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Der Gegenverkehr des Wasserniedersinkens in der nördlichen und der südlichen Hemisphäre

William L. Prosser*

One of the large blighted areas of my life surrounds the fact that I never have been able to find anyone who, when he was up, would get me a grant. On two occasions English universities of eminence have made requests to the Fulbright people for payment of my passage and compensation so that I might teach for a semester in their midst. I obediently filled out all of the blank forms, and imposed upon my friends, who willingly, with that noble loyalty which surpasses any high regard for the truth, supplied testimonial letters stating that I was of reasonable capacity and commendable purpose, and that so far as they were aware I never had stolen a red hot stove. Those who were charged with the duty of selection took one look at the sheaf of documents, and decided that they could be pushed just so far. They sent the English other men, whom they had not asked for. One of them was a librarian. Obviously I have not led the right kind of life.

On numerous other occasions I have submitted to the leading foundations—the Uplift, the Maidenform, the Howfirma, the Concrete, the Crumbling, and the rest—some proposals for research in European countries on matters with some not unreasonable bearing upon the American law of torts, which I considered worthy of investigation. With impressive unanimity these proposals were all passed over, in favor of others who wished to look into matters of higher scholastic value, such as the food regulations promulgated by the Diet of Worms in 1495, or the forensic orations of William the Silent.

These rebuffs left me with all of the traditional feelings of the boy who brought his harp to the party, and was not asked to play. Brooding over them, as one will over frustrated endeavor, I took counsel with my friends. They have not been parsimonious with their advice, and as a prelude to what follows, I may make some brief reference to what that advice has been.

“The trouble with you, Prosser,” says Friend A—and this, by the way, has been the standard beginning—“is that you do

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not Think Big. You go around asking for two or three thousand dollars to get you to Europe and support you for a summer in the style to which you have been accustomed. That is peanuts. It is an insult to any great foundation to suggest that it could possibly be interested in anything so trivial. Never ask them for less than a quarter of a million. The only projects in which they have any interest at all are those of earth-shaking significance; and the best evidence of that is a request for a large amount of money."

"The trouble with you, Prosser," says Friend B, "is that you are too damn utilitarian. You go around proposing to look into the practical operation of the comparative negligence statute in the English courts, or the European system of awarding tort damages in criminal trials. It is only too obvious that these things could possibly be useful. Somebody might draft an American statute, or at least decide not to. There is nothing that scares the hell out of a foundation so much as the gnawing suspicion that it might be subsidizing something that anyone could possibly use.

"What you should do," he continued, "is something like this. You round up a dozen distinguished citizens who have got their names in the papers, preferably on the liberal side of controversy. Or if you can't get that sort of people, you select a dozen typical ordinary people—a filling station attendant, a housewife, a night club singer, a second baseman, a garbage man, an ex-convict, and others who are representative of our civilization. You assemble them in some swank resort as far from everywhere as possible. Honolulu will do, or Tahiti, or maybe Monte Carlo. You pay their expenses and a liberal fee, you lodge them in presidential suites, and you supply them with fine food and drink, especially drink. You propose to them some topic for discussion, such as civil rights, the younger generation, short skirts, the use of marijuana, the way we ought to be governed, or something else of great current public interest. Then you turn on your tape recorder, and let them talk for three days. You sit and sip fine old armagnac, and you don't even have to listen; and you intervene only to put a stop to fisticuffs. At the end of the three days you give them an elaborate dinner, thank them, and send them home. You have the tape transcribed, and you make a hundred copies, which you bind up in elegant covers of limp blue leather, with a title in letters of gold, such as perhaps 'A Consensus on _____,' or 'Whither Are We Drifting?' You send ten copies to the subsidizing foundation, and the rest

to university libraries. Of course they go immediately on the shelf, and no one ever looks at them, but they are there for posterity, assuming that there is to be any. What is more important is that it goes on your academic record as a contribution to scholarship, and next year you get a raise in pay."

"Well," I said, "of course I could do that, but . . ."

"It's no good," he interrupted. "It's been done to death. I could give you a dozen instances. You will have to think up something fresh."

"The trouble with you, Prosser," says Friend C, "is that you hide your light, which is already dim enough, under a bushel. You sneak in these applications by the back door of the foundation, and you don't give them any publicity. What you want to do is to announce the project with a fanfare of trumpets, a brass band, fireworks and a parade, and make some headlines. That will automatically give the idea overweening importance. No foundation can afford to let it be known that it turned down something that made the front page. Of course you might have to buy a few drinks for some newspaper men, but it would be a good investment."

Furnished, without charge, with all this advice, I have taken thought; and while I may not have succeeded in adding a cubit¹ to my stature, I may perhaps have added a millihelen² to my aspect. After much cogitation, I have come up with a Project. After achieving this present publicity, I intend to submit it to all of the foundations, since I have no favorites when it comes to receiving money.

The first problem, of course, was to find a title. I had at first thought of calling it "A Modest Proposal." But then I realized that that had been pre-empted long ago by Dean Swift, and that it was the wrong approach entirely. There is to be nothing modest about this enterprise. The title must be formidable, and at first glance overwhelming; and since this is to be a matter of scholarship and erudition, and the right impression must be created at the start, it should preferably be in a foreign

1. A cubit is a measurement of length, originally the length of the forearm, from the elbow to the end of the middle finger. In English measure, it has been standardized at 18 inches; in the metric system at 42.72 centimeters. Webster's Collegiate Dictionary 245 (5th ed. 1945). Anyone seeking to add a cubit to his stature must be either a midget or out for the basketball team.

2. A millihelen is a new unit of measurement, developed by the Department of Anthropology of Siwash University. It measures the quantum of beauty which will launch one ship.

language. So I have settled upon the title which appears at the head of this discussion. For the sake of brevity, it will be known among the laborers in the vineyard as Operation *Gegenverkehr*.

The project concerns the investigation of the social significance of a certain natural phenomenon. It has been reported by many travelers that when the plug is pulled out of the bathtub in the northern hemisphere, the water goes down the drain in a counterclockwise spiral; but that if this is done south of the equator the spiral is clockwise. Departments of natural science, which are second only to the psychologists in their ability to discover some kind of explanation for practically anything, have theorized that this is due to the centrifugal force of the earth's spin, which is greatest at the equator, so that the water on the near side of the drain is impelled by a slightly greater momentum than that on the far side. Whether this theory satisfies anyone other than the geophysicists, I have been unable to ascertain.

The very existence of the phenomenon, however, is in some dispute. There is, for example, the testimony of another friend of mine, Friend D, who is Abel Brown, the sailor. Although I am aware that the Supreme Court has practically done away with all rules as to what may be published, I still feel that in a family journal, such as this one, it is desirable to launder his remarks after the manner of Hemingway.

"The trouble with you, Prosser," says Abel Brown, "is that you believe every obscenity thing you read. I've sailed the seas around the earth, ten thousand miles or more, and you can take it from me that the obscenity water don't go down the obscenity drain according to no obscenity rule. It all depends on how it gets started, and if you stir it with your obscenity finger it will keep on going the same obscenity way. All this obscenity stuff about a difference north and south is a lot of obscenity."

As against this there stands the evidence of an Australian law professor, whose modesty I will spare by omitting his name, after conducting experiments over that continent for a period of a year. His report is as follows:

Clockwise	834
Counterclockwise	42
Inconclusive ³	16

However all this may be, there is obviously much greater

3. Drainpipe plugged, ejected from ladies' rest room before completion of experiment, etc., etc.

social significance in possible parallels to the phenomenon in other areas. There is, for example, the suggestion of Professor C. Northcote Parkinson, in his profound and learned treatise "Parkinson's Law," that there is the same difference to be observed in the rotation of cocktail parties in the two hemispheres. There is also the somewhat baffling fact that in England traffic circles proceed clockwise, and so do racetracks in France. This might suggest the heretofore unconsidered possibility that both countries are, to some unknown extent, in the southern hemisphere—if it were not for the still more baffling fact that racetracks in England proceed to the right, and so do traffic circles in France. Obviously this calls for thorough study. It is believed, moreover, that the progress of tourists through museums in both countries displays no consistent pattern. And as a matter of fact, I once even saw a counterclockwise clock, but that was in Los Angeles, and of course proves nothing. Certainly a comprehensive investigation of all this should be made, in order to reveal, if possible, a basic physical and social law which governs everything of a helical or rotary character.

I propose to request a grant of \$1,000,000 to make this study. I am to be the Director of the Project, with a salary of \$35,000 per annum until its completion. This will of course be in addition to whatever stipend I may be able to pry out of my law school while I am on leave of absence. The investigating group will be composed of 25 distinguished law professors, to be selected by me. They will be liberally compensated, in amounts exceeding their present salaries by \$5,000, with the same proviso as to pay received while on leave. All their expenses will of course be covered.

I cannot help but be aware that this announcement will greatly enhance my hitherto somewhat dubious popularity among my learned brethren, and that my entrance into the bar at the Association meeting, for example, will be greeted with acclamation and proffered hospitality. Since I have no motives of personal advantage whatever in engaging in this project, this is a thing which I can only deplore, although I am of course powerless to avoid it.

I propose to charter a yacht. I have not as yet ascertained whether the old *Corsair*, once owned by the late John Pierpont Morgan, is still afloat; but if she is, and if nothing better can be found, she will have to do. The yacht will be manned by a liberally paid crew, but it must be distinctly understood that no seafaring man with a wooden leg will be allowed aboard. It

will of course be stocked with the finest food, wines, and liqueurs, and it will have its own chef, who will be hired away from some such place as Lucas-Carton in Paris.

The yacht will be equipped with a gyroscope stabilizer, and with a bathtub, a precision instrument, which will automatically fill, and then empty, every three minutes. There will also be a recording and tabulating device, which will number the clockwise and counterclockwise effects. Nothing will be touched by human hands. In order to save expense, which is of course a primary consideration, I had at first intended to use seawater; but since it has been suggested that its density might be an obstacle to the experiment, and since distillation equipment obviously may have numerous other uses on the voyage, it will be provided.

The yacht will sail around the world, proceeding first to England, to France, and then, after a tour of the Mediterranean, around Africa, and into the Orient. It will then turn south to Australia and New Zealand, and voyage via Tahiti and Hawaii to the west coast of America, along the entire length of which it will cruise. It will pass around the Horn, and then up the eastern seaboard, returning finally to New York. During the entire voyage, every three minutes, day and night, the controlled experiment of the bathtub will determine the way the water goes down the drain, and all disputes about the *Gegenverkehr* will be laid definitely and finally to rest.

It must be emphasized, however, that the voyage will not be purely a geophysical enterprise. At numerous stops en route, at such places as London, Cherbourg, Lisbon, Monte Carlo, Naples, Venice, Athens, Istanbul, Cairo, Cape Town, Bombay, Singapore, Hong Kong, Sydney, Wellington, Honolulu, Valparaiso, Buenos Aires, Montevideo, Rio de Janeiro, and many others, flying squads will go ashore and investigate the rotation of cocktail parties, dance floors, racetracks, merry-go-rounds, roulette wheels, and the stirring of martinis. These squads, perhaps of an ideal number of five, will be chosen in turn from the members of the expedition. No one will be favored. Liberal sums will be available for admission and participation, as well as for the bribery of embassy personnel to obtain invitations. It is believed, however, that in most instances the name of the foundation, and the distinguished character of the visitors, will be adequate in themselves.

Other flying squads will fare forth into the countryside, and look into the gyrations of windmills, anemometers, mechanical

governors, and whirling dervishes. Still others will examine the rear elevations of pigs, in order to discover whether their tails corkscrew in a clockwise or a counterclockwise direction. Examination will also be made of all twining plants, such as the right-twining woodbine and the left-twining bindweed, and any others indigenous to the particular locality. There is reported to be in Ceylon a plant, whose name escapes me at the moment, which twines both ways at once. Does it perhaps grow only along the equator? And for that matter, does the water on the equator go straight down?

An important division of the research will consist of the Herpetology Unit. This band of intrepid men will journey, at each stop, into the Totally Uninhabited Interior, and will there prod and otherwise annoy the Bushmaster, the fer-de-lance, the cobra, the mamba, and of course the rattlesnake, the copperhead, and the moccasin, and all other venomous serpents, in order to induce them to coil. Due note will then be taken by those in the rear of whether the coil is clockwise or otherwise. For membership in this Unit, only young, unmarried orphans will be considered, who have not yet amounted to much; and other things being equal, Yale men will be given preference. The lives of all of the Unit will be heavily insured, in my favor; and if in the course of the research any untoward incident should occur, a magnificent cenotaph will be provided, with beautiful words reciting the devotion to duty, with the name of the foundation prominently displayed. There is no contribution to human knowledge too small to be immortalized; it is something to dot an *i* in perpetuity.

It is of course possible that still other fields of inquiry might profitably be incorporated into the project, and I stand ready and eager to receive suggestions.

When the voyage is completed, the data gathered will be fed into a computer, purchased for the purpose, in order to tabulate and correlate them, and to draw conclusions. The results will be discussed by the group at length at a final meeting in some elegant resort. The final report will be published, in the number of one thousand copies, which will be sumptuously bound in limp blue leather, with the above title in letters of gold, however much gold that may require. One hundred copies will be supplied to the granting foundation, and one to each of the others; and the rest will be distributed to libraries and distinguished scholars in law and the social sciences throughout the world.

There is one small problem which still troubles me. I have

not been able to think of a legal angle, which will justify entrusting this important work to law professors rather than to any other educational group, such as for example, football coaches or deans of women. On this I am in need of assistance. There is one place still open on my list of contemplated personnel. It is that of bartender. Anyone who can come up with the requisite legal relevance can be assured of the place. The work will no doubt be heavy, but it should not be unpleasant. Certainly some experience will be called for; but this will, I am sure, be no more than any law professor of standing may be expected to have.