

then he can't claim that Big Oil was monopolistic in the 1960s when "it" had lower profit margins. So something must have changed to facilitate monopoly. But what? Cook doesn't say.

Although Cook says he believes in competition, he doesn't show the least understanding of competition. For instance, he argues that decontrolling the price of natural gas would cause its price to rise to the equivalent price of oil, marking "the end of any meaningful competition" between oil and gas.

In fact, knowing how producers and potential producers respond to the possibility of profits, we know that higher prices would increase natural-gas production, which necessarily creates *more* competition between oil and natural gas.

At another point, Cook states that Big Oil damaged the industrial base in the 1970s by redirecting capital from other industries *into* oil and gas. On the contrary, if US oil companies were monopolistic, they would be able to and would keep capital *out* of their industry.

His demonstrated ignorance of economics makes Cook politically naive. He recounts how the Carter administration suppressed a 1977 government study that concluded that an increase in natural-gas prices would bring forth large reserves. Carter also fired the head of the Geological Survey, who had been saying that there were huge US reserves of natural gas. Cook strongly criticizes Carter's actions. He doesn't seem to understand that the suppressed evidence *strengthened* the case for natural-gas decontrol, which Cook vehemently opposed. I don't mean to imply that Cook should favor the suppression of evidence that weakens his case, but rather that he isn't even aware that it does so.

Cook is most naive when he buys the Saudis' explanation for their advocacy of a per barrel tax (euphemistically labeled a "windfall profits" tax) on US oil. Although the Saudis threatened dire consequences for Americans if the government failed to impose a tax, it was really the Saudis who faced dire consequences. They feared that the high price of oil would encourage US production, ultimately undercutting their cartel. The Saudis wanted to nip this competition in the bud. Hardly in America's interest.

Space constraints prevent me from discussing some of Cook's other errors. He makes reasonable arguments against the Alaska natural-gas pipeline, the Washington state government's nuclear power plants, and synthetic fuels. But

overall, one gets the feeling that Cook's visceral hatred of Big Oil has blinded him to economic reality. In a revealing passage, Cook tells us that his angry reaction to the decontrol of oil prices was "almost automatic." Leave out "almost," and I believe him.

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## Intolerant Tolerance

### Sex, Drugs, Death, and the Law

By David A. J. Richards

Totowa, N.J.: Rowman and Littlefield.

1982. 316 pp. \$26.50.

Reviewed by Eric Mack

David Richards has set out to provide a systematic philosophical and jurisprudential defense of the liberties that should attach to each individual's non-aggressive choices about sex, drugs, and

on the radically anticollectivist and anti-majoritarian basis of natural rights.

Moreover, Richards maintains that this radical natural-rights perspective must inform any correct reading of the Constitution. Laws that repress persons in their peaceful choices about sex, drugs, and suicide not only violate rights—they are also unconstitutional. Finally, Richards is sometimes eloquent in his account of the heavy costs imposed on peaceful citizens by our moral police and the politics of intolerance. What more could anyone ask for in the way of hard-hitting civil libertarianism? Lots.

Putting aside foundational and methodological difficulties, *Sex, Drugs, Death, and the Law* suffers from two major problems. The first centers on Richards's choice of a "right to autonomy" as the crucial relevant right protective of civil liberties. Autonomy is the capacity for the exercise of rational and self-critical choice. Richards claims that autonomy is violated by laws that make crimes of non-standard sexual behavior, drug use, and certain decisions about the time and manner of one's death. But this is not obvious.

While such laws create barriers to *acting* on the basis of certain decisions, autonomy consists in arriving at decisions rationally and self-critically. The person who is forbidden to *act* on decisions so reached is not free—yet that person remains autonomous. Indeed, external barriers to action may sharpen and intensify a person's autonomy—as, say, in the case of Soviet dissidents. At the very most, external barriers violate autonomy only when the actions blocked would have been based on autonomous—that is, rational and self-critical—choice. So, at most, a right to autonomy would protect the acts of, say, reflective, self-creative prostitutes—but not the acts of unthoughtful, unimaginative prostitutes.

Of course, one might interpret autonomy in a less intellectual and inward-looking fashion—as just another word for liberty. But a robust right to liberty invalidates not only state interference with persons' peaceful "personal" pursuits but also state interference with persons' peaceful economic pursuits. And, for Richards, this will never do. He defends the choice of heroin use or suicide or even a *career* in prostitution as "a basic life choice" protected by the right to autonomy, but he would never grant that, say, the choice to include gold clauses in one's contracts or the choice not to be part of the Social Security system is "a basic life choice" deserving



**David A. J. Richards**

self-willed death. Richards scornfully rejects the utilitarian defense of such liberties, which holds that it simply is not worth it to society to attempt to suppress activities such as homosexuality, prostitution, and drug use. He insists that personal freedoms are founded, instead,

ing of similar protection. Only Richards's inward-looking sense of autonomy will have a chance of fitting with a constitutional right to privacy that protects "lifestyle" rights but not economic freedom.

But the real tragedy of *Sex, Drugs, Death, and the Law* lies in Richards's blurring of the distinction between the right to engage in an activity and the

moral value or propriety of that activity. True liberalism strongly insists on this distinction. An individual must be free to engage in any nonaggressive act he or she chooses, no matter how immoral it may be in terms other than coercion against others. At the core of liberal tolerance is the idea that the law may only act against the special immorality involved in violating rights; all other acts, no matter

how offensive or objectively immoral, must be legally tolerated.

Richards inadvertently betrays this liberalism in holding that the right to heroin use or to engage in prostitution or suicide depends on the goodness of these actions—at least as exercises of autonomy. This is why, throughout *Sex, Drugs, Death, and the Law*, Richards feels bound to argue against the im-

## Book Hints a selective mention of books received for review

Freedom House has released its annual yearbook, *Freedom in the World—1982*, edited by Raymond D. Gastil (1982, 379 pp., \$35.00). It presents the results of a survey of civil and economic freedoms throughout the world. In addition to its country surveys and ratings, the 1982 edition presents several essays that emphasize economic freedom and its relationship to political freedom, economic growth, and development.

Also of interest to students of comparative economic systems is Steven Cheung's monograph, *Will China Go Capitalist?* (London: Institute of Economic Affairs, 1982, 63 pp., distr. by Transatlantic Arts, Albuquerque, N.M., \$5.95 paper). Cheung argues that although China may never become officially "capitalist," it will eventually adopt a structure of private property rights that would function as in capitalism.

A look at the Soviet economy by Marshall Goldman, associate director of the Russian Research Center at Harvard, is more pessimistic about the prospects for change. In *U.S.S.R. in Crisis: The Failure of an Economic System* (New York: W. W. Norton, 1983, 210 pp., \$15.00), Goldman demonstrates that the Soviet Union continues to adhere to a planning model set forth by Stalin in the 1920s and wholly inappropriate to current economic conditions. The result has been economic disaster for the Soviet Union.

On a different note, it is refreshing to see several academic texts that present the case for free markets and individual freedom. In *Public Policy: Issues, Analysis, and Ideology* (Chatham, N.J.: Chatham House, 1982, 310 pp., \$8.95 paper), editors Ellen Paul and Philip Russo, Jr., recognize that public-policy analysis

is not a neutral, objective task but that values are an integral part of such analysis. Their compiled essays cover a variety of public-policy issues presenting extremely divergent opinions. Included in that variety are essays by a number of staunch advocates of individual liberty and free markets such as Murray Rothbard, Tibor Machan, Thomas Sowell, and F. A. Hayek.

In *Economic Development: Theory, Policy and International Relations* (New York: Basic Books, 1982, 452 pp., \$20.00), Ian M. D. Little discusses the limitations of ambitious government planning and external assistance in promoting development and provides a favorable reassessment of the working of markets. Another work directed mainly at academic audiences is *Philosophical and Economic Foundations of Capitalism*, edited by Svetozar Pejovich (Lexington, Mass.: Lexington Books, 1983, 144 pp., \$19.95) and consisting of a series of essays first presented at a Liberty Fund conference.

For those interested in philosophical debates prior to and immediately following the American Revolution, Liberty Press has published a two-volume set, *American Political Writings During the Founding Era: 1760-1805* (Indianapolis, 1983, 1,417 pp., \$28.50/\$13.50). The editors, Charles Hyneman and Donald Lutz, have compiled 76 essays thought to represent the best writings of the founding era on the conception and establishment of republican government in America.

Education continues to be the focus of intense controversy and interest. Two recent publications present compelling evidence challenging myths surrounding private education. *Inner-City Private*

*Elementary Schools: A Study*, by James G. Cibulka, Timothy J. O'Brien, and Donald Zewe (Milwaukee: Marquette University Press, 1982, 225 pp., \$11.95 paper) and *Catholic High Schools and Minority Students*, by Andrew M. Greeley (New Brunswick, N.J.: Transaction Books, 1982, 125 pp., \$14.95) present vital new statistics on the growing role of nonpublic schools in providing educational opportunities, particularly in urban settings. Far from educating only the economic elite, private and parochial schools increasingly constitute the best route to upward social mobility for society's underprivileged. The authors convincingly demonstrate that poor and minority parents are willing to make enormous sacrifices to achieve quality education for their children.

As an ending note, a couple of monographs deserve mention. *Roads and the Private Sector*, edited by Eamonn Butler, analyzes a series of proposals to introduce private capital into road construction to provide an efficient road system (London: Adam Smith Institute, 1982, 102 pp., 2.4 pounds, paper). *Transport Without Politics*, by John Hibbs (Lancing, England: Institute of Economic Affairs, 1982, 95 pp., distributed by Transatlantic Arts, Albuquerque, N.M., \$9.25 paper), analyzes the scope for competitive markets in road, air, and rail transport. *Private Rights and Public Lands*, edited by Phillip Truluck, combines works by a number of authors who look at the difference between public and private ownership of lands, assess the philosophical and legal implications of federal ownership, and present strategies for privatizing energy, wilderness, forestland, and rangeland resources (Washington, D.C.: Heritage Foundation, 1983, 95 pp., \$4.00 paper).

—L. S.

## Does this man really exist?

### C'mon!

He loves horses and whores  
and believes the state is out to  
get him!

He keeps searching for Tom  
Jefferson - thinks god is a  
Cosmic Clown - believes in  
America - doesn't want to lift  
weights nor look for Noah's  
Ark - smokes Lucky Strikes -  
still wants the Lady of the  
Harbor to tuck the huddled  
masses beneath her bosom.

Celebrates Darwin's birthday  
at the Dumb Friends League  
with a beagle - throws bean  
bags at his psychiatrist - likes  
cows and can't understand  
why they cause so much  
havoc - admires women -  
writes poetry and keeps a  
steel blue snub nosed .38  
beside his bed.

Who is this crazy S.O.B.?

Read

## Behind His Eyes: The Letters and Verse of John Dalton Bagby

by

Joe Bagan

State of the Art, Ltd.  
4150 Fox Street - B-5  
Denver, Colorado 80216

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City \_\_\_\_\_  
State \_\_\_\_\_ Zip \_\_\_\_\_  
1683

morality of the acts that he seeks to  
release from legal constraints. He feels  
bound to insist on "a transvaluation of  
values whereby many traditional judg-  
ments regarding the proper exercise of  
these life choices are no longer  
justified." Indeed, he feels bound to insist  
on these choices now being "perceived  
as affirmative goods."

Richards does note belatedly that not  
every exercise of a right need be ac-  
cepted by everyone as morally correct.  
All he means by this, however, is that in-  
dividuals may continue to invoke their  
subjective moral ideals to arrive at per-  
sonal, idiosyncratic condemnations of  
actions that must be legally permitted  
*because objective "public morality" affirms  
their value as expressions of autonomy.*

The tragedy in all this is that Richards  
ends up sharing with the intolerants the  
crucial premises that if an act is objec-  
tively immoral it should be forbidden and  
that only if an act is not objectively im-  
moral may it be allowed! Thus, he also  
shares with them the view that to de-  
criminalize an activity is to withdraw any  
claim to its objective immorality. So, on  
this fundamental level, his book *rein-  
forces* the intolerants' mistaken belief  
that the demand that they legally tolerate  
some human activity is equivalent to the  
demand that they accept as moral what  
they morally abhor.

This is not the way to build a liberal  
pluralistic social order. David Richards is  
often correct and insightful in his opposi-  
tion to traditional moral judgments. But  
by linking the case for legal toleration to  
this opposition, he illiberally reunites  
politics and morals.

Contributing Editor Eric Mack teaches  
philosophy at Tulane University.

## Food Fads and Facts

**The One-Hundred-Percent  
Natural, Purely Organic,  
Cholesterol-Free, Megavitamin,  
Low-Carbohydrate Nutrition  
Hoax**

By Elizabeth Whelan and  
Fredrick J. Stare  
New York: Atheneum. 1983.  
302 pp. \$14.95.

Reviewed by Jane Orient, M.D.

A glassy-eyed, unshaven individual  
who believed in a conspiracy to  
manipulate and to poison him would be

rushed off to a psychiatrist. Yet nutri-  
tionists of antiestablishment credentials  
are peddling just such delusions to the  
mass market, accusing the barons of in-  
dustry of poisoning America. The  
motive: profit. By subtracting nutrients  
and adding chemicals to our food, they  
fatten their bank accounts as they cause  
aging, cancer, and even crime.

Elizabeth Whelan, director of the New  
York-based American Council on Sci-  
ence and Health, and Fredrick Stare,  
founder of Harvard University's Depart-  
ment of Nutrition, analyze the facts and  
the psychology of these claims, begin-  
ning with the motive. While donning the  
mask of the little guy who challenges the  
conglomerates, the hustlers are raking in  
the money, they note. The wormy apples  
at the corner health food store may cost  
twice as much as the more attractive  
ones at the chain supermarket. Bottled  
and filtered Pacific Ocean commands  
\$1.95 a quart, only 10 miles from the  
shore. Royalties to the writers of fad diet  
books, containing much worthless and  
even harmful advice, total millions of  
dollars, with no deductions for malprac-  
tice insurance.

Though many ideas of the food fad-  
dists appear to be novel, Whelan and  
Stare show that salvation was thought to  
reside in brown grains and other wonder  
foods even in the last century. Sylvester  
Graham, who "preached the fear of  
eating the wrong food along with the fear  
of God" is immortalized in the Graham  
cracker. Today we worry about crime  
rather than sin. That junk food consump-  
tion predisposed the accused to crime  
has actually been argued in court (the  
"Twinkie defense").

In the near-hysteria over the alleged  
dangers of food additives, people often  
forget the real benefits. They fear cancer  
from nitrates more than the deadly botu-  
lism these compounds prevent, even  
though the single study that raised the  
suspicion of nitrates' cancer-causing  
capacity came to erroneous conclusions,  
prematurely released. A review showed  
that the rats that consumed the nitrite  
had fewer cancers. The nitrite contro-  
versy also illustrates how the panic-  
mongers tend to lose perspective; only 5  
percent of our nitrite intake comes from  
food additives—the remainder comes  
from natural sources such as saliva and  
normal intestinal bacteria.

Although "artificial" additives are evil,  
naturally occurring impurities are as-  
sumed to be good. Anything white or re-  
fined (and hence more pure) becomes  
"empty calories." Actually, some natural