Liberty

November 1996 Vol. 10, No. 2 $4.00

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Bill Clinton: Power, Lust, and Powerlust

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Inside Liberty

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Letters

The Fallacy of Epidemiology

Had Nathan Crow ("The AIDS Heretic Who Won't Die," September 1996) actually researched the literature on AIDS, he would know how thoroughly Peter Duesberg's position has been vindicated by all available evidence, and especially by the remaining absence of any evidence proving — by causation, not the fallacy of correlation — that the harmless retrovirus HIV causes the syndrome of 30 or so old, very different, and mostly noninfectious illnesses, any combination of which the CDC defines as AIDS only if in the presence of a positive HIV antibody test.

Yes, it's possible, but not easy, to transmit HIV from one person to another. One's immune system creates antibodies to it and within weeks, HIV is permanently out of business in the body, having done virtually nothing. That's the science of immunology and vaccination, apparently unknown to Crow, and there is no evidence to prove the existence of any so-called "slow" virus. But there is no way anyone dying with AIDS can transmit that syndrome to another person.

Anyone who has examined the evidence presented in *Inventing the AIDS Virus* and Duesberg's other book, *Infectious AIDS, Have We Been Misled?*, will not be confused by Crow. They will also know that all those who have "died of AIDS" were either very promiscuous male homosexuals who used multiple toxic drugs over years and died of immune suppression caused by drugs and malnutrition, or people who tested HIV-positive, would never have gotten ill, and died from the lethal approved treatments: AZT and its clones.

William H. McIlhany
Beverly Hills, Calif.

The Ashe Case

Nathan Crow ridicules Duesberg's assertion that recreational drugs and medical drugs such as AZT are the greatest causes of AIDS. If Crow would just refer to the December 1995 issue of the CDC's *Trends in Reported AIDS Cases*, he would find that during the 18-month period (January 1993–June 1994), 47% of the AIDS cases were attributed to homosexual men, 28% were attributed to people who inject drugs, and 5% were reported with homosexual men who inject drugs. There are at least six studies that show that between 93% to 100% of homosexual AIDS patients admit to using recreational drugs. Based on that, the CDC percentages above show that 80% of the reported AIDS cases were drug users, taken either orally or injected. And that 80% figure does not include the AIDS cases that result from the prophylactic use of the highly toxic drug AZT. Crow also ridicules Duesberg's assertion that the pharmaceutical clotting Factor VIII taken by hemophiliacs damages the immune system and often results in the AIDS diseases. Apparently, Crow didn't read page 287 in Duesberg's book carefully enough. If he had he would have seen the sentence that says, "However, when the clotting factor [VIII] is highly purified, the immune system remains healthy." It goes on to say, "Cost, unfortunately, bars many hemophiliacs from using the purified Factor VIII. Hemophiliacs treated with commercial Factor VIII consequently develop some opportunistic infectious diseases in the long run, particularly pneumonia and yeast infections." And HIV has nothing to do with it.

Crow brings up the case of Arthur Ashe, who was a non–drug using, non-hemophiliac, HIV-positive AIDS patient. The case of Arthur Ashe was covered in detail in Duesberg's book on pp. 356–58. He details how his medical problems started with a heart attack and how he later picked up HIV from a blood transfusion. As his ailments progressed he began taking more and more medications, including AZT. Even though he eventually found out about the toxicity of AZT and the desirability of not taking it, he couldn't bring himself to go against the wishes of his doctors. So he slowly withered away, and died in 1993.

Richard M. Trostler
Claremont, Calif.

Stalinist Science

One issue that should concern every libertarian, and which Nathan Crow touches upon, is free speech. We "AIDS dissidents" have received death threats; we have lost grants; we have been ostracized, physically assaulted, fired from jobs, and driven into bankruptcy. Our ideas have been systematically excluded from the mainstream media. The censorship surrounding AIDS is what one would normally expect to find in a totalitarian country in the midst of war — akin to the Stalinist thought control that for decades supported the crackpot ideas of Lysenko.

To understand the case against AZT therapy, it is necessary to know that AZT was developed as cancer chemotherapy, designed to kill all growing cells through the termination of DNA synthesis. It is necessary to know that AZT has very serious toxicities and is a known carcinogen. It is necessary to know the flaws in AZT research, including the fact that the drug was approved for marketing on the basis of manifestly fraudulent research.

John Lauritsen
Provincetown, Mass.

29% Right

Nathan Crow claims that HIV-infected people suffer a steady immune-system decline. However, he fails to explain why 10–17% of HIV-infected individuals will be AIDS-free 20 years after infection. Certainly, they are not suffering a steady immune system decline due to HIV. In other words, in 10–17% of HIV-infected people, HIV does not cause AIDS. At the very least, Peter Duesberg is 10–17% correct.

Crow mentions that researchers at the Dana-Farber Cancer Institute have infected adult macques by placing SIV in their mouths. He fails to mention that the researchers reported that 830 times more virus was required for oral infection as compared to IV infection, 5,000

Letters Policy

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to 10,000 more was required for intravaginal infection as compared to IV infection, and 5×10^6 more was required for intrarectal infection as compared to IV infection. What if such large amounts of any virus were given to Crow? Does he think he would avoid any ill effects? Neither SIV or HIV is as powerful as he portrays it.

Further, Crow mentions that two of seven macques died of AIDS within 214 days, but fails to mention that two other macques that had exhibited a pattern of viremia were asymptomatic after 214 days. In other words, they were no longer ill. Why did they not develop AIDS from SIV? Because SIV did not cause AIDS. Two out of seven is 29%. So Duesberg is at least 29% correct that HIV does not cause AIDS.

Gerald Lindley
Manchester, Conn.

Crow replies: William McIlhany insists that I have wrongly equated causation with correlation, then tries to back up *his* hypothesis by asserting that the disease is universally correlated with either toxic drug use or AZT treatment. Like Duesberg, he uses epidemiological arguments when they suit him, but attacks them when they are used to support the HIV hypothesis. McIlhany has also forgotten Peter Duesberg's assertion that Factor VIII treatment (for hemophilia) causes AIDS, and appears to have some sort of mystic belief that being a "promiscuous male homosexual" will cause AIDS all by itself. With friends like McIlhany, Duesberg can't afford enemies. And as far as the existence of slow viruses and the potency of antibodies are concerned, McIlhany will have to explain how a slow virus that doesn't exist (the maedi-visna virus) makes sheep so sick, and how Duesberg's "harmless" SIV virus managed to kill all those monkeys with SIV antibodies.

Richard Trostler seems willing to attribute AIDS to just "using recreational drugs," but does he really want to argue that smoking pot, taking amphetamines, or snorting cocaine will cause AIDS? Like William McIlhany (who jettisons Duesberg's own arguments and confines his fantasies to users of "multiple toxic drugs"), he cannot explain why the millions of heterosexuals who use "multiple toxic drugs over years" come down with AIDS only when they have used needle drugs or had blood treatments that have infected them with HIV, or have had sexual contact with an HIV-positive woman.

If Trostler had read something on AIDS besides the works of Peter Duesberg, he would know that Arthur Ashe was diagnosed with cytomegalovirus (an AIDS-defining disease) and had extremely low T-cell counts before he ever used AZT. I will leave it to Duesberg's believers to explain why he neglects to mention this in his lengthy account of Ashe's fatal illness.

As for the "AIDS diseases" supposedly suffered by Factor VIII patients, they are confined to a small and relatively innocuous group, and the data from *Science* cited in my article show clearly that Factor VIII is relatively harmless. Duesberg's "assertions" about Factor VIII are just that.

John Lauritsen believes that AZT causes AIDS. But then why are there no significant differences in death rates between AIDS patients treated with AZT and those treated with a placebo? The fact that AZT is virtually useless (by itself) as a treatment for AIDS says nothing about whether it causes the disease.

Gerald Lindley needs a course in logic. Just because HIV doesn't *always* cause AIDS doesn't mean it isn't the cause of AIDS when the disease does strike. Not everyone infected with a microbe comes down with the disease that it usually causes; there is almost always a proportion of any population that is immune. And the reason I "fail to explain" why some people don't get AIDS despite HIV infection is that I don't know why. But neither does anyone else.

Lindley also misunderstands the nature of viruses, most of which are harmless. If HIV were harmless, it wouldn't matter how much of it you were given.

An Essential Problem

I can agree with some of what was said by both Kathleen Harward and Nathan Crow ("Disassembling Factory Schools," September 1996). Certainly, one of the major problems with public education is the assembly-line approach associated with the "factory model," and Harward's criticism of the command-and-control style of management that goes with the factory model is certainly on target. This overmanagement of the education process is conducted by a monopolistic bureaucracy that is unable to adapt to the needs of students. I have been frustrated by this bureaucracy as a student, as a teacher, and as a parent. On the other hand, I fully agree with Crow that teaching methods need to be empirically validated before widespread adoption. He also shows a much greater understanding of what "direct instruction" is than does Harward, and is correct in his description of direct instruction as a well-validated instructional approach.

However, I think both have missed an essential problem. Twenty-five percent of students in public school programs drop out before graduating. Of the remaining 75%, approximately half go on to college. Only about half of those actually graduate. Thus, out of a random selection of 100 students entering public school, only about 19 will graduate from college.

The traditional public school curriculum is a college preparatory curriculum. Thus, one has a situation in the public schools where the curriculum is oriented toward the needs of about 20% of the students and the needs of the other 80% are ignored or inadequately addressed.

Yes, the factory model needs to be replaced and teaching strategies need to be validated. However, public schools also need a diversity of curricula to meet the varied needs of a very heterogeneous student population. An assembly-line, one-size-fits-all approach to education simply can't get the job done, especially at the secondary level.

Assuming that we want to maintain public schools as the primary source of education, which may nor may not be the wisest course, several changes are needed. First, we need to get rid of compulsory attendance laws. No one should be in school who doesn't want to be there. Second, we need a variety of curricula options, particularly at the secondary level. A student should be free to switch between these options as long as he or she is willing to do whatever is needed to meet each option's prerequisites. Third, we need to put enough power in the hands of consumers to make the monopolistic education bureaucracy a relic of the past.

David B. Center
Conyers, Ga.

The Taxes We Deserve

I was disappointed to read C.A. Arthur's summation of Irwin Schiff's

income tax posture as "patent nonsense" ("Liberty Comes to the Beltway," September 1996). Mr. Arthur's blatant omission of supporting evidence to such defamation leads me to infer that he is relying on that old authority, Everybody.

If you ask Anybody in America why he pays 47% of his wages to the IRS, he'll tell you that Everybody knows that you have to pay. Nobody, on the other hand, is able to cite the statute or code of law that establishes a legal liability for most folks. That's why, according to Everybody, Nobody gets away with avoiding the tax.

Mr. Arthur, perhaps you could enlighten the rest of us by telling us something that Nobody knows rather than what Everybody knows. What section of USC Title 26 or what section of the CFR establishes an income tax liability for the American citizen laboring in an unregulated occupation?

The oppressive government that we have in this country is a manifestation rather than the cause of America's plight. The cause? Nobody values freedom enough to stand up for it. Rather than telling the IRS, "You can have my property if you want it, but you're going to have to wrestle it from me," we prefer to tuck our spineless tails between our legs and give them what Everybody knows we must. We waive 47% of our property rights based on hearsay because we're too cowardly to even know the truth, let alone stand in its defense. Shame on us. We have the government (and taxes) we deserve!

Greg Nalder
Nampa, Idaho

Arthur responds: Schiff has argued that if one follows his advice regarding taxes, one can avoid paying the government its "due" and avoid a stay at the Graybar Hotel. Schiff himself, however, has been unable to avoid incarceration. The sad but simple fact is that *if you publicly flaunt U.S. tax laws, you will go to jail.* Schiff's belief to the contrary is nonsense. Whether I can identify what section of USC Title 26 or the CFR establishes a tax liability is not really relevant.

Nalder is right, of course, to observe that too few Americans are willing to stand up for their freedom. The question that each of us faces is when to do so, knowing that the price of standing up for our freedom (at least in the way Mr. Schiff advises us to do so) is the almost certain loss of the considerable freedom that we already possess.

Clark, Browne, and JFK

I enjoyed Chester Alan Arthur's report of the Libertarian Party national nominating convention, but felt the need to come out of hiding to correct a misstatement of fact in his brief summary of the Ed Clark for President campaign in 1980. (For the young or forgetful, I was national coordinator for the Clark campaign.)

Arthur perpetuates the "Kennedy myth" — that the campaign consciously tried to compare Clark and his program, for public consumption, to Jack Kennedy. The only conscious comparison I recall was that Clark's proposed first-year tax and spending cuts would have reduced the size of the federal budget to that of Kennedy's first year. As for campaign literature showing a photo of JFK: forget it, it never happened. (There was a campaign photo in which Clark coincidentally bore a very superficial resemblance to Kennedy, which was so noted by party activists at the time.) As for suggesting that Clark restyled his hair to look like JFK: Since it was 1980, we encouraged him to abandon his '50s-style pompadour.

Comparisons of Ed Clark's

continued on page 30

Reflections

The Stepford Rodham — I never thought I'd hear myself saying this, but I miss Hillary Clinton. Not the automaton who took the stage at the Democratic convention — didn't Philip K. Dick write a novel in which the country was governed by a mechanical first lady? — but the arrogant little shyster who stole from the Arkansas treasury and teed off cookie-bakers everywhere. She was a statist crook, but she was a vivid character — arrogant, opinionated, a real human being.

Think back to 1992, to her rapid-fire voice proclaiming she wasn't "some little woman standing by my man like Tammy Wynette." Stupid and offensive, yes, but you knew that was Hillary speaking. Now think of her performance at the Chicago convention, from the impossibly bland music that played as she took the stage to the measured monotone in which she spoke, to the dull clichés she imparted. Watching her speech was like watching Malcolm McDowell in *A Clockwork Orange*: yes, she's evil, but for heaven's sake, *give her back her soul!* —JW

A very Brady party — It used to be said that a "conservative is a liberal who's been mugged." Now, after James Brady's speech at the Democratic convention, I guess we can add a corollary: a Democrat is a Republican who's suffered brain damage. —TWV

Call me irresponsible — When Congress jammed through laws mandating seatbelt use by automobile passengers and helmet use by motorcycle riders, a few reactionaries bemoaned the further erosion of the notion of self-responsibility. If a motorcyclist wants to risk splattering his brains on the pavement or a motorist wants to risk being projected through his windshield at 65 miles per hour, they said, what right have we to stop them from doing so?

No, no, no! the Safety Nazis responded. *That brain-splattered biker and that projectile motorist are both taken to a public hospital, where the cost of putting them back together is borne by the general public, through taxation. The obligation of the taxpayer to pay for the medical treatment of the risk-taker engenders a right to require him to minimize the risk that he faces.* And so, nearly anywhere you drive a car or ride a motorcycle, you must be tied in or must enshroud your head in a five-pound lump of plastic.

I thought of this when I watched Christopher Reeve deliver his pathetic speech at the Democratic convention. Reeve, who gained fame and earned millions of dollars portraying Superman in a series of big-budget motion pictures, was, you are no doubt aware, paralyzed from the neck down after a horseback-riding accident. Horseback-riding is, of course, far more dangerous than either motorcycling or riding in an automobile, and Reeve had neglected to wear a helmet or to tie himself to his horse, let alone append to his horse the various safety equipment required on motor vehicles.

Was he there to implore Congess to repair the oversight that allowed individuals like himself to engage in such extremely risky behaviour, by mandating safety equipment, helmets and seat belts? No, he exhorted the American people to demand that Congress provide assistance for the relief of individuals like himself — that is, he refused responsibility for his own actions, acting just the way advocates of seat-belt and helmet laws believe a person injured through his own fault ought to.

What's curious is that, though most people apparently think horse-riders, like motorists, should not have to bear the cost of their risky behavior, no one seems to think that by the same logic, the equestrian should be required to uphold the same safety practices. One thing seems certain, though. The wealthy Mr. Reeves has no reluctance to ask those of us strapped into our cars to pay for his expensive hobby. And I didn't notice any victims of motorcycle accidents asking the Democrats to insure that more taxes be provided for their relief. —RWB

Bill and me — Bill Clinton and I are remarkably alike in some ways. We're the same age; we both come from smallish states considered cultural backwaters; we were both produced by dysfunctional families. Ethnically, he and I are indisputably rednecks, despite superficial mainstream behaviors we've learned. We're both the self-indulgent personality type — we eat too much, etc. We were both bright kids in school, apparently getting our sanction there.

There it ends. At some point, most likely during childhood, Clinton decided the world revolved around him, that there was nothing more important than his well-being — not honor, not morality, not ethics, not decency. And he decided that he would kiss-ass his way to greatness. And he did. I was more conventional. I knew (somehow) that there were things you just didn't do. I knew it wasn't right to suck up, lie, cheat, and advance myself by whatever means came handy.

Maybe the clearest incident to demonstrate the difference is that I joined the army in 1968, when he was doing everything possible to stay out of it. I remember how I felt about it. I wasn't enthusiastic. I'm not the military type, not a joiner of any kind. I thought the war was wrongheaded. But I didn't want to classify myself with the kind of people who were avoiding military service at the time. I thought they were scumbags. I knew several of them. I wanted the brightest possible contrast between me and people like that. And now that I know Slick Willy, I treasure that contrast more than ever. —RFM

How censorship works — On June 1, 1996, *ABC News* ran a feature arguing that the Russian media have a pro-Yeltsin bias, and are doing things that are "anything but democratic." The evidence:

(1) the press follows the president wherever he goes and

reports whatever he does, however trivial;

(2) demonstrators opposing the president are rarely if ever shown, no matter how many there are;

(3) the presidents' political opponents are grilled when they are interviewed.

This was described as "Soviet-style censorship," a rather silly thing to say when one considers that in the Soviet Union, dissidents were grilled *literally*. But more interesting is this: of the three points in evidence, how many do not describe conditions in the United States? —JSR

Hard time — When hardtimers compare notes about why they're in Georgia state prison, David Moseley must win the gold: five years for the felony of committing oral sex with his wife. The State Parole and Pardons Board has ruled that Moseley must serve at least two years of his sentence. His attorney — Clive Stafford-Smith of the Southern Prisoners Defense Committee — provides insight on the almost unprecedentedly stiff ruling: "I suppose the recidivism rate is rather high." —WM

Justice, Latin-style — Many plagues have swept Latin America in recent times, but the most pernicious one has been the growing politicization of its judicial systems. That, in turn, has led to widespread corruption. If there is no respect for the law, neither is there compliance, and soon chaos follows.

Across Latin America, as our dictators and *caudillos* were displaced by democratically elected governments, the appointment of judges gradually became a function of party allegiance and the judge's political tendencies. Over time, as the law was increasingly exposed to political manipulation, its prestige receded. In countries such as Venezuela, rulings and decisions are sold to the highest bidder almost every day. The winners either have deeper pockets or the right political connections.

Another extraordinarily negative influence is that the wealthiest and most powerful multinationals now operating in the region are no longer the old United Fruit or Standard Oil, but rather the Colombian drug cartels. Thanks to Washington's decision to make war on the foreign production and transportation of drugs, the major battlefields of the Drug War are in our countries, where the monthly salary of a police officer or a judge is about what a street drug seller earns on a bad night in New York or Los Angeles.

Without the rule of law, investments and job creation cannot flourish. Mexico, Venezuela, and Argentina have partially opened their economies, but this has not brought general prosperity and high levels of employment; instead, "privatization" has mainly benefited those close to the corridors of power. That explains the lukewarm electoral support earned by the political parties identified with economic reforms. Indeed, often violent opposition has erupted against a mislabeled "neo-liberalism" — policies that tend to benefit mainly the political and business elites, while the common people have to pay more for the goods and services they buy from the formerly state-owned companies now turned into state-protected private monopolies. Meanwhile, the income generated from privatization is more often than not applied to maintaining an excessive bureaucracy, paying for electoral campaigns, and filling the foreign bank accounts of the rulers, their families, and their friends.

In the past year, the Venezuelan government has unleashed a cynical political persecution against 400 "fugitive" bankers, accused of causing the largest financial crisis in the history of my country. There are some well-known gangsters among those that fled, but many of those facing arrest warrants are not guilty of gross misconduct. Some may have committed minor irregularities or simply made managerial mistakes, but obviously they have no reason to trust the highly politicized and dishonest Venezuelan judiciary. They are the victims of President Rafael Caldera's desperate search for scapegoats for Venezuela's economic debacle, following his all-out campaign against "capitalism" and the economic reforms started by former president Carlos Andrés Pérez.

An old acquaintance — a high-ranking executive of a multinational corporation in Buenos Aires who previously held a similar position in Caracas — recently told me that private-sector corruption is much more widely spread in Argentina than in Venezuela, since in order to close important sales to other private companies large payments must be made under the table to purchasing managers. In other words, the private sector has been contaminated by government practices.

The fundamental importance of the rule of law was described by F.W. Maitland more than a century ago: "The exercise of power in ways which cannot be anticipated causes some of the greatest restraints, for restraint is most felt and therefore is greatest when it is least anticipated. We feel ourselves least free when we know that restraints may at any moment be placed on any of our actions, and yet we cannot anticipate these restraints. . . . Known general laws, however bad, interfere less with freedom than decisions based on not previously known rules."

When the law is interpreted according to political partisanship and expediency, political freedom becomes a sham, and people begin to feel nostalgic for better times under some past autocrat. Then, at least, everyone had a clear understanding of what was allowed, and the circle of privilege was smaller than under the current "democratic" regime. And so one sort of tyranny breeds another.

—*guest reflection by* Carlos A. Ball

Liberty's Editors *Reflect*

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WM	Wendy McElroy
JSR	James S. Robbins
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JW	Jesse Walker

Independunce Day — The most overblown, overrated, disappointing, popular, and stupid movie of the year? The prize goes to *Independence Day*. The movie is full of dumb dialogue and even dumber technical errors. The first job of a work of cinematic fiction is to make the viewer suspend disbelief, to make you say to yourself, "Yes, I know it's just a story, but everything is the way it would be in real life." I have no problem with an alien invasion; it's a far out, but not unbelievable, prospect. The problem is things like fighter pilot Wayans shucking and jiving over to a

downed alien craft, lighting a cigar, and then simply punching the alien in the head (through its space suit) to knock it out after it opens the hatch. Or the Earthlings attacking the alien orbiters (each described as larger than Manhattan Island) with conventional munitions. And a dozen more things like that.

The movie reminded me of the brain-dead '70s TV series *Battlestar Galactica*. The film's only credible characterization is the scumsucking secretary of defense, who reminded me of a cross between Robert MacNamara and Dick Cheney.

I can live with wasting seven bucks and a couple of hours. What really got me was how much — and why — Americans liked the movie. Especially the "why," which would seem to be a celebration of everyone joining together to defeat a threat from outside, resulting in the total destruction of an innately evil and uncompromisingly aggressive enemy. The problem is that when people are looking for an enemy like that, they usually find him.

The film fits the mood set by the recent TWA explosion and the Atlanta pipebombing. And that's an ugly mood. One tipoff to the movie's abysmal quality is that America's second most dangerous politician, Bob Dole — a man who's previously reviewed movies he hasn't even seen — said *Independence Day* is the type of movie Hollywood ought to be making. God help us. The man would be even worse as a movie reviewer than as president. —DC

Plot twist — In the movie *Independence Day*, aliens destroy the White House — and then, lamentably, turn out to be hostile to earthlings. —WM

Al Gore is sooooo bitchin'! — The federal government has launched a campaign to convince kids that smoking "isn't cool," and the PTA is running ads with the slogan, "Be Cool. Follow the Rules." Newsflash! If your parents say not to do it, if your teachers say not to do it, if the president says not to do it, it is extremely cool to do it. You can either be cool *or* follow the rules, not both. Got it? —JSR

Texarkansan Cassandra — Unlike other non–Republican/Democratic politicians, H. Ross Perot has gathered a rather large following. The reason isn't too hard to figure: he is charmingly forthright, hypercritical of both establishment politicians and establishment media, and *he is not a radical*. He comes across as a "can-do" centrist — America's kind of messiah.

Aside from Harry Browne, Perot appears to be the presidential candidate with the best understanding of why America's a mess. Of course, he descends into banal reformism rather easily — demanding regulations on the political elites to require the "highest ethical standards" — but that doesn't invalidate much of his other talk, or his general critique of "special interests."

And so I have a hard time dismissing him. The average American's suspicion that it shouldn't take a radical to "solve" our nation's biggest problems seems, on the face of it, sensible. Balancing the budget would be a remarkably easy task, if people would only own up to their own complicity in the current mess. Ross Perot is *almost* honest and courageous enough to cajole Americans into allowing such reforms.

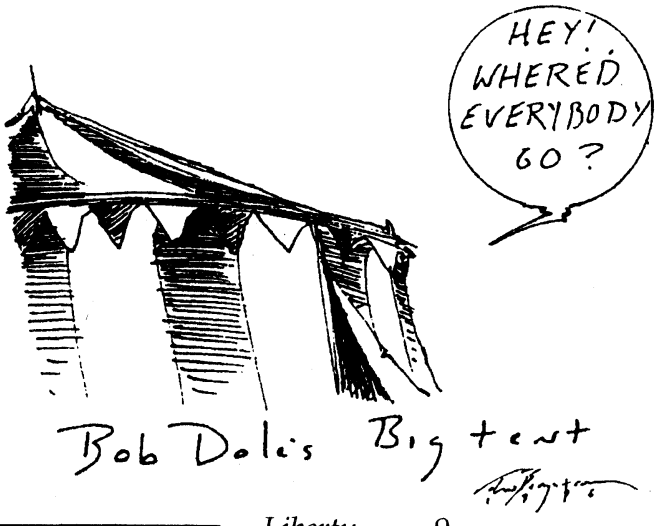
It's not as though current levels of government are necessary even by modern liberal standards. We do not live in a welfare state, in which wealth is redistributed from the rich to the poor, or even from the upper-middle class to the lower-middle class. We live in what Anthony de Jasay calls a "churning state," where wealth is redistributed from the politically powerless to the politically powerful. Representative democracy has become little more than an elaborate con game to shuffle favors, with wealth and welfare usually diminishing with each iteration of state intervention.

This makes the welfare state at least as idealized and difficult-to-realize as the nightwatchman state (or anarchist no-state) of libertarian dreams. Radicals like me want to excise the welfare-state ideal along with the churning-state reality. Reasonable centrists should want to pare down the churning state to a welfare-state minimum. But it looks like neither surgery will happen, at least not until some major catastrophe. Ross Perot sensibly suggests that Americans should make the necessary reforms *before* a catastrophe, but even as he says it he seems cast in the role of Cassandra. Americans may now have a feel for what is (minimally) needed, but they are fearful of extending that suspicion into any realm as lofty as ideas, principles, or conviction.

Which is why Ross Perot's infomercials will gather more viewers than voters. —TWV

The case for Browne — I have an almost perfect record of never voting for a winning candidate. Even way back in college, before I knew the political right from the political left, before I understood anything about free markets and the threat posed to them by government, I disagreed with the ideas of the majorities. And I'm not about to run the chance of spoiling my record this year by voting for the Democratic Tweedledum or the Republican Tweedledee.

But I'm not opposed to voting. I look on it as a way to send a message to politicians. If large numbers of disgruntled citizens would go to the polls on Election Day and pull the levers without registering a vote for anyone — in effect, voting for "none of the above" — or if they would write in the name of a friend or a defunct economist, politicians would begin to take



notice. Votes in the current campaign for Libertarian Harry Browne would not only send a message to politicians that there was dissatisfaction with both major parties, but would show the direction in which the dissatisfied voters wanted government to move.

In an election year, people are more willing to listen than they are at other times to discussions about the economy and the role of government. So libertarians should not lose the opportunity elections offer them to promote their views. We could "win" without even placing Browne in the White House. Remember that Socialist Norman Thomas ran for president in every election from 1928 to 1948. Although he never won political office, he "won" a more important victory. The politicians of the New Deal years and later adopted most of Thomas' ideas. In the process, the United States government was transformed into an interventionist state with steep taxes, public housing, and government regulation of employer-employee relations, health care, etc. A strong vote for Harry Browne this year would help libertarians win a real victory, by showing that many people want today's big-government programs repealed. —BBG

The great debate — Three third-party candidates — the Libertarian Party's Harry Browne, the Green Party's Ralph Nader, and the Reform Party's Ross Perot — can reasonably claim the right to be included in the presidential debates. Yet not one was invited. In a sane world, the question facing debate organizers would not have been whether to let them in, but which establishment candidate should join them, Clinton or Dole. *One* of them ought to be there, to defend global military crusades, managed-trade agreements, and the other bipartisan policies all three populist contenders reject. But *both* of them? Whatever for? —JW

Just vote "no" — Each election year, political scientists talk about "negative voting," by which they mean that some people will vote *for* a candidate for the sole purpose of casting a vote *against* that candidate's opponent.

Why not replace negative voting with a negative vote? This would mean that voters could go straight to that hated politician and cast an "I don't want this

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Education Rhetoric: Anatomy of a Pseudoscience. **Nathan Crow** exposes the unsound teaching methods sweeping the country — and how more sensible alternatives are being suppressed. **(Audio: A215; Video: V215)**

Liberty and the Press. Working reporters **Bruce Ramsey** and **Jack Shafer** join editor **R.W. Bradford** and former journalist **Jane S. Shaw** to figure out how and why the media does — and doesn't — go wrong. **(Audio: A216; Video: V216)**

Inside the Browne Campaign. **Jon Kalb** gives an insider's account of Harry Browne's presidential campaign. **(Audio: A217; Video: V217)**

Civil Society Chic. **Jesse Walker** tries to figure out the recent popularity of "civil society" rhetoric — and why most of the people deploying it seem so uncomfortable with actual existing civil society. **(Audio: A218; Video: V218)**

Is Greener Really Better for Business? Some say environmental regulations improve the business atmosphere; others say they eat away at profitability. Who's right? **Richard Stroup, Jane S. Shaw, David Friedman, Ralph Smead,** and **R.W. Bradford** give their answers. **(Audio: A219; Video: V219)**

Coming Soon to a City Near You. **Randal O'Toole** explores the brave new world of "urban growth management" and the "new urbanism," new planning doctrines that could be threatening your town next. **(Audio: A220; Video: V220)**

Religion and Liberty. What relationship — if any — is there between religion and liberty? Is one good, bad, or irrelevant to the other? **Jane S. Shaw, Timothy Virkkala, David Friedman, Richard Stroup,** and **R.W. Bradford** debate all these issues in this lively exchange. **(Audio: A221; Video: V221)**

Technology of Tax Limitation. **Scott Reid** examines the means we have at our disposal to limit taxes and spending, and how governments have gotten around them over the years. **(Audio: A222; Video: V222)**

Market Incentives in Public Policy. **Richard Stroup** looks at the recent trend towards "incentives" in environmental regulation and other public issues. Where are markets appropriate, and what do they entail? **(Audio: A223; Video: V223)**

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That Fountainhead Rape. Featuring **Barbara Branden. (Audio: A228; Video: V228)**

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idiot/bastard/kook in office" ballot. Sure, some people would just automatically cast negative votes for every candidate but the one(s) they choose. But wouldn't it be wonderful to see a candidate win only because he or she got the least negative votes? —MG

Crack newshounds — Who says the media ignore high crimes in high places? In August, the *San Jose Mercury News* published an illuminating series by Gary Webb about the U.S. government's involvement in cocaine-trafficking — in the 1980s. Better late than never, I suppose: I'm glad that some major newspapers (several have reprinted Webb's articles) have put the hypocrisy of the Reagan years on the table for future citizens to see. But this story was not unknown at the time; those of us who were opposed to the *contra* war were aware even then of reports that this was going on, and tried to publicize the relevant evidence. Webb has done an excellent job of bringing a new facet of the story to light — apparently, crack first came to Los Angeles as part of a *contra* financing operation — but he's extending a story many other journalists have been working on for years.

One footnote: not long ago, Webb reveals, the feds decided not to prosecute Danilo Blandon, one of the gentlemen who raised funds for the *contras* by dealing dope, because he could be more useful as a DEA informer. Moneymen for Third World thugs are apparently exempt from the Drug War — at least while there are still teenagers at rock concerts and poor black kids who have yet to be locked away. —JW

The straight and narrow — As I write, the question of same-sex marriage is going before Hawaii's Supreme Court. Technically, the outcome is in doubt, but according to what I heard when I lived in O'ahu, a decision mandating equal treatment is a foregone conclusion. After all, the state of Hawaii is basing its case on the argument that gay marriage would be "bad for the children" of such marriages.

This, of course, is obviously absurd. Can anyone really say with, as it were, a straight face, that children (adoptive or biological) of gay parents are better off in the relatively fragile unmarried state? Or does the state believe that homosexuals not accorded marriage rights will have no children — an idea that goes beyond implausibility into fantasy?

The typical libertarian position on this issue is that the state has no business regulating marriage, and should simply butt out. It's an appealing but superficial view. For only the most radical libertarians — anarchists, properly — think that the state has *no* role in enforcing contracts. And the marriage contract is just that, a contract — one whose enforcement, even (or especially) in dissolution, is indisputably more important than most others.

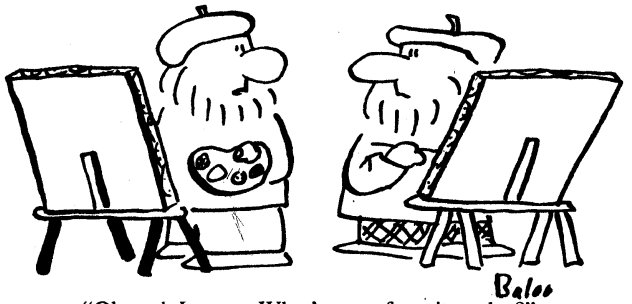
Many heterosexuals seem oblivious to the practical importance of marriage; they see it primarily as a symbol that homosexuals wish to invade merely to despoil. Not so. If one member of a same-sex couple ends up in the hospital, his partner has no legal standing to advocate for him. He may even be denied visiting rights. He generally cannot adopt his partner's children, inherit Social Security, or perform any of the myriad of legal functions to which a spouse is entitled.

For decades the American right has jeered at gays not merely for performing forbidden sexual acts, but for performing them with too many people, for leading unstable and lonely lives, for showing, in short, too many of the faults (if that is what they are) of single men. Now it's time for heterosexuals to put up or shut up. You cannot in good conscience lambaste a group of people for deviating from social norms and yet do everything possible to split them off from the social support that would bring them into society. Libertarians who offer mere hand-waving assertions that the state has no role in marriage are tacitly supporting the Defense of Marriage [sic] Act, and giving aid and comfort to ancient prejudices that have poisoned our lives. —NC

1984 AM — I heard Big Brother on the radio the other day. Just as Orwell predicted, he was bland, calm, reassuring, and utterly authoritarian. His name is Reed Hundt, and he is chairman of the Federal Communications Commission. How does one get to be chairman of the FCC, with statutory power to make the nation's most powerful cultural influences do as you say? Well, it doesn't hurt to know the right people. Hundt attended the exclusive St. Alban's School in Washington, D.C., with Al Gore, then met Bill Clinton and Hillary Rodham at Yale Law School. He's a quintessential product of that baby-boomer/Harvard/Yale/Rhodes Scholar/Renaissance Weekend network, a group so intertwined that *The New Republic* was moved to call it "Clincest." Friends of Bill and Friends of Hillary, who share the First Couple's heartwarming faith in their own ability to plan everyone else's lives, are busily reconstructing America.

Hundt's job is to make broadcasters serve the public interest — which, he pointed out on "public" radio's *Diane Rehm Show*, cannot be defined as "what the public wants to see." Small children, for instance, are not a very big market, so government must ensure that they get some programs that will be good for them. Of course, since he had just a few moments earlier talked about hundreds of channels, couldn't profit-seeking businesses serve even a very small market segment? And don't Nickelodeon and the Family Channel and the Cartoon Network do just that? I guess the problem is that those stations broadcast "what children want to see," not what Reed Hundt and Tipper Gore want them to.

Hundt told every caller that *he* wanted what *they* wanted — broadcasters required to do this, prohibited from doing that. Of course, the difference between him and them is that he has the guns to make the broadcasters do it. Through it all, he was genial and very progressive — he's going to use modern technology and market forces to get what he wants, unless, of course, he has simply to order people, as with requiring that every network broadcast three hours of gov-



"Oh, red, I guess. What's your favorite color?"

ernment-approved children's programming every week. When one concerned listener asked what she could do when she heard something broadcast that she didn't like, Hundt replied, "We're setting up a nationwide phone number" — and here, even on radio, you could actually see host Diane Rehm visibly brightening: "A *toll-free* number?" she rapturously asked. "Yes," Hundt said, "1-800-CALL-FCC." I wonder what would happen if I called to say that I don't want to hear Big Brother on the radio any more. —DB

Left, right, and post-babyboom — Memo to the movement: could we please have a moratorium on articles declaring that "Generation X" — millions of people with diverse interests and views — "is" "libertarian"? The latest offender is Auren Hoffman, a senior at Berkeley, who writes in the Summer 1996 *Liberator* that baby boomers "tended to be, in the 1960's and early 70's, ideologues that crusaded for their causes and made love, not war. Then the boomers sold out their ideology for BMW's, stock portfolios, and cable TV. The liberal boomers soon became Reagan Democrats or fiscal Republicans." (Thank you, Auren, for that Hollywood Minute.) GenX, on the other hand, is "more libertarian": "We tend to distrust government control of anything — we don't want the government meddling in our bedroom, our computer, or our income." We don't? You and I might not, Mr. Hoffman, but I grew up with plenty of people who do.

A decade ago, it was the boomers who were supposed to be unusually libertarian, the first generation in recent history to be fiscally conservative but socially liberal. Now there's a new constituency to be won, and this old rhetoric has been forgotten. How many articles, speeches, press releases, and Internet rants have been devoted to this hobbyhorse, citing such unimpeachable sources as *USA Today* to convince young folks that they *must* be individualists — after all, all their peers are?

It's entirely possible, of course, that we of Generation X *tend* to be *more libertarian than* our parents, and that the baby boomers *tend* to be *more libertarian than* the generation before them. If so, what we're seeing isn't an antinomian generation, but a citizenry increasingly suspicious of state action. Why not pursue that story, instead of spouting wild generational generalizations? —JW

The endearments of term limits — American politics is shifting to a post–term limits paradigm.

The pre–term limits worldview is still held by many state and federal legislators. Unwilling to accept popular support for the reform, these lawmakers are trying to revise or overturn the limits voters have enacted. One of their favorite tactics is to equate term limits with special interests. Another is to maintain that the people did not understand what they were doing (e.g., "They meant to impose term limits on Congress, not the state legislature").

The post–term limits paradigm is held by a handful of legislators and a large group of citizen-activists. This grassroots coalition intends to build on term limits by bringing further reforms to Washington and state capitals. One of the movement's central themes is that politicians should live under the same laws as the people. For example, if politicians' pensions

are tax-exempt, private pensions should be, too. Another theme is to extend competition into the political arena by revising election laws.

Evidence of this paradigm shift is especially acute in areas where a large and growing bloc of independent voters has emerged to challenge the two-party system. In thousands of precincts, independent and third-party candidates received double-digit vote totals in 1992 and 1994 — often enough to hold the balance of power.

For the most part, these independents are neither the conservative Reagan Democrats of the 1980s nor the populist Middle American Radicals identified by political scientist Donald Warren a generation ago. They are explicitly *anti-political*, and, as such, can be understood only within the context of the post–term limits worldview. Establishment politicians who try to appeal to these voters with traditional issues are bound to fail, as they have many times already, because their pre–term limits perspective cannot explain, let alone interpret, this voting bloc.

Typically, they try to explain the independents away by characterizing them as "confused." The old politicians dismiss the new independents' concerns as "illegitimate" and, as such, outside the permissible parameters of debate. (The establishment generally prefers to debate itself.)

The new worldview, by contrast, interprets term limits as a fundamental, anti-political response to the government class and its obscene system of perks and privileges. The reformers accuse political institutions of enriching the government class at the expense of the American people. The post–term limits paradigm responds to independents by acknowledging their concerns as legitimate and attempting to expand the parameters of debate.

The contrast between the competing paradigms is illustrated by their contrasting positions:

Pre–Term Limits:	**Post–Term Limits:**
Oppose Term Limits	Support Term Limits
Tax-Free Pensions for Politicians	Tax-Free Pensions for the People
Politicians Vote on Politicians' Pay Raises	The People Vote on Politicians' Pay Raises
Full-Time Legislature	Part-Time Legislature
Negative Campaigning	None of the Above Ballot Option
Restrictive Ballot Access Laws for Independents	Low Ballot Access Signature Requirements
Restrictive Signature Requirements for Citizen Initiatives	Lower Signature Requirements for Citizen Initiatives
Exempt Politicians from Freedom of Information Act	Apply Freedom of Information Act to Politicians
Exempt Party Caucuses from Open Meeting Act	Apply Open Meetings Act to Party Caucuses
Exempt Lobbyists from Full Disclosure of Activities	Stricter Reporting Requirements for Lobbyists
Oppose Financial Disclosure for Politicians	Support Financial Disclosure For Politicians
Multiple Pensions for Government Officials	Ban Double-Dipping

Indifference to independents' concerns has already led to term limits, the most important legislation to date in the 1990s. Further indifference will only lead to more sweeping grassroots initiatives. —*guest reflection by* Greg Kaza

The *Liberty* Presidential Poll

by Chester Alan Arthur

What are the prospects for Harry Browne's presidential campaign?

On September 17, a national polling organization conducted a poll for *Liberty*, asking 1,000 likely voters to choose among five presidential candidates: Democrat Bill Clinton, Republican Bob Dole, the Reform Party's Ross Perot, Libertarian Harry Browne, and the Green Party's Ralph Nader. The results are not very encouraging to Libertarians:

Bill Clinton	47.4%
Bob Dole	40.6%
Ross Perot	8.1%
Ralph Nader	1.2%
Harry Browne	.3%
Undecided	2.4%

The survey suggests that Harry Browne would garner only about 330,000 votes if the election had been held on that day — a figure substantially lower than the 1988 vote total of Libertarian candidate Ron Paul, and only slightly above the disastrous 1992 campaign of Andre Marrou.

Further, it showed a much smaller difference between Clinton and Dole than many would expect. This also has important implications for the Browne campaign. Because so many voters fall prey to the "don't-waste-your-vote" argument when considering casting their ballot for a third-party candidate, such campaigns usually do best in races that are perceived to be routs. In tight races, people resist voting for "fringe" candidates.

Earlier this year, the Browne campaign commissioned two professional polls. Although the campaign has not yet released the results to the press, copies have been leaked to me:

July 15, 1996:

Bill Clinton	47.7%
Bob Dole	41.6%
Richard Lamm	4.9%
Harry Browne	2.1%
Undecided	3.8%

September 3, 1996:

Bill Clinton	50.1%
Bob Dole	39.1%
Ross Perot	6.3%
Harry Browne	1.5%
Undecided	3.1%

In addition, a CNN/*USA Today* Poll conducted by the Gallup organization did a poll similar to the *Liberty* poll on September 13–15, only a few days earlier. It asked voters to choose among seven candidates: the five candidates listed in the *Liberty* poll, plus Taxpayers Party nominee Howard Phillips and Natural Law Party candidate John Hagelin.

Here are the results:

Bill Clinton	49.0%
Bob Dole	33.0%
Ross Perot	6.0%
Ralph Nader	2.0%
Harry Browne	1.0%
Howard Phillips	1.0%
John Hagelin	.5%

All these polls show much better results for Browne — three to seven times as much support as the *Liberty* poll showed. They suggest that Browne would receive between 1.1 million and 2.3 million votes, if the election had been held at the time of the polls. Even the lower of these figures — 1.1 million votes — is substantially higher than the best LP vote total ever.

This raises important questions: Why are the differences so dramatic? Which, if any, poll is most reliable?

Several factors may account for the difference.

Time: While the *Liberty* poll and the CNN/*USA Today* poll were conducted almost simultaneously, the two surveys conducted for the Browne campaign were done much earlier. Historically, support for third-party candidates tends to decline as Election Day nears. It is plausible that support for Browne is slipping badly.

Options offered voters: Both Browne organization surveys were limited to the major-party nominees, the Reform Party nominee, and Browne himself. This probably inflated the Browne total, since it made him the recipient of support from most voters who were hostile to *all* the major candidates. Further, the first Browne campaign poll included Richard Lamm, rather than Ross

Perot, as the Reform Party candidate. Lamm is not nearly as popular or well-known as Perot, so this choice presumably increased the totals of the other candidates.

The CNN/*USA Today* poll, on the other hand, included two candidates whose vote totals are likely to be swamped by Browne's. Presumably, this would further dilute Browne's support from voters disgusted with the major candidates, so it doesn't explain its difference from the *Liberty* poll.

Poll subjects: The CNN/*USA Today* survey didn't report the number of respondents, though Gallup's surveys typically report results of about 250 voters from each day and CNN/*USA Today* reported a sampling error of ±4%, which is consistent with a survey of about 750 subjects. The *Liberty* and Browne campaign surveys had 1,000 subjects, resulting in a sampling error of ±3.2%.

Statistical noise: The smaller the segment of any survey population, the less reliable the data. Opinion surveys routinely contain a warning that conclusions from a subpopulation of fewer than 100 should be viewed with extreme caution. The number of Browne responses in these surveys ranged from three to 21. This is certainly the biggest factor in explaining the variation among the polls.

In sum, thanks to the statistical noise, none of the polls is very reliable, except insofar as it indicates that the Browne campaign is achieving significant numbers.

The biggest discrepancy among the polls, of course, is the huge difference in support for Bob Dole between the CNN/*USA Today* survey (33%) and *Liberty*'s (40.6%). Obviously, this difference cannot be accounted for by the small size of the sub-population. I personally don't have a clue why it's there; the explanation I am offered by professionals — and I'm not making this up — is that the Gallup poll generally skews towards Democrats. (Other polls, incidentally, tend to have Dole numbers similar to the Liberty Poll's.)

Who Supports Harry Browne?

Combining data from the two polls conducted on behalf of the Browne campaign and the *Liberty* poll — all of which were conducted by Grassroots Research — provides somewhat more reliable data. Of the 3,000 likely voters surveyed, 39 stated a preference for Harry Browne. In comparison to voters in general, they were more likely to be white, male, and young and less likely to live in the South or the Midwest.

Here is Browne's support among various subpopulations:

Men	1.9%
Women	.8%
Age 18–24	1.6%
Age 35–54	1.4%
Age 55+	1.1%
White	1.3%
Black	.3%
Northeasterners	3.1%
Southerners	.4%
Midwesterners	.8%
Westerners	3.7%

Taxes *vs.* Benefits?

The news from the *Liberty* poll isn't all bad, however. The survey also asked likely voters another question: "Thinking about the federal budget for a moment, would you give up all your favorite federal programs if that meant you would never again have to pay any income tax for the rest of your life?"

Here are the results:

Yes, I'd give up the programs.	42.5%
No, I'd continue to pay income taxes.	46.3%
Not sure.	11.1%

The fact that 42.5% of likely voters agree with this radical notion — and central theme of the Browne campaign — suggests that the electorate may be a more fertile ground for libertarian ideas than is generally believed. Furthermore, all the data listed below represent large subpopulations, so this data should be quite reliable. (I grouped supporters of Perot, Browne, and Nader together with undecided voters in the category of "Other supporters" so that the category would be statistically significant.)

While Bob Dole has promised to reduce income taxes, neither he nor any other major-party nominee in recent years has called for eliminating the income tax. Only Harry Browne calls for such a program. If Browne can convince even a tenth of those who agreed with this radical notion to vote for him, he would receive almost five million votes — enough to move the LP from the fringe of American politics toward center stage and to change the American political agenda.

Of course, that's a very big "if." The fact is that to date, relatively few voters are familiar with Browne, and few of those who have heard of him are likely to cast their ballots for him. Few voters know of Browne simply because the LP is a small organization and the Browne campaign has very limited financial resources.

Most Americans get their political information from television. There are two ways to get television coverage: by purchasing advertisements, and by gaining sufficient popularity that television news organizations provide free publicity. Television advertising costs money — a lot of money. Early this year, Republican Steve Forbes invested over

"Would you give up all your favorite federal programs if that meant you would never again have to pay any income tax for the rest of your life?"

Group	No programs/taxes	Continue programs/taxes	Not sure
Men	51.3%	39.5%	9.2%
Women	34.8%	52.2%	12.7%
Age 18–34	45.2%	45.2%	9.7%
Age 35–54	47.0%	41.9%	10.8%
Age 55+	35.0%	52.3%	12.7%
Whites	43.0%	46.1%	10.9%
Blacks	41.7%	44.8%	13.5%
Democrats	33.2%	55.4%	11.4%
Republicans	50.0%	36.8%	13.2%
Independents	46.2%	46.6%	7.3%
Clinton supporters	31.0%	59.9%	9.1%
Dole supporters	52.0%	36.0%	12.1%
Other supporters	55.8%	27.5%	16.7%
Government employees	31.0%	55.0%	14.0%
Non-government employees	50.0%	40.0%	10.0%
Retired	57.0%	30.0%	13.0%
Not in workforce	52.0%	36.0%	12.0%

$37 million in television advertising, almost managing to capture the GOP nomination. Even Morry Taylor (remember him?) spent almost $7 million of his own money in a campaign that netted him practically no votes. A campaign like Browne's, a campaign that can raise only around $1,000,000 or so, simply cannot break into the big time by purchasing television advertising.

Television news organizations only cover candidates doing well in the polls, and it is difficult for a small party's candidate to spur enough public interest to show in the polls. In the past, candidates outside the major parties have gained public support either by vying for a major party nomination (George Wallace, John Anderson) or by being a genuine celebrity (Ross Perot).

So the Browne campaign has had to find ways to get publicity and votes that don't cost millions of dollars. Harry Browne has made literally hundreds of appearances on talk radio, often more than a half-dozen in a single day. Browne wrote *Why Government Doesn't Work*, a summary of his political program, which has sold reasonably well. His staff has mounted a highly visible campaign in cyberspace, and thousands of LP activists have worked on his campaign at the grassroots level.

If the Browne campaign had the $37 million that Forbes poured into his own campaign, or even the $7 million that Taylor spent on his, it might have already had real impact. But the Browne campaign does not have a multi-million-dollar war chest. It seems to be spending its limited resources wisely, but the fact remains that it will probably not make a major breakthrough.

Even so, the Browne campaign has already had considerable success. It has introduced libertarian ideas to a large audience and energized the Libertarian Party (whose membership now stands above the 20,000 level, nearly twice its size four years ago). Further, it has introduced an unprecedented level of competence to the LP, which is now more likely to succeed in converting election publicity into real organizational growth.

Expectations

The presidential campaign of Harry Browne has captured the imagination of many libertarian activists, and for good reason. Browne is the most articulate presidential candidate the Libertarian Party has ever nominated, and his campaign is the best-managed to date. Browne has managed to get tremendous mileage from his guest appearances on talk radio. Given the paucity of its financial resources, the Browne campaign seems to have maximized its impact on the 1996 presidential election.

Libertarians are more optimistic about their candidate's prospects than in any election since 1980, when the party's nominee was able to purchase extensive television exposure, thanks to the generosity of David Koch, its vice-presidential candidate. Browne's campaign co-chair, Douglas Casey, has predicted that Browne will receive 4,000,000 to 5,000,000 votes this fall — four to five times as big a vote-share as the party's previous high-water mark in 1980.

Of course, predictions of high vote totals are much easier to get than high vote totals. Indeed, ever since the LP's first major national campaign in 1976, its candidates' totals have been well below its members' pre-election estimates. Such disappointments have engendered criticism and outright animosity toward candidates. The widespread perception of failure has also lead to "burnout" of party activists, resulting in a massive turnover of party volunteers, leadership, and campaign staff.

So libertarians ought to try to get a realistic feel for how well their candidate is being received, if only to avoid the emotional shock of their candidate's low vote.

The Prospects for November 7

Realistically, what are the prospects for the Libertarian presidential campaign in 1996? Previous attempts to predict LP vote totals have been guesstimates at best. The most accurate projections for the past two elections were mine, and they were pretty much based on extrapolation of recent vote totals, my perception of the effectiveness of each campaign, and the size of the differences in voter support among major-party candidates. My predictions have proved to be accurate within 10% — not a very enviable record, but far better than those of other party observers, who have generally predicted totals many times higher than the actual results.

When I learned that *Liberty* was commissioning its poll, I hoped that it would provide an important tool for predicting the LP vote total in the November election. For reasons already discussed, however, the poll has limited predictive value. The number of votes that Harry Browne will get depends on several factors: how well he conducts his campaign, how the other candidates conduct their campaigns, how the news unfolds, and how the public perceives the horse race as Election Day approaches.

The *Liberty* poll demonstrates that a very large minority of voters agree with Browne's radical proposal to dump all programs providing government benefits in exchange for eliminating the income tax. The problems Browne faces are that few voters know of his proposal and few consider him to be a credible candidate. Both these problems could be solved by a large influx of cash — an unlikely development.

As it is, Browne plans to continue his efforts on talk radio and to purchase a modest amount of television advertising on CNN. Browne was not invited to participate in the presidential debates, but he will appear with other minor-party candidates on CNN's *Larry King Live* following the debates and Ross Perot's half-hour appearance. He may appear on a few other television interview programs, and will continue to get some coverage from the daily press.

Unless at least one of the major candidates commits some terrible blunders or some major world development radically changes the nature of the presidential race, Browne's vote total will likely depend on how close the race appears as Election Day approaches.

If it looks like a very close race, Brown might get as little as 400,000 votes. If it's a blowout and things break right for Brown, he could get a million or so votes. If I had to pick a number, I'd say he'll get about 650,000 votes.

But as I write, there are 40 days to go before the election, and a lot can still happen. ❑

Journal

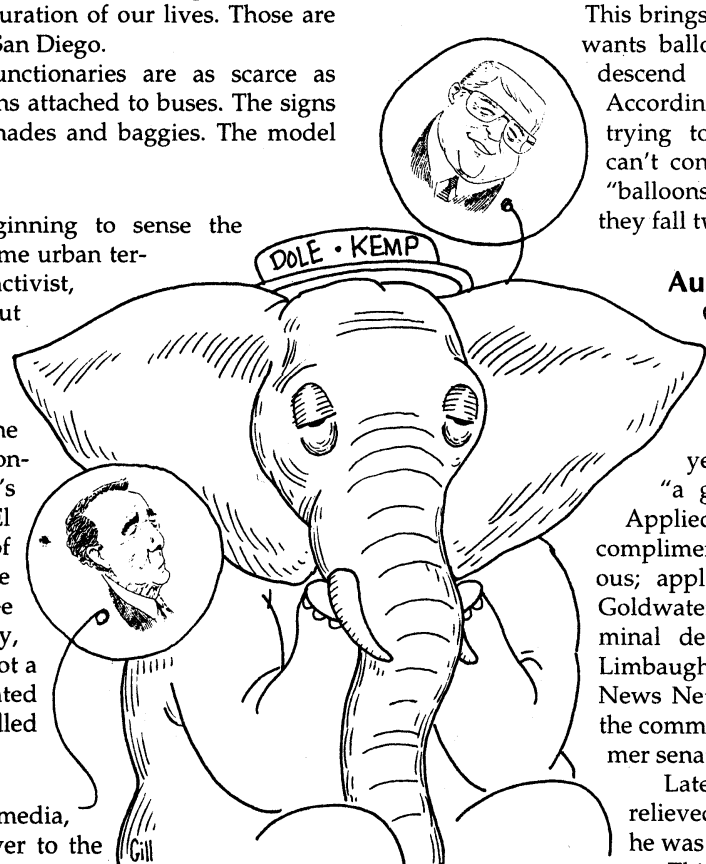
San Diego De-Scripted

by Stephen Cox

August 1. A clear day, 75 degrees Fahrenheit. San Diego is the only place in the country where weather forecasts are regarded as a joke — not because they're never right, but because they're never wrong. Bob Dole will be nominated for president on the Republican ticket, and the temperature will remain at 75 degrees for the duration of our lives. Those are the two certainties we have in San Diego.

Right now, Republican functionaries are as scarce as clouds, except on welcome signs attached to buses. The signs illustrate a jolly elephant in shades and baggies. The model was obviously not Bob Dole.

August 2. Natives are beginning to sense the impending competition for prime urban territory. A local Republican activist, whom I interviewed today about his party's electoral prospects ("Nil!"), complains that people have been temporarily forbidden to sail their yachts past the Convention Center. "All this nonsense about 'terrorism'! It's enough to make you move to El Cajon!" El Cajon is a suburb of San Diego. San Diegans believe that Dante operated in three venues: Paradise, Purgatory, and El Cajon. But El Cajon is not a bad place, really. If it were located in New Jersey, it would be called the New Jersey Riviera.



August 3. San Diego news media, which are always skipping over to the sunny side of the street, have been saying that all the, uh, problems with the convention hall have now been solved. No, that's not exactly what they've been saying; that might sound depressing. Let's put it this way: the convention hall, which was originally just right, has now been successfully "refigured." This declaration is San Diego's stab at postmodernism.

A friend who is big in the local entertainment business assures me that "the so-called convention hall *was* a disaster, *is* a disaster, and always *will be* a disaster. It's just an exhibition space. It's made for 10,000 people, and they need to cram 20,000 people into it. The place has a low ceiling. It has pillars! I can't imagine why these people decided to come *here*, of all places. I guess they never looked at the room."

This brings up the matter of balloons. Dole wants balloons, thousands of balloons, to descend on him when he's anointed. According to my friend, the guys who are trying to put the convention together can't convince the candidate's staff that "balloons don't look very festive when they fall two feet."

August 4. Early this afternoon, CNN reports that Barry Goldwater plans to vote against Bob Dole "unless he's the only person running." According to "Goldwater, 87 years of age," President Clinton is "a good man with a good wife." Applied to anyone but Clinton, the compliment would seem utterly innocuous; applied to him, it's evidence that Goldwater's faculties are in a state of terminal decay. Even CNN, which Rush Limbaugh accurately terms the Clinton News Network, feels the need to explain the comment by associating it with the former senator's age.

Later in the day, the network seems relieved to report that Goldwater says he was "only kidding."

This episode leads me to wonder — yet again — why Dole thought it was politically smart to advertise the celebration of his last birthday. Maybe he's actually a lot older than 73.

August 5. Today, Former Senator Dole unleashed the big tax reform plan that he failed to unleash when he was merely Senator Dole: an incentive ($500 tax credit) for poor people to produce children, and a general tax cut of 15%. Promising

these things, Dole says he believes that "America stands on the threshold of a breathtaking future." His voice trembles: why? He makes no flat tax proposal.

The 30% of the population that retains its sense of smell may be convinced to vote for Dole simply because he is not, after all, either Bill or Hillary Clinton, but even these people would like to see Dole come out with some specific reason why he should be president and not anyone else who doesn't happen to be named Clinton. The flat tax would have worked; the 15% tax cut may work, but it has to struggle against the impression that this is the kind of thing that politicians always promise.

I discussed the issue with my August 5 focus group, which consisted of a Republican businessman and an independent businesswoman. The discussion indicated a heavy discount rate on the tax-cut promise. Female prospective voter: "Well, that's what we heard from Clinton." Male prospective voter: "Yes, that's what we heard from Clinton."

August 6. There is now a 22-foot rubber elephant on top of a downtown hotel. She is smiling, and her name is Miss Betty. The local press demurely observes that Miss Betty is "just one of oh-so-many elephants in town."

The following sentence has nothing to do with the preceding. I talked today with a young journalist who is covering the convention. He announced that reporters and editors "actually are all liberals. I believe it now, although I didn't use to." What's news to me is that even one person in the country was ever in doubt.

Meanwhile, fresh reports arrive from the architectural front. The speakers' platform will not stand at the end of the convention hall but in the middle of one of the room's side walls. This bold move toward the literal as well as the metaphorical center will put Dole and Co. almost eyeball-to-eyeball with most of the television cameras, to be stationed directly opposite. My sources say that "the networks are still upset, claiming that they can't get the right angles." (Get it? No *right angles.*) "But the people who ought to be upset are the people in the audience, who are going to be huddled in a corner, over there behind a pillar someplace. And quite a few of the party's dignitaries are going to be ushered into a 'special room,' which means a room where they can watch the proceedings on TV."

Here's a weird rumor. In order to demonstrate their party's technological hipness, which exceeds even the hipness of Vice President Gore, the Republicans intend to give every delegate an Internet (or Intranet) account, which he or she can use to . . . vote! The party thinks that this scheme is practicable because — get this — 15 minutes have been allotted to the balloting for the presidential nomination. Let's see: E = M *what*? Either everyone will vote at once, and it will be instantaneous, or people will line up at terminals, and it will take forever. But (so the rumor goes) nobody has figured out just how this miracle of efficiency is going to be engineered, much less how to give Miss Betty from Biloxi a crash course in hacking.

Dole's advisors, who live someplace where there aren't any people, may not realize that if you have a nominating convention in which the nomination is uncontested, the only thing that TV viewers look forward to is the ritual in which each sovereign state is called to make its long self-advertisement, followed by its pompous announcement of "one vote for Mr. Ross Perot [groans], one vote for Governor Cathcart C. Cathcart [dutiful applause], one vote for Mr. Charles Barkley [frenzied cheers], and 14 and one-half votes for Sen. Bob Dole, the next president of the United States! [More dutiful applause.]"

With almost as much pomposity, subsidy-seeking scientists announce today that they have discovered life on Mars. Well, maybe not on Mars; maybe just on a rock that came from Mars, maybe. And not quite life. Sort of something like life. Sort of something like the stuff that hangs around places where there might have been life, once. Hearing this, I am irresistibly reminded of the Dole campaign.

I don't care if this makes me a social conservative, but "I'm a Soul Man" isn't my idea of a campaign anthem, even with an idiotic change to "I'm a Dole Man."

August 7. Nothing happened today, unless you want to count the Republicans' agreeing not to fight about the abortion part of the platform. This is good news for the party, although I have yet to meet anyone who has ever read a political party platform. Anyone, that is, except members of the Libertarian Party. Libertarians always read every line of everything.

August 8. Today's big buzz is that Dole has selected Jack Kemp as vice-presidential candidate. I pass this intelligence along to someone working for the convention. "No! Really! Maybe we have a chance!" So much for confidence in the head of the ticket.

Interviewed, Kemp quotes M.L. King: "I don't know what the future holds, but I know who holds the future." The "who" is God, not Bob Dole, with whom Kemp has had certain well-publicized differences. I guess he hasn't had any major differences with God. I hope that the future holds a radically revised Dole campaign, making more credible promises of reductions in taxes and government in general.

Clinton is now prowling around California, stopping rush-hour traffic and trying to grab as much media as he can. Democratic Party operatives whom I encounter believe that this is just the cleverest thing that their guy ever came up with. They may be right.

August 9. My friend Paul picks me up in his truck and we drive down to Anthony's Fish Grotto, where Bob Tyrrell, editor of the *Spectator,* is plugging his new book, charmingly entitled *Boy Clinton.* The affair is arranged by the county Republicans, evidently with assistance from the *Spectator*'s mailing list. I put the average age of this crowd at 45 and the average income at $100,000. Casual dress predominates despite a general sense, conveyed by the nice lady on the telephone, that you might want to dress up, if only a little bit. "Just please don't wear a tanktop." Well, in San Diego you never know.

While waiting for Tyrrell to come on, Paul and I have a chance to stare at the speaker's platform. Paul observes the absence of bulletproof plastic, which is strange, given Tyrrell's reputation for controversy. Paul jokes that "if he wants protection, all he needs to do is get Bob Dole up there in front of him. No Democrat would want to hurt him then." Prayer, pledge of allegiance, announcement of a party at Planet Hollywood. Sort of an odd assortment of symbols, but no one seems to notice. "It's a great day to be a Republican, isn't it!"

When Tyrrell gets up to speak, he says that he hopes his book will help "send Clinton back home — and then to a federal penitentiary." Wild applause. The rest of the speech wanders through the dark and twisted landscape of the Clintons' power. What they imported from Arkansas was not a pretty way of doing business.

As the crowd of nice *Spectator* subscribers filters out of Anthony's Fish Grotto, I am struck by the eeriness of American politics. On the one hand, you have the Republicans of San Diego County going about their daily business, trying to get their friends to sign onto the party at Planet Hollywood and figuring out how they're going to get the old people down to the polls. On the other hand, you have the power of the Oval Office, a power that is none too sanely exercised at any time but that is quite capable of turning to sheer madness, madness with a worldwide reach. The various parts of the system seem impossibly out of proportion, yet they condition each other and can even, possibly, destroy each other. You can spend the rest of your life trying to understand how this works.

August 10. The Kemp thing is now official. Universal rejoicing among the Republican throngs now gathered. No one, of any description, has a bad word to say about Kemp. I suppose that this is 50% because of Kemp's sincere and fervent advocacy of major tax reductions, and 50% because people think he's a real vote-getter.

Conference of the Claremont Institute, conservative intellectual outfit, held at a classy hotel near the convention center. Charles Kesler, one of the Institute's gurus, maintains that the Republican Party is still trying to scrape off the mud once slung at it by FDR, according to whom it was virtually "un-American." Bill Kristol of the *Standard* regrets that Republican leaders are still so chagrined about what happened at the national convention in Houston in 1992, where Pat Buchanan held forth and reputedly alienated prospective voters, that they have programmed this convention to avoid an "exposition of Republican principles." Unfortunately, "not being like Houston is not an agenda for a party." The good news, according to Kristol, is that "big government isn't over, but faith in big government is over." Bill Rusher of *National Review* regards Kemp as good news, too. Kemp "gives a *tremendous* boost to the ticket." Rusher insists that victory requires economic conservatives (by which he probably means libertarians) and social conservatives to work together: "If I get hit by a truck walking out of here, remember: you must keep those two wings of the conservative movement together."

There's a lot of truth in all of this, and there's a swell reception afterwards.

I walk over to the Santa Fe depot to see Newt Gingrich's train come in at seven o'clock. The eleven-car special from Northern California is rumored to have cost the party $75,000. Nevertheless, it's evident that the Republicans don't know how to make the trains run on time. Seven o'clock turns to eight o'clock, and the local orators are still taking up the slack. *They* enjoy it. Other enjoyers include a little mob of counter-demonstrators. Some of them are pretending to be cigarettes — an apparent, though unexplained, allusion to Dole's reported failure to denounce smoking as inherently addictive.

I cannot understand how anyone could possibly get a kick out of dressing up like a cigarette and going down to the train station (with his little kids!) to scream his head off at people who couldn't give a good goddamn about anything he has to scream. There's one fat lady with frizzy hair who keeps screeching, "Tell it to Jaaaaack! Tell it to Jaaaaack!" I guess she means Jack Kemp. I don't know what she means by "it."

I ask Forbes if he plans to run for president again. "That depends," he says, "on whether Dole runs for a second term." And he keeps on smiling.

There is also a little group of artist types who show up dressed like pigs, carrying cute little signs that supposedly mirror Republican positions, like "Women as Breeders, Not as Leaders!" This I understand. It's just the typical stinking ignorance of people who think they know it all.

The Republicans, many of whom are ostentatiously smoking cigarettes that they just rushed out to get, seem mildly to enjoy the demonstrators. But I wonder what would happen if a bunch of Republicans showed up at a Democratic rally dressed like some kind of animal that is stereotypically associated with Democrats. I'll bet those people wouldn't last very long. I'll also bet that this is one of the obscurely felt reasons why people vote Republican.

Finally (8:40 p.m.) Gingrich's train pulls in, and it really is a thrill, no matter what, to see a fine locomotive come down the tracks, flying a giant flag of the California Republic and a giant flag of the United States. But the Republicans couldn't have made much money on this run. They wanted to attract paying guests, but fewer than 100 people get off the train, and a lot of them look like press.

Newt steps off with Jeanne Kirkpatrick, George Shultz, and some other bigwigs, and first he has to talk to the press. He does that for about 15 minutes, then he comes up to the platform and makes what is actually a very good speech. He has the fat man's advantage of getting authority into his gestures, and he smiles a lot and looks healthy, which is hard for a lot of fat people to do. He gives the audience to understand that they'll win the election if they'll just remember to tell everybody they meet that the good news is "one thousand, two hundred, and seventy-two!" That's the number of dollars that Dole's tax cut will save you if you're average in some respect.

At the end of Newt's speech, a fireworks display goes off down at the Bay. It's not connected with the speech. In fact, Newt would have trouble holding even this devoted audience of supporters and antagonists if he went on longer. But it's

the most wonderful fireworks display that I've ever seen.

August 11. Dole wanted to enter the city by train, but his advisors thought the event would look better "if there was water involved." I guess they were right; there's plenty of seawater around here, and it ought to be used. But the Republicans can't make the boats run on time, either. Dole is scheduled to cross the Bay and land at the convention center at eleven a.m. He gets there at 12:10.

That's not so bad. What's bad is the intervening "entertainment." It's not patriotic songs, which presumably would be liked very well indeed by any crowd that is willing to get up on Sunday morning, drive downtown, find a parking space a mile and a half away, line up and go through metal detectors, and wait in the sun, just *to see Bob Dole.* Instead, it's live soul music, then recorded music by Van Halen, and all incredibly *loud.* I don't care if this makes me a social conservative or not, but "I'm a Soul Man" isn't my idea of a campaign anthem, even with an idiotic change to "I'm a Dole Man." Obviously, however, somebody thinks that this sort of noise will impress the admittedly impressionable 40-year-olds.

But here they come, Bob Dole and Jack Kemp, standing in the bow of an excursion boat, festooned by flags, accompanied by other excursion boats, mobbed by chanting followers, and followed by police boats, yachts, a spouting fireboat, and the tall ship *Star of India.* Dole's big chartered aircraft makes a low pass over the Bay, Secret Service men secure the beachhead, and the candidate steps ashore and up to the microphone.

This is good campaigning, and the speech is surprisingly good, for Dole. "Tax cuts" are succeeded by "limited government" and a declaration that "we're going to end the IRS as we know it." This works the crowd up pretty well. When he makes that comment about the IRS, someone yells out, "That's worth 20 points in the polls, right there!" The second half of the speech is not so cool. There's a laundry list of gripes, including gripes about the Clinton administration's alleged failure at pursuing the drug war. Has Dole actually convinced himself that drug use is "up" because of anything that Clinton did or did not do? Luckily, this nonsense gets only mild applause. If Dole wants to get elected, he should stick to his most libertarian themes.

Kemp, who introduces his new boss with a short, strong speech, stirs up the crowd by advocating a "flatter tax" and declaring that the Dole administration will reanalyze the functions of the IRS, starting from square one. The Republicans suddenly don't look so ancient, and "I'm a Dole Man" is not the reason. If these people push the flat — all right, "flatter" — tax, they'll have a chance. At this time in the 1988 and 1992 campaign seasons, polls showed Bush about as far behind the Democrat as Dole is now, and Bush won in 1988 and could have won in 1992. But the Republicans have to go for the tax code's jugular.

As for the famous "character" issue, it's well enough handled by Dole's new campaign slogan, which is plastered on every available surface: "A Better *Man* for a Better *America.*" Not so good is the 10' x 20' replica of the White House behind the speakers' platform. It's like the model of Stonehenge that you saw in *Spinal Tap.* I wonder what happened to the dancing dwarves.

I think I've located a few of them over in the Official Protest Area, a fenced-in venue that is just outside the fenced-in beachhead of the Dole campaign. In the OPA a minuscule throng is listening to a Democrat reciting (hold onto your hat) the Tenth Amendment of the Constitution: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." This man has certainly wandered into the wrong party.

Speaking of parties, the best party in the world is thrown by Steve Forbes at the San Diego Museum of Art, which is displaying Forbes' collection of political memorabilia. All good stuff, too; not a bit of junk. Here's Washington's draft of his first inaugural address, in which he expresses surprise that some people could be so bored with life as to *seek* public office. And here's a letter from FDR, dismissing the allegation that his wife (like You-Know-Who) tunes in to the spirit world.

"It's fun to collect these things," Forbes tells me. He is the same smiling little nerdy guy you saw on television, and he's obviously having fun being a host as well as a collector. There's elaborate food and drink, good music (a lady with a violin), and an ice sculpture of Mount Rushmore, with Forbes' head perched on top.

Forbes deserves the elevation, if anybody does. If it weren't for him, Jack Kemp certainly wouldn't be on the ticket promising his "flatter tax." Forbes has hired about a million twentysomethings to turn up everywhere and pass out flat tax campaign paraphernalia, which everybody seems to love. I ask Forbes if he plans to run for president again. "That depends," he says, "on whether Dole runs for a second term." And he keeps on smiling.

August 12. First day of the convention. The ceiling is low, all right, and the pillars are mammoth. But it's not as bad as it might be. It's sort of quaint, in fact. The place looks like one of those convention halls that you see in nineteenth-century illustrations. It looks like it's ready to entertain debate on the Kansas-Nebraska plank.

The tube is now the tyrant. Nothing whatever is permitted to occur in this building that cannot serve as prime-time advertising.

The convention floor maintains the traditional arrangement: archipelagos of rocklike delegates who appear to have died in their seats, surrounded by ceaselessly frothing aisles. What's new is the program. After 50 years of television, it has finally happened — the tube is now the tyrant. Nothing whatever is permitted to occur in this building that cannot serve as prime-time advertising.

Nobody will be allowed to announce that it is a distinct honor and privilege for him to serve as the introducer of the introducer of the temporary chairman, who will have the distinct honor and privilege of introducing the next set of introducers. What you hear is only a disembodied voice that booms out, "Ladies and Gentlemen, Mrs. Nancy Reagan!," after which Mrs. Nancy Reagan strides to the microphone, speaks her piece, and is followed immediately by "Ladies and

Gentlemen, General Colin Powell." Nobody has occasion to pound a mighty gavel and futilely command the sergeant-at-arms to clear the aisles. Who cares if the aisles are cleared? Who cares about anything except getting Bob Dole elected?

After all that controversy about the platform's abortion plank, I cannot for the life of me discover when, if ever, the platform will be submitted for adoption. Like the delegates, anchored or ambient, whose eyes keep wandering from the speakers themselves to the Citizen Kane–like projections that loom up behind the speakers, the party's statement of principles apparently just *exists*. Nobody needs to make a decision about the platform, or anything else.

Tonight's special TV presentation is the Liberal's Home Companion, featuring the governor of New Jersey (female, pro-choice) and endless little segments about "Main Street Americans" who Fight Drugs or Have AIDS or Are Black or Help Kids or otherwise Represent Something connected with "diversity" or "inclusiveness." One pretty little girl steps forward to read a poem that says, "I am the future and I have AIDS." This is shockingly exploitative, not to mention stupid. I don't know how many people take offence at it. Maybe nobody. Maybe everybody. In any event, the rule is that when a speaker stops for applause, everyone applauds, on the assumption that this will help win the election. I realize how right Bill Kristol was about the party's desire for an intellectually bland convention when a Republican operative tells me that "this sure beats the hell out of Houston!"

All the speeches take the same length of time and have exactly the same syntax. They seem about as original as Mrs. Clinton's book. Even the speeches by former presidents appear to have been written by the same committee. If you were looking forward to some wonderful Bushisms, as I was, you're in for a terrible disappointment. The last Republican president is given absolutely no chance to denounce "drug ping-pins" or make any of those sublinguistic utterances that used to be so eloquent.

Falwell's face alone is the size of a St. Bernard, and it's the color and consistency of a badly whitewashed wall.

There are a few original touches in Nancy Reagan's speech about "Ronnie," which as you would expect is the sentimental favorite of the evening. And there is certainly one original touch in General Powell's address. After claiming that he became a Republican because he favors "freedom, opportunity, and limited government," he reiterates his support for affirmative action as well as abortion. I can see how a pro-choice position could be consistent with "limited government," but affirmative action has somewhat different associations. Of course, General Powell is oblivious to any of his own complications, and he is a surprisingly dynamic speaker. He has one genuinely good line, a line which carries that slight stiffness, that slight whiff of archaism, that suggests sincerity. "Bob Dole," he says, "is a plain-spoken man."

Powell's coming through for the party, all right. The delegates applaud everything he says, even the affirmative action stuff, even his well-phrased attack on "corporate welfare," in which he calls for "reform of the entitlement state, not just the welfare state." When I get home, ABC informs me that his remarks on that subject were greeted by "a deafening silence." But they weren't.

The networks seem to have missed the most dramatic event of the evening, the arrival of Pat Buchanan. He's been holed up with supporters in San Diego's conservative North County hinterland, but tonight he entered the convention hall. Aiming, perhaps ostentatiously, for one of the seats reserved for second-class guests and reporters like me, he never quite arrives. People jump from their seats and surround him. Security people are knocked to the floor. One that was left standing leaps onto a chair and yells, "Go back to your places! Go back to your places!" Your *places*? Who does she think these people are, movie extras?

After enough maneuvering by security guards, Pat and the throng that encircles him ("swarming like ants!," in the words of an anti-Buchanan lady) slowly subside onto the flat land next to the convention floor, but 20 feet *outside* it. And there he stands, while President Ford hands out libertarian propaganda from the speaker's platform: "A government big enough to give you everything you want is a government big enough to take from you everything you have." Better late than never, Jerry. Buchanan stands with his back to the platform, taking questions from the mob that continues to fill his conquered quadrant of the hall.

Eventually, during President Bush's speech, Buchanan sits down, walled off on three sides by beefy guards who are trying to protect either him or the convention. No announcement is ever made of the presence of the man who was once frontrunner in the primaries of 1996. But for a brief, startling moment, there was the sense that the convention might have been halted by a great, hysterical stampede toward the party's prodigal son.

It's not that everybody loves Pat Buchanan. Most people who saw him enter sat stolidly, perhaps feigning indifference, perhaps simply feeling it. Not much more effort would have been needed, however, to disrupt even this absurdly controlled convention. We may not have seen the end of old-fashioned anarchy, and I hope we haven't. The tendency of the San Diego convention is to assimilate the bottom of the political pyramid completely to the top, annulling the mystery of the great republic by assembling Mr. and Mrs. Main Street so that they can very politely usher one of themselves into that nice Oval Office. It's sort of a lie, but it's also sort of the way things actually are at this convention.

But Pat Buchanan, despite his ghastly follies — protectionism, industrial policy, and all the rest of it — is a real person, and real people are mysterious and disruptive. When the session is over, Pat stands laughing and joking in the midst of his disciples. Someone holds up a baby, and he stretches out his arms for it. A man yells, "Pat'll make it smile!," and he does. Behind him, the crowd ebbs away. Above, in one of the vast illuminated command posts of the television networks, an anchorman reclines in Neronian splendor while new makeup is applied. The speaker's platform is empty. We can all go home.

August 13. Walking down to the convention hall, I pass a guy carrying a sign that reads, "Republicans Are Enemies of

All Living Things Except Rich White Males." He seems pleased with himself, though perhaps somewhat lonely. The Official Protest Area is equipped with loud loud loudspeakers, but there are never more than a hundred people in it. Last night when I passed by, about 20 gay people were hanging on the inside of the fence, taunting passing delegates by screaming, "Queer Rights Now!" This is also mysterious. Obviously they're not trying to convince anybody, and you can only guess what additional *rights* (as distinguished from entitlements) they would like to have. They seem pretty free right now. Across the street, a mariachi band puts on a much better act.

I've been wondering why the seats in the convention hall are never filled, and why nobody really needs to huddle behind a pillar. Now I've found the answer. All the delegates and their guests and the press and everybody else are busy buying things. If you take the escalator upstairs you come to The Emporium, which is the place where trinkets are sold. The room is packed, and it deserves to be, because it's so wonderful. There are buttons and bumper stickers and stuff to stick on your refrigerator and screwy spectacles that show you "The World as Clinton Sees It." There are oh-so-many elephants. There are American-flag golf balls. There are huge atrocious insta-oil portraits of Reagan, Buchanan, Dole, and people who are a little harder to identify. There's a presidential limousine from the Nixon Library and a sign that says that its windows could stop a .30 caliber rifle bullet and its wheels could make 50 m.p.h. even if all four tires were flat. There's a guy dressed like Colonel Sanders. There are fanatical Republicans who sit at tables, drinking beers and denouncing the press: "They have destroyed Newt Gingrich like they destroyed Dan Quayle." There's a store that sells buttons from the Willkie campaign. "No More Fireside Chats." "We Don't Want Eleanor, Either." In a place like this, you have to hold on to your heart as well as your wallet.

Walking regretfully back to the auditorium, I encounter someone who could only be described as Jerry Falwell. He's scheduled to deliver a benediction at eight p.m. tomorrow, but he seems to have arrived a little early. J.F. is the biggest man I've ever seen, and one of the strangest. His face alone is the size of a St. Bernard, and it's the color and consistency of a badly whitewashed wall. He is so strange-looking that I feel ashamed to notice it. I stare at him in open-mouthed amazement (which, come to think of it, probably doesn't make me look very attractive, either), and J.F. smiles faintly back, as if his attention were wholly engrossed by the complicated process of making all the parts of his vast body move in one direction. He executes a series of rolling motions and deposits himself behind the broadcast table of a radio station. You just can't keep a preacher away from a microphone.

When I regain the convention floor, it occurs to me that another reason why people stay away from the auditorium is that it's *freezing* down here. Maybe 50 degrees Fahrenheit is good for crowd control; it certainly makes me want to keep my mouth shut, if that will conserve some heat. The speakers, however, are the kind of people who wouldn't mind selling refrigerators to any bunch of Eskimos they found.

Sen. Kay Bailey Hutchinson of Texas now occupies the platform. She is a tough political cookie, and she has been given the job of saying mean things about Clinton's "friends." The trouble is that she says them in such a sing-song, smiley little voice that you think she's auditioning for *Ding Dong School.* The best speech is delivered by J.C. Watts, the black representative from Oklahoma. He is handsome, articulate, thoroughly charismatic. If he doesn't want to be president, I don't know what's wrong with him.

During a momentary lull in the program, the audience is entertained by horrible rap music about "families," broadcast at the decibel level of four jet engines. In front of me, a 90-year-old lady performs an impromptu disco dance, all by herself and beaming with pleasure. This is probably the first music she's been able to hear in about 25 years.

The advertised high point of the evening is the keynote address, delivered by Rep. Susan Molinari of New York, another pro-choice woman. According to the media, many pro-life delegates have decided to walk out rather than endure Molinari's remarks, but I see no signs of depopulation.

I would like to vote Libertarian. I would also like to see Clinton get the electoral crap knocked out of him. I am aware that my two desires are not entirely consistent.

I stand next to the South Carolina delegation, where there are a lot of people wearing white hats, regarded as protest hats, that boldly advocate "The *Life* of the Party." These folks applaud Molinari as much as you could expect anybody else to. The aisles are crammed with youth-for-Dole, who scream whenever they are urged to do so by a guy with a communication device stuck in his ear. These kids are the management's insurance policy.

Curious to find out how all the inclusiveness is going down with the pro-life crowd, I attend an after-session party for Roman Catholic delegates. The Catholics in attendance are decorous, soft-spoken people, and they don't seem upset about Molinari or anything else. Questioned, they mildly regret that the convention is as thoroughly managed as it is. Sen. Santorum of Pennsylvania, who is almost as boyishly charismatic as J.C. Watts, shows up to talk about a bill that he's sponsoring on partial-birth abortions, a wedge issue. Santorum expects enough votes in the House to override a veto, but he needs to round up twelve more votes to veto-proof the Senate. The policy of the church, he says, is to give moral support but insist that laypeople do the real work by themselves. On the welfare issue, however, "we've crossed swords with the bishops."

Nobody that I talk to in this group can enlighten me on when, if ever, the all-important G.O.P. platform was officially adopted. And everybody seems to take it for granted that Dole may very well lose the election. That won't matter; they're in the party for the long haul. A man from the Republican National Committee tells me in an off-hand way that Pat Buchanan visited the convention again tonight but didn't seem to have much impact. If Buchanan did come, he was invisible to me.

August 14, the Day of Nomination. I am fighting for my life against the arctic cold of the convention hall. I don't care

who's speaking, I have to grab some coffee.

I beat it up to The Emporium, and who should be sitting there for an interview by black radio personality Armstrong Williams but Strom Thurmond, former delegate to FDR's first nominating convention, former governor of South Carolina, former presidential candidate (in case you don't remember, he carried the South on the States Rights ticket in 1948), winner in 1954 of the only write-in campaign that ever elected a United States senator, and senator from South Carolina ever since then. At 94 years of age, he is campaigning for his eighth term of office. I feel as if I had blundered into Queen Victoria.

I must add, however, that Sen. Thurmond looks no older than 81. While Williams talks, Thurmond gazes placidly off into the middle distance, but when asked a question, he focuses sharply, speaks forcefully and coherently, and always remembers to turn his comments into a plug for Dole. When there's a commercial break, Williams thanks the senator kindly for allowing himself to be interviewed, but Thurmond's assistant says, "The senator [who is again gazing placidly into the middle distance] would like to do another segment." Williams readily assents. During the wait, a 40-year-old woman and her 20-year-old daughter bustle forward and ask to take pictures with the senator. The daughter wraps her arm around Thurmond, and he suddenly flashes an enormous, 50-year-old grin. Then placidity returns. "Sen.," Williams asks, "what role has God played in your life?" "Ah wuz raised in a Christian fam'ly, and ah wuz taught that lahf in this world is *temp*'ry."

While consuming my emergency coffee, I meet the seller of atrocious portraits, an intelligent, smiling young man with a long ponytail.

"How's business?"

"Terrible! I've only sold two pictures."

"Well, these people have better taste than I thought."

"No, they don't. They come by and say how nice the pictures look, but they think my prices are too high."

I am so startled by this comment that I forget to write the prices down — but believe me, they *are* too high. In The Emporium, at least, economic conservatism seems to have triumphed decisively over cultural conservatism.

Downstairs, three things happen.

First, Mrs. Dole gives her astonishing talk about her husband's life. I'm not astonished by what she says, or by the tackiness of allowing the candidate's wife to pull this kind of stunt before he's even been decently nominated. What astonishes me is Mrs. Dole's delivery. She is one of the great actresses of our time. During her performance, she abandons the TelePrompTer, goes down to the floor, walks around, greets old friends, endures technical difficulties, and never, ever blows a line. There hasn't been anything like this since Edward G. Robinson's long, long take in the suicide-statistics scene of *Double Indemnity*. Bob ought to run a front-porch campaign, refuse to say anything but "gladda meecha," and let his wife go out and crisscross the country.

Second, Bob is nominated. I'm relieved to discover that the idea of voting by computer has bitten the dust. In every delegation, there's a little terminal perched on a little stilt, and it looks mighty lonely. Nobody wants to use it for anything except to rest things on. Instead of electronic data transmission we have the good old-fashioned roll call. The Gentleman from Idaho praises "world-famous potatoes — and mouth-watering onions, I might add." The Gentleman from Maine advertises "fine lobsters, and finer Republicans." The Gentleman from Puerto Rico suggests that Puerto Rico be admitted to the union. (Thank God, there is practically no applause, even from Puerto Rico.) I wouldn't change any of this for the world, but I do notice that when the process is viewed up close and without any immediate prospect of an alcoholic drink, it is exquisitely boring.

The television networks are making nasty comments about how hard it is to "cover" a convention where nothing unpredictable is allowed to happen. (Query: When do they "cover" anything?) Ted Koppel has even decided to leave town early. I have to sympathize — but couldn't they find *something* to report? *I* have. And I wonder if we'll hear the same thing about the Democratic convention, which will probably make the Republican convention look like the primeval Chaos, dark and rude.

August 15, the Day of the Speech. Here's something bitterly unforeseen. The temperature (outside the hall) has soared! It is 80 degrees, and the only explanation possible is that all the hot, humid air is leaving the convention and flowing into the streets. This turn of events disorders the brains and destroys the faith of all true San Diegans. Where are we?, they wonder. What kind of world is this? Was Bob Dole really nominated yesterday? If so, could he actually have a chance to win?

These thoughts bubble inside my overheated brain as I stagger down to the convention through streets filled with happy visitors and miserable San Diegans. By the time I get there, I think it's about time for a drink, so I ask Andrea, *Liberty*'s cub reporter, to enter the hall and locate some famous people. She spies Pat Buchanan walking into the gallery where Mrs. Dole and other V.I.P.s are wont to roost. Pat slaps J.C. on the back a few times and stands around grinning and chatting. Does this imply that he supports the ticket?

I watch Kemp's acceptance speech amid the cheering mob in the Marriott bar. The speech is full of the new, entrepreneurial Republicanism, the Republicanism of the computer age, the Republicanism that could never have been born without the libertarian ideas that infused and transformed the party over the past 30 years, making it livelier, more open, and vastly more acceptable to intelligent people than it had been for generations.

Earlier this afternoon, I saw an even plainer example of Republican quasi-libertarianism. It was a second great flat tax party given by Steve Forbes, this time at Planet Hollywood, the Rome to which all roads at this convention lead. Rep. Dick Armey started things off by observing that the Clintonians will happily take credit for the current modest rate of economic recovery, despite the fact that Washington's chief role has been to block recovery by taxing productivity. The flat tax is opposed by the government, the universities, and every special-interest group or corporation that benefits from political handouts. Only the continued, determined efforts of normal people can put it across. Please help! It's either us or them.

When Forbes spoke, he gave the lie to everyone who portrayed him as an inept spokesman. He was witty, engaging, forceful, and as clear as crystal. He justified the flat tax eco-

nomically, morally, and socially. He showed that it would radically reduce the power of government, rationalize the economic system, give struggling families their chance in life. He destroyed all objections. He called the cheering audience to a great crusade, and he promised that we would meet again, in victory.

While Kemp's speech is going on, I recur, for the millionth time, to the sad realization that the Republican Party is the only political agency that, as of today, can successfully champion decent causes like the flat tax. I would like to vote Libertarian. I would also like to see Clinton get the electoral crap knocked out of him — because it is either Us or Them, and Clinton is Them. I am aware that my two desires are not entirely consistent.

Returning one last time to the convention hall, I reflect that if it were up to people like me, people like Clinton would probably have a pretty easy ride. While we were worrying about whether we could stand to sanction all the bad things that are associated with any major-party candidate who happens to stand for any good things, too, the people who are totally bad would fill up both houses of Congress, the presidency, the Supreme Court, and county drain commissions across the land. *Bambi* would be outlawed as racist literature, smoking a cigarette would land you in prison, and Christmas trees would be replaced by festive images of Elizabeth Cady Stanton.

Well then, here's the bad half of Dole's acceptance speech. Get tough on drugs. Spend more money on the military. Save Medicare. Save Social Security (save it again; Dole claims he already saved it once). Think of America as a "family." Dole even appears to have succumbed to an idea that has been floating around the corridors of this convention throughout the week, the notion that we should intervene militarily whenever any of the "family" falls victim to terrorists. The looniness of the Oval Office meets the looniness of Main Street, and it's sincere, as looniness always is.

And here's the good half. A defense of free enterprise. A strong contrast between "individual accountability" and "collective excuse." An attack on ideological materialism (the premise behind the Democrats' every thought): "All things do not flow from wealth or poverty." An attack on "the party of government" and an argument for the inseparability of political and economic freedom: "The freedom of the marketplace is . . . the guarantor of our rights."

Dole's speech, with its eighteenth-century turns of phrase ("the sometimes delicate unity of the people . . . we will speak to every heart . . . I will betray nothing") was obviously written by someone not responsible for the other stuff that has been escaping into the convention hall. Curiously enough, given Dole's unideological history, this is the convention's most ideological speech. True, it foxes the immigration issue: legal immigration is declared to be wholly good; illegal immigration is declared to be wholly bad. And about the abortion issue the speech is as silent as a hole in the ground. But when Dole's text expresses an idea, as opposed to a feeling left over from World War II, it's usually an idea that emerged from somewhere in the tradition of American liberty.

So what can I tell you? There it is. When the speech is over, the balloons come down — as predicted, not very far down, but there are an awful lot of them. The depressing thing is the reflection that Bob Dole has probably waited all his life to see those balloons descend for him. And if you want to feel depressed, you can trust the convention management, which is faithful, to the end, to its demented ideas of music. A country singer is introduced, and he drawls out a ballad about how America has lost her way. Then a senator tries to lead the crowd in singing "God Bless America." It has the simplest melody in the world, and he manages, for some unaccountable reason, to murder every note.

We'll know by November if anything that happened in San Diego turns out to be an apt symbol of the Republicans' way with American themes. I leave the auditorium while the signs of the delegations are being removed from their standards and carried off through the streets. There, floating above the mass of delegates, protesters, reporters, policemen, and people who have absolutely no idea of what they're doing, are the emblems of the sovereign states — tall, bright, mysteriously compelling icons leading . . . where? ❑

Diagnosis

The HMO Illusion

by Ross Levatter & Jeffrey A. Singer

Do we really want a privatized version of socialized medicine?

Dr. Jeffrey Singer was among the first surgeons in the Southwest to perform laparoscopic cholecystectomy, an innovative procedure that uses a tiny video camera to guide the surgeon's removal of the gall bladder. Because the operation doesn't require cutting the abdominal muscles, it is less invasive and yields better cosmetic results. Although Dr. Singer found that the operation lowered costs for and improved the health of his fee-for-service (FFS) patients, health-maintenance organizations (HMOs) rejected the procedure as "experimental." When Singer argued that the HMOs would save money by decreasing hospital stays for their patients, they responded that length of stay was not a relevant variable, since they paid a flat global rate per patient. Even more disturbing, in calculating the cost-effectiveness of their policies, the HMOs did not include the patient's cost in time or suffering.

Maybe that's understandable from a bottom-line perspective. But before the country rushes headlong into endorsing HMOs as the solution to spiraling medical costs, we ought to take a closer look — not just at the quality of the service they offer, but at their cost. In the process, we should be skeptical of HMO advocates' optimistic claims. Many of the cost-saving examples they cite actually originated in the FFS market, and were eventually endorsed by HMOs only at the insistence of doctors and patients, and after lengthy delays.

Consider an innovation in hernia repair using a mesh implant. This operation, which saves the patient time and money, decreases pain, and lessens the recurrence rate, was invented in the late 1970s by Irwin Lichtenstein, M.D., who worked in an FFS, private-practice setting. The operation gained increasing popularity throughout the 1980s. As patients from around the United States flocked to Lichtenstein's southern California office, competitive pressures drove surgeons throughout the country to adopt the technique for their FFS patients.

Meanwhile, HMOs' "managed care" patients were stuck with obsolete — and expensive — procedures. Despite obvious savings due to shortened hospital stays, the HMOs refused to reimburse surgeons for performing such surgery. It was years before they caught up to the FFS community.

Of course, doctors are constantly developing new procedures and methods, which take time to prove themselves. Most turn out not to be helpful, and if we were HMO stockholders, we wouldn't want HMOs to leap on every new procedure. In large HMO bureaucracies, new procedures mean new billing codes, new preauthorization instructions, more paperwork. Just as many innovations in the industrial marketplace come from small operations rather than Fortune 500 companies, we should expect HMOs to lag behind private-practice entrepreneurial physicians.

And in fact, most recent medical innovations have developed outside the HMO/managed care sphere. Driven by the desire for market share, private-practice physicians constantly seek innovations in efficiency and procedures, something managed care physicians — whose salaries are only loosely connected with the number of patients they treat — have less interest in. HMOs generally lack research and development arms, and have little interest in funding exploration of medical frontiers. Instead, they parasitize such innovations from the private-practice marketplace.

But these practical problems are only the tip of the managed care iceberg. Lurking dangerously below the surface are fundamental economic obstacles that permeate managed care — obstacles that, in a free market,

would make it impossible for HMOs to replace fee-for-service medicine.

Built-in Problems

Fee-for-service health care is not chaotic, and all health care is in some sense "managed care." The question we have to ask is, "Managed by whom?" Is it managed by the patient, who has the most to gain and lose, with the guidance of the physician or physicians of his choice? Or is it managed by a bureaucratic "expert" who has determined the "best" way to handle specific symptom complexes but has no knowledge of particular patients' interests, prohibitions, risk aversions, and other personal concerns?

HMO advocates tout the cost-effectiveness of their "decision plans." But the major theoretical problem with managed care is that the more you streamline the central plan (if condition A exists, then perform surgery B), the more incorrect it is in specific applications — and the more nuances you add to the central plan, the more unwieldy it is to apply (if condition A exists, and the patient is under 50 years old, has no known cardiovascular and pulmonary contraindications, has a family committed to potential long-term follow-up care, does not practice a religion that prohibits administering blood products, accepts a 5% failure risk, etc., then perform surgery B).

The more you streamline the central plan, the more incorrect it is in specific applications — the more nuances you add, the more unwieldy it is to apply.

Although HMO advocates deny that this adds up to a significant problem, several studies indicate that HMOs reap only a one-time, initial savings. Their annual price inflation parallels FFS providers'. This should surprise no one. Patients in HMOs and in FFS face the same incentive not to control costs: in both cases, they're spending other people's money.

Traditional, insurance-covered FFS said to patients, "Whatever your concerns or complaints, we'll work it up and someone else will pay for it." Current managed care says, "If you can come up with the right complaints, we'll work it up and someone else will pay for it." As patients grow more sophisticated about using the system, the two paradigms merge.

Patients, of course, are spending other people's money largely because their employer-provided, tax-free, low-deductible health insurance creates a perverse economic incentive. As Jesse Hixson, the economist who originated the Medical Savings Account (MSA) concept, recently pointed out, "managed care is a response to a fluke in the tax code, a Band-Aid on a flawed economic structure." If those flaws are corrected, managed care will lose its purpose.

Writing in the June 1996 issue of *Reason*, Dave Jacobsen argued that HMOs control costs through a variety of mechanisms that improve rather than detract from patient health. For example, he mentions "frequent advisory audits" that help him and his patients "sort out health care they need from health care they want." What would he think of a restaurant chef pointing out to him that the steak he wants is not really the meal he needs? The idea that such decisions can be made by outside observers for the consumer is an example of what F.A. Hayek called "the fatal conceit."

Many critics say the problem with these "advisory audits" is that they are coercive — if physicians don't follow the "advice," their contract won't be renewed or their yearly bonus will decrease. But as long as such incentives are disclosed to patients, they seem reasonable enough. The problem with "advisory audits" is more basic: they ignore cost subjectivity and look only at prices.

But costs are not prices. Costs are the most valued thing a person gives up to get what he wants. Since that next-most-valued thing varies from person to person, so does the cost.

Managed care bureaucrats confuse the objective signs of an illness with the value people place on treatment and cure. But different people with, for example, a similar headache value medical services differently. Even if both headaches have the same cause and cure, the hypochondriac values seeing a doctor more than the stoic, and someone who functions well with a headache values treatment less than someone whose headache prevents him from working at all.

Head CAT scans, for example, are expensive, and in the large majority of headache patients show nothing; but occasionally they pick up something important. Should an HMO perform a CAT scan to determine or exclude possible causes of the patient's headache?

Managed care bureaucrats confuse the objective signs of an illness with the value people place on treatment and cure.

Should they follow the same rule for everyone with the same headache history? The "decision plan" is bound to say yes. But an airline pilot is, reasonably, more concerned about his headache than a professional wrestler is — even though the wrestler has what health statisticians call a higher pre-test probability of significant head injury.

One cannot properly calculate the value of medical services without accounting for such differences among patients' subjective evaluations as well as the objective indicators they present. Yet no managed care system even recognizes this as a problem, let alone offers a solution.

The Mirage of Satisfaction

You'd think patients prevented from obtaining the services they want (whether or not they are the services they need) would complain. Yet the 1994 Federal Employee Health Benefits Program showed that 86% of HMO members were satisfied with managed care — a satisfaction rate higher than FFS has.

To account for this, you have to realize that most HMO members in any given year are not patients. Studies that survey all HMO members rather than only those who become patients are biased toward satisfaction.

By way of analogy, imagine a comparison between two health clubs. The first — the Health Club Maintenance Organization — costs nothing up front, and claims everything is provided. The second — a Fee-for-Service Health Club — requires you to pay a small

amount every time you attend, and makes no grandiose claims. Now poll the people in the two clubs, keeping in mind that 95% of the members never attend either club. Even if the 5% who actually use the clubs prefer the Fee-for-Service club (because of the shorter wait to use its equipment, the larger supply of new equipment, and the greater ease in scheduling a visit with a trainer), their opinions will be drowned out by a poll of all members.

Fortunately, a better-designed study was released in July 1995, performed by Harvard's School of Public Health and Louis Harris Associates, and funded by the Robert Wood Johnson Foundation (RWJF). Pollsters interviewed patients who had actually experienced either FFS or HMO settings, and found that:

- more than twice as many managed care patients felt that responses to their complaints had been "not appropriate or correct."
- more than twice as many under managed care were "not able to get [an] appointment without a long waiting time."
- for managed care, the delay in setting up a doctor's appointment was 33% greater.
- managed care patients had to wait more than 33% longer to see a doctor.
- twice as many patients under managed care felt their physician did not explain what he was doing.
- 250% more managed care patients felt that their doctor did not explain when and how to take medicines at home.
- such disparities existed for specialists as well as general practitioners.
- although managed care is supposed to encourage preventive medicine, more managed care patients than FFS patients said that their physicians did not encourage screening tests, exercise, weight control, prenatal care, immunization, and other forms of preventive care.

This, in itself, is no reason to condemn HMOs. Remember what U.S. airlines were like under federal regulation? Because the government prohibited price competition, all airlines charged the same to fly from, say, Phoenix to Boston. Airlines competed instead on a non-price basis: who had the best food, the best service, the prettiest stewardesses. After airlines were deregulated in the late 1970s, competition drove prices sharply downwards. Service declined as well. But even though people now complain more about poor airline service, they also fly about three times as much as they did before deregulation, demonstrating with their dollars that they prefer lower prices and less service to better service at a higher price.

Sutton's law ("Go where the money is") applies in medicine as well as bank robbery.

Health care today is in a similar position. Because most medical costs are not paid for out-of-pocket, patients are more attuned to non-price aspects of competition: appointment time delays; waiting times to see the doctor; time the doctor spends with them; personal interest in their situation; frequency of consultations and requests for specialists. If they paid for all this additional coverage on their own, they might find less is more.

The RWJF poll did find that FFS patients spent, on average, $1,735 in the last year, while managed care patients spent $1,502. Unfortunately, the managed care patients were not asked how much more they would be willing to pay to improve the service deficiencies they complained about. If the answer was more than $233 (less than $20 a month), that would constitute evidence that FFS provides greater value to the consumer than managed care.

"You've got Gruenbaum's Syndrome, so I'm referring you to Dr. Gruenbaum."

So the jury is still out on whether managed care is cheaper than fee-for-service medicine. But even if it is, we should keep in mind that the economic goal is not to save money, but to maximize patient (consumer) satisfaction. That might be achieved with more money and better services. There's no way to predict it in advance — that's what markets are for.

The Power of Responsibility

In *Patient Power,* economists John Goodman and Robert Musgrave noted that most debates about containing medical costs can be viewed as competing answers to the following question: "Who is allowed to decide how much money should be spent on someone's health care?" The current system cedes this decision to government bureaucrats, HMO administrators, or insurance companies.

Goodman and Musgrave argue that to remove the market distortions, the decision must be restored to the patient. This cannot occur unless the patient spends his own money. More than any other program under discussion today, MSAs — tax-free accounts that are specifically allocated for present or future medical expenses — allow patients to take control of their own health care wants and needs. MSAs work well with HMOs as well as fee-for-service arrangements. For example, a person could purchase a catastrophic health insurance policy through an HMO, then use an MSA to pay for minor health care needs.

In short, "HMO vs. FFS" is a false dichotomy. The real issue is: Who controls health care decisions, patients or third parties?

Sutton's law ("Go where the money is") applies in medicine as well as bank robbery. If the federal government reforms the tax code along the lines suggested by Hixson, Goodman, Musgrave, and others, patients will be empowered to spend their own money on the level and quality of health care they choose. Some will prefer the efficiency of HMOs; others will prefer the extra attention and personalized care of FFS. The crucial point is that each health care consumer will pay for what he prefers, without involuntarily subsidizing others. This, not the efficacy of HMOs, should be the issue in the health care debate. ❑

A Splendid Little War

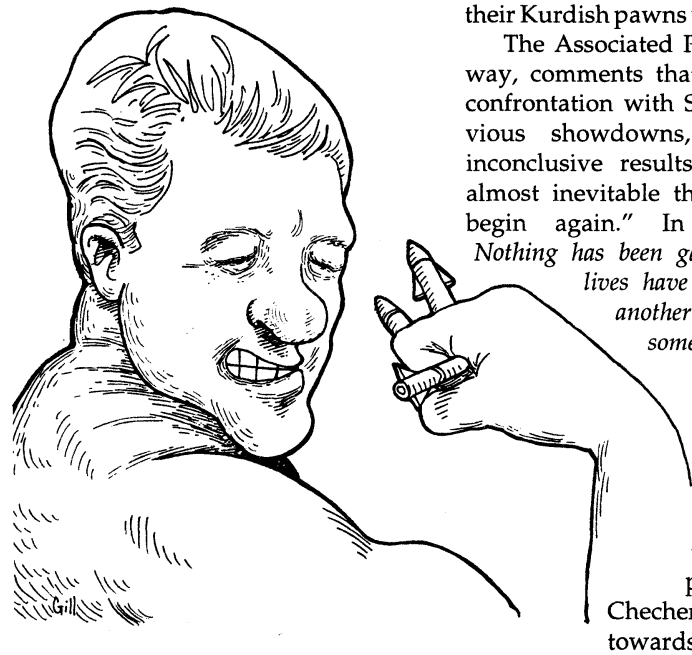
by Jesse Walker

Clinton bombs, Iraqis bleed, Americans vote.

It is unlikely that the historians of the next century, or even the pundits of next week, will devote much discussion to the latest Little War with Iraq. No one seems entirely sure why it happened: Iraqi forces intervened on behalf of one group of Kurds (the Democratic Party of Kurdistan) against another (the Iran-backed Patriotic Union of Kurdistan), provoking the U.S. to bomb *southern* Iraq, hundreds of miles away. It was the sort of non-sequitur that used to pop up on *Saturday Night Live*'s "Weekend Update": "Iraqi troops descended upon the Kurdish town of Irbil today, prompting George Steinbrenner to fire manager Billy Martin." Except in 1996, Billy Martin is dead — and so is some number of Iraqis.

What number of Iraqis? I don't know. I scour my local paper for a casualty count, and the closest I can find is this: "Two rounds of strikes against Iraq have destroyed or badly damaged 15 of Saddam Hussein's air-defense missiles." The Middle East, I guess, is inhabited by no one but weapons — weapons and noble Kurds. But not all Kurds are noble: besides the bad ones who are siding with Hussein's central government, there are those with the misfortune to be oppressed by ally Turkey rather than enemy Iraq or enemy Iran. Or something like that. Keeping up with the demonology *du jour* is too tricky a game for me.

And what was achieved? According to President Clinton, Saddam Hussein's forces are now "strategically worse off," making the intervention a success. According to more independent analysts, it was a disaster: Saddam's position has been strengthened, Arab anti-Americanism has been reignited, and, not least, the attacks did not prevent the Iraqi army from laying waste to Kurdistan. Hundreds of thousands of Kurds killed or left homeless — isn't this what the attacks were supposed to prevent? Apparently not. A couple hundred American CIA operatives were rescued from the northern killing fields; their Kurdish pawns were left to die.



The Associated Press, in its bland way, comments that "the latest U.S. confrontation with Saddam, like previous showdowns, has produced inconclusive results. . . . It seems almost inevitable that the cycle will begin again." In plain English: *Nothing has been gained, a few more lives have been lost, and in another year or so we'll kill some more ragheads.*

Speaking for myself, I think Iraqi policy towards the Kurds is a moral abomination. So is Russian policy towards the Chechens, Israeli policy towards the Palestinians, and Hutu policy towards the Tutsis. I do not see why the first abomination merits a military response from the U.S. government, while the others do not. Put another way, I do not see why

any of these atrocities deserves any attention from the American state at all, especially when its response is so palpably unrelated to the original injustice. I do not understand why Bill Clinton ordered some random number of Iraqis killed; I do not understand why he picked these particular Iraqis in this particular corner of the country to die; I do not understand why his spokespeople are calling the air strikes a success. I do understand that we are in the middle of a "presidential campaign," a quadrennial ritual that often requires an incumbent executive to "demonstrate" "strength abroad." I hope Mr. Clinton will now appear strong enough to risk refraining from dropping bombs on people he doesn't know.

I began this essay intending to write a detailed analysis of the Iraqi crisis. At this point, I don't see any reason to bother. France and Russia are perturbed; blah blah blah. Warren Christopher is off to Western Europe to drum up support from our allies; gubble gubble. The U.S. first intruded into Iraqi internal affairs in . . . in . . . does it matter when or how or why? Sooner or later, these trees have to add up to a forest, a thick and evil wilderness of imperial ambition. The U.S. would have no business in Kurdistan even if France and Russia embraced every falling bomb; indeed, France and Russia have no business in Kurdistan either, and Mr. Christopher has no business in Europe. The fact that so many people believe that what happens in northern Iraq is somehow the U.S. military's concern says a lot about how banal empire has become, how inured Americans have grown to the ugly details of global governance.

I scour my local paper for a casualty count, and the closest I can find is this: "Two rounds of strikes against Iraq have destroyed or badly damaged 15 of Saddam Hussein's air-defense missiles."

Bob Dole has endorsed the president's bloody little adventure, commenting only that a Dole administration would be even tougher on Saddam. Clinton's lead in the polls, already substantial, has climbed in battle's wake. So the great victims of this election season are the people of Iraq, murdered from the air by a president anxious to demonstrate that he's every bit as manly as war hero Dole. We are all Paula Jones, forced to watch as the Arkansas traveler drops his pants and demands we inspect his Ferocious Member. Well, come November, this Paula isn't going to touch it. ❑

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proposed tax cuts to Harry Browne's don't take into account that the center of debate was far more statist in 1980 than it is in 1996. Witness the fact that most of the Republican candidates this year talked seriously about proposals, like flat taxes and privatizing Social Security, that were unthinkable in even remotely mainstream political discourse 16 years ago. Clark's campaign staff believed that an LP candidate should have a specific program, and we consciously tried to define the program so that it came as close to the edge of acceptable policy as possible, without falling off into loony-land. Does this mean we were trying to cater to the mainstream media pundits? Damn right we were. Hence the weighty white papers, designed to demonstrate that the LP's candidate had actually thought about the positions he advocated. The white papers were not responsible for Clark's vote total, but they were responsible for gaining respectful attention from serious political commentators. Combined with TV ad exposure, this made a vote for Clark seem like something more than a frivolous exercise.

The LP fell apart in 1983, partly because some members didn't like Ed Crane, or me, or various other people, but primarily because many members couldn't become comfortable with the idea that a nominal political party should engage in politics or that its candidate should take discernible positions on real issues. If their attitude is no longer prevalent, and if Harry Browne can pick up where Clark's campaign left off by supporting his impressive rhetoric with substance on the issues, then the LP may still have a shot one day at the "third major political party" target we tried so hard to reach in 1980.

Christopher Hocker
Redding, Conn.

Arthur replies: My comment that the Clark campaign "emphasized Clark's similarity to John F. Kennedy rather than focusing on policy or ideology" was based on my memory of what I heard as an volunteer in that campaign and shortly thereafter. I am delighted to be corrected by Hocker, as well as other managers of Clark's campaign who wrote to *Liberty* on the subject.

On one point, however, Hocker is mistaken. The photo above right is reproduced at actual size from the front page of a campaign brochure issued by the Clark for President Committee, and very widely distributed. (I personally distributed over a thousand of them.)

I hope this reproduces well enough here so you can see that the photo between candidate Clark and the microphones is of JFK. Clark's campaign manager Ed Crane told me that the photo was taken at a news conference in Washington, and that the juxtaposition of the JFK photo with Clark was purely a coincidence.

Travel

I Go to Kazakhstan

by Douglas Casey

Where all the gods have failed.

Kazakhstan is over a million square miles — the size of Western Europe — but contains only 17 million people. On its 2,000-mile eastern border with China, the Himalayas rise up out of the plains, but most of the country is a vast grassland. Two thirds of the people are Central Asians; one third are Russians.

That's information you can get out of any world atlas, and it's not worth much, since nothing that everyone knows is worth much. So last May, when I had a chance to visit Kazakhstan to evaluate the outlook for mining there, I jumped at the chance to see the country for myself.

Kazakhstan's Central Asians belong to dozens of tribes and ethnic groups, most of them ex-nomads speaking different languages. The main things tying them together are a veneer of Soviet culture, the Russian language, and an ingrained dislike of Russians. These folks have just never learned to appreciate the Russians conquering them, purging them, taxing them, destroying their indigenous cultures, and drafting them for their armies. They rather resent having been used as pawns in what used to be known as "The Great Game," which was largely played between the Russians and the British in the nineteenth century. It's a part of the world where old antagonisms die hard, where grandmothers inculcate their hard luck stories into younger generations at dinner each night. One good thing about this country's vast size and small population is that people who don't like each other don't have to live next door to each other.

The bad thing is that people in neighboring countries might see all those wide open spaces and decide they'd like some. That's been the case in this part of the world since at least the times of Genghis Khan and Tamerlane, and I can't see any reason that's likely to change soon. With some of the world's largest oil reserves in the west, some of the world's largest copper and gold deposits in the east, and huge fertile plains for farming, there's every reason to believe it will one day become an area coveted by its populous neighbors.

For the moment, this is the most Russified of the Central Asian republics, thanks to its proximity to the Motherland. The Russians endeavored to populate all their conquered lands, something else the original inhabitants rather resent. I found Kyrghyzstan more appealing (see "In Kyrghyzstan," March 1995) because more of its native culture was intact; you see fewer Russians, and the country is much more rural.

Most of Kazakhstan's Russians are leaving the country. Those who remain are concentrated in the cities, and are being frozen out politically. I suspect there will always be a significant Russian presence here, however, for numerous reasons, ranging from the fact that the Russians have a 20-year lease on the Bainokur cosmodrome (where most of their space shots take place) to the simple fact that people tend to get along fine as individuals, as long as politics doesn't stratify them along racial, national, or religious lines.

Unfortunately, politics is paramount throughout the old Soviet Empire. And although religion isn't much of a factor here at the moment, that appears to be changing. The Russians generally pay lip service to the Eastern Orthodox variant of the Hebrew god Yahweh, while the Asiatics acknowledge the Arabian god Allah. These gods don't play much role in people's lives these days; over the last several generations, Marxism has acted as a secular religion, giving meaning, however perverted, to people's hardscrabble lives. Local priests and mullahs are viewed, justifiably, as corrupt, and their gods as ineffectual in the face of the Almighty Marxist-Leninist State and its commissars.

But now that God the State has

been cast down as well, a vacuum has formed. People have nothing to believe in. And with no television or sports to distract them, they have time to think about it.

Hard-line mullahs from Iran and Afghanistan, eager to show lapsed Muslims the error of their ways, have been aggressively filling confused Asiatic heads with thoughts of the Prophet. And many flavors of Western

One good thing about this country's vast size and small population is that people who don't like each other don't have to live next door to each other.

fundamentalists, followers of the man known as Saul (later Paul) of Tarsus, are making huge inroads among the Russian ethnics, counseling them to rise up against unrighteousness. I met several, and, like all new converts, they're True Believers in the Eric Hoffer idiom.

My guess is that religion will become a major cause of bloodshed here in the future. It will probably be at least ten or 20 years before a critical mass is reached, but there's a certain inexorability to what seems to be going on.

Economic Growth, Ritual Stupidity

Privatization is proceeding in Kazakhstan. The capital, Almaty, now sports fledgling commodity and stock exchanges, banking is opening to foreigners, and the privatization of over 2,000 small-to-medium businesses is being completed. That's the good news. The bad news is that all the *apparatchiki* who ran the old government are running the new one, and they still think the government ought to run things — just not to the absolute degree that was the case a few years ago.

One clue to what's going on in this part of the world can be found in the flights coming in. Business and first class are always overbooked. Economy, on the other hand, is less than half full, and then mainly with people who couldn't get space up front. In other words, with the exception of a few tourists with specialized "adventure travel" outfits, people come here on business only. Any ordinary Kazak you see back in coach is probably running an informal import-export business specializing in luxury goods. Distribution channels are still very inefficient, and the big corporations moving in here have no interest in trying to supply the consumer market; it's still too small and undeveloped. So entrepreneurs buy goods cheaply in Germany and Turkey, and sell them on the street at home.

In short, the trend is favorable, but they have a long way to go.

One reason there's no tourism — and a lot less business travel than would otherwise be the case — is Customs and Immigration formalities. It took two hours for our group to get through, a pointless waste of time. I've long questioned what useful purpose these procedures serve anywhere, especially in places that want to encourage foreigners to come with their money. "Formalities" are immensely expensive, time-consuming, and aggravating — and they're totally useless for preventing real criminal activity. Assuming they're needed at all (which I don't), Switzerland should be the model, taking all of 30 seconds, with no forms to fill out at all.

In today's world, most formalities exist only out of inertia. As a German (who else?) once said when I discussed the subject with him: "We must make control, yes?" Well, actually, no. I suspect the actual purpose of these rituals is to get people used to asking for official approval, being herded like cattle, and being arbitrarily told what they may or may not do. Most people are so thoughtless, they consider the whole procedure part of the cosmic landscape. And even those who do object quickly roll over like the whipped dogs they are.

I wasn't about to create an international incident at four a.m., but I couldn't resist a bit of guerrilla warfare. Where the form asked "reason for visit," I wrote, "confirmation of Kafkaesque suspicions"; for "occupation," I wrote, "sybaritic, capitalistic, and creative contrarian." You can write anything you want, as long as you're able to defend it with a straight face if questioned, because (1) forms like this go into the trash can the moment they're collected, and (2) while you should honor the truth above all, you should also recognize that you have no obligation to give it (or money, or time, or anything else) to someone just because they ask. Especially if they have no right to it and don't deserve it.

Meet the Press

On the last day of our visit, we held a press conference with representatives from every newspaper and radio and TV station in the country. Tony Williams, chairman of KazMinCo (a mining company) gave a very focused presentation on the prospects for business in the future, as did several others representing major European and Canadian investment banks. Everyone was acting in an official capacity, and therefore had to sound "official." It was all well and good, but pretty dry stuff. Some candor was needed. Since it's long been my feeling that much of reality is only a construct of commonly held opinions, the first step in changing reality is to give voice to a different opinion. That is, of course, something I delight in.

My message to the workers and peasants was that they lived in a very

Hard-line mullahs from Iran and Afghanistan have been aggressively filling confused Asiatic heads with thoughts of the Prophet.

poor country, but that it was poor solely due to the nonsensical political and economic shackles they'd been in for the last three generations. Sure, KazMinCo and companies like it were going to help. But their country was going nowhere fast until they did a hundred things ranging from the trivial (such as getting rid of their annoying entrance formalities) to the fundamental (such as privatizing the country's land — the most basic and essential of reforms, and exactly the one they weren't making). I told them that within the lifetimes of everyone in the room, they could be as rich as any

American, but they needed to take radical action: to abolish laws, taxes, regulations, and bureaucracies, and not create new ones. I told them that life is short, and that they'd better get the show on the road or the rest of the world would see them as a quaint petting zoo. It was, if I do say so myself, a stirring presentation, though I had to tone it down a bit. About a quarter of the audience cheered and clapped enthusiastically, a quarter seemed dour and disapproving, and the rest seemed confused, but vaguely favorable.

A Sickness of the Russian Soul

Kazakhstan's macroeconomic problems, and their solution, are evident to anyone with a lick of sense and a basic understanding of economics. But there are ingrained sociological problems that will plague this place, and all the old Soviet Bloc countries, for decades to come. The problem is best illustrated with a couple of anecdotes.

The new hotel we stayed at in Almaty had a simple but useful health club in the basement. It was hot, and I opened some windows. A minute later, some stupid, frowning brute slammed them shut while scolding me in Russian. If an employee felt the windows had to be closed in any Western gym (and there was absolutely no logical reason for it), the action would be accompanied by profuse apologies. I let the incident pass, but then, that night, I wandered into the casino attached to the hotel. I was better-dressed than 90% of the establishment's patrons, but the bouncer at the door (muscular, cheap suit, dark glasses, room temperature IQ — he looked like an FBI agent, except for his crew cut, a style favored by Russian thugs) turned me away because I was wearing a pair of soft-soled black walking shoes.

In both cases, people were intent on mindlessly enforcing some real or imagined rule. This was especially disturbing because their jobs undoubtedly paid a multiple of the prevailing wage, and the management had no doubt tried to pick the cream of the crop. Not only did they have no clue that their menial jobs depended on keeping the customer happy, but they (like most people in Kazakhstan) seemed chronically depressed, totally beaten down and defeated by life. And angry, and impolite, and stupid. This attitude pervaded the country. Consider the large department store downtown. Despite the fact it was now given over to private boutiques, run exclusively by women, everyone still seemed to think she was working for the state. Nobody knew how to smile, nobody tried to be helpful. It was better than it used to be, but still abysmal.

To me, this raised the politically incorrect question of whether the Russians have been genetically altered over the last four generations. Or, for that matter, the last 40. These people have basically been serfs forever. Perhaps there's been a culling of mavericks, entrepreneurs, libertarians, individualists, and people who just don't like authority. Dogs can be bred for certain characteristics — why not human beings? I know you're not supposed to think like that, but when you're consistently exposed to enough of it, you're forced to ask yourself, "What in hell is the matter with these people?"

We went to what may have been the most happening bar in Karaganda, and I can assure you I won't go back unless I'm really anxious to brawl with a drunk Russian.

A Solitary, Poor, Nasty, Brutish, and Short Slice of Life

Almaty is a potentially delightful city, reminiscent of Denver. In most ways it resembles Moscow, though, with few storefronts but lots of babushkas sweeping streets at six a.m. Even Maputo, after 20 years of civil war, has vastly more commerce. Everything looks great from a distance, what with the broad, tree-lined boulevards and elegant old buildings. A closer examination reveals 40-year-old buses, filled to overflowing with people, and horrible Stalinist apartment blocks in about the same condition as East St. Louis' Pruitt-Igoe or Chicago's Cabrini-Green. There's not a door in this city that hasn't scraped a groove into its floor. And unlike most other cities in the Third World, there's zero construction. Unmistakable Russian influence.

It's one thing for buildings to be poorly maintained, but aircraft are something else again. We flew from Almaty to Karaganda to Kustenai and back in a Tu 134 (which resembles a DC9) kitted out as a private business jet. Like everything here, it begged for a thorough cleaning. But the cosmetics didn't bother me as much as the bald tires, or the exterior screws and rivets randomly unflush with the plane's aluminum skin. My guess is that Soviet designers tended to design everything for massive strength and simplicity, knowing that construction quality and maintenance were non-existent.

The plane itself was a nice complement to airport security, which can only be described as totally bizarre. People walked through security randomly, sometimes putting their bags through the X-ray machine, sometimes not. The guard just sat there and read her newspaper, but it didn't make any difference anyway, since there was another open door from the "secure" area back into the general lobby. Both the airport and the economy are organized as if people were inadequately programmed robots, or perhaps children bored with playing a game they didn't really understand in the first place.

However bleak Almaty might be, compared to the boondocks, it's Beverly Hills. I visited Karaganda and Kustenai, plunked in the middle of the endless plains and composed mainly of miles and miles of Cabrini-Green-style apartments. These unpleasant warrens have few and tiny rooms, exposed lighting and plumbing fixtures, and lots of broken windows mended with tape. Even if the residents had the money to fix them properly, there are no stores to buy supplies.

Everybody must work in the gigantic steel mills and chemical factories that also rise out of totally open plains. The plants all looked like they were built in the '30s, and appeared to be projects in industrial archaeology. I have no doubt they're completely uneconomic, despite the cheap labor and government subsidies. The lucky workers have *dachas* that they can use in the summer. Don't get the idea that a *dacha* is a delightful

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The Strawman State

by Paul Piccone

Post-Communism as post-Americanism.

Overthrown and disgraced only a short while ago, "Communists" today are regaining influence all over Eastern Europe and Russia. Yet to judge from the attention this has received from American politicians and press, it seems no more significant than another flood in Bangladesh or a measles epidemic in Central Africa.

Such neglect is not just another instance of irresponsibility or incompetence. There are very good reasons for not taking these "new and improved Communists" seriously. This is an altogether different breed, having little in common with the original Bolsheviks who made the October Revolution, the manipulative *Realpolitiker* functionaries who followed them, or the cynical *apparatchiki* who managed the system's slow disintegration. Furthermore, they seem confused, uninformed, and mired in insurmountable contradictions. In short, they are not qualitatively different from any other Russian politicians today.

Consider the views of Gennady Zyuganov, the new Russian Communist leader. In a *New York Times* op-ed piece (February 1, 1996), he presented himself as the leader of a "party of reform" or, more specifically, as a nationalist seeking to restore Russian traditions and abide by "universal moral principles." With Communists like this, who needs "bourgeois reactionaries"?

Zyuganov claims that he wants only to pull Russia out of its present "humiliating position" by restoring the Cold War *status quo ante*, as if the country he has inherited had a modern technological infrastructure, had not been in Chapter 11 for the past couple of decades, was not burdened by a large state-dependent citizenry unable to function on its own, and already enjoyed a viable political or legal framework to facilitate local initiative and economic development. Like other Third World demagogues, Zyuganov thinks he can pull this off with the help of that old snake oil, "American investments." Leaving aside such minor details as his adamant opposition to "neo-liberalism" (the *sine qua non* for that kind of development strategy), he is blissfully unaware of what the rest of Europe has long since realized: that "American investments" for the past half century have been the Trojan horses of American imperialism and, therefore, of *de facto* capitulation to the "New World Order" Zyuganov otherwise claims to despise. Clearly, coherence and foresight are not Zyuganov's strong suits. After all, this is the same person who, after supporting the Chechnya fiasco, wrote with a straight face that the "restoration of the union of the former Soviet people" he seeks will be "based on voluntary association."

When all is said and done, what makes it difficult to take Zyuganov seriously is not so much his incoherence, his reactionary views, or even his clumsy self-presentation as another garden-variety unscrupulous politician, but the fact that he is confronting a late-twentieth-century predicament typical of all Western societies, one that Russia is least prepared to handle. While most American neoconservatives originally bought Reagan's self-serving line that the "perestroikization" and later collapse of the Soviet Union were the results of his 1980s remilitarization, it is increasingly clear that the real causes were what libertarians had claimed all along would undo Communism: fundamentally irrational central planning, counterproductive social engineering, and an intrusive managerial/therapeutic state pretending to control and regulate every feature of life. No society can thrive for very long under these conditions.

Far from legitimating "liberal democracies" as the end of history, as Panglossian U.S. State Department ideologues immediately claimed, the Soviet collapse reflects the terminally

contradictory character of all welfare states — Western ones first and foremost, which so far have managed to avoid the Soviet fate only because they have not disintegrated as fast and as thoroughly as the old USSR. This is why every American politician, from Clinton to Buchanan, is now running for office promising to rein in "big government" *and* continue providing all the services the welfare state, no matter how inadequately, has been attempting to furnish.

So Zyuganov and the other Russian demagogues are not the only ones wanting their cake and eating it too. But Western societies still have a considerable reservoir of social institutions and community organizations that are relatively independent of the central state. Such is not the case in Russia, where "totalitarianism," if it ever meant anything, had to do with the eradication of precisely this essential non-statist dimension of social life. Consequently, in the U.S., where historical memory is very short and most people have already forgotten what "really existing Communism" was about, all the ravings of the various Zyuganovs, Zhirinovskys, and Yeltsin-come-latelies cannot avoid looking like mere "brand X" expressions of the same problems being confronted and discussed in the West. The recent wave of strikes in France and the debate over middle-class entitlements in the U.S. are but the French and American versions of the same predicament.

The Soviet collapse reflects the terminally contradictory character of all welfare states — Western ones first and foremost.

Everywhere — Russia, France, the U.S., Italy — the most substantive obstacle to escaping this dilemma is the electorate itself, which insists on having it both ways: less government and lower taxes, but no reduction in services and entitlements. Only politicians with enough savvy and charisma to convince voters they can pull off such a miraculous feat, with gimmicks such as the flat tax, are considered viable candidates. Chirac did it, Clinton is promising it, and all the Italian pols are frantically trying to market packages of the same fraudulent bill of goods.

Ultimately, the problem is the nature of the modern state. Increasingly remote and anonymous, it now seems to enter directly into people's lives primarily as an alien entity demanding an ever larger amount of diminishing resources, or as a nest of irrationality that deserves to be looted whenever possible. Corruption, in fact, has become its *modus operandi*. Success has long ceased to be associated, as in the old Horatio Alger mythology, with hard work and personal integrity; it is now primarily a function of how little one manages to contribute to the public sector and how much one is able to take back from it, by whatever legal and paralegal means. Thus, today every Western country is confronted with a fate equivalent to the Soviet Union's, if less speedy and spectacular.

Within such a context, Communism — understood as a doctrine having something to do with the collective ownership of the means of production, social equality (read: homogenization and robotization), and formal rationality — can no longer be associated with any kind of utopian future or social emancipation, but rather seems to capture all the evils of modernity. In the U.S., where Communism never had much of an impact even during its heyday, no one even entertains it as a potentially meaningful alternative any more. When discussed at all, it is only in the negative sense of representing what the present system may be degenerating into.

Despite its still considerable nuclear arsenal, Russia has become what Italians call a *stato straccione* ("straw-man state") and has long ceased to be a threat to anyone. Afghanistan and Chechnya destroyed whatever military credibility it may have had, while as a society it is finally seen as what it always was: a quasi–Third World country desperately trying to catch up with and imitate what it mistakenly thinks the U.S. is — all Communist and nationalist rhetoric to the contrary notwithstanding. No wonder no one in America seems to care. The question of "post-Communism" does not seem to have anything to do with recycling the old Cold War threat or with presenting a radically different, if not better, social system. On the whole, today's Russia is perceived as simply a potential nuisance: yet another candidate for foreign aid, another government being bribed to stop harming its people or its neighbors. Who needs a king-size Haiti?

The threat of socialism in the U.S. has long ceased to have anything to do with either Russia or an alternative social system. It is the problem of what American society has become since the New Deal — or, to go further back, the Civil War. It is identified with big government, loss of personal freedom, crime, irresponsibility, and general social disintegration. Even the left (or whatever remains of it), despite its growing obsession with globalization, transnational centralization, and universal capitalist manipulation, no longer calls for any kind of "socialization" or "nationalization" of anything but, at most, for additional state regulations and controls, fully aware of their usual counterproductive consequences. (After all, regulators have historically been people from the very industries and enterprises to be regulated, so regulations have usually ended up making life easier for the industrial and economic culprits, passing the consequent costs onto consumers in the form of higher prices.)

Even the left no longer calls for any kind of "socialization" or "nationalization" but, at most, for additional state regulations and controls.

The U.S. didn't come out of the Great Depression through the hydraulic finagling the New Dealers deployed, but by means of the high federal spending required by World War II and then the Cold War. The pretense of confronting the Soviet threat made it relatively easy to justify all sorts of emergency "military" programs that were only remotely related to military imperatives (e.g., education, research, industrial subsidies) but constituted the functional equivalent of a central plan. In

short, the Cold War legitimated the same kind of socialist steering mechanisms that were regulating and fine-tuning the Soviet economy into bankruptcy.

Thus, "post-Communism" in the U.S. has meant two crucial developments: the end of the *de facto* state of emergency that legitimated unlimited and unquestioned state intervention and, as in the old USSR, the exhaustion of the social and economic resources that financed those interventions. In the first case, it is becoming difficult to legitimate the old porkbarrel politics, with practically every legislative allocation now coming under intense congressional scrutiny; in the second, the questions of budget deficits and the national debt — two of the most hotly debated political issues in the 1996 presidential race — rule out any policy of "business as usual."

Post-Communism, therefore, entails the arrival of "post-Americanism": the end of the American-style state intervention carried out since the New Deal. The recent budget deadlock between a president wanting to retain a version of the old New Deal model and a Congress apparently seeking to impose fiscal limits reflects, rhetorically at least, a clash of two fundamentally different models of government: the older nightwatchman model meant only to guarantee safety and contracts, and the newer managerial/therapeutic state out to remake society in its ideal self-image.

This is not simply a matter of left and right, since the U.S. right traditionally favored a strong government, while the left remained deeply suspicious of it. Today whatever passes for the American left wants to retain a strong central government, while the right (with the notable exception of the neoconservatives) is dead set on dismantling most of it. As in the Russian case, where the "Communists" are now the real conservatives, or, better, reactionaries desperately and quixotically attempting to restore a mythologized *status quo ante*, American "liberals" have also broken sharply with any kind of traditional liberalism: they now vigorously resist any changes and long for the good old days of the Great Society, when no social program seemed unworthy of federal financing. Russian "Communists" and American "liberals" have the same constituency: the old, the pensioners, and in general those sectors of society least able to adapt to new social conditions. The young, the educated, and the enterprising sectors instead opt for freedom and side with those parties imposing the least limitations. Since both of these constituencies are already fairly well committed to their respective positions, the real political contest today has to do with winning the undecided middle classes, overburdened by the interventionist state but also afraid to give up whatever minimal protection it still provides.

Russian "Communists" and American "liberals" have the same constituency: the old, the pensioners, those least able to adapt to new social conditions.

What is really at issue is what is to become of the strong redistributive central state when the nation has been rendered obsolete by both global economic trends and local cultural needs. As has been repeatedly pointed out, today the traditional nation-state is too large to deal effectively with micro-problems and too small to confront international ones. It remains a wasteful and expensive fifth wheel increasingly unable to provide the kind of social stability for which it originally came into being or to rationalize the society it rules. When the gap between social needs and state policies becomes too wide, informal corrective mechanisms are required to restore a viable balance. This often takes the form of corruption. National policies have never been able to deal effectively with local needs, without the prior homogenization of the population. Very few nations today are able to meet such a criteria — even France is increasingly threatened by cultural particularism and an unmanageable fiscal crisis.

Consequently, structural reforms are urgently needed in every country. The state must be made accountable to its citizens, who can thereby function as control mechanisms guaranteeing its rationality and efficiency. This can be done only by making the state more decentralized, limited, accessible, and transparent. In the age of the Internet and cyberspace, the nation, the legitimating myth for central state rule, is an anachronism. It must give way to the *federation*, a loose political entity dealing with minimal tasks — money, defense, etc. — while leaving all other functions to local communities.

The present crisis of the nation-state has yet to be fully felt, and most reforms today focus on simply redesigning it — especially since this alternative is the least disruptive to existing relations of domination. Clearly, the old political classes are not going to leave the scene without a major struggle. Paradoxically, post-Communism and post-Americanism mean the end of ahistorical, utopian models of social organization; present challenges would best be confronted by recourse to custom. Those countries, such as Russia, that have attempted the systematic destruction of their traditional patrimony, are therefore least able to deal with the twenty-first century, while countries like Italy and the U.S., where regional particularism and local communities were never successfully obliterated, are best-poised to reinvent themselves.

Collectivism, New Deal liberalism, and welfare states in general will cease to obstruct the necessary changes only to the extent that the old political classes and ideologies give way to fresh approaches. As for Zyuganov's "national socialism," it will be able to succeed only to the extent that it manages to forget both "nationalism" and "socialism," and instead focus on whatever local Russian traditions remain uncontaminated by the bureaucratic centralism of the past seven decades. ❑

Case Study

New Zealand's Free-Market Revolution

by Scott Sutton

New Zealand flirts with free markets. But will it be a lasting love?

Almost two years into the "Republican Revolution," the GOP's promises to cut back the federal government remain unfulfilled. Despite the media-generated hype and hysteria, the federal leviathan continues to grow, piling $4 billion per week onto its already staggering debt.

A decade earlier and half a globe away, a small island nation in the South Pacific confronted a similar problem. New Zealand in 1984, like the United States in 1996, teetered on the edge of bankruptcy. Heavy protectionism and regulation had paralyzed productivity and stifled economic growth. The budget deficit stood at an all-time high, while inflation and interest rates averaged 16% and were rising. Net public debt for the 1984–85 fiscal year totaled $49 billion in real terms, or 70.55% of Gross Domestic Product. Preparations were underway to turn supervision of the nation's economy over to the International Monetary Fund.

Today, New Zealand's economic outlook is bright. The projections for 1996 estimate economic growth of 5–6% for the third consecutive year, workforce growth of 4%, a government surplus of 3% of GDP, inflation of 2%, and a 1% growth in real wages. By 1994–95, net public debt had been reduced to 50.8% of GDP; current estimates project the debt will dip below 30% of GDP this fiscal year. Once the most regulated and protected economy in the Organization for Economic Cooperation and Development (OECD), New Zealand now ranks third freest in the Fraser Institute's survey of the world's economies.

While voices left, right, and center call for increased protectionism as the remedy for America's fiscal woes, New Zealand's story provides a valuable lesson in the consequences of such a policy.

Fortress New Zealand

Following World War II, Kiwis (as New Zealanders are nicknamed, after the indigenous nocturnal, flightless bird) were eager to wrap themselves in a cocoon of comfort and security. Having lost more young men per capita in that conflict than any other country, most New Zealanders wanted to create a safe and stable environment free from any disturbances. So the government embraced the Keynesian economics and welfarism that were sweeping the western world.

From 1944 to 1984, the government steadily tightened its grip on New Zealanders' economic and social lives. Thanks to laws prohibiting weekend trading, New Zealand became known as "the country that closes on weekends." Pubs closed at six p.m., and restaurants could not serve alcohol. Shops offered only a narrow selection of overpriced, low-quality goods. Consumers had to wait up to six months for a telephone and up to two years for a car.

New Zealand's politicians believed the key to development lay in protecting domestic industry from international competition. "Fortress New Zealand" relied heavily on agriculture and on its guaranteed markets within the British Commonwealth. The government habitually propped up farmers and domestic industries with import protection and subsidies. Such interventions carved out monopoly positions for many businesses, gradually eroding the need to strive toward efficiency in order to compete.

The government subsidized businesses so that they could provide goods at artificially low prices. Such measures, supposedly enacted to control inflation and help low-income consumers, inevitably backfired. Underpriced goods led to increased demand, which could be met only by increasing subsidies. Despite their greater efficiency, unprotected businesses would fail, unable to compete against their competitors' subsidized low prices. To finance the increasing subsidies, the government borrowed

more, leading to increased interest payments, which were in turn financed by printing more money. Of course, as the money supply expanded, inflation escalated, hurting the low-income people whom the whole exercise had been intended to assist.

Trade barriers — tariffs, import licenses, exchange controls — held most foreign goods at bay. The government routinely rejected applications to import items that could be made in New Zealand. Even if a company were lucky enough to obtain a license, it might be easily dissuaded by tariffs that often exceeded 100% of the cost of the goods.

Muldoon was acting like a hapless passenger called to the cockpit to land the plane after the crew has expired.

The range of goods covered by import licensing was nearly exhaustive. At one meeting in the late '70s, Prime Minister Robert Muldoon was surprised to learn that the government issued import licenses for jumbo jets. He turned to the secretary of trade and industry, Harry Clark, and said, "But Mr. Clark, we don't have an industry that makes jumbo jets. People don't bring jumbo jets into the country unless they have a need for them. They're like elephants; elephants don't compete with cows, and you don't see surplus elephants in parking lots waiting for buyers. We don't have import licenses for elephants, do we?" To which Mr. Clark replied that he was sorry to have to tell him, but they did.

The absurdity didn't stop there. Once, for instance, a few businessmen were granted the exclusive right to manufacture televisions. These "entrepreneurs" arranged with bewildered Japanese manufacturers to have complete sets disassembled in Japan and shipped to New Zealand for reassembly. This charade went on for years, just so the TVs could be "New Zealand made."

On top of this protectionism, New Zealand's economy was encumbered by one of the most regulated labor markets in the world. Each year, employer groups and unions would negotiate "national awards" dictating the wages and conditions of every job in the economy, a feat in which Stalin would have taken pride. Not surprisingly, Kiwi industry was not known for its flexibility and innovation.

All this had predictable effects on the private sector. Whenever businessmen found themselves having difficulty competing, their first impulse was not to improve efficiency, but to run to Wellington to clamor for more protection, a new subsidy, or a new tax break.

Eventually, three events rocked New Zealand's economy. First, in 1966, world wool prices began to plummet, dropping almost by half over the next five years. Then, in 1971, Great Britain joined the European Economic Community. In opening her markets to European goods, Britain greatly reduced New Zealand's guaranteed share of those markets. Finally, in 1973, OPEC hiked its oil prices, sparking the worldwide oil crisis. New Zealand's export sector found itself awash in unwanted sheep and wool, and holding a substantially increased bill for getting its products to the few markets that remained. The government desperately borrowed more to prop up its failing export industries and expand its safety net.

The Muldoon Decade

Muldoon came to power in the midst of the anxiety-ridden 1970s. During the 1975 campaign, he painted his National Party as the party of responsible economic management, promising to deregulate the economy and get state spending under control. With a straight face, he also promised New Zealanders "cradle-to-grave" security and introduced a massive state pension scheme.

Muldoon was generally considered a "conservative." But when it came to economic issues, he was an incurable interventionist. Once in office, he completely disregarded his campaign promise to unleash New Zealand's markets, and instead tried to expand or contract the economy from year to year, depending on whether the government was more concerned about growth and unemployment or about the balance-of-payments deficit and inflation. He habitually suppressed or simply ignored market signals. Sir Robert pursued policies he thought would buy votes, such as job-creation programs and income assistance to farmers, and accelerated borrowing in order to finance these schemes.

One of Muldoon's first objectives was to stimulate and diversify New Zealand's sagging export sector. If New Zealand could just produce more lamb, mutton, and wool for the international market, he declared, profits would abound. So in 1976, the National government introduced the Livestock Incentive Scheme, in which the government paid farmers to double the existing number of sheep. Two years later, the Rural Bank, a lending agency owned and funded by the government, gave farmers easier loan concessions and land-development schemes. Despite these measures, farmers continued to call for additional aid. The government responded by setting "supplementary minimum prices" for sheep. Thereafter, if farmers failed to get the minimum price in the marketplace, tax dollars would make up the difference. From 1979 to 1984, the cost of the assistance given pastoral farming came to $1,350 from every Kiwi.

It was a party traditionally driven by socialist ideology that undertook a radical program of privatization and market liberalization.

In an attempt to diversify the export sector, the government adopted a policy of "picking winners" — that is, pumping resources into industries it thought would be most viable on the world stage. The most notorious of these "winners" was "Think Big," an extraordinarily wasteful attempt to use the energy sector to industrialize the economy rapidly, thus alleviating New Zealand's balance-of-payments bind. Masterminded by Muldoon and his

minister of energy, Bill Birch, Think Big erected several state-operated industries, such as steel and synthetic fuels, in order to capitalize on the surplus energy to be generated by yet-to-be-built power plants and gas fields. Not surprisingly, rather than relieving the country's budgetary hemorrhaging, Think Big only hastened New Zealand's charge down the path to bankruptcy. (By 1986, when the succeeding Labour government addressed the Think Big projects, the total debt came to $7.2 billion, or $2,400 per person.)

By 1978, unemployment had reached levels unseen since the Great Depression, and inflation had climbed to nearly 20%. As the strain on the economy intensified, a few members of the National government began to push for the economic liberalization that Muldoon had promised. Over the next few years, the country took a few small steps in that direction, including the legalization of Saturday shopping, the deregulation of road and air transport, and a free trade agreement with Australia.

Despite these concessions, Muldoon continued to increase his meddling in other areas of the economy. As the economy spiralled downwards, he imposed a capital gains tax, entangled the financial community in a web of unworkable controls, and, in a last desperate attempt to put the brakes on the crashing economy, instituted a draconian wage, price, and rent freeze. Muldoon was acting like a hapless passenger called to the cockpit to land the plane after the crew has expired. Once in the captain's seat, Muldoon flailed wildly at the controls, trying to bring the economy out of its tailspin, with no idea as to what had caused its nosedive and no clue as to how to bring her right.

Muldoon was a fierce megalomaniac who ruled through intimidation, cowing everyone around him into a doting obedience and thrashing critics unmercifully. In the late '70s, visiting *Australian Review* editor Paddy McGuinness referred to the prevailing conditions in New Zealand as "an economy of fear" — business leaders were afraid to criticize for fear of retribution, economists were afraid to criticize for fear of public vilification. Rather than speaking their minds, economists and business leaders told the public that Muldoon's economic policies would work while confiding just the opposite in private.

Muldoon had come to power vowing to leave the country no worse than he had found it. Yet during his 1975–1984 reign, net public debt multiplied six times over and the cost of servicing the debt grew from 6.5% to 19.5% of total government spending. The country's economic growth averaged only 0.9% per annum, less than half the OECD average, and unemployment exploded from 5,000 to 132,000. The country had the ignominious distinction of running the largest current account deficit in the OECD, as well as having the fastest rate of debt accumulation. In fact, in all the years since the Second World War, New Zealand had had the poorest performance among OECD countries in terms of productivity growth, growth in exports, and output per head. By the time Muldoon called for a "snap election" in July 1984, New Zealand had reached its credit limit. If the country's economic profligacy continued, it faced the prospect of the International Monetary Fund assuming stewardship of its finances.

Recognizing that his reforms were bound to provoke much opposition, Roger Douglas vowed to "give them so many moving targets they won't know which one to shoot at."

The Labour Revolution

In 1984, the voters elected a Labour government led by Prime Minister David Lange. Ironically, it was a party traditionally driven by socialist ideology that undertook a radical program of privatization and market liberalization. While some old party hacks advocated the same tired Keynesian remedies, a handful of young, influential officials recognized that the grim economic outlook did not allow for any further utopian dreaming.

Foremost among this group was Roger Douglas, the newly appointed minister of finance. Three years earlier, Douglas had written a book outlining his plan to reform the Kiwi economy. Few voters had bothered to read it, though, so his ambitious program took the public largely by surprise. Douglas was no *laissez-faire* capitalist, but he realized that the state botched most of what it undertook, and he intended to remove it from those activities in which it had abjectly failed. He also wanted to revise the tax system to give people more of an incentive to work. His ultimate aim was not to scrap the welfare state, but to give it a more efficient, streamlined packaging. His analysis drew on public choice, managerialism, and agency theory.

Public choice theory assumes that people are largely motivated by self-interest. Consequently, politicians act to maximize their popular support while government employees try to maximize their department budgets. The result — heavy spending and bureaucratic expansion — undermines economic prosperity. Public choice theorists therefore advocate curbing the discretionary power of politicians and bureaucrats, limiting their ability to manipulate the economy, and separating government agencies' advisory, regulatory, and delivery functions, if not privatizing them outright.

"Managerialism," in this context, refers to a closely related set of ideas borrowed from the private sector and aimed at optimizing the performance of agency and department heads. For the Labour reformers, the most important idea was that the government, rather than binding department heads with rolls of red tape, should simply set goals and allow them flexibility in the means by which they pursue them. Managerialism also encourages departments to adopt long-term plans, performance agreements, and mission statements.

Like public choice theory, agency theory starts with the premise that people are driven primarily by self-interest. Agency theory views the public sector as a complex of contracts between taxpayers and government. Since individuals are opportunistic, the

interests of the contractees inevitably conflict. A great deal of agency theory, therefore, focuses on finding the most satisfactory way of negotiating, writing, and monitoring contracts in order to minimize the possibility that opportunistic officials will violate them. The public, therefore, should be able to monitor the government's behavior, demand performance guarantees from government agencies, and infuse public contracts with incentives and sanctions.

Critics of "Rogernomics" charged that these reforms were done to benefit big business. In fact, they cost major companies tens of millions of dollars.

Imbued with these theories, Douglas and his compatriots moved to restructure the public sector, provide incentives for improved performance, make government agencies accountable, give greater attention to taxpayer preferences, and clarify department objectives. Recognizing that his reforms were bound to provoke much opposition, Douglas vowed to "give them so many moving targets they won't know which one to shoot at."

Almost immediately, Douglas removed the freeze on prices, wages, and interest rates, and addressed New Zealand's immediate foreign exchange crisis by floating the dollar and removing exchange controls. In a single stroke, Douglas abolished most direct assistance to exporters, including all farming subsidies. He also eliminated price controls and import licensing, and drastically reduced tariffs. (Many critics of "Rogernomics" charged that these reforms were done to benefit big business. In fact, by eliminating subsidies and trade barriers, Douglas cost major companies tens of millions of dollars as they were forced to restructure their operations.)

Douglas then turned his attention to the public sector. At that time, public-sector spending accounted for almost 22% of GDP; government expenditure, around 39%. Douglas dismissed tinkering with the system as "shifting the chairs on the Titanic." Instead, he introduced market forces to the public sector by breaking many services away from the state and simultaneously deregulating them. After determining which services could be run as revenue earners, the government either sold them or set them up as State Owned Enterprises (SOEs).

The SOE Act of 1986 initially established nine industries as State Owned Enterprises. The reformed industries included telecommunications, postal service, coal, electricity, forestry, and aviation. Although SOEs remained government-owned (obviously), they were now competing with the private sector and had to be profitable. Like any private company, SOEs were to raise loans in the market, and were not allowed to borrow money from the government. In addition, SOEs would pay a dividend to their owner, the Crown, and would pay taxes. The reformers hoped that these changes would lead to more efficient and consumer-oriented operations.

And they were right. In fiscal year 1984–85, New Zealand Railways lost $20 million despite a $40 million subsidy from taxpayers. Eight years later, as an SOE, it turned a profit of $36.3 million. Over that time, it cut its staff by 66% while dropping freight charges by 50% in real terms. Similarly, in its first year as an SOE, New Zealand Post registered a before-tax profit of $141 million. In the same year, it carried nine million more letters than the year before, with 20% fewer staff.

Although the SOEs have performed admirably, the enterprises that have been privatized have been even more successful. For instance, the national telecommunications industry, which became an SOE in 1987 and was privatized in 1990, increased net earnings by 56% in the first two years after privatization, and raised the return on shareholders' funds from 10.6% to 15.2%.

While the law requires SOEs to behave like private businesses, the fact remains that they are not. Unlike private companies, SOEs do not face the threat of bankruptcy that spurs private companies to strive continuously for increased efficiency and innovation. According to the SOE Act, the state will not bail out a struggling SOE, but it seems unlikely that the government would endure the embarrassment of allowing one of its enterprises to go broke. Additionally, taxpayers tend to demand less from their "investments" than do shareholders.

Douglas also took on the country's punitive tax rates, albeit with a less libertarian approach. The old system included marginal tax rates as high as 66% at just over twice the average income, and a sales tax code that included 17 different rates. Douglas drastically reduced income tax rates, slashing the top rate in half to 33%. At the same time, he introduced a flat-rate, value-added Goods and Services Tax set at 10%. By reducing the incentive to evade taxes and by closing loopholes, Douglas considerably broadened the tax base. These changes subtly enhanced the government's ability to fund its activities. From 1983–84 to 1995–96, these moves have enabled the government to increase its tax take from 30.4% to 37.7% of GDP, or over $3 billion in real terms.

Finally, the State Sector Act put department heads on five-year contracts and stipulated that they must run their departments efficiently, or their jobs would be the first on the line. In the words of broadcast journalist Lindsay Perigo, the act contributed to "the gutting of the public service to a delightful degree and made it more efficient."

In 1987, the Labour government was re-elected and, shortly thereafter, Douglas and Lange announced their intention to continue the reform program. A flat tax and a streamlined welfare system were on tap, they told the press. But it was not to be. Unknown to the public, Lange was having an affair with a leftist former university professor who vehemently opposed Douglas' policies. One month later, while Douglas was overseas, Lange cancelled the new package. The two feuded bitterly behind the scenes for a while. Finally, Lange called for a "tea break" from the reforms and sacked Douglas.

A period of confusion and near-paralysis followed. Almost a year later,

Douglas was back in the cabinet, and a few days after that, the prime minister himself resigned. These episodes crippled the government's resolve to confront the problems that remained. Spending continued to skyrocket, as did the number of people dependent on the state. Also, because the Labour Party relied on financial and electoral support from unions, serious labor market reform remained off-limits.

Nevertheless, the fractured Labour government managed to finish a few of the initiatives Douglas had begun. It sold a few more Crown assets and further cut import protection. Most significantly, it passed the Reserve Bank Act and the Public Finance Act.

The Reserve Bank Act aimed to stabilize prices by requiring the central bank to keep inflation between 0% and 2%. Thus, the government could no longer print more money before elections to engineer a short-lived burst in economic growth.

The Public Finance Act spelled out the criteria for monitoring departmental performance. It requires that every government department and office submit annual financial statements, including projections for the following year, to its ministerial cabinet. From these statements, the Treasury produces a consolidated balance sheet and operating statement, which are made publicly available and are easily understood. The Act enables taxpayers to compare how a department has performed over the previous year with how it was expected to perform. The department head must fully explain any deviations from these projections.

The Opposition Goes To Bat

In the election of 1990, the National Party resoundingly bounced the lethargic and turmoil-plagued Labour government from power. Assuming the influential post of minister of finance was Ruth Richardson, a diminutive spitfire who had earned a reputation for opposing, often alone, some of Muldoon's more feather-brained measures. A market liberal, Richardson was determined to continue what Douglas had begun.

In its post-election briefing to the incoming government, Treasury revealed that the deficit was expected to grow from $3.7 billion in 1991–92 to $5.2 billion (6.3% of GDP) in 1993–94. Richardson resolved to initiate a long-overdue assault on spending by further tightening fiscal discipline and initiating welfare reform. In addition, she intended to deregulate the labor market.

Buoyed by the support of the minister of social welfare, Jenny Shipley, Richardson set out to restructure the welfare system. First, the government reduced the weekly rate for the dole so that welfare recipients were no longer receiving more than the minimum wage. Second, Richardson broadened the conditions whereby people were considered "voluntarily unemployed" and, therefore, ineligible for the dole. Under the new system, if welfare recipients failed to appear at a job interview or turned down two job offers, their benefits were cut.

Although the Labour government had begun the practice of annually issuing three-year economic and fiscal forecasts, this procedure had not been passed into law. Richardson's crowning achievement, the Fiscal Responsibility Bill, requires the government to issue these forecasts twice a year, publish an additional update four to six weeks before any election, and produce an annual report on its objectives for expenses, revenue, and debt. The annual report must also explain how the government intends to achieve its objectives, give an update on its progress to date, and offer projections for the next ten years. Finally, the bill squarely places responsibility for the accuracy of the forecasts with the Treasury Department. In combination with the Public Finance Act, the Fiscal Responsibility Bill has given New Zealand the most comprehensive and accountable financial disclosure system in the world.

On the labor front, Richardson made a valiant attempt to abolish the minimum wage. Off the record, many government officials admitted that the minimum wage costs jobs and denies workers the opportunity to acquire marketable skills. But many members of Parliament felt repeal would be politically risky, and Richardson's measure failed. Despite this setback, she did manage to abolish compulsory unionism and set the labor market on a basis of free contracting.

By the election of 1993, popular opinion had once again turned against the reform program. The National government was re-elected by the narrowest of margins. To recapture public support, the prime minister sacked Richardson and replaced her with Bill Birch of the "Think Big" disaster. Reform ground to a virtual halt. As one observer pointed out, "the appalling irony here is that Bill Birch is now presiding over an economy that is at last enjoying the fruits of the Douglas/Richardson reforms."

Land of the Free?

While the success of the privatization and deregulation program has brought international accolades, New Zealand still confronts a number of problems.

Since 1973–74, government spending has grown from 28% to 34.5% of GDP, thanks to escalating spending on education, health, welfare, and superannuation. To pay for these increases, taxation has gone up over the same period, from 26% to 38% of GDP. Until

three years ago, the tax take did not cover spending. Although the sale of state assets relieved part of the debt, much of the proceeds went to finance debt accumulated over the previous twelve years. As a result, the net public debt now stands at 50% of GDP. New Zealand's debt-to-GDP ratio is the fourth highest in the OECD.

New Zealand's reforms were enacted in the name of those enduring bromides, "the public welfare" and "the common good." And as critics shrieked at the "inhumanity" of the reforms, Parliament passed a great deal of legislation openly inimical to individual liberty and property rights. For instance, the Resource Management Act forbids property owners from altering their property or changing its use in any way without bureaucratic permission. Also, it is now illegal for employers or landlords to discriminate on the basis of race, creed, gender, sexual orientation, or HIV status. And if a person deposits a large amount of cash into his bank account, the bank teller is required to report the "suspicious" transaction.

So while American libertarians might envy the Kiwis' relative economic freedom, the reforms rest upon a precarious foundation. Any fundamental shift in New Zealand toward a general pro-freedom attitude remains a long way off. (In the words of Prime Minister Jim Bolger, "I don't want to hear any of that Amy Rand stuff.") In some recent polls, the newly formed Alliance Party is supported by over 30% of the electorate. The Alliance calls for more protectionism, spending, and taxation — the very policies that brought New Zealand to its knees in 1984. And the 1996 elections may well produce a Labour/Alliance coalition government.

Until Kiwis actually embrace the values of self-responsibility and individual liberty, the reform program will continue to stall, and the gains that have been made will be jeopardized. Aware of this need, New Zealand's handful of libertarians have begun campaigning for such individualist ideas. Over the last two years, they have established a nationwide libertarian radio network (the late, lamented Radio Liberty), started the country's only libertarian journal (*The Free Radical*), and formed a political party (the LibertariaNZ). As a result, Kiwis are for the first time being introduced to the ideas of freedom, and terms such as "individual rights" and "liberty" have begun to creep into parliamentary debates. With the continued success of the economic reforms and the comparative ease with which ideas may be disseminated in a small country, that fundamental revolution in thinking may yet take place. ❑

Casey, "I Go To Kazakhstan," *continued from page 33*

summer place. They're homemade shanties with no plumbing, electricity, or water, jammed together about six to an acre. If you're lucky enough to have a *dacha*, you don't go there to relax; you take a bus there on the weekend for the dry, hot, hard work of growing veggies, so there's something to eat other than the canned food from State Factory #17.

That's in the summer. Winter is something else again, when the place turns into *Dr. Zhivago* country. Then you just sit in your cold, cramped, dimly lit closet and . . . do what? We went to what may have been the most happening bar in Karaganda, and I can assure you I won't go back unless I'm really anxious to brawl with a drunk Russian.

Don't get me wrong. If you have money and connections, life can be reasonably good here. Suburbs are starting to rise, with houses as nice as any in the U.S. But their inhabitants are mostly the *nomenklatura* and mafia figures.

Of course we were treated pretty much like *nomenklatura* during our stay. For instance, wherever we drove, we had a police escort, so all the traffic in both directions pulled over. Unfortunately, that wasn't enough to ward off a tragedy. The lead car in our caravan had a head-on crash with another vehicle and a motorcycle. I didn't see the impact, but I saw the aftermath: utterly gruesome, the type of accident seen only in the Third World, with six dead and several maimed. One of the dead was a young Kazak, the president of KazMinCo's local partner. I had been toasting and getting to know him only an hour before. He was the son of Kazakstan's last KGB chief.

"Russian Women Want To Meet You!"

One last thought. If you ever peruse men's magazines, you've undoubtedly seen the ads for Russian women who want to meet Western men. You might have thought that the stunning photos were specially selected, or that the agencies' claims to have files of thousands of women were bogus. I think not. One thing that impressed everybody was the incredible number of good-looking women we saw everywhere.

It seemed statistically improbable that they would all be that pretty. Was it something in the water? Had the gene pool also been selected for female beauty? I pondered the question awhile, and came up with a possible answer.

Women in poor countries often suffer from malnutrition, which adversely affects their beauty. On the other hand, they don't get a chance to overeat the way American women (in particular) do. And they get a lot of exercise, having to walk almost everywhere.

Russian women *do* get adequate nutrition and dental and medical care — but they don't get a surfeit of food, partially because most of the food that is available verges on the inedible. And they do get plenty of exercise.

My guess is that as soon as they arrive stateside they'll eat and exercise like Americans. Which means that in a few years, they'll look like their grandmothers, sans *babushkas*, flowered dresses, and stick brooms. But the smart ones want to go West. If they stay in Kazakhstan, they know that after marriage their husbands will get drunk and brutal, and they'll live in grinding poverty and crushing boredom. And, for a bonus, they'll turn into their grandmothers.

Life can be a cruel joke. ❑

Voting Is No Sin

by R.W. Bradford

Voting no more legitimizes the state than scratching legitimizes an itch.

Over the past two years, a lot of *Liberty*'s ink has been devoted to arguing that participation in the political process is immoral. First, in the March 1995 *Liberty*, John Pugsley offered an eight-page argument against voting in general and Harry Browne's presidential campaign in particular. In the very next issue, Wendy McElroy presented a more concise argument against voting, which she emphatically restated in "Why I Would Not Vote Against Hitler" (May 1996). "At the last *Liberty* Conference," she writes, "a question was posed: 'If you could have . . . cast the deciding vote against Hitler, would you have done so?' I replied, 'No, but I would have no moral objection to putting a bullet through his skull.'"

To date, these arguments have gone virtually unanswered in our pages. As the person who posed the question to McElroy at the *Liberty* Conference, I reluctantly have decided to take up the issue here. My reluctance grows out of my admiration for McElroy and for Pugsley, both of whom have demonstrated a courageous willingness to advance a rather lonely and unpopular opinion, and both of whom honestly carry their logic to its conclusions. But as much as I admire them, I am not convinced by their argument.

McElroy's willingness to put "a bullet through [Hitler's] skull" demonstrates her revolutionary zeal. But her elaboration makes it clear that she considers voting the kind of serious sin that mere assassination, apparently, is not: A ballot can never be "an act of self-defense . . . [It] attacks innocent third parties who must endure the consequences of the politician [who has been] assisted into a position of power over their lives. Whoever puts a man into a position of unjust power — that is, a position of political power — must share responsibility for every right he violates thereafter."

For McElroy, if a candidate is elected, all who have voted for him become guilty of any crimes he might commit. This logic, it seems to me, would lead in very strange directions if it were applied to a voluntary association or corporation. By McElroy's argument, if she voted for someone to be chair of, say, her local Association of Voluntaryists, she would share guilt for any evil that individual might do in office, up to and including encouraging people to vote in political elections. Of course, such thinking, if adhered to by members of voluntary organizations, would simply eliminate any such association not run by administrative fiat.

For Pugsley, the voter shares guilt for elected officials' crimes even if he voted against them: "Those who vote in the next presidential election will share responsibility for the theft, coercion, and destruction the next administration will wreak on all Americans as well as on innocent people around the world who fall victim to American intervention. Every person in the lynch mob is as guilty as the person who pulls the rope. Since a voter appoints an agent and empowers that agent to aggress against others, the act of voting is immoral. It is wrong."

The notion that by taking a certain action, one accepts responsibility for all sorts of diffuse antecedent events, is fairly widespread. Hence the 1960s boycott of inoffensive table grapes because they were harvested by non-union labor, the 1950s boycott of Polish hams by anti-Communists, and certain yuppies' preference for hamburgers made from cows raised by farmers who give them names and treat them humanely (at least until they are slaughtered) — not to mention U.S. government–ordered embargoes of trade with Mongolia, Vietnam, Cuba, South Africa, the Soviet Union, China, North Korea, etc.

Such actions may or may not have the intended moral effect. They certainly provide comfort both for the

well-meaning and the self-righteous. But they are no substitute for the real business of the world. If one must investigate the antecedents of everything one buys and verify that it was produced in accordance with one's ethical values, trade will halt and society will cease to exist.

McElroy even opposes going to the polls only to vote no on tax increases: "It seems like I should be saying that you should vote against things," McElroy said in response to a question at the conference. "But one of the big problems that you have in terms of dealing with the state, and dealing with people who believe in the state, is the state has legitimacy. And perhaps the biggest thing that gives the state legitimacy is that it is considered a democratic process in which we can all vote. . . . If in fact you deal with the political system and vote, even against something, you're saying they have the authority, or you're participating in a system that says the state has the authority."

When Chilean dictator Augusto Pinochet allowed himself to be voted from office in 1988, did "another of his ilk" take power in two seconds?

Her view is that *all voting is wrong* — which is what prompted my question about casting a deciding vote against Hitler. "Thou shalt not vote" is a universal moral commandment that must be obeyed under any and all circumstances.

But why is voting wrong? "Voting is an act of implicit violence, because it is an essential aspect of a system that binds others to the will of the state. Moreover, voting provides the legitimacy upon which the state lives and breathes. . . . Just as totalitarian states go through the charade of 'free elections' to justify their rule, Western democratic states base their claim to legitimacy upon consent via the ballot box [because] most people . . . accept the notion that by 'participating in the electoral process,' they have given consent in one important matter."

The crux of McElroy's argument, I believe, is that the power of the state rests on its claim to legitimacy, and its claim to legitimacy rests on its subjects' participation in democratic elections; so by refusing to participate in elections, we can deny the state's legitimacy and reduce (or destroy) its power. Q.E.D. A nifty argument. But not, I believe, a valid one.

The problem with this argument is that it accepts as true a key proposition of the modern statist: that voting confers legitimacy on the state. I can see no more reason to accept this claim at face value than to accept many modern statists' claims that a social "contract" binds us to obey the law and that government ownership of the means of production renders them more productive, more just, and more humane than means of production that are privately owned.

There is a glimmer of truth to the legitimacy argument. The power of any state does depend on the opinions of its subjects; if enough of them view it as good or inevitable or too powerful to resist, the state achieves a certain viability. Ultimately, power is in the hands of individual human beings, and the most powerful states are those with the widest support.

Like all governments, the modern democratic state rests on the support of its subjects. It seeks this (and asserts its legitimacy) by holding elections. The democratic state that gains widespread support by this method can become extremely powerful, able to command huge resources.

But elections are not the only means states have used to assert legitimacy. In medieval Europe, states asserted a legitimacy that came from the Christian religion, and demonstrated that legitimacy by sharing power with the organized church. Democratic elections played no part in the process. In much of the Muslim world today, states derive their legitimacy from Islam. In countries controlled by Communists, states claimed legitimacy from scientific, Marxist thought.

I am no more willing to accept the notion that voting confers legitimacy on the democratic state than I am willing to accept these other supposed sources of legitimacy. And just as I need not condemn rational, scientific inquiry to deny legitimacy to the Marxist state, or condemn religious belief to deny legitimacy to the medieval state, so I see no need to condemn voting to deny legitimacy to the modern, democratic state.

Casting about for a way to interpret McElroy's argument in a more plausible way, it occured to me that perhaps she fears that exercising my moral freedom to vote may lead other people to believe that the state is a morally legitimate authority.

But allowing neighbors' interpretations to determine your behavior is absurd. Suppose, for example, that McElroy's neighbor believes that walking upright is evidence that she agrees that all her property should be forfeited to the state. Would McElroy agree that it ought to be?

Or — to take a less absurd notion — suppose that your use of public streets leads your neighbors to believe the state is morally legitimate. Must you then stop using the roads?

As a matter of fact, many people do believe that if you use the streets, or sidewalks, or government schools, or postal service, or any other state-owned or state-controlled entity, you confer legitimacy on our massively coercive government. Yet few of those who oppose the omnipotent state try even to reduce our use of such things. They don't walk on the grass, or buy bottled water, or stop driving. They're not really worried about the bad example they give their neighbors. I suspect McElroy isn't either. Nor should she be.

McElroy removes voting from its social context — not realizing that in the process she is robbing it of its actual meaning.

What McElroy misses is that when our neighbors interpret our behavior as granting legitimacy to the state, *they are wrong.*

The simple fact is that people's motives for voting *do* matter. Just as we treat the little girl who trespasses on our property while chasing a butterfly

differently from the vandal who enters our property with intent to damage, so we must treat those who vote as a way of gaining personal power or wealth differently from those who vote in order to reduce the power of the state.

But for McElroy, the proposition that voting confers legitimacy on the state is an established fact that cannot be denied; neither a voter's motive nor the consequences of his act are relevant against the perfidy of his legitimizing the state. She removes voting from its social context — not realizing that in the process she is robbing it of its actual meaning. And so, off in this fantasy world where refusing to cast a ballot that would prevent Hitler from taking power is an act of virtue and voting against Hitler is evil, McElroy is secure in her own heroism.

And ironically, she accuses *voters* of removing their arguments from the real world. She asserts that my question about Hitler "postulated a fantasy world which canceled out one of the basic realities of existence: the constant presence of alternatives. In essence, the question became, 'If the fabric of reality were rewoven into a different pattern, would you still take the same moral stand?' Since my morals are derived from my views about reality, it was not possible for me to answer this question . . . I can address only the reality in which I live and, in a world replete with alternatives, I would not vote for or against Hitler . . . Voting for or against Hitler would only strengthen the institutional framework that produced him — a framework that would produce another of his ilk in two seconds."

For McElroy, "thou shalt not vote" is a universal moral commandment that must be obeyed under any and all circumstances.

What reality is McElroy living in? When Chilean dictator Augusto Pinochet allowed himself to be voted from office in 1988, did "another of his ilk" take power in two seconds? How about when Jaruzelski was voted from office in Poland? Or the Sandinistas in Nicaragua?

I suppose someone might argue that all the succeeding governments continued to collect taxes, regulate the economy, enact unjust laws, etc., and are therefore of the same "ilk" as their predecessors. To this I respond: Franklin Roosevelt and Joseph Stalin were both statists, but Stalin was far more destructive of human life, liberty, and property, and the difference is very important.

My guess is that by characterizing my question as fantastic, McElroy wanted to free herself from dealing with this sort of objection. Of course, I don't believe that the situation I specified is likely to occur. All I suggested is that it is plausible that at some point a person might have an opportunity to cast a ballot that would keep a very bad person from political power. But McElroy is arguing for a universal moral imperative. The whole purpose of such commandments is to tell you what to do in *extreme cases*. So she must deal with every plausible case, not simply those likely to occur.

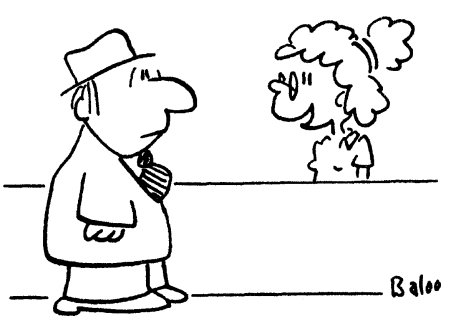
Well, I don't live in Wendy McElroy's world. In my world, I don't claim to understand the inherent moral significance of voting, let alone accept the notion that it confers legitimacy on aggressive force. And in my world, if I had an opportunity to cast the deciding vote against Hitler, I would do so. I would do so because Hitler was a very bad man who advocated policies that would do a terrible amount of harm to millions of people, including, presumably, me. Even if I were somehow immune to the future harm done by Hitler, I'd have jumped at the chance to cast a deciding ballot against him because I feel benevolent toward my fellow human beings and because the cost of voting against him is slight.

So what action can one take to reduce the power of government and increase human liberty? To answer that question, we must remember that government power rests on the opinions of our fellow human beings. It will be reduced or eliminated only when there is widespread conviction that it *ought* to be reduced or eliminated. The means by which such a change takes place may be democratic (as in New Zealand over the past decade) or revolutionary (as in the United States in late eighteenth century), or somewhere in-between (as in Poland in the 1980s). But the one undeniable precondition for such a radical transformation is a change of opinion.

Suppose that your use of public streets leads your neighbors to believe the state is morally legitimate. Must you then stop using the roads?

In our society, there are many means of convincing our fellows to change their opinions. We can try to educate them. We can try to stimulate others to educate them. We can set good examples by trying to live exemplary lives. We can organize debating societies. We can write books about feminism, or publish magazines. We can do research, or explore the frontiers of social thinking. And, if we choose, we can run for office, using our campaign to spread the proposition that liberty is good.

There are many roads that lead to a freer world. Some of us prefer one over another. Some of us progress further along some roads than we would by following others. But it behooves us to remember that the road we choose is not the only road. ❑



"I'm afraid the doctor's in Hawaii right now, but he'll speak to you on the phone for $40."

A Killer's Right to Life

by George H. Smith

The death penalty has a renewed life. On its merits, it deserves to die a quiet death.

Doing political philosophy consists largely of deciding where we don't want to go and then figuring out a way to end up somewhere else. There is nothing wrong with this method, as long as we do not confuse motives with arguments. How and why we pursue a particular inquiry — what questions we ask, what we try to justify, and so forth — depend largely on subjective considerations. But having embarked on the subjective quest for understanding, we must thereafter be guided by objective considerations. My motive for writing this article was to see whether I could build a convincing theoretical case against capital punishment from a libertarian perspective. But an argument cares not at all for motives; it is concerned only with reasons.

For many years, when asked about my position on the death penalty, I gave a reply that I have heard from many other libertarians: "I am against giving the power of life and death to our present government, but I am uncertain about its moral legitimacy in theory." My major concern revolved around the issue of certainty. It is inevitable, especially given our current judicial system, that innocent people will be (and doubtless have been) executed; so it seems better to oppose all capital punishment rather than run the risk of killing one innocent person.

Of course, this position, however justified, evades the broader moral issue. Suppose we can have no doubt whatever about an accused serial killer's guilt. Given our theory of justice, what position should we take when reasonable doubt is impossible and where the crimes have been especially heinous?

Emotionally, I favored capital punishment hands down, despite my pacifist inclinations. I felt no sorrow whatever at the thought of executing a brutal and sadistic killer — and, to be honest, I still don't. But there remained the nagging issues of inalienable rights and whether capital punishment is consistent with the libertarian theory of restitution. We can justify the death penalty only with a broader theory of punishment that is consistent with our theory of justice. I could justify restitution, but nothing more. So if I were to embrace the death penalty, I would necessarily have to revise or reject my views on punishment and, by implication, the libertarian theory of inalienable rights.

Therefore, rather than assume that capital punishment must somehow be legitimate and work backwards from there — which is, I believe, the procedure of some libertarians — I resolved to begin with inalienable rights and see if I could eliminate capital punishment from the libertarian agenda. I believe that I have succeeded. Indeed, in retrospect the argument seems remarkably straightforward.

Inalienable Rights

Calling a right "inalienable" means that it cannot be transferred, surrendered, or forfeited. Inalienable rights are inextricably linked to our reason and volition, which together constitute our moral agency. Since we literally cannot alienate our moral agency — no one else can think for us, or will for us, even if we want them to — this means that we cannot alienate the right to exercise moral agency. We have no choice in the matter.

The concept of inalienable rights, as used by individualist thinkers, arose during the social contract debates of the seventeenth and eighteenth centuries. Social contract theory has many variations. In its early forms, it was often used to justify absolute sovereignty. Philosophers claimed that the people had irrevocably transferred all of their rights to government, so their rights could not be restored without the government's consent. Since the social contract was an imaginary construction, not a historical reality (virtually all philosophers agreed on this point), there was no way to decide empirically which rights had been surrendered and under what conditions.

In their assault on absolutism, individualist philosophers maintained that some rights can never be delegated to government, because they are inalienable. Such rights are inherently linked to innate human characteristics that even consent cannot transfer, abandon, or forfeit. If a human faculty,

such as conscience, cannot be alienated, then neither can the right to exercise that faculty. As Spinoza put it, "no man's mind can possibly lie wholly at the disposition of another, for no one can willingly transfer his natural right of free reason and judgment, or be compelled so to do."

The upshot of this is that no government can properly violate inalienable rights with the excuse that they were transferred in the social contract. Any government that does so is necessarily tyrannical. Inalienable rights thus played a crucial role in the political controversies over resistance and revolution. They functioned as a bright line which, when crossed by government, constituted a public declaration of tyranny, thereby activating the people's right of revolution. (This theory is clearly expressed in the Declaration of Independence.)

Rights theory developed in the context of debates over political sovereignty. In 1576, the French philosopher Jean Bodin, a champion of absolute monarchy, argued that the political ruler has an "inalienable right" to his sovereignty, which precluded all rights of resistance and revolution by the people. This and similar claims by absolutists led to the counter-claim by individualists (such as the Levellers) that moral sovereignty properly belongs to all people in virtue of their common humanity. (This doctrine owed much to the ancient Stoics.)

Libertarian writers have used various names for the primary inalienable right, including self-proprietorship, property in one's person, self-ownership, moral autonomy, the right to life, and self-sovereignty. This latter term, popularized by the American anarchist Josiah Warren, is the label I prefer. "Sovereignty" refers to the ultimate and absolute right of decision-making. "Self-sovereignty" denotes the individual's right to use and dispose of his or her body, mind, and labor, and the fruits thereof.

This historical context is important for several reasons. First, it helps us understand the problems, both theoretical and practical, that generated modern theories of rights and the questions they were designed to answer. It is virtually impossible to appreciate a theory fully unless we know something about its historical origins.

Second, the doctrine of inalienable rights arose during the debates over resistance, revolution, and tyrannicide. The doctrine was not intended to address the question of punishment and was rarely applied to the death penalty. Indeed, tyrannicide was commonly seen as a form of capital punishment, whereby the king, by abusing his trust of power, had "unkinged" himself, placed himself in a "state of war" against the people, and was thereby liable to be killed for his crimes. Had early libertarian thinkers employed a theory of inalienable rights to oppose capital punishment, they would have cut the ground from under their own defense of tyrannicide.

Ideas, like actions, have unintended consequences. And though the philosophy of inalienable rights was not intended to address the issue of punishment, it has definite implications in that field. One of these consequences, I believe, is the total repudiation of capital punishment as inconsistent with the inalienable right of self-sovereignty. As libertarians, we should oppose capital punishment, not because we wish to defend heinous and brutal killers, but because we wish to defend our moral principles.

An inalienable right must be universal and reciprocal if the concept is to have meaning. A right entails a corresponding obligation, or duty, for others not to interfere with the free exercise of that right. This presupposes the existence of other persons who, as moral agents, are capable of understanding the concept of "ought" (which requires reason) and of acting accordingly (which requires volition).

If I have an inalienable right in virtue of my moral agency, then others must have the same right in virtue of their moral agency. My right logically implies a corresponding duty in other persons. Those persons, therefore, must be moral agents — or the concept of duty could not apply to them — and so, like myself, they too must possess that inalienable right. (As philosophers like to say, "ought" implies "can.") This is the formal principle of universality.

Since a right has no meaning apart from the moral duty it imposes on others, and since moral duty presupposes moral agency (reason and volition), this implies that others have a right to act according to the precepts of duty, which requires choice. In other words, others must have the right to exercise their moral agency, which I, in turn, have a duty to respect. This is the formal principle of reciprocity.

I am not merely claiming, as a matter of practical necessity, that I must concede the rights of others if I am to claim them for myself. There is merit in this claim, but my point is logical, not practical. It does not concern itself with who does or does not claim to possess rights. It has to do with the internal coherence of the concept itself. If I claim an exclusive monopoly on inalienable rights, then I am not merely inconsistent — I am incoherent. It is akin to the claim that my quarter has only one side. A right and a duty are two sides of the same coin.

In brief, either every person has inalienable rights or the concept is sheer gibberish. Which brings us to the issue of capital punishment.

I believe that every person — including a wanton, brutal killer — has certain inalienable rights in common with the rest of humankind, rights that cannot be transferred, abandoned, or forfeited. I further maintain that the death penalty is a clear violation of that inalienable right known as self-sovereignty.

Since I cannot here defend a theory of natural rights (much less inalienable rights) with any degree of thoroughness, I offer the following dilemma as a focal point for some brief observations. I suggest that libertarians must adopt one of these two positions.

(1) If everyone has inalienable rights, then the wanton, brutal killer (let us call him Murphy) also has inalienable rights, and it would be unjust to execute him, whatever the magnitude of his crimes.

(2) If capital punishment is just and we decide to execute Murphy, then we can do so only on the assumption that he does not possess inalienable rights. But if Murphy does not have these rights, then no one does, and we must abandon the theory altogether.

Thus, we must either oppose capital punishment as unjust, owing to our theory of inalienable rights, or we must jettison that theory. This latter option, in my judgment, would be catastrophic, for we cannot construct a libertarian theory of justice except on a foundation of inalienable rights. And without a theory of justice, we cannot have a valid theory of punishment. And without a theory of punishment, we cannot reasonably take any moral position on capital punishment, pro or con, because we lack a systematic method of analysis and justification.

As for my earlier contention that inalienable rights and capital punishment cannot be reconciled, several objections immediately suggest themselves:

(1) Perhaps Murphy initially possessed inalienable rights (like everyone else), but somehow forfeited these rights after committing his foul deed.

Reply: This argument evidently proceeds from a peculiar definition of inalienable rights. Forfeiture, after all, is a mode of alienation. Let me be clear about this: by "inalienable," I mean "inalienable."

(2) Perhaps the execution of Murphy is not a violation of his inalienable rights, owing to the need for reciprocity. If Murphy has willfully and maliciously violated the inalienable rights of others, then we need not reciprocate by respecting his rights, nor can he reasonably claim that we should.

Reply: It is true, as I explained previously, that rights are reciprocal. The concept of a right necessarily entails the universal duty of reciprocity. Every moral agent has the duty to respect the equal rights of other moral agents. But this means that we must respect the inalienable rights of Murphy precisely because he is a moral agent and remains so, despite his foul deed.

We cannot as libertarians choose when we will and will not respect inalienable rights. They are the foundation for our theory of justice; as such, they determine our choices and actions in the realm of jurisprudence. If we say that inalienable rights should be respected, but only under certain conditions, then this requires a standard by which to determine when those conditions are present and when they are not. And this, in turn, requires that we demote inalienable rights to a subordinate position, where they can be judged by a standard of evaluation that is more fundamental. I should like to know what this standard is and who, or what, determines its applicability. To argue for the conditional nature of inalienable rights is, in effect, to destroy the epistemological function of those rights in the libertarian theory of justice.

We cannot develop a theory of punishment without taking into account the desire for revenge, any more than we can understand economics without taking into account the desire for profit.

Slavery, Torture, and Capital Punishment

Historically, the right to inflict capital punishment was central to the defense of slavery. According to Locke, when a man takes an action that deserves death and thereby forfeits his own life, then whoever has a right to inflict that punishment may "delay to take it, and make use of him for his own Service, and he does him no injury by it." After all, if the condemned person finds that the hardship of slavery outweighs the value of living, then he can always resist the will of his master and cause himself to be killed, which is what he deserved in the first place. (We might think that outright suicide would be a better option, but Locke denies the right to kill oneself, since it violates God's absolute property in man, his creation.)

I don't see how we can avoid Locke's conclusion, if we accept the justice of capital punishment. If I have the right to kill Murphy for his crime, then surely I have the right to inflict lesser punishments on him as well, including a life of slavery.

Consider the juridical implications of capital punishment from a libertarian perspective. (By "juridical," I mean "pertaining to the administration of justice.") Rights, as we have seen, always entail corresponding duties. Therefore, to say that I have a right to kill Murphy for his crimes must mean one of two things:

(1) Perhaps Murphy has the corresponding duty not to forcibly resist my killing him, i.e., he has the moral obligation to die. This makes nonsense out of a libertarian theory of rights, which is based on the fundamental right of self-preservation. (Even an absolutist like Thomas Hobbes believed that this right could never be surrendered.) How can the inalienable right of self-preservation transform itself into the obligation to die? Maybe libertarian casuists can answer this question, but I cannot.

(2) Perhaps Murphy, owing to his heinous crimes, has forfeited his fundamental right to life. In this case, I, his executioner, can dispose of Murphy as I would my own property. Here the corresponding duty not to intervene would pertain, not to Murphy (who is no longer regarded as a moral agent) but to other persons generally. For example, when I claim a property right in my car, I obviously do not mean that the car has a duty to comply with my wishes. Rather, I mean that other people have a duty not to interfere with my rightful jurisdiction over my own property. I can do whatever I wish with my own car: drive it, disfigure it, damage it, destroy it, etc. If this is what is entailed by my right to inflict capital punishment on Murphy — and, in my opinion, this is the only interpretation that is conceptually coherent — then Murphy is literally my property. I can kill him (i.e., dispose of him), but I can also enslave him, torture him, disfigure him, and the like.

I have a right to dispose of something absolutely only if it is my property. When analyzed juridically, capital punishment requires someone (usually the government) to have an absolute property right in the criminal who is to be executed. This, however, is the foundation of slavery. It was frequently

argued that first-generation slaves had waged unjust wars against their African neighbors, who then captured their aggressors and, rather than inflict the just penalty of death, sold them to European slavetraders instead.

Nineteenth-century abolitionists, such as William Lloyd Garrison, argued that slavery (or "manstealing") is always unjust, because it violates the inalienable right of self-ownership. We cannot have property in other persons, because every person has an absolute property in himself. We cannot own others, because every person is a self-owner. This has long been the premise of radical libertarianism. Capital punishment demolishes that premise, because it concedes that, in this case at least, ownership of one person by another is possible and proper.

There is another problem with slavery, one that was often raised by abolitionist writers. Suppose Murphy, whom I have enslaved in lieu of killing him for his crimes, kills someone else. Who is legally responsible, Murphy or me? As a slave, Murphy is my property, like my car or my dog. If Murphy is not a moral agent with self-sovereignty, i.e., if Murphy does not have rights, then he does not have moral duties either. Both presuppose moral agency, and both stand or fall together. If my dog kills my neighbor, then I am legally responsible. Likewise, if my slave Murphy kills my neighbor, then it is I, and not my property, who should be legally responsible.

Slaveowners, of course, refused to accept personal liability for any crimes committed by their slaves, holding them responsible instead. Abolitionists were quick to note the inconsistency in this stance. Either the slave is property, or he is a person with full and equal rights. In the former case, the master should be responsible for any injurious activities by his slave, just as he would for his horses, cattle, and the like. If, however, the slave is a responsible moral agent, then he has duties and can be held liable for his actions, but also has rights and cannot, therefore, be enslaved. Slaveowners could not have their slaves and eat them, too.

I have argued that a criminal must first be enslaved before he can be killed, for only then can we dispose of him as property. This is the only conceptual scheme that makes sense from a libertarian standpoint. But if we divest the condemned of all rights, we can do so only by stripping him of his moral agency, in which case we must also divest him of moral obligations. The condemned, juridically speaking, is a nonmoral being, without rights and without duties. This means that, after being condemned, a murderer is no longer capable of committing unjust acts. If he kills someone else, then he cannot be held responsible.

This is a ludicrous position. But this is the kind of dilemma that follows from any theoretical attempt to divest a person of inalienable rights. This dilemma also underscores the meaning and implications of "inalienable." Certain rights simply cannot be alienated because certain faculties, such as

moral agency, cannot be transferred, surrendered, or forfeited.

Revenge and Retaliation

To retaliate is to return evil for evil, to pay back an injury in kind, to inflict upon a wrongdoer the same injury he has caused another. We find this expressed in the Old Testament (and Greek) law of retaliation (*lex talionis*): "thou shalt give life for life, eye for eye, tooth for tooth, burning for burning, wound for wound, stripe for stripe."

Adam Smith, who regarded retaliation as "a barbarous and inhuman custom," gave an illustration from contemporary Dutch law. An offender who had disfigured the face of another was required to measure his victim's wound and then cut himself, inflicting a wound of the same length, breadth, and depth.

According to Smith, "The revenge of the injured which prompts him to retaliate the injury on the offender is the real source of the punishment of crimes." Smith did not believe that punishment is grounded in considerations of public utility. Rather, the resentment of the injured party incites him to take vengeance upon the offender. This, however, leads to bloodshed, confusion, and disorder ("anarchy"), so there evolved social customs and political institutions to replace or regulate private retaliation. (Essentially the same opinion was expressed by Oliver Wendell Holmes: "the early forms of legal procedure were grounded in vengeance." This is especially true of liability, which has "its root in the passion of revenge," from which it has evolved into its present, more civilized form.)

Ultimately, in the case of murder, there is no satisfactory way to "balance" the scales of justice.

The desire for revenge and its external manifestation, retaliation, are the foundation of Smith's theory of natural jurisprudence — "of all sciences by far the most important, but hitherto, perhaps, the least cultivated." Retaliation serves the same kind of explanatory function in jurisprudence that self-interest serves in economics. An important implication of Smith's approach is that we cannot develop a theory of punishment without taking into account the desire for revenge, any more than we can understand economics without taking into account the desire for profit. Both are fundamental motives, common to all peoples and all ages. We smile condescendingly at utopian socialists who envision a world where the profit motive has been eradicated or tamed by our higher sentiments. Likewise, Smith would have smiled at utopian moralists who dream of a humanity without resentment and revenge. A theory of justice can never be implemented if it ignores human passions. If people cannot satisfy their thirst for vengeance through the legal system, they will look elsewhere, thereby unleashing the destructive forces of "anarchy."

Smith, David Hume, and others saw the development of legal systems as the institutional sublimation of unruly and potentially dangerous passions. These passions cannot be eliminated or effectively suppressed, but they can be reoriented in their course so as to produce socially beneficial outcomes, even if no particular individual intends, foresees, or desires that result. This perspective, when adapted by Edmund Burke, generated a powerful defense of established institutions as the supposed repositories of accumulated wisdom and experience from past generations. This traditionalism rules out all radical changes in political institutions, whether by violent or nonviolent means, and leaves room only for piecemeal, gradual reforms. In the words of Alexander Pope, "Whatever is, is right."

As might be expected, this conservative version of spontaneous order tends to cultivate a rather silly veneration for the status quo. (The radical version, in contrast, focuses on the autonomous nature of social institutions that are able to sustain social order without the intervention of government. Social order, as Thomas Paine said, would continue to flourish even if "the formality of government were abolished.")

This approach can also justify contemporary institutions as better (more just, more efficient) than earlier, more "primitive" institutions, since our civilization is based on greater knowledge and experience. We see this illustrated in Smith's belief that "all civilized nations" have punished murder with death, whereas in "barbarous nations the punishment has generally been much slighter, as a pecuniary fine." Early governments were too weak to meddle in the affairs of individuals, so they served as mediators to arbitrate disputes, urging the offended parties (e.g., relatives of the murder victim) to settle for presents or monetary damages from the offender or his kin. As civilization advanced — i.e., as government grew stronger — the "barbarous" custom of restitution was replaced by the "civilized" practice of capital punishment. In the case of murder, Smith insists, only the death penalty can adequately satiate the natural desire for vengeance.

There is more to be learned about the psychology of punishment from classical writers than from all the tedious tomes of modern pseudo-empiricism.

This argument, which may appear bizarre to the modern reader, was consistent with the Enlightenment theory of social progress. Virtually anything associated with medieval society ("the Dark Ages") was regarded as superstition and barbarism; in particular, the pluralistic legal system of medieval Europe was condemned as "feudal anarchy" by Smith, Edward Gibbon, and other enlightened minds, because it lacked the centralized sovereign of the modern nation-state.

The medieval systems of restitutive justice, which owed much to Germanic law, were remarkably detailed and specific. The Anglo-Saxon "Laws of Æthelbert," promulgated around 600 A.D., present a typical schedule, which is summarized by Harold J. Berman in *Law and Revolution*:

> The four front teeth were worth six shillings each, the teeth next to them four, the other teeth, one; thumbs, thumbnails, forefingers, middle fingers, ring fingers, little fingers, and their respective fingernails were all distinguished, and a separate price,

> called a bot, was set for each. Similar distinctions were made among ears whose hearing was destroyed, ears cut off, ears pierced, and ears lacerated; among bones laid bare, bones damaged, bones broken, skulls broken, shoulders disabled, chins broken, collar bones broken, arms broken, thighs broken, and ribs broken; and among bruises outside the clothing, bruises under the clothing, and bruises which did not show black.

Unlike Smith, Berman has kind things to say about this approach:

> It is, in many respects, a very sensible system. The threat of heavy financial burdens upon the wrongdoer and his kin is probably a more effective deterrent of crime than the threat of capital punishment or corporeal mutilation (which succeeded pecuniary sanctions in Europe in the twelfth and thirteenth centuries), and at least equally as effective as the modern sanction of imprisonment; and it is surely less expensive for society. Moreover, in terms of retributive justice, not only is the wrongdoer made to suffer, but in addition — in contrast to today's more "civilized" penology — the victim is thereby made whole.

If the advent of capital punishment signaled an advance in civilization, then England was a highly civilized country indeed. The death penalty was probably more common in England than anywhere else in Europe. In 1765, England could boast of 160 capital felonies, and even more by 1786. (Between February 1800 and April 1801, there were around 100 executions for forgery alone.)

Adam Smith was by no means unique in maintaining that revenge is the psychological and historical foundation of legal punishment. This theory was widely discussed and debated throughout the eighteenth and nineteenth centuries. According to Arthur Schopenhauer, when we are coerced we naturally experience a feeling of moral injury — a feeling that is distinct from physical injury — which incites us to seek vengeance. The purpose of revenge is to console our suffering by causing others to suffer, thereby deriving pleasure from witnessing their pain. But it is a fundamental purpose of morality to overcome this self-centered and destructive passion: "Such a thing is wickedness and cruelty, and cannot be ethically justified." We should not inflict pain on others merely because they have inflicted pain on us: "Retaliation of evil for evil without any further purpose cannot be justified."

Jeremy Bentham, a classical liberal and grandfather of modern utilitarianism, distinguished two fundamental passions in human nature, a desire for pleasure and an aversion to pain. Bentham refused to discriminate morally among various pleasures; all pleasures are equally good, including the pleasure we get from revenge. But there is no natural or necessary relationship between a particular mode of revenge (say, capital punishment) and the desired pleasure. This is a learned response, which is caused by the repeated association of some ideas with others. Men punish because they hate, and they hate certain crimes because they have been taught that they ought to hate them. Similarly, judicial authorities who are accustomed to imposing penal sentences often assume that their punishment has a natural connection to the offense — for example, that capital punishment somehow equalizes the crime of murder, or that the murderer "deserves" to be executed. But all this is mere fiction, a product of mental habits and psychological associations that have been externalized and objectified. In short, human beings can learn to satisfy their desire for vengeance in ways other than capital punishment — which, in Bentham's judgment, does not further social utility (the greatest happiness for the greatest number).

Many of these issues also concern a theory known as retribution.

Retribution

Retribution, generally speaking, is the idea that every crime deserves payment in the form of punishment. Retribution may be viewed as a more sophisticated theory of retaliation. Both demand some kind of equality, or proportion, in punishment, as reflected in the saying, "The punishment should fit the crime." But retaliation is often framed in literal terms (an eye for an eye), whereas retribution seeks an equality in terms of rights (a right for a right).

According to Immanuel Kant, the pure theory of retribution is based "on the principle of equality, by which the pointer of the scale of justice is made to incline no more to the one side than the other. It may be rendered by saying that the undeserved evil which anyone commits on another is to be regarded as perpetrated on himself." Thus, if I strike another person, I strike myself; if

I rob from another person, I rob from myself; if I kill another person, I kill myself. It is only this conception of equality that "can definitely assign both the quality and the quantity of a just penalty." All other standards are "wavering and uncertain" and are inconsistent with "the sentence of pure and strict justice." (Kant upholds an individualistic theory of rights that is fundamentally consistent with libertarianism — his discussions of property and coercion, for example, are brilliant and suggestive — but he often fails to apply his own principles consistently, owing to a flawed notion of social contract.)

According to Kant, retribution entails not merely the right to punish, but the duty to punish. The criminal should be punished because he deserves it, and he deserves it because he has violated the rules of justice.

It is impossible, within the space of this article, to give a fair and full treatment of retribution as defended by Kant, Hegel, and other philosophers. I shall simply focus on what it means to "deserve" punishment.

To say that a criminal deserves to be punished pertains to his moral culpability. (It must be remembered that I use the term "punishment" in a general sense that includes even the libertarian theory of restitution.) This is a moral judgment, not a juridical one. The purpose of this moral judgment is to ascertain whether a person is responsible for a crime; if so, he is judged "guilty" and we say that he "deserves" punishment. This is a moral assessment of responsibility.

If we say, "Murphy deserves to be punished," we are making a compound judgment. We are saying, first, that Murphy is responsible for committing an unjust act, and second, that he ought to be punished according to the rules of justice.

If Murphy is adjudged to be mentally incompetent, we might say that he does not deserve to be punished, even if he committed the crime. "Deserves" pertains to Murphy's responsibility, or lack of it, for his actions. If he is mentally competent and responsible for a crime, he "deserves" to be transferred from the class of "innocent" persons to the class of "guilty" persons. As a member of the latter class, he is now subject to just punishment; he will get his "just deserts."

Clearly, Kant and other retributivists mean more than this when they say that justice demands payment in the form of punishment. If they are merely calling attention to the role of moral responsibility, then retribution differs not at all from other theories of punishment, except possibly utilitarianism. ("Woe to him," says Kant, "who creeps through the serpent windings of utilitarianism.") I agree that a criminal "deserves" to be punished, according to the ethical precept that a person is responsible for his actions. Every approach to punishment, including the libertarian theory of restitution, is based on this principle. But this moral judgment does not tell us what kind or degree of punishment is appropriate; for this we need a juridical theory of rights based on a general theory of justice.

According to Kant, the "equalization of punishment with crime" demands the penalty of death for murder, "according to the right of retaliation." Hegel agrees, and calls such punishment the "negation of a negation." This means that the murderer has negated his victim's right to life and should have his right to life negated in turn. This double-negation cancels out the original crime and results in an equalization of rights; it balances the scales of justice.

It is difficult to argue against a metaphor. I should note, however, that justice cannot "demand" anything, nor can society "demand" something in the name of justice. Only the singular human being can do this. We use the principles of justice to determine when an individual's demands should be enforced and when they should not. The victim has a right to demand justice, but not a duty. If I have been robbed, then it is my right — which I may exercise or not — to demand restitution from the thief, who has a moral duty to comply. But to say that I have a juridical "duty" to seek restitution would mean that the thief has a corresponding "right" to repay me, and I fail to grasp the meaning of this.

Ultimately, in the case of murder, there is no satisfactory way to "balance" the scales of justice, whether we employ retribution, restitution, or some other model of punishment; but I believe that the restitutive theory best approximates this ideal. From a libertarian viewpoint, capital punishment does not restore or balance anything. (At most it provides a sense of emotional balance, if we feel vindicated by revenge.) To kill Murphy because he has killed someone else does not negate or cancel out a negation; it simply adds another killing to the list, which now adds up to two. It does not restore or equalize rights; it simply wipes out another set of rights.

It may be objected that this just doesn't "feel" right, that it conflicts with our basic sense of fairness. This may be true, but we should remember that our theory of justice will influence our feelings about crime. If we sincerely believe that capital punishment is unjust, then our respect for principles will gradually moderate our moral feelings and perceptions of fairness. For centuries highly civilized people felt that capital punishment was appropriate for many crimes other than murder, from blasphemy to treason to rape. Even today, many Christians do not feel discomfited by the thought that God will punish the unsaved with eternal torment; they believe that God is just, and their emotions follow suit. Moral sentiments adapt themselves to our perceptions of justice.

We may seek personal revenge against a person who has treated us unfairly and derive satisfaction from our response. Yet if we later decide that our action was too severe — that our original complaint, however legitimate, did not justify our extreme response — then our pleasure will turn to remorse. If our primary emotional connection is with the principles of justice, then as those principles go, so go our emotions.

Deterrence

In legal theory, a "deterrent" is anything that impedes or tends to prevent a crime. A deterrence theory maintains that the primary function of punishment should be to deter crime; in its pure form, this theory contends that deterrence should be the only function of punishment. This latter is the position of Thomas Hobbes, for whom punishment should insure that "the will of men may thereby the better to be disposed to obedience." Never one to mince words, Hobbes insists that "the aim of punishment is not revenge, but terror." Punishment, unlike revenge, looks to the future, not to the past.

Arthur Schopenhauer agrees that the sole object of law should be "to deter from encroachment on the rights of others."

Perhaps the most influential proponent of a pure deterrence theory was Bentham, who repudiated a theory of natural justice and opted instead for his version of political utilitarianism, whereby the wise legislator somehow calculates "the greatest happiness for the greatest number." Bentham's ideas were transmitted through the influential work of John Austin, the father of legal positivism.

Bentham's opposition to the death penalty was unusual in his day. Ironically, he opposed it not because it was too severe, but because it was not severe enough. According to Bentham's hedonic calculus, in which pleasures and pains are added and subtracted with mathematical precision, "punishments frighten mankind less by their momentary severity than by their duration." Capital punishment, therefore, is less of a deterrent than perpetual imprisonment.

Today, deterrence is the most widely discussed aspect of capital punishment. Social "scientists" fall over one another churning out empirical studies that purport to show that capital punishment does, or does not, reduce the murder rate in America. Such studies, of course, prove nothing and convince no one, except those who cannot grasp the fundamental difference between the methods of natural science, where it is possible to establish experimental conditions by controlling variables, and social science, where no such experimental control is possible.

Most of what we know (or think we know) about the deterrent effects of capital punishment comes entirely from introspection and from our everyday experience with other people. We tend to assume that others will respond to punishment as we are likely to respond. In this, as in many other areas, there is more to be learned about the psychology of punishment from classical writers than from all the pretentious and tedious tomes of modern pseudo-empiricism. As an illustration, I offer the brief discussion of capital punishment contained in *The Peloponnesian War*, written in the fifth century B.C. by the Greek historian Thucydides.

Thucydides relates Diodotus' speech to the Athenian assembly, in which he opposes executing the entire adult male population of Mytilene, which had recently revolted against Athens. According to Diodotus, the problem at hand was political rather than legal, so he will discuss not whether the death penalty is just, but whether it is expedient, i.e., whether it will deter other Greek cities from undertaking similar revolts. Diodotus maintains that the death penalty is not an effective deterrent; his major points are as follows.

People will take risks when they feel sufficiently confident of success, regardless of the potential penalty. The "invisible factors" of desire and hope are "more powerful than the terrors that are obvious to our eyes." Desire conceives the criminal enterprise, while hope convinces us that it will be successful. "No one has ever yet risked committing a crime which he thought he could not carry out successfully." In addition, we tend to believe that fortune will be on our side (everyone has good luck from time to time), and this creates a mood of overconfidence, causing us to underestimate the risk of getting caught. This tendency increases when we act in concert with others — say, as part of a criminal gang — and it becomes even stronger when high stakes are involved. These subjective considerations, rather than the objective probability of capital punishment, will determine how a criminal will act; they instill in him "the irrational opinion that his own powers are greater than in fact they are." Diodotus concludes:

> In a word it is impossible (and only the most simple-minded will deny this) for human nature, when once seriously set upon a certain course, to be prevented from following that course by the force of law or by any other means of intimidation whatever.

Obviously, the threat of punishment may deter some people more than others, and others not at all. We can no more study these psychological factors in isolation than we can study (say) the influence of particular religious beliefs on moral behavior. However, if threat of punishment is as effective as some people seem to believe, then we must wonder why those Christians who sincerely believe in hell ever commit

crimes. Here we have a test case if ever there was one: the punishment, as Bentham might say, is infinite in intensity and duration — far beyond what human punishment can accomplish — and there is zero possibility of escaping detection by God. Yet many true-believing Christians throughout history have committed murder, apparently undeterred by God's version of capital punishment.

In addition, if the likelihood of death is an effective deterrent, how can we explain the prevalence and popularity of wars throughout history? Surely the soldier in wartime has a higher probability of being killed than the civilian in peacetime, yet there is rarely a shortage of soldiers who are willing to risk their lives for some cause or other. If the fear of death is supposed to deter most people from committing acts of violence, why have so many millions been so eager to rush headlong into battle, willing to kill and be killed?

Even if we assume that capital punishment does have a deterrent effect, this influence may not always work as expected. Consider, for example, the following points:

(1) Many criminals commit more than one crime. If we impose reparations on a criminal, we can increase the penalty for each new crime. Therefore, if we wish to deter crime with the threat of punishment, reparations are more rational than the death penalty, which can be imposed only once. Suppose I murder someone, knowing that I face the death penalty if apprehended. What then will deter me from committing other crimes as well, such as rape or robbery, since I already face the ultimate penalty?

(2) Since the death penalty can be imposed only once, it loses its power to deter after the first murder and thereafter becomes an incentive to commit additional murders as a means to avoid punishment. Suppose I commit one murder but have no desire or intention to kill anyone else, unless in self-defense. If my crime is punishable with death, then I have an incentive to kill repeatedly if by so doing I can avoid capture. If my conscience is flexible enough to allow me to kill once in spite of the death penalty, then it is flexible enough to allow me to kill again to avoid the death penalty. Deterrence, therefore, is a knife that cuts two ways.

(3) Suppose that, having committed murder, I repent of my foul deed and wish to make amends. If the fear of capital punishment is powerful enough to lessen the probability of violent crime, then it will also diminish the likelihood of voluntary surrender after the commission of a capital crime.

(4) Similarly, suppose I commit murder, but someone else is convicted of the crime. If I am tempted to clear the innocent party by confessing, I am far less likely to do so when confronted with the death penalty.

In the final analysis, deterrence is a theory of policy and social engineering, not a theory of punishment in the juridical sense. Laws against murder and other violent crimes may deter some

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Memoirs

Other Lives

by Richard Kostelanetz

Born in New York in 1940, I went to Brown University, where a recruiter from the CIA approached me about working for "the organization," as he called it. He reminded me that an earlier Brown man, E. Howard Hunt, who had graduated the year I was born, was able to pursue his literary career, albeit under a pseudonym, while working full-time at the CIA. (Indeed, my name first came to their attention through poetry published in an adult literary magazine that was read by a recruiting boss who also went to Brown. The CIA, remember, is staffed with Ivy Leaguers.) Although my writing differs considerably from Hunt's slick fiction, the CIA has supported me while I've published countless essays and reviews, experimental poems and audacious fictions, in literary magazines, both small and large, around the world. About my work at the CIA I am pledged to say nothing other than that I need not show up at the office until five p.m., the fact alone indicating to some that the CIA is not a private business but a publicly funded scam. The biographical note accompanying the publication of my writing customarily mentions "night-time word-processing, thankfully not teaching."

My maternal grandfather founded a food-importing business which, as I grew up, I always knew would have a place for me. Although I attended a prestigious university, even taking my degree with honors, I was unable to find any suitable employment elsewhere when I graduated from college and so started as a sales assistant, visiting the grocery stores selling our produce to ensure that it was "appropriately positioned on the shelves," as my uncle told me. My next jobs included selling to these stores and serving as my uncle's secretary. Once it became clear that I would not take over the firm, my cousins, who had by then assumed command, recognized that I would function best with minimal responsibilities. This suited me fine, as most of my days were now spent producing poems and fictions that appear in the most prominent literary magazines here and abroad. Before long my relatives recognized that I pleased them most when I accompanied them on their trips abroad, letting them introduce me to businessmen who are more appreciative of culture than comparable figures here, thus giving their business trips "a bit more class," as they said, than they would otherwise have. I've always felt, perhaps out of vanity, that my relatives would dismiss me if my connection to the family firm was not worth their while.

Once I began publishing in literary magazines that did not pay, I had to figure out another way of earning enough money to keep me independent. Since I was sexually competent and not unattractive, I made myself available to rich women predisposed to think most men "beneath" whatever it was they deserved. Befriending one, I found myself recommended to another, quickly learning that nothing makes you as attractive to a new woman, nothing gives you as much cachet, as favorable responses from other well-to-do women similarly situated. Before long, I settled on the woman most predisposed to be my wife, who loved me more than I loved her, thankfully, because once her last name became mine she supported my literary activities as she would any other prestigious art, albeit at a lower rate of annual pay than her contribution to the local symphony orchestra. Although she required my presence most evenings of the week, for one or another silly function, showing me off as she would a prize horse (which she also owned), my kind wife left me free every day, hiring full-time *au pair* girls to care for our children — in sum accounting for how I was able to write all those poems and stories, essays and reviews, that have appeared in literary magazines both large and small. All went well until she ran off with the first second violinist of the orchestra. Fortunately, her friends could see from her responses (and testimony) that I must have been a good husband. Before long, someone similar, embarrassingly similar, became my second wife, pleased to learn that I knew how to live domestically with someone in her position, with her obligations and ambitions.

You wouldn't know from looking at me, from knowing about my career as a downtown avant-garde artist, that I really run an uptown gambling operation — what is customarily called a "numbers pool." I inherited it from my maternal uncle, who recognized when I went to the best Jesuit high school that I was a helluva lot smarter than not only my brothers but his own sons as well. As my uncle got ill with cancer, he knew that our family of semi-competents needed this business as an employer of last resort. Three years after he showed me how to run it as he did, he died, designating me "the next boss" in his will, thereby eliminating any fights among his heirs. Besides, by the time he died, no one else knew how the business was really run. Since most of the guys who collect the bets from the local retailers are close relatives of mine, I can trust them until I see them at the end of the day. That accounts for why I have my mornings free to paint large canvases with geometric shapes that my relatives never see, and should never see, because such art is beyond their understanding. Under another name I exhibit my abstract paintings at a SoHo gallery that is beginning to sell them for fairly healthy prices. Much as I'd like to get out of the numbers trade — which is, after all, officially illegal — I know as well as my relatives that the business could not survive without me, until I find a son or nephew smarter than the others, who can do for me what I did for my uncle.

Given my talent for both words and music, the guys who were forming a rock group in high school asked me to write songs for them, which I did only on the condition that I could sing them. Since they wanted songs that no other group had, they took me on. Once they fired the guy who they thought would be their solo singer, I became the group's star, in spite of my lack of experience at performing and the fact that I could get away from my so-called serious composition studies only on weekends. As the group began to command large fees, I had no trouble paying the tuition at Juilliard, all the way to a doctorate, while the other students scrambled for grubby part-time jobs. Though I could have spent my life in popular music, I really wanted to be a composer in the tradition of Stravinsky and Copland. Just as I was finishing my graduate degree, the rock group disintegrated, the bassist running off with the second guitarist's longtime girlfriend, suggesting that they had been sleeping together for many years before. (She had also secretly slept with me.) Although other groups likewise in decline approached me about invigorating their acts, I decided I had enough money in the bank to support my career as an independent avant-garde composer, working apart from orchestras and universities and all the other pseudo-supports that my Juilliard composition classmates find necessary; and although I have not yet created the masterpiece that knocks everyone's socks off, I proceed with the security of knowing that the only obstacle between me and realizing the greatest art is myself.

You wouldn't believe what good fortune I had, being picked at the beginning of my literary career by an older writer, female and established, who somehow got it into her head that she would teach me "everything I know," as she put it. It was an offer I could not refuse, having no other connections in the "writing biz," as I called it, and only a community college education. In exchange for sexual favors (but no promises of fidelity), she kept her end of the bargain, sending my manuscripts initially to magazine editors who actually published them, and then to book publishers who, though they resisted at the beginning, published me as well. Though I have since married another, I secretly keep in touch with my patron, even taking her to the hospital when she gets seriously ill. She tells me that I am not only her literary executor but the principal beneficiary of her estate, which means that, since my own writing is nowhere near as successful as hers, she will have financed my experimental fiction from its beginnings to its very end. ❑

Reviews

***Unlimited Access: An FBI Agent Inside the Clinton White House*, by Gary Aldrich. Regnery, 1996, 230 pp., $24.95.**

Insider Without a Clue

Stephen Cox

Why books fail is often as interesting as why they succeed. Interesting — and perhaps mysterious.

Gary Aldrich's *Unlimited Access* seemed almost certain to succeed. Aldrich was an FBI agent assigned to do security checks on people working in the White House. He had a front-row seat for the Clinton administration's seemingly endless matinee of ineptitude and hypocrisy. He was well positioned to absorb all the gossip about the administration's more scandalous characteristics. You might suppose that the only thing he needed to do was put some of what he learned on paper. A few hours of spontaneous reminiscence would inevitably produce a richly entertaining book, and perhaps a book of real political importance.

Unfortunately, the inevitable did not occur. Somehow, incredibly, Aldrich mistook his subject. Instead of writing the story of the Clinton administration, he wrote the story of — guess who? — himself. What resulted is a catalogue of Gary Aldrich's frustrations, not an accounting of the Clintons' sins.

Every day, so Aldrich's undoubtedly true story goes, he shows up at his office with pencils sharpened, prepared to investigate Clinton's staff. But, strange to say, the staff does not wish to be investigated. People neglect to return Aldrich's phone calls. They miss appointments for interviews. Once caught in an interview, they spend time playing with paper clips and otherwise emphasizing boredom and disrespect. This goes on and on. Aldrich worries about it. He mulls it over, page after page, chapter after chapter. At some point, he just gets tired of it! But at some previous point, the reader has gotten tired of him.

Aldrich's professional assumption is that he, as an FBI agent, has keen intuitions into human nature. Yet he is constantly shocked that anyone could look forward to an FBI interview with anything other than earnest anticipation and a desire to help. He suspects that people who don't look resolutely forward in that way must have something to hide. Perhaps they do, but if so, Aldrich never finds it. At least he never finds anything interesting.

No, let me qualify that statement. Aldrich does retail some not-very-juicy gossip about Mrs. Clinton's rudeness. He pungently evokes the "perpetual smirk" on the faces of the Clintons' friends. He works up a "composite" picture of a typical Clintonite who objects to FBI questions because they are "so, so, so kafkaesque!" (117). He tells a story about a woman who was commissioned to report to Mrs. Clinton on the functions of the White House Visitor's Office and who discovered, to her surprise, that the Office sponsored an annual Easter Egg Roll. (That's how much *she* knew!) The woman responded:

> Well, I don't think Hillary or Bill will care very much about this. Maybe we can cancel it. I just don't think they will want to do this "egg" thing. (97)

Funny stuff, but not exactly damning. In fact, none of the book's more or less original revelations is as politically damaging as a brief summary of the Clintons' lives that Aldrich includes as an epilogue. This dryly humorous imitation of an FBI report is almost the only really effective writing in the book, but it is all based on printed sources. Aldrich gives us to understand that investigative files contain plenty of information that reflects badly on the administration, but these files are, of course, secret.

Fair enough. But if that's all you have, what will you fill your book with?

Aldrich is not puzzled by this question, partly because he sees no objection to filling his book with the daily life and opinions of Gary Aldrich, and partly because he has his own idea of what should be considered a damning revelation. He makes a big issue of the fact that some of the Clintons' staffers are homosexual. Then there's drug use. He's surprised that some of the people he interviewed "were actually 'in your face' about it, using the FBI interview to try to debate me on the merits of making drugs legal" (112). It's a good thing he didn't encounter William F. Buckley or any other conservative advocates of drug legalization. Aldrich might not have survived the shock.

Aldrich is constantly shocked that anyone could look forward to an FBI interview with anything other than earnest anticipation.

Almost as serious, from his perspective, is evidence that some habitués of the Executive Mansion are known to "yell and swear." When someone kindly

suggests to Aldrich that it's not the business of the FBI to go after bad language, incidentally mentioning the fact that many presidents have used "uh, locker room jargon," Aldrich replies:

> It *may* be true that President Bush swore, I don't know. I never heard him swear, and I never heard anyone claim that he did. In fact, President Bush was known for trying to *avoid* using coarse language, reverting [sic] to "gosh" and "darn" and "heck" and the like. So I can't confirm that President Bush ever used objectionable words, here, in the White House. (30–31)

I just hope that President Bush never has to read these objectionably smarmy words. They might prompt a comment that went beyond "heck."

But what really, really irritates Mr. Aldrich is the idea that anybody could show up for work in the White House, the *White House*, dressed in anything less than a suit and tie. If you are one of those strange creatures who *could* do that, Mr. Aldrich will grant you as little rhetorical mercy as he grants poor Rahm Emanuel:

> He was . . . one of the president's senior advisors but could never be accused of knocking himself out in the appearance department. Today, a normal work day in the White House, he was wearing casual slacks, a polo shirt, no jacket, no tie. President Clinton was in Denver meeting the Pope. (150)

All one can say is: Send me the Pope, and I'll dress up, too.

Aldrich is a true believer in the idea that the FBI is the fount of all manners and mores. He also figures that the FBI's disapproval should echo definitively in the highest reaches of government. He sighs for the days when the president's counsel, acting on the basis of such investigations as those of Aldrich, would simply

> tell the president that "Joe Blow" wouldn't be joining the White House staff. If the president asked why, he would be told that there was a problem in the FBI investigation. President Bush would never have asked, "Can we ignore it, or get around it?" That would have been ridiculous. (93)

Power and arrogance are near of kin. Early on, Aldrich is informed that Clinton's people "don't like telling strangers about their personal business. They think it's too intrusive." So Aldrich blows up:

> I couldn't care less how anybody *feels* about this process. It's just too bad if they don't like it. This is the only way we know to protect the president, the White House, and national security. We've been in the White House since Johnson, and this process has been accepted by presidents and staffs since Eisenhower. It's also the law. It's the FBI's job to see to it that these people are investigated, and I'm less concerned about hurting feelings. The White House has standards of suitability. If these folks have that much to hide, they shouldn't be here. (59)

If the job of investigating people is so important, it would be better exercised, one might think, by someone who showed a minimal understanding of people's emotions. One might also think that so fine a publishing house as Regnery would be reluctant to let such naive self-revelations pass into print.

For me, one of the most unpleasant passages of this book was the one in which Aldrich tells us that Mrs. Clinton ordered her Secret Service protectors to stay at least ten yards away from her, reminding them that, after all, they're supposed to obey her orders. Having reported this, Aldrich proceeds to compare the Clinton administration's way of "regard[ing] the Secret Service as the 'enemy'" to the "way that drug dealers are always on the lookout for 'narcs'" (139).

This passage is unpleasant because I greatly dislike Mrs. Clinton, and Aldrich's attitude actually makes me feel sympathy for her. After I read Aldrich's book, I found that my warmth of affection for the Clintons had gone up about 200 degrees. It now stands at absolute zero. ❑

"Oh no — this guy is the homeless one — the other guy has a mortgage, taxes, utilities, insurance. . ."

***Partners in Power: The Clintons and Their America*, by Roger Morris. Henry Holt, 1996, 526 pp., $27.50.**

Power, Lust, and Powerlust

R.W. Bradford

The real mystery about Bill Clinton is not how a man so vile became president, but how a man whose vileness is so manifest manages to remain president.

Consider: Gary Hart has an affair with a young woman, is found out, and leaves the 1988 presidential race in disgrace, his public career over. Bill Clinton has affairs with hundreds of women, ranging from staff members and lobbyists trying to advance their careers to the spouses of friends and colleagues, to fans of his political career, to pathetic women who lust after men who wield political power. His wife stands by him, he denies all, and despite the overwhelming pile of evidence that he is lying, no one cares.

George Bush's son is peripherally involved in a Colorado savings-and-loan that goes bankrupt, and Bush's reputation is besmirched. At the very same time that Clinton denounces Bush for the sins of his son, Clinton himself is looting $70 million from the public treasury on behalf of his buddies who control an Arkansas savings-and-loan, in order to get a few thousand dollars for himself. When the news comes out, no one but a handful of his political opponents care.

Bush goes back on his "no new taxes" promise and is kicked from office. Clinton promises a middle-class tax cut, then raises taxes on the middle class — and is about to be re-elected by a much larger margin than any Democrat has enjoyed since the Goldwater debacle of 1964.

Roger Morris understands the depth of the squalor of Clinton's leadership, the extent to which Clinton has stolen from the public, the amplitude of his sexual predation, his utter lack of morality — and he chronicles the whole sordid story in *Partners in Power.*

To paint such an intimate portrait, Morris had to rely on personal interviews with the Clintons' friends and colleagues (and ex-friends and ex-colleagues). For reasons both of sentiment and practicality, they often insisted on confidentiality. That's understandable, but nevertheless the large number of source notes that include the words "confidential interview" leaves room to wonder about the book's reliability. Nor does it inspire confidence to see Morris identify Victor Niederhoffer (whose analyses of Hillary Clinton's famous record as a commodities speculatrix appeared in *Liberty* and *National Review*) as "Victor Niederhof." Nevertheless, as a journalist who has covered Whitewater extensively, I found Morris' account of that aspect of the Clintons' career to be coherent and credible, aside from this minor glitch. Indeed, *Partners in Power* is the best comprehensive portrait of the Clintons that I have read, replete with illuminating detail and sensible explanation. If you're looking for a detailed account of the lives and careers of Bill and Hillary Clinton, *Partners in Power* is for you.

But if you want some understanding of Clinton's extraordinary success, look elsewhere. Morris' politics obstruct his vision. He is a doctrinaire left-liberal of the humorless Ralph Nader variety. What's wrong with the world, he believes, is that the wealthy run the government, using their vast resources to prevent the fundamental changes (i.e., political control by guys like Morris) that would turn the earth into paradise. So time and time again, he explains Clinton's success in terms of the ability of the plutocracy to fool the people. Indeed, whenever Morris stops chronicling Clinton's perfidy, he turns to whining about how rich corporations are bamboozling the American people into selling their birthright, how they hijacked the federal government so that they could destroy the environment and reduce Americans to wage-slavery. Happily, most of this sniveling is in self-contained chapters or subchapters, and thus is easy to skip.

As a conscientious reviewer, I read every dreary word of chapters 13, 15, and 17, in which Morris gives his account of the Reagan years. In Chapter 17, Morris tackles the question of why the press failed to inform the citizenry of the secret world of the oligarchy, known only to a "few hundred insiders . . . officials, politicians, government agents":

> Why was so much missed, at such cost, by so many seemingly talented, ambitious journalists? For one thing, the media themselves had, by the 1980s, became [sic] the chattel of concentrated power. Most reporters worked out of some cubicle of a monopoly and took their subsistence and pensions by its favor. Twenty-three corporations controlled most of the nation's twenty-five thousand sizable outlets. Twenty-nine media conglomerates were among the Fortune 500. Thus General Electric owned NBC; a billionaire, CBS; another conglomerate, ABC; and behind them was a web of shareholding and interlocking ownership in which shadowy giants like Wells Fargo International Trust, Fidelity Management and Research, Bankers Trust, and Capital Research and Management were among the controlling interests in all the network parent corporations. Like the pollsters and political consultants, they would be wed to the tyranny not only by shared values, but by millions from political advertising . . . journalism was now far less a profession or an art than a subsidiary of an immense profit-worshipping clerkdom, carrying its innate curse of ladder-climbing bureaucrats, company

conformity, implicit and explicit gags on integrity.

To sum up, back when the press was pursuing Morris' left-liberal agenda, it was "a profession or an art," but now that the media have begun to tolerate a less leftist agenda, they've abandoned their integrity under pressure from the wealthy owners of their presses and transmitters. He makes no attempt to explain why, for example, so much of the media in the 1930s supported the New Deal, despite the oligarchic ownership patterns of that time.

Of course, this sort of idiocy is hardly unique to leftists like Morris. Change a few words here and there in the foregoing passage, and it could come straight from a conservative screed about the press. Ideologues of all stripes are inclined to see venal explanations behind every snub from the media or every vote cast for an opponent. Such explanations provide comfort, I suppose. After all, it's more comforting to attribute your fellow citizens' "erroneous" beliefs to conspiracies or venality than it is to accept your own inability to communicate or the inherent difficulty of the task you have chosen.

So why is Bill Clinton about to be re-elected, despite the public's rejection of his plan to socialize medicine (the big promise of his 1992 campaign), despite his raising taxes after promising to cut them, despite his patently obvious theft of public funds, despite his apparent amorality?

It is this last factor, I think, which holds the key to his success. Bill Clinton is the perfect moral chameleon. At the same time that he was stealing the public blind, selling out the needs of his constituents, and having sex with every woman he can seduce or coerce into the back seat of his car, he was perfectly able to sing with the choir of his Baptist church on Little Rock television every week.

There is not even an iota of falseness in Clinton's behavior. Falseness requires the existence of truth. For Bill Clinton, there is no truth. So we detect none of the fatal signs of insincerity, none of the facial ticks, the looks of vague discomfort, the hints of embarrassment. He is absolutely sincere in all his beliefs — when he utters them, he believes in them as passionately as a used car salesman believes that a jalopy was owned by a sweet old lady who used it only to drive to the bank to cash her Social Security check and to the market to stock up on Ensure. Those with the will to believe find his performance utterly convincing — and ignore the mountain of evidence of his perfidy.

And what of those bereft of faith in Clinton's faded left-liberal agenda? Many are incensed by the sheer squalor of the Clintons, of course. But others have grown so cynical that they find the utter transparency of his prevarication refreshing, even charming. Not that they are fooled for even a minute by his performance — the evidence of its mendacity is so overwhelming. When Clinton maintained with a straight face that he had never committed adultery, despite all the testimony, tape recordings, and documentary evidence, it only increased their suspicion that other political leaders had better covered their pecker tracks. His absolute deviousness leaves him naked. His lust for easy money, easy sex, and power over his fellow human beings is so obvious that the danger of his taking advantage of you is nil. The difference between Bill Clinton and other politicians, for those cynics, is that his motives are transparent and understandable, while other politicians' motives are lurking in the mists of their surviving sense of morality and decency.

It's more comforting to attribute your fellow citizens' "erroneous" beliefs to conspiracies or venality than it is to accept your own inability to communicate.

It is a mistake to think of Bill Clinton as corrupt, for corruption is a process by which the morality or virtue of an individual is subverted, and there's no evidence that Clinton was ever a person of morality or virtue. From his childhood, Bill Clinton has been a person bereft of honesty, integrity, courage, benevolence, and honor. Scanning his life, the closest thing to an act of human decency not transparently motivated by a lust for power, food, or sex was his decision to spend time with his equally sociopathic stepfather, who was dying of cancer. Even here, we suspect that his motivation is a little sleazy

— a forlorn hope that one day he too will find someone who will be nice to him, in his last few days on earth, as the eternal damnation of a Baptist Hell creeps up on him.

At every other point in his pathetic life, from the first index card on which Bill wrote the name of a contact who could help his political career to the hundreds of women to whom he provided "constituent services," to the money he looted from the public treasury, to his miserable willingness to murder innocent civilians in Baghdad in order to add a few percentage points to his huge lead in the polls — at every other point it is impossible to find even a trace of ordinary human decency. Morally and intellectually, Clinton is *tabula rasa*, a complete blank, able to believe anything that is expedient. This is the key to his success. ❑

***Against The Grain,* edited by Hilton Kramer and Roger Kimball. Ivan R. Dee, 1995, 463 pp., $16.95.**

Highbrow People

Richard Kostelanetz

Few magazines in America are as pretentiously uppercrust as Hilton Kramer's *The New Criterion*. Taking its title from T.S. Eliot's magazine *Criterion* (1922–1939), *The New Criterion* (b. 1982) claims to take the highest road in publishing criticism and poetry (but not fiction). It declares itself opposed to fad, opposed to vulgarity, opposed to the "left-wing assault on culture and standards." Its latest anthology from itself — *Against the Grain*, coedited by Kramer and his sidekick, Roger Kimball — gives us an occasion, better than a single issue, to see what *The New Criterion* is really about.

The first thing to notice is that most of the essays in this book are not about political developments, nor about cultural history; few offer sociological or economic analysis, issues in arts criticism, or muckraking. No, most *New Criterion* essays are about individuals: T.E. Lawrence (of Arabia), the economist John Maynard Keynes, the painters Anselm Kiefer and William de Kooning, the political scientist Harold Laski, the writers Mary McCarthy, Jean Genet, Vladimir Nabokov, Robert Graves, *et al.* Indeed, most of the individuals featured in its pages were already famous before their names appeared there, for *The New Criterion* differs from most highbrow magazines in its neglect of unknowns, "left" or "right," traditional or avant-garde. Even the few essays that lack individual names in their titles are finally about individuals as well. Kimball's "When Reason Sleeps: The Academy *vs.* Science" is less a discussion of the issues announced in the title than a rogues' gallery of academics whom Kimball judges deviant (but apparently not famous enough to warrant individual demolition).

By emphasizing individuals, this book creates three pantheons — good guys, bad guys, and those in limbo. Among the bad guys are Genet, Lawrence of Arabia, Laski, the British culture critic Raymond Williams, the literary scholar Gerald Graff, the French philosophers Michel Foucault and Jean Baudrillard; among the good guys, the pianist Walter Gieseking and a familiar gallery of cultural conservatives; among those in limbo, the poets A.E. Housman and C.P. Cavafy. The collective sensibility represented here reflects not subtle highbrow criticism but comic books, making me think that one theme of the *The New Criterion* might be blurring the difference between high art and low, notwithstanding its claim to support such traditional distinctions.

One way that *The New Criterion* differs from similar journals is in its acknowledgment of music alongside literature and visual arts. The problem is that its principal music critic, the late Samuel Lipman, doubled as the magazine's publisher. I've read enough Lipman to think him the worst music critic ever in America — even worse than Paul Rosenfeld and B.H. Haggin, who were both among the few writing about music for an earlier generation of American cultural magazines (e.g., *The Nation, Hudson Review, The Dial, Vanity Fair*). It was not bad enough that Lipman's essays were generally wrong and often ignorant; his opinions, both large and small, were unpersuasive. Consider the following canon of "miracle" (i.e. classic) recordings:

> One thinks immediately of . . . the tenor John McCormack singing Mozart and Hugo Wolf, the soprano Kirsten Flagstad and the baritone Friedrich Schorr singing Wagner, the violinist Fritz Kreisler playing Mendelssohn, the teenage violinist Yehudi Menuhin playing Bruch, the scarcely older violinist Josef Hassid playing numerous encore pieces, the violinist Adolf Busch conducting Bach, the pianist Artur Rubinstein playing Chopin, the pianist Vladimir Horowitz playing Rachmaninoff, the pianist Alfred Cortot playing Liszt, the conductor Arturo Toscanini performing Beethoven, the conductor Pierre Monteux performing all manner of French and Russian music.

In my judgment, as the author of more books on music than Lipman ever published, no one performs miracles with "encore pieces," which are familiar precisely because they are performer-proof; Lazar Berman plays Liszt (especially the more difficult Liszt) better than Cortot; Dinu Lipatti is more "miraculous" than Rubinstein on

Chopin; Rachmaninoff playing himself transcends Horowitz; Nikolaus Harnoncourt's luminous performances of Monteverdi's longer masterpieces make Toscanini's Beethoven sound leaden. What to make of a list of performers that excludes the pianist Glenn Gould, the contralto Marian Anderson, or the violinist Paul Zukofsky (whose out-of-print recording of Paganini's *Caprices* will always be the standard in my head)? What to make of a purported list of classic recordings that includes nothing more contemporary than Rachmaninoff? Most of us would decide from this passage alone that this "critic" was so insufficient that his essays would never have appeared in a "highbrow" journal's pages, let alone its anthology from itself, did he not also have another job at the magazine. (My hunch is that now that Lipman is gone, coverage of music will disappear from *The New Criterion*'s pages. It will be hard to find anyone else so deficient.)

In this emphasis upon personalities, rather than developments or general issues, *The New Criterion* very much reflects the critical "intelligence" of its senior editor, the veteran "art critic" Hilton Kramer, who has spent four decades elevating and (mostly) denigrating individuals. Indeed, his "criticism" has been so person-centered that one senses his praise goes to people he knows personally, his damnation to individuals he doesn't know and often those associated with them. For instance, I can't remember him ever liking any artist showing at the Leo Castelli Gallery, which has for nearly 40 years been the principal showcase of many artists elsewhere acknowledged as major. One reason for his apparent reluctance to collect his essays into books may be that his opinions, when gathered together, would reveal a lack of esthetic sense.

Indeed, Kramer's example has been so pernicious that I blame him for younger art critics who similarly care more about people than principle, among them Lucy R. Lippard and Donald Kuspit, even though the latter two advocate different individuals and have ostensibly different politics. Such a failure has Kramer been as an art critic, not to mention a bad influence, that he could never have survived without power-laden positions — first as the editor of *Arts*, then as a *New York Times* staffer, now at *The New Criterion*. His professional survival, not to mention his prominence, blatantly illustrates the decline of values and standards in American cultural discourse, especially at sponsoring institutions. Like Karl Kraus' psychoanalyst, Kramer is the disease for which he purports to be the cure.

Why this concentration on celebrities? The first possibility is that *The New Criterion* is really mocking T.S. Eliot's example, ridiculing a man who deplored any emphasis on personality in both the creation of art and the criticism of it. A second possibility is that the editors have succumbed to the common mass-magazine assumption that "people" sell more copies than intellectual history or critical issues. Why a journal whose title opportunistically echoes T.S. Eliot, one that theoretically cares not a whit about gross circulation, should want to appear so vulgar raises another question — who is kidding or conning whom? My hunch, having contributed to critical magazines for some three decades now, is that *The New Criterion* is edited to please inastute benefactors whose literacy barely transcends that of *People*, in a classic example of "intellectuals" giving the money boys what they want. Editorially, this pandering is the uniformity to which *New Criterion*'s contributors are required to conform, much as writers for Stalinist magazines some decades ago were required to flatter other intrinsically unacceptable limitations. ❑

***None of the Above*, by Sy Leon, second edition, Fox & Wilkes, 1996, 188 +xiii pp., $12.95.**

NOTA Chance

Loren E. Lomasky

Five presidential elections have come and gone since Sy Leon's *None of the Above* first appeared in 1976. Although the publisher describes the current release as revised, there is virtually nothing in the text that would not have been equally timely 20 years ago — or will not be 20 years from now. The author has little concern with either contemporary political history or philosophy. Psychology is more his domain, and he treats the reader to a grab-bag of reflections about the motives of the stock characters who occupy various roles within the social drama. Taking repeated bows in these pages are the Politician, the Lawyer, the Bureaucrat, and, of course, the Poor Schlemiel Citizen who is the unlucky recipient of their ministrations. Leon's ubiquitous moral is that the state and its functionaries do nothing but sap the health of the body politic. These predators confiscate our property, trample on our liberties, and generate no benefits that are not better available through purely voluntary activity, all the while professing a public-spiritedness that utterly fails to conceal their venality and vainglory.

The book's tone is folksy; its genre, cracker-barrel wisdom. Other practitioners include Will Roger and Ross Perot. Rope-twirling or multicolored charts are useful accoutrements, but even more crucial to success are wit and shrewdness. Leon meets this standard tolerably well, better than most after-dinner speakers I have endured while trying to digest rubbery chicken, perhaps well enough to secure employment as a motivational speaker for companies aiming to crack the Fortune 500. Compensating for narrowness of message is a commendable inclination toward brevity. This is, I judge, a book worth giving to a teenage civics-class

refugee who enthusiastically anticipates "making a difference" by becoming a voter and perhaps someday running for office. To save someone from a life of politics is not a negligible benefaction, so this book is not without value. Do not look here, though, for discussions of feasible mechanisms for providing public goods without government coercion, upholding rights within anarchic society, or defending against external aggressors, or for the debate between no-state and minimal-state libertarians. (These and other issues are intelligently engaged in a fine new Rowman & Littlefield collection, *For and Against the State*, edited by Jack Sanders and Jan Narveson.)

While this book is better served by a quick read than an analysis in depth, one of Leon's proposals enjoys considerable support among libertarians and for that reason deserves scrutiny here. It is the reform indicated by the title: adding to ballots a "None of the Above" option. Most citizens, Leon maintains, are disaffected from politics. Over the previous half-century, nonvoters have gained a plurality in every presidential election and in off-year elections have amounted to an absolute majority. But because only votes and not non-votes are officially counted, ballot-boycotters' antipathy to rule by elected officials goes unregistered and is thus rendered ineffectual. If, however, those who reject all the listed candidates were able to throw their weight behind "None of the Above," this would wonderfully chasten the winners' propensity to claim a "mandate" as the "people's choice." It having been unambiguously demonstrated that most of the citizenry wants neither them nor any of their opponents, they would while in office devote less effort to implementing their own idea of what's good for the public and more effort to finding out what that public genuinely wants. The nonvoting majority would finally be enfranchised and thereby empowered.

There may be good reasons for adding a "None of the Above" line to ballots, but if so, they are not the ones given here. Leon assumes that nonvoters represent a homogeneous bloc of disenchantment with big government, but that is silly. There are a great many reasons why people decide not to vote. They may be more or less equally satisfied by both of the major-party candidates. They may judge (correctly) that the probability of their vote making a difference is too minuscule to take seriously. They may not know who's running and care less. Or they may understand that a half-hour spent voting is a half-hour not available for beer-drinking or hang-gliding, activities they value more. None of these nonvoters would be propelled to the polls by an opportunity to cast a "None of the Above" ballot.

Moreover, if there were a disgruntled majority, its crystallization would not require such electoral innovation. Individuals can, for example, rouse themselves from their armchairs to vote for a declared Libertarian Party candidate. But only a fraction of 1% of eligible voters have ever chosen to do so in any presidential election. In fact, Leon's nonvoting majority is a fantasy more preposterous by at least an order of magnitude than Nixon's "silent majority" or Falwell's "moral majority." Each

pastes on itself a quantitative label for which it is demonstrably unqualified. Rejection of the state may be virtuous, but, for better or for worse, it certainly isn't popular.

There is, then, no reason to suppose that enhancing the ballot as Leon suggests would transform more than a handful of nonvoters into voters. Nor would it often diminish the perceived legitimacy of those who win office. If, as I believe would usually happen, "None of the Above" attracted only a small total, the winning candidate could cite that as further confirmation that he enjoys great public confidence. And on those rare occasions when "None of the Above" *did* attract large numbers, I fear the hurrahs of libertarians would be thoroughly drowned out by the contrary voices of self-proclaimed tribunes of the people whose post-election punditry would proclaim the vote a mandate for *really big* government *å la* Ralph Nader/Jesse Jackson/Rosa Luxemburg. Dare one suggest that the appropriate clientele for the "None of the Above" reform turns out to be not the readers of *Liberty* but those of *The Nation*? ❑

***The Demon-Haunted World: Science as a Candle in the Dark*, by Carl Sagan. Random House, 1996, 457 pp., $29.95.**

The Truth Is Out There

Dominick T. Armentano

I'm at a loss to explain why *The Demon-Haunted World* was published. Yes, Carl Sagan can be brilliant at explaining the wonders of science — on television — but that's no reason to publish in hardcover whatever he wants to pontificate at any moment. And make no mistake about it, Sagan is a pontificator extraordinaire.

Sagan's overall purpose seems legitimate enough. He is concerned about the popular fascination with pseudoscience and the irrational and the growing number of people ready to accept claims about astrology, Bigfoot, dowsing, Nostradamus, Atlantis, Ouija Boards, UFOs, telepathy, and other "paranormal" phenomena. (Interestingly, Sagan never establishes that many people really believe such outlandish ideas, only that they are interested in them — a major difference.)

Sagan is convinced that "scientific illiteracy" is ultimately dangerous to a free and prosperous society. How can people make intelligent decisions about their own lives — let alone about issues that affect national policy, such as ozone depletion — if they are scientifically illiterate? Presumably, if they appreciated "science," they would agree with Sagan on ozone public policy. Sagan's solution: a greater public appreciation of the scientific method, free speech, and the Bill of Rights, and (without missing a beat) continued tax subsidies for public television, Head Start, and the federal Office of Technology Assessment.

Sagan has bitten off far more than any man can sensibly chew. He wants to rejuvenate the scientific method in the public mind, slay a thousand and one New Age dragons, defend the value of open discourse, attack *The Bell Curve*, renew his moralistic assault on fellow scientist Edward Teller, and ramble on about poverty, illiteracy, and public subsidy. Much of this latter material is written at the *Parade* magazine level (not surprising, since several of Sagan's old *Parade* columns are recycled here) and much of it is embarrassingly naive:

> We face an abundance of subtle and complex problems. We need therefore subtle and complex solutions. Since there is no deductive theory of social organization, our only recourse is scientific experiment — trying out sometimes on small scales (community, city, state level, say) a wide range of alternatives. (424)

But the real problem with this book is not its lack of focus or its grammar-school economics; it is the integrity of Sagan's arguments. Instead of carefully reviewing and then challenging the best evidence for the alleged phenomena under discussion, as an honest debunker would, Sagan is often content to shoot down such easy targets as silly stories in the *Daily Mirror* or *Weekly World News*. Far too often, significant controversies are simply dismissed by reference to some skeptical book (often written by a non-scientist). Sagan cites the book and we are all to rest assured that the mystery has been solved. This is the scientific method?

Sagan's very brief discussion of the "face on Mars" controversy does little justice to the laborious imaging work done by Vincent DiPietro and Greg Molenaar, two legitimate computer scientists. His "crop circles" discussion (buried curiously in one of the UFO chapters) shows no familiarity with the particulars of the phenomena. All we get are Sagan's knowing assurances that two self-professed hoaxers in England (and unknown copycats, presumably) *must* be responsible for the entire phenomenon.

Worst of all is Sagan's discussion of the UFO controversy. Although he once co-edited a reasonably serious inquiry on the subject (*UFOs: A Scientific Debate*, Cornell University Press, 1972), what we have here is a quick and dirty toss-off. He implies that there is nothing in this area that a true scientist can sink his teeth into: "Essentially all the UFO cases [are] anecdotes, something asserted" (69). And indeed, much UFO "evidence" is simply reports of UFOs, and reports are not themselves hard evidence. Yet when the scientific community leaves unexamined hundreds of low-level multiple sightings of structured objects with very unusual flight characteristics, something appears seri-

ously amiss.*

Sagan assures us repeatedly that a real scientist must be skeptical of extraordinary claims and that he should seek conventional explanations first. Correct. And most sightings of things in the sky do have prosaic explanations. But even the skeptical Condon Report includes UFO cases that cannot be easily explained — cases left unacknowledged by Sagan. Moreover, in many instances, conventional explanations have been stretched to the breaking point. (Compare the super-strained explanations of some classic UFO cases in Philip J. Klass, *UFOs Explained*, Vintage Books, 1974, to, say, the case analysis in J. Allen Hynek, *The UFO Experience: A Scientific Inquiry*, Regnery, 1972.) How is it that skepticism, for Sagan the trademark of the true scientist, never extends to the outlandish rationales "debunkers" offer to "explain" complex UFO sightings?

There are dozens of radar/visual sightings (recently in Belgium) without any apparent conventional explanation. There are many dozens of reports of automobiles that have failed to function normally in the vicinity of UFOs, although diesel-engine autos are rarely affected. (For a review of several so-called "electromagnetic" cases see Richard Hall, *Uninvited Guests: A Documented History of UFO Sightings, Alien Encounters & Coverups*, Aurora Press, 1988.) There are dozens of video clips (with multiple witnesses) of UFOs, evidence that cries out to be addressed. If Sagan's discussion were at all "scientific," he would have explored some of these issues in depth. But none are even mentioned.

Sagan's claim that all UFOs are "something asserted" is also disingenuous. There are strictly physical aspects of the phenomena, the most puzzling of which are physical trace effects left on the ground and on vegetation. One of the most impressive ground trace cases was investigated in 1981 by GEPAN, an investigatory arm of the French space agency CNES. It found signs of unexplained ground heating (to 600° C) at the alleged landing site and abnormally reduced chlorophyll pigment in vegetation. Investigator Ted Phillips has categorized many thousands of ground trace cases. Sagan has plenty of energy to ridicule alien abduction stories, but none to mention important ground trace cases — some dating back to 1954.

Notice that none of this has anything to do with disproving that UFOs are alien spaceships from the Pleiades. We do not have to be told again that science cannot prove a negative. The issue, instead, is facing up to the overwhelming circumstantial evidence that *something* strange is going on, and investigating it rigorously. Sagan claims that one of the hallmarks of the good scientist is "curiosity," yet most scientists remain profoundly uninterested in UFOs. As Richard Hall, a long-time UFOlogist, put it: "Exactly why 40 years of impressive human testimony and related instrumental and physical evi-

* For impressive witness descriptions of low-level, structured UFOs, see J. Allen Hynek, Philip J. Imbrogno, and Bob Pratt, *Night Siege: The Hudson Valley UFO Sightings*, Ballantine Books, 1987. The conventional explanation that the sightings were ultra-light planes flying in formation blatantly ignores the content of hundreds of independent witness reports.

dence has essentially escaped the attention of science constitutes a human mystery of major proportions." This book continues the mystery. ❑

Booknotes

Responsibility, Ltd. — We live in a world dominated by big corporations. The broadcast media are controlled by megacorps like GE and Disney, farming has been replaced by "agribusiness," and commercialism pervades almost every facet of American life. Libertarians often feel constrained from attacking business out of reverence for capitalism. But the very existence of corporations undermines the marketplace. A corporation is a fictional "person" chartered by the state so that disparate people can own a share of a business without any meaningful responsibility for it. A corporation can be held accountable up to the value of its assets, but, except for rare instances, not beyond that. The real-world effect is that stockholders do not need to consider the consequences of their company's actions the way a partner or sole proprietor does.

The status quo is ripe for criticism, and David Korten has risen to the task in ***When Corporations Rule the World*** (Berrett-Koehler Publishers/Kumarian Press, 1995, 374 + x pp., $29.95). But problems with Korten's approach are apparent from the beginning, when he tries to show the "depth" of his "conservative roots" by pointing to his advanced business degrees from Stanford, former faculty position at Harvard Business School, and past jobs at the Ford Foundation and the Agency for International Development. I am aware of the limitations of the left-right spectrum, but this definition of "conservative" would strip the word of whatever meaning it possesses. (A more convincing case for Korten's conservatism — in the better sense of the word — has come from the political left. Writing in *The Nation*, social democrat Gina Neff has accused Korten of being "provincial" and "conservative" because he thinks "big governments are worse than big businesses" and doesn't embrace "a strong central government.")

One of Korten's chief demons is a group he calls the "corporate libertarians." His chapter devoted to this sinister force briefly mentions just one libertarian organization (the Cato Institute) and fails to mention that libertarians were split over NAFTA and GATT, two issues his book focuses on. When he assumes "corporate libertarians" would defend the World Bank and the International Monetary Fund, it becomes evident that the term does not refer to libertarians as the word is usually employed, but simply to those who would extend corporate privileges.

Korten's goals — greater local autonomy, less environmental destruction — are worthwhile, and many of his recommendations (private local currencies, reforming patent laws, slashing corporate welfare) are solid. Eschewing both communism and corporate capitalism, Korten calls for "a market economy composed primarily, though not exclusively, of family enterprises, small-scale co-ops, worker-owned firms, and neighborhood and municipal corporations." Unfortunately, his decentralist agenda is often obscured by his other suggestions. Korten is inordinately fond of the United Nations, an organization innately opposed to the local sovereignty and real community he wishes to bolster. And his desire to see traditional religion, which he dismisses as "fundamentalist religious sects preaching fear and intolerance," replaced by some vague "ecumenical movement" based on the "unity of life and consciousness" also undermines his broader goals. He should ask himself who has shown greater resistance to the siren song of corporate commercialism: Orthodox Jews, traditional Catholics, and the Amish — or yuppie consumers shopping at the New Age spiritual supermarket? —Clark Stooksbury

South of the Border — To insular white Christians like Pat Buchanan, Mexico is a warning, a neo-feudal basket case, the Brown Peril. To bohemian misfits like William Burroughs, it's a 24-hour whorehouse, a licentious refuge, the ragged edge of paradise. These self-indulgent fantasies are fed by Americans' sensational miseducation, so strangely filtered and com-

pressed: Cortez and Montezuma are followed quickly by Santa Ana, then Zapata and Pancho Villa, then a long silence punctuated only by a few impudent threats to our national self-esteem, such as the Mexican Baseball League's WWII-era "raid" on the North, and by those periodic monetary panics in which U.S. taxpayers are prevailed upon to bail out Goldman, Sachs, *et al.* Andres Oppenheimer's ***Bordering on Chaos: Guerrillas, Stockbrokers, Politicians, and Mexico's Road to Prosperity*** (Little, Brown and Company, 1996, 367 pp., $25.95) is a welcome antidote: a lucid and engaging account of Mexico's fitful struggles with the end of history, providing just enough detail to let you grasp his intricate tale of that nation's free fall into depression and Marxist revolt. An old-style investigative reporter, Oppenheimer spent months in Mexico talking to, and digging up dirt on, the major players in the PRI (Mexico's ruling party) and the Zapatistas — university-trained insurgents from Mexico City whose romantic image in El Norte as noble Indian rebels stands as one of the great publicity fakes of the last two decades.

Not that Oppenheimer is any friend of the regime. He amply documents the PRI's insanely wasteful porkbarrel spending (building an $11 million opera house in the impoverished state of Chiapas), its bought rulers (a claque of wealthy businessmen pledged $750 million to the PRI in a single evening), its feckless mismanagement of the peso, and its comic-opera elections ("In La Trinitaria . . . the PRI scored 18,114 votes,

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the opposition, 0"). And if he excoriates feeble-minded gringo journalists for naively accepting Zapatista posturing, Oppenheimer is equally hard on Anglo coverage of the government's generally phony reforms. The widely hailed "privatization" of Mexico's primitive telephone network, for instance, merely transferred the state monopoly to PRI pet Carlos Slim, who raised rates 170% and did nothing to improve service.

If Oppenheimer is as good at predicting the future as he is at uncovering the recent past, Americans are being gravely misled by reports of spreading "rebellion" south of the border. Mexicans, he finds, take little interest in the Zapatistas' socialist agenda; mostly, they want to get ahead and see the U.S. as the best model for doing so. As in the U.S., many intellectuals have preserved the leftist dogmas they sucked up at college in the '60s; but much to the chagrin of the left-wing opposition party, the PRD, the emerging alternative is the relatively pro-market PAN. And Mexican colleges — e.g., the National Autonomous University of Mexico (UNAM) — that train their students to become "coffee-table ideologues," long on Marx and short on accounting, are fast losing out to a burgeoning network of private colleges whose graduates are hired by companies that advertise, "UNAM graduates, please abstain."

—Nathan Crow

Smith, *continued from page 54*

people from committing those crimes, but this is a by-product of punishment, not its purpose. If deterrence is severed from a theory of justice, there is no reason why we cannot punish innocent parties, or even torture them, if by so doing we might instill terror in potential criminals.

If punishment is a matter of social utility rather than justice, then we will be at the mercy of social calculators who determine and dictate social efficiency. As Bakunin warned, this "reign of scientific intelligence" will be "the most aristocratic, despotic, arrogant and scornful of all regimes. There will be a new class, a new hierarchy of real and pretended scholars, and the world will be divided into a minority that rules in the name of science and a vast ignorant majority."

Restraint

Some years ago during a summer conference, Randy Barnett and I sat down to see whether we could manufacture a defense of capital punishment. The best we could come up with was the notion of a "standing threat." This is based on John Locke's treatment of reparation and restraint, which "are the only reasons, why one Man may lawfully do harm to another, which is that we call punishment." Reparation corresponds to what libertarians call "restitution." For years Randy has brilliantly elaborated on the pure theory of restitution as the only acceptable model of libertarian punishment, and he recognizes that the death penalty cannot be incorporated within this model. Locke's notion of restraint, however, has interesting possibilities for those in search of a rationale for the death penalty — though this approach treats capital punishment as a form of defensive violence and so, strictly speaking, removes it from the realm of punishment.

Briefly, Locke's theory goes like this: I have a right to use violence in self-defense, even if this results in the death of the aggressor. The right of self-defense is operative even when there has not been an overt action or an express threat to kill me. I may kill an armed robber, for example, because I may reasonably assume that "he, who would take away my Liberty, would not when he had me in his Power, take away every thing else." I need not wait until violence has been literally inflicted upon me before I can defend myself. I may respond with violence to what I reasonably perceive to be a threat against my life.

The key to Locke's theory of defensive violence is what he calls the "state of war." This does not consist of particular acts of aggression per se, but in "a sedate [and] settled Design upon another man's life." A person, through his words and deeds, can declare an intention to kill other men, in which case I "have a Right to destroy that which threatens me with destruction."

Randy and I adapted Locke's argument as follows: suppose Murphy (our paradigmatic villain) places a full-page ad in my local paper, where he announces, in no uncertain terms, that he will initiate a killing spree the following day. He will shoot anyone he feels like without warning and will continue to do so until someone stops him. (Of course, examples like this are always vulnerable to the slings and arrows of the nitpicky. Even if the ad has Murphy's picture, how do I know that he actually placed it? Perhaps it is the work of someone else who wants to cause problems for poor Murphy. Okay, so I saw Murphy interviewed on television. But what if this was a computer generated hoax? — the demonic work, say, of some warped techno-nerds. Okay, so I actually talked to Murphy in person. But what if this was his twin brother or someone else in disguise? Okay . . . give me a break!)

Anyway, I am as certain as any mortal can be that Murphy made the threat and that he intends to carry it out. Then, sure enough, while walking down the street on that fateful day, I run smack into Murphy. He stops, looks at me menacingly, and then — well, then I pull out my trusty revolver and shoot Murphy dead.

Was my action a legitimate act of self-defense? Yes, I think it was. In Locke's terms, Murphy had declared a "state of war" against me and others, so all of us had the right to use defensive violence against him.

Now, suppose that Murphy does not explicitly advertise or announce his intent to kill, but has openly confessed to murdering 30 people in cold blood. A strong case might be made that, as a result of his previous actions, Murphy has displayed a "sedate and settled design" against the lives of innocent people everywhere. He has a strong disposition to murder; it is part of his character, as revealed by his past crimes. He is, in other words, a "standing threat" to society in general.

If it is legitimate to use defensive violence against Murphy in the first case, would it not be equally justified to use defensive violence against him in the second case? Can anyone who encounters Murphy shoot him dead and then plead self-defense? It seems to me that a reasonable argument might be made for this, but — to repeat — such an argument would have nothing to do with punishment as such, which deals with past actions; rather, it would be a form of self-defense.

The anarchist William Godwin discusses this issue in *An Enquiry Concerning Political Justice* (1793), where he rejects "restraint" as a rationale for punishment. To punish people, even criminals, from fear of some future action "is the very argument which has been employed to justify the most execrable tyrannies." According to Godwin, "There is not more reason, in many cases at least, to apprehend that the man who has once committed robbery, will commit it again." To deliberately harm someone for the sake of restraint is "abhorrent to reason, and arbitrary in its application."

Godwin may be right. To kill someone as a "standing threat" in the name of self-defense may amount to little more than a surreptitious effort to smuggle capital punishment in through the back door of libertarian theory, having denied it entrance through the front. Moreover, it is difficult to conceive how the "standing threat" justification could be implemented in a libertarian legal system, unless we suppose that a lone individual can take it upon himself to execute the "standing threat" and then plead self-defense in a court of law — which, peopled with a libertarian jury, will refuse to convict him. Objective standards and procedures seem problematic in this case, to say the least. (Perhaps I am lacking in imagination; if so, I have little doubt that more imaginative libertarians will come to my aid with ingenious solutions.)

In conclusion, I agree with Locke that reparation (restitution) and restraint (self-defense) are the only justified uses of violence in a free society. How we can apply restitutive principles to willful murder is, I concede, a troublesome issue, but this model certainly cannot justify capital punishment. And I remain doubtful whether the restraint model can do the job either.

Given our theory of justice, therefore, we cannot execute Murphy. Granted, Murphy is a revolting slimebucket, a sorry excuse for a human being, a degenerate sadist, a violent moron — yes, Murphy is all of this, and more. But he is still a moral agent and, as such, is possessed with inalienable rights. We should have no respect whatever for Murphy, but we must have respect for his rights. We should vigorously defend not the person but the principle, for this is the foundation of everything we libertarians hold dear. ❑

Notes on Contributors

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Jeffrey A. Singer, a Phoenix surgeon, played a major role in the fight to make MSAs tax-deductible on Arizona's state income tax.

George H. Smith is author of *Atheism, Ayn Rand, and Other Heresies* (Prometheus).

Clark Stooksbury is assistant publisher of *Liberty.*

Scott Sutton, a journalist, recently returned from New Zealand to the United States.

Timothy Virkkala is managing editor of *Liberty.*

Jesse Walker is an associate editor of *Liberty.*

Coming in *Liberty* . . .

"Japan's Corporate Gangsters" — *Michael J. Oakes* demolishes the façade of Japanese corporate democracy.

"The New Nationalism" — *Bill Kauffman* examines nationalism's double-edged sword.

"Mostly Harmless" — *Jan Narveson* reviews the latest — and perhaps best — introduction to libertarianism.

"The Man *vs.* the Stereo" — *Robert Griffin* confronts his personal, very noisy demons.

"Artists at the Trough" — *Jamie McEwan* notes the unintended consequences of art subsidies. *Todd Seavey* tries to tell his elected representatives how he feels about PBS. And *Jesse Walker* reviews an exposé of cultural crimes.

Terra Incognita

California

Economics in one lesson, as reported in *Insight*:

The Association of Community Organizations for Reform Now (ACORN) has campaigned for increases in the minimum wage in California, Missouri, Montana, and Colorado. Now it's filed a request that it be exempted from having to pay its own employees California's minimum wage, on the grounds that "the more ACORN must pay each individual outreach worker . . . the fewer outreach workers it will be able to hire."

Las Vegas

Update on alien abductions, reported in *Skeptic*:

Barry A. Briskman, age 59, was sentenced to 20 years in state prison for molesting two 13-year-old girls. Briskman had claimed to be an alien from the planet Cabell, here to recruit beautiful and intelligent girls for a female-dominated utopian society led by Queen Hibernia, currently residing at the Tropicana Hotel in Las Vegas.

Cambridge, Mass.

An Ivy League dilemma, reported in *The New Yorker*:

Sinedu Tadesse, a junior at Harvard, stabbed her roommate of two years, Trang Ho, 45 times while Trang lay sleeping in her bed. After the murder, a fierce debate erupted over whether Harvard should establish a scholarship in the name of both girls or only in Trang's.

Long Island

Propaganda tactics in the war against drugs, reported in *The New Yorker*:

Visiting Phoenix House, a drug rehabilitation center, Drug Czar Gen. Barry McCaffrey complimented a group of recovering addicts, but added that he wasn't surprised by their poise: "The kind of people who get into drugs are sort of with it and daring."

Florida

Larry Fuchs, Florida's head tax collector, explains his job to the *Tampa Tribune-Times*:

"We're not in the business of collecting taxes. We're in the business of establishing and modifying behavior."

Denver, Col.

The environmentalism of Albert Gore, as reported in the *Washington Post*:

When Al Gore delivered a speech about river conservation beside the South Platte River, local officials released an additional 96 million gallons to increase the river's flow. "When you have the river being showcased, you want it to look good," explained one official.

Stuart, Fla.

Separation of church and state, as described in *Quill*:

The Palm Beach County Anti-Defamation League wants to remove from a city park a six-foot-tall mahogany pole inscribed with "May peace on Earth prevail" in English, Gaelic, Arabic, American Sign Language, and Braille, contending that it is a religious display. Seventy-nine residents have signed a petition saying that it is an offensive, pagan symbol.

San Francisco

Serving and protecting, as recounted in the *San Francisco Examiner*:

In an attempt to apprehend a driver who had run a red light, police officer William Henry Wohler, Jr. engaged in a high-speed car chase that ended in a crash at a busy intersection, totaling his car and injuring six people. Wohler testified he could not recall any department policy or regulation against risky pursuits for minor violations.

Rockford, Illinois

Alarming development, discovered by Thomas Fleming and reported in *Chronicles: A Magazine of American Culture*:

"Militant homosexuals, particularly those who have received the anti-grace of AIDS, have become the heroes and martyrs of our culture, celebrated even by heterosexual intellectuals."

Massapequa, N.Y.

The crucial impact of the philosophy of Ayn Rand, as described in a letter from Richard J. Savadel to *The Libertarian Party News*:

"Ayn Rand taught us to remember that words have an exact meaning."

The World of Ideas

Contribution to political philosophy, offered by Eric Dennis and published by the *Objectivism Home Page* on the World Wide Web:

"To determine the right form of political organization is a conceptual task. Anarchism defaults on this task, denying the existence of a proper method for it. Epistemology is the branch of philosophy dealing with the nature of man's conceptual consciousness. It identifies the general method of which political philosophy is a particular application. Thus anarchism is the negation of the mere attempt to apply epistemology to the problem of political organization."

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

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