

gaged in by an adult. Furthermore, however much we may complain about the lack of due process for adult criminals, the situation for minors is far worse—and deteriorating: to Silberman's long list of abuses we can add one of the latest Supreme Court decisions: a child may now be locked up in a mental institution (sent away for "treatment") by his parents without so much due process as a simple hearing beforehand.

Still, no matter how disappointed we

may be with Silberman's failure to take a firmer stand, we cannot be dissatisfied with the book as a whole. He has managed to bring together numerous views on criminal justice, from liberal to conservative, and has presented each fairly, criticizing where criticism is due. But it should be noted in closing that Silberman does have one specific suggestion for our criminal justice system that is easily lost in his own lengthy presentation but that should not be ignored: he strongly favors trans-

forming the police from a "law enforcement agency" into a "public service agency." This seems to be nothing more than a euphemism for a potentially much larger role for the police—and for government as a whole. The criminal is undeniably a threat to a free society, but is this not an even greater threat?

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Doing Good

By Willard Gaylin et al.
New York: Pantheon Books. 1978. 171 pp. \$8.95/\$2.95.

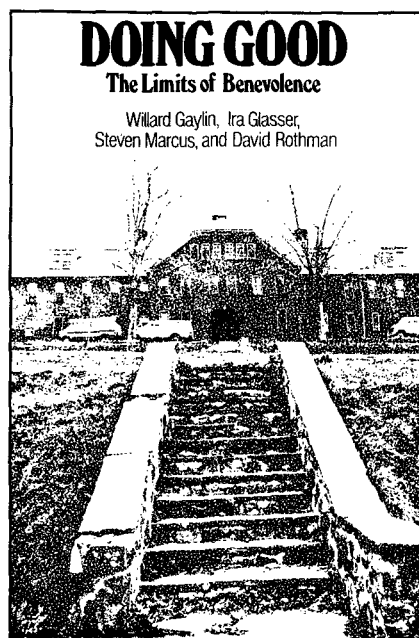
Reviewed by Paul Kurtz

This book adds a significant dimension to the debate against the government's encroachment on the liberties of the individual. Conservatives have traditionally focused on the unfairness of welfare programs that are financed at the expense of its productive citizens. The authors of this book, calling themselves the "children of the Progressive movement," likewise remonstrate against the growth of the welfare state—but more from the standpoint of the recipient of the largesse. As such, they provide a powerful *moral* indictment of the misuses of benevolence.

David Rothman, professor of history at Columbia University, observes wryly that if "the last refuge of the scoundrel" was once patriotism, it now has become "the activity of 'doing good' for others," acting in their supposed best interest. For in the process of "helping" the dependent person, increasingly his rights are violated and his dignity as an individual undermined.

For most of this century liberal reformers and social activists were committed to the model of the paternalistic State, willing and able to intervene and protect the needs of others. What has happened, however, is that the excessive zeal of the reformers has had unintended consequences, such that the cure proposed has become often worse than the original malady. The authors are referring to our hospitals, nursing homes, mental institutions, prisons, the extensive programs of aid for the handicapped and disadvantaged, the massive growth of social services and the helping professions. They recognize the fact that many of the programs that were enacted with great hope have failed.

Willard Gaylin, a psychiatrist, maintains that the motive of benevolence is



built into the human being; there is an innate genetic response of caring and loving that finds its fullest expression in the care of infants. Yet, this tendency rooted in the individual person can be distorted when transformed into social policies.

Steven Marcus, in a fascinating essay, asks how well-meaning citizens, who act on behalf of others in the name of some benign interest, can at times behave so coercively and callously. Although we ought not to be insensitive to the needs of others, benevolence can be overdone and we can degrade individuals by excessively caring for them, thus rendering them more dependent. Marcus points out that we are not the first to have discovered this lesson. He relates the woeful experiences of England in dealing with the poor in the 18th and 19th centuries.

For a long period the rural workers were the pride of English society. The Poor Law of 1601 legislated that all able-bodied poor must be put to work in order to earn some sustenance. This was provided for by the local parish. With the growth of industrialization, conditions began to change and a surplus of labor developed in the countryside. In 1795, a minimum guaranteed income for the

poor, regardless of earning, was first instituted on the local level and rapidly spread throughout all of England. Under the plan, a working man got relief, even if working, as soon as his wages fell below family subsistence.

According to Marcus, this act of seeming benevolence in time created a monster: the end result was a demoralization of the countryside, the pauperization and the loss of productivity and self-respect of the English country worker. If the English rural worker in the middle of the 18th century was the pride of his nation, 150 years later he became impoverished and servile. In the early 19th century great efforts were made by people such as Bentham to extricate the country from the system of relief and welfare, and eventually workhouses for paupers were established, which made public support even more demeaning. Marcus concludes that society can degrade people by caring for them. We surely need at times to care for people, he says, but an overweening benevolence can do more harm than good.

The inevitable question that is asked and answered in the affirmative is whether we have reached a similar impasse in the Great Society. The moral case made against paternalistic social action is not the meritocratic argument—that only those who contribute to society merit help (recognizing that some deserving persons nevertheless may need some help)—nor from the standpoint of those taxed to pay who consider it an unwarranted expropriation of their hard-earned income. Rather, the authors maintain that we are in fact hurting those who receive aid. For by treating them more or less like children, we never allow them to help themselves nor to develop responsibility for their own destiny. We have developed generation after generation of wards of the State, rendering their autonomy as persons meaningless.

Ira Glasser, executive director of the New York Civil Liberties Union, is especially concerned that programs of public assistance have violated the rights of the needy. The Bill of Rights, he insists, should protect them against the government as well as others. Their liberties were gradually seduced and ravaged by good

intentions. Mental patients had no rights once committed to an institution, elderly patients in nursing homes signed over their basic rights to the bureaucracy, and recipients of welfare are at the mercy of the welfare department: the midnight knock of the case worker can be as oppressive as that of the police officer without a search warrant. Conservatives believe that many who receive welfare are cheats and should be carefully scrutinized, but Glasser argues that in doing so the State has become impervious to their civil liberties.

He recommends a moral principle to guide us in the future, that of least harm; that is, "those programs ought to be adopted that seem to be the least likely to make things worse." He agrees with a basic principle of libertarianism: that government is best which governs least—in all areas.

The moral issues in treating the disadvantaged are complex: we need to balance needs and rights. Everyone recognizes that there are truly helpless persons—who during certain periods are unable to fend for themselves. A genuine humanitarian interest recognizes these needs and is willing to lend a helping hand. The problem occurs when the extended hand deadens the individual's motivation, destroys his initiative, dignity, and self-respect, and thus becomes the smothering hand.

After many years as editor of the Humanist, Paul Kurtz recently returned to full-time teaching at the State University of New York at Buffalo.

Never Again: Learning from America's Foreign Policy Failures

By Earl C. Ravenal.
Philadelphia: Temple University Press.
1978. 138 pp. \$10.

Reviewed by William A. Niskanen

A nation, according to conventional wisdom, learns only from its failures. The United States, according to Earl Ravenal, has learned such different lessons from its foreign policy failures that it risks repeating them. He identifies "five types of lessons for the future of American foreign policy":

- *Instrumental.* Improve weapons, tactics, intelligence and decision-making procedures.
- *Proportional.* Maintain policy of selective intervention based on more careful evaluation of relative priorities.
- *Consequential.* Maintain policy of se-

lective intervention based on more careful evaluation of domestic consequences.

- *Fundamental.* Moral considerations should dominate, but a major change in US institutions may be necessary.
- *Strategic.* Reevaluate strategic objectives based on foreign and domestic constraints on US actions.

Most of this book consists of a critique of the first four lessons. It concludes with a brief, rather unsatisfactory, argument for a progressive devolution of US commitments "until we have found a new, obviously defensible security frontier."

Ravenal's most thoughtful criticism is directed against the proportional explanation of the failure in Vietnam. (Both the proportional and consequential explanations are essentially benefit/cost arguments. The proportional explanation is that the benefits of intervention were overestimated; the consequential argument is that the costs were underestimated.) According to this view, conditions in Vietnam were unique, and our actions were mistakes based on misinformation.

Ravenal, along with Gelb and Ellsberg, makes a convincing case that Vietnam was a failure but not a mistake, that sufficient information was available at each stage of the US escalation, and that—given the set of presumptions that still constitute foreign policy—the same actions would be repeated now. Moreover, the proportional and consequential arguments provide convenient explanations of prior failure but do not provide helpful lessons for future policy.

Ravenal correctly concludes that the instrumental lessons are insufficient (because they divert attention from the strategic issues) but, in my view, he dismisses these lessons too casually. He does not adequately treat the moral argument that both governments and individuals should be judged by the same moral standards, because he fails to recognize that both should be judged by a different moral standard in a lawless environment. The argument that Vietnam and, in general, an interventionist foreign policy is a functional imperative of capitalism is treated with deserved contempt.

Ravenal concludes with an argument for a reduction in economic interdependence and a progressive devolution of security commitments, based on a presumption against intervention. I share that presumption. Indeed, a consistent presumption against government intervention in both domestic and foreign affairs is the distinguishing characteristic of the libertarian position. For this reason, I found his concluding arguments to be very unsatisfactory. What foreign trade with which countries should be reduced? Which security commitments should be

dropped? Ravenal neither addresses the hard choices raised by these prescriptions nor suggests a decision rule for making these choices. Those who share Ravenal's presumption against intervention but seek the development of a consistent foreign policy that is cognizant of the realities of domestic and foreign conditions, will have to look elsewhere.

William Niskanen is chief economist for a major US corporation. He has worked for defense-related think tanks and for the Department of Defense.

How to Be Your Own Lawyer (Sometimes)

By Walter L. Kantrowitz, J.D., and Howard Eisenberg.
New York: G. P. Putnam's Sons. 1979.
406 pp. \$12.95.

It's easy nowadays to find a "how to" book on just about any topic. Law is no exception. But it is unusual indeed to find a manual genuinely helpful to a citizen struggling for self-sufficiency in the particularly entangled and esoteric arena of law and justice.

How to Be Your Own Lawyer (Sometimes), despite some obvious deficiencies, could be the best publication of its kind since the 1925 edition of Putnam's *Handy Guide for the Layman*, which was written in times when self-reliance was better

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