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*Genius should not get special treatment in court, says Bryan Schwartz, but sometimes it does*

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'BEING a genius" is not a formally recognized defence in a court of law. But moral judgment can influence the way the system actually works. Prosecutors have discretion whether to lay charges, juries can acquit anyone they wish. There are ways to make allowance for artistic or intellectual greatness, but do we want to?

Creative ability is no mark of moral superiority. In the book *Intellectuals*, British historian Paul Johnson sketches the biographies of a dozen of them, from Jean Jacques Rousseau to Lillian Hellman. Most of them were despicable human beings, self-centred and ruthlessly exploitative of the emotional and financial resources of others.

An example is Karl Marx. Owing to his aversion to gainful activity other than sponging from friends and relatives, his family lived in squalor. Many of his children did not survive. Marx never paid his hard-working family servant, Helen Demuth, anything but her keep. He fathered her son but never acknowledged paternity or allowed him to live with the rest of the family.

Perhaps geniuses tend to look bad because their lives attract such close examination. Or maybe it is easier for them to act on their worst instincts because hero-worshippers will indulge them. I would suggest another factor. You don't have to be a remorseless egotist to achieve "genius" status in the first place, but it helps.

Great achievement usually requires a great will to succeed and the near-total application of time and emotional energy. Giving yourself to your family and friends can be a bad career move. To achieve recognition beyond your competitors, it also helps to be aggressive about grabbing credit - you shove aside collaborators and downgrade your competitors.

What actually happens when geniuses are called to account for their conduct? Sometimes they get off the hook. During the Second World War, poet Ezra Pound was an active and enthusiastic radio propagandist for the Fascists. Afterward, the U.S. authorities charged him with treason.

Psychiatric experts willfully distorted their testimony in a successful effort to convince a jury that he was mentally incompetent to stand trial. Pound was sent to a psychiatric hospital, where he lived in high style: a private room, gourmet dining, celebrity visitors, access to the Library of Congress collection and unlimited time for literary pursuits. Eventually, his eminent friends won his complete release.

In my view, we owe genius no special dispensation. It is true that in sentencing a judge can take into account a person's past contributions to society. If an exceptionally gifted person has displayed good will and devotion to others, those qualities should be respected, just as they would be in any other person.

We need not, however, give moral credit to high achievement that proceeds from natural talent and personal ambition.

BOBBY Fischer is a genius. The games from his glory years have been a source of intellectual and esthetic pleasure to millions of chess enthusiasts. As a young man, he challenged the Soviet chess establishment and through phenomenal talent and hard work finally contested and won the world chess championship in 1972.

Immediately afterward he stopped playing competitive chess and dropped out of public view. Mr. Fischer has just come out of his hermetic retirement and is playing a match in Yugoslavia. In doing so, he is flouting United Nations resolutions calling for an economic boycott. The purpose of the resolutions is humanitarian: to bring an end to a brutal civil war.

The U.S. Treasury Department has warned Mr. Fischer that he may be violating U.S. laws against trading with the enemy and may face penalties ranging up to 10 years in jail. If he returns home and is convicted, or even charged, the temperamental genius may never play again. One of the most fascinating narratives in chess history would come to an end and the annals of chess might be denied some of its greatest masterpieces.

To me, the loss would be real. I have studied chess literature for two decades; it was Bobby Fischer who inspired me to study the works of the great masters. But now he is undermining an international effort to save human lives. To most of us, the people at risk are distant, alien and anonymous. But they must still be worth infinitely more than the pleasures of witnessing a genius and his games.

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