

Editorial

Rogers' top eleven books

Great thinker tells of the tomes that influenced his perspective

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Case defies logic Public should be protected

Few things sound more ludicrous than to say an employer who has an employee with measles, chicken pox or influenza should be forced to let him keep working. Yet something quite like that is being defended before the U.S. Supreme Court.

The case arises from a lawsuit by a Nassau County, Fla., teacher who was fired because she had tuberculosis — an infectious respiratory disease — and was found to be "an unacceptable risk" to her students' health. But her lawyers argued, and a federal appeals court agreed, that the Rehabilitation Act of 1973 protects contagious as well as handicapped people from discrimination by groups receiving federal funds.

As U.S. Solicitor General Charles Fried told the Court in arguing against the notion, "This cannot be what Congress had in mind." To take this argument to its logical conclusion would violate every canon of common sense.

UNL law professor Steven Willborn says the Rehabilitation Act defines a "handicap" as "a physical or mental impairment that substantially inhibits one or more major life activities." A person is protected, he says, if he has a handicap, has a record of one or if an employer thinks he has one when he really doesn't.

What brought this case national attention is its possible effect on the AIDS issue. Supporters of

homosexual rights, fearing that lingering uncertainty over the disease's transmission would lead to discrimination against homosexuals, want to eliminate the possibility.

Although the entire story about AIDS transmission isn't yet known, most evidence is that employees have little reason to fear catching AIDS through the air or by casual contact.

But Willborn says nothing in the law or its previous interpretations shows that Congress meant to protect carriers of other contagious diseases. If one extends the AIDS opinion to this case, he says, one could argue mere carriers of diseases are protected — but it would be "counterintuitive" to allow some contagious people to work and not others.

Finally, it makes no sense to expose the healthy to the flu, measles, tuberculosis and so on on the basis of anti-discrimination laws. The teacher shouldn't have been fired under the law; she could have been placed on sick leave until free of infection.

But extending the law to contagious people probably would give them the full range of anti-discrimination protection — including the right to stay in the workplace. With that danger to the public health in mind, the Supreme Court should reinstate the teacher but reject the argument.

In a paragraph . . . Campus could get rare opportunity

Gov. Bob Kerrey went to Las Vegas to talk to country-music star Willie Nelson about Farm Aid III. It's getting closer to reality. Even UNL students are doing their part. ASUN has recognized a new organization entitled Students for Farm Aid III. They will circulate petitions gathering student signatures in favor of the concert. If you have a chance, take the time to add your John Hancock.

● Playboy magazine released its top-40 party schools in the nation in its January 1987 edition. Every Big Eight school except Nebraska and Missouri made the list. Oklahoma State led the way at the number 19 position. Kansas was rated 26th, Kansas State 27th, Oklahoma 32nd, and Iowa State and Colorado received honorable mention. The winner: California State University in Chico, Calif. The University of Miami, Fla., was runner-up. Apparently, UNL is lacking socially.

● The Daily Illini, the University of Illinois student newspaper, ran an advertisement for a "Breakfast with the Chancellor." The ad read: "Meet and eat with Chancellor Thomas Everhart . . . the man who runs the Urbana campus. All breakfasts are informal and discussion is open to whatever interests you. No cost. No catch. Space is limited so

requests will be handled on a first-come, first-served basis." It appears Everhart is making himself more visible to the students, something UNL administrators might want to consider. How many students have met with UNL Chancellor Martin Massengale? How many would want to?

● Mensa, the international society of the highly intelligent, is beginning a new evaluation procedure for prospective members. In the past, to earn membership a person had to take a supervised test and score an IQ of 140, which is considered genius level. Now anyone with an ACT score of 29 or above or SAT score of 1250 or above can join. A score of 29 or 1250 is not uncommon anymore. If you want to be considered a genius, send an application in.

● Soviet medical scientists are trying to learn whether it is true that newborns dipped in icy water never contract diseases. The newspaper Socialist Industry reported that people who believe it is healthy to jump into a frozen lake through a hole in the ice, place babies in the icy water for two to three seconds and have noticed that their children are disease-free. Doctors have been studying the practice but are not releasing any conclusions until the children grow up.

On occasion, the relative minority of individuals who do not assign my thought patterns to randomly discharging brain electrons, wonder how I came to hold the rather curious amalgamation of views that I call a perspective. Well, thoughts are social constructs, and that means that other thinkers have had a great impact on my own thoughts. The easiest mode of indicating the traditions that I tap into is by pointing to books that have greatly influenced my own thinking.

So, for both of you readers that are interested, I've drawn up a list of 10 books that I consider important. Many were left off the list, but those that made the list can be considered crucial in the development of my current *Weltanschauung*.

1. John Locke, "Second Treatise of Civil Government." Locke is a 17th century English philosopher who cogently argues for a natural-rights perspective that, if heeded, lays the groundwork for a truly humane and just society. He is not a utilitarian and thus should not be grouped (as he usually is) with utilitarian pseudo-conservatives like Adam Smith.

2. Robert Nozick, "Anarchy, State, and Utopia" (Basic Books, 1974). Nozick is a brilliant libertarian philosopher at Harvard. He attempts in this work to detail a justification of the state given an anarcho-capitalist assumptions. He fails in his major task, but his discussion of that subject, and a host of other more minor topics, is so broad, compelling and insightful that it stands as a serious intellectual challenge with which it is abundantly helpful to grapple.

3. John Calvin, "Institutes of the Christian Religion." Calvin, a Protestant reformer, has a bad reputation because of a lot of bad Calvinistic writers. His style is actually quite readable and devotional. Nonetheless he provides a tremendously biblical introduction to the Christian religion. Calvin merits the title of being

one of the greatest Christian theologians of all time.

4. Meredith Kline, "The Structure of Biblical Canon," (Eerdmans, 1976(?)). Kline approaches canon as an example of suzerain-treaty covenant forms. Kline's treatment of the biblical covenant-form, noted even by liberal theologians, provides a basis



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for the intense personalization of the biblical covenants and God's relationship with man which is structured by these covenants. His work, although sophisticated and slightly technical, is a good antidote to the sappy sentimentalism that afflicts so much of evangelical theology as it approaches the Christian's and the world's covenant Lord, Jesus Christ.

5. James O'Connor, "The Fiscal Crisis of the State" (St. Martin's Press, 1973). O'Connor, a neo-Marxist, outlines the provocative thesis that the state and monopoly capitalism enjoy a symbiotic relationship that inevitably leads to fiscal crisis. Although O'Connor is a Marxist, his study has important, but not widely appreciated, implications for conservative policy approaches.

6. Morton Horwitz, "The Transformation of American Law, 1780-1860," (Harvard University Press, 1977). Horwitz, a member of the radical "legal realism" school, provides a powerful historical examination of the socio-economic impact of the common-law shift from a more or less Lockean property-rights scheme in the early 1800's to a property-rights scheme founded in utilitarian philosophy.

7. Barry Bluestone, "Low

Wages and the Working Poor" (Ann Arbor, 1973). Bluestone, a radical economist, details the growth of a dual economy (divided roughly into a monopolistic sector and competitive sector). When taken with O'Connor's analysis, I think it justifies a conservative emphasis on an encapsulated market system much more than the radical or liberal "solutions" to many of today's socio-economic problems.

8. R. J. Rushdoony, "Institutes of Biblical Law" (Presbyterian and Reformed, 1973). Although Rushdoony's analysis is at times seriously flawed, his book provides a strong justification for taking seriously the Old Testament revelation in modern theology. Additionally, his analysis of church-state issues is compelling.

9. "Confessions of St. Augustine" The journey toward Christian orthodoxy of this great Christian theologian provides strong counterweight to modern Christians (and others) who believe true Christian piety is anti-intellectual.

10. Joseph Conrad, "Heart of Darkness." What can I say? This brooding work is almost an expose of the 20th-century soul.

11. OK, I lied. But who ever heard of a top-11 list? I just can't leave this next work off the list: Harold Berman, "Law and Revolution: The Formation of the Western Legal Tradition" (Harvard University Press, 1983). Berman, a Harvard University law professor, impressively argues that much of the modern political consciousness was prototypically formed in the papal revolution of the 12th century. The work literally reaches to the foundation of the entire western mind-set and seeks to explain some of the sense of alienation and collapse experienced by moderns. We don't understand today, he cogently points out, because we do not understand yesterday.

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Short Greeks don't need an MBA: Royko on restaurant management

The moment we sat down for lunch, I knew it was a mistake. It was one of those cute new yuppie-poo restaurants, with ferns and a menu that listed calories.

I knew it was an ever bigger mistake when five minutes passed before the busboy dropped the silverware and napkins in front of us.

About 10 minutes later, I snared a waitress as she was hurrying by and asked: "Is there any chance we can see a menu?"

She flung down a couple of menus and rushed off. About five minutes later, she was back for the orders.

"I'm so sorry," she said. "We're short-handed. One of the girls didn't show up today."

When she finally brought the food it wasn't what I had ordered.

"There are some problems in the kitchen," she said. "We have a new cook."

"Never mind," I said, "I'll eat it, whatever it is. But what about the beer?"

"Oh, I forgot, you wanted a beer," she said. The beer arrived just in time to wash down the last bite of the sandwich.

When she brought the check, which was wrong because she charged me for what I ordered instead of what I got, I asked: "Who runs this place?"

"The manager?" she said. "He's in the end booth having lunch."

On the way out, I stopped at the manager's booth. He was a yuppie in a business suit. He and a clone were leisurely sipping their coffee and looking at a computer printout.

"Nice place you have here," I lied. "Do you own it?"

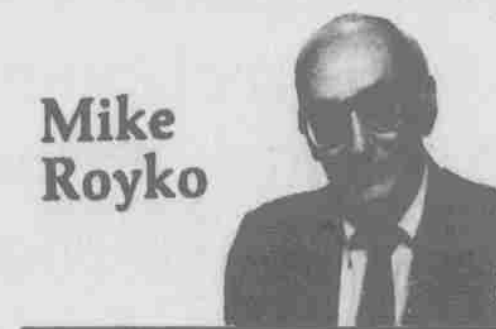
The young man shook his head. It was owned by one of those big corporations that operates restaurants in far-

flung office buildings and health clubs.

He also proudly told me that he had recently left college with a degree in restaurant and hotel management.

That explained it all. His waitresses were short-handed, his cook was goofing up the orders, the customers were fuming, and what was he doing?

He was having lunch. Or, as he's



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probably say, he was *doing* lunch.

I don't want to be an alarmist, but when this nation collapses, he and those like him will be the cause.

First, we had the MBA — especially the Harvard MBA — who came along after World War II and took over American industry. With his bottom-line approach, the MBA did such a brilliant job that the Japanese might soon buy the whole country and evict us.

But we're told not to worry. Now that we don't manufacture as much as we used to, we'll be saved by the growing service industry.

The problem is that the service industry is being taken over by people like the restaurant manager and his corporation. They go to college and study service. Then they install computers programmed for service. And they have meetings and look at service charts and graphs and talk about service.

But what they don't do is provide service. That's because they are not short Greeks.

You probably wonder what that means. I'll explain.

If that corporation expects the restaurant to succeed, it should fire the young restaurant-hotel degree-holder. Or demote him to cleaning the washrooms.

It should then go to my friend Sam Sianis, who owns the Billy Goat Tavern, and say: "Do you know a short Greek who wants to manage a restaurant?"

Sam will say: "Shoo. I send you one my cousins. Jus' got here from old country."

Then he'd go to Greek Town and tell his cousin, who works as a waiter, that his big chance had come.

When the next lunch hour rolled around, and a waitress failed to show up for work, Sam's cousin would not sit down to do lunch. He would put on an apron and wait tables himself.

If the cook goofed up orders, Sam's cousin would go into the kitchen, pick up a cleaver and say: "You want I keel you?"

That simple approach is why restaurants run by short Greeks stay in business and make money. And why restaurants that are run by corporations and managed by young men who are educated beyond their intelligence come and go. And mostly go.

So, if you are ever approached by a stockholder who wants to sell you shares in any of the giant service corporations, tell him not to bother showing you the annual report. Just ask him one question.

"Is it run by short Greeks?" If he says no, leave your money under the mattress.

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Royko is a Pulitzer prize-winning columnist for the Chicago Tribune.