

CHAPTER THREE

A
Fool's
Errand?

John Ahrens

Giving money and power to government is like giving whiskey and car keys to teenage boys.

—P. J. O'Rourke, *Parliament of Whores*

ON THE OTHER HAND . . .

If they don't want me living up here, they [FEMA] can get their checkbook out.

—Ben Boggs, resident of the
Ohio floodplain¹

THE NAME OF the key government agency—the Federal Emergency Management Administration (FEMA)—pretty much tells the story. The federal government now undertakes to manage emergencies, a task so daunting that it must call forth all the concentrated regulatory and economic power that resides in federal institutions and bureaucracies. FEMA takes the point position in this massive effort; its strategic plan recognizes a “need to lead and

1. Mr. Boggs was quoted in an article in the *Louisville Courier-Journal* on July 10, 2000. The article reported FEMA's threats to put Clark County, Indiana, on probation for flood insurance unless some eighty mobile homes parked in the floodplain of the Ohio River were relocated.

support the Nation in a comprehensive, risk-based emergency management program.”²

Responding to this need will require the expenditure of enormous sums from tax revenues and the implementation of complex regulations to manage emergencies before, during, and after the fact.³ The need for this massive effort is apparent, seemingly, in the newspapers and news broadcasts of any given day; they typically feature a litany of ongoing catastrophes—fires, floods, earthquakes, volcanic eruptions, violent weather. And the demand for this effort is certainly apparent from the same sources. Media coverage of natural disasters virtually always features a parade of victims complaining about the government’s inadequate or inept or unfair response, followed by somber punditry on the government’s seeming inability to shoulder this crucial responsibility. Federal management of one’s emergencies has quickly become just another entitlement.

So perhaps this essay is a fool’s errand. Can a society that authorizes government to respond quickly and effectively to natural disasters and other such calamities hope to preserve its liberty? Well . . . no. History—recent history, at least—speaks fairly consistently about the dangers of ceding to government the power to act on a large scale or a short timetable,⁴ even—or perhaps especially—when the end in view is generally thought to be a good one. Providing emergency relief and, perhaps, reconstruction assistance to

2. “Partnership for a Safer Future: Strategic Plan FY 1998–FY 2007,” Federal Emergency Management Administration, at FEMA.GOV, http://www.fema.gov/library/spln_1.htm#fore.

3. The documents on FEMA’s website (www.fema.gov) are quite explicit about all of this.

4. Robert Higgs provides an excellent historical account of how emergencies, particularly economic and military emergencies, have contributed to the growth of the federal government in *Crisis and Leviathan: Critical Episodes in the Growth of American Government* (New York: Oxford University Press, 1987). Mary C. Comerio gives a succinct overview of the development of federal policy concerning natural disasters in “Paying for the Next Big One,” *Issues in Science & Technology* 16, no. 3 (spring 2000): 65.

A Fool's Errand? / 61

the victims of so-called natural disasters—large fires, earthquakes, floods, tornadoes and hurricanes, and other such eruptions of nature—seems an eminently good cause to many citizens of the contemporary United States. And efforts to mitigate the effects of such disasters by mandating various preventive efforts seem a natural extension.

This is so in part, I suspect, because such disasters have about them an air of randomness; there seems to be precious little that individuals can do to protect themselves, and that little is very costly. At the same time, there is a widespread conviction that market or other voluntaristic institutions will not do a very good job of responding to natural disasters. (I am inclined to agree with this, and I will suggest why I think this is so, although not at any great length, later in this essay.) This seems one of those genuinely hard cases in which a choice must be made between two genuine but conflicting values.

That is to say, it seems that we can preserve our freedom and the benefits that accompany it, or we can charge government with protecting us from one of the more intractable vicissitudes of life. And—*O tempora! o mores!*—it is no real surprise that people today clamor for protection at the expense of freedom, whether their own or someone else's. To defend freedom against the claims of victims, even to suggest that something of value is being lost in the rush to give the federal government the authority to manage emergencies, is surely a fool's errand.

This last point will play a central role in my discussion of disaster relief. That many (most) people are too willing to sacrifice freedom for security certainly is not a new phenomenon. Frederic Bastiat, writing in France during the period surrounding the Revolution of 1848, explained this willingness to sacrifice freedom to the demands of the moment in terms of a distinction between what is *seen* and what is *not seen*. Bastiat points out that “an act, a habit, an

institution, a law produces not only one effect, but a series of effects.”⁵

The direct and immediate consequences are easily seen, but those consequences that are more indirect, or emerge later or at a distance, are not so easily seen. And it often happens that the immediate consequences are apparently beneficial; it is only later that unfortunate consequences begin to emerge. This produces all sorts of problems for human beings and societies: “When a man is impressed by the effect *that is seen* and has not yet learned to discern the effects *that are not seen*, he indulges in deplorable habits, not only through natural inclination, but deliberately.”⁶

Bastiat uses this distinction to explain many of the political and social controversies of his day, and it can equally well illuminate our discussion of disaster relief. What is *seen* in a natural disaster is the plight of victims and the immediate improvement that government can effect. What is *not seen*—indeed, what is often wilfully ignored—is the damage to freedom, and perhaps to other values, that ultimately emerges from the decision to give government the power to manage prevention, relief, and reconstruction. Security triumphs because the loss of freedom simply is not seen, or is not seen to be of sufficient importance to weigh heavily in the balance. I return to this below.

THE SLIPPERY SLOPE

On the other hand, this dilemma really cannot be that stringent. Any—*any*—grant of authority to government puts us on the slippery slope to unlimited expansion and misuse of that authority. The war on drugs is an obvious example; during the latter half of the

5. Frederic Bastiat, “What Is Seen and What Is Not Seen,” in *Selected Essays on Political Economy*, ed. George B. De Huszar (Irvington-on-Hudson, N.Y.: Foundation for Economic Education, 1995), p. 1.

6. *Ibid.*

A Fool's Errand? / 63

twentieth century and the beginning of this century, the federal government's efforts to prevent drug use have grown into a massive structure of costly programs and intrusive regulations. Children are subjected, often involuntarily, to drug education programs whose effectiveness is questionable and whose content is more so. Constitutional guarantees of due process and privacy have been seriously eroded by efforts to enforce drug laws, and many officials and citizens clamor for even further erosion of these guarantees. Regulations concerning such things as the medical use of marijuana or the cultivation of hemp, matters that have little to do with illegal drug use, restrict the freedom of individuals to pursue thoroughly legitimate ends. Hysterical sentencing policies have undermined respect for the law and driven the costs of incarceration to astronomical levels. And the practice of racial profiling has lent a racist tinge to the whole mess. It is a popular joke that the war on drugs is over and that drugs have won. The truth is that government has won, and this is no joke at all.

Certainly, our experience with ceding to government the authority to police drug use and the myriad of other so-called victimless crimes should give us pause—and equally so our experience with federal regulation of the economy in the name of the public good or economic justice or some other ideal that is often ill defined and presented as self-evident. The slippery slope is indeed slippery; perhaps we are well advised to limit government to the protection of individual rights, as John Locke, John Stuart Mill, and other traditional defenders of liberty would have us do. Unfortunately, the situation is no more encouraging when we turn our attention to the government's authority to prevent or punish *real* crimes in which an identifiable individual's rights are violated by identifiable others—crimes like assault, theft, and fraud. Due process, freedom of speech, private property, privacy, and all the other rights that comprise freedom are equally a hindrance to the regulation of personal and economic behavior *and* to the prevention of

real crimes. That is why a society that aspires to freedom, such as that of the United States, surrounds authority with all sorts of constitutional and legal provisions to ensure that it does not turn against us. Hence, the danger of unlimited expansion of the government's power cannot render the issue of disaster relief especially problematic; this danger arises whenever we give government the authority to do anything.

The real issue, at least for someone who is committed to the ideal of a free society, is whether disaster relief presents us with one of those situations in which it is appropriate to confront this danger and cede some authority to government. If it does not, this would not be a unique or difficult bullet to have to bite. One can acknowledge the desirability of all sorts of things—a drug-free society, prompt help for the unfortunate, universal literacy—without being committed to making government a major or even a minor player in efforts to achieve these things. Into which category, then, does disaster relief fall?

THE STATE OF NATURE

Despite the slippery slope, the most ardent defenders of freedom are generally inclined to invest in government the authority to police violations of individual rights (well, most of them, at any rate). Anarchists, the most ardent defenders of freedom, if not the most practical, are strongly disinclined to do this. The anarchist/liberal debate is well represented in the current philosophical literature, and I will not enter that debate directly in this essay, although I do hope that my accounting of liberal arguments will show that they are an adequate response to anarchist objections.⁷ In any case,

7. For a succinct discussion of this debate, see Aeon Skoble, "The Anarchist Controversy," in Tibor R. Machan and Douglas B. Rasmussen, eds., *Liberty for the 21st Century* (Lanham, Md.: Rowman & Littlefield, 1995).

A Fool's Errand? / 65

the mainstream of the classical liberal tradition has typically recognized the necessity of government to create and maintain a structure of laws within which freedom can flourish.⁸ Why is this so?

The answer to this question often emerges from a contrast between the state of nature, in which human beings live without any central authority and are each responsible for protecting themselves from force and fraud, and civil society, in which this responsibility resides solely in the hands of a central authority to which all are subject. John Locke characterizes the human condition in the state of nature as “a state of perfect freedom to order their actions and dispose of their possessions and persons as they think fit, within the bounds of the law of nature, without asking leave or depending upon the will of any other man.”⁹

Our freedom is “perfect,” yet it is limited even before we create government to constrain our actions. It is limited by the natural rights to life, liberty, and property prescribed by the law of nature and possessed by every human being. Locke explicates these rights in negative terms, as rights against interference, rather than rights to any sort of assistance, and makes the protection of these rights the foundation of his normative theory of government. Government is constituted to protect these rights, and government itself must respect these rights.

But Locke also argues that the state of nature, while it is a state of “perfect” freedom, is a state of some inconvenience as well. It is terribly inefficient, for there is much duplication of efforts to prevent and sanction rights violations. And this state inevitably hinders the cooperation that is essential for the production of most of the

8. I do not wish to get bogged down in labels here. By “classical liberalism” I mean simply that tradition in Western political philosophy that has made individual freedom the most significant standard by which governments and societies are to be evaluated. The relationship of this tradition to modern liberalism and conservatism is complex.

9. John Locke, *The Second Treatise of Government*, chap. 2, §4.

advantages of life; the lack of a central authority to define, investigate, and adjudicate rights violations results in uncertainty and instability and thus engenders mistrust.

Reasonable human beings (and most are reasonable) can easily see the advantage of creating such an authority and accepting the consequent restrictions on their freedom and their obligation to pay a fair share of the costs of maintaining the central authority. But they can also see the danger: this central authority can itself become a threat to the preexisting, *natural* rights to life, liberty, and property that it was constituted to protect. If all goes well, these natural rights limit the scope of centralized authority by establishing boundaries that cannot be crossed and thereby determine the scope of individual freedom. The danger is that all may not go well.

Thomas Hobbes, although himself no great proponent of individual freedom, gives an account of the movement from the state of nature to civil society that has had considerable influence on the development of the classical liberal tradition. Hobbes has a grim view of the state of nature; it is so fraught with conflict and insecurity and mistrust that the manifold benefits of cooperative endeavor are simply unattainable, and the life of man is “solitary, poor, nasty, brutish, and short.” The law of nature prescribes no preexisting natural rights; it prescribes only that we do whatever is necessary to escape this situation.

What is necessary, according to Hobbes, is to submit to a government that has the power to control our aggression and thereby make cooperation the rational course. Any government that can bring some kind of order and stability to our lives, no matter how tyrannical and oppressive it may be, is preferable to the dismal state of nature.

The arguments advanced by Locke and Hobbes form two important poles in the debate concerning the scope of freedom and the limits of authority. Locke argues that freedom is mandated and defined by the preexisting natural rights that government is formed

A Fool's Errand? / 67

to secure; Hobbes rejects the notion of preexisting limits on authority and finds little room for freedom in his grim account of the human condition. But at a deeper level, these two views are united, for both are the result of an effort to resolve the intractable tension between human individuality and human sociality.

Human beings *are* individuals. The claims of politicians aside, I do not feel your pain. More to the point, each of us has a distinct perspective, a unique structure of values and motivations, varied prospects—in short, a different life from every other. This individuality is the ground of freedom. At the same time, we are thoroughly social creatures; our lives, our very beings are shaped by our relationships with others. An important dimension of our sociality can be described as instrumental; production of the advantages of life, material and otherwise, is much enhanced by cooperation. This is the dimension of sociality emphasized by Locke and Hobbes.

But there is another dimension as well, typified by the relationships between family members or between intimate friends. Because we are the sorts of creatures we are, we find ourselves drawn together by intellectual and emotional commitments. And many of these relationships are what might be called *constitutional*: they shape our perspectives, our values, our prospects—our being. This sociality is the ground of civil society, with its attendant restrictions on freedom.

John Stuart Mill, the great nineteenth-century defender of individual liberty, addresses this same tension, but in a quite different way. He rejects both Locke's natural-law account of freedom and Hobbes's conventional account. Instead, he argues that a free society produces better human beings who, in turn, produce a better society.¹⁰ The tension between individuality and sociality is resolved by demonstrating that neither is really possible without the

10. John Stuart Mill, *On Liberty*, esp. chap. 3.

other. But, like Locke and Hobbes, Mill acknowledges the necessity of negative rights, although he is hesitant to label them as such. His harm principle restricts freedom by prohibiting actions that harm others and thereby secures the freedom that allows for human flourishing.

This tension is at the heart of the classical liberal tradition¹¹ and explains why the enforcement of laws that protect individual rights is so often seen as the primary function of government, perhaps even the only legitimate one. The protection of individual rights is essential to the proper functioning of society. If the government does not do at least this, then society and its attendant benefits simply are not possible. (This is Locke's answer.) Or, to put the point in more Hobbesian terms, it is the creation of a government with the authority to protect each of us from incursions by our fellows that makes rational (as opposed to coercive) interaction among human beings possible to the benefit of all. Or, as Mill might say, the protection of individual rights (the prevention of harm) is essential for the flourishing of both individuals and societies. This tension between individuality and sociality does not present us with a true dilemma, but its resolution requires a deeper understanding of both alternatives. Freedom must be restricted so that sociality can flourish and render the exercise of freedom truly worthwhile; civil authority must be restricted so that individuality can flourish and render authority truly advantageous to all.

DISASTER RELIEF

So . . . is disaster relief more like the protection of individual rights that define a broad sphere of freedom, an essential function of civil

11. If the reader would like to examine a contemporary discussion of this issue, I can recommend nothing better than Douglas B. Rasmussen and Douglas J. Den Uyl, *Liberty and Nature: An Aristotelian Defense of Liberal Order* (La Salle, Ill.: Open Court, 1991).

A Fool's Errand? / 69

society? Or is it more like the war on drugs or the regulation of the economy to produce certain distributional outcomes, which look to the defender of freedom very much like the illegitimate expansion and misuse of civil authority?

The answer to this question is complex; it requires us to consider the characteristics of an event or situation that is properly called a “disaster” and what, exactly, we mean by “relief.” It is surely relevant here to note that one feature of disasters, properly so called, is that they often return those whom they beset to something very much like a state of nature. In the disorder that they engender, the conditions that make it reasonable for individuals to respect the rights of others, or to suppose that any great number will in fact do so, are simply destroyed.

Efforts to survive and recover from the disaster may lead to an escalation of violations of individual rights: assault, fraud, looting. There is frequently an increase in violence born of anxiety and insecurity, or merely of opportunity, and directed against targets that have little or nothing to do with the disaster.¹² There is frequently profiteering, attempts to capitalize on the misfortunes of disaster victims. And while profiteering may not be a crime (i.e., a violation of anyone’s rights), it certainly ratchets up the hostility of the victims and thereby contributes to the general level of disorder. Under these conditions, civil society may simply become impossible. Disasters frequently leave only the freedom of the state of nature, which is precisely what government is supposed to deliver us from.

Thus, we might well conclude that some sorts of disaster relief, at least, are a natural extension of the government’s authority to protect individual rights. It is easy to imagine the sorts of things that

12. Elaine Enarson provides an interesting analysis of the data on domestic violence in “Violence against Women in Disasters,” *Violence against Women* 5, no. 7 (1999): 742.

the government might usefully do to restore order, and thus preserve freedom, in the aftermath of a natural disaster: increased and more aggressive police patrols, perhaps with the assistance of the military; curfews and other restrictions on movement and association; restrictions on communication; perhaps even relaxing the requirements of due process and the restrictions on unreasonable search and seizure. The federal government has pursued all of these courses in the past and will doubtless do so again. All involve substantial restrictions on freedom; but all can, in at least some instances, be defended as necessary to restore the conditions that transform the state of nature into civil society.

So disaster relief is not intrinsically incompatible with or inimical to freedom. But here again the slippery slope looms. Sending the national guard to keep order and coordinate initial relief efforts after a hurricane is one thing. Unleashing FEMA to supervise and finance reconstruction is quite another. Using tax revenues or other “public” resources to stave off starvation and exposure in the aftermath of a flood is one thing. Financing and supervising reconstruction, particularly when reconstruction is carried out in such a way as to invite further catastrophes, is another. And it is another thing still when the federal government moves from disaster relief to disaster mitigation or prevention by mandating how we shall prepare; this unleashes the regulatory steamroller of the federal bureaucracy and intrudes into every corner of life. Yet the federal government currently does all these things; relief expands naturally to encompass reconstruction, which quickly gives birth to prevention. Is the slippery slope of disaster relief simply too dangerous?

I suspect that many who are committed to the ideal of a free society are inclined, however regretfully, to answer this question with a simple affirmative. However, several other responses suggest themselves. First, one might explore the potential for market or other voluntaristic responses to disaster and insist that this potential not be stifled by government responses. Perhaps the descent down

A Fool's Errand? / 71

the slippery slope can be halted by authorizing government to intervene only when there is no alternative. It is certainly true that the market and the nonprofit sector contribute much to disaster relief already. These contributions range from compiling and disseminating information that enables people and communities to mitigate the effects of disasters to emergency relief to financial and other kinds of help during reconstruction. And there is little doubt that the private sector could and would do considerably more if the role of the federal government were reduced. However, I am not sanguine about this approach. Urbanization has combined with rising expectations to push the economic costs of many natural disasters to levels that beggar even the resources of the insurance industry, not to mention those of private relief organizations.¹³ Many insurance companies have simply ceased to offer various kinds of disaster coverage or have raised the premiums well beyond what the consumers will (or even can) pay. The resources of private relief organizations are often not even adequate to the task of providing immediate relief, much less reconstruction. Furthermore, mistrust of the private sector, and particularly the market, leads people to turn to government as a first rather than a last resort. There is little reason to suppose that the private sector can or will do much to halt the expansion of the government's authority under the rubric of disaster relief and prevention.

The conclusion that disaster relief is, in some instances, a natural extension of legitimate civil authority also raises a host of "technical" questions that might usefully be considered. What is truly a disaster that destroys the conditions for civil society and calls for action by the government? What, short of trying to restore the *status quo ante* through massive wealth transfers and stringent preventive regulations, is it appropriate for the government to do?

13. For a more detailed discussion of this issue, see Comerio, "Paying for the Next Big One," p. 65.

What approaches to relief are least destructive of freedom in both the short and the long term?

Answers to questions such as these would provide at least a philosophical hedge against unlimited expansion and general misuse of the government's authority under the rubric of disaster relief. They would allow the defender of freedom to explain why the government must respond in some instances and, more important, how both the response and the limitations on it are built on the foundations of a free society. But I will leave these questions to another essay and perhaps even to another author. Instead, I will undertake to place the slippery slope of disaster relief in the context of a larger malaise that pervades the political culture of the United States and that renders all such philosophical speculation as the foregoing largely ineffectual.

THE SLIPPERY SLOPE REVISITED

The thought may have occurred to the reader by now that the slippery slope of disaster relief really is not all that much more slippery or dangerous than that of welfare or economic regulation or universal medical insurance coverage or any of the other myriad programs of the federal government. The federal government has for a long time now been expanding its authority to encompass virtually every aspect of life, with the full support of much of the citizenry. That it should undertake to manage emergencies is not surprising, nor is it even particularly worrisome in the face of this general expansion.

This headlong rush by the citizenry away from freedom and down the road to serfdom is, of course, a complex phenomenon, the product of many factors. But I think that two of these factors are particularly worthy of discussion, one because it is too seldom mentioned and the other because it bears particularly on the issue of disaster relief.

A Fool's Errand? / 73

Americans (and perhaps the citizens of other nations as well, although I do not assert this) do not want freedom. Really, they don't. Despite continual and often strident invocation of the ideals of freedom that undergird the political culture and traditions of the United States, the citizens generally do not have any real concern for freedom. What do they want? Lots of things. Some want to smoke marijuana. Some want to build private arsenals. Some want to marry a member of their own sex. Some want to buy cheap gas for their SUVs. Some want their children to pray in school and learn creation science. Many just want to get rich. And some want to prevent others from doing these and other things that they find reprehensible or threatening or offensive or simply pointless. And so on and so on.

My point here is not that these desires and the values they reflect are commensurate with one another or even that all of them are legitimate (or that any of them are not). I have intentionally avoided employing the language of "negative" and "positive" rights and freedom in characterizing this feature of American political culture. Although this is a useful distinction, and one that has been effectively employed to illuminate this important shift in the political culture of the United States, it is not essential to my point.

My point is, simply, that in the vocabulary of American political discourse, "freedom" has become more often than not a synonym for "what I want." People don't want freedom. They just want what they want. If the government allows them to get it or, better yet, gives it to them, then they think themselves free.

This is, certainly, a rather pessimistic view of things, and it is largely impressionistic. But the impressions seem to me utterly compelling. In letters to the editor, and in the ostensibly more thoughtful essays of the pundits, people demand whatever they want as a matter of right and castigate those who want something else. What *I* want is simply to exercise the freedom guaranteed by the Constitution and the traditions of this free country; what *you*

want is special privileges at the expense of the common good or a perversion of freedom or whatever. In the debates that surround the controversies of the day—abortion, welfare, environmental degradation, capital punishment—all are the defenders of the rights that constitute our freedom, and their opponents are the enemies of these rights. And our political leaders pander to this confusion, invoking freedom to justify their constituents' demands and promising all sorts of restrictions on the freedom of others. This narcissism is the triumph of individuality over sociality.

The freedom to “order their actions and dispose of their possessions and persons as they think fit, within the bounds of the law of nature, without asking leave or depending upon the will of any other man,” is no longer enough for far too many of us. This kind of freedom is hard, and it entails responsibility, which is harder still. Rather, we demand to live in a world that mirrors precisely our values and prejudices and guarantees the fullest satisfaction of our desires; that is to say, we demand freedom from hardship, uncertainty, doubt, confusion. Anything short of this—any necessity that we coexist with others whose values and desires are different from ours and often in competition with them—is oppression of the worst sort.¹⁴

Bastiat's distinction between what is *seen* and what is *not seen* is surely relevant here, as well. It is easy to see how the power of government might be used to procure what one wants or to remake the world in one's own image. It is not so easy, apparently, to see that this power might turn against one in the future or that others might have different wants and a different picture of how the world

14. I explore some of the causes and consequences of this retreat from freedom in a series of lectures I gave to the Institute of Philosophy of the Russian Academy of Sciences. The texts of these lectures are posted on my website (ahrens.hanover.edu/mss). See particularly “The Classical Liberal Tradition in U.S. Politics” and “Divided Self—Divided World: A Call for the Reconstruction of Liberalism.”

A Fool's Errand? / 75

should be. Bastiat offers an observation about human nature that does much to explain this blindness.

But there is also another tendency that is common among people. When they can, they wish to live and prosper at the expense of others. This is no rash accusation. Nor does it come from a gloomy and uncharitable spirit. The annals of history bear witness to the truth of it: the incessant wars, mass migrations, religious persecutions, universal slavery, dishonesty in commerce, and monopolies. This fatal desire has its origin in the very nature of man—in that primitive, universal, and insuppressible instinct that impels him to satisfy his desires with the least possible pain.¹⁵

People want what they want, and what they want most is the security of a guarantee that they will get it. If this comes at the expense of their own freedom or the freedom of others, so be it.

One dimension of this narcissism is an inability to empathize with others, to really imagine what it would be like to have values and desires different from the ones we actually have or to understand the world differently from the way we do. I see the seeds of this malaise every time I raise controversial issues with the students in my classes on ethics and political philosophy. Far too many of them simply cannot imagine what it would be like to have different values and desires—to be attracted to someone of the same sex, to prefer literature to sports (or sports to literature), to believe (or not to believe) in the God of Christianity.

Such values and desires are, quite literally for many of my students, inconceivable; they are not natural, and those who act on them are quite obviously abusing their freedom. Far too many of them simply cannot imagine that they might understand their world and their prospects differently if they had had different experiences, different opportunities, different abilities—in short, dif-

15. Frederic Bastiat, *The Law*, Dean Russell, trans. (Irvington-on-Hudson, N.Y.: Foundation for Economic Education, 1998).

ferent lives. Someone who views the world differently is, at best, mistaken and so obviously mistaken that one is inclined to suspect hypocrisy.

Yet the presence of empathy does not seem to improve the situation much. In the contemporary political culture of the United States, empathic identification with others often simply expands the *I* that demands satisfaction and culminates in the demonization of those who dissent from our views. Those who demand abortion rights are “murderers” and perpetrators of a “holocaust” in the eyes of those who have taken the interests of the “unborn” to heart. Those who question affirmative action are “racist” in the eyes of those who have taken the interests of minorities to heart. Those who promote the improvement of the material conditions of human life are “raping” the environment in the eyes of those who look after the interests of “humanity” or “nature.” And so on and on through many of the issues that are the subject of public discourse.

There may be moral absolutes that justify some or all of these charges. And some of these absolutes may be so compelling that they justify the demand that government enforce them. I have certainly argued that the preservation of civil society and the protection of individual rights justify such a demand. In any case, my point is that the tendency to demonize those who disagree with us—to see all disagreements as stark conflicts between good and evil—makes it difficult to discern any value in individual freedom. Freedom comes to be seen as nothing but an excuse to do evil. An empathic identification with the values and perspectives of others too often leads not to an appreciation of the importance of freedom but to a greater insistence that freedom not be allowed to hamper the realization of our values.

The sheer perversity of this shift in the political culture of the United States was brought home to me by experiences in Russia. My first visit to that benighted place in 1990, when the Soviet

A Fool's Errand? / 77

regime was still in power, confirmed my deepest convictions about the connection between freedom and human flourishing: nothing worked—not the elevators, or the retail system, or the phones, or most of the people—nothing, and no one seemed willing or able to do anything about it. But change was in the air; the Russian people seemed determined to cast off the chains they had forged for themselves and avail themselves of the advantages of freedom.

When I returned several years later, something very much different was in the air. What remained of the old authoritarian political system was largely impotent, giving people freedom of speech and the press and association and religion, and all the political turmoil that these engender, more or less by default. Capitalism, albeit a rather corrupt form of it, had spread like a weed; there were fortunes to be made, and significant opportunities for improving one's standard of living, but there were no guarantees that anyone would succeed or that patterns of economic success and failure would conform to any particular conception of virtue or desert. And everywhere people were beginning to lament the passing of the old regime.

Even those old enough to have lived under Stalin waxed nostalgic: we didn't have much, they were wont to say, but at least we were secure in what we had. This nostalgia for a security that was surely more illusory than real confirms our worst suspicions about the effect of authoritarian regimes on the human spirit; individuality can be so suppressed that freedom comes to seem like nothing more than a threat to security. And this makes our own demands for security at any cost appear all the more pathetic, and even perverse, in that we make these demands not as a hedge against the uncertainties of freedom but in the very name of freedom.

This screed may seem nothing more than a digression, even a hysterical digression, from the central topic of this chapter. Hysterical it may be, but it is no digression. This retreat from freedom is a powerful engine driving the expansion of government, whether it

be into emergency management or into some other area of life. This narcissism will ensure that there is a vocal constituency for any expansion of the government's authority that promises to benefit any substantial number of people. And it effectively silences anyone who would resist the expansion of the government's authority in the name of preserving freedom.

If freedom is nothing but "what I want," how can it possibly weigh heavily in the balance against the plight of disaster victims or justice for the victims of discrimination or the safety of consumers? Who but the most deprived wretch could demand freedom if it would hamper the efforts of the government to respond to the many pressing needs of the citizenry? And ultimately, of course, I do not think my screed is at all hysterical. Resisting the expansion of government in the name of freedom is simply no longer respectable among a large segment of the citizenry. And no wonder.

If freedom is just narcissism masquerading as a political philosophy, then freedom itself is not respectable. This is what I meant when I wrote, at the end of the preceding section, that philosophical speculation about freedom is largely inefficacious. Too many people just do not want to hear it. The prospects for freedom are dim; perhaps a bit of hysteria is justified.

UNMAKING VIRTUOUS PERSONS

My second point about the slippery slope of disaster relief can be made with somewhat more brevity and, I hope, somewhat less stridency. Numerous philosophers over the centuries have taken up the issue of whether or not the government is an appropriate tool for making virtuous persons. Those in the classical liberal tradition have typically argued that it is not and, moreover, that the expansion of government's authority is likely to undermine the virtue of citizens. Disaster relief illustrates this point quite nicely. As the government expands its emergency management efforts to

A Fool's Errand? / 79

include relief, reconstruction, and prevention, the incentives that individuals have to take responsibility for their own protection are correspondingly diminished and likewise the incentives that individuals have to respond in any substantial way to the plight of others who are beset by a disaster. This becomes the government's job; energy and resources that people might devote to doing it themselves get redirected into efforts to ensure that the government does it well. Or the matter is simply ignored until one's own life is ravaged by a disaster. And the expansion of the government's authority has very much the effect of an addictive drug; the more we get, the more we need.

As freedom is diminished, so are the opportunities and incentives for virtues like responsibility, prudence, generosity, and courage. And as the scope and effect of these virtues are diminished, they weigh less and less in the balance against the urgent demands of disaster victims. This effect is certainly not unique to the expansion of the government's authority to respond to natural disasters; it follows on all such expansions. But this unmaking of virtue is exacerbated in the case of natural disasters because these disasters have about them an air of randomness. They seem to strike without warning, to beset responsible and irresponsible people alike, and to destroy the very means by which the victims might make their own recovery.

There seems to be precious little that individuals, or even communities, can do to protect themselves, and this little is very costly. Of course, it isn't strictly true that natural disasters strike without warning: earthquake faults and potential fire zones are well known; rivers flood at fairly predictable frequencies and levels; certain areas of the country are known to be especially vulnerable to tornadoes or hurricanes. And it is not strictly true that disasters strike responsible and irresponsible people alike or that they must deprive people of the means of recovery; people can take all sorts of measures to

mitigate the effects of disasters that do strike and to prepare for recovery, although many of these measures are indeed quite costly.

Nonetheless, there is a kernel of truth in this perception of randomness that allows it to overpower alternative views. People choose to live in floodplains or tornado zones because that's where the farmlands are. People choose to live along fault lines because that's where the cities are, with the hubs of communication, transportation, and production that comprise modern enterprise. People chose to live along coastlines threatened by hurricanes because that's where the fisheries and ports and tourists are.

Government is constituted to protect our freedom and thereby facilitate cooperation in the production of the advantages of life; it is the very success of this cooperation that draws more and more people into areas and activities that increase their vulnerability to disasters. They are doing society's work, the work for which society is constituted. Again, it seems that some level of disaster relief is a natural expansion of the authority of government. And, again, it is no surprise that efforts to control this expansion are largely unsuccessful.

The rejection of freedom is of a piece with the rejection of virtue. One can hardly exist without the other, and if it does, it is hard to discern its value. The defenders of freedom may insist that we must restrict the government's authority to manage disasters in order to preserve virtue. But if freedom is not valued, virtue will not be much valued either. It will certainly not outweigh the urgency of rectifying the "unfairness" of nature.

CONCLUSION

It may seem that we have accomplished nothing, that the effort to link disaster relief to the legitimate functions of government in a free society is a fool's errand after all. For I have argued that disaster relief is indeed one of the legitimate functions of government in a

A Fool's Errand? / 81

free society but also that it poses the same dangers and thus calls for the same strict limitations as other legitimate functions of government. Thus, the government of a free society can give effect to the natural and laudable human inclination to help those beset by calamities not of their own making; it can, in other words, be an instrument of our virtue as well as our freedom. But it can also be the weapon that destroys both freedom and virtue.

Of course, it is clear to anyone who looks that the federal government already has, on any reasonable account of these limitations, exceeded them by a large measure. And I have argued that the political culture of the United States gives us little cause to be surprised by this and little cause to expect anything better in the near future. What good does it do to link disaster relief to freedom when too few people care about freedom for this linkage to have any practical effect?

Some good, perhaps. Consider for a moment the two epigrams at the head of this essay. The meaning of P. J. O'Rourke's simile is clear: it is always—*always*—dangerous to give government the authority to regulate our actions or lay claim to our resources, even if it is sometimes necessary to do so. The meaning of Ben Boggs's insistence that FEMA must compensate him for moving himself and his property (a mobile home) out of danger is less clear. The article in which Mr. Boggs is quoted does not report whether he himself holds a federal flood insurance policy; nor does it report whether he would be willing to forgo federal flood insurance in exchange for being left alone.

In any case, Mr. Boggs does not have this latter option. The article reports that FEMA is threatening to penalize all policyholders in Clark County, Indiana, or perhaps even deny them policies, unless Ben Boggs and others like him are made to comply with federal regulations. This is so often the way of government; it expands its authority by conferring on us benefits that we have not asked for and then demanding that we accommodate ourselves to

them and pay for them. Often the benefits are real, which makes Mr. Boggs and others like him appear to be nothing more than cranks.

Perhaps they are cranks. Who but a crank, after all, would insist on parking an expensive mobile home on a floodplain, even if it means depriving his neighbors of the insurance protection they need. But perhaps they are simply people who prefer looking after their own interests to relying on a paternalistic government.

The conflict between Mr. Boggs and FEMA is just an instance of the larger conflict between those who would give government virtually unlimited authority to manage emergencies and those who would limit this authority in order to preserve freedom. And this forces us to confront the question that haunts every effort to defend the ideal of a free society that is preserved by a limited civil authority. Can the government of a free society actually govern? That is, can government act effectively to preserve the structure of rights that make it reasonable for human beings to cooperate in producing the advantages of life without overstepping its boundaries and undoing freedom.

The line of thought I have pursued in this chapter leads me to answer this question in the affirmative, but with an important qualification. The government of a free society can govern effectively without destroying freedom but only if the citizens are willing to be so governed. Mr. Boggs may be a crank. Or he may be a hero of freedom. In the absence of any widespread commitment to freedom, and in light of the sad state of public discourse about the value and scope of freedom, it is difficult to tell.