

Moderate Economists II

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I had dinner at the home of Mr JR, of Chicago, Illinois a few times. J is a defense lawyer, and has argued more than his share of *pro bono* death penalty cases (before the IL Supreme Court realized the whole death penalty concept was just a bad idea and imposed the moratorium). More often, he'd defend alleged drug dealers, who somehow found the cash to pay Mr JR's hefty hourly fees. My favorite story was about the guy that he defended with an alibi defense. It was so airtight because the prosecution had given the wrong date for the crime. Through procedural wrangling which technically broke the rules, the prosecutors corrected their errors, appealed the case, and had the guy convicted. Couldn't you have used another defense, I asked him, and he replied, "Well, no. The fucker did it."

He explained why he was comfortable defending the guilty thus: the adversarial system works by two advocates making as forceful an argument as possible for his or her side, and a judge who selects from these the best of all possible arguments. The conditions under which this works are beyond the scope of this note (it was a chapter of my dissertation), but you can see that if everybody does their job perfectly, then this system will indeed work. [But do you break the procedural rules when the prosecutors give the wrong date?]

Outside of the courtroom, there are more than enough people who believe in the adversarial system, or at least seem to. For example, there is the Federation for American Immigration Reform (FAIR), an organization which advocates tighter immigration restrictions. Although the name and stated purpose is just "reform", the reader will not find a single instance where FAIR advocates for a liberalization of immigration restrictions (not even for the highly skilled). FAIR is at the far end of the spectrum, and every single argument they make will pull toward that far end.

The International Intellectual Property Institute (IPI) advocates for stronger intellectual property laws, the world over. They will in no way entertain the possibility that IP in the U.S.A. is too restrictive, or that other countries in other situations may benefit from laxer laws. For example, Africans are dying by the millions from AIDS, but the IPI has an explanation of why allowing generic AIDS drugs won't do anything to stem the flood of death and misery. Their argument in a nutshell: malaria pills are generically available, and people still die from that.

Going into more detail, they say that the infrastructure isn't there, so that

even if trade-related IP isn't enforced, Africa still couldn't produce the drugs it needs. This paper works fine if you have blinders on, adjusted just right so that you can see Africa and the U.S.A. but can't see Brazil, which has had great success in saving people's lives by ignoring US patents. The drugs produced there are as effective and safe as those from the U.S.A., and could potentially be exported to Africa and other countries, but for Brazil's understanding that if it expands its program to helping people elsewhere in the world, it would jeopardize the entire project and thus Brazilian lives [see Wired news, a more liberal source]. The IIPi's failure to address the fact that other countries do have the infrastructure that Africa lacks, and failure to acknowledge that the market has already invented mechanisms whereby lives could be saved if IP restrictions were weakened, seems almost disingenuous to me.

On the liberal side, you have your share of extremists as well. PETA comes to mind, or the dissolve-the-World-Bank contingent from last week. Here is an occasionally insightful thread from my favorite discussion group about Richard Stallman, a fanatic in direct opposition to the fanatics at IIPi.

I have more sympathy for the far left, but am still annoyed by their shrillness, and inability to accept reasoned arguments or to produce reasoned arguments of their own. Part of this comes from the simple difficulty of telling a story which is both true and cuts absolutely no slack for the other side. Usually, the other side is populated by human beings, who have non-evil reasons for believing what they do. How do you demonize those people, deny their arguments, and tell a true story with a straight face?

Mr. JR had a simple method: a firm conviction and faith in the adversarial system. Public discourse doesn't have such an easy myth to fall back on, so fanatics need to resort to a simpler, tried-and-true method: being dumb and uninformed. Conservatives do this by using an oversimplified free-market model (unless it doesn't fit their agenda); liberals do this through an oversimplified characterization of corporations and the wealthy (unless they want to buy a car). Both points-of-view entirely fall to pieces on analysis, so both sides avoid deep analysis at all costs, leaving things at a surface level.

Which is why I handed out essays at the World Bank protest, and why I wrote the 'how to argue with a conservative' piece (which I swear I'll finish next time, unless something comes up). I believe more informed discourse is better discourse. But sometimes I worry that I'm sabotaging the natural balance of things. Here I am, trying to pull the far left closer in, but the far right are kookier than ever. I have no dissertation chapters to back this up, but it seems evident that having more rabid leftists can indeed pull the final outcomes more toward the left. E.g., if Richard Stallman hadn't been such an antisocial and annoying person, we wouldn't have the wealth of free software today. And the IMF does still have a large population of rabid neoclassicists.

Maybe a rabid left is more of an asset than an informed and carefully reasoned left.

This brings me to the final hazard of being a moderate who acknowledges that both extremes have some validity: your essays always lack a forceful conclusion.