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Persecution vs Poverty: Are the Haitians Refugees?

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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Two Caribbean islands with allegedly repressive regimes; two mass emigrations to the allegedly friendlier shores of the United States. Yet the vast majority of those fleeing Castro's Cuba have been peacefully and successfully settled in their new land, while those fleeing Duvalier's Haiti are intercepted at sea or incarcerated by the thousands in massive detention camps. Of the 125,000 Cubans who emigrated during the “Freedom Flotilla” of 1980, an estimated 98 percent have been admitted to legal resident status in a relatively quiet and orderly fashion. Yet the Immigration and Naturalization Service has launched a campaign to turn back Haitian vessels enroute to Florida and forcibly send away Haitians whose tiny boats survive the 600 miles of open sea. A grudging welcome is extended to the one group but denied to the other. The official reason: the Cubans, but not the Haitians, are recognized as *refugees*.

Who counts as a refugee? The most widely ratified official definition is given by the 1951 Convention Relating to the Status of Refugees: a refugee is one who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” is unable or unwilling (because of such well-founded fear) to return to his country of nationality, or, if he has no nationality, to his country of habitual residence.

On the Convention definition, flight from persecution is the only recognized basis of refugee status. This definition has been incorporated into American law with the passage of the Refugee Act of 1980, which also defines refugees as victims of political persecution. The definition was somewhat broadened by the Organization of African Unity's 1969 Convention on Refugees,



The U.S. government grants refugee status to those fleeing political persecution, but not to those fleeing poverty. Thus hundreds of thousands of Cubans have been welcomed in the decades following Castro's revolution, while far poorer Haitians are refused a haven. Photos courtesy National Archives (above) and the Miami Herald (left).

are victims of poverty, not oppression, that they leave not to escape persecution, but to seek economic advancement. Many Haitians in this country, and many international human rights organizations, disagree, citing evidence of persecution and repression under the Duvalier family's highly authoritarian regime. It is charged that the United States uses a double standard in measuring political repression, according to whether the repression occurs under Communist or non-Communist rule. Is Haiti less politically repressive than Cuba or the Soviet Union? Is the difference great enough to warrant the deafening welcome we give to defecting Eastern Bloc ballerinas or tennis champions and the perfunctory exclusion hearings we schedule for desperate Haitian families?

This question is obviously an important and difficult one. However, the underlying definitional question may matter even more. Suppose that the Haitians be, indeed, merely victims of intense poverty, fleeing the malnutrition, disease, unemployment, and despair endemic to the poorest nation in the Western hemisphere. Should they count as refugees nonetheless? Can the prevailing distinction be given some rational or ethical justification? If not, we need a new standard for judging what haven we should prepare for those who wait upon our shores.

Coercion and Choice

One rationale given for the distinction between (political) refugees and other (economic) migrants is that the former leave involuntarily; the latter leave freely. Refugees are forced or coerced to abandon their homelands, while immigrants leave of their own free

ratified by eighteen nations, which extends refugee status to those fleeing "external aggression, foreign domination, or events seriously disturbing public order." Certainly, many of what have been widely treated as the most pressing refugee problems of the past decade have involved massive dislocations of people who are not simply victims of persecution. But even this broader definition excludes explicitly economic factors as a basis of refugee status. The African definition, and much current practice, looks beyond persecution to the horrors of war and its aftermath, but does not look further to include flight from famine, malnutrition, disease, and extreme poverty. Refugee status is not accorded those who flee intolerable economic conditions. The distinction between political and economic motives serves to draw the line between refugees and other immigrants who cannot plead the refugee's claim of special urgency.

The U.S. government maintains that the Haitians

choice, in pursuit of economic betterment. Refugees are said to be "pushed"; migrants, "pulled."

Why should political persecution seem more coercive than economic desperation? One answer might be that persecution involves the deliberate use of force by human beings against other human beings, while poverty and hunger often result from natural circumstances: arid soil, barren resources, drought, flood. Most nations, like most insurance companies, offer no safeguards against "acts of God."

But if coercion requires human interference with one's activities, then many "natural" disasters begin to seem coercive when we consider the role of institutional response in aggravating or mitigating their worst effects. Judith Lichtenberg, Visiting Research Associate at the Center for Philosophy and Public Policy, writes, "Perhaps I would not be starving had there not been a drought—a natural disaster—but given that there is a drought, whether I starve depends partly on arrangements by human beings, ways of structuring institutions, that are alterable. If such arrangements permit starvation, are those who migrate to avoid it forced to leave? Is their flight voluntary?"

See the review of Amartya Sen's Poverty and Famines: An Essay on Entitlement and Deprivation, p. 14

The distinction between voluntary and involuntary is neither sharp nor clear. In any case, as Lichtenberg points out, "The grounds for it do not coincide with the distinction between political and economic motives. One may be pushed just as hard by economic forces as by political ones. The prospect of starvation, whatever its cause, is as irresistible a force for change as the prospect of physical aggression."

Political persecution and economic hardship both admit of degrees. Persecution may range from imprisonment and even execution to relatively minor restrictions on relatively inessential activities. Economic hardship may range from starvation for oneself and one's family to dissatisfaction with a cramped range of options for financial advancement. Lichtenberg concludes, "The relevant contrast is not between refugees, who flee persecution, and migrants, who seek economic advancement, but between those who are forcibly dislocated, whether for political or economic reasons, and those whose departure is more voluntary."

Negative and Positive Rights

A second motivation for distinguishing between political and economic motives for immigration lies in a supposed difference in the underlying rights to which appeal is made. It is widely believed that rights to political freedom take priority over rights to economic well-being. Certainly in the United States political rights

are given the firmest Constitutional guarantees under the Bill of Rights, while economic rights are left to the good graces of Congress to bestow or withhold. Perhaps in the same way the political rights of refugees fleeing persecution take priority over the rights of those who seek economic ends. Just as economic rights are often held to be spurious, so economic immigrants are denied refugee status and its protections.

The priority of political over economic rights is often taken as a specific instance of the priority of negative rights over positive rights generally. Positive rights require other people to act positively—to do something—while negative rights require other people merely to refrain from acting in certain ways. Since positive rights require other people to do more than negative rights do—perhaps more than people *can* do—negative rights, it is argued, should be fully guaranteed first. The fulfillment of positive rights is secondary.

Rights to freedom from political persecution are often considered to be negative rights—rights that others refrain from interfering with one's speech, worship, peaceful assembly, movement, unless due cause is shown for that interference. Economic rights are usually held to be positive rights—rights that the government and its institutions provide for social security, income support, food stamps, subsidized medical care. To respect political rights, on this view, all the government need do is to leave its citizens alone, not to harm or harass them, not to stifle their open expression of dissent, not to ban their newspapers or close their churches. Respect for economic rights places far greater demands on the resources of the state and its citizenry. Thus economic rights, as positive rights, are less important.

Henry Shue, Acting Director of the Center for Philosophy and Public Policy, challenges the claim that political and economic rights can be identified as respectively negative and positive. In *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*, he points out that the duties corresponding to both political and

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economic rights involve taking positive steps to ensure their protection as well as merely refraining from their violation. "What people want and need," Shue explains, "is the protection of their rights." Unprotected rights are unfortunately worth very little in an insecure world: "In any imperfect society enjoyment of a right will depend to some extent upon protection against those who do not choose not to violate it."

Thus political rights require far more than mere governmental restraint. They involve as well setting in place a complicated and expensive apparatus for upholding and protecting those rights: for example, establishing and financing a judicial system capable of prosecuting and punishing violations. Likewise, while economic rights may entail positive duties on the part of others to provide the essentials for subsistence, often "all that is necessary is to protect the persons whose subsistence is threatened from the individuals and institutions that will otherwise intentionally or unintentionally harm them. . . . The request is not to be supported, but to be allowed to be self-supporting on the basis of one's own hard work." Political and economic rights do not, then, give rise to greater and lesser obligations.

Shue's point is especially telling once political and economic refugees have crossed our borders. Both categories of refugees make the same kinds of claims on our government and its resources: to be allowed to live in political freedom and to work for a minimally decent wage. Both require the same institutional apparatus to admit and resettle them in a nondisruptive manner and to provide them the opportunity to become productive and self-supporting. The original difference in their motives for immigration, if ever it was relevant, is relevant no longer.

Is there any other ground for granting the popular priority of political over economic rights, some ground that does not appeal to the ease or difficulty of their fulfillment? It seems not. According to Shue, economic rights are *basic* rights. By this he means not that they are especially valuable or intrinsically satisfying, but that they are essential to the enjoyment of any other right. "When a right is genuinely basic, any attempt to enjoy any other right by sacrificing the basic right would be quite literally self-defeating." Economic rights to a

minimal level of subsistence are basic in this sense: "No one can fully, if at all, enjoy any right that is supposedly protected by society if he or she lacks the essentials for a reasonably healthy and active life." Indeed, for Shue, at least some political rights seem less basic, on this criterion, than rights to subsistence.

We cannot be justified, then, in welcoming Cuban refugees and deporting Haitian refugees if we do so by appealing to an essential moral difference in the nature of the rights that are at stake in the two cases.

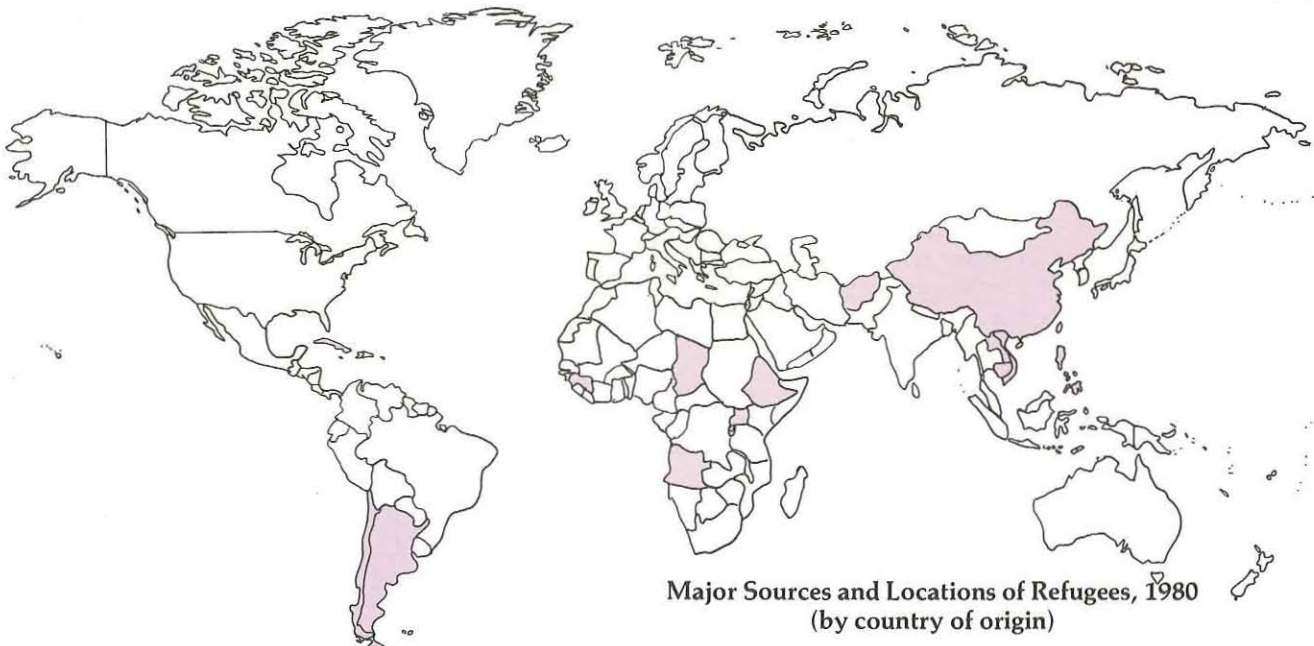
Rights to political freedom have no priority over economic rights, for economic rights are basic rights: "No one can fully, if at all, enjoy any other right if he or she lacks the essentials for a reasonably healthy and active life."

How Many Millions?

The political-economic distinction may nonetheless yield a practical, if not theoretical, explanation for a difference in obligations. First, while the world's political refugees number an estimated 16 million, more than 350 million people worldwide are unemployed or severely underemployed. Thus the class of economic migrants is potentially enormous. Some limits must be set on moral responsibility, and to assign priority to whatever happens to be the smaller class of obligations may be one way to set these limits.

It is not, however, a very good way. It indeed seems

Source: Worldwatch Institute



plausible that we should not be expected to aid all the world's needy people, let alone to make room for them in our already crowded inner cities. But this does not mean that the feasible subset of obligations should be selected arbitrarily. It seems arbitrary to choose political over economic refugees simply because there are fewer of them, if no other considerations support this decision. It seems more reasonable to decide first how many refugees we are able or willing to admit, and then to find independent grounds for making some selection. Possible criteria might be the seriousness of the threat posed to the potential refugee and its imminence. This seems preferable to admitting all political dissidents, without any evaluation of the actual danger they face, while turning away all those who are starving to death.

Second, political refugees may have a greater practical claim than economic refugees because there are fewer other options for aiding them. Michael Walzer, Professor of Social Science at the Institute for Advanced Study in Princeton, writes in his essay in *Boundaries: National Autonomy and Its Limits*: "There is, however, one group of needy outsiders whose claims cannot be met by . . . exporting wealth, but only by taking people in. This is the group of refugees, whose need is for membership itself, a nonexportable good. The liberty that makes certain countries possible homes for men and women whose politics or religion isn't tolerated where they live is also nonexportable; at least we have found no way of exporting it. These goods can be shared only within the protected space of a particular state." The goods that relieve economic distress are at least in theory exportable. Thus it can be argued that the world's needy can be helped directly by some form of developmental assistance. Money can be moved to people, instead of people to money.

This reply has no force, however, if we do not in fact avail ourselves of these other alternatives for reducing the sum total of the world's misery. The existence of other options relieves us of responsibility to accept economic refugees only if we indeed take advantage of them.

Direct aid to the world's poor has upper limits placed on its feasibility. Often poverty results not from natural scarcity as much as from deliberately maintained patterns of economic inequality or abuses of political power.

Furthermore, direct aid to the world's poor has upper limits placed on its feasibility. Often poverty results not from natural scarcity as much as from deliberately maintained patterns of economic inequality or abuses of political power. In this Haiti is a case in point: Haitian poverty has been linked to the political



It has been estimated that half of the world's refugees are children. Photo courtesy National Archives.

oppression of the Duvalier regime—and it has been estimated that 20 to 40 percent of the government's income goes into the private accounts of the Duvalier family. If the government is unresponsive to the needs of the least advantaged, foreign aid may only exacerbate the extremes of poverty and degradation.

In dealing with such nations, of course, the United States should apply what diplomatic levers it can to press for greater domestic equality. But likewise, the United States should also use its influence to alter the repressive policies of totalitarian or authoritarian states in their denial of political liberties. Often we may be reluctant to "interfere," protective of our own national interest. Often such diplomatic strategies and pressures are to little avail. In the meantime there may be millions of people, suffering both politically and economically, who cannot wait for diplomatic channels to be exhausted. For them there may be no alternative but to throw themselves upon the fundamental moral decency of the rest of the world and ask to be taken in.

Judith Lichtenberg's views are taken from "The Refugee as Person Uprooted," an unpublished paper prepared for the Center for Philosophy and Public Policy. Henry Shue's views are taken from Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy (Princeton, N.J.: Princeton University Press, 1980). Michael Walzer's views are taken from "The Distribution of Membership" in Boundaries: National Autonomy and Its Limits, edited by Peter G. Brown and Henry Shue, Maryland Studies in Public Philosophy (Totowa, N.J.: Rowman and Littlefield, 1981). To order Basic Rights and Boundaries, see p. 15.

Endangered Species: Which Ones Do We Save?

Well over 90 percent of the species which have lived on earth are extinct. This is as one might expect: extinction is an inevitable part of natural history. It is the ultimate fate of every species. When extinction occurs in the course of natural selection—one thinks of the dinosaurs, for example—normative issues are not involved. One does not ask if extinction of that kind is good or bad, right or wrong. It is part of natural history and is to be studied as fact, not justified as policy.

What concerns us today is not extinction in itself, but the astonishing increase in the rate of extinction and the knowledge that our technological society is largely responsible for it. We do not believe that plants or animals succumb to natural selection when their habitats are destroyed by suburban sprawl or when chemical pollutants diminish their ability to reproduce. We recognize our responsibility for the destruction or preservation of species.

Estimates differ widely concerning the number of species that are endangered or threatened; indeed, the total number of species which exist in the world is a matter of conjecture. The Council for Environmental Quality, however, reports that approximately one out of every ten species native to the United States may be endangered or threatened. Likewise, 10 percent of identified species worldwide are thought to be endangered or threatened with extinction. This would support the guess that, in all, about one million species are in jeopardy.

Assuming that it is not possible to save *all* species, or, indeed, even to list all those that are endangered, we may ask whether we can defend a set of principles or a scheme of priorities for deciding which to preserve—especially when the preservation of species conflicts with other pressing public interests. Why are species morally, aesthetically, historically, or ecologically valuable? How should we respect and protect those values?

Triage Systems

One strategy for preservation may direct itself not so much to the comparative *value* of endangered species, but to the degree to which they are endangered. Such an approach may employ an analog of that used by the French army to treat the wounded during World War I. Following this practice, we would divide all threatened

species into three categories: those threatened only slightly; those endangered but with good prospects for recovery; and those with just a few left in the breeding population. One may then decide to commit the largest share of available resources to species within one of these categories. One might, following the French example, try to save the species in the middle category, where the limited resources may have the greatest effect. But reasons may be offered for committing resources to species in another category. For example, it may seem reasonable to keep species from becoming endangered, rather than to try to save those which are already in critical condition. Concerns of this kind are likely to arise within any strategy we adopt for the preservation of species.

Ecological Values

Several principles may be proposed for preserving species on the basis of their ecological importance. Proposals or directives for policy may include:

1. *Preserve ecological communities.* This approach would target for preservation, not species, but communities, ecosystems, or eco-units within larger environments. The idea is that eco-units, rather than the individual species within them, have biological value. It is the functioning, for example, of the entire salt marsh or forest community, and not just the vitality of the wildlife in them, which we must protect, if we are to show concern and respect for the ecosystem as a whole. The preservation of species, of course, requires the preservation of the habitats that are critical to them. But the suggestion here is to establish priorities among habitats, and therefore among endangered species, based on the role these play in larger ecological systems.

The strategy, then, is not so much to save a biological community to preserve a species, but, rather, to preserve the species in order to save the community. This approach has certain advantages. It is more likely to succeed, over the long run, than is the attempt to preserve isolated habitats apart from the surrounding communities. It is also likely to add to the predictability of investment: industries will have a better idea in advance where not to locate. The social costs may be smaller than if they were spread more thinly in geographical terms. It may be difficult to define areas which are comparatively self-contained in their ecology. But



U.S. Fish and Wildlife Service, Mike Smith

Peregrine falcon

the identification and protection of communities of that kind would constitute a plausible way to approach the task of preservation.

2. *Preserve diversity.* This strategy looks primarily at the uniqueness of a species or its rarity within a genus. While it is sometimes difficult to establish the meaning of these concepts in theoretical terms, they lend themselves to explanation by example. The snail darter has many close relatives: eighty or ninety species of darter exist in Tennessee alone, and new ones are being discovered at the rate of about one a year. On the other hand, "relict" species, like the sequoia, have a very high uniqueness value, having survived geological changes that destroyed near relatives.

What is diversity—or are there many kinds of diversity? How is it measured? Why should we think the diversity of species has an ecological value? (For example, are sequoias *ecologically* valuable?) These are intensely interesting questions. Some people believe, for

Texas red wolf

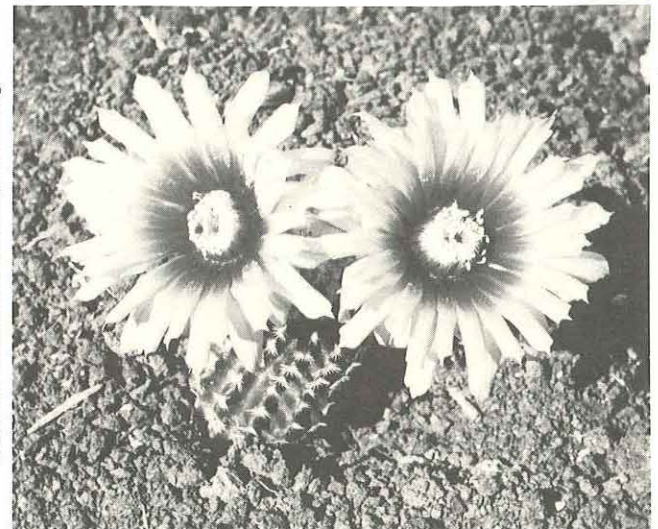


U.S. Fish and Wildlife Service, Hal Swiggett

example, that the diversity of species is connected with the stability of ecosystems. Is there anything in this principle which may guide or justify policies for preservation?

Aesthetic Values

Recreational and aesthetic arguments for preserving species, and, within these arguments, reasons for giving some species priority over others, need to be investigated, for their importance is not fully understood. Sometimes these arguments are hastily dismissed. One may say, for example, that they apply only to creatures which, like the bald eagle and the peregrine falcon, excite admiration or serve as symbols of superior qualities. Similarly, it is comparatively easy to defend the recreational importance of species which can be fished or hunted, which are large and showy, and come out during the day, especially if they have large, brown eyes. If aesthetic arguments for the preservation of species ended with these observations, however, they



U.S. Fish and Wildlife Service, Del Weniger

Black lace cactus

would not, indeed, be very helpful. They surely would not help with the vast majority of endangered plant and animal species, most of which are small, rarely recognized even by those who notice them, and are not prized for their beauty or admired for their strength.

Aesthetic and recreational arguments for the preservation of species, however, cannot be so easily dismissed. It is important to recognize that environmentalists and others who value the natural world for aesthetic reasons and who seek to contemplate and enjoy nature in its variety, do not necessarily favor one species over another. What they value is nature itself as the product of evolutionary history; they value wilderness and natural environments for the qualities nature expresses or exemplifies as a whole.

Economic Values

In the Endangered Species Act of 1973 Congress did

not include economic values among the reasons it found for preserving species. Two explanations may be given for this. First, endangered species are not, in general, economically the most valuable ones. The idea of the act is to preserve economically "useless" species among the rest. Second, Congress may not have wanted to give the impression of preserving species simply or primarily for their economic importance.

In spite of what has been said, however, an economic criterion may be suggested for establishing priorities among species. The use of such a criterion in order to establish priorities among species does not commit one to the view that species should be preserved simply for economic reasons. One may argue, on the contrary, that the will of the nation is to protect species at considerable economic cost even after the benefits of protection are taken into account. Nevertheless, since not *all* species can be saved, we may use economic considerations to determine which ones we shall sacrifice, so that the economic benefits may be maximized, even if they do not equal costs.

The value of various species in teaching, environmental monitoring, and scientific research is well known. The question to be answered, however, is this. Can we project from the species which have these values to those species which have not yet been discovered to have them? The firefly, for example, has an exemplary

method of making much light with little heat. What other organisms have solved problems efficiently which we may have to solve? Plainly, no secure answer to these questions can be given. But something may be done to set directions for answering them.

Finally, many Americans are concerned that we must, as a nation, "dig in our heels" somewhere. We suspect that, for most endangered species and most of the projects that threaten them, it will be arguable that the particular project is "worth more" than the particular species. Yet each species, we think, may contribute more to the ecosystem as a whole, than, say, each highway contributes to the highway system as a

"Each species, we think, may contribute more to the ecosystem as a whole than each highway contributes to the highway system as a whole, or each dam contributes to whatever 'whole' dams contribute to."

whole, or each dam contributes to whatever "whole" dams contribute to. If we cannot save every species, can we tell which species make the greatest contribution, not to us directly, but to ecological stability overall?

These are important questions, and they are also challenging ones. Because of recent work in philosophy of biology, ecology and systematics, aesthetics, economics, and other fields, these questions may be amenable to a useful program of research. If anything calls for an interdisciplinary approach, then, surely, the problem of endangered species requires this kind of investigation.

Conclusion

It is likely that the strategy we should adopt for preserving endangered species will contain a mixture of the priority-systems sketched here. Plainly, species of high symbolic and aesthetic importance—one thinks of the bald eagle and the blue heron—would have to be protected on those grounds alone. Other species may obtain a high priority for other reasons, as for example, their economic value, their important ecological function, or because of more general triage considerations. The fundamental need is to gain an understanding of the values and concepts which lie behind our national project to preserve those species we can still protect.

—Mark Sagoff

THE FAR SIDE

By GARY LARSON



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The Center for Philosophy and Public Policy has begun a two-year research program in the preservation of endangered species. Under the direction of Bryan Norton, Research Associate at the Center, a multidisciplinary working group will examine the principles upon which we may base reasonable and workable strategies for protecting and conserving endangered species, with special attention to reauthorizing, applying and implementing the Endangered Species Act of 1973.

The Case Against Creationism

In recent months "scientific creationism" has emerged as a force to be reckoned with. Several states have passed, or contemplate passing, laws requiring "creation science" to be taught in schools where evolution is taught. Despite a successful challenge to one such bill in the federal courts, their proponents continue to press the justice of their cause. It is not at all unlikely that a large percentage of the public, very possibly a majority, agree with the creationists to at least this extent: they believe that fairness requires granting the creationist point of view equal time in the classroom. Is this indeed the case? What, exactly, are the creationists maintaining? Does fairness require that we teach "creation science" in our schools?

As a minimal starting point, anyone concerned with the issue needs to understand what the creationists are saying. The first and most obvious point is that creationism goes beyond the idea that there is a God who in some way or other created the universe. Many evolutionists accept the existence of God as creator, and thus atheism is not at issue here. Scientific creationism is a particular set of doctrines, which conflicts directly with evolution. Although individual creationists vary, the core position involves the following claims: (i) The universe, life, and all living "kinds" were created suddenly by a supernatural being. In particular, then, the big-bang theory, theories of the chemical origin of life, and the evolutionary account of the development of orders of living organisms are all incorrect. (ii) The major geological features of the earth, including the structure of the fossil record, were the result of catastrophic processes, most notably a global flood. (iii) The earth and the rest of the universe may be no more than a few thousand years old.

Although a positive doctrine is an important feature of creationism, most of its arguments are directed *against* evolutionary theory. Perhaps the most common argument offered by creationism against evolution is an attempt to discredit the fossil evidence for evolution by pointing to the relative scarcity of transitional forms. However, this is a poor argument, for at least three reasons. First, in order to embarrass evolution, it would be required that evolution *predicts* that there should be numerous transitional fossils. In fact, however, there is reason to believe that major evolutionary change occurs when a *small* population becomes reproductively isolated, and that such major change occurs over a

relatively *short* period of geological time. Thus, on this view, there *should* be a relative scarcity of transitional fossils. The second point is that, nonetheless, there *are* transitional fossils. The therapsids provide numerous links between reptiles and mammals, and *archaeopteryx* is a clear intermediary between dinosaurs and birds. Finally, whatever the problems associated with the fossil record, what we find does not look at all as it would be expected to if God created all varieties of life at the same time. In the very oldest layers, we find only the remains of micro-organisms. Only later do we find soft-bodied animals and hard-bodied creatures appear in still more recent layers. If creationism were true, we would expect the fossil record to have the structure of a well-stirred stew, with trilobites and tigers, dinosaurs and donkeys all side by side. This is anything but what we do find.

Two other common creationist arguments are closely related. One is that the increase in complexity required by evolution is inconsistent with the second law of thermodynamics. However, there are many examples in nature of spontaneous increases in complexity which are completely consistent with thermodynamics. Some of the most striking examples are to be found at the chemical level, a crucial level for evolution. The second argument is that the probability of something as complex as a living organism arising by chance is so low as to render evolution virtually impossible. But evolution is improbable only if one assumes that the processes which resulted in evolution were purely random. In fact, there is no reason to make this assumption. The laws of chemistry do not operate randomly. Without this assumption, the conclusion doesn't follow.

If the creationists' direct attack against evolution fails, they next try to establish that both evolution and creationism are at least in part religious views. They concede that creationism isn't fully a science, but argue that neither is evolution. On the creationist view, the conflict between evolution and creationism is not a clash between science and religion, but between two religious views. And if the state already sanctions the teaching of one religious doctrine, it cannot consistently bar another on First Amendment grounds.

Thus, in a Jerry Falwell-sponsored debate, creationist Duane Gish denounced evolution as an opposing religious view. Although not all evolutionists may be atheists, evolution itself, on Gish's account, is atheistic.

Fossils: An Evolutionary View

For a century after scientists began to realize that fossils represented ancient forms of living things, no clear meaning could be obtained from the accumulating collections. Then, in the middle of the 19th century, the theory of biological evolution linked in a great kinship group all the beings of the past and present. From that time on, biologists have been busy with the task of discovering the lines of ancestry that link the organisms of the present to those of the past.

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The *strata* (layers) of sedimentary rocks are usually piled on each other like pages in a book. In general, the oldest strata are at the bottom and the newest on top. As a whole, the set of rock strata is now thought by geologists to represent about four billion years.

from **Biological Science: An Ecological Approach**, Biological Sciences Curriculum Study (BSCS) Green Version. (Chicago, London, New York, San Francisco: Rand McNally Company, 1973).

"Since evolution is a mechanistic, atheistic theory, it is a basic dogma of agnosticism, humanism, and atheism in general. The one-sided indoctrination of our students in this materialistic philosophy, in the tax-supported schools, in our pluralistic, democratic society, is a violation of academic and religious freedoms." In other words, evolution is the religion of secular humanism.

This really is the nub of the matter. What disturbs creationists most deeply is the threat they see evolution as posing to their whole way of life and their whole moral perspective. For them, evolution can only mean that there was no God to breathe the breath of life into the dust from which we rose, no moral difference between us and our brutish ancestors, and no divine ground for the moral law. As they see it, if there is doubt about some single part of the Bible, there is no reason to believe any of it. Thus they see the teaching of evolution in public schools as a tax-supported attack on their deepest religious convictions.

Occasionally one hears it argued that, properly understood, science and religion cannot conflict. Here, however, we must surely side with the fundamentalists. Some religions do make specific factual claims about the natural world, and whenever this is so, the possibility always exists that there will be a conflict between the claims of the religion and the conclusions reached by our more worldly methods of fact-finding. Here we have just such a case.

Furthermore, it is not at all uncommon nor obviously wrong for school boards and state curriculum commit-

tees to take the attitude that certain subjects are too sensitive to be included in the curriculum, largely because to include them blurs the distinction between what is properly the responsibility of the schools and what should be left up to parents. Suppose, for instance, that a school board decided not to include discussions of abortion or homosexual lifestyles in the curriculum because to do otherwise would involve the school in the business of the home. It is surely not *obvious* that the authorities are wrong.

Now, the creationists are not saying that evolution is too sensitive to be taught. But they seem to be saying that evolution is like abortion and a number of other topics in that to include it in the curriculum is to include material which is of a highly value-charged nature and, in particular, to teach evolution exclusively is to favor one set of values. Thus, if evolution is to be taught at all, fairness requires that the opposing point of view be taught as well.

In this version, the creationists' demand sounds like a moderate one. Furthermore, it is one with which many people will agree. Nonetheless, it seems to me that it is still wrong. Recall that if blood types and the benefits of blood transfusions are discussed in the classroom, what is taught may offend Jehovah's Witnesses' beliefs. Discussions of modern medical science in general may very well lead to conflict with the beliefs of Christian Scientists. Neither group, of course, is pressing either

Fossils: A Creationist View

Creationists believe, which seems very logical, that in the past there were life zones just as there are today. Creationists ask why trilobites couldn't have lived in one life zone at the same time dinosaurs lived in another? It is difficult, in the light of present conditions, to visualize a time when the earth was dominated by fishes, another time by amphibians, and so forth. It is true that in a given area where several periods are presented, the deepest layers generally contain less complex forms than the shallower layers. This could be explained by the fact that most fossil material was laid down by the flood in Noah's time. As the flood waters rose, less complex forms, being less able to escape, would be buried first. More complex and more mobile forms could move to higher ground.

from **Biology: A Search for Order in Complexity**, prepared by the Textbook Committee of the Creation Research Society, John N. Moore and Harold Schultz Slusher, eds. (Grand Rapids, Mich.: Zondervan Publishing House, 1970).

for removal of these subjects from the curriculum or for equal time, but this isn't really to the point. If they were to, we would not be inclined to grant their request. Whether or not one agrees that there are good reasons for keeping discussions of abortion and homosexuality out of the curriculum, one might at least agree that on the face of it there is a distinction between these cases and cases like the medical science one.

The distinction, I suggest, is this. In the cases of abortion and homosexuality, it is virtually impossible to raise the issues without raising questions of personal morality. This is especially clear in the case of abortion. Whatever one's views on this question may be, it is hard to imagine someone maintaining that there is no moral issue here. We may or may not agree that the schools have no business dealing with topics that raise personal moral issues, but we don't need to adopt any special point of view to agree that if these matters *are* the province of the family, then, in particular, discussion of abortion is inappropriate at school.

This is not so for discussions of blood transfusions, not so for discussion of, say, the "germ theory" of disease, and not so for evolution. In all of these cases, it is proper to see the educator as merely presenting the best of secular knowledge, even if we include telling

"To deny that evolution is morally neutral, one must adopt a special set of religious assumptions, as, indeed, the creationists do. Evolution is morally neutral on any broad secular view. And while evolution is in one sense not religiously neutral, the same is true of medical science in exactly the same sense."

students that a good way to safeguard one's health during a polio epidemic is to have a booster shot. A Christian Scientist might see a moral issue here. If disease is a sort of illusion resulting from a breakdown in one's relationship with God, then perhaps it is wrong to take medications. But to see polio inoculation as a moral issue requires not just our common background of moral concepts, but a special set of religious assumptions. Without this special religious perspective, polio inoculation is morally neutral.

The same holds for evolution. From any moderately general point of view, evolution is morally neutral. It is compatible with "pro-life" or "pro-choice" sentiments, liberalism or conservatism—in short, with virtually any particular moral stance. To deny that evolution is morally neutral, one must adopt a special set of religious assumptions, as, indeed, the creationists do. Evolution, then, is *morally* neutral on any broad secular view. And while evolution is in one sense not *religiously* neutral, the same is true of medical science in exactly the same sense.

The creationists often maintain that evolution is the official view of the state, but this is a serious misdescription. If the curriculum of studies in the public schools includes a section on African history in which the death of Haile Selassie is recorded, it does not thereby follow that the state's official position is that Selassie is not Jesus Christ and hence it does not follow that the state is taking sides against the Rastafarians, who believe that Selassie *is* Christ and is still alive. The crucial point about secular knowledge is that it does not presuppose any special religious point of view. It is this, indeed, which constitutes its non-religious nature. By restricting the contents of the public school curriculum to this realm, the state helps keep itself free of religious entanglement. If in addition the state tried to avoid having any statements in the texts which contradicted the teaching of any religion, it would set itself an impossible task. Virtually any claim whatsoever *could* in principle become part of a religion and in practice a great many unlikely ones *do*. More to the point, however, the state would misunderstand its own role if it were to undertake such a program of hygiene. The mandate which the state gives the schools is to teach the best of secular knowledge *whatever* that may be. Thus the state has no stake in the correctness of evolution (or the mortality of Haile Selassie). If scientists eventually reject evolution, and texts are accordingly changed, the "official position" of the state will have altered not a whit.

In light of these remarks, it is worth noting that there is a particular inappropriateness in the "equal time" bills passed recently by several state legislatures. The state has a responsibility to ensure that the curriculum is based on the best of secular knowledge. However, it is obvious that constructing a sound curriculum requires expertise. Legislatures have a duty to enact legislation which will provide for an appropriate mechanism for producing a sound curriculum and to be responsive when the evidence indicates that the mechanism isn't working as it should. However, in voting for "equal time" bills that were not recommended by any curriculum committee nor by any body which could plausibly be thought to reflect the judgment of educators, the individual legislators were simply assuming an expertise which they patently did not possess. If the integrity of the curriculum is to be preserved, it is absolutely essential that legislators not undertake to usurp the role of scholars and educators. This is not to say that those experts are infallible, but it is to say that when legislators take it upon themselves to decide what does or does not constitute science or history or anything else of the sort, they are doing a service to no one.

—Allen Stairs

Allen Stairs, Assistant Professor of Philosophy at the University of Maryland, is currently editing a book on the philosophical issues surrounding the creationism/evolution controversy.

Teaching Philosophy and Public Policy

During the past decade, increasing public attention has been focused on the values and concepts that underlie our public policies. From this concern "philosophy and public policy" has emerged as a new cross-disciplinary field. In philosophy and public policy courses, current policy problems are examined in the light of ethical theory, while ethical theories are tested by their implications for policy choices. The Center for Philosophy and Public Policy has been engaged in curricular research, under a grant from the National Endowment for the Humanities, to produce four model courses in this field: *Ethics and the Legal Profession*, by David Luban; *Ethics and Energy*, by Douglas MacLean; *Environmental Ethics*, by Mark Sagoff; and *Human Rights and U.S. Foreign Policy*, by Henry Shue.

The emergence of these, and other, new courses on philosophy and public policy prompts a series of questions about the purposes served by this cross-breeding of disciplines. What does philosophy have to offer the study of policy? Does their synthesis produce some satisfying resolution of the problems each faces, or does it merely multiply two different sets of confusions?

There seem to be at least three pairs of complementary benefits that philosophy and public policy bring to each other in their academic marriage. To the passions of policy debate philosophy brings its characteristic emphasis on rigorous analysis and argument. Students exposed to a philosophical view of policy are trained to scrutinize unquestioned popular notions and dismantle flawed arguments.

In a complementary fashion, real-life policy cases spark student interest and breathe life into otherwise empty ethical abstractions. David Luban uses actual court cases in teaching legal ethics "because they prime students' moral intuitions; because they exorcise the 'smell of the lamp'; because they provide ready-made examples for the theoretical arguments that appear in their opinions; and because [as the Starving Poet said after transferring to law school,] 'the cases tell better stories, and besides, they're true.'" In this way, philosophy and public policy provide what the other may lack: the trained exercise of reason and a necessary spark of passion to make the reasons matter.

A second pair of benefits that philosophy and public policy bring to each other in the classroom is philosophy's frank appeal to moral values, tempered by

policy's pragmatic caution against easy moralizing. Rights, obligations, justice, autonomy, the nature of the good life—these are the stuff of moral philosophy. The philosopher is unabashed by arguments that rely heavily on these central ethical concepts. By the import of philosophy into the study of policy, students learn to look beyond economics, beyond cost-benefit analyses and pollsters' tallies, to what is indeed just and right and good.

The temptation to preach is ever present, however, and a strong dose of policy inoculates students against faith in moral platitudes and quick answers. Vague enthusiasm for human rights, for example, must be translated into policy. But are human rights best protected by strident denunciations of their violation, or by "quiet diplomacy" that verges on silence? Henry Shue, in his model syllabus, commends student exposure to such gritty complexities of policy as a major course objective: "The danger that one's actions may work against the very goals that one holds dearest is one of the central dangers of politics." Awareness of the dangers moderates moral zeal.

The third pair of benefits goes right to the heart of philosophy and public policy as an intellectual enterprise. In this field ethical theories and actual policy conflicts are brought to bear upon each other for mutual criticism and enlightenment. In Douglas MacLean's model course on the ethics of energy, for example, three policy problems are illuminated by the application of ethical concepts, while each problem in turn serves to criticize the inadequacies of the concept applied to it. Our dependence on foreign oil and need for national energy self-sufficiency is an issue in international distributive justice. Our need for a transition from nonrenewable fossil fuels to some renewable energy source such as nuclear or solar power raises in dramatic form our obligations to future generations, or intergenerational distributive justice. The choice between nuclear and solar power opens yet another set of issues: the analysis and evaluation of the risks posed by different energy alternatives and the values we attach to different ways of life. In all three cases, ethical questions must be addressed before policy questions can be resolved.

But in all three cases as well, the policy issues themselves signal limitations of the ethical theories in-

voked to resolve them. Both international and inter-generational justice show the inadequacy of current contractual and consent-based theories of justice, since other nations and generations are beyond any social contract in space and time. And in analyzing different energy risks, the very concepts of rights and justice prove inadequate—certain energy choices may distribute risks fairly and evenly, without violating any rights, and yet we may decide on some differently grounded vision of our common good that the risks posed are unacceptable. Thus policy and philosophy each extend the horizons of the other.

Likewise, in Mark Sagoff's course on environmental ethics, environmental problems test the traditional limits imposed on state authority over individual liberty and autonomy, as well as the concepts of liberty and autonomy themselves. Sagoff points out that "Personal liberties which seem the most progressive and the least harmful . . . are leading willy-nilly to a depreciation of our environmental resources." Our entire liberal framework needs to be reexamined when we confront its environmental implications.

Thus policy benefits by a sophisticated and careful examination of concepts such as rights, justice, liberty, role morality, while at the same time it provides crucial tests of these common notions. Courses in philosophy and public policy have as their goal the establishment of a "reflective equilibrium" between the two.

What if the result is not reflective equilibrium, however, but exponentially expanding confusions? Political scientists who turn to philosophy are struck by the lack of any consensus on basic ethical principles, as common moral intuitions are challenged and often con-

tradicted. Philosophers teaching courses in public policy are struck by widespread disagreement even among experts—on the risks and benefits of energy alternatives, for example, or the actual extent of human rights violations under repressive regimes.

This confusion has its dangers. For Shue, chief among these is the invitation to moral relativism: students "conclude glibly that no one really knows either what is going on or what principles ought to be guiding our responses to what is going on and that, therefore, everyone should just be sincere and do his or her best without worrying too much about getting anything right." But if this slide into relativism can be resisted, the very engendering of confusion itself may be one prime contribution of courses in philosophy and public policy. Sagoff gives his course's conclusion as: "Reality is complicated and situation-bound. This is not a flamboyant conclusion for a course in environmental ethics. It is the strongest, however, one might hope to find." And Shue says simply, "People who don't want to talk about messy situations don't want to talk about policy." He might have added that people who don't want to talk about messy situations don't want to talk about philosophy, either. Or for that matter, about life.

Maryland Courses in Public Philosophy (Ethics and the Legal Profession, Ethics and Energy, Environmental Ethics, and Human Rights and U.S. Foreign Policy) are available from the Center for Philosophy and Public Policy, at a charge of \$1.00 each, or \$2.50 for all four courses. Also available is The AT & T Case and Affirmative Action, a teaching module designed to provide instructors with a case study and critical analysis of the moral issues involved in reverse discrimination (\$2.50). To order, see page 15.

Teaching Philosophy and Public Policy: A Summer Workshop

The Center for Philosophy and Public Policy announces a workshop for teachers interested in applying philosophical methods and perspectives to vital public policy controversies. The three-day workshop will be held in Washington, D.C. at Trinity College, June 23-25. Daniel Callahan, Director of the Hastings Center, will be keynote speaker. Center staff with extensive experience teaching a wide range of policy-oriented philosophical courses will conduct seminars and discussions on teaching about military conscription, human rights and foreign policy, professional ethics, and the rights of future generations to natural resources. Emphasis will be placed on strategies for effective teaching about the underlying philosophical issues.

Workshop Arrangements

Workshop Fee:

\$60.00 per person. A \$30.00 deposit is required with advance registration. The \$30.00 balance, along with room and meals charges, is due at registration on June 23, 1982. (Please make checks payable to the University of Maryland Foundation.) The deposit is refundable if registration is cancelled prior to June 1, 1982.

Accommodations:

Housing will be in modern air-conditioned college dormitory accommodations. Cafeteria-style meal service will be provided for Wednesday dinner through Friday lunch. The charge for a single room (Wednesday and Thursday evenings) and meals is \$60.00. The charge for a double-occupancy room and meals is \$56.00 per person. A meals-only plan is available for local participants for \$28.00.

For further information contact:

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Book Review

Amartya Sen, *Poverty and Famines: An Essay on Entitlement and Deprivation* (New York: Oxford University Press, 1981).

Famines are caused by a sudden decline in the availability of food, usually caused by crop failure from drought, flood, or some other natural disaster. Food may be available in neighboring regions, of course, but local transportation systems are often inadequate for shipping food where it is most needed. Famines and world starvation generally can be prevented by increasing world food supply to meet population growth and by improving transportation in the Third World.

This prevalent view of famines is carefully and thoughtfully dismantled by Amartya Sen in a book that deserves wide attention by those responsible for international hunger and for international hunger relief. Sen defends an extraordinarily sensible alternative view of famine and starvation, applies it to four devastating famines of recent decades, and provides material with which policymakers can draw some sobering conclusions.

"Starvation is the characteristic of some people not *having* enough food to eat. It is not the characteristic of there not *being* enough food to eat." With this seemingly obvious but widely overlooked distinction, Sen begins his challenge to the Food Availability Decline view of the causes of famine. Famines cannot be explained by a sudden food crisis, for famines have occurred in times of plentiful harvests and booming economic growth. Instead, famines must be explained by examining the *relationship* of people to food.

Sen calls his alternative explanation of famines "the entitlement approach." Poverty, starvation, and famine take place within the economic and legal arrangements structuring different societies, and individuals' entitlements under these arrangements determine their access to what food is available. ("Entitlements," in Sen's usage, are strictly legal—they are not invested with any normative force, and the social and political institutions that generate them are open to moral criticism.) Typically, in market societies, individuals are entitled to their own labor and what they can produce with it or trade it for; they are also entitled to whatever transfers of wealth the state provides in its social welfare programs. A person's ability to feed himself depends both on what he owns—his current bundle of entitlements—and on what he can obtain by exchanging this entitlement bundle for other collections of goods. A person starves if his entitlement bundle is not sufficient to allow him to command food.

Thus a person may starve for reasons other than a general decline in food supply. There may be a sudden rise in food prices, so that his wage earnings are insuffi-

cient to purchase food. Or some economic change may affect his employment possibilities, leaving him without purchasing power. Land-owners, sharecroppers, and wage laborers may be differently affected in times of famine according to their different relations to the modes of production in their society. For famine, on Sen's view, is not merely a crisis of food supply; it is an economic disaster as well.

Sen applies his analysis to four famines: the Great Bengal Famine of 1943, the Ethiopian famine of 1972-74, the drought and famine in the African Sahel in the early 1970s, and the 1974 famine in Bangladesh. For each case he shows the Food Availability Decline hypothesis to be incorrect or, at best, non-explanatory.

Sen's analysis reveals, for example, that crop availability was far from disastrous in Bengal in 1943. In a year of adequate rice harvests, millions starved because an inflationary war economy drastically drove up the price of rice without correspondingly spurring agricultural wages. Sharecroppers did not starve, but wage laborers did—because their wages could no longer purchase them food. Likewise, laborers starved in the Bangladesh famine, not because floods ruined the rice crop, but because floods devastated employment opportunities during the peak cultivation season. In the Ethiopian famine, drought in the Wollo province did crucially reduce food supply, but, still more importantly, it reduced that province's ability to draw in food from the rest of Ethiopia.

Sen's account has at least two important implications for policy. First, narrow concern with food availability has led to tragic mishandling of famines: Sen notes that the Bengal famine initially failed even to be recognized because of the government's focus on aggregate food availability statistics. Perhaps a clearer understanding of the mechanisms of famine can avoid such future tragedies.

Even more importantly, Sen's account undermines the belief that famines are natural disasters that no one can do very much about. By analyzing famines as economic disasters, he shows that they can be prevented or alleviated by changing the pattern of legal and economic entitlements that cause them to occur. "Droughts may not be avoidable, but their effects may be." Sen points out briefly but provocatively that the rich developed countries have avoided famines not because of their high aggregate or average wealth, but because established social welfare arrangements keep people from falling below the minimum in times of economic hardship. "With the proportion of unemployment as high as it is, say, in Britain or America today, but for the social security arrangements, there would be widespread starvation and possibly famine." It is legal and economic institutions that determine whether or not a drought or flood will cause millions to starve. "The law stands between food availability and food entitlement." It is the law that must be changed if poverty, starvation, and famine are ever to be eliminated.

—Claudia Mills

AVAILABLE PUBLICATIONS

The following publications can be ordered from the Center for Philosophy and Public Policy. See order form below.

Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy, by Henry Shue (Princeton, N.J.: Princeton University Press, 1980—\$17.50; paper, 1980—\$4.95).

Boundaries: National Autonomy and Its Limits, edited by Peter G. Brown and Henry Shue (Totowa, N.J.: Rowman and Littlefield, 1981—\$22.50; paper, 1981—\$9.95).

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).

Income Support: Conceptual and Policy Issues, edited by Peter G. Brown, Conrad Johnson and Paul Vernier (Totowa, N.J.: Rowman and Littlefield, 1981—\$27.50).

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).

Working Papers on Legal Ethics

LE-1 "The Adversary System Excuse" by David Luban

LE-2 "The Moral Failure of Clinical Legal Education" by Robert Condlin

LE-3 "The Zeal of the Civil Advocate" by Murray Schwartz

Maryland Courses in Public Philosophy

Ethics and the Legal Profession, by David Luban

Ethics and Energy, by Douglas MacLean

Environmental Ethics, by Mark Sagoff

Human Rights and U.S. Foreign Policy, by Henry Shue

A complete bibliography of Center working papers is available upon request. The charge for working papers is \$2.50 per copy. The charge for model courses is \$1.00 each or \$2.50 for all four courses.

The Hastings Center announces a Workshop on Applied and Professional Ethics, to be held July 4-10 at Colorado College in Colorado Springs. Robert K. Fullinwider and David Luban of the Center for Philosophy and Public Policy will conduct sessions on "Individual and Organizational Ethics" and "The Ethics of Whistleblowing." For further information, contact the Hastings Center, 360 Broadway, Hastings-on-Hudson, N.Y. 10706, (914) 478-0500.

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