According to a national poll taken early this year, three quarters of Americans believe that “many public officials make or change policy decisions as a result of money that they receive from major contributors.” Most ordinary citizens suspect that wealthy campaign donors exert disproportionate influence; in fact, seven out of ten say that the government is run “for a few big interests looking out for themselves” and not for “the benefit of all the people.” Under these circumstances, the high-minded rhetoric of politicians often rings false, since their views on any particular issue may be calculated to maximize campaign funds. Because the current system seems to many Americans to violate basic moral principles of equity and integrity, large majorities support fundamental reform.

Most political scientists who study campaign financing have a strikingly different view of how politics actually works and how a democracy should function. A Task Force of nine leading experts recently found that

campaign contributions do not play as large a role in influencing legislative behavior as many believe. A legislator’s principles, his or her constituency, and his or her political party, have consistently been shown to be more influential than are patterns of contributions. Accordingly, we conclude that many reformers, relying on simplistic, unidimensional analyses that fail to consider the numerous factors that influence political behavior, make too much of large contributions.

To make its research readily available to a broad audience, the Institute for Philosophy and Public Policy publishes this quarterly newsletter. Articles are intended to advance philosophically informed debate on current policy choices; the views presented are not necessarily those of the Institute or its sponsors.

In This Issue

EXPERT ANALYSIS VS. PUBLIC OPINION: THE CASE OF CAMPAIGN FINANCE REFORM
Peter Levine..........................................................1

CAN WE PUT A PRICE ON NATURE’S SERVICES?
Mark Sagoff............................................................7

CORPORATISM IN QUESTION:
A NOTE ON “MANAGED CARE”
Robert Hunt Sprinkle..............................................13

COUNTING RACE AND ETHNICITY:
OPTIONS FOR THE 2000 CENSUS
Judith Lichtenberg, Suzanne Bianchi,
Robert Wachbroit, and David Wasserman.............18
The same experts express positive sentiments about private campaign money. For them, political action committees (PACs) and other organized donor groups are helpful actors in civil society, encouraging participation, disseminating information, and increasing competition. Herbert Alexander, the dean of campaign-finance experts and chair of the Task Force, has said, “Political campaign spending should be considered the tuition we pay for our education on the issues.”

Until recently, it was difficult to find academic experts who favored significant reforms; several testified against spending limits and lower contribution limits. After the debacle of the 1996 election, no one remains complacent about campaign financing. Members of the Task Force join reform organizations in attacking “soft money” (i.e., unlimited contributions funneled through parties), and they advocate tighter disclosure and enforcement provisions. They also take a “dim view” of independent expenditures (i.e., money spent on communications that expressly advocate a candidate’s election or defeat but are not coordinated with any campaign). Soft money, poor enforcement, and independent expenditures developed into major problems during the 1980s. Thus the Task Force essentially advocates a return to the regime of the 1970s—a system funded by “limited and publicly-disclosed” private money—but with higher contribution limits for PACs and individuals and unspecified public subsidies to help challengers.

This approach will not satisfy the majority of Americans who want to rebuild the system from the ground up. (Sixty-five percent of voters say they want to ban all private contributions to political campaigns.) As Frank Sorauf, a member of the Task Force, has written, “the conviction that money is the root of all evil leads to the wish that reforming the flow of money will materially change the nature of representation and policy-making in American legislatures.” But because he and his colleagues doubt that “special interests and large contributors achieve undue influence as a result of their contributions,” they reject the claim that even fundamental reform would significantly alter the political process. Moreover, they consider contributions to be a “legitimate form of political participation” that should be increased. These points divide expert from popular opinion and require examination, regardless of what we think about any particular reform proposal.

Empirical Issues
Public dismay at the campaign finance system has been caused, in part, by anecdotes about wealthy lobbyists who appear to wield unseemly power. Reformers often point to the example of Charles H. Keating, Jr., owner of the now-defunct Lincoln Savings & Loan, who arranged for more than $1.3 million in contributions and financial benefits to flow to the reelection campaigns of five U.S. senators. These senators summoned the government’s chief thrift regulator, Edwin Gray, to a private meeting on Capitol Hill and demanded to know why Lincoln S&L was being investigated. Instead of being sanctioned, Lincoln was granted new federal loans—only to fail, thereby costing taxpayers at least $2 billion. When Keating was asked whether his contributions had influenced the senators to help him, he responded: “I want to say in the most forceful way I can: I certainly hope so.”

Despite such anecdotes, academic experts caution that donors do not hold all the power in their exchanges with elected officials. Firms and organizations may feel compelled to contribute to powerful incumbents. For their part, legislators have so many potential sources of funds that they can choose their positions with considerable freedom. As Representative Barney Frank (D-Mass.) has said, “There’s money any way you vote.” Most social scientists who have analyzed the statistical data believe that contributors “buy” relatively little influence from elected officials. The Task Force on Campaign Finance Reform cites “a long line of empirical research” that shows how slight an impact special-interest contributions have on “the roll-call behavior of legislators.”

The academic literature has indeed concentrated on the relation between money and roll-call votes. But it is precisely the emphasis on voting that has led scholars to underestimate the impact of contributions. Compared to other legislative acts, votes are the easiest to analyze, but also the least susceptible to special-interest pressure. Since they are public, they can be assessed by party leaders, journalists, constituents, and potential challengers. A vote can be counted, categorized, and compared to previous behavior. Inconsistencies can be unmasked; broken promises can be challenged. Thus candidates are heavily constrained when they vote, and they cannot easily do their contributors’ bidding.

If votes are relatively safe from financial pressures, however, they are also relatively unimportant. In the 101st Congress (1989–90), only 15 percent of the bills that were introduced were even reported to committee; just 4 percent became law—and half of those were non-controversial “commemorative” resolutions. Legislation that failed after being reported to committees almost always died for lack of scheduled hearings: actual defeats on the floor of Congress were rare. Thus powerful representatives who wanted to kill legislation could easily do so without risking a recorded vote. Most votes were formalities that House leaders permitted only once they could predict a satisfactory outcome.

There is a second reason not to overemphasize voting. In 1993–94, Congress passed 7,542 pages of legisla-
tion. Only a handful of members helped to draft or amend each of these pages; hardly anyone else could say what was in them, let alone influence their details. Particularly in the House of Representatives (where floor amendments are generally prohibited), a vote cannot affect the content of legislation.

In order for a specific provision to be included in a bill, to reach a committee, to receive hearings, to survive a floor vote, and to pass unscathed through a conference committee, it must have active sponsors who are either exceptionally dedicated and focused or else powerful. In some cases, writes Richard Hall, “a standing committee of reputed legislative specialists reduces to only two or three players, who bargain among themselves with relative impunity on significant (though not necessarily salient) matters of public policy.” What lobbyists need, therefore, is the active and careful attention of a few members who are willing to draft language, move bills through the committee process, and conduct negotiations. In addition, they want their potential opponents in Congress not to interfere until the formality of a final vote.

This is why lobbyists give most heavily to well-placed incumbents who are either especially friendly or else deeply hostile to their concerns. As Hall and Frank Wayman put it, donors want to “mobilize legislative support and demobilize opposition, especially at the most important points in the legislative process.” And they apparently get what they pay for. Hall and Wayman found that PAC contributions correlated with participation in three major legislative battles of the early 1980s. In general, friendly incumbents who received PAC money attended hearings, offered substitute bills, and negotiated deals. Those opponents who received PAC funds refrained from active participation.

“Screening” and the Limits of Debate

Despite studies showing that money has a weak effect on legislative votes, the journalist Philip M. Stern has produced several charts like the following. This one illustrates the relationship between contributions from the dairy lobby and votes in favor of a dairy subsidy in 1985—a subsidy which (Stern says) cost taxpayers $1 billion a year and added up to 60 cents to the price of a gallon of milk:

<table>
<thead>
<tr>
<th>Donations received from the dairy lobby, 1979–1986</th>
<th>Votes for the dairy subsidy in 1985</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than $30,000</td>
<td>100 percent</td>
</tr>
<tr>
<td>$20,000–$30,000</td>
<td>97</td>
</tr>
<tr>
<td>$10,000–$20,000</td>
<td>81</td>
</tr>
<tr>
<td>$2,500–$10,000</td>
<td>60</td>
</tr>
<tr>
<td>$1–$2,500</td>
<td>33</td>
</tr>
<tr>
<td>zero</td>
<td>23</td>
</tr>
</tbody>
</table>

These raw figures give an obvious impression of corruption. However, Stern does not perform the kind of statistical analysis that the experts on the Task Force recommend; he does not weigh the relative importance of money compared to legislators’ ideologies, their party identities, and the composition of their districts. Even the most sophisticated analysis cannot peer into politicians’ minds to determine their motivations. But presumably some members of Congress who vote with the dairy industry (and receive its PAC money) support agricultural subsidies as a matter of principle; and some represent districts that depend on dairy farming.

Public officials typically deny that they ever vote based on promises of campaign money—not even when all the donations come from one side. Rather, they vote their consciences, and then friendly interests reward them financially. Mary Crawford, a spokesperson for the Republican National Committee, explained that donors who paid $250,000 to sit at a head table with congressional leaders did not hope to buy access or influence; instead, they wanted to support the party’s historical principles, especially low taxation.

Lobbyists often say the same thing, even within their own organizations. For instance, according to a private General Electric Company memorandum, GE gave $93,000 to members of Congress who had previously “contributed to the company’s success in saving us over $300 million” in taxes. One representative’s efforts to “protect” a $20 million contract “alone justifies supporting him,” the memo said. Likewise, an official at the National Education Association’s PAC claimed that representatives “behave as they would anyway, and the money comes after.”

Even if this is true, it offers little comfort to ordinary citizens. Those candidates who favor moneyed interests—whether out of a sincere commitment or a desire for campaign funds—generally raise enough money to win reelection; but those who consistently fight special interests are defunded and defeated. Newcomers to politics who lack either personal wealth or affluent friends cannot win office in the first place.

In the long run, Congress fills up with members who support the interests of large contributors over the needs of underfinanced or unorganized constituencies. Money doesn’t influence votes so much as it screens out troublesome politicians, determining who can hold public office in the first place.
There are, of course, exceptions: candidates who win without generous donors. For the most part, however, these are either politicians with personal fortunes; incumbents who were first elected decades ago and have remained popular; or representatives from politically uncompetitive districts in which churches and unions are springboards to public office. These exceptions account for just a few percent of the total membership of Congress. All the other legislators have survived “screening” by the campaign finance system, which partially explains why our major parties are so similar and so reliably pro-corporate.

Sometimes, wealthy contributors are able to buy specific action or inaction with their political donations. More frequently—and, in a way, more insidiously—special-interest money alters the nature of the political debate. The need to raise campaign funds (and to prevent one’s opponent from doing so effectively) discourages politicians from broaching controversial questions on the campaign trail in ways that might offend well-funded interests. Most candidates are willing to run afoul of some special-interest groups whose views they oppose on principle. But when any policy idea that a politician articulates carries a risk of offending a well-funded lobby, there is a powerful incentive not to deal concretely and specifically with most issues. And if many issues are ignored in campaigns, then members of Congress arrive in Washington without a mandate or a clear sense of the public’s wishes.

It is difficult for candidates who disagree with certain high-profile groups, such as the National Rifle Association (NRA), to avoid tangling with them: the NRA often forces politicians to support or oppose gun control publicly, and attacks those with whom it disagrees. Other groups operate more discreetly, yet provide at least as much money to candidates. Organizations such as the National Association of Realtors sometimes contribute to as many as 540 congressional candidates in a single year. Most of these candidates do not take strong public stands in support of the realtors, but neither do they adopt positions that would harm their donors’ interests. It is true that the PACs for realtors, developers, builders, and construction workers have conflicting interests, and all give widely. Thus, when these groups find themselves divided on an issue, their money may not carry the day. But there is no PAC for homeowners, renters, or the homeless. Thus candidates have good reason not to invoke their interests in any specific and binding way.

Regulation of savings-and-loans is an example of an issue that was ignored until it became a disaster. During the 1980s, Congress quietly deregulated the troubled industry without reducing federal insurance liabilities or creating an adequate insurance fund. By 1988, insiders knew that a huge bailout would be necessary. The Democratic presidential nominee, Michael Dukakis, had good reasons to make this scandal a campaign issue. However, his running mate, Lloyd Bentsen, Democratic Speaker Jim Wright, and House
Banking Committee Chair Fernand J. St. Germain (D-RI) had all received savings-and-loan money and had voted to deregulate the industry. Between 1981 and 1990, S&L PACs and owners gave nearly $12 million to members of Congress, funding all but two of the 71 senators and representatives who sat on banking committees. Early in the eighties, the U.S. League of Savings Institutions had spent more than $2,000 a month on meals, entertainment, and travel for St. Germain, who co-wrote the main deregulation act. Bentsen and Wright told Dukakis to drop the issue, and St. Germain silenced most of the House Democrats. As a result, the 1988 campaign dealt with flag burning and the ACLU, the death penalty and Willie Horton, but not with an economic issue of vast public importance.

John Barry, the author of a highly sympathetic book about Speaker Wright, has argued that Wright only helped Texas savings-and-loans in their dealings with regulators because he did not understand the nature of the crisis. If this account is accurate, then Wright was less venal than some of the other key players, notably St. Germain. But Barry concedes that Wright’s information about S&Ls came almost exclusively from thrift owners and lobbyists, which must have distorted his perspective considerably. Here, then, is a final explanation for the influence of money on politics. As well as preventing dissident politicians from winning office, affecting who participates behind the scenes, and keeping certain issues out of the public debate, campaign contributions also distort the flow of information to political insiders.

Moral Issues

I have argued that the data on campaign finance show evidence of widespread corruption. But perhaps I have overstated the power of contributors compared to that of politicians and other political players. Any issue that involves scores of reciprocally linked variables is open to reinterpretation, and in any case the balance of power must shift from year to year. As Sorauf writes, the campaign finance system is not a simple case of paying the piper and calling the tune. American campaigns are funded by a series of varied and complex exchanges in which different actors seek different goals in different modes of rationality. One cannot easily identify aggressors or exploiters in such a marketplace, for the relationships between contributors and candidates are bilateral and unstable, dependent always on very specific but shifting calculations of cost and benefit.

Nevertheless, I think that the public is right to hold the campaign finance regime in contempt, and that the scholars’ more sanguine view illustrates a degraded ideal of democratic politics. It is reasonable for citizens to despise a political “marketplace” in which campaign contributions can purchase even modest amounts of influence. The public should not have to await the results of scholars’ multivariate analyses to be reassured that the influence of money in a given area happens to be tolerably small. Nor should citizens ever have to worry that politicians’ statements are mere rationalizations of their money-seeking behavior.

Senator Mitch McConnell (R-Ky.) is an opponent of reform who often cites academic experts. He has written, “The campaign finance reform debate ... is advanced on the premise that special interest influence is pervasive, corrosive, and must be abated at all costs. But the cost of the alleged reforms in terms of constitutional freedoms for all Americans is high. And the special interest premise is deeply flawed.” The phrase “special interest,” McConnell argues, is just a pejorative way to describe groups that exercise their right to petition government.

The Task Force on Campaign Finance also depicts organized donors as legitimate participants in civil society. “We do not share the animus to PACs that is commonplace among reformers,” the members write. Rather than rejecting PACs as tools of ‘special interests,’ we view them in the context of the larger stream of American political life which, as Alexis de Toqueville [sic] observed in the 1830s, has often witnessed the creation of new forms of association to further people’s interests and goals. We take the view that such activity inevitably comes with a vibrant democracy. PACs represent an aspect of American pluralist democracy which we must accept, and not solely because the rights of association and speech are protected by the First Amendment.

When these scholars describe—and endorse—a political marketplace of organized factions, they epitomize what Theodore Lowi has called “interest-group liberalism.” Lowi coined that phrase almost thirty years ago, before the statistical study of campaign financing began. He used it to describe both the ideology of mainstream political scientists and the reality of political life—the former justifying the latter.

According to Lowi, interest-group liberalism assumes that interests are “homogeneous and easy to define. Any duly elected representative of any interest is taken as an accurate representative of each and every member.” Groups are presumed to maximize private goals by bargaining; they are immune to moral persuasion, but willing to negotiate whenever their rational self-interest demands it. (This is precisely true of corporate PACs, which must pursue their companies’ financial interests.) Finally, it is assumed that all...
interests are represented by organizations, and that public policy results from an equilibrium among these groups. If a group is unrepresented, it will “naturally” organize itself and become a countervailing force. (In Sorauf’s words, “the countervailing controls of American pluralism constrain even the most determined PACs”—at least when their issues have high visibility.) On this theory, equilibrium is not only a permanent reality; but also a moral ideal.

According to Lowi, interest-group liberalism ignores what Madison called “the permanent and aggregate interests of the community.” At first glance, this does not seem true of the Task Force members. “For our part,” they write, “we believe that most public officials are genuinely committed to advancing the public good—as they see it.” But the scholars’ account of the public good is very thin. Some of their models, for example, take the ideological consistency of politicians’ roll-call votes as a proxy for public-spiritedness. Statistics show that many politicians maintain consistent records despite financial pressures. But legislators who genuinely pursue the national interest might change their minds in response to evidence and arguments. Besides, politicians’ subjective commitments do not guarantee that the public good is actually realized.

It is instructive to compare elaborate multivariate models of political behavior with the blunter approach used by Common Cause, Mother Jones, and many editorial writers. These reformers declare specific bills to be “corporate welfare” or a “giveaway to special interests.” They conclude that anyone who took money from the beneficiaries of such legislation and voted for it has abandoned the public good. They may not always be right in their assessment of particular bills. But if wealthy donors support legislation that is patently unfair or harmful—and it passes—then we have reason to suspect corruption, especially if the statute in question also lacks popular support.

The academic experts are proud that they consider more variables than the reformers do. But their analysis omits the most morally salient factors, such as whether each bill has merit or a public mandate; whether good arguments count in Congress; and whether ordinary people have satisfying opportunities to participate in politics. They proclaim that most politicians believe in the public good. But in order to incorporate a concrete notion of the public good in their models, they would have to abandon value neutrality. According to Lowi, neutrality is a hallmark of interest-group liberals, who not only seek impartiality themselves, but also assume that the government should be a neutral referee, helping interests to settle their mutual disagreements through peaceful bargaining.

Lowi concedes that interest-group bargaining often results in equilibrium. But it does not necessarily achieve an “acceptable level of legitimacy, or access, or equality, or innovation, or any other valued political commodity.” The current system of campaign financing conspicuously lacks each of these values. In Lowi’s words, pluralism’s “zeal . . . for the group and its belief in a natural harmony of group competition [has] tended to break down the very ethic of government by reducing the essential conception of government to nothing more than another set of mere interest groups.”

If we wanted to describe a unique ethic of government, we would need phrases such as “legitimacy,” “deliberation,” “national interest,” “equal rights,” “principle,” “participation,” and “rule of law.” The statistical literature on campaign finance ignores these issues, perhaps because they elude quantification. Meanwhile, reformers tell us that congressional procedures and outcomes fail to meet ethical standards—sometimes spectacularly. No statistical model can refute these accusations.

Lowi writes of mainstream political science that its “focus on realism, equilibrium, and the paraphernalia of political process is at bottom apologetic . . . . The political scientist is not necessarily a defender of the status quo, but the result is too often the same, because those who are trying to describe reality tend to reaffirm it.” This is an abstract complaint, but the field of campaign finance offers a concrete example: political scientists who use their expert authority to dampen the movement for reform.

—Peter Levine
Can We Put a Price on Nature’s Services?

In 1962, the Drifters, a popular rock ‘n’ roll group, sang:

At night the stars put on a show for free,
And darling, you can share it all with me . . .
Up on the roof . . .

Nature provides many goods and services which we, like the Drifters, enjoy “for free.” But, as Thomas Paine said about liberty, “What we obtain too cheap, we esteem too lightly.” Recently, a group of ecological economists led by Robert Costanza of the University of Maryland has argued that if the importance of nature’s free benefits could be adequately quantified in economic terms, policy decisions could “better reflect the value of ecosystem services and natural capital.” Drawing upon earlier studies that have “aimed at estimating the value of a wide variety” of ecosystem goods and services—from waste assimilation and the renewal of soil fertility to climate stabilization and the tempering of floods and droughts—the research team has estimated the “current economic value” of the entire biosphere at between 16 and 54 trillion dollars per year. Its “average” value, according to Costanza and colleagues, is about $33 trillion per year.

So tremendous an estimate—especially when presented in a lead article in the British science journal Nature—was bound to attract public attention. In feature stories with titles like, “How Much Is Nature Worth? For You, $33 Trillion” and “What Has Mother
Nature Done for You Lately?" dozens of newspapers and magazines, including the New York Times, Newsweek, and U.S. News and World Report, covered the Costanza study. "What is the natural environment worth in cold cash?" asked a story in the San Francisco Chronicle. "No one knows for sure, but a team of economists and scientists figures $33 trillion, more or less, for such 'free' goods and services as water, air, crop pollination, fish, pollution control and splendid scenery . . . For comparison, the gross national product of all the world's countries put together is around $18 trillion."

Costanza and colleagues acknowledge that their estimates are fraught with uncertainties; their study, they say, provides only "a first approximation of the relative magnitude of global ecosystem services." Their caution is understandable. No one can doubt that "ecological systems . . . contribute to human welfare, both directly and indirectly," or that the world's economies depend on the "ecological life-support systems" that nature provides. "Once explained, the importance of ecosystem services is typically quickly appreciated," writes Gretchen Daily, an ecologist at Stanford University who has edited a collection of papers on this theme. And yet, as Daily goes on to say, "the actual assigning of value to ecosystem services may arouse great suspicion." This is because "valuation involves resolving fundamental philosophical issues"—about the role of economic values in the policy process, and about the relation between economic value and human welfare. Methodological problems also haunt any attempt to impute prices to the services of nature.

Even so, Daily concludes that "nothing could matter more" than attaching economic values to ecological services. "The way our decisions are made today is based almost entirely on economic values," she told the Chronicle. "We have to completely rethink how we deal with the environment, and we should put a price on it." This essay will review critically the attempt to set prices for the benefits that nature provides "for free."

Calculating Values

Environmentalists have long noted that many of nature's gifts, such as the show the stars put on at night, are "public goods"; in other words, they are not traded in commercial markets, no one can be excluded from using them, and one person's use does not limit another's, at least up to some congestion point. "Because ecosystem services are not fully 'captured' in commercial markets or adequately quantified in terms comparable with economic services and manufactured capital, they are often given too little weight in policy decisions," Costanza and colleagues argue. Public goods notoriously have no market prices. If prices could be imputed to ecosystem services, wouldn't these prices help us better to appreciate their worth?
The many studies which Costanza and colleagues have assembled use a great variety of methods by which to impute economic value to ecosystem services. Some employ experimental techniques, including “contingent valuation,” to estimate the aesthetic or “nonuse” value of natural settings. The large majority of studies, however, estimate either the value of ecosystem outputs, such as fish, fiber, and food, or the costs of replicating ecosystem services. Costanza and colleagues use estimates of these two kinds—output values and replacement costs—to account for most of the $33 trillion price tag they impute to ecosystem services. As we will see, however, neither kind of estimate can serve as a basis for measuring the economic value of ecosystem services, even though those services are essential to human well-being.

Costanza and colleagues gathered data reporting the market value of the outputs of the world’s fisheries, forests, and farms. To calculate the contribution of ecosystem services to the oceans’ fisheries, for example, the Costanza team multiplied the world’s fish catch in kilograms by an average market price per kilogram. In other words, they used “price times quantity” as a proxy for the economic value of the service. They apparently reasoned that since there would be no fish harvests if not for ecosystem services, the economic value of these services should be commensurate with the value of those harvests. They then used data about the value of the total harvest to calculate what they identify as the “incremental” or “marginal” value of ecosystem services. To arrive at a “marginal” or “unit” price in fisheries, they divided the overall value of fish harvests by the number of hectares of ocean to reach an estimated ecosystem service contribution of $15 per hectare.

The researchers used a slightly different approach to measure the value of ecosystem services in forestry and agriculture. Timber values “were estimated from global value of production, adjusted for average harvest cost...assumed to be 20% of revenues.” In this instance, the researchers used the net rent (or producer surplus)—that is, proceeds to producers minus their costs—to estimate the overall value of ecosystem services. They used rents to farmers—that is, the value of crops less production costs—to compute the value of ecosystem services to agriculture. To obtain a “per unit” value for ecosystem services in forestry and agriculture, the researchers divided the resulting timber values and crop values by the number of hectares of forests and farmland.

We can see one problem in reasoning from the value of an output to that of an input if we assume that several different ecosystem services, such as climate stabilization or nutrient cycling, are each essential to production in fisheries, forests, and farms. If so, each of these services would possess individually a value commensurate with the output of fishing, forestry, or agriculture. This same difficulty arises with respect to inputs other than ecosystem services that may also be essential to production. Ships are indispensable for fisheries, saws for forestry, and tractors for farming. If we were to use the Costanza team’s approach to estimate the value of these inputs, we would infer a price for each of them by dividing the number used into the value of the proceeds or profits of the industry. In the aggregate, ships would be worth just as much as ecosystem services to fishing, saws to forestry, and tractors to farming. Labor, being essential, would also have the same price as ecosystem services collectively and individually in all of these industries.

It is understandable that Costanza and colleagues would want the economic value of ecosystem services to reflect the values of the industries to which they are essential. It is a mistake to assume, however, that if \( x \) is essential to the production of \( y \), the price of \( x \) can be inferred from that of \( y \). Rather, prices for inputs—or “factors”—of production are determined by market forces, that is, by supply and demand. The marginal economic value of a ship, for example, equals the amount it fetches in a market in which shipwrights compete for buyers on the basis of quality and price. Ships are essential to the fishing industry, to be sure, but this does not suggest that the price of ships can be inferred from the price of fish.

If the costs of providing ecosystem services are zero—if Mother Nature supplies them free—then the prices (and, in that sense, the economic value) of these services must approach zero as well. This is true because competition among suppliers for buyers tends to drive prices down to costs. If we fantasize that Mother Nature is a monopoly provider of ecosystem services, she may charge whatever the market will bear, gouging consumers for all they are willing to pay and extracting whatever profits producers might otherwise obtain. This seems to be the situation that Costanza and colleagues envision. Monopoly prices, however, do not represent fair marginal value. Prices, to be meaningful at all, must arise in competitive markets. If Nature sought to operate as a monopoly, the government would rightfully either set the price of an ecosystem service at a small percentage above costs (as it does with utilities) or break up Ma Nature into competing units (as it did Ma Bell).
Substitution and Replication

Costanza and colleagues also use the costs of creating technological substitutes for ecosystem services as a basis for inferring their incremental or marginal value. In an accompanying article in Nature, Stuart Pimm illustrates this process by explaining how the researchers determined that the nutrient-cycling services of the world’s oceans are worth $17 trillion:

If the oceans were not there, re-creating their nutrient cycling would require removing the nutrients from the land’s runoff and returning them. The estimate of this service’s $17 trillion value is arrived at by multiplying the cost of removing phosphorus and nitrogen from a liter of waste water by the 40,000 cubic kilometers of water that flow from the land each year.

Similarly, Costanza and colleagues estimate what it would cost to re-create, with levees and other structures, natural flood control and storm protection ($3.8 trillion); to replicate artificially the pollination of plants ($1.8 trillion); to provide technological substitutes for natural waste treatment and breakdown of toxins ($2.7 trillion); and to replace the outdoor recreation and “esthetic, artistic, educational, spiritual, and/or scientific” benefits people find in natural places ($3.83 trillion).

When economists speak about substitution, they do not generally refer to alternative and sometimes more costly methods of providing some good or service. Rather, they refer to consumer indifference between alternatives at given prices. For example, the economic value of a beefsteak will be determined in part by the price at which consumers will switch to some other item on the menu instead. In the absence of cattle, it would be very expensive to produce beef. This fact suggests nothing, however, about the goods or services people would substitute for beef when beef prices increase.

Plainly, it would cost a great deal to replicate technologically the experience the Drifters enjoy up on the roof, where “it’s peaceful as can be” and “the air is fresh and sweet.” One cannot meaningfully impute an economic value to the rooftop experience, however, by determining how much it would cost to replicate it technologically—for example, by building an air-conditioned planetarium. Rather, to get at the economic value of the rooftop experience, one would ask the Drifters at what price they would choose a different activity—to venture under the boardwalk down by the sea, for example, or to spend Saturday night at the movies. No matter how much it might cost to replicate an ecosystem service technologically, that amount does not tell us the economic value of the service.

To impute economic value, one would have to determine the price at which people would cease to demand that service and spend their money on some other source of satisfaction instead. A $17 trillion dollar price tag on the oceans’ work of “pure ablation round earth’s human shores” (as the poet John Keats described it) would price these services out of the market. According to Pimm, people would not think these services are worth that kind of money: “In the short term, many would not notice (and perhaps not care) what happens to the elements as they flow into the ocean.” New York City agreed to pay $660 million over several years to enhance the Catskill area as an aquifer, but rather than pay $4 billion for a technological alternative—a treatment plant—people might have moved from the city. Thus, the economic value of ecosystem services has no clear relation to the costs of replicating them technologically.

The Basis of Decision Making

The issue of determining economic prices for ecological services, Costanza and colleagues write, is inextricable from the choices and decisions we have to make about ecological systems. These authors continue:

Some argue that valuation of ecosystems is either impossible or unwise, that we cannot place a value on such “intangibles” as human life, environmental aesthetics, or long-term ecological benefits. But, in fact, we do so every day. When we set construction standards for highways, bridges and the like, we value human life (acknowledged or not) because spending more money on construction would save lives.

Many people share the suspicion that public policy is often based on implicit valuations that have never been articulated or defended. Part of the appeal of the Costanza study lies in its insistence that these matters of valuation be confronted directly.

Contrary to what Costanza and colleagues suggest, however, risk regulation does not necessarily imply an implicit economic valuation of “intangibles” such as human life. Decisions in this area more typically respond to public attitudes, statutory guidance, and relevant legal history. This is why our society protects human life and the environment much more stringently in some moral contexts than in others. We do not seek to save lives up to some predetermined economic value. Rather, we control risk more or less strictly on a number of moral grounds—for example, insofar as risks are involuntary or coerced, connected to dreaded events such as cancer, associated with industry and the workplace, unfamiliar, unnatural, and so on.

To be sure, one can infer an imputed or implicit economic value for human life from any of thousands of governmental regulations. Mandatory seat-belt laws
cost $69 per year of life saved, while laws requiring uranium fuel-cycle facilities to purchase radionuclide emission-control technology cost an estimated $34 billion for every year of life saved. Safety controls involving chloroform at paper mills weigh in at $99 billion cost/life-year. For any number you pick between $20 (motorcycle helmet requirements) and $20 billion (benzene emission control at rubber-tire manufacturing plants), there is a governmental program from which that number can be inferred as the value of a statistical year of life.

Every situation—every regulatory decision—responds to different ethical, economic, political, historical, and other conditions. A national speed limit of 55 miles per hour on highways and interstates would save a statistical year of life at a cost of only $6,600, but it is politically unpopular. Strict enforcement of such a speed limit, even more unpopular, would save an additional life/year at a cost of $16,000. Still more unpopular are random motor-vehicle inspections—but these could save lives at even less expense. Can we infer that people value their lives at only a few thousand dollars? No; it is simply that people fear and resent some risks less than others, and least of all those risks they control themselves. These moral factors affect private and public decisions about risk. To impute a value-per-life/year to any regulation or policy, such as highway construction, is to create an epiphenomenon, a statistical abstraction, or descriptive convention, but not to identify a value judgment that necessarily affected that program.

Value in Exchange and Value in Use

The interest among academics and others in “green accounting,” of which the Costanza study is a model, seeks to serve an important political purpose, namely, to restrain the commercial juggernaut that is destroying the health, beauty, and integrity of the natural world. The Nature article urges us to recognize the benefits ecosystems provide “for free,” in the hope that this will prompt us to defend these systems from relentless exploitation and destruction.

Whatever the study’s political uses, however, it is difficult to see what it would mean for the researchers to “get the prices right.” In an actual market, budgetary constraints and consumers’ willingness to pay limit the number of dollars at which goods and services change hands. Prices represent bargains struck between willing buyers and sellers, for example, between Romeo and the honest apothecary. Prices do not represent the contribution a good or service makes to human welfare, if welfare is measured in any other way—or has any other sense—than market exchange.

Economists often describe their discipline as a positive rather than as a normative science. (This is the source of the maxim, quoted by Stuart Pimm, that economists “know the price of everything and the value of nothing.”) As a positive science, economics concerns itself with value in exchange, which is to say, the prices at which goods and services change hands in competitive markets. Economic science does not traditionally claim that these prices indicate or reveal anything about the contribution goods or services make to human welfare in any substantive sense.

“Green accounting” seeks to restrain the commercial juggernaut that is destroying the health, beauty, and integrity of the natural world.

Economic science uses the term “welfare” or “utility” in a purely formal way, to designate whatever it is that price is supposed to measure. This may have no relation to the true sources of human well-being or flourishing.

The classic articulation of this view is in Adam Smith’s Wealth of Nations:

> The word VALUE, it is to be observed, has two different meanings, and sometimes expresses the utility of some particular object, and sometimes the power of purchasing other goods which the possession of that object conveys. The one may be called “value in use”; the other, “value in exchange.” The things which have the greatest value in use have frequently little or no value in exchange; and on the contrary, those which have the greatest value in exchange have frequently little or no value in use. Nothing is more useful than water: but it will purchase scarce any thing; scarce any thing can be had in exchange for it. A diamond, on the contrary, has scarce any value in use; but a very great quantity of other goods may frequently be had in exchange for it.

In order to investigate the principles which regulate the exchangeable value of commodities, I shall endeavor to shew ... what is the real measure of this exchangeable value; or, wherein consists the real price of all commodities.

Cigarettes illustrate the difference between value in exchange and in use. The price of cigarettes reflects the costs of production, competition among suppliers, and levels of demand. The price has no relation to human well-being as society judges it. As a society, we have reached a judgment that cigarettes have a negative welfare value—a deleterious effect on actual human well-being. The more consumers are willing to pay to smoke, the worse off they are, according to doctors and other respected social authorities. Cigarettes, therefore, have a positive exchange value but a negative value in use.

Suppose a well-meaning team of economists, seeing that cigarettes are bad for health, wished to correct the price of cigarettes to make it better reflect their negative welfare effect. If these economists thought—as the Costanza team apparently does—that prices should rise with contribution to welfare, they would recom-
mend lowering the price of tobacco. In fact, society may set tobacco prices higher, not to reflect its great contribution to human welfare but to discourage its use.

To achieve social goals and values, including human well-being, we may adjust the prices of goods and services—for example, by taxing tobacco products. This kind of price-fixing, although often justifiable in terms of human welfare, does not reflect "true" or "correct" market value. To bring prices into line with societal goals, values, and judgments is not to embrace but to reject market exchange as a criterion or basis for social valuation. It is to recognize that market or exchange value bears no necessary connection to value in use.

**Growth vs. Development**

In important and insightful earlier essays, Robert Costanza and other ecological economists have criticized GNP as a measure of human welfare and economic growth as a goal of public policy. Improvements in the quality of human life, these analysts have argued, are not to be confused with increases in the size of the economy. Costanza has written elsewhere that economic growth "cannot be sustainable indefinitely on a finite planet." Economic development, in contrast, "which is an improvement in the quality of life...may be sustainable."

In these writings, Costanza and others insist on a distinction similar to the one that Adam Smith draws between "value in exchange" and "value in use." Economic growth is measured in terms of value in exchange; it is the rate of increase of GNP, which is to say, the total market value of all goods and services produced or consumed as measured in current prices. Development has to do with value in use—true human flourishing, including happiness and contentment—and is measured in terms of indices of human welfare such as nutrition, education, and longevity. In these earlier writings, Costanza and other ecological economists did not try to "correct" the exchange or economic value of goods and services to make them better reflect their "true" contribution to human well-being. For example, they would not have imputed a higher exchange value to water and a lower one to diamonds to make the prices of these goods more commensurate with their importance to human survival.

The Nature article, in contrast, seeks to "correct" market prices "to better reflect the value of ecosystem services and natural capital." The article concludes that world "GNP would be very different in both magnitude and composition if it adequately incorporated ecosystem services." In seeking to "get the prices right," however, Costanza and colleagues discard the earlier insight that measures of economic value, which arise from the play of market forces, have no clear relation to human welfare or well-being in any substantive sense. The effort to "correct" the prices of ecological services and natural capital confuses value in exchange with value in use, or, in contemporary terms, measures of economic growth with indices of human development.

The Drifters recognized the importance of nature to their well-being even though its services are free. Like the Drifters, Costanza and colleagues understand the abiding importance of nature's services to the quality of our lives. Our dependence on ecosystem services cannot be overstated, and our efforts to sustain them can never be too great. To try to "get the prices right" as a way to protect nature, however, is to lend support to economic measures of welfare, such as economic growth and GNP, ecological economists rightly reject. The effort Costanza and colleagues undertake to "estimate the 'incremental' or 'marginal' value of ecosystem services" should be seen as an aberration within the program of ecological economics. It can succeed only in lowering the credibility of that discipline while increasing the legitimacy of the standard cost-benefit policy framework most likely to defeat attempts to protect the natural environment.

—Mark Sagoff

In March of this year, the President of the United States asked thirty-four citizen-experts to draft a "bill of rights" protecting Americans from the corporations insuring their health. He appointed them all to a panel called the Advisory Commission on Consumer Protection and Quality in the Health Care Industry, its task to reform "managed care," to domesticate it, to make it safe and as worthy of the public trust as its defenders contend it already is.

"Consumer protection"—an inauspicious term. And a telling one.

Not so long ago, reference to a patient as a "consumer" would not have been understood. Patients were consumers, of course, and also often producers, and the nature of their role in and relation to the general economy was routinely of interest to their physicians. "What do you do for a living?" was a question always asked in any comprehensive clinical evaluation of an adult, and the specifics of "consumption" and "production" were likewise often of interest. But "consumers" in the Commission's sense were then the patients of physicians and nurses and other professional men and women. And all these same professionals themselves became patients when they got sick.

Well, so what? A little linguistic evolution? A sign of change, and mostly overdue change at that? Perhaps. But what if the change now turning patients into "consumers" is exactly the change the Commission has been empaneled to reverse or, at the very least, to refine? And what if the Commission does not quite realize that? And what if it also does not realize that a sign of parallel change—the now nearly constant use of the term "provider" to mean either physician or corporation, as displayed even in the President's own charge to the Commission—suggests that the costliest piece of high ground on medicine's moral landscape has, with barely a hearing and hardly a second thought, been rezoned for commercial use?

**How Did We Get Here?**

We all know the headlines. "Managed-care plan denies lifesaving procedure." "Managed-care doctor withheld vital information, attorney says." "Managed-care ads targeted to low-risk groups." "Managed-care plan leaves town; seeks 'younger, healthier' elsewhere." "Managed-care appeals process inadequate, study says." "Managed-care incentives tempt doctors, worry patients."

It used to be that American physicians acted for patients and, by extension, for families, as well as for unmet millions of the public. Most of the time, they acted honorably, sensibly, and skillfully. But sometimes they acted poorly, sometimes selfishly, sometimes wastefully, sometimes dishonestly. Physicians were widely and fairly assumed to induce patient demand to increase their own income and status, though they typically argued that prosperity was the simple consequence of conscientious practice, not its object. Only for medical pirates was prosperity a sign of plunder. Indeed, physician-induced demand—the appropriate variety—remains a necessary feature of any medical practice. Much of a physician's bedside "art" involves the inducement of demand, as when patients must be convinced to accept—economically, to "demand"—unwanted goods and services urged upon them for their own good: "Sir, I understand your reluctance, but you really must allow me to remove your appendix."

And so forth.

Physician-induced demand—the inappropriate variety—can be a type of fraud. No doubt about it. But it has usually and most importantly been a fraud of degrees, often routinized and easy enough to square with professional self-respect. Many physicians grew rich ordering and then interpreting, as the fanciful acronym might have been written, ETKTM (for "Every Test Known To Man"). Others bypassed far more coronary and carotid arteries than was really necessary in aspirin's heroic age. Others kept treating dying patients more aggressively and far longer than hope could have required or compassion should have allowed. Others appointed their patients for office visits more frequently than needed or discharged them from hospital only in the mornings, after one last billable rounding visit. Many patients applauded such behaviors as indicative of thoroughness, and hospitals welcomed them as beneficial for budgets and building funds. Inappropriate physician-induced demand was and is an ineluctable feature of fee-for-service arrangements, which still obtain outside, and persist even
inside, managed-care structures, and it has long thrived in the minor-emergency business. But in the health-care economy generally its range and scope are more restricted now than they were.

If physician-induced demand had never spilled beyond the appropriate (or drifted there during years of federal rainmaking), if it had never eroded the barriers of conduct so long entrusted to collective professional maintenance (or seeped through spots thinned by hospital administrators and pharmaceutical and device promoters), if it had never undermined the international competitiveness of the American industrial economy (or made poorly crafted cars even less salable than they would otherwise have been), then continuity, rather than change, might be the story of our day. But history tells another tale.

In 1993, the President proposed to systematize American health care. His intentions were widely admired, but his plan proved awkward, heavy, and unconvincingly responsive to increasingly pointed questions. Among the most wounding were some of the more simplistic. Just when societies the world around were abandoning the ruins of central planning, many asked, why should the most creative of all life-sciences economies move in? Why not trust what former socialists and even former communists had now learned to trust? Why not trust the market? Why not trust capitalism?

**Freer for Whom?**

It is axiomatic that capitalists must please their customers to survive in a free market. It is likewise axiomatic that in the most efficient markets capitalists and customers all act in their rationally chosen, continually reassessed, and flexibly pursued interests. It is in these markets that customers are most likely to be pleased and capitalists are most likely to succeed or fail on the basis of customer-pleasing or customer-alienating performance.

Is the American health-care market now closer to this ideal than it used to be? Or is it, in important respects, further away? Patient satisfaction—citizen satisfaction with health care—has evidently declined in important respects in recent years in state after state. Dissatisfaction, of course, could be overreported, overestimated, overemphasized, or misunderstood. It could be a transitional phenomenon, hard even for free-market capitalism to avoid or quickly to assuage. Economists might argue that patients are actually better off or about to become better off, financially if not in other ways. Physician satisfaction has evidently also declined—precipitously. Health-care administrators and legislators correspondingly might contend that physicians abused their old freedom and are still free enough, as free as other workers and far better paid.

But, as capitalism grinds toward the putative rationalization of yet another inefficient “cottage industry,” there is no mistaking the darkened professional mood.

How could these trends exist, and how could they persist in parallel, if health care’s new market is “freer,” inherently more likely to please, than the one it supplanted?

The answer is easy. This new market is freer for corporations, those that choose insurance schemes plus those that are insurance schemes, but it is consciously less free for individuals. Yes, individuals may usually select among chosen plans, but once they have made their selections they are rather seriously stuck, for at least a year (the standard enrollment period), while plan vendors themselves compete as boldly one against another as “the market” will bear (and the government allow). Herein we find unwelcome resemblances to the voluntary-but-irrevocable life-and-death contract between citizens and sovereign and to the no-holds-barred hotter-the-better competition among sovereigns themselves that Thomas Hobbes proposed in *Leviathan*. Even with this Hobbesian shadow uncast, though, the view ahead is dark enough. Dissatisfaction may be both real and structural, as likely to worsen as to improve.

**Redefining “Market Discipline”**

Back when managed-care corporations were few, mostly still not-for-profit, and widely regarded as progressive health-maintaining community assets, the temptation to maximize profit (or, in not-for-profit terms, excess revenue) was dampened by the certain knowledge that alienated managed-care patients could return at will to the then still-dominant mode, fee-for-service. Now, in “major markets,” many millions of patients insured through employer-sponsored plans would have a far harder time (and costlier course) doing so. Managed-care corporations increasingly compete against each other, at least for pre-Medicare and non-Medicaid patients, and their competition has many more facets than most patients ever see.

Managed care has now transfigured professional incentives. Physicians employed by managed-care corporations now have no reason to induce demand inappropriately, since they might be disciplined or dismissed for doing so. Physicians contracting with managed-care corporations—many of such contractors in specialized practices—have less reason to induce demand inappropriately than they do, say, when caring for their fee-for-service Medicare Part B outpatients, since they might be dropped from corporate consulting lists. And many physicians themselves are now to varying degrees incorporated risk-holders or corporate risk-partners, and they might decrease their own net incomes by inducing demand inappropriately.
Unfortunately, physicians “incented” in such ways may also be less likely to induce demand appropriately, less likely to inform about expensive options and to urge that expensive recommendations be followed, since, again, they might lose their jobs in whole or in part or lose financially (in the short run, anyway). Managed-care physicians are now typically incented to deflect or refuse (rather than to induce) certain patient demands that they themselves may judge to be sensible. Most infamously, managed-care physicians may be required contractually to refrain from “any communication which undermines or could undermine the confidence of enrollees, potential enrollees, their employers, their unions, or the public in... the quality of... coverage.” That is, they may agree to be “gagged” by their corporations. Some physicians may even come to accept the legitimacy of corporate interests in this regard.

And why would they not? Their own government did. In 1982, the Federal Trade Commission ordered the American Medical Association, likeliest meddler in whatever budget-relieving magic the market might then have been about to conjure, to mind its own business in the matter of Faustian bargains. When the AMA challenged the FTC, the United States Supreme Court upheld the order. As noted by way of disclaimer in “Ethical Issues in Managed Care,” the rather anodyne 1995 report of its Council on Ethical and Judicial Affairs, the AMA is prohibited from “regulating... or advising on the ethical propriety of... the consideration offered or provided to any physician in any contract with any entity that offers physicians’ services to the public.” Thomas Hobbes, given the means, might have sought a similar no-interference injunction against the Pope.

Can We Speak?

Much has been made of the plight of patients whose physicians are badgered by corporations straining to meet fiduciary obligations to shareholders—obligations to maximize profits, dividends, and share values. Less has been made of other risks: the moral incorporation of physicians and the social acceptance of corporations themselves not just as the “artificial persons” of realist political ethics and common law but also as the “artificial professionals” of radical socialism and, in George Orwell’s 1984, black satire.

The moral incorporation of physicians is easily enough explained, though not readily forgiven. The social acceptance of corporations as “artificial professionals” is not easily explained, not in American culture, at any rate. How has it been accomplished?

One answer might be obfuscation, its linguistic manifestation “Carespeak.” “Choice” can now mean “constraint,” as when patients find they must choose “care managers,” whom they hope never to meet, but may no longer choose physicians, on whom their lives may depend. “Managed,” as in “managed care,” can now mean “undelivered,” as when a “care manager” holds a patient’s money but declines to spend it in a patient’s interest. “Prepaid” can no longer simply mean “paid in advance in full or in excess,” as when premium-weary patients find they must “copay” for occasional medical
visits so they can "share the pain" felt by the financial institution enjoying zero-interest use of their payroll deductions, lest they "abuse the system" in future by exhibiting "infinite demand" for "free" goods and services. "More efficient" can now mean "more expensive," as when a hospital bills Medicare far more for a procedure performed more cheaply on an outpatient basis than it could have been performed on an inpatient basis, not to win more federal money, which it cannot receive, but, rather, to inflate the dollar value of the Medicare beneficiary's twenty-percent copayment obligation, inflating in turn the value of "uncompensated care" provided to the community. "Competition" can now mean "restraint of trade," as when patients and physicians separately are tied to a profit-seeking and cash-holding managerial corporation encouraged by regulators to become, for the time being, as much like a monopoly as fortunes will allow. "Symmetric perfect information," or the good-faith approximation of same, whose absence is among the five classic causes of market failure, can now accommodate "gagging." "Health maintenance," as in "health-maintenance organization" or "HMO," can now legally mean practically nothing, while chief-executive-officer maintenance in HMOs is more generous than in any other American industry. The professional and financial restriction, petty administrative interference, arbitrary bureaucratic role-making, and confidentiality-compromise American physicians and their patients long feared from a "socialized" fee-for-service system are being delivered by a "private" corporate system, which promises for physicians and patients alike less and less of what used to be called "privacy." All of which, supposedly, is double-plus good.

Among the many subglossaries of "Carespeak" is one that may be proving instrumental to the social acceptance of corporations as professional professionals, one useful in a process we might call "perceptual transitivity." This subglossary is not truly neologistic in "Carespeak," however. It has been borrowed from an older language: "Crimespeak."

When asked by a journalist to describe what her husband, the reputed head of New York's Gambino family, did for a living, Mrs. John Gotti explained, "He provides." Here was an answer elegant and evocative, one that Émile Durkheim, father of functionalism, and Talcott Parsons, structural-functionalist founder of American medical sociology, would have understood. Yes, Mr. Gotti "provided" for his wife. But he was also a "crime provider" generally. Indeed, Mr. Gotti and the Mafia—professional and professional corporation—were both "crime providers." To contact one was to contact the other. Mr. Gotti was a functional part of a highly evolved social organism.

No physician ever swore a "provider's" oath. But a physician is, proudly, a provider of health care. In "Carespeak," a physician's assistant and a nurse-practitioner and a clinical nurse-specialist are also "providers," though sometimes only "mid-level providers." A registered nurse, oddly, is not a "provider." A nurse-anesthetist and a physical therapist may or may not be. The corporate incentive to categorize high-priced professionals and their lower-priced paraprofessional substitutes together is self-evident; labor history brims with attempts to homogenize by function rather than certified skill set. The more interesting piece of "perceptual transitivity," though, homogenizes the professional and the professional-employing corporation.

In the "Crimespeak" example, recall that homogenization involved a professional and a corporation of professionals—a group practice, as it were. In "Carespeak," the corporation becomes the professional. Some of this transition has been accomplished directly—"Let our doctors care for you" becoming "We [plural] want to be your health-care provider [singular]." Some of it has been accomplished indirectly, by other agents, largely through gratuitous adoption of increasingly common usage—"Ask your doctor about NoSNEEZE" becoming "Ask your doctor or health-care provider about NoSNEEZE" and then the now-ubiquitous "Ask your health-care provider [no doctor] about NoSNEEZE." For more and more Americans, the implication is not altogether satisfactory: "Ask your managed-care corporation."

How New is "New" Now?

"New" risks often have old roots, and they certainly do in this case. The moral-incorporation and artificial-professionalism problems currently being presented to us by managed care are tenaciously perennial. Indeed, political-ethical thought in the life sciences has long centered on them exactly, has long centered on the multiform problem of corporatism.

The political-ethical tradition of the life sciences is long, its sophistication at times surprising. Contributors have included the obscure, the illustrious, the underestimated, the misremembered. Yet the protagonist in this tradition—a political-ethical tradition in, of, and for the life sciences—is a set of ideas. Its product, its prescriptive core, I have systematized elsewhere as "life-sciences liberalism," a political ethic for which men and women of biology and medicine seem, usually, to show high natural affinity (while of its ontogeny they may be able to recapitulate nearly nothing). This newly assembled "ism" says much about the physician's necessarily troublesome obligation to individuals, including the medically and morally unhomogenized mix of individuals making up societies, states, and corporations—and health-insurance risk pools.

Life-sciences liberalism requires that any enterprise
be judged only by the good it intends and that it serve humankind by serving individuals, all of whom are held to be freeborn, rational, rights-bearing as human beings, rights-bearing across borders, rights-bearing in defeat and even in death, coequal with any physician, entitled to opinions, entitled to enter into therapeutic compacts and to withdraw from them at personal discretion, entitled to hear the truth about their own conditions and to decide autonomously about treatment, about participation in clinical trials, and, generally, about the future. Few health-care organizations, however selflessly founded, could pass muster without demerit on grounds such as these. All organizations after a while become jealous of their territory, concerned for their prospects, and intent on stability and solvency, even after their original missions may have been accomplished. Not-for-profit corporations pursuing excess revenue may do no better morally than for-profit corporations pursuing investment capital, and profiteers may behave less hypocritically. The service-to-individuals requirement is particularly difficult for big organizations to satisfy, and public-health organizations may constantly fall short as if by intent, the “public” somehow becoming more deserving than the individuals composing it.

Life-sciences liberalism further requires that all agreements be seen as made among individuals and that all acts be seen as committed by individuals, regardless of the structures into which individuals are incorporated. Physician practices may complement the interests of a corporation but must never be made subservient to such interests; professional ethical responsibilities exist beyond corporate obligation and may require the subordination of corporate interests. Thus, the dealings of physician and patient must transcend the structure in which they take place. “Gagging” and many subtler sins are by this standard inexcusable, and they are more reprehensible for the complicit physicians, whose commitments are professional, than for the imposing corporations, whose commitments are not professional.

Prospects

What, then, can we expect from the Advisory Commission on Consumer Protection and Quality in the Health Care Industry? We will presumably get something called a “bill of rights” and some suggestions for statutory reform. We could also get a draft law modulating certain behaviors of health insurers, probably by adapting rules already in force in one or more states. This output will then be praised and criticized predictably. Measures incorporating its recommendations and countermeasures with less—or even more—drastic provisoons will be introduced in Congress. Composites will be negotiated. Interested groups—including the corporations to be regulated—will make their wishes known, privately if not publicly but nonetheless effectively. One or more bills may or may not result. Even if a bill with Commission marks somewhere upon it is passed and signed and implemented, the corporations to be regulated will likely already have moved beyond the behaviors targeted. They will have arranged a way, found a way, or made a way to keep their cash flowing and their investments profitable. “Consumers” will have new protections, but almost assuredly not the protection of once again truly being patients.

—Robert Hunt Sprinkle

Counting Race and Ethnicity: Options for the 2000 Census

Long before Tiger Woods drew public attention to the problem of characterizing Americans of “mixed race,” the federal government had begun to reconsider the classification scheme employed by the Census Bureau and other agencies in collecting and reporting data on race and ethnicity. The existing scheme, created in 1977 under Office of Management and Budget Statistical Directive 15, recognizes five basic categories: American Indian or Alaskan Native, Asian or Pacific Islander, Hispanic, black, and white. The use of additional categories in data collection is not precluded by Directive 15, but the reported results must be “organized in such a way that the additional categories can be aggregated” into those on the basic list. On the Census form—surely the most visible instrument for federal data collection on race and ethnicity—respondents must select only one of these basic categories, or else choose the nondescript “Other.”

Recently, the Census Bureau has conducted surveys testing alternative schemes, including one that includes a separate “multiracial” category. As this issue goes to press, OMB is preparing to release a report by an Interagency Committee for the Review of the Racial and Ethnic Standards, recommending whether this change or some alternative should be implemented in time for the 2000 Census. After a period of public comment, a final decision will be made this fall.

Much of the impetus for a multiracial category has come from two organizations: PROJECT RACE (Reclassify All Children Equally) and AMEA (Association of MultiEthnic Americans). These groups argue that the current Census form forces those with parents of different races to deny or suppress part of their heritage. For an increasingly large number of Americans, they say, the government’s insistence that individuals fit themselves into one of the existing racial categories constitutes an unreasonable or even a repellent demand. On the other side, opponents of a multiracial category argue that the advantages of granting recognition to a small class of people are far outweighed by its administrative and social costs.

Unfortunately, the debate between these two camps has been governed by the assumption that the only alternative to the present scheme is a menu of exclusive categories augmented by the multiracial option. But there is a third alternative, which we believe is preferable to either maintaining the status quo or adding a multiracial category: namely, a “mark one or more” option that allows respondents to check more than one box, but does not offer a new category for mixed race.

To see why this is the best alternative, it will be helpful first to explore the ethical and policy issues surrounding racial and ethnic classification. We will consider the reasons why data on race and ethnicity are collected in the first place, as well as the grounds for assessing the adequacy or appropriateness of a classification scheme. We will then examine the case for creating a multiracial category, sifting through the arguments on both sides of the public debate. While some objections to the multiracial category seem to us misplaced, we conclude that the creation of such a category would have serious drawbacks. We argue finally that the “mark one or more” option avoids these drawbacks and is thus the superior option.

Purposes and Constraints

Any ethical or policy analysis of Directive 15 must begin with the recognition that there is no such thing as the correct classification scheme for race and ethnicity (or for anything else, for that matter). A classification scheme based on skin color is not more or less correct than one based on ancestry; a scheme containing a composite category—e.g., Asian or Pacific Islander—is not more or less correct than one that instead breaks the large category into several smaller ones. Classification schemes are constructed for particular purposes, and so there are at least as many classification schemes as there are purposes for classifying.

It follows that it is impossible to assess a classification scheme without a clear understanding of the purposes for which it is designed and (not always exactly the same thing) the uses to which it is put. Although, in terms of a given purpose, one classification scheme can be better than another, no single scheme can claim to be the correct grid that articulates our diversity.

What purposes, then, are served by the collection of data on race and ethnicity? One is statistical or demo-
graphic: the government tracks trends and shifts in population growth and distribution, as well as correlations between different racial and ethnic groups and a variety of socioeconomic, health, and educational indicators, to meet the needs of statistical agencies such as the National Center for Health Statistics. A second purpose is legal and political: it is to meet the needs of federal agencies responsible for civil rights monitoring and enforcement. These two purposes are to some extent related; federal agencies are interested in correlations between race and various indicators of wealth or well-being because they want to track the persistence and effects of racism and discrimination. But since differences between racial or ethnic groups in characteristics such as disease incidence may arise from sources other than racism and discrimination, the two purposes are least partially independent.

We shall argue that a change in Directive 15 need not impede agencies in carrying out the statistical and civil rights purposes of collecting data on race and ethnicity. At the same time, it is important to realize that the significance of a racial classification scheme extends beyond these purposes. Two considerations lead us to this view. First, the Census is mandatory: all Americans are required to respond to it. Second, there is an obvious sense in which the Census conveys the official view of race and ethnicity—granting recognition to certain categories but not others, establishing a framework for thinking about diversity and social policy. For these reasons, its classification scheme becomes a prominent social fact in its own right. As such, it has expressive or symbolic significance beyond its explicit purposes.

It is in terms of this expressive and symbolic significance that we can best understand the demand for changes in the present classification scheme by Americans who regard themselves as of mixed racial or ethnic heritages. While we recognize that self-expression is not a purpose of the Census, it is essential that the classification scheme in use not force people to violate their own sense of their racial identity or that of their children. Given the expressive and symbolic role of the Census, members of PROJECT RACE and AMEA are right to insist that official survey forms not compel them to misrepresent their racial self-identification. That an increasing number of people in our society genuinely, and reasonably, feel tied to more than one racial group is a powerful reason for rejecting any framework requiring exclusive identification.

Some have sought to trivialize the failure of Directive 15 to accommodate people who regard themselves as belonging to more than one category by arguing that the number who so regard themselves is insignificant—less than the margin of error in the Census count. But although the number may be statistically insignificant, it is not socially insignificant. The present classification scheme reinforces a view of racial identity as exclusive and rigid—a view that has serious political and cultural consequences beyond the Census itself.

Enforcement Issues

Defenders of the status quo have argued that the suggested changes to Directive 15 would subvert the purposes of the racial classification scheme and have troubling symbolic implications. One major concern among civil rights advocates and enforcement agencies is that the inclusion of a multiracial category would hamper the government’s antidiscrimination efforts. They fear that significantly fewer people would classify themselves as “black,” thereby creating a distorted picture of the magnitude of racial discrimination.

The expectation of a large shift may be exaggerated, however. Results of test surveys suggest that only a minute percentage of people who now classify themselves as black would shift to the multiracial category.

It is essential that the classification scheme in use not force people to violate their own sense of their racial identity.

(The effect of including the category is greater on people of other racial mixes, but that is not a primary concern of the civil rights community.) While the shift in self-identification among African-Americans could be greater in future Censuses as people became accustomed to the new category, it would probably have only a very slight impact on the racial data available for civil rights enforcement in the next decade.

Beyond this, we suspect that concerns about lost information rest on a misunderstanding of the multiracial category—one that has not been addressed by its proponents. The public debate would lead one to think that the multiracial category was “opaque”—that it provided no information about constituent races. But in fact, the multiracial category being tested asks respondents to list their constituent races. Even if many people who now classify themselves as black switched to multiracial, almost all who did so would list “black” as part of their racial mix. Thus, there would be no lack of information about their racial composition. (The same would be true, obviously, for the “mark one or more” approach, which by definition would allow respondents an opportunity to provide information about all the races with which they identify.)

These facts alone, however, are not enough to assuage civil rights concerns. Even if detailed informa-
tion about race continues to be collected, this will hardly matter for enforcement purposes if this information is not reported or presented in ways that serve those purposes. Unfortunately, proponents of change have had little to say about this critical issue.

Here is one possibility: Suppose that a classification scheme allowed people to list all the racial categories to which they felt they belonged—whether under a multiracial category or by marking one or more. At the data presentation stage, instead of reporting “the number of blacks with household incomes over $60,000,” the Census might report “the number of people with household incomes over $60,000 who listed ‘black’ as one of their constituent races,” as well as “the number of people with household incomes over $60,000 who listed only ‘black’ as their race.” It has been argued that civil rights enforcement requires exclusive, single-race data presentation—that we must be able to assign people who check multiple races to one of the existing categories. But which one? And what about purposes other than civil rights enforcement?

Clearly, the collected data would have to be transformed in some way. Such a transformation would involve “assignment rules,” so that individuals who checked more than one race would, for certain purposes, be assigned to a single race for data presentation. Thus, for example, a person who listed “black” and “white” as constituent races could be considered “black” for civil rights purposes, but would not need to be reported as black for other purposes, such as health statistics.

Proponents of change might well object to this strategy. They could argue that the government was taking back with one hand what it gave with the other—offering the multiracial category or “mark one or more” as a sop to critics of the present scheme, while continuing to relegate multiracial Americans to the Directive 15 categories. The civil rights community might object just as strongly. For if a strategy classifies people as black for civil rights purposes either if they classify themselves as exclusively black or if they list black as a constituent race, that strategy might appear to rely upon a version of the notorious “one-drop-of-blood” rule, which says that a person with even a single black ancestor is to be classified as black.

These objections, however, can be answered. If, in monitoring civil rights enforcement, a federal agency counted as black those who listed themselves as both “black” and “white” or as “multiracial: black/white,” it would not be deciding that their self-identification was mistaken—that they really belonged to a racial category other than the one they had chosen. It would merely be recognizing that anyone with black ancestry is at risk of discrimination because of broad social acceptance of the one-drop-of-blood rule. The pool of at-risk voters or job-seekers should not be regarded as comprised exclusively of blacks, but of people with black ancestry. There is no inconsistency in counting a person as a member of this pool while deferring to his self-identification as multiracial, or as white and black.

Of course, assignment rules would not be devised only for those who listed “black” as a constituent race. In looking at employment or housing discrimination against Asian-Americans, for example, one would consider all those who listed Asian as one of their races, since “Eurasians” are likely to be subject to the same prejudices and resentments as “pure” Asians.

We believe that it is a virtue, not a flaw, of a proposal for racial classification that it recognizes the legitimacy of grouping people differently for different purposes. For example, a person with one black and one white parent could be counted among the growing number of multiracial Americans for purposes of tracking intermarriage among traditionally segregated groups, but also regarded as being at risk of anti-black discrimination in a society where racial bias still follows the one-drop-of-blood rule. To object to such multiple groupings is to embrace a spurious objectivity about race, which allows classification in only one racial group for any purpose whatsoever. If we become accustomed to employing different groupings for different purposes, we may learn to see racial identity as more fluid, indeterminate, and superficial, with the ultimate effect of reducing race consciousness. In our judgment, that would be a good thing.

Social Impact and Symbolism

Opponents of the multiracial category have raised other objections, however, that are more difficult to dismiss. While some of these objections are overstated, they suggest that inclusion of a multiracial category may have a disturbing symbolism and a divisive social impact. The “mark one or more” option, we will argue, avoids or significantly mitigates these problems.

First, some civil rights leaders argue that the multiracial category would undermine the solidarity of a victimized community. They fear that it would encourage African-Americans with mixed ancestry and/or lighter skin to deny their commonality with other black Americans in the hope of acquiring a more privileged status. As we have seen, test surveys suggest that in the short term, inclusion of the multiracial category would not result in widespread defection by
people who formerly classified themselves as black. Over time, however, the shift in self-identification could grow more significant.

Critics also fear that the mere inclusion of the multiracial category would symbolically denigrate "unmixed" and darker-skinned blacks. In their view, the multiracial category would be perceived as an insertion into a racial hierarchy in which "black" is negatively valued, and "white" positively valued. Instead of challenging these implicit valuations, it would help sustain them by offering an apparent refinement of the classification scheme—bolstering its spurious claims to objectivity by making it seem more accurate, like the elaborate, "scientific" schemes of overtly racist countries.

One might think that the eclectic composition of the multiracial category—encompassing many different racial and ethnic combinations—would prevent it from contributing to an official or implied hierarchy of racial types. But the history of the "colored" category in apartheid-era South Africa suggests otherwise. A category that includes a variety of combinations might still be viewed as holding an intermediate value between black and white.

Proponents of the multiracial category naturally take a different view of its symbolic import. For them, a central tenet of American racism has been the one-drop-of-blood rule, which conceives of blackness as much in terms of taint as in terms of hierarchy. It is this racial outlook that helps account for the historic American obsession with miscegenation. And it is this outlook, some proponents say, that the multiracial category would symbolically repudiate, since it would defy the principle that any trace of black ancestry defines a person as black.

This disagreement about the symbolic effect of the multiracial category is difficult to adjudicate, since the two sides are emphasizing different aspects of American racism. We believe that an official scheme of racial classification should strive to repudiate both the one-drop-of-blood rule and the appearance of a racial hierarchy. In our judgment, the "mark one or more" option succeeds best at meeting this challenge.

The Case for "Mark One or More"

Like the addition of the multiracial category, the "mark one or more" approach would free respondents who regarded themselves as racially mixed from having to choose between their affiliations (or their parents). However, it would not offer up a new category that might be construed as intermediate between black and white. It would allow lighter-skinned blacks, or people with one black parent, to opt out of an exclusive identification as black if they wished, but it would not give official status to a new, competing affiliation.

In the public debate, that status is in fact what proponents of the multiracial category have called for: they insist that being multiracial is itself a distinctive identity. "People with a combination of racial and/or ethnic origins are multiracial/multiethnic people," leaders of PROJECT RACE and AMEA have written.
These groups affirm "the individual's right to be called multiracial/multiethnic." And they specifically reject the "mark one or more" option by insisting that any listing of constituent races on the Census form appear "under the 'multiracial' umbrella." Otherwise, they say, the "multiracial population" will be "undercounted, miscounted, or rendered invisible."

We agree that mixed-race people should be free to identify with every part of their racial heritage. But the insistence on a separate multiracial identity goes too far. A multiracial category would lump together people with very disparate identities. One cannot assume that a multiracial black/white has a great deal in common with a multiracial Asian/American Indian. Even their experiences of dual identity, divided loyalty, and cultural diversity may be significantly different. Admittedly, this could change over time: multiracial people might develop more commonalities, more of a distinctive identity, as their ranks swell. And the introduction of a multiracial category could even help engender such an identity. But at present, a multiracial category would misleadingly give a single name to an extremely diverse group of people.

Consider those respondents who see themselves as "black and white" or "black and white, but socially black"—the locations used by many people with parents of different races. For them, there would be some distortion in choosing the multiracial option from a list of exclusive categories. These people regard themselves as having dual racial identity, not as belonging to a mixed or hybrid group that includes many other racial mixes. Again, the test survey results suggest that few people currently identify as "multiracial" to the extent of checking that category on an exclusive list. This suggests that while the "mark one or more" option would be slightly more procrustean than the multiracial option for a small number of people—those who now identify themselves as multiracial—it would better fit what is likely to be a larger number of people—those who identify with more than one race without identifying themselves as multiracial.

Equally important, by not reifying a multiracial identity, the "mark one or more" option would avoid some of the symbolic and social effects of that dubious refinement in racial categorization. Like the multiracial category, the "mark one or more" option appears to repudiate the one-drop rule. But it does so, we believe, without any suggestion of a more refined racial hierarchy. It can be seen, instead, as decomposing racial identity, by implying the legitimacy of composite descriptions.

Some opponents of any change to Directive 15 worry that a "mark one or more" option, and the plurality of counts of different racial groups that could result, might confuse and anger the public even more than the current system's failure to recognize multiple racial identities. They argue that the American people need and want the federal government to provide one number, one set of racial "facts."

Clearly, public education would have to accompany the change we are proposing. But it is an untested assumption that the public (or the courts or whomever the relevant audience is deemed to be) could not comprehend the complexities of multiple counts for multiple purposes. Social reality is complex. Racial identity is complex. Each generation of Americans is better educated than the one before it, and it is not unreasonable to think that the average American's ability to understand nuance and complexity might also be rising. And if it isn't, then perhaps it is time to improve comprehension of the complexity of racial identity and classification—its meaning, its purposes, and its implications.

In addition to supporting the "mark one or more" option for the purpose of data collection, we believe that federal agencies should have the latitude to tabulate racial data in a way that seems most appropriate to their purposes in gathering that data in the first place. Federal programs would benefit if their racial classifications were more closely tailored to the purposes they were intended to serve, and if agencies had to make explicit the assumptions they used in adopting particular assignment rules. In classifying people differently for different purposes, agencies would be disabusing the American public of the recalcitrant notion that there is an overarching "fact of the matter" about racial identity across the many purposes for which racial data are collected.

—Judith Lichtenberg, Suzanne Bianchi, Robert Wachbroit, and David Wasserman

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