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pecting pilot was unable to fly out of. In our system, weather forecasts and wind-shear alerts are the responsibility of the National Weather Service and the Federal Aviation Administration—government agencies. (In the past, the FAA has lagged in applying available technology to airborne collision-avoidance systems, instrument-landing systems, communications, and so on. The same is true of windshear-detection technology. What's available now won't be in place for years.)

These three accidents account for the overwhelming majority of fatalities in 1985, and not one had the least thing to do with deregulation.

Don't misunderstand. Despite a failure of thesis, Nance has written a valuable book. In a revelation that can only be called astounding, Nance reports that Sen. Henry M. ("Scoop") Jackson, often known as "the Senator from Boeing," personally pressured an accident investigator to back away from an area of inquiry that was going to prove embarrassing for Boeing. Nance also spends a lot of time throwing rocks at the FAA, and he hits his target convincingly, revealing the FAA for the awkward,

backward, understaffed, overwhelmed, politically manipulated behemoth it is—one White House staffer called it the "slowest bureaucracy in the government."

Nance thus unwittingly makes a case against his own conclusion. Despite market forces that work to keep airline travel safe, some disinterested party, believes Nance, should be minding the store. Someone should be certifying that upstart carriers have the skills and management philosophy necessary to operate safely and to ensure that well-established carriers don't become lax. In our system, that someone is the FAA, but according to Nance himself, the FAA isn't doing the job. In this whole deregulation-versus-safety controversy, one brute fact stands out: safety is still regulated by the feds. If there have been carriers flying around that shouldn't be, and Nance argues convincingly that there have been (both pre- and post-deregulation), then that's the FAA's fault. And that, folks, is a failure of regulation, not of the marketplace.

John Doherty is an airline pilot who writes frequently on air-safety issues for REASON.

The Progressive Transformation of Democracy

By Arthur A. Ekirch, Jr.

The Workshop of Democracy (The American Experiment, Volume Two), by James MacGregor Burns, New York: Knopf, 674 pages, \$24.95

Justice Oliver Wendell Holmes once suggested to a learned audience that "your business as thinkers is to make plainer the way from something to the whole of things; to show the rational connection between your fact and the frame of the universe." James MacGregor Burns is, indeed, one of a select company who strives to achieve this goal. In his biographies of Franklin D. Roosevelt, of John and Edward Kennedy, as well as in his works on American government, Professor Burns reaches a wide audience among both scholars and the general public. From his extensive sources, he is not afraid to draw conclusions or offer interpretations. In other words, he assumes responsibility for, and tries to help his readers understand, "the whole of things."

His latest book, *The Workshop of Democracy*, which treats the period from the Civil War to the onset of the New Deal, is the second volume of a projected

trilogy designed to tell the story of what he calls "the American experiment." Only a very few historians since George Bancroft, over a century ago, have had the courage and talents single-handedly to attempt large-scale, detailed, scholarly histories of significant portions of the American past. The literature and sources are simply too vast if one is to try to satisfy both the scrutiny of scholars and the general reader's taste for an exciting narrative. Back in 1927 Charles and Mary Beard's best-selling *Rise of American Civilization* set a high standard as a synthesis of American political and cultural history. More recently in 1965, Samuel Eliot Morison in his *Oxford History of the American People* offered a more conventional account that is, however, comparable in scope to the works of the Beards and Burns.

Like his distinguished predecessors, Burns hopes to attract a popular audience, while still not forfeiting the respect

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Robert Chappell is a self-made success story. He has founded and served as president of two insurance companies and is a recognized expert in legal tax avoidance. Mr. Chappell has resided in many foreign tax haven jurisdictions, is well versed in tax law, and has been the successor in many battles with the I.R.S. He possesses an unusual knowledge of tax matters, from both practical experience and training.

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of his colleagues in academia. The latter will be quick to point out that there is little that is really new in Burns's book, but he is not, after all, writing a monograph to exploit previously unknown sources. And, unlike the Beards and Morison, he does provide full citations of relevant secondary works. From these he distills a fascinating body of richly detailed vignettes to illustrate his narrative. Combining a broadly chronological with a topical approach, Burns is able to keep the story straight with a minimum of flashbacks. If his prose does not convey that overpowering sense of the sweep of the material forces behind American

civilization that made the Beards' *Rise* so exciting, it is still admirably clear and never dull.

Burns's governing interpretation is his faith that the people, working through the agency of a strong government, can achieve social democracy. This, of course, is the New Deal's progressivist positivism refurbished under the contemporary rubrics of the welfare state and the imperial presidency. The criticism of the Jeffersonian ideal of limited government that Burns affirmed in his first volume he now develops more fully.

The Civil War and subsequent Reconstruction of the South offered the first great opportunity for positive government in the United States. After 1865, Republican Party leaders had the signal advantage that "they could proceed without constitutional restraints to a degree not possible since the founding days." To Burns, the critical failure of Reconstruction lay in the realm of leadership—the lack of a president strong enough to persuade the country to carry out a strategy for transforming Southern society. Such a revolutionary policy, Burns admits, "would have imposed heavy intellectual, economic, and psychological burdens on the North as well."

The real revolution, in what Burns calls "the business of democracy," came through the tremendous expansion in agriculture and industry, in the restructuring of social classes, in the economic opportunities afforded the teeming masses of European immigrants, and in the ideas associated with Social Darwinism. "The bitch-goddess success" is Burns's pejorative term. America was indeed being transformed by the new economic forces symbolized in figures such as John D. Rockefeller and Andrew Carnegie. Yet American capitalism, though it was on the whole a popular success, was never free from attack by native American radicals and Marxist socialists.

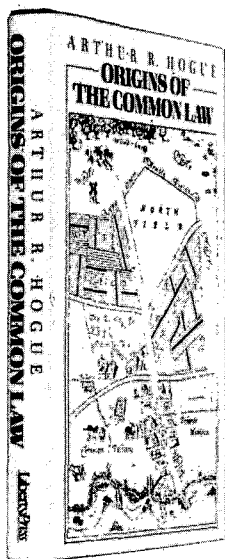
Although the author's sympathies clearly lie with the critics of big business, he also notes the views of staunch individualists such as William Graham Sumner, E. L. Godkin, and Henry George, who feared the threat of government paternalism. Burns does not, however, attend to the argument that much of what passed for *laissez faire* in late-19th-century America was actually government interventionism in behalf of various special economic interests. A consistent policy of *laissez faire*, or government hands off, was never tried. Instead, after the 1890s, the tendency was all in the direction of a greater concentration and centralization of political and economic power in the federal government. "Progressive" democracy thus laid the foundation for an ever-increasing nationalism or statism. Curiously, Burns barely mentions the fiscal centerpiece of the so-called Progressive reforms—the federal income tax.

More than anyone else, probably, Theodore Roosevelt aroused public support for the modern American

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ORIGINS OF THE COMMON LAW

By Arthur R. Hogue



First published in 1966 by Indiana University Press, Arthur R. Hogue's *Origins of the Common Law* looks at the deep medieval roots of our legal system during the early formative period of the common law. Between 1154 and 1307, from the reign of Henry II to that of Edward I, common law experienced a spectacular growth as a legal system enforced in the English Royal Courts. Paraphrasing Professor Hogue: in the form of writs, judicial decisions, treatises, royal ordinances, and parliamentary statutes, the common law, in large part the definition of established customs, emerged into explicit written form and formal procedure to order better such ordinary relationships among Englishmen as those between landlord and tenant, merchant and money lender, and buyer and seller.

In his final chapter, "From Medieval Law to Modern Law," Hogue concludes, "The rule of law, the development of law by means of judicial precedents, the use of the jury to determine the material facts of a case, and the definition of numerous causes of action—these form the principal and valuable legacy of the medieval law to the modern law." And one might add, to the growth of the concept of liberty as well.

This thoughtful, lucid account is a work of history, not a technical legal treatise, and should be of interest to the general reader and the specialist alike.

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welfare-warfare state and its imperial presidency. A conservative operating as a progressive, Roosevelt, in Burns's sparkling description, reflected the "contradictions and contrarities" of his America. "He talked peace but carried a gun on any plausible occasion. He loved animals but slaughtered them.... He believed in liberty but of the 'orderly' type. He believed in equality but only with people he respected.... If the 'best classes' did not reproduce themselves, he said, the 'nation will of course go down....' Thus he favored sterilizing the criminal and the feeble-minded. He viewed the yellow and black peoples as backward and ignorant. Yet he did not embrace Social Darwinist dogma consistently, and increasingly he saw the state as protecting people, without 'paternalism.'"

For Roosevelt, the answer to the country's needs was, of course, "the executive branch, the presidency, or really himself." The presidency, in his view, was the only means of curbing corruption in government and the forces of big business and corporate power. Yet he knew that, as Burns writes, "some of the great moments of American history had seen 'liberty-loving' legislators and citizens pitted against governors and Presidents." Roosevelt did not have the excuse of a civil war, but more than any president since Lincoln he exploited the constitutional and extraconstitutional authority of his position to entwine progressivism and reform with nationalism and statism.

Burns's interpretation of Woodrow Wilson's presidency as an era in which democracy was on trial repeats the wartime president's mistake of identifying American democracy with the lost cause of the Treaty of Versailles at the end of World War I. Burns also follows conventional wisdom, or historical hindsight, in his harsh view of the 1920s—"the age of Mellon." If this caption is appropriate, and not hyperbole, Burns should at least credit the Republican secretary of the Treasury's accomplishment in reducing taxes and cutting in half the national debt. This was no mean achievement despite the criticism that Mellon's tax plan unduly favored the rich.

Also questionable is the way Burns makes it appear that the war and postwar violations of American civil liberties took place in the '20s. The Red Scare, after all, occurred in 1919 in the Wilson administration. And it was Republican President Warren Harding, as Burns notes, who magnanimously pardoned the

Socialist leader Eugene Debs after his wartime conviction under the Sedition Act of 1918.

In Burns's view, "the prime intellectual issue still facing the American people in the 1920s" was the conflict of "a rapidly centralizing system of corporate capitalism with an old-fashioned divided constitutional system." It is hard, however, to accept his conclusion that the American government had become enfeebled by the system of checks and balances or separation of powers envisaged by the Founding Fathers. Like Tocqueville a century earlier, such reigning journalists in the '20s as H.L. Menck-

en and Walter Lippmann feared less the government's supposed weakness than its immense power to overawe the individual citizen. In a world too complex and too remote for the mass of the people to understand, public opinion was constantly being manipulated.

Democracy in the United States was, in fact, a noble historical achievement. It is still also, in the words of the author's overall title, "the American experiment."

Arthur A. Ekirch is a history professor at the State University of New York at Albany and the author of The Decline of American Liberalism.

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A Woman's Place Is . . . ?

By Elizabeth Whelan

A Mother's Work, by Deborah Fallows
Boston: Houghton Mifflin, 243 pages, \$16.95

Deborah Fallows strongly believes that mothers—professionally trained in careers or not—should stay home and take care of their children. And in *A Mother's Work* she strongly argues the case that only a parent, not a parent surrogate or a day-care arrangement, can serve the needs of a young child.

This initial description of Fallows's views might lead one to assume that she is a traditional, "nonliberated," wife and mother who disdains the women's movement and despairs over the dramatic rise in the percentage of mothers of young children entering the work force. But this is not the case. Fallows, a 1967 Radcliffe graduate, firmly supports the growth in opportunities now open to women. Prior to the birth of her second child she derived great satisfaction from her professional work (she was an assistant dean at Georgetown University—a full-time job), done in conjunction with motherhood. Like many of us who were in college when Betty Friedan's *The Feminine Mystique* was first published, Fallows always assumed that we would have it all—husband, children, and a fulfilling career. We were a generation of superwomen with all doors now open to us. So why not?

After all, the women's magazines made it seem easy. Only an incompetent would have trouble with this juggling act—and only a dull, introvertish boob would want to stay at home with the kids and TV all day when the "real world" out there beckoned us to greatness. The details and logistics of how we were somehow going to merge our mothers' nurturing role and our career goals were always vague. Before my daughter was born I remember puzzling over a *Ms.* magazine cover that showed women in an office, intensely preparing manuscripts, while babies crawled over desks playing with pens and papers. I was curious about how that worked—but I believed it must be possible.

Fallows was similarly gullible. With her first son, she worked and left her child in the care of someone else. She suffered the same emotional strains every working mother does—worrying about the quality of home care, regretting missing out on the precious, never-

to-be-repeated moments of child development. But as I and so many others did, she clutched passionately to the basic ideological cornerstone of the Working Mother Rationale—*quality* versus *quantity* time. The rationale goes something like this: Sure, moms who stay at home have more *hours* with their children, but



Fallows presents the most-convincing evidence I have ever seen that unless superior surrogate arrangements can be made, mothers should stay at home with their children.

quantity really doesn't count, quality does.

But Fallows began to see fallacies in this rationale. And here, I must confess, her book made me nervous. I began to suffer from a classic case of cognitive dissonance when I gradually realized that she would make a decision to abandon her career in favor of full-time motherhood. Not only that, she was about to preach to me about it. Having *not* made that decision myself, I started to feel uneasy as I found the foundations behind my own choice challenged, and successfully so. But reassuring myself that different solutions meet the needs of different people, I read on.

Fallows presents a generally convincing case for the conclusion that only

a parent understands and really cares about the needs of a child. (I would argue that there *are* some unique situations where a grandmother or loving nanny who is truly devoted to the child can develop an attachment very similar to that of a parent.) She bitterly criticizes feminist leaders and publications that disdain full-time motherhood, and she successfully defrocks those who pontificate to the effect that only that time spent 100 percent with the child (reading, down on the floor playing with blocks, feeding, etc.) counts as quality time. She argues that the only way surveys can possibly conclude that working and nonworking mothers have the same amount of "time" with their children is by claiming that nonexclusive time together (shopping, doing laundry, driving around accomplishing chores) doesn't count at all. It sure does, she argues. "What I needed (with my children) is time . . . in quantity, not quality."

With the birth of her second child, Fallows became a full-time mother. To her surprise, she found it in many ways even more rewarding than her professional career. A substantial portion of the first third of *A Mother's Work* reveals her comfortable transition. She is to be forgiven for the quasi-polemics that inevitably emerge as she reinforces for herself the correctness of her own decision.

But then the book takes a strange turn. What started as a personal discussion of her rationale for abandoning a career in favor of children suddenly becomes almost an investigative report on the quality and desirability of child care, particularly American day-care centers in the '80s. And while this perplexing change of gears still puzzles me, I found Fallows's survey of day-care centers revealing and very, very upsetting. She presents the most-convincing evidence I have ever seen that unless superior surrogate arrangements can be made, mothers should stay at home with their children. (Am I really saying this?)

I never thought a lot about group day-care arrangements. What Fallows described made me cry with pity for the young children she observed. As she reiterates throughout the book, all the "women's liberation" and "superwoman" talk in the past decade seems to have focused on the needs of the woman, not the child. No, she doesn't write about dingy, dirty conditions, with sexual abuse in evidence. She writes of seeing babies, toddlers, crying for their mothers; teachers who referred to each