

SPEECH BY
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BEFORE THE
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THANK YOU, CHIP. I AM HONORED TO HAVE BEEN INVITED TO ADDRESS YOU. GROUPS LIKE THE PACIFIC RESEARCH INSTITUTE ARE A VITAL PART OF AMERICAN DEMOCRATIC LIFE. YOU ENRICH THE DEBATE WITH YOUR THOUGHTFUL, INDEPENDENT VIEWS ON IMPORTANT PUBLIC POLICY ISSUES.

I AM PARTICULARLY GRATEFUL TO ADDRESS SUCH A REFLECTIVE AUDIENCE, SOME OF WHOM APPRECIATE AN AUTHOR I AM FOND OF, AYN RAND. AS YOU CAN IMAGINE, SHE IS NOT HIGHLY HONORED IN WASHINGTON, D.C. NONETHELESS, HER BOOKS CONTINUE TO SELL, AND THAT'S SUCCESS, AT LEAST BY HER STANDARDS.

IN THE LAST FEW MONTHS WE HAVE SEEN A PERHAPS MORE AMAZING BEST-SELLER, ALLAN BLOOM'S THE CLOSING OF THE AMERICAN MIND. IT HAS BEEN NUMBER ONE ON BEST-SELLER LISTS FOR SEVERAL WEEKS. NOW THIS IS CERTAINLY A DIFFICULT BOOK--AT LEAST FOR SOMEONE LIKE ME WHO IS NOT SPECIALIST IN POLITICAL PHILOSOPHY. IT IS, HOWEVER, A REWARDING, REASSURING ATTACK ON THE MORAL RELATIVISM THAT TYPIFIES AND CORRUPTS OUR AGE. BUT WHY SHOULD HIS ARISTOCRATIC VIEW OF AMERICAN LIFE--IN MANY WAYS MORE ARISTOCRATIC THAN AYN RAND'S-- BE SO POPULAR? WHAT DO PEOPLE FIND APPEALING ABOUT HIS ATTACK ON THE UNIVERSITIES?

SURELY MUCH OF THE BOOK'S SUCCESS IS DUE TO ITS PUBLICATION DURING A LONG-SIMMERING DEBATE OVER THE GOALS OF EDUCATION.

BLOOM'S UNCOMPROMISING TOUGHNESS, HIS OBVIOUS LEARNING, CONTRASTS WITH THE MUSH THAT SO MANY WRITERS ON EDUCATION TYPICALLY DOLE OUT.

I SHOULD ADD THAT I HEARTILY APPROVE OF HIS CRITIQUE OF BLACK STUDIES AND THE DEBILITATING EFFECTS OF PREFERENTIAL TREATMENT ON BLACK STUDENTS, ESPECIALLY THOSE AT ELITE UNIVERSITIES. BLOOM'S REFLECTIONS ON THE TAKE-OVER ALMOST TWENTY YEARS AGO AT CORNELL UNIVERSITY COINCIDE WITH THOSE OF ANOTHER FACULTY MEMBER AT THE TIME, MY FRIEND TOM SOWELL. AS CHAIRMAN OF THE EEOC I HAVE TRIED TO BASE THE FIGHT AGAINST DISCRIMINATION ON RECOVERING RIGHTS OF THE INDIVIDUAL. IT DOES NOT HELP THE INDIVIDUAL WHO HAS BEEN DISCRIMINATED AGAINST FOR THAT COMPANY IN THE FUTURE TO HIRE X NUMBER OF PEOPLE OF HIS OR HER RACE. JUSTICE BY THE NUMBERS IS GUARANTEED TO PRODUCE INJUSTICE. FOR EXAMPLE, I THINK WE MAY WELL HAVE SEEN THIS IN DISCRIMINATION AGAINST ASIAN-AMERICANS AT TOP UNIVERSITIES. BUT I DIGRESS.

THERE IS A SIDE TO BLOOM'S BOOK WHICH I AM SURE IS NOT FULLY APPRECIATED. AND IT IS CRUCIAL. LET ME READ A BRIEF PASSAGE FROM EARLY IN THE BOOK:

"THE UNITED STATES IS ONE OF THE HIGHEST AND MOST EXTREME ACHIEVEMENTS OF THE RATIONAL QUEST FOR THE GOOD LIFE ACCORDING TO NATURE. WHAT MAKES ITS POLITICAL STRUCTURE POSSIBLE IS THE USE OF THE RATIONAL PRINCIPLES OF NATURAL RIGHT TO FOUND A PEOPLE, THUS UNITING THE GOOD WITH ONE'S OWN."

NOW NATURAL RIGHT IS THE CENTRAL THEME OF AMERICAN POLITICS, FROM THOMAS JEFFERSON TO MARTIN LUTHER KING. UNFORTUNATELY, KING WAS THE LAST GREAT PUBLIC SPOKESMAN TO ARTICULATE THIS THEME OF A HIGHER LAW UNDERLYING OUR POLITICAL INSTITUTIONS. BLOOM'S SUB-THEME OF NATURAL RIGHT IS NOT ONLY APPROPRIATE BUT ESSENTIAL FOR THE CELEBRATION OF OUR CONSTITUTION'S BICENTENNIAL. BUT WHERE DO WE RECEIVE EDUCATION IN THE HIGHER LAW? COULD WE DO BETTER THAN TO RE-READ THE DECLARATION OF INDEPENDENCE, AND TAKE SERIOUSLY THE IDEA OF FOUNDING A NATION BASED ON "THE LAWS OF NATURE AND OF NATURE'S GOD," ESTABLISHED ON SELF-EVIDENT TRUTHS OF HUMAN EQUALITY AND NATURAL RIGHTS?

THIS MUST BE OUR ULTIMATE RESOURCE, IF WE ARE TO PRESERVE POLITICAL FREEDOM. BUT HOW DO WE LEARN ABOUT NATURAL RIGHTS AND NATURAL LAW? HOW DO WE RESPECT SUCH AN OUTMODED NOTION?

HERE I THINK BLOOM SELLS THE COUNTRY SHORT. AS IMPORTANT AS THE UNIVERSITIES ARE, THERE ARE INDEED OTHER SOURCES FOR TEACHING PEOPLE ABOUT THE MOST IMPORTANT THINGS FOR LIVING. CAREFUL STUDY OF THE GREAT BOOKS CAN COMPLETE WHAT A DECENT UPBRINGING HAS BEGUN, BUT IT CANNOT TAKE THE PLACE OF REARING.

BEAR WITH ME A MINUTE AS I REFLECT BACK ON MY EARLY LIFE. PICTURE A POORLY EDUCATED, RECENTLY MARRIED YOUNG BLACK MAN DURING THE DEPRESSION IN SAVANNAH, GEORGIA. ENVISION HIM

STARTING A WOOD-DELIVERY BUSINESS THEN ADDING COAL, THEN ADDING ICE, THEN MOVING TO FUEL OIL. PICTURE HIM RISING AT 2:00 OR 3:00 IN THE MORNING TO CUT WOOD AND DELIVER ICE. PICTURE HIM GETTING ONLY TWO OR THREE HOURS SLEEP PER NIGHT. GO FORWARD IN TIME WITH HIM AS HE BUILDS HIS OWN HOUSE WITH HIS OWN HANDS AND AS HE ACQUIRES A MODEST AMOUNT OF PROPERTY. THAT IS THE BRIEF ENCAPSULATED STORY OF MY OWN GRANDFATHER WHO DURING THE MOST REPRESSIVE PERIOD OF JIM CROW LAW AND RACIAL BIGOTRY WAS ABLE TO GAIN SOME DEGREE OF FINANCIAL AND ECONOMIC SECURITY BECAUSE THERE WAS AT LEAST SOME ECONOMIC LIBERTY, SOME ECONOMIC FREEDOM, EVEN THOUGH POLITICAL AND SOCIAL FREEDOM WERE DENIED.

DO YOU THINK THIS MAN WOULD RAISE HIS GRANDSONS TO IGNORE ECONOMIC FREEDOM AS A MAJOR PART OF THEIR LIVES? THIS MAN WHO BELIEVED THAT YOU SHOULD LIVE BY THE SWEAT OF YOUR BROW, THAT YOU MUST EARN A LIVING, THAT YOU MUST LEARN HOW TO WORK! I REMEMBER ONE CHRISTMAS WHEN ALL THE OTHER KIDS WERE RUNNING UP AND DOWN THE ROAD AND ENJOYING THEIR TOYS, SHOOTING FIRECRACKERS, AND GENERALLY HAVING A GREAT TIME, MY GRANDFATHER CAME TO ME AND MY BROTHER (WE WERE 8 AND 9 YEARS OLD) AND SAID THAT HE HAD WORK FOR US TO DO. SO, AS USUAL, WE PILED INTO THE 1951 PONTIAC AND RODE. HE TOOK US TO A FIELD THAT HAD LAID FALLOW FOR YEARS AND HAD GROWN UP. HE DROVE DOWN THE REMNANTS OF AN OLD ROAD. WE MADE OUR WAY ACROSS THE FIELD TO AN OLD OAK TREE. HE LOOKED AT IT, SURVEYED IT, PACED PENSIVELY AND ANNOUNCED THAT WE WOULD BUILD A HOUSE THERE. AND, HE MARKED THE SPOT. ON MAY 17, FIVE MONTHS LATER, WE WERE FINISHING THE STEPS TO THE HOUSE THAT WE BUILT.

THEN WE FARMED, BUILT FENCES AND BARNs. WE PLANTED MORE AND MORE EACH YEAR. WE ACQUIRED PIGS, COWS, CHICKENS AND DUCKS. THE ACHIEVEMENTS GO ON AND ON.

IN MY GRANDFATHER'S VIEW, A MAN HAD A RIGHT AND AN OBLIGATION TO PRODUCE. AND THE RIGHT TO KEEP WHAT HE PRODUCED. THAT IS NOT TO SAY THAT THIS MORAL, GOD-FEARING MAN WAS NOT GENEROUS. INDEED, HE WAS EXTREMELY GENEROUS WITH ALL THAT HE HAD. BUT, THERE WAS NO SHAME ABOUT WORK, ABOUT THE FREEDOM TO WORK AND PRODUCE.

ON THE CONTRARY, IT WAS NECESSARY TO BE FREE TO PRODUCE AND FREE TO KEEP WHAT HE PRODUCED, TO BE SELF-SUFFICIENT AND, HENCE, PROTECTED FROM SOME OF THE EFFECTS OF BIGOTRY. TO MY GRANDFATHER, SELF-SUFFICIENCY IN AN OTHERWISE HOSTILE WORLD, WAS FREEDOM. WITH FREEDOM TO PRODUCE AND TO OWN, HE COULD AT LEAST SURVIVE.

AS THE EVENTS OF THE SIXTIES SWIRLED ABOUT US, PROVISION FOR SURVIVAL WAS MADE POSSIBLE BY A FAMILY FARM, A FAMILY BUSINESS, AND A FAMILY EFFORT. THOUGH FULL PARTICIPATION IN THE FREE ENTERPRISE SYSTEM WAS LIMITED IN MUCH THE SAME WAY, AND FULL PARTICIPATION IN A FREE SOCIETY WAS LIMITED, MY GRANDPARENTS FELT THAT THE OPPORTUNITIES WE HAD HERE WERE GREATER THAN ANYWHERE IN THE WORLD. AND, IN SPITE OF THE CONTRADICTIONS, WE FAITHFULLY RECITED THE PLEDGE OF ALLEGIANCE AND SANG THE STAR SPANGLED BANNER AT OUR SEGREGATED SCHOOLS. AS WE WERE REMINDED

EVERY DAY AT THE DINNER TABLE, HARD WORK PRODUCED THE HOUSE WE LIVED IN, THE CLOTHES WE WORE AND THE FOOD WE ATE. EVEN THOUGH WE KNEW WE COULD SURVIVE AND DO WELL, IT WAS COMMON KNOWLEDGE WHY IT WAS SO DIFFICULT -- WHY THE REWARDS OF OUR EFFORTS WERE NOT COMMENSURATE WITH THOSE OF WHITES.

REMINING OURSELVES THAT BLACKS HAD TO WORK TWICE AS HARD TO GET HALF AS FAR, MY GRANDPARENTS ALWAYS KNEW THEY WOULD MAKE IT. THEY KNEW WE WERE INHERENTLY EQUAL UNDER GOD'S LAW -- THE HIGHER LAW-- AND THAT THE WAY WE WERE TREATED WAS A CRIME AGAINST GOD EVEN IF NO LAWS OF MAN WERE VIOLATED. THIS BELIEF IN A HIGHER LAW THAT GUARANTEED OUR NATURAL RIGHTS ENABLED US TO REAFFIRM THE EXISTENCE AND PRIMACY OF THESE RIGHTS EVEN AS WE WERE BEING PREVENTED FROM EXERCISING THEM.

TODAY, THERE APPEARS TO BE A PROLIFERATION OF RIGHTS-- ANIMAL RIGHTS, CHILDREN'S RIGHTS, WELFARE RIGHTS, AND SO ON. WHAT IS MEANT BY RIGHTS? TODAY, WE ARE COMFORTABLE REFERRING TO CIVIL RIGHTS. BUT ECONOMIC RIGHTS ARE CONSIDERED ANTAGONISTIC TO CIVIL RIGHTS -- THE FORMER BEING VENAL AND DIRTY, WHILE THE LATTER IS LOFTY AND NOBLE. THIS, AS I HAVE NOTED, IS NOT THE WAY I WAS TAUGHT. AFTER ALL, AREN'T FREE SPEECH AND WORK BOTH MEANS TO AN EVEN HIGHER END?

NOW NO ONE WOULD DARE ATTACK MY GRANDFATHER AND HIS ACHIEVEMENTS. INDEED, PEOPLE MARVEL AT HIM, AND JUSTLY SO. BUT CONSIDER THE ATTACK ON THE WEALTHY, OR "THE RICH." WE SEE IT IN INTELLECTUALS LIKE JOHN KENNETH GALBRAITH OR IN POPULAR

DEPICTIONS OF AMERICAN BUSINESS. FRANKLIN ROOSEVELT DENOUNCED THE "MALEFACTORS OF GREAT WEALTH." HIS LATTER-DAY POLITICAL HEIRS SIMPLY DENOUNCE THE CORRUPTION OF THE WEALTHY. BUT IN FACT WHAT THE CRITICS REALLY WANT TO DO IS ATTACK THE SOURCES OF WEALTH, EVEN INCLUDING THE RIGHT TO ACQUIRE WEALTH. AND THE ATTACK ON ECONOMIC RIGHTS IS AN ATTACK ON ALL RIGHTS. OR AS JAMES MADISON PUT IT IN HIS FAMOUS FEDERALIST PAPER NUMBER 10: THE FIRST OBJECT OF GOVERNMENT IS THE "PROTECTION OF DIFFERENT AND UNEQUAL FACULTIES OF ACQUIRING PROPERTY." NOTICE HE DOES NOT SAY THAT GOVERNMENT SHOULD PROTECT AN ALREADY EXISTING, UNEQUAL DISTRIBUTION OF PROPERTY. MADISON LOOKS FORWARD TO A DYNAMIC ECONOMY WHICH WOULD UNLEASH HUMAN CAPABILITIES, DESTROYING OLD ARISTOCRACIES, AND ERECTING NEW ONES, WHICH IN TURN WOULD BE SUPPLANTED. HENCE IT IS, THAT SOCIALISTS AND THEIR APOLOGISTS HAVE TO ATTACK THE NOTION OF INDIVIDUAL RIGHTS AND REPLACE IT WITH NOTIONS OF "GROUP RIGHTS" AND "SOCIAL MAN" AND ALL SORTS OF PRINCIPLES JUSTIFYING ECONOMIC REDISTRIBUTION. AS NOBEL LAUREATE FRIEDRICH HAYEK SUCCINCTLY PUT IT, "THE STRIVING FOR SECURITY TENDS TO BECOME STRONGER THAN THE LOVE OF FREEDOM.... WITH EVERY GRANT OF COMPLETE SECURITY TO ONE GROUP THE INSECURITY OF THE REST NECESSARILY INCREASES." ODDLY ENOUGH SOME CONSERVATIVES AID AND ABET THE CRITIQUE OF RIGHTS BY AN IRRATIONAL EMBRACE OF TRADITION AND A MEDIEVAL UNDERSTANDING OF SOCIETY, ANTITHETICAL TO THE PROTECTION OF RIGHTS.

IN THIS CONNECTION IT IS INTERESTING TO OBSERVE THAT FOR ALL SOCIALISTS TALK ABOUT EQUALITY, KARL MARX HAD ONLY CONTEMPT FOR THE NOTION OF EQUAL RIGHTS. THAT'S BECAUSE HE KNEW THAT A FOCUS

ON RIGHTS WOULD LEAD INEVITABLY TO INEQUALITIES IN SOCIETY. TRUE EQUALITY OF OPPORTUNITY WOULD LEAD TO INEQUALITIES; BUT TO BE JUSTIFIED ALL INEQUALITIES WOULD HAVE TO BE BASED ON AN ORIGINAL EQUALITY OF OPPORTUNITY.

AS HAYEK HAS NOTED, THE ATTACK ON FREEDOM AND RIGHTS HAD TO BE ACCOMPANIED BY THEIR REDEFINITION. IN THE SOCIALIST VIEW, "THE NEW FREEDOM WAS THUS ONLY ANOTHER NAME FOR THE OLD DEMAND FOR AN EQUAL DISTRIBUTION OF WEALTH." THE NEW FREEDOM MEANT FREEDOM FROM NECESSITY. AND IT WAS A SHORT ROAD FROM RIGHTS TO WHAT WE CALL TODAY "ENTITLEMENTS." BEFORE, A RIGHT MEANT THE FREEDOM TO DO SOMETHING; NOW A RIGHT HAS COME TO MEAN, AT LEAST IN SOME, UNFORTUNATELY GROWING CIRCLES, THE LEGAL CLAIM TO RECEIVE AND DEMAND SOMETHING.

THE ATTACK ON WEALTH IS REALLY AN ATTACK ON THE MEANS TO ACQUIRE WEALTH: HARD WORK, INTELLIGENCE, AND PURPOSEFULNESS. AND THAT IN TURN IS AN ATTACK ON PEOPLE LIKE MY GRANDFATHER. THIS WAS A MAN WHO POSSESSED IN ESSENCE ALL THE MEANS OF ACQUIRING WEALTH A PERSON COULD NEED. HE COULD NOT BE ATTACKED; BUT THE "RICH" AND THEIR CARICATURES ARE EASY TARGETS. THESE CRITICS OF "THE RICH" REALLY DO MEAN TO DESTROY PEOPLE LIKE MY GRANDFATHER, AND DECLARE HIS MANLINESS TO BE FOOLISHNESS AND WASTED EFFORT.

BLACKS KNOW WHEN THEY ARE BEING SET UP. UNFORTUNATELY, THIS HAS TAKEN PLACE IN THIS ADMINISTRATION IN SOME OF THE RHETORIC AND STRATEGY ABOUT CIVIL RIGHTS. I HAVE OBJECTED TO THIS THEN, AS I OBJECT NOW TO THE LEFTIST EXPLOITATION OF POOR BLACK PEOPLE. THE ATTACK ON WEALTH IN THEIR NAME IS SIMPLY A MEANS TO ADVANCE

THE PRINCIPLE THAT THE RIGHTS AND FREEDOMS OF ALL SHOULD BE CAST ASIDE, TO ADVANCE UTOPIAN SCHEMES, WHICH IN FACT END IN DESPOTISM.

IN MORE RECENT TIMES MY GRANDFATHER WOULD BE PROPOSED BY SOME WELL-MEANING DEMAGOGUE AS A RECIPIENT OF "ECONOMIC JUSTICE" OR "SOCIAL JUSTICE." THAT WOULD ONLY MEAN THAT HE'D HAVE TO WORK HARD NOT ONLY FOR HIMSELF BUT FOR A BUNCH OF OTHERS AS WELL. AND ISN'T THIS THE VERY DEFINITION OF SLAVERY? SUCH RIGHTS AS WERE PERMITTED HIM UNDER SEGREGATION HE MADE FULL USE OF. AND HOW COULD ANYONE TODAY, WHO DOES NOT LABOR UNDER MY GRANDFATHER'S BURDENS, DO ANY LESS? WHY DON'T WE SEE MORE PEOPLE ACTIVELY PURSUING THE ECONOMIC RIGHTS WHICH HE EXERCISED? (SOME PEOPLE CALL THIS SELF-HELP, BUT IT DOES NOT REQUIRE A SPECIAL LABEL.) ISN'T IT IRONIC THAT CIVIL RIGHTS ESTABLISHMENT ORGANIZATIONS HAVE TO PROCLAIM THE NEED FOR SELF-HELP?

WHAT I WANT TO EMPHASIZE HERE IS THAT WORK IS AN ENORMOUS MORAL EDUCATOR. SO ARE SPORTS. BOTH HAVE GOALS-- MONEY IN THE CASE OF WORK, AND HONOR IN THE CASE OF SPORTS. BUT IN PURSUIT OF THESE GOALS WE GAIN QUALITIES OF THE SPIRIT HARD TO BRING ABOUT THROUGH OTHER MEANS. I MEAN QUALITIES SUCH AS SELF-DISCIPLINE, SELF-RESPECT, TRUE GENEROSITY, NOT TO MENTION HEALTH AND COMRADESHIP.

SOMETIMES WE GET MEANS CONFUSED WITH ENDS. PEOPLE LIVE FOR THE SAKE OF WORKING, INSTEAD OF MAKING WORK A PART OF THEIR LIVES. AND THE CONFUSION OCCURS OFTEN ENOUGH IN THE CASE OF

SPORTS. YET, THE QUALITIES ONE LEARNS INCIDENTAL TO THE ENDS (MONEY OR HONOR) OFTEN BECOME MORE IMPORTANT THAN THOSE ENDS. TOO OFTEN WE SEE BUSINESS AND COMMERCIAL LIFE DERIDED AS "MATERIALISTIC" AND "CRASS." THESE CRITICS IMPLY WE SHOULD HONOR IDEALISTIC PROFESSIONS: JOURNALISTS, LAWYERS, AND PROFESSORS.

BUT I SERIOUSLY DOUBT THAT A FREE NATION COULD EXIST, IF IT WERE TO BE COMPRISED SOLELY OUT OF PEOPLE WHO MAKE THEIR LIVING BY PRODUCING WORDS. AMERICAN FREEDOM REQUIRES JOURNALISTS, LAWYERS, AND PROFESSORS, BUT EVEN MORE IMPORTANT ARE THOSE WHO EXERCISE THEIR ECONOMIC RIGHTS IN COMMERCE. COMMERCE, ALONG WITH SPORTS, TEACHES US THE CONDITIONS OF FREEDOM. THE UNFAIRLY RIDICULED CALVIN COOLIDGE KNEW THIS QUITE WELL, WHEN HE CALLED COMMERCE "THE GREAT ARTISAN OF HUMAN CHARACTER." HE WAS A FAR CRY FROM A BABBITT BOOSTER OF PETTY AVARICE. "WE MUST FOREVER REALIZE," HE ONCE DECLARED, "THAT MATERIAL REWARDS ARE LIMITED AND IN A SENSE THEY ARE ONLY INCIDENTAL, BUT THE DEVELOPMENT OF CHARACTER IS UNLIMITED AND IS THE ONLY ESSENTIAL."

FREEDOM WAS ALWAYS REGARDED AS AN EDUCATOR. THIS IS WHY TOCQUEVILLE, IN HIS 1835 CLASSIC, DEMOCRACY IN AMERICA, ALWAYS EMPHASIZED THE IMPORTANCE OF FREEDOM AS A TEACHER OF A WAY OF LIFE. FREEDOM WASN'T SIMPLY A LACK OF CONSTRAINTS ON MEN'S BEHAVIOR. FREEDOM MEANT THAT MEN MUST ACCEPT RESPONSIBILITY, OR LESS THEY WOULD GRADUALLY LOSE THEIR FREEDOM TO A CENTRALIZED POWER OBLIVIOUS TO THEIR DESIRES.

CERTAINLY THIS VIEW OF COMMERCE AND BUSINESS WAS NOT LOST ON THE FOUNDING FATHERS. JAMES MADISON, THE MAN WHO MOST APPROPRIATELY MIGHT BE CALLED THE FATHER OF OUR CONSTITUTION, PUT IT SUCCINCTLY: "AS A MAN IS SAID TO HAVE A RIGHT TO HIS PROPERTY, HE MAY EQUALLY BE SAID TO HAVE A PROPERTY IN HIS RIGHTS." IT IS THIS BROAD NOTION OF PROPERTY-- MEANING ALL THE HUMAN FACULTIES SUCH AS REASON, PASSION, AND IMAGINATION-- THAT INFORMED THE WORLD OF THE FOUNDERS.

EARLIER THIS YEAR, I ADDRESSED AN AUDIENCE AT THE UNIVERSITY OF VIRGINIA LAW SCHOOL. IT WAS INSPIRING TO VISIT, ONCE AGAIN, A UNIVERSITY FOUNDED TO EDUCATE STATESMEN IN NATURAL RIGHTS. NOW, I AM FAR FROM BEING A SCHOLAR ON THOMAS JEFFERSON. BUT TWO OF HIS STATEMENTS SUFFICE AS A BASIS FOR RESTORING OUR ORIGINAL FOUNDING BELIEF AND RELIANCE ON NATURAL LAW. AND NATURAL LAW, WHEN APPLIED TO AMERICA, MEANS NOT MEDIEVAL STULTIFICATION BUT THE LIBERATION OF COMMERCE.

CONSIDER FIRST, THE DECLARATION OF INDEPENDENCE'S RELIANCE ON THE "LAWS OF NATURE AND OF NATURE'S GOD." THESE UNDERLIE THE SELF-EVIDENT TRUTHS: "ALL MEN ARE CREATED EQUAL; THAT THEY ARE ENDOWED BY THEIR CREATOR WITH CERTAIN INALIENABLE RIGHTS; THAT AMONG THESE ARE LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS...." GO FROM THIS TO JEFFERSON'S LAST LETTER. THE DYING JEFFERSON, ALMOST FIFTY YEARS TO THE DAY AFTER THE DECLARATION WAS PUBLISHED, REFLECTED FOR THE LAST TIME ON THE MEANING OF THE FOURTH OF JULY:

"THAT FORM [OF GOVERNMENT] WHICH WE HAVE SUBSTITUTED, RESTORES THE FREE RIGHT TO THE UNBOUNDED EXERCISE OF REASON AND FREEDOM OF OPINION. ALL EYES ARE OPENED, OR OPENING, TO THE RIGHTS OF MAN. THE GENERAL SPREAD OF THE LIGHT OF SCIENCE HAS ALREADY LAID OPEN TO EVERY VIEW THE PALPABLE TRUTH, THAT THE MASS OF MANKIND HAS NOT BEEN BORN WITH SADDLES ON THEIR BACKS, NOR A FAVORED FEW BOÖTED AND SPURRED, READY TO RIDE THEM LEGITIMATELY, BY THE GRACE OF GOD."

WHAT CONFIDENCE IN AMERICA! JEFFERSON DOES NOT SPEAK OF THOSE AMORPHOUS, SUBJECTIVE FEELINGS CALLED "VALUES." THE TRUTH OF THE RIGHTS OF MAN RESTS ON AN OBJECTIVE TEACHING, A SCIENCE. A BELIEF IN A HIGHER LAW ENABLES SUCH CONFIDENCE AND PROVIDES DIRECTION. IF IT DIDN'T FREE THE SLAVES IMMEDIATELY, IT WAS THE MOST POWERFUL ARGUMENT LINCOLN HAD. IF NATURAL LAW WAS INSUFFICIENT BY ITSELF TO END THAT LEGACY OF SLAVERY, SEGREGATION, MARTIN LUTHER KING'S APPEAL TO IT ONCE AGAIN MOVED AMERICANS. BUT WHERE IS NATURAL LAW TODAY? IS IT GONE, ALONG WITH THE SEGREGATED SCHOOLS, BUSES, AND DRINKING FOUNTAINS OF MY YOUTH?

WITH MY PERSONAL EXPERIENCE IN MIND, I WOULD LIKE TO USE THIS OCCASION TO PRESENT A SKETCH OF A THEORY OF NATURAL LAW, WHICH WOULD UNITE BOTH LIBERTARIAN AND CONSERVATIVE PRINCIPLES. I DOUBT THAT WHAT I WILL SAY WILL BE ANYTHING NEW, BUT I THINK IT IS IMPORTANT TO PRESENT A COHERENT, PRINCIPLED BASIS FOR

APPROACHING CURRENT POLITICAL AND ETHICAL QUESTIONS.

IN AMERICA, THE NATURAL LAW STRENGTHENS THE POSITIVE, OR MAN-MADE LAW. JUSTICE HOLMES ONCE RIDICULED IT AS A "BROODING OMNIPRESENCE IN THE SKY." I WOULD LIKEN IT MORE TO A CONSCIENCE OR, AS LINCOLN PUT IT, A "STANDARD MAXIM" WHICH KEEPS US HONEST. IT IS, AS BLOOM SUGGESTS, THE ANTIDOTE TO THE RELATIVISM WHICH CURRENTLY AFFLICTS US. OF COURSE, THERE ARE SEVERAL DIFFERENT VERSIONS OF NATURAL LAW AND NATURAL RIGHTS, INCLUDING SOME IN SHARP CONFLICT WITH ONE ANOTHER. YET, I THINK ALL OF THEM WOULD HAVE TO AGREE ON CERTAIN ELEMENTS CONCERNING ECONOMICS. THESE ARE: FIRST, THE COMMON SENSE OF THE FREE MARKET; SECOND, AS LINCOLN PUT IT, "THE NATURAL RIGHT TO EAT THE BREAD [ONE] EARNS WITH [ONE'S] OWN HANDS;" AND THIRD, THE DIGNITY OF LABOR.

THE FREE MARKET LOGIC OF BUYING LOW AND SELLING HIGH AFFIRMS COMMON SENSE AND PUNISHES THOSE WHO LACK IT. ITS PRINCIPLES ARE VIRTUALLY SCIENTIFIC, THOUGH IN PRACTICE PEOPLE MAKE DECISIONS BASED ON SUPERSTITION AND BRIBERY, FOR EXAMPLE. THE FREE MARKET LOGIC EXISTS WHETHER THE ECONOMIC SYSTEM IS CAPITALISM, SOCIALISM, OR ANY KIND OF TRADITIONAL ECONOMY. IN FACT, TO HALT COMPLETELY THE FREE MARKET'S OPERATION REQUIRES TYRANNY. TO QUOTE THE OLD ROMAN POET, YOU CAN EXPEL NATURE WITH A PITCHFORK, BUT IT IS SURE TO RETURN. THOUGH THE FREE MARKET DOES NOT BY ITSELF GUARANTEE DEMOCRACY, IT DOES REQUIRE SIGNIFICANT PERSONAL FREEDOM. MOREOVER, THE QUALITIES OF INDEPENDENT JUDGMENT AND COMPETITIVENESS WHICH IT FOSTERS CERTAINLY POINT TOWARD REGIMES HONORING FREE ELECTIONS.

THE SECOND NATURAL LAW PRINCIPLE SUPPORTING THE FREE MARKET IS THE NATURAL RIGHT TO EARN FROM ONE'S LABOR. JOHN LOCKE, WHOSE POLITICAL PHILOSOPHY INFORMS OUR DECLARATION OF INDEPENDENCE, MADE THIS A CRUCIAL PRINCIPLE. SLAVERY WAS THUS AN EVIL THAT THREATENED THE FREEDOM OF ALL IN A SOCIETY THAT TOLERATED IT. IN OTHER WORDS, THIS PRINCIPLE ELABORATES ON OUR FIRST PRINCIPLE OF RESPECTING THE IMPULSES OF THE FREE MARKET. THE FREE MARKET ITSELF RESTS ON CERTAIN ETHICAL ASSUMPTIONS OR AT LEAST ONE MAJOR ASSUMPTION: ONE CANNOT TRADE IN SLAVES.

I AM REMINDED HERE OF THE GREAT COURT SCENE IN SHAKESPEARE'S MERCHANT OF VENICE, IN WHICH SHYLOCK JUSTIFIES HIS TAKING A POUND OF FLESH FROM ANTONIO.

"WHAT JUDGMENT SHALL I DREAD, DOING NO WRONG?
 YOU HAVE AMONG YOU MANY A PURCHAS'D SLAVE,
 WHICH, LIKE YOUR ASSES AND YOUR DOGS AND MULES,
 YOU USE IN ABJECT AND IN SLAVISH PARTS,
 BECAUSE YOU BOUGHT THEM. SHALL I SAY TO YOU,
 "LET THEM BE FREE" YOU WILL ANSWER,
 "THE SLAVES ARE OURS." SO DO I ANSWER YOU.
 THE POUND OF FLESH WHICH I DEMAND OF HIM
 IS DEARLY BOUGHT, 'TIS MINE, AND I WILL HAVE IT.
 IF YOU DENY ME, FIE UPON YOUR LAW!
 THERE IS NO FORCE IN THE DECREES OF VENICE."

BY PERMITTING THE SLAVE-TRADE, VENICE RELINQUISHED ITS RIGHT TO CONDEMN OTHER FORMS OF BARBARISM, SUCH AS THE TAKING OF THE POUND OF FLESH. THE VENETIANS FALL SILENT, AND IT TAKES THE CLEVER

PORTIA TO SAVE THE DAY. SHAKESPEARE HAD SPOTTED A FATAL CONTRADICTION IN A SEEMINGLY VERY FREE SOCIETY. AND VENICE WOULD EXACT ITS EQUALLY IRRATIONAL REVENGE ON SHYLOCK.

THUS, I WOULD JUSTIFY GOVERNMENT INTERVENTION IN CASES TO INSURE THAT THE FREE MARKET IS TRULY FREE. IN MY YEARS AT THE EEOC I HAVE TRIED TO MOVE TOWARD THIS IDEAL.

FINALLY, TO THE FREE MARKET PRINCIPLE AND THE PRINCIPLE FORBIDDING ARTIFICIAL BARRIERS, I ADD THE PRINCIPLE OF THE DIGNITY OF LABOR. FROM ALLAN BLOOM'S BOOK ONE CAN GET THE IMPRESSION THAT LIFE IS LED SOLELY IN THE MIND. BUT WITHOUT LABOR, THE WORK OF ONE'S BODY, ONE CAN FEEL SELF-CONTEMPT. THIS ATTITUDE CAN IN TURN HAVE OTHER CONSEQUENCES DELETERIOUS TO FREEDOM AND DECENCY.

I HAVE RECENTLY BEEN PERUSING ONE OF THOSE GREAT BOOKS BLOOM CITES FREQUENTLY, TOCQUEVILLE'S DEMOCRACY IN AMERICA. ONE OF THE MOST STRIKING OBSERVATIONS HE MAKES CONCERNS THE RADICALLY DIFFERING EFFECTS OF SLAVERY AND FREE LABOR. HE CONTRASTS THE ETHOS IN THE FREE STATE OF OHIO WITH THAT IN THE NEIGHBORING SLAVE STATE OF KENTUCKY. LET ME READ A BRIEF PASSAGE, JUST TO GIVE YOU A FLAVOR OF THAT DISCUSSION. IN THE SLAVE STATE

"WORK IS CONNECTED WITH THE IDEA OF SLAVERY, BUT [IN THE FREE STATE] WITH WELL-BEING AND PROGRESS; ON THE ONE SIDE IT IS DEGRADING, BUT ON THE OTHER HONORABLE; ON THE LEFT BANK NO WHITE LABORERS ARE TO BE FOUND, FOR THEY WOULD BE AFRAID OF BEING LIKE THE SLAVES; FOR WORK PEOPLE MUST RELY ON THE NEGROES.... THE AMERICAN [IN THE SLAVE STATE] SCORNS NOT ONLY WORK ITSELF BUT ALSO ENTERPRISES IN WHICH WORK IS

NECESSARY TO SUCCESS; LIVING IN IDLE EASE, HE HAS THE TASTES OF IDLE MEN; MONEY HAS LOST SOME OF ITS VALUE IN HIS EYES; HE IS LESS INTERESTED IN WEALTH THAN IN EXCITEMENT AND PLEASURE AND EXPENDS IN THAT DIRECTION THE ENERGY WHICH HIS [FREE STATE] NEIGHBOR PUTS TO OTHER USE...."

WORK HAS A DIGNITY WHICH IN TURN GIVES MEANING TO OTHER SPHERES OF LIFE. THIS IS A PART OF THE HUMAN CONDITION, AN ELEMENT OF HUMAN NATURE, WHICH ANY DECENT GOVERNMENT OR SOCIETY MUST RESPECT.

NOW I REALIZE THIS IS JUST A BEGINNING OF A PROJECT, BUT I HOPE IT IS OF SOME USE.

LET ME SAY THIS IN PASSING ABOUT RECENT ISSUES INVOLVING THE SUPREME COURT. I FIND ATTRACTIVE THE ARGUMENTS OF SCHOLARS SUCH AS STEPHEN MACEDO WHO DEFEND AN ACTIVIST SUPREME COURT, WHICH WOULD STRIKE DOWN LAWS RESTRICTING PROPERTY RIGHTS. BUT THE LIBERTARIAN ARGUMENT OVERLOOKS THE PLACE OF THE SUPREME COURT IN A SCHEME OF SEPARATION OF POWERS. ONE DOES NOT STRENGTHEN SELF-GOVERNMENT AND THE RULE OF LAW BY HAVING THE NON-DEMOCRATIC BRANCH OF THE GOVERNMENT MAKE POLICY. HENCE, I STRONGLY SUPPORT THE NOMINATION OF BOB BORK TO THE SUPREME COURT. JUDGE BORK IS NO EXTREMIST OF ANY KIND. IF ANYTHING, HE IS AN EXTREME MODERATE, ONE WHO BELIEVES IN THE MODESTY OF THE COURT'S POWERS, WITH RESPECT TO THE DEMOCRATICALLY ELECTED BRANCHES OF GOVERNMENT. I AM APPALLED BY THE MUD-SLINGING CUM DEBATE OVER THE BORK NOMINATION. THE VERY IDEA OF THE SUPREME COURT IS TO DISPENSE IMPARTIAL JUSTICE, ONE ABOVE THE STRUGGLE OF SPECIAL

INTEREST GROUPS. OF COURSE WHAT HAS HAPPENED OVER THE LAST 50 OR SO YEARS IS A GROWTH OF POWER IN THE NON-ELECTED BRANCHES. AND MUCH OF WHAT IS DONE ADMINISTRATIVELY WINDS UP IN THE COURTS. SO THE COURTS AND THE BUREAUCRACY ARE LOBBIED. AND NOW A SUPREME COURT NOMINATION-- OF A DISTINGUISHED SCHOLAR-- IS TREATED AS THOUGH IT WERE AN ELECTION FOR THE LOCAL ZONING COMMISSION. IT IS A TRAGEDY FOR THE RULE OF LAW AND THE NOTION OF IMPARTIAL JUSTICE. AFTER ALL, IF IT TAKES A JUDGE TO SOLVE OUR COUNTRY'S PROBLEMS, THEN DEMOCRACY AND THE RULE OF LAW ARE DEAD. AND I FOR ONE, ALONG WITH BOB BORK, AM NOT YET READY TO GIVE UP ON SELF-GOVERNMENT. IRONICALLY, BY OBJECTING AS VOCIFEROUSLY AS THEY HAVE TO JUDGE BORK'S NOMINATION, THESE SPECIAL INTEREST GROUPS UNDERMINE THEIR OWN CLAIM TO BE PROTECTED BY THE COURT. AGAIN, THE COURT HAS ITS DIGNITY, AND ITS POWER, BY VIRTUE OF BEING ABOVE AND BEYOND SUCH CLAMORING.

LET ME CONCLUDE BY QUOTING AGAIN FROM ALLAN BLOOM'S BOOK. HERE HE LAMENTS THE PASSING OF A VIEW FORMERLY HELD BY AMERICANS ON NATURAL RIGHTS:

'BY RECOGNIZING AND ACCEPTING MAN'S NATURAL RIGHTS, MEN FOUND A FUNDAMENTAL BASIS OF UNITY AND SAMENESS. CLASS, RACE, RELIGION, NATIONAL ORIGIN OR CULTURE ALL DISAPPEAR OR BECOME DIM WHEN BATHED IN THE LIGHT OF NATURAL RIGHTS, WHICH GIVE MEN COMMON INTERESTS AND MAKE THEM TRULY BROTHERS.'

I WOULD ONLY ADD TO BLOOM'S WISE OBSERVATIONS HERE, THAT A RENEWED EMPHASIS ON ECONOMIC RIGHTS MUST PLAY A KEY ROLE IN THE REVIVAL OF THE NATURAL RIGHTS POLITICAL PHILOSOPHY THAT HAS BROUGHT THIS NATION TO ITS SECOND BICENTENNIAL YEAR.

THANK YOU!