

## BOOK REVIEWS

### **Political Philosophy, Clearly: Essays on Freedom and Fairness, Property and Equalities**

Anthony de Jasay

Indianapolis: Liberty Fund, 2010, 360 pp.

*Political Philosophy, Clearly*, part of Liberty Fund's "Collected Papers of Anthony de Jasay" series, gathers nearly two dozen essays from the prominent economist and philosopher. From them emerges a fascinating overview of de Jasay's thought on the nature of order, justice, and the state.

A word about the title. The "clearly" in *Political Philosophy, Clearly* informs the text in a handful of ways, all refreshing. First, as someone who found de Jasay's book length work—*The State*, for instance—often rather opaque, the essays in this collection come off as decidedly clear, making for breezy, if heady, reads.

"Clearly" also represents an allergy on de Jasay's part to fuzzy terms and the fuzzy thinking they engender. He rails against ill-considered use of such words as "fairness," "social justice," and "rights." Much political pontification is decidedly not clear, with words used widely without consideration given to what they actually mean. De Jasay attacks such obscurity whenever he finds it. In a short essay on rights, for instance, de Jasay notes that "by unravelling the tangled thought that lies at the base of most rights talk, one can lay bare some simple truths." True to the form, he goes on to argue that "the word *right* is blithely employed to convey at least two different meanings, one that makes perfect sense and another that does not" (p. 152). Many of the essays in *Political Philosophy, Clearly* see

de Jasay exploring just what “fairness” means, what “social justice” means, what “rights” means, and in just such straightforward fashion.

Taken as a whole, the essays offer a coherent philosophy centered on de Jasay’s overriding conventionalism. A convention, as David Hume wrote in his *Enquiry Concerning Human Understanding* (and de Jasay endorses Hume enthusiastically and frequently), is “a sense of common interest; which sense each man feels in his own breast, which he remarks in his fellows, and which carries him, in concurrence with others into a general plan or system of actions, which tends to public utility.” It is from these conventions, de Jasay argues, that justice and law emerge—and it is these conventions that organize and stabilize society.

Thus, order grows out of conventions, and the state grows out of order. Order does not grow out of the state. And if this is true, then the state, being a result of order, cannot be necessary for order. It’s no surprise, then, when de Jasay writes that “the only type of organized society in which justice and freedom are not endangered, eroded, or perverted is ordered anarchy” (p. 100). Yet the urge will always be strong to institute a state under the misguided notion that this will lead to more efficient provision of public goods. This is particularly the case for rule enforcement.

Conventions produce order, but unless we follow the conventions, that order will inevitably deteriorate. The temptation is to grant monopoly enforcement power to the state. We must resist, de Jasay warns. “By dispossessing its subjects of the means of threatening or using force (except such tamed means as firearms licensed by the police) and by punishing unlicensed private enforcement (except under carefully defined restrictive conditions), the state ostensibly relieves its subjects of a burden. It also assumes a responsibility which it is intrinsically ill-suited to discharge” (p. 259). Once dispossessed, its subjects will see the state inevitably grow as it acts to prop up its own interests. De Jasay’s ordered anarchy, on the other hand, allows for enforcement of conventions through private means: opprobrium, shame, refusal of future dealings, and so on. But what are these conventions?

Two de Jasay mentions frequently in *Political Philosophy, Clearly* are “first come, first served” and its offspring, “finders, keepers.” De Jasay draws a distinction between arbitrary conventions—which side of the plate the fork goes on, for instance, or on which side of the road we drive—and those like the prior mentioned two, which, while

not *necessary*, are better (in terms of efficiency and stability) than the alternatives. He writes,

Note that there is no rival convention that would stipulate some other distribution, such as “finders share the find with all who have also meant to search but were beaten to it by the finder” or “finders share it with mankind.” If such a convention were in fact an equilibrium, it would be a vastly inferior one, if only because few would put themselves to great trouble to search and discoveries to share would be sparse [p. 76].

Recognizing this basic convention leads directly, de Jasay shows, to very nearly the whole of a robust private property regime and a thorough system of contract. But we must recognize them as means of following the convention, not free-standing goods themselves.

This focus on convention over grand theory places de Jasay in stark opposition to John Rawls and the high liberals, a role he eagerly plays in several essays. He has little patience for social contracts, social justice, or justice as fairness, and expresses that impatience by way of critiquing Rawls and broadly Rawlsian concepts. Responding to the popularity of social justice, for instance, de Jasay writes, “To say that civilization is a giant externality responsible for the production of all material wealth is to forge a metaphor, not to construct a theory” (p. 110).

I confess to being uncomfortable, though, with de Jasay’s meta-ethics—namely, his rejection of moral rules outside of those that emerge through convention. Nonconvention-based rules are too fuzzy to be of any value he thinks, and disagreements between people on what should count as moral rules will remain forever irresolvable without the firm grounding conventions give. “The grim epistemological truth,” de Jasay writes, “is that statements about man’s essential nature and his natural rights are neither falsifiable nor verifiable. They are matters of belief, opinion, and sentiment and have no descriptive-ascertainable content.” On the other hand, “Once we recognize the role of conventions in sorting out free acts from unfree ones, we have a firm, clearly ascertainable basis for the concept of freedom” (p. 184).

True, but only insofar as the “concept of freedom” that emerges once conventions have done their sorting resembles in any way the kind of freedom worth having. Emergent conventions need not be freedom promoting, after all. Conventions against education for

women or rights for gays still hold considerable sway in much of the world even though they are, by any meaningful account, immoral. The conventions de Jasay shows most interest in—regarding property, contract, and other distributional questions—may, without the meddling of the state, track well with “freedom” because conventions in those areas lean in the direction of efficiency and property rights and free markets are much more efficient than the alternatives.

But that can’t be enough. There must be some way to challenge abhorrent conventions from *outside* convention. There must be some way to say, “This convention is *wrong*” and be *right* in saying so. That it’s not easy to prove, once and for all, the content of true moral rules doesn’t mean, as de Jasay counsels, we must abandon the quest.

*Political Philosophy, Clearly* is rich and wide-ranging. Its author deftly addresses the impossibility of the “bounded state,” the problem of “rights” talk, the obviousness of the presumption of liberty, and the ways an anarchist system can provide public goods. The short collection evinces a scholar with much of considerable value to say on many topics.

Unfortunately, Anthony de Jasay appears at the end of his career. In an interview last year in *The Independent Review*, de Jasay told Aschwin de Wolf, “I have now pretty well stopped writing . . . because my eyesight is almost completely gone, and I do not have the force and patience to overcome the handicap of being unable to read, to reread some part of a draft, and to read others’ work.” This is sad news indeed, for de Jasay has much to contribute to our understanding of the role and structure of the state, as *Political Philosophy, Clearly* amply demonstrates.

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### **Collision Course: Ronald Reagan, the Air Traffic Controllers, and the Strike that Changed America**

Joseph A. McCartin

New York: Oxford University Press, 2011, 504 pp.

President Ronald Reagan’s firing of more than 12,000 illegally striking air traffic controllers in August 1981 is widely considered a defining moment both for Reagan’s presidency and for American

organized labor. For Reagan, it was the first of many lines in the sand he drew during his presidency. For organized labor, it marked an assault from an anti-union president determined to prevail against a Democratic constituency.

The reality, however, was more complicated than those competing narratives, as Georgetown University labor historian Joseph McCartin shows in his book *Collision Course: Ronald Reagan, the Air Traffic Controllers and the Strike that Changed America*. The conflict between the federal government and the Professional Air Traffic Controllers Organization (PATCO) dated back over a decade before Reagan became president. In effect, Reagan inherited the federal government's conflict-laden relationship with PATCO.

PATCO was not a typical public employee union. While hardly politically conservative, its early membership consisted largely of military veterans. For them, a career in air traffic control presented a unique opportunity to put the skills they had learned in the service to remunerative civilian use, thereby starting on a path to the middle class. They saw themselves as members of a skilled elite professional class.

Yet there was only one employer who could make use of their skills: the Federal Aviation Administration (FAA). This monopsony meant FAA air traffic controllers had few options to address any grievances they might have.

Their efforts to expand such options merely pitted one centralized entity—the FAA—against another—PATCO. Like two planes on a collision course, two expressions of the 1960s—large public sector unions, represented by PATCO, and the conservative movement, represented by Reagan—were headed for a clash. In the end, the collision greatly damaged the unions.

That may seem hard to believe today. A majority of union members work for government entities and the public sector's share of overall union membership keeps growing. Yet that trend, which gained strength during the 1960s and 1970s, temporarily halted after the PATCO strike debacle. Today, around a third of public sector workers in the United States are unionized. Without the PATCO strike, McCartin notes, that share might be closer to half. Were that the case, the current fiscal troubles of many state and local governments would be even worse than they are.

The story of the rise and fall of PATCO is filled with surprising events and drama. On December 16, 1960, two planes collided over

New York, killing 134 people on board and on the ground. The disaster exposed flaws in the FAA's air control facilities and systems. However, the FAA representatives blamed pilot error and stuck to that story throughout the aftermath of the collision. News headlines reflected the FAA line, but the agency paid a price. "The FAA might have escaped blame in the eyes of the public," says McCartin, "but the approach to the investigation damaged its credibility among its own employees" (p. 25). The growing discontent among FAA controllers coincided with the very early days of public sector unionism. Even back then, some union leaders saw the public sector as key to the future of organized labor. Notes McCartin:

In the 1950s, unions were already beginning to worry about automation sapping their factory-based membership over the long run. Labor leaders were determined to establish a foothold in white-collar jobs. The best opportunity to do that seemed to be in government employment, where labor could exert its political influence to win changes in policy, and where employers were unlikely to resist unions as vigorously as private sector employers [p. 32].

Several attempts at organization proved ineffective. Then, in the late 1960s, a group of New York controllers, led by their colleagues Mike Rock and Jack Maher, "concluded that they would have to launch a national organization on their own," notes McCartin. "But they feared taking that step without the backing of someone prominent who could defend them if the FAA tried to threaten them" (p. 65). After calling several celebrity pilots, they struck gold with renowned trial lawyer F. Lee Bailey.

Bailey met with Maher, Rock and others on January 4, 1968, at a bar near LaGuardia airport. "As one round of drinks followed another, their stories poured out: outdated equipment; forced overtime; an unresponsive bureaucracy; insomnia; ulcers—all the things they felt were destined to shorten their lives" (p. 66). Bailey then suggested organizing a meeting of activist controllers from around the country. More than 700 controllers attended, and Bailey gave a rousing speech detailing controllers' issues with the FAA. Bailey asked his audience to put down \$10 each as their initial dues, marking the launch of PATCO. Bailey would be their lawyer.

Later that year, PATCO launched a work slowdown, whereby it pressured the FAA to grant it dues checkoff. Controllers could not strike, but they could slow down traffic by sticking to the letter of FAA rules. The slowdown worsened relations with the FAA and angered travelers. This conflict fed union militancy, which continuously ran up against government budget constraints.

Enter Ronald Reagan. Six months into his first term, PATCO's contract expired. Reagan did not come into the White House determined to make war on unions. In fact, he sought and received the endorsement of several socially conservative unions, including the Teamsters and PATCO. The Reagan campaign, eager to attract voters later called "Reagan Democrats," courted PATCO. Reagan was a former union president—he once headed the Screen Actors Guild—and, as governor of California, he signed a law that opened the door for local governments to collectively bargain with unions representing their employees.

PATCO, which had endorsed Richard Nixon's 1972 reelection campaign, had reached an impasse with the Carter administration. The union "endorsed Reagan in the belief that his election provided the only plausible scenario for gaining an acceptable contract without a strike in 1981" (p. 249). However, an unexpected change in PATCO's leadership dashed those hopes. In early 1980, PATCO Vice President Robert Poli successfully challenged John Leyden, who had been the union's president since 1970, for the top job. This internal coup turned out to be surprisingly significant. Poli pushed the government harder for more and more concessions, in the hope that Reagan would accede rather than see the nation's air traffic shut down. Poli's gambit might have worked, if not for the strike.

That year, controllers at Chicago's O'Hare airport staged a slowdown on their own to protest their workload. To avoid having any more facilities go off on their own, Poli drew up a set of contract demands that he believed most PATCO members would get behind. It included an immediate \$10,000 pay raise for all controllers, a 10 percent increase after one year, a cost-of-living adjustment of 1.5 percent for every percentage point increase in the consumer price index, a 30 percent bonus for time spent on on-the-job training, and a four-day workweek with three consecutive days off.

Hoping to avert an air traffic shutdown, Reagan gave his negotiators relatively wide latitude. Transportation Secretary Andrew “Drew” Lewis presented PATCO with an generous offer. “Never before had the government offered so much in a negotiation with a federal employees’ union,” notes McCartin (p. 262). Had PATCO taken this offer, it would have won. So what happened? PATCO’s leadership sold the deal badly to members, many of whom contrasted it to the union’s original outlandish demands. Momentum in favor of a strike had been building up among PATCO members.

Reagan drew the line at an illegal strike. Even worse for PATCO, other union leaders were stunned by strike. They thought it reckless. Other unions publicly stated their support for the striking controllers but did little else. The FAA had prepared well for the strike: supervisors, military controllers, and new hires handled reduced traffic. The airlines agreed to reducing traffic in exchange for a delay in airline deregulation. The strike put deregulation on hold, giving the airlines a respite from intense competition and more time to plan for the post-deregulation era.

Reagan took to the television and gave strikers 48 hours to return to their jobs or be fired. While Reagan’s speech galvanized the strikers at first, McCartin notes, “Beneath the veneer of bravado, there was considerable worry among many strikers. They understood the significance of the fact that Reagan himself, rather than one of his cabinet officers, delivered the ultimatum” (p. 295).

McCartin’s history is a detailed, straightforward, and at times gripping account of the rise and fall of PATCO and its interplay with other forces in the American polity. While McCartin’s sympathies appear to lie with the unions, he hews closely to the facts. However, he restates some union claims rather uncritically, such as the description of President John F. Kennedy’s Executive Order 10988 as being riddled with “defects” because it was not entirely to union leaders’ satisfaction.

Policy preferences notwithstanding, McCartin’s conclusion offers a postmortem on the PATCO strike and its aftermath in the context of labor policy today, including state-level fights over collective bargaining. In the end, the PATCO strike only slowed the advance of public employee unions, who have moved from strikes to electoral politics, thereby completing their transformation into a permanent lobby for bigger government.

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## **Does the Elephant Dance? Contemporary Indian Foreign Policy**

David M. Malone

New York: Oxford University Press, 2011, 425 pp.

After more than 20 years of major market reforms that followed a foreign exchange crisis in 1991, India's stunning economic growth has enlarged its international profile. But unlike China, India's security challenges and perspectives on foreign policy remain largely unknown to the rest of the world. What kind of great power does India aim to be?

The timing is right for *Does the Elephant Dance? Contemporary Indian Foreign Policy*, a concise treatment of India's growing stature in Asia's geopolitics and in international affairs. This lucidly written tome draws on the personal experience of its author, David M. Malone, until recently Canada's high commissioner to India (2006–08), and his in-depth study of the existing Indian literature. Chapters 1 and 2 are brisk introductions to India's unique civilization and its ancient and modern history. Chapters 3, 4, and 5 assess India's vexing security challenges, its striking economic growth, and its relations with neighboring states, respectively. Those three chapters provide the thematic backdrop for much of the book.

Malone fluently identifies key internal and external barriers that will hamper India's striking economic growth: rampant corruption, poor business conditions, law and order problems, communal unrest, religious conflict, and abject poverty. Although the conflict in Kashmir attracts Western headlines, India's most insidious internal threat remains the Naxalite movement, a Maoist insurgency whose violence has spread to almost a quarter of Indian districts. An estimated 30 armed insurgent groups operate in the country's ethnically diverse northeast.

Despite India's robust linguistic, ethnic, and religious links with much of the region, its diplomatic relations remain poor with virtually all of its neighbors. Malone cites the tiny landlocked kingdom of Bhutan and the Indian Ocean archipelago of Maldives as the only two examples of India's successful relations with smaller neighbors. Ties between India and Bangladesh remain marred by disputes over terrorist havens and illegal migrants. Nepal is resentful of what it views as excessive Indian interference. India's intelligentsia remains hostile toward Myanmar's military junta, despite India's careful relations

with it for the sake of Arunachal Pradesh, an Indian state adjacent to Myanmar, which China claims. In Sri Lanka, after nationalism coalesced around a Sinhalese Buddhist identity, India, in the guise of peacekeeping, intervened militarily, becoming embroiled in combat against Tamil separatists, who in 1991 assassinated Indian Prime Minister Rajiv Gandhi.

The book comes up short on the question of Pakistan, despite offering a fascinating and impressive survey of New Delhi's dangerous neighborhood. Malone contends that the possibility of a full-scale Indo-Pak war is "less likely" than ever—barring the rise to power in Islamabad of a radical group or individual. But perhaps that assessment would have been more compelling had Malone devoted more than six of his 425 pages to the countries. On Indo-Afghan relations, in league with popular opinion, Malone finds that shared history, culture, and the desire to rid the region of undue Pakistani influence bind the countries, with many Afghan elites, including President Hamid Karzai, educated in India. Of course, warm Indo-Afghan relations also complicated Washington's aim of getting Islamabad to cooperate fully after 9/11.

Some readers might be surprised that *Does the Elephant Dance?* leaves out a meaningful treatment of India's growing links with Brazil, Mexico, Chile, and Latin America generally. However, the countries Malone discusses are tremendously important. Chapters 6 through 11 survey India's relations beyond the subcontinent: with respect to China, the United States, the Middle East or "West Asia," East and Southeast Asia, Europe and Russia, and the multilateral institutions and processes that have mattered most to New Delhi. Overlapping border disputes brought India a failed war with China in 1962. Malone lays out persuasively why even though conflict between the bilateral trade partners is "highly unlikely—both sides have too much to lose," friction between them will remain high. Both countries have nuclear weapons. Both are expanding and modernizing their militaries. Both have large reserves of manpower. Both are vying for wealth, markets, energy, and influence across Africa, the Indian Ocean, the Persian Gulf, and Central and East Asia. And both are modern republics animated by nationalistic mythologies of ancient "civilizational greatness." As a result, distrust and uncertainty will persist in the East.

In the West, U.S.-India relations were historically antagonistic during the Cold War, called the "lost half century" or "the fifty

wasted years.” But the world’s oldest and largest democracies made up for lost time by signing a civilian nuclear deal in 2008. By late 2010, Washington even endorsed New Delhi’s bid for a permanent seat on the United Nations Security Council. U.S. officials have declared forthrightly that New Delhi stands as America’s “primary global partner” and is “poised to shoulder global obligations.” Malone helpfully guides readers through the logic animating U.S. policies. Certainly, Washington seeks to groom India as a counterbalance to China, but it also seeks to encourage India’s greater stake in the international system, thereby constraining its future ability to maneuver and convincing its elites to share global burdens rather than free-ride.

Chapter 8 explores Indian foreign policy in the Middle East or “West Asia,” an infrequently used designation that grows bothersome after a few paragraphs. The chapter nevertheless gives readers an insightful glimpse into how during the Cold War, India cultivated a broad set of alliances “with virtually all countries of the area,” and lately has established close relations with Saudi Arabia, Israel, and Iran. Chapter 9 provides a useful sketch of India’s growing economic interaction and defense ties with regional groupings in East and Southeast Asia. Chapter 10 lays out India’s cordial relations with Russia, which reflects both past ties and future returns from several planned oil and natural gas pipelines. This chapter also analyzes India’s warm relations with Europe, especially the U.K. and France. Interestingly, Malone writes that although Indian diplomats view Europe as a bastion of culture, many do not take the European Union’s pretensions to significance seriously. Finally, on the multilateral front, although New Delhi has refused to sign the Nuclear Proliferation Treaty or the Comprehensive Test Ban Treaty, and upended the Doha Round of World Trade Organization negotiations, Malone recollects that among foreign diplomats, Indian negotiators are widely reputed as brilliant—as well as “arrogant,” “moralistic,” and “confrontational.”

Malone is correct when he claims that “India’s foreign policy has tended to be reactive and formulated incrementally, case-by-case, rather than through high-minded in-depth policy frameworks.” But a slight weakness lies in the author’s repeated insistence that India must promote some grand foreign policy vision. Beyond his recommendation of expanded regional trade, Malone might have adopted his own advice by explaining the new course he would counsel for India’s foreign and strategic policies. After all, what India should

adopt as a long-term strategic vision remains confusing, especially after Malone writes that India has gained when its diplomacy remained flexible, and yet, during the Cold War, “India’s moralizing foreign policy touched a raw nerve in American diplomatic circles.” Moreover, according to Malone, the fact that “contemporary U.S. approaches to China oscillate between policies of containment and engagement,” some Indians question the logic of choosing sides between the two—a factor that could explain New Delhi’s reluctance to articulate a foreign policy approach in the early 21st century.

That aside, Malone sheds light on the more obscure aspects of Indian policy. For instance, there is a disjuncture between policy-making centers in New Delhi and policy implementers abroad. Malone writes that now and then, Indian officials at international forums adopt positions contrary to New Delhi’s foreign policy objectives. On India’s limited bureaucratic capacity, Malone writes that Indian leaders have resorted to hiring private sector lawyers due to a shortage of government trade negotiators. Clarifying the murky facets of Indian security, Malone argues that the intelligence capabilities of its external spy agency, the Research and Analysis Wing, are dubious, while India’s Air Force and Navy are “star performers” compared to the Army.

Overall, Malone provides readers a substantive range of perspectives on how India’s daunting domestic disturbances and regional security challenges will constrain its ability to translate economic growth into international prominence. *Does the Elephant Dance?* successfully illustrates India’s central dichotomy: its aspiration for a larger role in the world and the limits on that ambition arising from regional constraints. But only time will tell whether this lumbering elephant is nimble enough to waltz onto the global stage, put on its heels, and dance.

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