

RELATIVELY SPEAKING*The Philosophy of Individualism***Number 10****Editor: Gordon F. Brown, PhD****August 1978****In this month's issue**

ON LAW:		RELATIVIST OF THE MONTH	
The Bakke Decision	1	Howard Jarvis	2
ON SEMANTICS	2	ABOLUTIST OF THE MONTH	
		Anita Bryant	2
TALK BACK	3		

* * * * *

ON LAW: THE BAKKE DECISION

Assumed Facts: Bakke asked UC Davis to be considered for the 100 slots open for medical school. Davis said he could be considered for only 84 slots, since 16 slots had been set aside for non-whites. Bakke argued that his exclusion based on his race was contrary to the Civil Rights Act of 1964—"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in , be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." And, contrary to provisions of the 14th Amendment: "Nor shall any state deny to any person the equal protection of its laws."

Relative View: Consider that relativity is consistent with maximizing individual rights (rather than group rights) and as such is consistent with the pro-Bakke position. Six of the 7 voting members of the California Supreme Court were pro-Bakke (do not use race); as were 4 of the 9 US Supreme Court members.

Absolute View: The individual should be subservient to the truth, or to a national goal of goodness. Integration is desirable and good, and so the individual rights should be subordinate to such fundamental truth. One voting member of the California Supreme Court and 4 members of the UAS Supreme Court agreed with this position.

Justice Powell of the US Supreme Court walked right down the middle—he held that "race" can be used in making selections but it can't be the sole criterion; and, he argued further that generally it will be assumed on good faith that race

ON LAW: BAKKE DECISION (Continued)

was not the sole criterion. Powell helped Bakke to win the battle but to lose the war; he voted with Bakke that race was used too much, but opened the door for race to be used in the future. and, he argued further that generally it will be assumed on good faith that race was not the sole criterion. Powell helped Bakke to win the battle but to lose the war; he voted with Bakke that race was used too much, but opened the door for race to be used in the future.

* * * * *

THE WINNERS: Bureaucrats everywhere. When the Court is ambiguous, power shifts to administrators to do what they will in the name of the law.

THE LOSERS: The individual citizen. When laws are ambiguous (or interpreted so), the individual in society becomes subservient to the capriciousness of judges, administrators, pressure groups, etc. He is substantially removed from understanding the laws that are to govern his behavior.

* * * * *

ON SEMANTICS

Two terms used frequently in these newsletters are "Absolutism" and "Relativism." The definitions that are applied in these communications follow:

"Absolutism". A position wherein knowledge is assumed to be known about something as that something exists independently of the perceiver. For example, the characteristics of a palm tree (shape, color, textures, beauty, etc.) are substantially inherent in the tree.

"Relativism". A position wherein knowledge is assumed to always be relative to the perceiver. A person can't jump out of his skin to see what the world would look like independent of his perceptions. For example, the characteristics of a palm tree (shape, color, textures, beauty, etc.) are substantially a product of the perceiver—his sensory system, experiences, and preferences.

* * * * *

RELATIVIST OF THE MONTH

Consider Howard Jarvis—at least to the degree that the intent of Proposition 13 was to increase the security of the individual in his home, and to maximize the spending power of the individual.

* * * * *

ABSOLUTIST OF THE MONTH

Consider Anita Bryant—at least to the degree that she can speak infallibly for God (Truth).

* * * * *

T A L K B A C K

Wondering in Pasadena

Dear Editor, I have been wondering—who pays for the newsletters?

Dear Wondering: Last year, the expenses for these newsletters amounted to about \$190. We have approximately 400 on the mailing list. Donations amounted to \$14. The difference was made up by 4 individuals (Bickley, Brown, Lemon, and Wright). Incidentally, anyone interested in donating between \$2 and \$5 can send his/her tax-deductible donation to the School of Communication (SOC), Box 2555, Terminal Annex, Los Angeles, California 90051.

[NOTE: in 1982 the mailing address for SOC was changed to PO Box 1211, Arcadia, CA 91077-1211, which was current at the posting on the web of this newsletter in 2004.]

Why Not in Nevada

Dear Editor, You apply the absolute/relative distinction to law, philosophy and the like. Why not to issues related to sex?

Dear Why Not: Judging by the media and movies, the relevance is surely there. I will focus on the topic next time.

* * * * *