

Report from the Center for

PHILOSOPHY & PUBLIC POLICY

Volume 2, Number 4
Fall 1982

University of Maryland • College Park, Maryland 20742 • Telephone: 301-454-4103

Plowshares into Swords: The Political Uses of Food

To make its research easily available to a broad audience, the Center for Philosophy and Public Policy publishes a quarterly newsletter: *QQ—Report from the Center for Philosophy and Public Policy*. Named after the abbreviation for “questions,” *QQ* summarizes and supplements Center books and working papers and features other selected work on public policy questions. Articles in *QQ* are intended to advance philosophically informed debate on current policy choices; the views presented are not necessarily those of the Center or its sponsors.

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The United States produces and exports more food than any other nation, in a world where over a billion people are chronically malnourished and half a billion eke out an existence on the edge of starvation. Only a handful of nations produce more food than they consume, and the United States is chief among these, dominating the world’s food supply to a greater extent than all the nations of OPEC combined dominate the world’s oil. Such a vast productive capacity set against the rest of the world’s desperate need places the United States in a position of awesome power to determine whether its neighbors eat adequately or go hungry.

In recent years, the United States has freely wielded its “food weapon” to further both its own security and economic interests and the broader goals of world prosperity and peace. Presidents from Eisenhower through Carter and Reagan have used American food aid and sales to achieve their own foreign policy objectives, whether rewarding anti-Communist regimes for capitalist solidarity or punishing repressive regimes for human rights violations. Food exports have been manipulated to stifle criticism of the American military intervention in Vietnam, to chasten the Soviet Union for its military intervention in Afghanistan, and to forge peace accords for the embattled Mideast. The frankly political use of food aid is sanctioned by American law: Title I of Public Law 480 authorizes the use of food aid to develop foreign markets for American agricultural commodities and to complement U.S. foreign policy objectives; Title III links food aid to development programs (in contrast to Title II, which grants aid almost exclusively on humanitarian

grounds). And Section 116 of the Foreign Assistance Act provides for cessation of aid to nations whose governments engage in gross violations of human rights. Thus the use of food as a policy instrument has received legislative legitimation.

Some observers urge that food exports should become still more politicized, recommending that the United States join with other food producing and exporting nations to form a "FOPEC" (Food Producing and Exporting Countries) cartel on the analogy of OPEC. The lead article in the May 1982 *Readers' Digest* hails the use of food as "America's secret weapon," quoting Secretary of Agriculture John R. Block's assessment that "Over the next twenty years, food can be the greatest weapon we have." But others recoil from using food as a weapon, insisting that the starvation of millions of innocent persons—half of them children—must not be ignored or exploited to achieve political or economic ends.

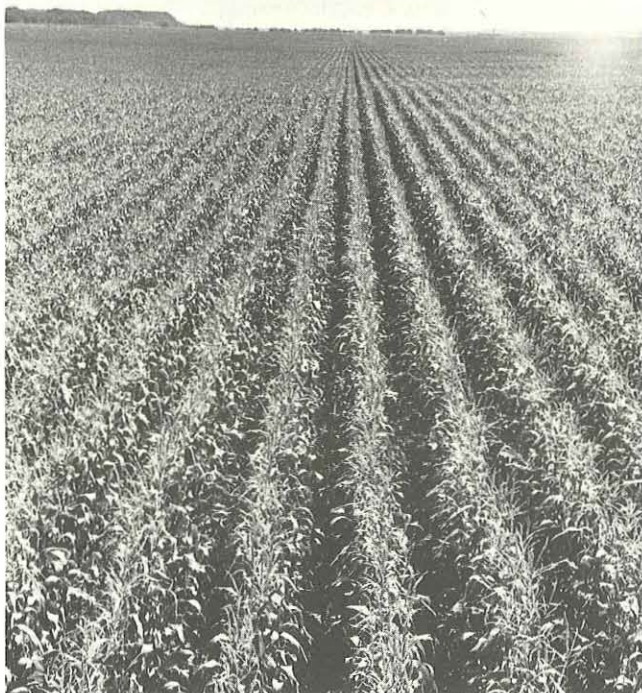
Is the political use of food a legitimate means to promote our military security and increase the export profits of our producers? Is it an acceptable tool for pursuing social, economic, and political justice and a stable world peace? Or is it wrong to use as a weapon or bargaining chip something which is the object of so central and universal a human need?

Food as National Property

The most extreme advocates of the politicization of food exports take the view that food is fully the property of the nation whose soil it is grown upon, just as oil is fully the property of the nation whose territory it lies beneath. America's abundant harvests were

grown on American soil; therefore they are ours, to distribute as we choose. On this view, it is both our right and our obligation to use the power that food represents; to reject or ignore the possibilities of using food to enhance our own position in the world and to increase the world's peace and justice is to squander a valuable opportunity bequeathed to us. Just as individuals are given talents and abilities which they are expected to use wisely and well both for self-improvement and for bettering the world around them, so are nations given natural resources which they are to exploit both in their own national interest and in the interest of the global community. Thus, Lowell Ponte, defending the political uses of food in the *Readers' Digest*, writes, "Should we consider food as a weapon? It is a power that destiny has put in our hands. Rather than reject it, we must consider the best and wisest ways to use this power to prompt development in other nations, to encourage cooperation, to discourage aggression."

Against this view it can be argued, however, that the fertile soil and long growing season that make possible America's agricultural bounty are not gifts of "destiny," but benefits arbitrarily parceled out by nature, to which their beneficiaries have no special moral entitlement. That oil lies beneath the sand of Saudi Arabia and wheat grows well in the soil of Kansas are arbitrary facts of nature, to which no moral significance should be imputed. As political philosopher Charles R. Beitz argues in *Political Theory and International Relations*, "The fact that someone happens to be located advantageously with respect to natural resources does not provide a reason why he or she should be entitled to exclude others from the benefits



Credit USDA Photo
by Jim Pickrell



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by Sheehan

that might be derived from them." The accidents of nature do not provide a secure foundation for morally decisive ownership claims.

Of course, a great deal of our agricultural productivity can be attributed to American technology, to our free enterprise system, and to the hard work of American farmers. These considerations do establish a special American claim to the fruits of our own labor. But this claim must always be set in the context of the original natural endowments which allowed technology, free enterprise, and hard work to be as spectacularly successful here as they have been.

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Furthermore, food is not just one commodity among others, some random stuff that the United States has a lot of. Food is an essential requirement of every human being on earth. As such, it is the object of a basic and widely recognized human right. Even were America's claim to the surplus produce of its farms more secure, it would still have to be weighed against the urgency of this universal human right, which is at present so tragically unfulfilled.

The view that food is national property to be disposed of as we please, then, is unsatisfactory. At the very least this means that America is not free to use food as a weapon for promoting just any of our own national interests, at the expense of the more pressing needs of others. Nor are we free to use food to multiply the profits of American producers and distributors, at least not while millions suffer from chronic malnutrition.

It may be difficult to separate out cases in which food aid or sales are used merely to promote our own national interest from cases in which a broader set of goals is furthered: even highly politicized Title I food aid is directed only to countries with an evident use for imported food. Daniel E. Shaughnessy, former Deputy Coordinator of the A.I.D. Office of Food for Peace, points out, "Even the most humanitarian program has a political element to it, and conversely even the most political program has its humanitarian aspects."

But we are nonetheless able to identify certain political or economic uses of food that are ruled out once we reject the view that American-grown food is simply *ours*. Clearly, food aid that harms its recipients while benefiting American agricultural concerns is illegitimate. It would be impermissible to encourage a taste for American wheat in foreign rice eaters, with

the goal of creating a dependency on American exports. Such an economic program has no redeeming humanitarian benefits. Nor would it be permissible to cut off badly needed food exports simply to curb expressions of anti-American sentiment in receiving countries. These are kinds of political and economic uses of food that must be rejected as unacceptable.

Politics-Blind Food Aid?

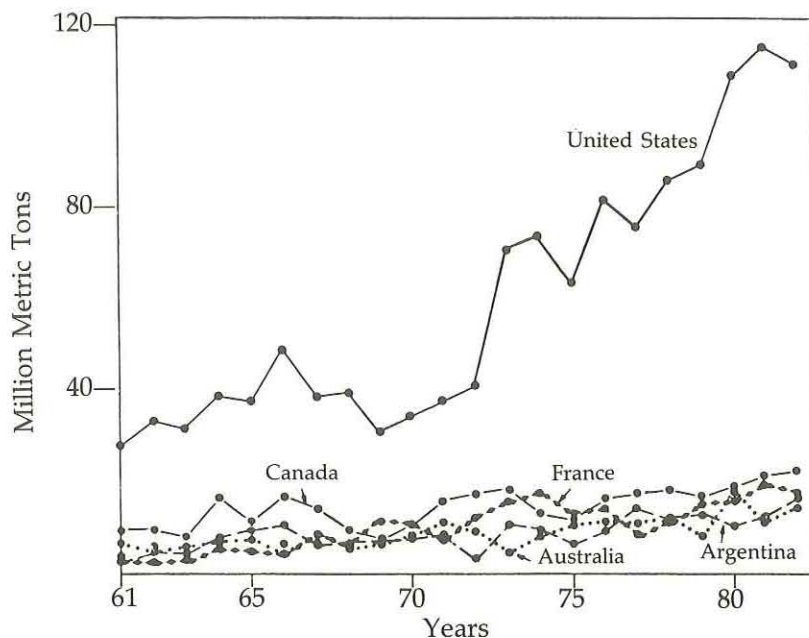
These considerations may suggest that *all* political uses of food are illegitimate, that food *aid*, at least, should be awarded strictly on nonpolitical grounds, directed solely to those most in need. Food should be allocated to the hungry, period, not to hungry anti-Communists, or hungry consumers of American exports, or even to hungry human rights activists. Philosopher Thomas Nagel writes that truly humanitarian aid "should be directed at the impoverished purely in virtue of their humanity. . . . Aid which simply lifts people off the absolute bottom and helps them to a minimally adequate diet addresses a need so general and basic that it is an inappropriate vehicle for the expression of political preference. . . . A humanitarian food aid policy would therefore base allocation solely on nutritional needs."

In at least two ways, however, all food aid is and must be inherently political. In the first place, it is individual persons who suffer from hunger, while food aid is often awarded on a national level. Problems thus arise in making sure that the neediest individuals in any country are indeed those who benefit from food aid granted to their government. Political and economic considerations are relevant here in ensuring that food aid accomplishes what it sets out to do—that it relieves the hunger of the hungriest. Second, all major food sales and grants have political, economic, and

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social consequences that go beyond the immediate relief of hunger. "No aid," Nagel recognizes, "can be entirely nonpolitical in its effects," and no responsible food export policy can refuse to take these into account.

Food policies that are directed toward national governments must pay attention not only to a recipient nation's aggregate wealth or food supply, but to how wealth and food are internally distributed. In countries where wealth is greatly concentrated, as it is in much of the Third World, food and development aid may do little or nothing to relieve the misery of the poorest people, and may even aggravate distributional in-



**Total Grain Exports
Major Exporting Countries
1961-1982**

Source: U.S. Dept. of Agriculture

equities by channeling additional income and influence to the already better off. Likewise, food aid directed impartially toward the hungry of all countries, regardless of their political systems or the human rights records of their governments, may serve only to prop up tyrannical regimes or stave off revolutionary reforms. Thus, politics-blind food aid can work against the welfare of those it is designed to help most.

Among the most important ancillary consequences of food aid are its impact on Third World development and population growth. Food aid may work either to encourage or discourage development, and development may be either beneficial or harmful to the worst-off in an underdeveloped country. Food aid may perpetuate dependency, stalling programs to boost domestic production and to achieve self-sufficiency; food aid directed at stimulating development may disrupt local patterns of subsistence and undermine traditional cultures. Anthropologist Norge Jerome calls attention to "the tragic and costly effects of public and private economic development programs on millions of individuals throughout the world. The demands of economic development programs have often triggered rapid changes in the traditional system of food production, processing, distribution, and consumption, and a decline in . . . nutritional status." There is currently a great deal of debate among economists and anthropologists over what sorts of development our food aid should be targeted to stimulate or avoid. Food aid cannot be given out without some sensitivity to these debated consequences.

Food aid also has complicated and disputed implications for a nation's population growth. Opponents of food aid often claim that it pits the present poor against the future poor, by allowing the current generation of parents to continue to produce too many future

children. On their scenarios, food aid averts a smaller famine today only at the price of creating a larger famine tomorrow. These critics recommend that food aid be channeled only to countries which are making a good faith effort to control their rate of population growth, by linking food aid to contraceptive practice.

But such linkage might well be counterproductive. In the developed industrialized countries population curves have fallen off only *after* a certain level of prosperity was achieved. Population control seems to be itself dependent on the availability of adequate supplies of food. One leading explanation of this phenomenon is that parents limit family size once child mortality rates have lowered sufficiently to assure them that what children they do have are likely to survive. As explained by Michael F. Brewer, former president of the Population Reference Bureau, this "child survival hypothesis . . . suggests significant changes in the content and staging of U.S. aid programs," with family-planning efforts carefully coordinated to follow programs of food aid and development. If aid levels are too low, or family planning programs ineffective, food aid may exacerbate the very problems it aims to alleviate. Once again, food aid cannot be parceled out with an oblivious eye to its other implications.

Food for Peace and Prosperity

The use of food aid to control population growth raises the question of the moral legitimacy of using the promise of food or the threat of its withdrawal to manipulate the behavior of individuals and nations. To make population control a condition of receiving food may seem a coercive interference in the internal affairs of sovereign nations, as well as in the very private and personal decisions individuals make about

the size of their families. Shaughnessy dismisses efforts to link food aid with population control by asking, "Would the United States accept any foreign proposal that carried with it the caveat that we would have to meet birth control criteria?"

In the case of population control, food is used as an incentive to behavior that will end up reducing future hunger. Food is used, at least indirectly, to ensure the adequacy of future supplies of food. The same might be said of food programs designed to encourage or discourage various development patterns: the end goal of the manipulative pressures is to establish a solid agricultural base to feed future generations.

In other cases, however, food has been used manipulatively to achieve ends much less clearly related to the reduction of world hunger. President Carter, for example, cut off PL 480 food aid to Pinochet's Chile and Somoza's Nicaragua as part of his campaign against human rights violations. Both Kissinger and Carter used promises of increased food aid to bring about an Egyptian/Israeli peace settlement, dramatically increasing food aid to Egypt after Sadat's signing of both the Sinai peace agreement and the later Camp David accord. Recently Lester R. Brown of the Worldwatch Institute has suggested that U.S. grain sales to the Soviet Union might operate as a possible deterrent to any future nuclear exchange.

Is food an appropriate diplomatic tool for protesting human rights violations and giving peace its best chance? Despite the worthiness of the goals in these instances, it may still seem that food is a singularly inappropriate instrument of behavior modification—that, although the consequences of food aid and sales must be carefully weighed and assessed, it is wrong to use food to apply deliberate manipulative pressure on the governments of hungry people. The offer of food or the threat of its withdrawal can have an irresistible coercive force. It may seem unfair to use food as a diplomatic lever, however high the stakes.

It seems overly fastidious, however, to refuse to make any distinctions among the ends for which food aid or sales may or may not be manipulated. To use food exports as a tool for ultimately improving world nutrition levels, or to dampen the nuclear arms race, is very different from using them to punish developing countries for trade with Cuba or the Soviet Union. That food is a central human need and the object of a basic human right does not make food exports sacredly immune from diplomacy and negotiations that may even work to ensure greater satisfaction of that need and protection of that right. Nor is the right to food the only right that we care about protecting. Rights not to be tortured and rights not to be killed are very weighty as well, and manipulation of food to secure these rights may be fully justified.

How, then, do we sort out acceptable from unacceptable uses of food? One first try at a principle is this: food exports may be used politically with the objective of reducing world hunger or preventing conditions that are equally grave and distressing, such as immi-

nent war and widespread and egregious violations of human rights. It is not wrong to withdraw food aid or sales from repressive regimes to punish their systematic violation of international human rights; it is not wrong to promise food aid or sales to belligerent regimes on the condition that they abstain from the horrors of war.

Two caveats are in order, however. The first is that the political use of food carries with it the ever-present danger of self-deception and outright dishonesty. It is all too easy to convince ourselves that U.S. economic and security interests just happen to coincide with the needs of the hungry. Those who believe, or pretend to believe, that the menace of spreading Communism is an evil on a par with mass starvation will feel justified in diverting food from those who may need it most. Thus shipments of food to famine-stricken Bangladesh were delayed in 1974 when the United States discovered that that nation had sold jute to Cuba. There may well be good practical reasons for a near-universal ban on such overtly political manipulations of food. Otherwise we may find ourselves covertly filtering food aid and sales through the blinders of our own self-interest.

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Second, even the most sincere efforts at making the world better may tragically misfire. Thus Jerome points to the dangers of well-intentioned development programs that work only to increase the poor's poverty and powerlessness; Brewer warns that the child-survival hypothesis is only weakly supported by available evidence, so that inadequate food aid programs may contribute to inadvertent population crises. Perhaps in the face of such widespread uncertainty we should harbor no grand schemes for using food to bring about any major international improvements. Our only sure truth seems to be that a quarter of the world's people are severely malnourished, and half of these are young children, innocent if anyone in this world ever is. Thus all we can do is to act, as sensitively and sanely as possible, minimizing whatever inevitable damage we unwittingly cause, remembering that in the final analysis, food is for eating and not for waging even the noblest political and ideological crusades.

The views of Daniel E. Shaughnessy, Thomas Nagel, Norge W. Jerome, and Michael F. Brewer are taken from their contributions to Food Policy: The Responsibility of the United States in the Life and Death Choices, edited by Peter G. Brown and Henry Shue (New York: The Free Press, 1977); other chapters in that volume also discuss many of the issues addressed here. To order Food Policy, see page 15.

Why We Should Preserve Nature

It seems that we have duties to respect all living creatures, even the lowest-order animals and plants; to avoid causing the extinction of any species; and to preserve complex parts of the environment like a tropical rain forest or the Grand Canyon. If we ask how we can account for these duties of preservation, one possibility is to list the benefits that accrue to us from acknowledging them: tropical rain forests are central to the whole planetary ecology; currently obscure species can turn out to yield new drugs or new genetic material for agricultural exploitation. Other instrumental arguments are based on "aesthetic utility": we should preserve particular natural features or particular species because they embody qualities we value (as the lion embodies courage), or because we find them pleasing.

Instrumental arguments like these are numerous, varied, and significant, but they do not satisfy us entirely. They entail that if some species is not ecologically essential, and if it will produce no wonder drug or wonder crop, then whether we have a duty to preserve it depends on whether we like it. The content of our duties of preservation will depend heavily on accidental features of human preferences. This seems wrong. Furthermore, even in the case of the tropical rain forest, whose present utility is not in doubt, it seems wrong to claim that we should preserve it *merely* because it is essential to our carrying on our lives and pursuing our current goals and satisfactions. Our duties of preservation demand a more solid foundation than our own changeable needs and fancies.

On the other hand, suppose we try to account for duties of preservation without such instrumental arguments. It seems then we must claim that the natural world is valuable in itself. But if we imagine a universe in which there is no life form higher than the nematode, and if we ask whether it is better for that universe to exist than for there to be nothing at all, many of us would be inclined to say that it is not

better—between the existence and non-existence of such a universe, there is nothing to choose. The existence of value seems to depend somehow on the existence of fairly sophisticated consciousness. If we claim that natural entities without any minimally sophisticated conscious lives of their own—the nematode, the lousewort, the Grand Canyon—are valuable in themselves, we contradict this basic intuition that value and consciousness go together.

Standard attempts to explain duties of preservation without explicit reference to the link between value and consciousness get whatever plausibility they have by talking in a way that tends implicitly to impute consciousness where none exists. Claims that non-human entities—animals, plants, rivers, the "biotic community"—have rights either are merely disguised claims that humans have duties regarding these entities, or else presuppose developed consciousness in these entities, since any notion of rights that has enough substance to serve as a *basis* for duties drives us to think about rights as protections for the activities of rational, moral agents. Claims that every living creature has a "good of its own" that generates duties toward it invite us implicitly to think of oak trees and louseworts as engaged in conscious valuation and striving after some "good" they have chosen or acknowledged. The lesson is that hardly anyone is willing to face the claim that value depends on consciousness and deny it outright.

We are faced, then, with a dilemma. How can we explain non-instrumental duties of preservation without denying the connection between value and consciousness? Why do we have any non-instrumental duty to protect the Grand Canyon if the Grand Canyon is not somehow valuable in itself?

Knowledge and Pleasure

The solution is this. Borrowing an idea from philosopher G. E. Moore, we should regard as intrinsically valuable, not the Canyon itself, but the *complex* consisting of the Grand Canyon, plus knowledge of the Grand Canyon, plus pleasure in that knowledge. Consider a person Jones, who has some knowledge of the Grand Canyon and who takes pleasure in that knowledge. What is valuable is the "organic unity" consisting of the Grand Canyon, Jones's knowledge of the Grand Canyon, and Jones's pleasure in her knowledge of it, when these occur together. This does not entail that any individual element—the Canyon,

This article is a substantially condensed adaptation of "Duties of Preservation," by Donald H. Regan, Center for Philosophy and Public Policy Working Paper PS-1©1982 Donald H. Regan. This is the first working paper to be produced from the Center's research project on the Preservation of Endangered Species, funded by the National Endowment for the Humanities and the National Science Foundation. Together with other essays from the project, it will appear in The Preservation of Species, edited by Bryan G. Norton and Henry Shue, Maryland Studies in Public Philosophy, in preparation. To order "Duties of Preservation," see page 15.

or Jones's pleasure—is valuable on its own. What is intrinsically valuable is Jones's pleasure in the Canyon and in her knowledge of it, as an inseparable whole.

To say that something is intrinsically valuable is to say that it is good in itself, abstracting from its causes or consequences, and abstracting from its relationships to other things. It is good just for what it is, and a universe that contains it is the better for containing it.

If something is intrinsically valuable, then any moral agent has a moral reason to try to bring it into existence or to preserve it if it exists already. This is not to say that the agent has a conclusive moral reason: one may

cruelty, plus Jones's pleasure in her knowledge of Smith's cruelty is intrinsically valuable. The non-substitutability might seem to require as explanation that the Grand Canyon *itself* is intrinsically good, and that Smith's cruelty *itself* is intrinsically bad. But the relevant difference between the Grand Canyon and Smith's cruelty is that while Smith's cruelty *is* bad in itself, the Grand Canyon has *no* value in itself, only potential value as a possible component of a valuable complex. On the other hand, any other natural object *can* stand in for the Grand Canyon in such a complex: any individual creature, species, ecosystem, type of



Credit National Park Service Photo by George A. Grant

have to choose between the existence of two intrinsically valuable things, or weigh intrinsic value against instrumental value or disvalue. To say that something has intrinsic value is not to say that it must have absolute value, or that it cannot have instrumental value or disvalue as well. But it is to say that, other things equal, a moral agent has a duty to preserve or foster it.

What other complexes, constructed on the model of the Grand Canyon-Jones complex, are intrinsically valuable? Clearly, if we replace Jones by any other conscious agent capable of having the same sort of knowledge of the Canyon and taking the same sort of pleasure in it, the resulting complex will still be valuable. But there are limits on what sort of objects we can substitute for the Grand Canyon. We cannot put "Smith's cruelty" in place of the Grand Canyon and claim that the resulting complex consisting of Smith's cruelty, plus Jones's knowledge of Smith's

ecosystem, geological formation, or natural process. Every one of these things can be part of an intrinsically valuable complex if it is conjoined with some human (or sufficiently intelligent and self-conscious) being's knowledge of it and her pleasure in her knowledge.

Since any natural object can be part of a valuable complex, if we know the object and take pleasure in knowing it, we have a reason to promote its existence. If we do not know the object or take pleasure in knowing about it, then we ought to do so. We are capable of learning about any natural object, and we are capable of learning to take pleasure in knowledge of any natural object. Thus, we have a reason to preserve any natural object.

This argument gives us a non-instrumental argument for preserving natural objects, without denying the intuition that the existence of value depends somehow on consciousness. On the present argument, it is *not*

the case that we have a reason to preserve a natural object only if it is economically useful to do so or if we happen to like it. It is true that our having reason to preserve every natural object depends on our having at least the potential for knowing about and taking pleasure in every natural object. But we do have, and ought to develop, this potential. If we ignore this potential, the argument for preservation does not disappear. The central objection to traditional instrumental arguments for preservation is that they make the case for preservation depend on accidental or arbitrary facts about our needs and preferences. The present argument depends on only one deep fact about us, which seems too fundamental to be regarded as accidental or arbitrary.

Some Examples

It may clarify how the theory works if we look at some examples of how it guides us in making choices about preservation policies:

1) In cases where we are forced to choose, should we protect two individuals of some common species or the last two (mating) individuals of a rare species? Whichever pair of individuals we protect, we save two individuals (whose existence we know of and take pleasure in); but if we protect the rare individuals, we also save a species which would otherwise disappear. Because the species is a separate "natural object" to be known and appreciated, saving the species is a separate, additional good.

2) Should we *prevent* the extinction of a species which seems to be disappearing in the natural course of events and not because of human intervention? On our theory, there are considerations to be weighed on both sides, for not preventing an extinction is quite a different thing from causing an extinction. This difference is explained by the fact that natural processes are potentially valuable natural objects just as species are. If we cause an extinction, we destroy both the species and its natural "trajectory." If we prevent an extinction, we save a species, but also interfere with a natural process in a way we would not be doing if we allowed the extinction.

3) Should we preserve dangerous things, such as the smallpox virus and rats, or things which are generally thought ugly, like banana slugs? Our theory says we should—or at least, that we have *reason* to preserve the smallpox virus and that the reason is of the same type as the reason for preserving butterflies. If the consequential costs of preserving the smallpox virus are too great, then on balance we should extinguish it. Calculating the consequences and striking the balance may be very complicated. But that the smallpox virus is dangerous to people does not mean it is not worth knowing about and even taking pleasure in knowing about. No more does the "sliminess" of the slug make it unworthy. "All God's creatures" are worth our attention.

4) Is it permissible to destroy something, like a laboratory animal or the natural operation of some

natural process over a particular stretch of time, in order to increase our knowledge of the thing we destroy or of similar things? On our theory, this destruction may be justified. The value of our knowledge of and pleasure in anything is increased if the knowledge increases. In some cases, then, the destruction, which should always be cause for regret, will produce adequate compensating benefits.

5) Should we focus our efforts at preservation on rare species or on rare ecosystems? At least in principle there is a difference between protecting species and protecting ecosystems. We can easily imagine an ecosystem which contains only common species, but which is nonetheless special as an ecosystem because the species interact there in unique ways. Similarly, we can imagine a rare species which inhabits only one ecosystem, but which does not make that ecosystem as such specially interesting because an identical role is played by a similar but common species in many otherwise identical ecosystems. Given this difference in principle between protecting rare species and rare ecosystems, our theory says we should protect both.

6) If we can preserve only a limited number of endangered species, what makes one species intrinsically more worth preserving than another? We ignore here questions about the *instrumental* value and disvalue of species, realizing that it is likely in many cases that instrumental considerations will completely swamp considerations relating to the intrinsic worth of the species themselves.

Our theory implies two clear general principles. First, more complex life forms are more valuable than less complex, other things being equal. A ferret is more valuable than a centipede, which is more valuable than a rose. The more complex object is more valuable just because it provides the opportunity for more knowledge: there is more to be known about a complex object than about a simple one. This ranking generally remains the same for individuals or species, though there may be exceptions. Social insects, for example, exhibit complexities of behavior *as species* that would be unknown to us if we knew these insects only as individuals. So in this case the species is relatively more valuable than we might think after considering only the (apparent) complexity of individuals.

Second, other things being equal, a species is made more valuable by belonging to a sparsely populated genus, family, or order. Taxonomically isolated species are likely to represent unusual modes of adaptation; their existence increases the diversity of nature. That means both that there is more to know about what exists, and that a complete knowledge of what exists entails a greater knowledge of nature's possibilities.

Needless to say, the values of complexity and diversity embodied in these two general principles may conflict. We might be compelled to choose between a complex species in a richly populated genus and a simpler species which has no congeners at all. But our choices throughout will be guided by the goal of producing a greater wealth of natural objects for conscious valuers to know and take pleasure in knowing.

Patients, Clients, and Workers: The Right to Decide

- A patient undergoing a breast biopsy refuses to sign a consent form authorizing her doctor to perform whatever procedure he judges to be in her best interest. Aware of the medical controversy surrounding different ways of treating malignancy, she has resolved to look carefully into her available options and to come to her own decision.
- A lawyer tries strongly to dissuade her client from pleading guilty to the greater of two charges after he is arrested for a drunken driving fatality. But the client holds fast to his decision to confess his crime publicly and expiate his guilt in prison.
- When a chemical company geneticist uncovers evidence of undue chromosome breakage among workers (a possible precursor of cancer), the company refuses to inform anyone, claiming that it would be irresponsible to create premature alarm. But disclosure would permit workers to make better informed decisions about the levels of risk they are willing to bear.

Patients, clients, and workers are frequently faced with decisions that importantly affect the rest of their lives. In the three cases above, the patient must choose between disfiguring surgery or possible death from cancer; the client must choose between severe loss of liberty and a tortured conscience; the workers must choose between unemployment and risk of cancer. Doctors, lawyers, and employers frequently exercise their authority and expertise to relieve or deprive other individuals of their decision-making responsibility. In our three cases, some professional authority seeks to intervene in the choice to be made: the lawyer tries to pressure the client to make a certain decision; the employer withholds information necessary for a knowledgeable decision; the doctor tries to take the entire burden of the patient's decision on himself.

At issue in these cases is a conflict between the autonomy of patients, clients, and workers and the authority of those who at least purport to be acting on their behalf. The doctor claims to know better what medical procedures will maximize his patient's chances of full recovery; the lawyer claims to know better what course of action is in her client's long-term interests, dispassionately assessed; the employer claims to have a clearer and calmer understanding of workplace risks. But patients, clients, and workers may reject the intervention of even the best-informed and best-intentioned experts as unjustified paternalism. They may refuse to allow decisions to be made on their

behalf unless they have first freely given their fully informed consent. Decisions that affect the whole course of their futures, they claim, are theirs and theirs alone.

The conflict between personal autonomy and professional authority can arise at two different points in the decision-making process. When both parties share the same goal (curing the patient's illness, winning the client's case, protecting workplace health and safety), they may differ on the best means of achieving that goal. Patients, clients, and workers may disagree with doctors, lawyers, and employers about how to bring about an outcome jointly desired. A conflict can arise as well at the prior stage of choosing the goal or end to be pursued. Patients, clients, and workers may have quite different goals from those of their doctors, lawyers, and employers. Furthermore, their goals may differ from those that even well-meaning others think they should have. Professional authorities may honestly devote themselves to furthering what they consider to be the best long-term interests of those in their care. But most of us have values that go beyond our best long-term interests.

When conflict arises over the choice of means to an end, a stronger case can be made for allowing expertise to overrule autonomy. But both in choosing means and in choosing ends, personal autonomy has a value that merely prudential considerations cannot usually outweigh.

Choosing Means

When a dispute concerns only how some common goal is best to be achieved, there would seem to be a strong presumption in favor of leaving the final decision to the experts. The doctor has had years of medical education followed by years of clinical experience; the lawyer has devoted her professional life to figuring out how to get the best deal for countless clients; let us suppose that the employer is especially well placed to assess difficult technical information about workplace risks.

In his recent book, *Doctors' Dilemmas: Moral Conflict and Medical Care*, Samuel Gorovitz places this question in the mouths of many physicians: " 'Are we to interrupt [our patients'] illnesses . . . in order to send them through medical school so that they can understand as we do what their problems and options are?' " He notes that critics of the biopsy patient hold that "it was foolish of her to think that she could make a better decision than her physicians about an issue so complicated that even the medical community was having difficul-

ty deciding what the best course of treatment should be in cases like hers."

The courts have held that lawyers are permitted, and indeed encouraged, to override a client's decision regarding legal tactics. In *Nelson v. State*, the court denied the appeal of a client who protested that his attorney had not utilized the defense strategy he recommended: "Our reasons are that only counsel is competent to make such a decision. . . . One of the surest ways for counsel to lose a lawsuit is to permit his client to run the trial."

"The right to make choices about the fate of one's body does not presuppose a good understanding of the consequences of the choices one makes."

Allowing patients, clients, and workers final authority—or even full participation—in the decision-making process poses potential risks that they will end up injuring their own interests. Gorovitz cites charges that medical decision-making is hazardous to one's health: "Patients, because of their necessarily limited understanding, may make decisions that are detrimental to their own health. Also, there is a danger that patients will be more directly harmed by the fears and anxieties induced by a more accurate understanding of the risks and discomforts they actually face." The court in *Nelson* ruled that "if such decisions are to be made by the defendant, he is likely to do himself more harm than good." Mary Gibson, in her forthcoming book, *Workers' Rights*, lists common reasons given by employers for withholding information about workplace hazards: workers will not understand the information correctly, will misinterpret the information, and will become "unduly alarmed." Thus they may be led needlessly to jeopardize their own interest in continuing employment.

Full patient, client, and worker involvement in decision-making has other costs as well. "The time and effort required to produce a high level of understanding by the typical patient," Gorovitz writes, "are more than can reasonably be allocated by the typical physician without placing the fulfillment of other responsibilities in jeopardy, so moral costs are associated with informing patients fully." Lawyers who fully respect client autonomy would also be required to make a far greater investment of time and energy to educate clients about their full range of legal options. Gibson suggests that these other "costs" of informing workers about health and safety risks are indeed the central issue: "The real issue behind that of the right to know . . . is control of the workplace. Employers foresee (correctly) that recognition and implementation of the right to know threatens to undermine what has long been recognized as the employers' prerogative to make all

decisions about what to do and how to do it."

None of these considerations, however, tells against the patient's, client's, or worker's *right* to make important decisions regarding his or her fate. Gorovitz explains: "First, the fact that the patient's knowledge will always be imperfect, and will often be inferior to the physician's, does not alter the fact that the patient has dominion over his or her own body, such that (except in an emergency or other circumstances of radically diminished capacity) treatment imposed without permission is abuse. Secondly, the fact that knowledge is *imperfect* does not imply that it is *inadequate* for the purpose at hand. Thirdly, the fact that a patient may, will, or does make the wrong decision about treatment does not entail that the patient lacks the right to make that decision. . . . The right to make choices about the fate of one's body does not presuppose a good understanding of the consequences of the choices one makes." Likewise, the client has a right to make his own decisions about legal matters even if his decision turns out to be the wrong one.

There is a danger, furthermore, that claims of the ill effects of informed decision-making may be exaggerated and self-serving, particularly in the workplace, where the underlying interests of workers and employers are likely to diverge. "When employers talk about workers becoming unduly alarmed," Gibson writes, "what they really mean, I suggest, is alarmed enough to want to do something about the hazards they face and to participate in decisions about them." Far from counting increased worker control as a cost of informed consent, Gibson treats it as one of its chief virtues: providing the conditions for genuine consent to workplace risks is a first step toward affirming the right of workers to make a wide range of decisions importantly affecting their lives.

"When employers talk about workers becoming unduly alarmed, what they really mean, I suggest, is alarmed enough to want to do something about the hazards they face."

Choosing Ends

However strong the case for allowing expertise to limit autonomy in the choice of means to some common end, the case for limiting autonomy in the choice of ends is far less convincing. Experts in any one professional field have no special expertise in the broader questions of how we are to live our lives. Thus Gorovitz writes, "Medical decisions are often too important to be made on medical grounds alone. . . . The wrong decision from a purely medical point of view may thus not be the wrong decision from the broader perspective of the patient's life." Many things matter to us besides our health and our liberty, even besides

the length of our lives—things like the quality of our lives, or what they stand for or achieve.

We may pursue ends that we value deeply even though their pursuit is not in our own long-term self-interest. When we do, David Luban argues in "Paternalism and the Legal Profession," it is unjustified for a lawyer to overrule our values, even if he does so only by appeal to our own interests. Interests, according to Luban, are such things as freedom, money, health, "those goods that enable the person to undertake the normal range of socially available actions." These things are good for us to have, in some sense, however much or little we care about them: "whether or not a person wants money or values freedom, in our society it is in the person's interest to have money and freedom." But values, unlike interests, are definitive of the person who holds them: "Values . . . are those reasons [for acting] with which the agent most closely identifies—those that form the core of his personality, that make him who he is."

Because of the special role that our values play in defining who we are, Luban argues, "to change a person's values by main force, or to override them, directly assaults the integrity of his or her personality." This means that a lawyer or judge must tread gingerly in any paternalistic intervention that addresses itself to the client's own values and goals. The lawyer in our opening example, for instance, has no business overruling her client's desire to expiate his guilt, for he values the expiation in a way that he does not value his liberty. The lawyer cannot decide that the client's "true" values must be in better accord with what the rest of us would choose to do in his situation; the client's true values are just *his* values, and the lawyer must respect them as such.

If it is impermissible to overrule someone's values in the name of that person's interests, even less justifiable is overruling someone's values in the name of someone else's interests. When workers are denied the right to make informed decisions about the risks that face them in the workplace, all too often what is at stake is the employer's competing interest in avoiding the added expense or inconvenience of reducing those risks or in making sure that the workers are not in a position to demand shared decision-making power in assessing risks. Such a clear willingness to use workers as a means to employer ends, on Gibson's view, is nothing more than a flagrant violation of workers' rights.

Conclusions

Control over one's own fate must be of central importance in any human life. For Gorovitz, medical procedures performed on patients without their informed consent constitute bodily assault; for Luban, legal procedures undertaken in defiance of a client's values constitute an assault on personal integrity; for Gibson, exposing workers to health and safety risks without their informed consent violates their rights to make decisions that affect the rest of their lives. Fulfilling rights may have costs, and these have their place in moral deliberation. But the costs of permitting assaults on an individual's body, integrity, and dignity as a person may be greater still.

Samuel Gorovitz's views are taken from Doctors' Dilemmas: Moral Conflict and Medical Care (New York: Macmillan, 1982); Mary Gibson's views are taken from Workers' Rights, forthcoming from Rowman and Littlefield; David Luban's views are taken from "Paternalism and the Legal Profession," Wisconsin Law Review 1981, no. 3: 455-93.

The Moral Foundations of Assertiveness Training

As the "me decade" spills over into the 80s, assertiveness training has come of age. Assertiveness manuals crowd the self-help shelves of chain bookstores; assertiveness courses, counseling, and workshops proliferate in adult education catalogs—all designed to teach and inspire trainees, primarily women, to "start living your own life NOW," without being anybody's doormat. This marriage of feminism and pop psychology proceeds with the dual objectives of proclaiming rights and debunking obligations. The centerpiece of most assertiveness theory is some "bill of rights"; one manual goes as far as reprinting the splendidly irrelevant "Universal Declaration of Human Rights," but most content themselves with rights to

"express feelings" and to make mistakes. As trainees learn to stand up for their rights, they learn as well to refuse false obligations without feeling guilty.

Obligations and rights are the stuff of moral theory, and a good deal of moral theory underlies assertiveness training. It is not, however, very good moral theory. It is not surprising that assertiveness counselors do not spout Kant and Mill; indeed, one is rather glad that they don't. But insofar as the moral theory of the assertiveness school is seriously confused, its proponents undermine their own aim of not only teaching but *legitimizing* assertive behavior. For assertive behavior may be more forcefully justified by moral considerations that its proponents ignore.

Saying No and Making It Stick

Your friend wants a ride to the airport after work, but you had planned to go to the weight room instead. The *non-assertive* person mutters to her friend that she guesses she can change her plans, hoping that he'll note her lack of enthusiasm and withdraw the request. She ends up driving him, fuming all the way. The *aggressive* person snarls, "No way! Don't you ever stop to think that maybe other people have better things to do than chauffeur you all over town?" The *assertive* person, maintaining direct eye contact and upright, self-confident posture, says pleasantly but firmly, "I realize how hard it is to find a ride to the airport, but I've already made other plans, and so I won't be available to drive you."

Such scenarios fill many chapters of assertiveness manuals, as the non-assertive, aggressive, and assertive models deal with pushy salespeople, noisy neighbors, and intrusive in-laws. The assertive course of behavior in most cases is immediately obvious, clearly the most sane and sensible strategy to follow. But realizing the best course and pursuing it are two different things, and assertiveness training provides techniques that enable trainees to assert themselves even in the face of considerable pressure. These techniques include an initial acknowledgment of the other person's point of view ("I realize how hard it is to find a ride to the airport. . .") and "broken record" repetitions of the refusal ("I'm sorry, Harry, but I'm NOT DRIVING YOU!") More important, assertiveness training works to convince trainees that it is "their perfect right" to assert themselves; the trainee has no obligation to drive her friend to the airport and any number of rights not to. Clutching the assertive bill of rights in her hand, the trainee can refuse the request without guilt; she can feel morally confident in letting herself do what she wants to do.

Assertive Rights

The bills of rights presented by assertiveness theorists, however, are a very mixed bag of genuine and spurious rights, insofar as it makes philosophical sense to call them "rights" at all. Rights are usually taken to correspond to obligations of action or forbearance on the part of someone other than the right-holder, but assertive rights do not entail any such corresponding obligations. Each person is responsible for looking out for his own assertive rights, not for the other guy's. (I have a right to assert myself; you have a right to assert yourself; and may the most assertive one win.) When assertiveness counselors state, "You have the right to change your mind," they mean only that it would not be *wrong* for you to change your mind. Thus when they say, as they all do, "You have the right to say no without feeling guilty," the latter clause is essentially redundant, for an assertive right to say no just means that guilt for saying no is inappropriate.

Are all assertive rights truly rights even in this sense?

The lists range from "the right to have and express your own feelings and opinions" and "the right to change your mind" to "the right to judge if you are responsible for finding solutions to other people's problems" and "the right to offer no reasons or excuses for justifying your behavior." Recognizing that no rights are absolute or unqualified, the first two of these rights seem uncontroversial enough. But the second two purported rights seem flatly unacceptable. Is world hunger someone else's problem that you are free to disclaim responsibility for solving? If a child tumbles into a shallow pool, is his danger of drowning his problem or yours? And clearly we cannot disavow obligations to explain or justify behavior that adversely affects other people. Our reasons for acting often make all the difference in morally assessing what we do, and no purported assertive right can license us in withholding them.

Even genuine assertive rights need to be qualified and hedged about in various ways, but assertiveness manuals provide only scant consideration of the grounds on which such rights may be curtailed or overridden. Some manuals point to prudential reasons for deciding on certain occasions not to exercise assertiveness, when assertiveness may be counterproductive. (Don't tell the armed burglar, "I understand that times are tough all over and I'm sure you need the money, but I'm NOT GOING TO GIVE IT TO YOU.") Assertiveness is doomed as well in confrontations with *pathologically* non-assertive persons (though trainees are reminded that such individuals are extremely rare). In these cases, trainees may choose to be non-assertive (itself, on some accounts, an assertive right).

Other manuals permit assertive rights to be qualified by moral as well as pragmatic considerations. These usually take the form of the tired proviso that rights may be exercised so long as nobody else gets hurt: "each person has the right to be and express her/himself, and to feel good (not guilty) about doing so, as long as she/he does not hurt others in the pro-

Drawing by C. Barsotti; © 1982
The New Yorker Magazine, Inc.



"Damn it, Cruikshank, just say what you have to say in plain English."

cess." (*Stand Up, Speak Out, Talk Back!*) But this is not a helpful guide to action, for most assertive acts *do* hurt someone else, even quite painfully ("I understand how hard it must have been for you to call me, John, but I don't want to go out with you.") In some cases, the other person's hurt provides no reason not to assert oneself; in others, the hurt overrides whatever right one might otherwise have had. But morally based criteria for sorting out these cases are just what assertiveness training does *not* provide.

Some assertiveness experts go as far as dismissing the possibility of moral criteria altogether. Manual J. Smith, in *When I Say No, I Feel Guilty*, claims that "systems of right and wrong are used to psychologically manipulate people's feelings and behavior.... There is no absolute 'right or wrong' moral way to behave. There are only the personal ways each of us chooses to behave." He recommends that trainees practice recasting any sentence containing "I should" into a sentence containing "I want." Smith in this way avoids wrestling with moral qualifications on his list of "prime human rights," but any moral cachet his rights might otherwise have had is absolutely undercut by such sweeping moral relativism. If morality has no binding force, then there are no moral obligations, but also no moral rights.

Other authors treat assertiveness theory as essentially a morally neutral technique for allowing the individual to make his own free choice about when and how to assert himself. Thus Robert E. Alberti and Michael L. Emmons explain their purpose in writing *Stand Up, Speak Out, Talk Back!*: "If an individual can act assertively under given conditions, but *chooses* not to, our purpose is accomplished. If he is *unable* to act assertively... his life will be governed by others and his mental health will suffer." Assertiveness training, on such a view, is like graduate school in nuclear engineering: it teaches you how to do things, but doesn't tell you what to do. Again, however, the assertiveness theorist cannot have it both ways. If assertiveness training teaches trainees not only *how* to stand up for themselves, but that it is *all right* to do so, it has to include some directions on when it is all right and when not, and why.



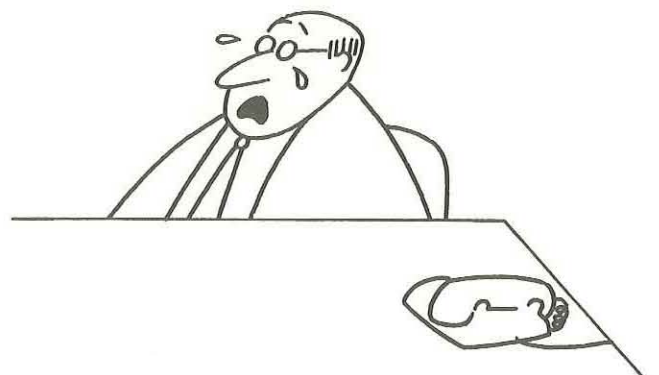
Assertive Obligations

Assertiveness theorists write much about rights, and little, if anything, about obligations, except to undermine their superstitious hold on the timid imagination: you do not have an obligation to visit your parents every weekend for the rest of your life, or to listen to a blaring stereo at three in the morning, or to buy a pair of shoes just so that the salesperson will not be disappointed. But just as there are specious rights and genuine rights, so there are specious obligations and genuine obligations.

If there are any obligations at all, there is an obligation to treat other people with respect for their fundamental dignity as persons, and this, as much as any bill of so-called rights, seems to be at the core of what is best about assertiveness training. For assertiveness training proceeds on the assumption that most other people are most of the time mature, rational, strong, and fair enough to hear you express your feelings and opinions, to accept your refusals, to entertain your requests. Assertiveness training takes this assumption as a basic *fact* about human nature. But it also serves as the ground for a basic *obligation*.

In *The New Assertive Woman*, Lynn Z. Bloom, Karen Coburn, and Joan Pearlman warn against the "irrational belief" that "people are so vulnerable that if we assert ourselves they will fall apart. Our own experiences contradict that. Nor is it rational to assume that our relationships with people are so fragile that they can't survive some ups and downs." We need not hold a double standard whereby we ourselves welcome constructive criticism and honest communication, but fear that other people will not be able to react maturely and sensitively to them. By and large, human beings are psychically pretty sturdy. The belief in their exaggerated fragility is just plain false.

It is also demeaning. Other people not only can handle the threat posed by honest communication; they deserve to be communicated with honestly. They deserve the opportunity to be treated as mature, self-reliant, giving, caring adults, who do not need paternalistic protection from the strains of human commitment. The non-assertive person who hides her feelings and mutters criticisms under her breath is refus-



Carsonotti

ing to take other people seriously, to recognize the possibility that they might turn out to be strong and sane and decent. Thus she affronts their dignity.

Far from debunking all obligations, then, assertiveness theory can be understood as reaffirming a centrally important one. The best of assertiveness training is not Smith's assertive right number 10: "You have the right to say, 'I don't care,' " but the obligation to care enough about other people to give them a chance to meet you halfway as adults. This turns

much of assertiveness theory on its head. But it also provides a firmer foundation to legitimate assertive behavior.

—Claudia Mills

The books cited in this article are When I Say No, I Feel Guilty, by Manuel J. Smith (Bantam Books, 1975); Stand Up, Speak Out, Talk Back!, by Robert E. Alberti and Michael L. Emmons (Pocket Books, 1975); and The New Assertive Woman, by Lynn Z. Bloom, Karen Coburn, and Joan Pearlman (Dell, 1975).

Responses

"A Proposal for National Health Care" (QQ, vol. 2, no. 3) is a valid attempt to balance two apparently contradictory concerns: 1) that a measure of health care be accessible to all citizens as a foundation for equal opportunity, and 2) that the cost associated with such a plan be weighed. As with other areas of public policy, a shadow often falls between what we ideally would like to do and what we can afford as a nation. With the daunting prospect of 10 percent of our GNP devoted to health care alone, even the most humanitarian policymakers should be inclined to proceed with caution.

Regarding the solution proposed, whose merits I recognize in theory, I want to take issue with two key components. First, I am not convinced that first dollar insurance coverage, whether through a voucher system or not, necessarily preserves work incentives. While it is reasonable (and humane) to protect a citizen's earnings from the ravages of catastrophic illness or accident, it is also true that some welfare recipients refuse job offers, thereby maintaining their welfare status and resulting Medicaid eligibility. How would the proposal prevent this from occurring? As well, first dollar health coverage for the poor often does not instill a responsible use of limited health resources, particularly with regard to physician office and emergency room use. To counteract this problem, the state of Delaware recently has introduced several measures to contain Medicaid costs. A few are as follows: 1) requiring a one-dollar copayment on prescription drugs; 2) placing a limit on the number of physician visits per year; 3) reimbursing non-bona-fide emergency room visits at the average physician office visit rate. If access to services is unlimited under this proposal, wouldn't there be an immediate upsurge in demand and cost, as we experienced with the introduction of Medicaid and Medicare in 1965?

Second, the authors indicate that "the motor of the system will be prepaid group practice." Although I applaud stimulating competition between health plans, I question the feasibility of Health Maintenance Organizations (HMOs) as the driving force behind this plan. As a former Director of HMO Planning, I am acutely aware of the political resistance by both physi-

cians and hospitals to HMO growth. Only physicians fresh from medical school and non-HMO hospitals with low occupancy rates are prime candidates for HMO contracts. Additionally, HMOs appear to do well only in urban areas where a relatively young, mobile, and professional population resides. The impact of HMOs in rural areas has been limited.

From the employer's standpoint, offering an HMO option is a blessing *if and only if* it reduces the company's monthly premium payments. Further, for those companies that are self-insured (e.g., pay medical bills from a fund on a claim by claim basis), offering an array of insurance policies may represent only an array of monthly premiums to be paid with attendant administrative costs.

While I support the competitive approach to national health insurance, and while I have no proposal to replace the thoughtful one presented by the authors, I question its practicality and, more importantly, its affordability. The marketing of HMOs traditionally to young and healthy middle class consumers makes low-cost Medicaid/Medicare voucher contracts unlikely. Only the threat of litigation accompanied by new federal or state regulations will bring contracts into fruition on a national scale. Moreover, the intense politics and geographic confinement which surround HMO development make pre-paid group practice a sputtering motor at best for national health care. This is particularly true at a time when federal support for HMO growth has all but dried up.

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"A Proposal for National Health Care" was condensed and adapted from "Ethics, Health Care, and the Enthoven Proposal," by Lawrence Stern, Louis F. Rossiter, and Gail R. Wilensky, which appeared in the Summer 1982 issue of Health Affairs.

QQ will occasionally print selected responses from our readers. Critical discussions of all articles are welcome.

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Food Policy: The Responsibility of the United States in the Life and Death Choices, edited by Peter G. Brown and Henry Shue (New York: The Free Press, 1977—\$14.95; paper, 1979—\$8.95).

Human Rights and U.S. Foreign Policy: Principles and Applications, edited by Peter G. Brown and Douglas MacLean (Lexington, Mass.: Lexington Books, 1979—\$19.95; paper, 1980—\$10.95).

The Reverse Discrimination Controversy: A Moral and Legal Analysis, by Robert K. Fullinwider (Totowa, N.J.: Rowman and Littlefield, 1980—\$22.50; paper, 1980—\$9.95).

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