

such behavior more favorably. Cowen's counterargument is that with all of the competitive sources of moral instruction available, Dennis Rodman and other famous people enjoy no comparative advantage at influencing people's morality.

Cowen discusses a related benefit of commercial society: it has tamed fame. "Commercial society, while taking relative recognition away from moral leaders, also has taken renown away from tyrants and violent rulers. . . . The association of fame with entertainers, for all its flaws, departs from earlier concepts of heroic brutality and martial virtue. Most of today's famous people have had to persuade consumers to offer their allegiance and their dollars."

Cowen's ingenious analysis of the causes and consequences of fame's separation from moral merit alone is worth the price of this wonderful book. □

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Free Speech and the Politics of Identity

by David A.J. Richards

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296 pages

Reviewed by George W. Dent

It's no surprise that free speech is under siege today—those in power always try to suppress criticism. What is surprising is that the attackers now come from the traditional defenders of free speech, mainstream academics. Most colleges have "politically correct" speech codes that threaten serious penalties for speech that is "offensive" with respect to race, sex, or sexual orientation. How did this happen? Feminist, gay, and minority radicals claim that because of the historical abuse of their groups, speech offensive to them (including pornography) silences them and excludes them from participating in society and enjoying its benefits as full equals. This speech must be suppressed.

Although many oppose laws against

"offensive" speech, David A.J. Richards, professor of law at New York University, is a welcome addition because he is a left-leaning academic and gay advocate. In *Free Speech and the Politics of Identity* he accepts the premises of feminist, gay, and minority radicals; and he is one of them, so his argument against speech restrictions cannot be dismissed as self-serving. Moreover, he bases his defense of free speech on a broad freedom of conscience that will appeal to advocates of liberty. Curiously, Richards also supports campaign-finance limits and laws both forbidding private discrimination against and granting legal preferences to his favored groups. Thus he offers something for everyone, but is unlikely to be entirely convincing to anyone.

Richards defends free speech on a principle of toleration stemming from the rights to "conscience" and "equal respect for persons." Suppression of "offensive" speech reinforces stereotypes and harms those offended because it "disempowers" them "in the exercise of reasonable discourse that best challenges" offending speech. Permitting offensive speech also allows response, which, because it is "independent of the state, gives personal voice a moral authority it could not otherwise have."

This is a claim that advocates of speech codes reject. People in power never think they gain by tolerating speech that offends them. Indeed, official condemnation of a viewpoint discredits it in most people's eyes. Champions of political correctness openly expect speech codes to stigmatize speech they dislike. Richards's claim also seems to clash with his support for group preferences, which stigmatize their supposed beneficiaries.

Richards also favors campaign-finance limits because they promote "equality," which he considers a valid First Amendment value. He castigates the Supreme Court for holding otherwise when striking down some campaign-finance laws in *Buckley v. Valeo*. The politically correct will immediately point out that the purpose of "offensive speech" codes is to promote equality and thus charge Richards with being inconsistent.

Opponents of campaign-finance limits should agree and then note that if equality trumps

free speech, free speech may be crippled. Richards casually glides over line-drawing issues in campaign-finance laws, but these issues are not trivial. The editors of the *New York Times* speak loudly in the marketplace of ideas. Campaign-finance laws prevent candidates they disfavor from speaking just as loudly. Moreover, political incumbents, who already enjoy greater recognition than most challengers, manipulate campaign-finance laws to entrench themselves further. Thus congressmen invade the public treasury to give themselves the franking privilege while restricting challengers in using even private funds to compete. Even in theory campaign-finance laws cannot achieve equality of voice, and in practice their effect is often perverse.

The same objection applies to “offensive speech” codes. The politically correct claim that these codes protect the weak, but rules are imposed only by those with the power to impose rules. Richards concedes this point in passing but never really grapples with it, probably because it would explode his defense of campaign-finance laws. And although he opposes “offensive speech” laws, which as yet hardly exist, he says nothing against campus “offensive speech” codes, which are ubiquitous. Is this academic nimbyism—favoring free speech only if it’s “not in my back yard”? Neither does Richards challenge laws that forbid private expressive organizations to define their own membership—as in the Boy Scouts’ excluding avowed gays as scout leaders. And although he criticizes discrimination against minorities, women, and gays, he never questions the gross discrimination in academia against political conservatives, libertarians, and traditionally religious people.

Richards’s book is essentially an article on free speech padded to book length by myriad repetitions and long digressions on race, gender, and homosexuality—with frequent footnote citations to his own prior work. Although he eschews the obscure jargon employed by many left intellectuals, his prose is turgid and graceless, bloated with innumerable reiterations of specialized phrases. In sum, *Free Speech and the Politics of Identity* offers a precious nugget—a strong, cogent critique of

“offensive speech” laws—embedded in a toxic mound of antilibertarian thought. □

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The Triumph of Liberty

by Jim Powell

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Reviewed by John Hood

On some books you feast. On others you nibble. Jim Powell’s *The Triumph of Liberty* is one of the latter. A fascinating collection of brief biographical sketches of those who have championed human freedom throughout history, Powell’s work is a seemingly inexhaustible source of information, insight, and inspiration. To sit down and read it cover to cover would be not to give Powell his due. His stories deserve to be savored, re-read, and retold. (Readers of this magazine may remember that a number of Powell’s sketches first appeared in these pages.)

Powell begins with Cicero and ends with Martin Luther King Jr. This reflects the breadth of his vision, blending names traditionally associated with free-market economics and classical liberal thought—such as John Locke, John Stuart Mill, Ludwig von Mises, Milton Friedman, and Ayn Rand—with champions of religious, social, and cultural liberation as varied as Mary Wollstonecraft, Susan B. Anthony, Louis L’Amour, Mark Twain, and Robert Heinlein.

One of my favorite accounts is of the life of Desiderius Erasmus, prolific author and contemporary of Martin Luther in fifteenth- and sixteenth-century Europe. I had only a passing familiarity with Erasmus, and so was delighted to learn about his defense of free will and religious toleration in an era of persecution by both the Catholic Church and Luther’s Protestant followers. Erasmus, we further learn, wrote a response to Machiavelli’s *The Prince* urging European leaders to favor peace and freedom over power and plunder. “I am a lover of liberty,” he wrote,