

cluded in *Reading Nozick*).

In order to blunt this criticism, Paul has included an essay by Nozick in which he does deal with fundamental questions of moral principle—namely, his well-known criticism of Ayn Rand's philosophical defense of her ethical views. Then, he also includes three articles that in one way or another attempt to support some version of the Randian claim that an individual's own life is his ultimate standard of value.

All three articles are well worth reading even though they are far from convincing me that the concept of life provides the philosopher's stone for constructing the foundation of natural rights. I think, however, that one may wonder if Paul was well advised to include this side dispute on Randian ethics rather than four more articles on *Anarchy, State, and Utopia*, which is what the subtitle says his readings are about.

The most interesting section of Professor Paul's collection is the long fourth part devoted to critical reaction to Nozick's entitlement theory of justice, or, in simpler terms, his defense of capitalist property rights. It is impossible and unnecessary to pick particular essays for discussion. What one sees here is the depth of the rejection of property rights by the philosophical mainstream.

Lord Acton said that power corrupts. In the case of most of these critics of Nozick's entitlement theory, one may fairly say that the *dream* of power corrupts. Almost all of these writers are victims of the dream of having power to make the world as they want it. As their essays show, they love this dream very much! Friends of liberty have much philosophic work to do to provide counterweights to the arguments of these able and influential enemies of liberty.

It is perhaps worth noting, however, that Nozick's critics are only parrying his thrusts. None of them has a settled and worked-out view on justice. They use egalitarian intuitions to counter his

claims, but the naiveté of their own trust in the power of the State stares one in the face. Not a one of them has any idea how to tame this great power they dream of using to make the world "just." Strangely enough, they have little good to say of existing States, but they hold tightly to the hope that the power of the State can be used to do what their intuitions tell them is just. Indeed, philosophers of liberty have *much* work to do.

Finally, in considering this collection, one is drawn back to a realization of what an excellent thinker and witty writer Nozick is. For all that it provides by way of a very useful overview of his critics, reading *Reading Nozick* is neither as entertaining nor as enlightening as reading Nozick.

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Painfully Obvious

NEW RULES: SEARCHING FOR SELF- FULFILLMENT IN A WORLD TURNED UPSIDE DOWN

By Daniel Yankelovich

New York: Random House. 1981.
278 pp. \$15.95.

REVIEWED BY
DAVID BRUDNOY

If you have to read one more time about the three types of statistics, courtesy, I believe, Benjamin Disraeli—lies, damn lies, and statistics—you may want to throw up. For that matter, if you are subjected again to a compendium of real-life case studies, the names changed to protect somebody or other, you may want to throw out your Studs Terkel, too, and that would be a great shame.

There is merit in the statistical as in the anecdotal approach to almost any subject; sometimes there is merit in both at the same time. For instance: 43 percent of the respondents indicated that their orgasms were better now than when they were first married, and as "Hilda" said: "My Sam, now let me tell you about Sam..." With due respect to Shere Hite, who so overwhelmingly combines the statistical and the anecdotal methods in her new hernia-inducing tome, this about male sexuality, it is all just a bit much. It is all very "scientific," of course, if you squint and don't worry too much about the flaws in methodology, the irritation to the brain that comes from trying to reconcile acceptance of a

minuscule sampling, gathered neither randomly nor "scientifically" but catch-as-catch-can, with that abiding faith in the power of tables and graphs and charts of, broadly speaking, statistics.

One thirsts for breathtaking opinion, for broad, sweeping generalizations arising from a fertile mind, culled from lengthy observation, ruminated upon, then gracefully put forward. One longs, speaking of the face of America, for Tocqueville, who, alas, died some years ago. The age of Martin Van Buren had Tocqueville; the Age of Reagan has Daniel Yankelovich. And so it goes.

Mr. Yankelovich, a pollster given in his latest book to turgid philosophizing, discerns a "cultural revolution" in America. He has found a "new American philosophy of life," following on the heels of two earlier stages, which might with no serious harm to Mr. Yankelovich's thesis be defined, in capsule, as the outgrowth of the Puritan world view and the subsequent introspective era just now shriveling. The author has rather convincingly shown the limits of what he calls the "self-fulfillment" approach to life, though William Hamilton's cartoons in the *New Yorker* have for years (actually from the days, two decades ago, when we were classmates at Yale and his drawings appeared on campus) been ribbing precisely that approach.

What seems like billions of words pass before us as Mr. Yankelovich makes the obvious unmistakably obvious. There is only so far one can go with white wine and cheese and biodegradable peanut butter; there is a terminal point to the satisfaction to be found in the endless, maybe beginningless, inward glance. There is—Mr. Yankelovich's statistics

and his dreary, albeit not utterly boring little vignettes of "Margaret" and "Sara Lou" and "Miguel" and so on, show us—a dead end to all that. Even those who tingle at the vocabulary of individualism might not always enjoy saying it out loud, but we, too, recognize some gap, perhaps some chasm, in lives devoted entirely to Me.

Our author has discovered, somewhat to his own surprise, surprisingly, that "people express a longing for connectedness, commitment and creative expression," along with a "disenchantment with self-absorption."

Good Lord, what a bother! We don't trust our government—surprise?—and we don't trust many of our other major institutions, either. Again: surprise. No surprise.

Our generations are and in future will be even more at war or at least in conflict with each other. If anyone has any doubt at all about the cultural conflicts that beset us, consider the rise of the Moron Majority and its embrace, heartily or with minor, picky exceptions, by virtually every conservative organization, publication, and noise maker. Mr. Yankelovich doesn't say this, but it might as well be said: the loathsome New Right arises from the same soil as the loathsome New Left, from, that is, dissatisfaction with the ethos of the moment—in the case of the New Left, from abhorrence of Ike-era complacency; in the case of the New Right, from detestation of the free-wheeling, seemingly valueless, and manifestly self-centered orientation of many among the sprightly trend-setters of the recent, the very recent days.

If one can without No-doz make it to the final pages of Daniel Yankelovich's book, one will be able to make what one can of a dozen or so paragraphs of mind-numbing vagueness. Permit an abbreviation of them: The '80s are going to be a bitch of a decade. We find our institutions rotting. We're on the road to an anarchy of institutions. We might become gloomy and begin to despair about all this. But we needn't get blue—we can Get Committed. Permit now an extended quotation, which, as the centerpiece to the medium-size magazine article that this large book ought to have been, could as well suffice for a review:

We need new rules to break up the rigid segmentation of American life. Why should people who are still healthy and vigorous at sixty-five retire totally from work and their involvement in

everyday life? We need them to pull their own weight. Why should postsecondary education be confined to adolescents who, fatigued with school, are least well equipped to benefit from it? Why shouldn't people 'retire' for a few years or go back to school in their productive middle years?

We need new rules to encourage people to channel their creativity away from themselves and back onto the concrete tasks that need doing in the new era—creating new forms of energy, taming technology, inventing new industries, creating new jobs, competing more effectively with the Japanese and Germans and Koreans, rebuilding the American in-

frastructure, reaccumulating capital, launching new...

And you can fill in the rest. It is all mush anyhow, either dubious, arising from the open-endedness of the pollster's queries, or so obvious that you know it already.

New Rules took a lot of trees to produce. Knock on wood. You don't have to read the bloody thing unless your idea of an uplifting time is S&M—the sadism of the pedant-preacher-philosopher, the masochism of the one who asks for it.

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Taking Liberties With the Constitution

ECONOMIC LIBERTIES AND THE CONSTITUTION

By Bernard H. Siegan

Chicago: University of Chicago Press.
1981. 383 pp. \$19.50.

REVIEWED BY
DOUG BANDOW

American judicial thought took a giant step forward in 1972 when the US Supreme Court declared that *the dichotomy between personal liberties and property rights is a false one. Property does not have rights. People have rights. The right to enjoy property without unlawful deprivation, no less than the right to speak or the right to travel, is in truth a "personal" right... a fundamental interdependence exists between the personal right to liberty and the personal right in property.*

Unfortunately, as Bernard H. Siegan exhaustively details in *Economic Liberties and the Constitution*, American jurisprudence has yet to match its rhetoric. The abrupt abandonment in the early 1940s of review of economic and social legislation continues, leaving fundamental economic rights at the mercy of selfish and perverse government intervention.

Siegan argues—often eloquently, always persuasively—that such judicial abstinence should be reversed. He points out that there is no need for a constitutional amendment to open the way for

"economic acts between consenting adults" (to borrow the phrase coined by philosopher Robert Nozick). The Court now protects liberties that it deems fundamental; so, what is needed is "a better allocation of judicial concern" to protect the rights to use and dispose of property, enter into a business or profession, and contract for goods and services.

This reallocation of concern would increase what Siegan describes as "negative" judicial power, where the courts veto "legislative encroachments on liberty." And it would eliminate "affirmative" judicial power, where the courts become "another producer of laws and expander of government."

Siegan amasses a wealth of historical evidence, philosophical principles, and pragmatic arguments to demonstrate that the purpose of the judiciary was, and remains, "the preservation of liberty." The judicial branch is to provide redress for all those adversely affected by legislative and executive actions:

Justices are not intended to be government agents, furthering the interests of the executive and legislative branches in their disputes with citizens... A judicial system more concerned to protect the power of government than the freedom of the individual has lost its mission under the Constitution.

Siegan examines the historical context of the Constitution, concluding that America's experience with taxation, regulation, and confiscation during the colonial and Revolutionary War periods