

Ex Ante

FATALLY EXPOSED

JOHN ADAMS WAS no fan of revenge. In an early essay he observed approvingly that “Plato taught that revenge was unlawful, although he allowed for self-defence.” For Adams, morality, religion, and the common law all weighed heavily against revenge:

If I am assaulted by another, sword in hand, and if I am even certain of his intention to murder me, the common law will not suffer me to defend myself, by killing him, if I can avoid it. Nay, my behavior must absolutely be what would be called cowardice, perhaps, ... though it would be thought the truest bravery, not only by the greatest philosophers and legislators, but by the best generals of the world; I must run away from such an assailant, and avoid him if I have room, rather than stand my ground and defend myself ...

Adams, however, lived in a world without terrorism. According to Michael Walzer, “terrorism in the strict sense, the random murder of innocent people, emerged ... only in the period after World War II.”

As Walzer describes it, one of the essential features of terrorism is its inescapability:

Its purpose is to destroy the morale of a nation or a class, to undercut its solidarity; its method is the random murder of innocent people. Randomness is the crucial feature of terrorist activity. If one wishes fear to spread and

intensify over time, it is not desirable to kill specific people identified in some particular way with a regime, a party, or a policy. Death must come by chance to individual Frenchmen, or Germans, to Irish Protestants, or Jews, simply because they are Frenchmen or Germans, Protestants or Jews, until they feel themselves fatally exposed and demand that their governments negotiate for their safety.

Fatally exposed. So, how might Adams have responded to terrorism?

... but if I have no room to escape, or if I run and am pursued to the wall or into a corner where I cannot elude his fury, and have no other way to preserve my own life from his violence, but by taking his there, I have an indisputable right to do it, and should be justified in wading through the blood of a whole army, if I had power to shed it and had no other way to make my escape.

John Adams, *On Private Revenge*, Sept. 5, 1768; Michael Walzer, *JUST AND UNJUST WARS* (BasicBooks 2nd ed. 1977).

ILLUMINATION

THE THIRD EARL of Shaftesbury illustrated his magnum opus, *Characteristicks of Men, Manners, Opinions, Times*. The idea was to “help the reader sort through a rather complicated text,” explains former philosophy professor and current Liberty



Fund executive Douglas Den Uyl:

Believing that the modern world would be moved by imagination and sentiment, Shaftesbury's task was to fashion a way to lead the reader to intellectual introspection and reflection while engaging the imagination. The aesthetic dimension was, therefore, the link between intellect and imagination, sentiment and judgment. ... These images were carefully and meticulously designed by Shaftesbury himself to represent, in visual terms, some of the main themes of his writings. In the early editions containing these images, the page numbers of the corresponding passages are often included on the image itself.

Thus, for example, the top panel of the image reproduced here pertains at least in part to the following passage:

The greater Dread we have of *Anarchy*, the better *Country-men* we shall prove, and value

more the *Laws* and *Constitution* under which we live, and by which we are protected from the outrageous *Violences* of such an unnatural State [of nature]. ... And even *here* *HUMAN NATURE* shews it-self, such as it is; not perfect, or absolutely successful, tho rightly tending, and mov'd by proper and just Principles. 'Tis *here*, therefore, in *Philosophy*, as in the common *Conversations* of the World.

Anthony Ashley Cooper, *CHARACTERISTICS OF MEN, MANNERS, OPINIONS, TIMES* (1711, 1732; repr. Liberty Fund 2001).

TAXING CASES

NEIL RICHARDS waxed philosophical about boring cases and fitness for judicial office in our Summer 2001 issue. Now he returns to share a few morsels about judges and tax cases, including the classic