a devastating honesty that often forces the writer to portray herself in a negative light: “an autobiography that does not tell something bad about the author cannot be any good.”

McCarthy was the American equivalent of the English bluestocking, Rebecca West. She was an extremely intelligent Latinist stylist, subversive satirist, and skeptical observer of social nuance;

a novelist, travel writer, literary and theater critic who was passionately interested in politics and ideas. This memoir—more sexual than intellectual—is thin, gossipy, fragmentary, and clearly unfinished (many obscure friends are not identified). And the striking anecdotes are rarely developed into serious and significant events. Nevertheless, this is a ruthlessly self-critical and tantalizingly interesting book.

This brief work is organized around two conflicts: political and personal. It begins two years after McCarthy had graduated from Vassar, when she was beginning her literary career by writing severe reviews in the *Nation* and *New Republic*. Though only slightly attracted to communism, she drifted into the *Partisan Review* circle and was caught up, during the purge trials, in the fanatic ideological wars between the Stalinists and Trotskyites. Her mentors on *Partisan* were passionately pro-Trotsky, but she was far too intelligent to swallow the party line. As Scott Fitzgerald (to whom McCarthy bore a remarkable physical resemblance) observed of Edmund Wilson’s politics in the late 1930’s: “A decision to adopt Communism definitely, no matter how good for the soul, must of necessity be a saddening process for anyone who has ever tasted the intellectual pleasures of the world we live in.”

The young and beautiful McCarthy was also torn between husbands and lovers. She leaves her first husband, Johnsrud, but does not know why, and loses interest in her lover John Porter—whose main function was to dissolve her marriage—for equally vague reasons. Following the advice of an old teacher, she tried hard to “come to real love free of any neediness.” But, having been orphaned as a young child, she never succeeded in reaching this pure state and became quite miserable when poor, loverless, and lonely.

Her innumerable lovers included the original of the hero of her story “The Man in the Brooks Brothers Shirt” who worked for a plumbing company in Pittsburgh, and an earnest communist actor who wore lifts in his shoes. McCarthy once had three different lovers within 24 hours. But she neglects to mention how she organized the logistics or what she did between sleeping with them. The main difficulty, however, was choosing between two high-powered literary critics: the gruff and ran-

corous Russian-Jewish Philip Rahv, who had dark lustrous eyes and “the look of a bambino in an Italian sacred painting,” and the pop-eyed, pink-skinned, short, stout, and breathy Edmund Wilson, who stole her away from the passive Rahv. The first time she went out with Wilson, whom she called the minotaur and savagely portrayed as Miles Murphy in *A Charmed Life*, McCarthy got very drunk, passed out, and woke up in a strange hotel room with every reason to fear the worst. But she found herself next to her companion of the previous evening, the vain and dumpy Margaret Marshall, literary editor of the *Nation*.

At their second meeting, though not sexually attracted to Wilson, McCarthy allowed him to make drunken love to her. Still unclear about what she wanted, she absurdly agreed to marry him, against her inclinations, as punishment for having gone to bed with him. Though the marriage was over just after the wedding night, she remained with Wilson for seven more years. It is astonishing that McCarthy’s penetrating, analytical mind had so little insight into the motives that influenced the crucial emotional decisions of her life.

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Bad by Design by Gregory McNamee

Turn Signals Are the Facial
Expressions of Automobiles

by Donald A. Norman

Reading, Massachusetts:
Addison-Wesley; 205 pp., \$21.95



A few months ago I went out into the Arizona desert to take photographs for a book of natural history I am writing. I had with me an expensive, late-model Japanese camera that might be advertised as “idiot-proof,” had the manufacturer been less guarded in the tone of its publicity. In fact, the camera turned out to be, if anything, too idiot-proof; it refused to allow me to override its settings to underexpose or