

The Evils of Longevity

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IT SEEMS THAT every advance initiated by modern science threatens the human condition in one way or another, no matter how benign it at first seems. Consider that we are being told of foreseeable advances in medicine that will extend average life expectancy to a hundred and twenty years. That would mean that well-preserved persons who do their sit-ups and enjoy their work will live to 150 or more. Can our republic, or any republic, or perhaps even any society, survive that development? How will citizens who are virtually immortal expect to govern themselves?

A problem with extended longevity is that arresting our physical deterioration will not necessarily impede other forms of degeneration. Intellectual ossification and emotional destabilization proceed at rates independent of physical degeneration. I share the experience of many persons in their sixties and over whose memories are not what they used to be, who are generally less attentive than once they were, and who are increasingly irritable with their descendants and with one another. These

tendencies unsuit us for roles that we may still be physically able to perform, such as driving automobiles, remaining married, lecturing, deciding cases, or sitting in Congress.

Readers who have not contemplated the horrors of longevity might first consider the implications of superannuation for academic institutions. Given the age discrimination law that no one can be forced to retire on account of age, some professors will before long be holding their appointments for a hundred years and more. Professors do no heavy lifting and many can go on for decades lecturing a few hours a week from last year's notes. There is no compelling reason to retire at the traditional age of seventy if one is looking at another sixty to eighty years of life.

I have been told that mathematicians, physicists, and other theorists seldom generate new theorems or theories once they have reached the age of forty. Apparently, even very bright humans can (with rare exception) generate only one new idea or set of new ideas in one lifetime, later thoughts being mere refinements or repetitions. On that account,

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turnover in fields requiring the lightning of genius is highly valued. A centenary mathematician will likely be sixty years away from his last creative thought, with another score or two of years yet ahead.

Maybe scholars in other fields, such as law, may benefit from an additional half-century or century of experience. But maybe not. Consider that some important law books have gone through many editions over periods of a hundred years or more, but the later editions have been the work of different authors. What would be the quality or utility of a tenth edition published on the centennial of the first, all by the same author? Can one imagine a seminal article by a person who has been working in the same field for eight decades or so? How will it compare with the article written on the same subject by the same author a half-century earlier?

The prospects for longevity in public service are even more alarming. Imagine a Congressman in his or her 40th term in the House of Representatives. Given the ease with which Congressmen can secure safe seats through the drawing of district lines and fundraising, we (or, more accurately, our descendants) can expect to have the same chair of the Ways and Means Committee for a half-century or more. There will be people serving in state legislatures or city councils for a full century.

Consider again the Supreme Court of the United States and other high courts of last resort. What will happen to the doctrine of precedent when Justices sit on the Court for a hundred years? To what ends will others resort to influence the selection of a new Justice when a vacancy appears, as it might, only once a decade? Given that the Court only decides cases the Justices choose to decide, how many cases will Justices having a median age of 120 choose to decide? The docket of the Supreme Court has been steadily declining as aging and veteran Justices have found fewer and fewer petitions for review that excite their interest.

Can we imagine a legal system in which the high Court hears and decides a case or two a month and leaves the rest of the workload to the lower courts? Consider also the poisonous interpersonal relations likely to form between centenarian Justices who involuntarily share power over so long a period of time. Is it unlikely that rigid ideological lines will divide the Justices into relationships not unlike that between Rome and Carthage?

And what of lower courts? Will judges sit on a trial bench for eighty years or more? There may be a tendency for trial judges who exercise their power alone to become increasingly impatient with lawyers, uncivil to litigants and court personnel, and unreceptive to information. What behavior can we expect of senior trial judges who have been sitting on the same bench for a hundred years?

Then there is also the private sector of the legal profession. What will law firms be like? Will some partners maintain control for a century? How long an apprenticeship will be required to earn the status of partnership? Will clients detect that the senior lawyers have "lost it" in their sixties or seventies even though they still face another eighty years of physically healthy life? If so, there is less cause for public concern, but it is not clear that clients who are themselves centenarians will recognize the failing intellects and energies of their advisors.

It seems at best that professional life will become a bore for many. That leads to the hope that individuals might become increasingly free to opt out, taking their vested retirements and heading for the beach, thus making room for new blood. Presumably some will choose to do that. But we will need to increase the savings rate mightily to finance fifty years of retirement. And many elevated individuals will not voluntarily surrender power, status, or income no matter how generous their retirement package.

For example, our experience with Supreme Court Justices confirms that very few of them

will retire until they are forced to do so by failing health, especially if, as seems likely, the workload continues to be reduced, unless some additional incentives to retirement can be supplied. It may not be so different for others. Sixty years on the beach is not so attractive to vigorous persons who can still do sit-ups and complete a sentence. How many world cruises can an irascible old person enjoy? And the prospects of finding engaging work of a different kind will be diminished by the likely fact that those holding other interesting and important jobs will be even more reluctant to step aside unless forced to do so.

If it is not too late, it is certainly not too early to be addressing this problem. What is needed are means of making less comfortable the positions of those who have too much power and too much fun to quit. There is talk of raising the salaries of federal judges. Maybe

a case can be made for modest increases in the compensations of district judges, and maybe even circuit judges, but it would be improvident to elevate the pay of Justices who are clearly overcompensated by the psychic pay they receive from exercising their vast and unrestrainable powers. For openers, we need to cap *their* salaries. We ought also bring back the practice of requiring Justices to ride circuit. In the good old days, a Justice might think of retiring while being bounced along in a horse-drawn carriage from Washington to his duties on circuit in Arkansas. Surely Congress has the authority to re-establish that practice.

I invite readers to consider whether they can supply solutions to the problems I have raised. In the alternative, we must consider a moratorium on research intended to lead to discoveries prolonging the lives of senior citizens. 