# Liberty

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## Airbags Kill More Kids than Schoolyard Shootings

*by Patrick Bedard*

## The Search for Ayn Rand's Russian Roots

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## Hanoi Jane, the Gipper and Me

*by Sarah J. McCarthy*

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# Inside Liberty

October 1999
Volume 13, Number

# Letters

## Market Heroes

I agree with Leland Yeager's attack on natural rights dogma (May), but where did his out-of-the-blue fulminations against Walter Block's *Defending the Undefendable* come from? Block's book is about the application of libertarian ideas (whether based on consequentialism or natural rights) and not about foundations. Pimps, prostitutes and scabs are defended because they supply willing clients with a mutually agreed upon service. The "heroism" of these rogues doesn't come from the service they provide but from standing up to bad laws (i.e. the male chauvinist pig defies equal pay laws, p. 31).

Doesn't the consequentialism that Professor Yeager argues for also lead to legalizing *all* voluntary capitalist acts between consenting adults?

Paul Geddes
Coquitlam, Canada

## Preacher to the Choir

I enjoyed Brian Bartels's Reflection (August) on Jacob "Bumper" Hornberger's withdrawal from the presidential race.

I too have had the pleasure of meeting Bumper. At an International Society for Individual Liberty conference in Slovakia a few years ago he delivered a rah-rah speech on the first day of the conference. My patience had worn a little thin at hearing speeches delivered to already-convinced libertarians.

After the speech, I told Bumper, "That's a mighty fine speech. Now I don't know what you call it, but us dumb Okies call it 'preaching to the choir.'" He replied that he "loved" doing it.

He left the conference after two days, grumbling about why they held it in "that hole." "That hole" was the dormitory and dining room of a technical school. I have had many perfectly comfortable vacations in places similar to this. And I've lived in worse places. I wonder if it would shock Bumper to learn that some of us live in places like this.

Sometimes I think Bumper's slogan "We don't compromise" means nothing more than "Nobody's opinion is important but my own."

Stephen Browne
Al-Hasa, Saudi Arabia

## Junk-Peddling Genius

"An Open Letter to Bill Gates," by Peter McWilliams (September) was a superb accolade not only to the entrepreneurial genius of Bill Gates, but also to the positive relationship of libertarianism to free markets and free minds. Mr. McWilliams is equally the genius with words as Mr. Gates is with his marketing skills.

However, in all of the well-deserved praises of Mr. Gates, Mr. McWilliams omitted Mr. Gates's greatest marketing achievement of all — the selling of millions of copies of the atrocities called MS-DOS and Windows to a majority of computer users. Selling a highly refined, quality product takes skill, but selling clunky, backward, obstreperous software and convincing the consumer that they are enjoying state-of-the-art takes a truly rare genius like Bill Gates.

August Salemi
Atascadero, Calif.

## Mr. Webster, Please

Timothy Virkkala's review "Isms and Schisms" (Booknotes, September) on my *Dictionary of Free-Market Economics* has several unwarranted statements which I would like to correct.

I consider the Georgist movement and the economic thought based on the works of Henry George to be a free-market school, and included it in the Dictionary. The reviewer asserts the followers "haven't proven themselves as a movement inside or outside the Academy." This claim fails to confront the large literature on Georgist philosophy and thought, including an anthol-


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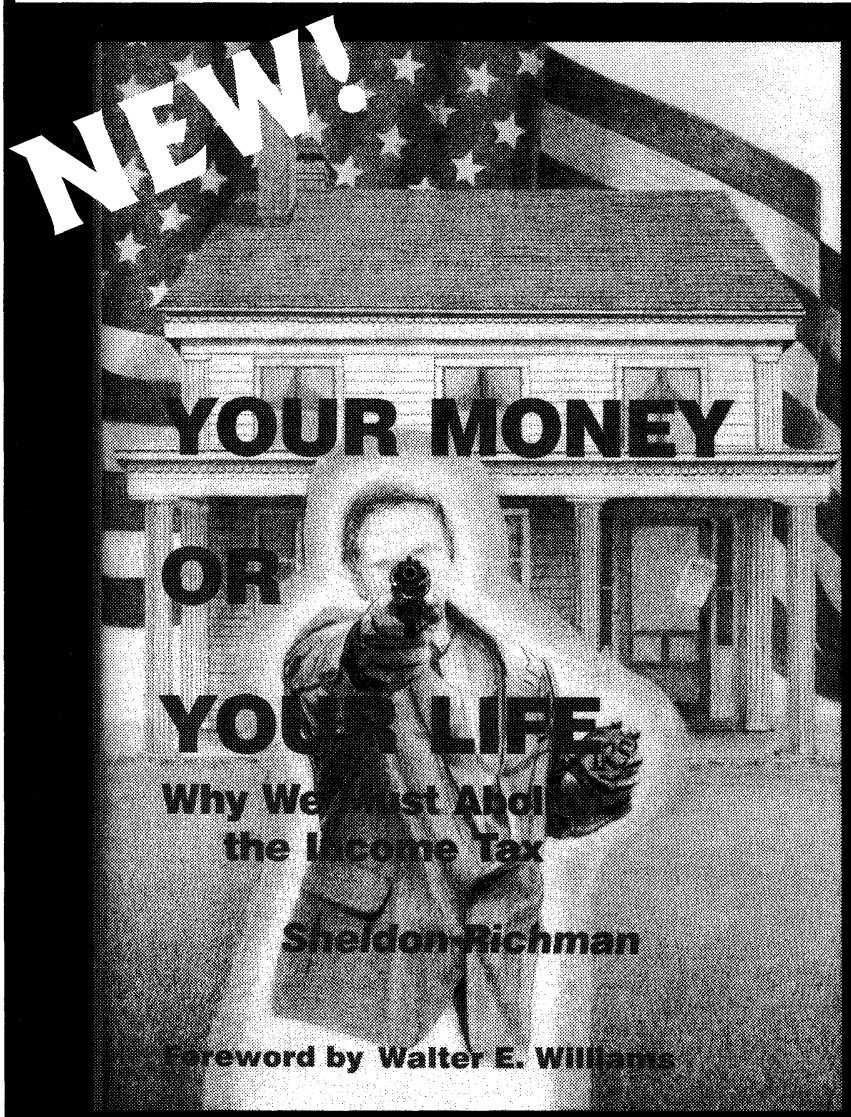


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ogy of works related to Henry George by Edward Elgar Publishing (*Pioneers in Economics 34*, edited by Mark Blaug). Warren J. Samuels, a prominent economist, states that Georgism may be "the most venerable school — indeed movement — of heterodox economics" (Foreword, *Beyond Neoclassical Economics*).

There is also a Georgist movement within libertarianism, and yes, the adherents call themselves "geo-libertarians," a word which I included in the Dictionary. I consider it a strength of the work to include Georgist terms not found in other dictionaries; likewise libertarian terms such as "minarchy" and many Austrian-economics terms such as the "evenly rotating economy" and the "Hayekian triangle" not found in mainstream dictionaries are included. Where else will you find "Galt's Gulch," Spencer Heath's "socionomy," and NSPIC, the neuro-semantic political illusion complex?

The reviewer objects as "too partisan" less than three pages related to Georgism under "g," one percent of the book of over 300 pages, and dismisses the other 99 percent of the book without any explanation. As for being partisan, there are more pages than that related to Austrian economics, and the Chicago school is well represented, including Milton Friedman, Robert Barro, Gary Becker, Frank Knight, Ronald Coase, George Stigler, and others. Classical liberals such as Henry Hazlitt and John Hospers are also there, as well as the public-choice school. My attempt was to be inclusive.

The reviewer says he would not advise someone to learn from my definitions of terms such as "marginal utility." I provide the neoclassical and the Austrian meaning of that term. The reviewer does not tell us whether he objects to one or the other, or the fact that both are there in my attempt to be inclusive. In writing my definitions I consulted several major economics dictionaries as well as dictionaries of law, politics, and philosophy. The book won the March 1999 "Book of the Month Award" of www.freemarket.net, so some do not share the reviewer's opinion.

There is a long history of ill-founded George-bashing by economists, socialists and libertarians, rebutted in the book *Critics of Henry George*. I am thrilled that, with this first attack ever on me as a geo-libertarian and yes, geo-Austrian, I join the august scholars subjected to such vilification. The scurrilous final paragraph of the review is a classic in demonstrating the intellectual character of this attack.

Fred Foldvary
Berkeley, Calif.

## Pig Parties, and PC

Sarah J. McCarthy expresses some very sensible views ("Under the School Boardwalk," September) of what is commonly called harassment in our PC society.

Her conclusions at the end of the article, though, reflect the PC view of the world with which we have been brainwashed. She describes frat party insults as "serious cases of harassment." I am positive that the coeds invited to a "pig party" had very hurt feelings. But, should there be government involvement in hurt feelings? Shouldn't all of the students aware of this activity control the situation with peer pressure?

Have you ever walked across a dance floor and asked a pretty woman to dance, only to be told in front of all your and her friends, "not in this lifetime"? The walk back to your table, the ridicule from your "friends," the shame. But a harassment lawsuit?

The only reason we are having to deal with a fifth-grade sexual harasser is because it is a public school. In a private school the offending child would have been disciplined or expelled. But in our government school, the offender has the "right" to attend the school instead of what should be considered the privilege of attending school. Take government out of the mix and we can return to a more normal, human world.

Richard Dancy
Shreveport, La.

## Cowards Among Us

Forrest Smith's "Paramilitaries Among Us" (September) just reconfirmed what I have known for years: The two-fold purpose of the police is to 1.) follow up on clues after a crime has been committed and 2.) Harrass honest citizens.

"To serve and protect" obviously means nothing to the Littleton SWAT team, unless it means "to serve our own interests and protect our own asses." Four hours of doing nothing is a disgrace. If they were afraid to go in, why are they on the SWAT team? Lives could have been saved, but for the posturing reluctance of those want-to-be Rambos. Society should shun them as the pariahs they are.

David A. Nichols
Tucson, Ariz.

## Is There a Doctor in the House?

Dyanne Petersen is about to have a stroke (Reflections, August). The Modern Library Top 100 non-fiction list is out and the proles are casting their votes now. Although *The Virtue of Selfishness* is high on the list, *Dianetics* is number one.

Vic Waggoner
Imperial, Calif.

## Zip Zap

In *Liberty*'s various articles and comments on the gun control movements there is one important point that I did not see addressed. It puts a serious crimp in the arguments claiming that gun controls would be effective.

Guns have been with us for something on the order of 800 years. While the first guns were unreliable and inaccurate, it was at about the time of their introduction that the concept of a knight in shining armor bit the dust, along with the knights themselves.

Compare the tools and materials available to gun builders around the year 1200 to what is available in the typical home workshop today. It is no more difficult to make a gun than it is to grow marijuana, or brew alcohol (see the history of the 18th amendment to the Constitution.)

I can remember when some friends and I assembled our first gun. Materials were a short piece of pipe, marbles, firecrackers and some matches. We stuck the pipe in the beach sand, dropped in a lit firecracker, and followed it by a marble. We wasted several marbles marveling at how far out in the water they landed.

Admittedly our gun was not a very practical weapon. However, it worked and you would not have wanted to be standing in front of it when it fired. Keep in mind that it was assembled in just a few seconds about 50 years ago by some pubescent kids using readily available materials and with no tools at hand.

Peter F. Wells
Rindge, N.H.

# Reflections

***Prince John*** — He was a president's son. An *assassinated* president's son. His image was burned into the public mind at the funeral, when he was three years old. He was a good boy and stood by his mother. He should be remembered for that. But what else? To call this handsome glitteratus a "crown prince" is an insult to the Republic; we have no princes here. And inaccurate: he was not a national leader of any kind, and apparently had no ambition to become one. George W. Bush might be called a "crown prince" (my teeth grit) but JFK Jr. was of no more significance than Amy Carter or Tricia Nixon. He was the editor of a magazine — and a silly one, at that. He was a celebrity because the press covered him; and they covered him, in the end, because he was a celebrity. —BR

***A day of rest*** — Tax Freedom Day, the day citizens stop working for government and start working for themselves, was May 11, the latest it's ever been in the United States, reports the Tax Foundation in Washington, D.C.

In the Reagan and Bush years, Tax Freedom Day hovered between April 27 and May 4, and it fell on April 30 as recently as 1993. But it has been up every year since then, which the foundation blames on progressive tax rates and the economic boom. Since 1993, Americans have lived under a progressive president who doesn't believe in cutting rates.

Indeed, Clinton gave the U.S. tax code the 36 percent and 39.6 percent rates, on top of the 31 percent rate Bush had agreed to. The higher rates were supposed to be for reducing the deficit. Now that the deficit is reduced, those rates cannot be cut, because that would be giving public money to the rich. The Fraser Institute in Vancouver, B.C., reported that Tax Freedom Day in Canada, where medical premiums are collected by the government, was July 1. In Canada, July 1 is a national holiday. Well, they probably need a day of rest after working half the year for the state. —DB

***Smoke signals*** — A lawsuit filed in Navajo court alleges tobacco corporations deceived Navajo Nation consumers, illegally targeted minors, and burdened the Navajo health-care system.

Just who originally introduced tobacco to western culture?

I suggest smokers sue non-smokers and Indian nations for the Social Security they're never going to see. Most smokers will be dead in the grave while non-smokers spend their Social Security checks a quarter at a time in slot machines at Indian casinos. —TS

***When eggs kill*** — Ye who fear sunny-side-up; ye who run terrorized by soft-boiled . . . your savior hath arrived! The Clinton administration proposed that warning labels be put on eggs to alert morning-time cooks of salmonella, the bacteria that culled 100 of our fellow Americans in 1997, or about .00004 percent of the population. The United States Department of Agriculture reports that fewer than one percent of eggs are contaminated with salmonella, and even fewer contain enough of the bacteria to make a person sick. Now, thanks to Donna Shalala and her crew at the Department of Health, those egg warnings will make us a whole lot safer than before. —JE

***Bringing Kosovo up to snuff*** — The occupation of Kosovo is going according to plan. Defeated on the ground by the Yugoslav army, the KLA has nonetheless been given the run of Kosovo because gutsy Bill Clinton possessed all the quiet manliness and steely presence of mind needed to bomb Yugoslavian babies for 78 days.

The KLA, quite understandably given its point of view, is killing or driving out the Serbs, the Roma, the Turks, the Muslim Slavs, and all those Albanians (possibly the majority) who dislike the KLA. These people are fleeing Kosovo and taking refuge in unoccupied Serbia. But thousands of replacements can be bussed in by the KLA from destitute Albania, to suck for evermore at the udders of the U.S. taxpayer, or so they will fondly hope.

Somewhat bemusedly, the Western media has described the KLA mayhem as "revenge" and "reverse ethnic cleansing." "Ethnic cleansing" is a phrase imported into the Balkans by Western journalists, who applied it to the methods of Kosovo Albanians long before they applied it to the methods of Kosovo Serbs.

The current KLA reign of terror is not "reverse" anything and is not "revenge" for anything. It's simply what the KLA has being doing all along, provoking the Yugoslav crackdown in 1998 (in the midst of which, it has been plausibly speculated, some Serbian irregulars did commit a few acts of "revenge" against Albanian civilians). The difference is that now there is no one to stop the KLA. They can do what they like — until such time as Washington tires of them and decides to bomb them, and that may be three or four years away.

The consolidation of this new province of the U.S. empire proceeds. The *New York Times* revealed (August 16th) that the OSCE (Organization for Security and Co-operation in Europe, nominally under the control of the UN, but in fact permeated by NATO intelligence agencies) has drawn up plans for the administration of the media in Kosovo.

"A senior Western official involved with the plan" is reported to have said: "The idea is to bring people up to Western standards, so you need to present Western standards to observe." Although it is denied that there will be "censorship," the system is to be modelled on that imposed in Bosnia, which amounts to a system of censorship.

Under Yugoslavian rule, Albanian, Turkish, and other Muslim media flourished in Kosovo. Some Yugoslavs claim (I have not been able to confirm it) that there were more ethnic Albanian newspapers, TV stations, and radio stations in

Kosovo than there were in Albania. But unlike the benighted Slobo, the new U.S. puppet regime doesn't feel that it can simply allow people to say what they want.

The extirpation of democracy in Kosovo is described as the introduction of democracy. The establishment of the rule of a small gang of racist thugs, and the ruthless imposition of ethnic purity, where ethnic diversity and peaceful co-existence formerly predominated, is described as a victory for racial tolerance. The legitimation of daily murder and terror in the streets is described as liberation. And now, regulation of the media by unelected bureaucrats is described as an introduction to press freedom.

These are the Western standards of journalism. Observe them. —DRS

***Jabba at the bar*** — Cynics have long contended that the American Bar Association exists purely to restrict entry into the legal profession so that its members can enjoy monopoly profits. Pollyannas counter that the ABA provides a legitimate service of maintaining standards of professional ethics and competence.

This argument was dealt a death blow by Webb Hubbell's address to a ABA meeting in Atlanta in August. Hubbell, you'll recall, has been convicted of two separate felonies, both of which involve gross violation of legal ethics. He's already served 16 months in the Big House for bamboozling his law partners out of nearly half-a-million dollars, and two months ago he pled guilty to concealing legal work done for a crooked land development scheme.

What other profession would welcome into its bosom a former member who had committed such despicable violations of even the most rudimentary professional ethics? Would the American Medical Association invite a surgeon who had performed unnecessary open-heart surgery on a wealthy and credulous patient to address its annual meeting? Would an association of art appraisers welcome an appraiser who had authenticated a phony old master to swindle a collector?

Perhaps the august members of the ABA figure Hubbell's felonies weren't too serious. After all, he only stole from his law partners. It's not like he was taking advantage of innocent victims. —RWB

***One from column A*** — Watching the *60 Minutes* program on Dr. Wen Ho Lee, the Taiwanese-American nuclear scientist alleged to be a spy for mainland China, I was reminded of a history of cunningly selective prosecutions in this country: Sacco & Vanzetti, Ethel & Julius Rosenberg, Timothy McVeigh, among others. Each prosecution seem designed to scare a potentially radical minority in America, respectively Italian immigrants, Jewish Communists, and independent militias.

Each prosecution depended upon marshalling media opinion based upon stereotypes prevalent at each time — that some swarthy Italians wanted to sabotage WASP America, that some dark-haired Jews wanted Stalin's Russia to take over America, and that rednecks were predisposed to mischief.

My own sense is that Sacco, not Vanzetti, was guilty of murder in a botched bank robbery, that the Rosenbergs were wanna-be spies who lacked serious secrets (unlike Klaus Fuchs before them), and that McVeigh was a pawn in a sting operation that failed when a truck carrying explosives inadvertently exploded. (Regarding the latter, see Hoffman's elaborate, 500-page expose, *The Oklahoma City Bombing and The Politics of Terror*; Ambrose Evans Pritchard's *The Secret Life of Bill Clinton*, tells of likely government complicity in the bombing.)

Now consider that Dr. Lee, who came to America in 1964, aged 26, to do advanced study at Texas A&M before working for decades at Los Alamos, is specifically accused of downloading classified files onto his office computer. This is technically illegal but apparently done frequently by scientists in his position. (One commentator in the *60 Minutes* program said he won't be prosecuted for this, because too many others would be vulnerable, beginning with the former CIA director John Deutsch, who reportedly downloaded classified files onto his laptop and then took them home!)

Dr. Lee was also accused of failing to report a suspicious contact during a government-authorized trip to mainland China in the mid-1980s. Here as well he is not alone. The current publisher of the *Bulletin of Atomic Scientists*, Stephen Schwartz, said on camera that Lee had previously cooperated with government intelligence agencies; his wife was even more active as an informant for American intelligence agencies. From this flimsy evidence, coupled with the myth that Chinese-Americans are ultimately loyal to China, some have concluded that Dr. Lee must have passed nuclear secrets on to aliens whose facial structure resembles his.

Since "evidence" is so thin, why is he being prosecuted? He cited the fact that he is the only "oriental" (to recall the old-fashioned epithet for Asian) in the Los Alamos lab. If that be true, regardless of whether he is eventually prosecuted, it is reasonable to suspect he is the victim of a selective prosecution, accompanied by publicity, designed to scare the hell out of all Asian-Americans, as indeed it probably shall, just as previous selective prosecutions made superpatriots of many Italian-Americans and many American Jews. —RK

***Airbags, Freedom, and Princess Di*** — There were four people in Princess Diana's car that fatal night two years ago, and the only one to survive was the only one wearing a seatbelt. That is the first lesson. Driver Henri Paul was legally drunk; the second lesson is that it's unwise to ride in a car with a drunk driver. But there may be a third lesson.

Both the driver and passenger-side airbags deployed. If the car hit the pillar first, the bags did nothing to save Paul, but they did help to save the front-seat passenger, who was wearing a seatbelt.

But what if the car had a minor collision with a Fiat, as authorities believe, and only then hit the pillar? If the bag inflated during the initial, minor crash, it would have blinded and stunned Paul, as well as making

## Who's Who

| | |
|---|---|
| BR | Bruce Ramsey |
| DB | David Boaz |
| DCS | David C. Stolinsky |
| DRS | David Ramsay Steele |
| JDS | John D. Swanson |
| JE | Jonathan Ellis |
| LEL | Loren E. Lomasky |
| MMS | Martin M. Solomon |
| RWB | R.W. Bradford |
| RK | Richard Kostelanetz |
| RWB | R. W. Bradford |
| SLR | Sheldon L. Richman |
| SS | Sandy Shaw |
| TS | Tim Slagle |

the steering wheel unusable. In this scenario, Paul would have swerved into the pillar not because he was too drunk, but because: (1) the bag hit him in the face, stunning him and perhaps knocking off his glasses; (2) the loud bang disoriented him, much as police "flash-bang" grenades stun criminals; and (3) the deflated bag covering the wheel made steering impossible.

The only deaths officially blamed on airbags are those that occur in low-speed crashes that clearly would not be fatal without bags. In higher-speed crashes, so-called safety advocates assume that airbags help "save" crash survivors, and failed to "save" them if they died.

Many crashes are multi-stage, where the car first hits one thing (e.g. sideswiping a guard rail or another car) and then hits something else, with the last impact often being the worst. Since airbags often explode even in parking lot fender benders, it seems safe to assume that they explode in virtually all highway crashes. In how many of these do airbags disable the driver, thereby causing far more injuries or fatalities than would otherwise occur?

By manipulating statistics, "safety" advocates make airbags seem more effective and less dangerous than they really are. It's no surprise that many police departments routinely disable their cars' airbags. How else could they retain control of their cars when their cars bump, or are bumped by other vehicles?

We recognize the concept of informed consent in medicine, where possible dangers must be explained before treatment begins. Why are the risks of airbags, particularly to children and small women, not detailed in a brochure handed out with every new car? Why are "off" switches not provided routinely for both driver and passenger airbags?

More broadly, if we cannot trust citizens to decide questions affecting their own and their families' lives, how can we trust them to vote for candidates and on issues affecting other people's lives? —DCS

***Help wanted*** — Attention journalism students: The Associated Press is now accepting applications for its summer 2000 internship program. Up to 17 interns will be picked to work as print, broadcast, multimedia, photo and graphics journalists. Interns "will work in an AP bureau under supervision of a designated trainer and be paid a weekly wage based on classifiable experience." Those who come out of the program looking and smelling like the true, hard-core journalists that the AP fills its ranks with, can expect full-time probationary news positions. Candidates must be full-time college seniors or graduate students at the time of application.

Sounds like a great opportunity to burrow deep into the skin of this country's media beast, doesn't it? Oh, yeah. There's one other thing. Successful candidates must be black, Hispanic, Asian or Native American. —JE

***Crazy-quilt Constitution*** — What is left of the Constitution's support for individual liberty? What remnant can be used in the courts to push for greater freedom at the expense of the federal government? Gene Healy, in his fine article "Liberty, States' Rights, and the Most Dangerous Amendment" (*Liberty*, August) discussed chiefly the Fourteenth Amendment (which stood the Constitution on its head by dramatically expanding, without apparent limits, federal power at the expense of the states). But other amendments and emendations also present problems.

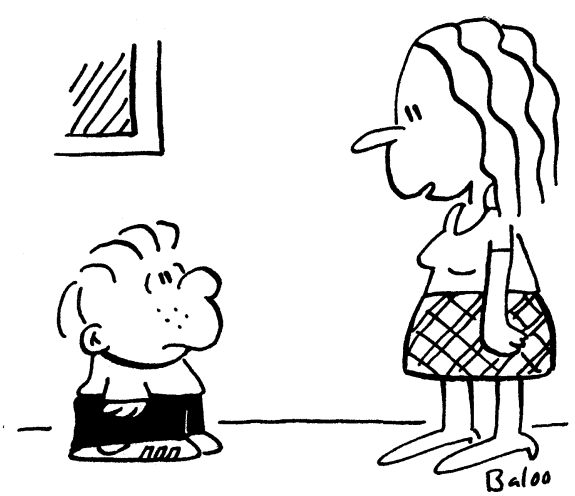
Consider also the current feeble condition of the Ninth and Tenth Amendments, which were supposed to underscore the fact that if the Constitution didn't grant a power to the federal government, the feds didn't have that power. The Fourteenth Amendment overthrew that meaning by empowering the federal government to do whatever it decided needed to be done to ensure that the states treated the citizens of the United States the way the federal government thought they should be treated.

And, towering over the rest with sheer chutzpah, the Commerce Clause was expanded by the New Deal Courts to allow the feds to regulate any intrastate commerce that might "affect" interstate commerce. Since anything might have an effect, nearly everything has come under federal control. In the oral arguments of *U.S. v. Lopez* (1995), in fact, Justice Breyer admitted that while the Commerce Clause didn't allow the federal government to regulate everything, he could not think of a single example of something that the feds couldn't regulate.

To judge from recent decisions (for example, *U.S. v. Lopez*, *Prinz v. U.S.*), a bare majority of the current Supreme Court is trying desperately to "correct" the destruction of federalism by giving the Ninth, Tenth, and (most recently) Eleventh Amendments new meaning, and attempting to put some limits on federal Commerce Clause regulation of intrastate activity. The results, however, have added considerably more confusion to an already confused situation. The Court cannot simply throw out a federal law that it believes goes beyond the limits of the Commerce Clause. It has to provide a reasoned explanation why the decision applies to this particular situation and not to other situations that might appear to merit the same treatment. To do otherwise would mean the wholesale junking of huge bodies of federal laws.

The attempt by the Court to issue narrow decisions so as not to end up condemning large tracts of federal law has resulted in decisions that are very difficult to understand and even more difficult to apply.

For example, Durk Pearson and I have argued in our medical marijuana case that the Ninth and Tenth




"You never knew your father — he was smothered to death by a mandatory air bag."

Amendments reserve medical freedom of choice to the states and the people and that intrastate medical practice is not interstate commerce. The Court realizes (and has admitted as much in some recent decisions) that the Commerce Cause was never intended to cover everything intrastate. If it did, why would you need a Constitution to separate the powers of the federal government from that of the states? But suppose the Court agrees with us. How are they to distinguish intrastate medical practice in the case of medical marijuana from intrastate medical practice in the case of private contracting with doctors, nursing homes, hospitals, medical insurance, and other things stringently regulated by the feds? That may be why, after a year and a half, the U.S. District Court of Columbia has yet to make a decision in our medical marijuana suit. Whatever that decision turns out to be, the case will be appealed to the Court of Appeals and then to the Supreme Court. Between now and when we slouch into the Supreme Court, we hope the Justices will realize that they have to either be willing to throw out large chunks of federal law or throw out the Constitution. —SS

***Snitch in time saved by nine*** — There oughta be a law. In *United States v. Sonya Singleton*, Ms. Singleton was tried and convicted of money laundering and conspiracy to distribute cocaine. Her accomplice, Mr. Douglas, testified against her. In exchange for his testimony, the prosecutor promised to advise the court of his cooperation, to recommend reduced punishment for one offense, and to not prosecute him for other related offenses. Given human nature, he had a powerful motive to testify favorably for his U.S. Attorney benefactor.

But Singleton's attorney argued at trial and on appeal that the accomplice testimony was not admissible because it was obtained by a bribe: testimony in exchange for a reduced sentence.

Section 201(c) of Title 18 of the U.S. Code provides "Whoever . . . (2) directly or indirectly, gives, offers, or promises anything of value to any person, for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon a trial . . . shall be fined under this title or imprisoned for not more than two years, or both." A brave panel of the 10th Circuit Court of Appeals agreed in July 1998, taking the bold position that the time-honored practice of testimony bought with leniency was illegal.

But prosecutors have been doing these deals for hundreds of years, so they must be legal, right? So the *en banc* 10th Circuit majority opinion on January 8 overruled that decision, validating the purchased testimony. Banning such testimony would deprive the "sovereign" of a "recognized prerogative" in connection with prosecuting crimes.

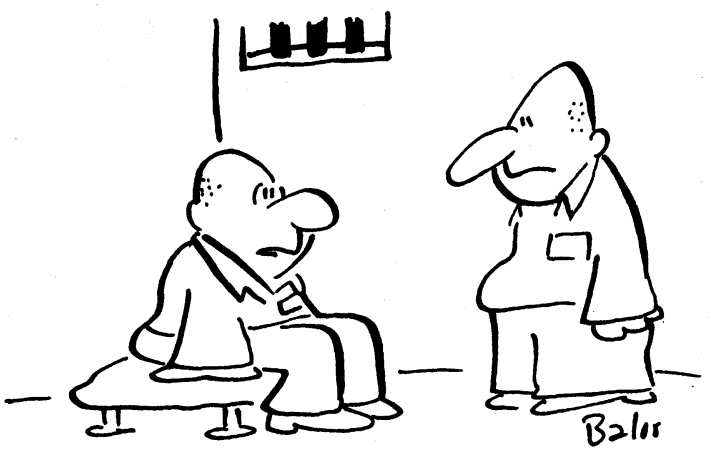
The real reason for these deals is "case management," a euphemism for pushing defendants through the system quickly. One former federal prosecutor said that without leniency offers, defendants would have no incentive to cooperate and prosecutors would be forced to try every case.

The case against such testimony is a strong one. The law of evidence excludes certain types of evidence, such as hearsay, because of unreliability. The law of criminal evidence for the last 60 years has excluded evidence obtained through torture both because of its unreliability and because it besmirches the halls of justice. A reasonable evaluation of testimony given by a person facing criminal charges who is promised lenient treatment by a prosecutor casts grave doubt on the reliability of such testimony. Based on the large sums of money that many people spend on defense attorneys to stay out of jail (or spend less time therein), avoiding jail is worth a lot to a lot of people.

And such testimony is fundamentally unfair. If the defense had an agreement to pay an accomplice witness $100,000, for truthful testimony, all would agree the testimony is tainted. He who pays the piper calls the tune. But prosecutors are routinely allowed to exchange lenient treatment — a consideration worth far more than $100,000 to a person charged with a crime — in exchange for "cooperation" with the prosecution.

There is a law to stop such abuses. It is just not enforced.

In June, the Supreme Court refused to hear the appeal. The outrage of bought testimony will continue. —MMS




"Well, at least I avoided the *appearance* of impropriety."

***Not necessarily the news*** — Skepticism about authority continues to grow. On an airplane recently, the flight attendant announced that the video program would feature "NBC news and sports, along with other popular television comedies." — DB

***Extortion by any other name*** — New York State Attorney General Eliot Spitzer is reported to be in "negotiations" with three major firearm manufacturers over a possible lawsuit concerning allegedly irresponsible marketing and sales practices. He's willing to let them off the hook, however, if they agree to certain concessions, including increased government supervision of their operations plus a cash ransom of an undetermined amount to be passed on to the Crime Victims Board, a state panel which gives money to victims of crime.

People of good will can, and do, disagree vehemently over the question of citizen possession of firearms. Using the essentially limitless resources of the state, however, to coerce behavior from a law-abiding — if much maligned — industry is not only improper, it's immoral.

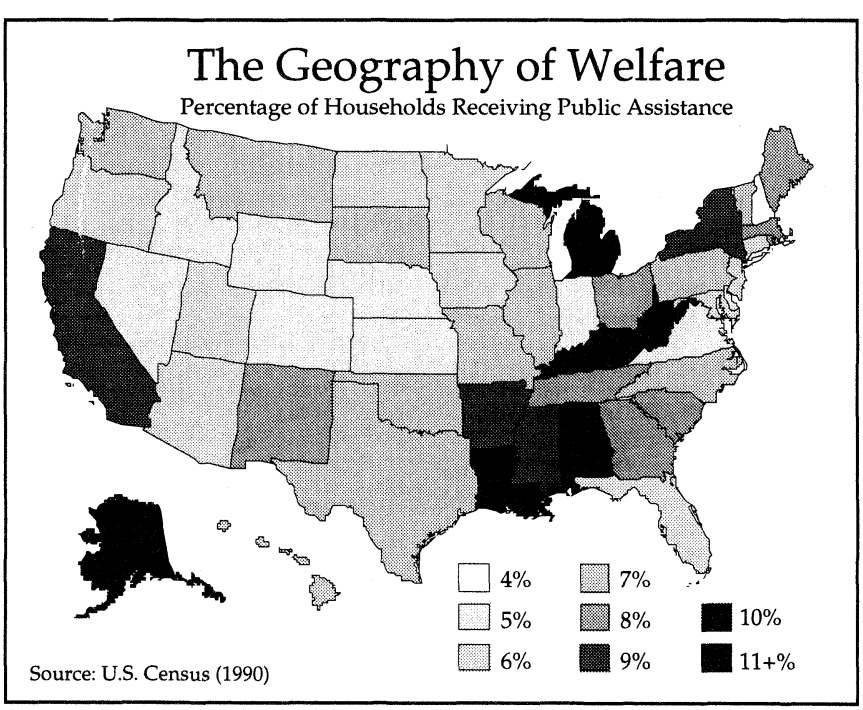
I'm not a lawyer, but a dictionary definition of extortion calls it the crime of obtaining money, information or something of value by violence, intimidation or abuse of one's

office or authority. The attorney general may feel that such a good cause can justify his intimidation of firearm manufacturers. If, however, I were to threaten to destroy someone's business unless he gave me $1,000, which I intended to give for multiple sclerosis research, would my behavior be justified? Of course not. My good intentions with regard to Jerry's Kids cannot override the fact that I would be extorting the money. I fail to see any difference in principle here. When libertarians warn of encroaching government power, of arrogance toward the law-abiding citizenry and even disregard for the legislative process itself, we would be hard put to find a better current example of our fears. —JDS

***No makeup, please, we're Australian —*** My travels to Australia have changed my life in many ways. But this trip is the first that transformed me into a conveyor of prohibited substances across international borders. This walk on the wild side began with an email from my Aussie friend, Mary. Could I, she inquired, bring with me on my next venture Down Under one or two jars of her preferred path to beauty, Estee Lauder "Country Mist Liquid Makeup," (beige). Neither then nor now did I understand the rationale of the request. Mary is an exceedingly handsome woman, and she no more needs this potion to look smashing than I need an extra hotdog to look large. But when a friend asks a friend a favor, a friend does a favor, so I agreed to track down the elusive item. Why, though, should a foreign import be necessary? Australia, the home base of INXS, Rupert Murdoch and the Sydney 2000 Olympic games is a country as well-launched toward the twenty-first century as America. Is it not endowed with its own supply of up-scale cosmetics? So it is, but with a catch. The splendidly pure Australian sunshine wondrously illumines surf beaches from Bondi to Monkey Mia, but it also nurtures nasty melanomas. Accordingly, Australian health authorities have decreed that all cosmetic creams be laced with sunblock. Mary, unfortunately, is allergic. When she applies the local goo, her face swells up and turns as blotchy red as a sizzling sausage on the barbie. Then she is not so beautiful. Wide-brimmed hats and awning shade are her preferred defense against the sun's ravages. You would suppose that this demonstration that she is neither mad dog nor Englishman would satisfy the bureaucrats, but you would suppose wrong. At no beauty counter in any department store in Australia, nor even in chemists' back rooms accessible only to those with a doctor's note in hand and the secret password, is the purchase of sunblock-free makeup licit. So if Mary's lucent skin is to be embellished by non-toxic Estee Lauder ministrations, this must be arranged via surreptitious exchanges with overseas visitors. And that is how I became a supplier: Mary's makeup mule, no less. Doesn't concern for the greater happiness of the greater number suffice to override the unusual circumstances of the minority? Perhaps on occasion it does, but in this case the conflict is entirely specious. There is no reason whatsoever why sunblock for the many cannot peacefully coexist with unfortified foundation for the few. Or rather, there is no reason except the petty authoritarianism and smug paternalism of the regulators. Their overweening sense of knowing what's best leads them routinely to suppose that they can cut their directives to a one-size-fits-all pattern. In a nation of 162 million sheep, they would count another twenty million of the two-footed variety. Sadly, they may have a point in doing so. The Australian people, estimably confident and self-assertive in so many ways, are oddly compliant with the heavy-handed writs of their so-called public servants. I guess it's hard to be mad as hell and not willing to take it any more if you live in the Lucky Country. However, it may not always remain so. For should the American pipeline be shut off by its own band of pesky regulators and the clarity of antipodean complexions thereby imperiled, perhaps that will finally lead Australians to make up their minds to face off against their benevolent oppressors. — LEL

***Censorship begins at home —*** First Amendment advocates should be appalled at the August 23 issue of *The Weekly Standard*. The cover story is "The Case for Censorship" by David Lowenthal, with comments by William Bennett, Terry Eastland, Irving Kristol, and Jeremy Rabkin — spanning the ideological spectrum from A to B. The commentators all seem to agree on two things: Censorship would be a good idea, but it's not going to happen in the contemporary United States.

To be fair, Bennett says he's opposed to censorship (but his main argument is that the voters oppose it) and Rabkin says that censorship would be run by zealots, not distinguished citizens, so it wouldn't be prudent. But no one says "government should not censor what its citizens say and publish."



And it's a good thing for *The Weekly Standard* that *it* isn't running the country, or the Board of Censors might have censored its weekly parody, which in this issue features the First Lady of the United States writhing in black leather. —DB

***Mayor Campbell, meet Gov. Maddox —*** The Southeastern Legal Foundation is suing the city of Atlanta over its Minority and Female Business Enterprise program, under which the city awards 35 percent of its construction and building contracts to businesses owned by minorities and women. Digging in his heels against the lawsuit, Atlanta mayor Bill Campbell declaimed, "There are some times in life when there are things that you must be willing to stand and die for. And so it is today. This is our Selma, this is our Birmingham, this is our march across the Edmund Pettus Bridge." Indeed it is. In those historic encounters, an entrenched government committed to racial inequality stood firm against people demanding equality under the law. And so, too, does Mayor Campbell. — DB

***Cutting the Rothbardian knot —*** Bravo! to Gene Healy. I hope his article on the 14th Amendment is the opening salvo in the overdue contest between the centro-libertarians and the decentro-libertarians. The problem Healy identifies plagues all constitutionalism. The constitution will always be interpreted by those with the biggest interest in broad interpretation. As Bruno Leoni wrote some time ago, a supreme court will always be a de facto legislature. There is no alternative. (The line between interpreting legislation and issuing decrees is exceedingly dim.) This raises an essential question for libertarians: How to keep government limited? No one has yet given a satisfactory answer. All such attempts are mired in rationalism; they never provide a bridge to reality. As Murray Rothbard used to say, the limited statists are the wild-eyed utopians. Give me an example where *limited government* existed for more than a moment. In philosophy there is the conundrum that goes: Can God tie a knot so complex that he can't untie it? I'd like to know whether the polity can tie a knot so complex to bind government that it can't untie it. I doubt it. —SLR

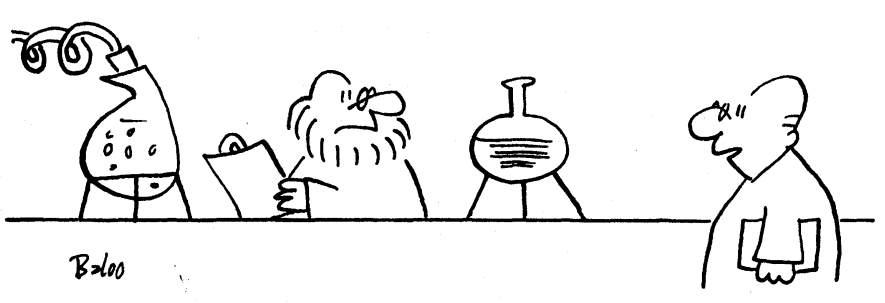
***An oily night in Georgia —*** The end of July found Defense Secretary William Cohen running unleashed through East and Central Asia. While visiting the former Soviet republic of Georgia, Cohen promised President Eduard Shevardnadze military support in patrolling its borders. Cohen's pledge was barely noted in the media. Yet here we have the U.S. pledging military support for a region overrun with Islamic fundamentalists, and situated just a hop, skip and jump away from Iran. Sounds like a good way to create a few more Osama bin Ladens.

But of greater concern is the fact that Georgia lies in the Caucasus, a region that has been in Russia's sphere of influence since the same period in which the thirteen colonies sent the British packing. In 1801, Russia even annexed Georgia. One has to wonder, then, how the Russians feel about Cohen's bold pledge. It would be like Russia sending troops to Mexico to assist in patrolling its border with the U.S. We shouldn't forget here that Russia is the only nation currently capable of nuking the U.S. into a piece of charcoal.

Why would the hot-shot foreign policy "experts" in Washington, D.C. do this? The Clinton administration, to the cheers of Republicans pining for the glory days of the Cold War, doesn't care about Russia, a fact which is evident with NATO expansion moving east. In fact, some decisions made by this administration seem calculated to wound Russia's pride. These Woodrow Wilson wannabees are into global domination, and there's no place for Russia at the top.

Another reason for America's move into the Caucasus is far more pragmatic than the ideology of pan-Americanism, or pan-NATOism. The Caucasus is rich with natural gas and oil. History buffs may recall a certain battle in which Hitler got whipped while attempting to get at the area's vast reserves. When Cohen praises Georgia's democratic reforms, what he's really saying is that we're sending in our muscle now to ensure that U.S. oil companies get their share of the loot. Don't expect George W. Bush to reverse this policy if he climbs to the top of the trash heap in 2000. —JE

***Only one died at Chappaquiddick —*** The media frenzy over JFK Jr. makes me wonder if everybody is taking this Camelot thing a little too seriously. We expected such nonsense from the English over Princess Di, as Britons remain Royal Subjects. John Kennedy was nothing more than a bad publisher, and a worse pilot. The media virtually ignored his irresponsible killing of two women. Remember that this was not the first Kennedy who had trouble getting his girl home. When word came out that he was missing, I half expected to have him turn up a day later with an army of attorneys, a neck brace, and a transparent defense. To use the United States military to find him and then bury him at sea, after he had already done that himself, was an insult to the American Taxpayer. —TS




"Blumenkraft, I'm afraid your theory of overtime pay has been discredited."

***John Watkins, R.I.P. —*** On July 26th, just weeks after completing his last book, *Human Freedom After Darwin*, John Watkins died of a sudden heart attack while sailing his boat, Xantippe, on the Salcombe estuary in Devon, England.

Though usually characterized as a Conservative, John Watkins had a strong commitment to individual liberty. His writing is not directly political, but he influenced many scholars in a libertarian

*continued on page 14*

# Airbags Kill

*by Patrick Bedard*

Airbags kill more kids than school shootings. But for some reason, this doesn't bother the politicians who make a profession of worrying about "our children."

Life with airbags has turned out very differently from the one promised by Joan Claybrook back in 1977. That's when she told Congress that those friendly balloons in every car would pillow away 40 percent of crash deaths each year.

Last year, Dwight Childs, 29, of Broadview Heights, Ohio, screwed up. He ran a red light, resulting in a 10-mph crash. It was exactly the sort of mistake airbag supporters have always said "you shouldn't have to die for." Childs's two-month-old son, Jacob Andrew, strapped into a rear-facing child seat on the passenger side of a 1997 Ford F-150 pickup, was killed by the airbag, and Childs himself was charged with vehicular homicide.

The man's crime? He didn't *switch off* the airbag.

Judge Kenneth Spanagel piled on the punishment: 180 days in jail, suspended except for two cruel and unusual days; Childs must check in to jail on Jacob's first birthday and on the first anniversary of the crash. Childs was ordered to make radio and TV ads about airbag safety for the Ohio Department of Public Safety. He was also placed on probation for three years, his license was suspended, and he had to pay $500 in fines and court costs.

I'll boil it down for you. First, government forced this man to buy airbags, because bureaucrats in Washington know better than he what's needed for his well-being. Then, when he failed to deactivate the safety feature he was compelled to buy, it sent him to jail. Airbags have turned America's sense of justice on its head.

Judge Spanagel and the rest of society are groping now that we've bought fully into Claybrook's promise — about $40 billion worth of airbags on the road — only to discover that it defies common sense. Remember that airbags were sold as "passive restraints" for Beavis and Butt-head, that layer of society so brain dead it runs red lights and can't be bothered to buckle up.

We always knew whom we were dealing with; Beavis and Butt-head are the type who just don't get it, and they still don't. So we're making things better for them now by killing their kids?

Of course, you and I and the folks who listen to NPR and read *The Washington Post* all know that kids are supposed to go in the back seat, or if you're driving a Miata or an F-150 with no back seat, then switch off the airbag. But why are we expecting Beavis and Butt-head to get it when they never got the far simpler buckle-up message?

Dwight Childs is no Butt-head. He did almost perfectly what caring parents are supposed to do. His son was in a child seat. That seat was properly buckled into the only spot available; the truck had no back seat. His killer mistake was leaving Claybrook's friendly pillow switched on and for that small omission, he lost his son in a low-speed crash that would have been easily survivable without an airbag. The *Cleveland Plain Dealer* account of the trial said Childs "was visibly upset "and "unable to speak when prompted by the judge."

"I think they sentenced the wrong person, "says Sam Kazman, general counsel at the Competitive Enterprise Institute whose first case, back in Reagan times, tried to overturn the airbag mandate then being pushed by Transportation Secretary Elizabeth Dole. But blaming the victim is the only defense left for a government that insists these child killers be standard equipment in every car and truck.

Doesn't anyone notice the irony here? We live in an era in which the lowest political hacks grab for sainthood by push-

ing programs for "our children." In his state-of-the-union address this year, President Clinton hauled out the C-word 22 times to show how caring he is. "In memory of all the children who lost their lives to school violence, I ask you to strengthen the Safe and Drug-Free School Act, to pass legislation to require child trigger locks, *to do everything possible to keep our children safe*."

Just a few months later, the massacre at Columbine High School pushed to the redline our national anxiety about guns. Never mind that at least 17 weapons-control laws were broken by cold-blooded killers — anti-gunners call for still more laws. I understand their alarm. Since 1993, 82 students have been murdered in shootings at schools, according to the National School Safety Center.

*Since 1993, 82 students have been murdered in shootings at schools, according to the National School Safety Center. During that same period, 99 children have been killed by airbag deployments.*

But here's a greater tragedy. During that same period, 99 children have been killed by airbag deployments, including 21 yet be "confirmed" by the National Highway Traffic Safety Administration (one of the unconfirmed is Jacob Andrew Childs).

You'd think a President eager "*to do everything possible to keep our children safe*" would have noticed this looming body count from a child killer more lethal than guns. Unless, that is, our society has done the unspeakable and made a deal with itself to trade off the lives of these kids to save a few adults.

Will future generations look back at this airbag deal in embarrassment, just as President Clinton two years ago looked back from the White House at the Tuskegee Syphilis Study, which ran for 4 years starting in 1932? Black men with syphilis, 399 of them, were left untreated, so that medical observations about the disease could benefit the rest of society.

"We can look at you in the eye," Clinton said in a formal apology to survivors, "and finally say on behalf of the American people, what the United States government did was shameful, and I am sorry."

How many black men should society trade off to gain a syphilis cure for the rest of us? That's the shame of Tuskegee.

How many children should we trade off so that a few adults can escape crash deaths? That's the shame of airbags.

In his apology, Clinton made a point of saying that the Tuskegee men were used "without their knowledge and consent."

NHTSA and the safety establishment have never leveled with us about airbags either, and they're not coming clean in the case of Jacob Andrew Childs. As part of his sentence, Dwight Childs must do airbag-safety ads on radio and TV. The script thrust on him by the Ohio Department of Public Safety has him saying, "I made the fatal mistake of strapping my son's car seat, rear-faced, in the front seat of a vehicle equipped with a passenger-side airbag . . . don't make my mistake."

No, that's not his mistake. His truck had no other seat. The trial clearly establishes *not switching off the airbag* as his mistake. But the script never mentions switching off. That would crack open the door to choice. Why have an airbag in the first place if it makes that seat too dangerous? No, the airbag deal has already been made by our government, and it doesn't want Beavis, Butt-head, and the rest of us to be thinking about opting out. ❑

## Reflections, *continued from page 12*

direction, most notably by initiating the debate over methodological individualism in the social sciences. His earlier writings list him as "J.W.N. Watkins," then he switched to "John Watkins."

Born in 1924, Watkins became a career naval officer. He was decorated for torpedoing a German ship in 1944, and later explained his award by a quota theory, pointing out that British ships rarely fired their torpedoes, and when they did, even more rarely hit anything. That year he read Hayek's new book, *The Road to Serfdom*, and and was so impressed he decided to go to the London School of Economics, where Hayek taught, though otherwise a hotbed of socialism. He later returned to the LSE as a teacher, and remained there for the rest of his life, Professor Emeritus from 1989.

Watkins became a friend of Popper's and exponent of Popper's critical rationalism. Though Watkins was for a while considered "Popper's bulldog," relations between the two cooled when Watkins conceded some merit in Lakatos's criticisms of Popper. On Popper's death, Watkins was contacted by a journalist and, upset by the news, let slip that Popper had been a difficult person to deal with. This remark received maximum exposure, and annoyed some of Popper's associates.

His books and articles display to the utmost degree a sense of fair-minded objectivity, going out of his way to meet his opponents' positions at their strongest, and always to represent them accurately. His books are all well worth reading: Hobbes's *System of Ideas* (1965), *Freiheit und Entscheidung* (*Freedom and Decision*), 1978; available in several languages, but not English), *Science and Scepticism* (1984), and *Human Freedom After Darwin* (1999). In his last book, he attempts to develop a new view of human freedom, owing something to Spinoza, combining scientific naturalism with a distinctive role for consciousness. —DRS

# Clinton's Fiscal Demagoguery

*by William J. Stepp*

Bill Clinton wants to "invest" your tax dollars for you, just like a rapist wants to "help" you find sexual fulfillment.

Politicians are demagogues whose skill at cloaking the coercion of the State under a veil of high-sounding rhetoric introduces a statist bias to public discussion. In the case of Bill Clinton, even when his rhetoric has a lower tone, his lies have exhibited an impressive certain demagogic flourish ("I want you to listen to me. I did not have sexual relations with that woman, Miss Lewinsky.") So it's not surprising that, after surviving impeachment and presiding over the mass murder of innocent civilians and massive destruction of property in Yugoslavia, Clinton turned his attention to the $792 billion tax cut proposed by the Republican Congress. He explained his opposition on July 21 in what *The New York Times* called a "wide-ranging news conference," portraying the tax cut as a "cost" that had to be "financed," and government spending as an "investment" in the future of America.

Political demagoguery is an old story, of course. Throughout history the State has resorted to myth-making to gain the passive acquiescence of its subjects and citizens, and to bamboozle them into thinking that its domestic depredations and foreign wars are conducted for their collective benefit. Fiscal policy at the end of the second millennium is especially well-adapted for this purpose because the budget numbers are so staggeringly high that they are beyond the ken of most people. In addition, the "benefits" of government spending are easily sold to the media, whose understanding of economics rivals Clinton's understanding of "family values."

And as Milton Friedman points out, there has been an unlegislated tax increase thanks to real bracket creep (taxpayers being forced into higher tax brackets as their incomes rise by more than inflation) and inflation creep (taxpayers paying more to the extent that the tax code is not indexed to inflation). One of the first things the Clinton administration did was to raise taxes, which included a top marginal rate hike from 28 percent to 39.6 percent, without offsetting deductions.

### Tax Cuts as "Spending"

Clinton's attack on Republican tax-cut measures hinges on portraying them as a "cost" which would result in an "enormous loss to the American people." They would jeopardize the long-term growth of the economy, and threaten programs such as Medicare and Social Security. In the time-honored tones of the political quack, he proclaims his support only for "the right kind of tax cut" that wouldn't undermine "the national priorities of the American people." And what is the right kind of tax cut, according to this political carnival barker? One that wouldn't be a "giveaway to the rich." That rules out any cut in capital gains taxes or death taxes. One that we "can afford" and that maintains "fiscal discipline." And above all, one that enables us "to meet our basic responsibilities in education, defense, the environment," and other programs. So there can be no cut in individual income tax rates, and no elimination of the alternative minimum tax.

The president claims that tax cuts are tantamount to "spending" which cannot be financed without threatening the surplus. The establishment media never questions this preposterous claim. *The New York Times*, for example, editorialized vigorously against the tax cut, calling it "irresponsible." It recently ran an article on the capital gains tax debate which stated that equity owners with "inflated" capital gains

were "in effect" in receipt of an interest-free loan from the government because they were able to postpone paying a capital gains tax on their "inflated" gains. Bill Gates, take note.

Clinton's fear that the GOP plan is a serious tax cut was belied by the numbers. During the first three years of the plan, there would be no change in tax rates. Starting in 2003, the cut would amount to an insignificant 0.1 percent for a taxpayer in the 28 percent bracket. There would be a minuscule one percent across-the-board cut in 2010. The "marriage penalty" and the alternative minimum tax would be abolished, the latter much to his ire; but these provisions never accounted for a significant portion of the IRS haul. The capital gains cut from 20 percent to 15 percent would be a modest cut, but its failure to include indexing would minimize its impact.

*Even the House GOP plan to scrap the estate tax was fraudulent. The "death tax" would be repealed in 2009, but buried in the fine print was its reincarnation: a provision that would recoup the "lost" revenue.*

Even the House GOP plan to scrap the estate tax was fraudulent, as Bruce Bartlett showed in a *Los Angeles Times* piece August 3. The "death tax" would be repealed in 2009, but buried in the fine print was its reincarnation: a provision that would recoup the "lost" revenue by taxing the gains from the sale of inherited assets on the basis of original cost, rather than value at time of inheritance. In addition, several tax avoidance provisions would be repealed, the upshot being that the new system would be "revenue neutral" with regards to estate tax. In other words, this Republican tax "reform" is the latest round of the same old shell game that's been going on since 1916.

If anything is as sure as death and taxes, its that politicians will do whatever it takes to get elected and to retain their seats. The Republican fence sitters are sure to reverse course on taxes at the first sign of electoral opportunity. As anyone who's ever paid attention, projected statistics are rarely correct. Congress can be counted on to tinker with the tax code long before 2010. The projected $792 billion cut is chiseled in jello.

The truth about taxation is precisely the opposite of what Clinton thinks. Writing in *Slate* ("Budget Fudging," July 23), William Saletan posed the question "Whose money is it?," and claimed that the president's language obliged the media and the public to view government's finances as if *they* were tax collectors. Tax cuts limned as "spending" might be shrewd politics, but as economics it flunks. Tax cuts are never financed, because the taxes that are cut belong to the taxpayers, not the government. Even if the Slick One's obfuscation is effective on the surface, we needn't follow Saletan in accepting that Clinton's spinning is winning, at least not if truth is our lodestar.

## Government Spending as "Investment"

Clinton invokes the language of capitalism — "We must decide whether to invest the surplus, to strengthen America over the long-term, or to squander it for the short-term." According to Clinton, a tax cut is money spent, whereas government spending is investment for "long-term goals." As Saletan observed, "Clinton constantly borrows capitalist terminology to make federal budget decisions appear as productive as corporate budget decisions." The president's recent Appalachian "poverty tour" allegedly highlighted the need for "investing in America's new markets," i.e., poverty programs. Welfare subsidies are now investment in Clinton's Orwellian world.

This use of capitalist terminology is a fraudulent attempt to make the federal budget look productive, as if the decision by Congress to "invest" in a poverty program is no different than a decision by Intel to build a chip manufacturing facility. The hallmark of investment projects is that they are made in anticipation of consumption decisions that investors think will result in their projects earning a return on capital that is greater than their cost of capital. For private individuals or corporations, investment projects must be financed out of equity, debt or preferred stock. Corporations undertaking investments that fail to earn their cost of capital are swiftly penalized with declining earnings, cash flows, and share prices, and become vulnerable to being taken over, or perhaps to being liquidated. Corporate revenues must be earned by selling goods and services that meet the test of the marketplace.

In contrast, government spending is not for products demanded by consumers and investors as expressed by their demonstrated market preferences. In an economic sense, government expenditures are consumption by all beneficiaries of government largesse. Moreover, the taxation (and often inflation) used to finance its spending is a coerced transfer of resources from taxpayers (or, in the case of inflation, holders of fiat money) to the State. Unlike corporations, governments face no market test, i.e., no test of profit and loss, and no test of share price and dividend performance. The subsidized and artificially low cost of "capital" facing government planners routinely induces them to undertake projects that couldn't pass muster in the market. The "socialist calculation problem," which pervades all government spending programs, even in democracies, leads to resource misallocation, shortages, surpluses, queues, corruption, production quotas and black markets.

*This use of capitalist terminology is a fraudulent attempt to make the federal budget look productive, as if the decision by Congress to "invest" in a poverty program is no different than a decision by Intel to build a chip manufacturing facility.*

The absence of ownership and equity in government "enterprise" leads to the lack of oversight of government spending often bemoaned by conservatives, who fail to understand the deeper roots of the problem, namely the triumph of coercion over market. The power wielded by the State allows it to engage in projects that would either never get funded in the private sector for lack of financial feasibil-

ity, or would be undertaken by risk-bearing entrepreneurs if the government did not interfere. And in contrast to government sinkholes, the costs of which are borne by the long-suffering taxpayers, corporate malfeasance is swiftly punished in civil lawsuits, and frequently results in declining shareholder wealth, management changes, and business restructuring. The "spend it or lose it" incentives inherent in the government budgeting process, which often results in spending programs running over budget, don't exist on the market.

## Relations of State

In addition to the sharply contrasting measures of productivity between private investment and government consumption, there is another standard that sets the market apart from the State. Market transactions result in payment for service, whereas government expenditures necessarily result in a split between payment and receipt of service. In the market, Smith buys a tennis racket and receives a stream of services from the racket. He buys a security camera for his business in anticipation of reducing loss by theft. The value of the camera is capitalized on his business's balance sheet and results in a greater enterprise value of the business as well as higher cash flow.

In contrast to the market transactions of consumers and investors, taxpayers pay taxes which are then budgeted by bureaucrats for various operations, such as tennis rackets for municipal or public school athletic programs, or security cameras for the Pentagon. The users of the rackets and cameras don't pay for them and don't own them and thus have little incentive to maintain their capital value.

The difference between voluntary market transactions and coercive state intervention belies the notion implicit in Clinton's rhetoric that government is a caring benefactor of the people. Government spending and taxation divide society into two distinct camps, a productive sector of people who pay taxes out of income earned through market transactions, and the class of people, including politicians, bureaucrats, government contractors, and other recipients of state funding, that consumes the taxes. The inherently antagonistic fiscal relationship between the two groups was brilliantly outlined by John Calhoun. In his *Disquisition on Government*, he argues:

> The necessary result, then, of the unequal fiscal action of the government is to divide the community into two great classes: one consisting of those who, in reality, pay the taxes and, of course, bear exclusively the burden of supporting the government; and the other, of those who are the recipients of their proceeds through disbursements, and who are, in fact, supported by the government; or, in fewer words, to divide it into tax-payers and tax-consumers.
>
> The effect of this is to place them in antagonistic relations in reference to the fiscal action of the government and the entire course of policy therewith connected. For the greater the taxes and disbursements, the greater the gain of the one and the loss of the other, and vice versa. . . . The effect, then, of every increase is to enrich and strengthen the one, and impoverish and weaken the other.

## Production versus Plunder: What the State Wants

Property rights and markets entail a range of business operations: producing products demanded by consumers, investing in operating and financing activities, and accounting for costs, revenues and cash flows. Government engages in none of these actions, Clinton's bluster notwithstanding, because it sells no products to consumers or investors who are free to shop elsewhere. The State owns nothing and invests nothing. It has no shareholders to whom it must answer, and to whom it must pay dividends.

Only the market focuses on long-term investing, and the creation of shareholder wealth and the cash flows that comprise that wealth. Politicians are institutionally incapable of focusing on a time horizon longer than the next election cycle. Contrary to the Slick One, it's the government that takes a short-term, hit-and-run approach to resource preservation, unlike the market, which tends to maximize the discounted present value of resources, consistent with maximizing shareholder value. In short, as Paul Johnson has observed, "the State is all stomach." ❑

# Talking with the Chinese

*by Bruce Ramsey*

People in China have a lot to say when an American reporter visits. But how much of it makes sense?

The uniformed customs officer at Suifenhe, Manchuria, squinted at the red stamp in my passport. It indicated that I was a journalist with permission to enter the People's Republic of China. He mumbled something that was later translated as "Humph, I see we're letting them in again," and stamped me in: June 19, 1999.

I was part of a delegation from Washington state to evaluate a proposed container shipping route from northeastern China through Russia to the west coast of the U.S. But I had a second interest: to talk politics with the Chinese.

The trade delegation had meetings and banquets every day with mayors, provincial vice-governors, and heads of this, that, and the other departments. Only one of them mentioned Kosovo in conversation. He said, "Let's not talk about Kosovo," and we obliged him.

But I wanted to talk about it whenever I could. Although I was only in China for nine days and spent most of my time in or on route to various meetings and banquets, I talked to a number of students and also a train passenger, a man at breakfast, a taxi driver, a truck driver, a bus driver, an employee of a Danish company, an employee of Americans, two employees of China's government news agency, and my privately hired translator. Every one of them opposed the war in Yugoslavia. Only the handful who worked for foreigners were prepared to consider that the bombing of the Chinese embassy in Belgrade might have been an accident. The others said that that was impossible.

"The American map can't be wrong," one student said.

"America has the best technology in the world," another argued. "How can it be just a mistake?"

I replied, "Most Americans don't believe the bombing was on purpose. What would you say if it really *was* a mistake?"

"Then track down the criminal who did it," a woman said.

These were students at the Harbin Institute of Technology, where I visited with the translator. First, she took me to the cafeteria, where I wandered among tables of students busy with their rice, noodles, and private conversations. I'd pick a table, sit, and start talking. Later, when the cafeteria emptied out, I went to a bulletin board outside, addressed a group in English, and continued talking, backed up by my interpreter. In the cafeteria, I approached the students I wanted to talk to, and spoke with several women; in the group outside, I was the hub of a knot of students, most of them men.

The second question I put to them was: "If you think the bombing was on purpose, what was the purpose?"

I heard four theories:

1. Because China opposed the war against Yugoslavia. To force China into line, the U.S. attacked the Chinese embassy.

2. Because of Taiwan. The U.S. used the cover of war to remind China not to attack its province.

3. As a test. Under the cover of war, the U.S. attacked the embassy to see if China would stand up for itself. When the test was complete, China said, "Sorry."

4. The I-don't-know theory. The truth will come out someday. "Like the JFK assassination," one student added.

Clearly, these Chinese don't understand America. We are the country that botched Jimmy Carter's rescue mission in the Iranian desert. We are the country that bombed an innocuous pill factory in the Sudan. We act boldly and on bad intelligence. We are the people who coined the expressions, "Garbage in, garbage out," "Close enough for government work," and "Shit happens."

And that was essentially what we told the Chinese: "Shit happens. We're real sorry, but we've got a war on."

I was there six weeks after the bombing of the embassy. The students weren't throwing rocks, but they were still sore. They didn't accept Clinton's apology; they didn't want to accept it. Even if, privately, they thought his explanation might be true, they were still irritated by the incident. That Americans could have been so careless with the Chinese embassy — not someone else's embassy, but theirs — was a sign of disrespect.

Further disrespect was shown when Americans dismissed the rioting by the Chinese as government sponsored and their opinions as the braying of a government-controlled press. This angered students, too. It was laughable, they said, for Americans to say they rioted on government order; their anger was real.

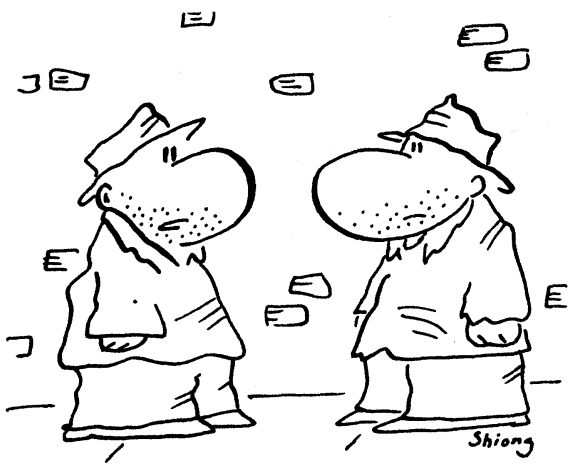
"The American press doesn't want people to think seriously," a student said.

To be sure, the Chinese media are no paragon of objectivity. Xinhua, the Chinese news agency, denied that there was any "ethnic cleansing" in Kosovo before the war started. (However, I agree with its claim that the American press had clearly exaggerated the number of atrocities.)

One Chinese student from Harbin, who follows American press through the Voice of America and in Chinese translation, told me, "The American media always supports the government."

In fact, it usually does. It may be free, but it can still be the government's poodle. I recall all the strained comparisons with Hitler, and the cover of *Newsweek* with a close-up of Slobodan Milosevic with the cover line, "The Face of Evil."

Typically, I'll stack the American media against the Chinese media any day, but when we're at war and they're not, I'm not so sure. I had to admit that the Chinese had good reason to feel disrespected by the U.S. It was plain that the U.S. government didn't give a dog's biscuit whether China opposed the war. China is one of the five permanent members of the U.N. Security Council. The U.S. and our Security Council buddies, Britain and France, had traipsed on over to NATO and started a war without so much as a query of Russian or Chinese officials. The little countries of the world expect such slights; they're used to them. But Russia and China take them differently.




"Oh, poor relief, food stamps, welfare, and a little charity — what do you do for a living?

The Chinese are deeply nationalistic. Like Americans, they believe themselves to be a part of a big, important country, a country with nuclear weapons, a country with a future, a country that counts.

Thoughtful Chinese admit they have problems. One woman from Beijing told me, "We have human rights problems. But we are improving. During the Cultural Revolution, we could not say anything against the government. Now we can say what we think, though sometimes we cannot be heard by the leaders."

*Every person I spoke to opposed the war in Yugoslavia. Only the handful who worked for foreigners were prepared to consider that the bombing of the Chinese embassy in Belgrade might have been an accident. The others said that that was impossible.*

In Beijing, I talked to a retiree with long experience with the U.S. as bureau chief for Xinhua. "The United States never treats us on an equal footing," he said. "On human rights, you say you have the right to interfere in other countries. But can you permit China to interfere in American human-rights problems? No."

He added, "On human rights, we can learn from you. But you have no right to *teach* us."

China's complaint about the U.S. runs deeper than the recent war. It's the whole American attitude toward power. That attitude was expressed succinctly by an American with whom I was discussing the war, as we both strolled down a shopping street in Harbin. He said he supported the war: "We have the power. How can we stand by and let this happen?"

Americans have a tin ear for how imperious this sounds. *We* are the ones who decide whether to "let this happen" in somebody else's country. What gives us that right?

*Because we have the power.* We clothe the naked reality of this two ways. First, we talk a lot about our good intentions. We are the humanitarian with the sword; when others complain about our use of that sword, we remind them how humanitarian we are.

"But you've got a sword," so the objection goes.

"Well, yes; we have to, unfortunately," we reply, leading to our second justification. "But we're not doing this alone. We've got allies. We fight all our important wars with allies, and when we can, as NATO or the U.N. That way, we're on the side of humanity."

China finds this idea threatening. It's like someone forming a gang and starting to throw rocks through a neighbor's windows. China doesn't want to join the gang, because the gang is clearly run by the U.S. It doesn't want to fight the gang; it fought the gang in Korea, and got a bloody nose. And it doesn't need a gang to protect itself.

The Chinese accuse the Americans of "hegemony," a harsh, Marxist word that means the domination of other nations. Americans recoil, "We're not trying to dominate people. We're trying to do good."

"You Americans attack Serbia to protect the other side," a student said. "A heroic dream. Sounds very perfect. You Americans have the habit of being the hero."

We are the heroes. We devise a political settlement for the Kosovar Albanians, dubbing it a "peace accord" and announcing that if the Serbs do not accept it, we will bomb them into submission.

I was working at a magazine in Hong Kong in 1990 when Iraq invaded Kuwait. The Americans on the staff all began talking: "What are we going to do?" The Aussies and Kiwis didn't talk like that. Nor did the Indians and Filipinos. Only the Americans. They assumed that their country would have to *do something*. It always had.

Perhaps in the next century China will start thinking that way, too, and become a hegemonic power. Plenty of Americans, starting with Senator Jesse Helms, chairman of the Senate Foreign Relations Committee, think hegemony is China's goal. It is certainly the goal of some Chinese, perhaps those who stole U.S. nuclear secrets. At the moment, however, China is not in a position to challenge the U.S. in war.

It is in America's interest that China becomes a bourgeois nation, fat and satisfied rather than lean and angry. It is in our interest that China be joined to the world rather than cut off, tied by its investments here, and ours there; by trade and patents and treaties; and by its students in our universities—already 47,000 of them in the U.S.

Vice Premier Zhu Rongji, leader of the economic progressives, visited the U.S. in April, and offered a package of concessions for Chinese membership to the World Trade Organization (WTO). Clinton rejected the offer but leaked its contents, and then almost immediately changed his mind. But Zhu could not come tail-wagging back to Washington. He returned to China empty-handed, and was criticized that he had given away the store.

WTO, which represents world prices, intellectual property rights, and international standards, has become a litmus test for the ideological divide in the Chinese leadership. Zhu's faction wants membership as a battering ram to break down the walls of state industry. His opponents want to save state industry by keeping WTO out of Chinese affairs.

I saw this same division among ordinary Chinese. Most supported entry into WTO, which represents to them China's growing up. In many ways, membership in WTO is like the Internet: It's what other modern nations have, so the Chinese want it, too.

The pro-WTO faction also tended to be the most friendly to the Americans. "Most Chinese think the U.S. should be our friend," said one student.

There were others, though, who wanted WTO membership only on condition that China be treated fairly—not, said one man from Beijing, as "a sweet snack" to compensate for bad deeds.

Others opposed the WTO deal outright. A man from Xinhua said, "I read the full text of what the American leaders say they almost agreed to. These conditions are too harsh."

A student said, "I will go to America to study, but I will never serve the Americans. This event confirms that I will return to my own country."

A taxi driver commented, "Mao would not put up with this. China fought back in the Korean War."

Which faction should the U.S. encourage? That represented by the taxi driver or the student who told me, "We don't want to have a war with you. We want balance and equality"?

The more Bill Clinton tries to play Woodrow Wilson, the more he convinces that taxi driver that his position is justified.

The U.S. can influence China through our business and culture, but it cannot dictate it to do anything fundamental.

I left China optimistic about that situation. Perhaps that's because I was staying in Beijing then, in a high-rise hotel, two blocks from a Starbucks and a Dairy Queen. My room overlooked a freeway that clogged with traffic twice a day, just like the freeway at home. And just below my window was a pedestrian overpass. If I got up early enough, I could see it lined solid with human figures under blankets. They were not living in cardboard hovels, and they were not beggars. By midmorning they had packed up and gone somewhere in the city seeking their future. ❑

Rethink

# Libertarianism As If (the Other 99% of the) People Mattered

*by Loren E. Lomasky*

If freedom is such a great thing, then why are nearly all Americans indifferent to it?

I want to consider the implications for theory and practice of the following two propositions, either or both of which may be controversial, but which will here be assumed for the sake of argument:

(L) Libertarianism is the correct framework for political morality.

(M) The vast majority of our fellow citizens disbelieve (L).

The question I will address is how we as libertarians ought to respond to this pairing.

For members of a political minority that unsteadily oscillates between the minuscule and the merely negligible, the implications are of more than academic interest. They concern nothing less than how one ought to live one's life among others, where the others are substantially more numerous than oneself. This is, then, an investigation not only of libertarian theory but also of libertarian praxis in the actual political world and those possible worlds that are its near neighbors.

It may be useful to say a few words concerning what I do not intend to pursue in this essay. I am not trying to offer a definition, or necessary conditions, or even a rough-and-ready characterization of the essence of libertarianism. I well understand that libertarians argue furiously among themselves about which is the most pristine expression of that theory. I will have some things to say about the symptoms of that debate, but I will not attempt to decide who are the real libertarians and who the impostors. For purposes of the argument I will give maximum latitude to the term "libertarian."

Some will dispute the truth of (M). The perpetual location in electoral tabulations of the Libertarian Party somewhere between Ross Perot and Mickey Mouse, decidedly closer to the latter than the former, will be dismissed by some as quite epiphenomenal, not really indicative of underlying sentiment. I have heard this view espoused both by ardent libertarian activists and by the viscerally anti-libertarian.

The former are wont to bring to state fairs diagrams with the four corners assigned political labels, one representing the libertarian dispensation and the others combinations of economic and/or civil-liberties authoritarianism. When unwary visitors wander away from displays of apple pies and champion hogs and come within arm's reach of the libertarian booth, they are found to reject at cheeringly high levels these various authoritarianisms. Voila! They discover that have been libertarians all along. Similarly, those who fear the capture and subsequent dismantling of the state by cutlass-wielding libertarian buccaneers also find libertarians everywhere. Here, as elsewhere, pleasant daydreams converge with chilling nightmares.

The methodologies that generate these counterintuitive results are, I must confess, beyond my ken. If they should nonetheless prove to have been accurate, I shall be delighted to concede that the thesis of this essay has been rendered moot. Those who deny or doubt the truth of (M) are invited to transpose the investigation that follows into a conditional mode: What *would be implied* if both (L) and (M) were true?

## The Tension Between (L) and (M)

So much by way of preliminaries. I now proceed to considering what may be elicited from the pairing of propositions (L) and (M).

One moral that may suggest itself is *fallibilism*. Even if one is abundantly certain in one's heart of hearts that libertarianism is the correct political stance, one may simultaneously suspect that intense subjective feelings of certainty are sometimes accompanied by profound error. Further, if those subjective feelings are matched by equal and opposed feelings held by others — and especially if those opposed feelings are held by *many* others — then, as a prudent individual, one may find oneself constrained to lend serious consideration to the possibility that one's belief that *p* is true may be best explained by something other than *p*'s being true. Fallibilism has a lot going for it.

*The perpetual location in electoral tabulations of the Libertarian Party somewhere between Ross Perot and Mickey Mouse, decidedly closer to the latter than the former, will be dismissed by some as quite epiphenomenal, not really indicative of underlying sentiment.*

But that is not the moral of the pairing. Recall that for the sake of the present argument (L) is presumed to be true. The question is: Given the truth of (L), what is the libertarian to say about those who persistently deny (L)?

One possible response is: So much the worse for the benighted masses! Their ignorance does not at all diminish the warrant or force of what they disbelieve. It is easy, after all, to display many rock-solid propositions that are denied by a majority. Most people believe that there are more natural numbers than there are even natural numbers. Most people believe that if the four previous tosses of a fair coin have yielded heads, then there is a better than even chance that the next toss will be tails. That they are mistaken is demonstrable. Majorities do not count in matters of demonstration. But neither do they count in ascertainable matters of empirical fact.

Suppose, as some surveys indicate, that most of our compatriots believe that early man coexisted with dinosaurs: what are the implications for the theory and practice of paleontology? Plausibly: none whatsoever. If in these areas there is a fact of the matter that is not constituted by counting noses, then why should morality, including its political component, be different?

Some people believe that morality is not different. If, for example, one holds to a divine-command theory, such that a Supreme Being issues ascertainable edicts which then become binding on all those to whom they are delivered, then there is a fact of the matter concerning what ought and ought not be done. If the majority disregards or disdains those edicts, then that is simply a sign of its wickedness. It is the righteous remnant, no matter how small or besieged, that is in possession of the truth.

Few libertarians are divine-command theorists. Many, however, suppose that the rights individuals possess can be derived in rigorous, unequivocal fashion from facts about human nature coupled with uncontroversial propositions such as "a = a." Even more significant, perhaps, than beliefs about what is needed to carry out such derivations are concomitant views concerning what is *not needed*, such as references to particular localized conventions and popular sentiments. The idea is that natural law or natural rights are logically prior to convention and ought to regulate it. Without too much violence to history or language, we may call this family of theories *Aristotelian libertarianism*.

A variation on this theme is the purported derivation of libertarian axioms by means of some transcendental conditions bearing on the possibility of action or assertion. This we may call *Kantian libertarianism*. On the former account, libertarian precepts are to be read off from nature — our nature. On the latter account, they are strict consequences of the logic of practical reason. The differences between these conceptions is considerable from the perspective of moral foundational theory, but they pose equivalent issues concerning the interplay between (L) and (M).

If libertarian civil association is the law of nature, then it is a law observed mostly in the breach. We see few examples of it in real life. But why? If libertarian precepts were extraordinarily recondite truths, comparable in their complexity and subtlety to, say, the principles of quantum mechanics or the geometry of seventeen-dimensional space, then the failure of most people to espouse libertarianism would be abundantly explicable and excusable. I am not aware, however, of any libertarian theorist who so conceives these precepts.

To be sure, many of us believe that a fully rigorous and elegant presentation of the theory of libertarianism in all its ramifications is not easy to come by. Nonetheless, libertarianism, at least in its rudiments, is not dauntingly inaccessible lore. Virtually without exception, expositions of it maintain that a relatively straightforward application of basic logical reasoning to evident facts about the human condition generates familiar libertarian principles of basic rights and nonaggression. It is well within the capacity of ordinary men and women to follow these demonstrations, if not independently to generate them. Yet for some reason only a very few people arrive at the libertarian summit — or even ascend to one of its foothills. As (M) asserts, the vast majority of individuals find libertarianism eminently resistible. The question that suggests itself with no little urgency is: Why?

*Becoming a libertarian is not — or should not be — a commitment to don a hair shirt.*

Two answers leap to the fore. One is that the vast majority of people are wicked; the other is that they are invincibly ignorant.

In the former case they are our moral inferiors; in the latter, they are our intellectual inferiors. Or perhaps they are *both* knaves and ignoramuses. Whichever branch of the explanatory tree is mounted, the inescapable conclusion is that there exists a vast, even unbridgeable, gulf between the libertarian few and the nonlibertarian many. This is the secular equivalent of Isaiah's depiction of the Saving Remnant.

Not surprisingly, although libertarians who fit this description typically display a virulently antitheistic orientation, their language and behavior are reminiscent of familiar sectarianisms. They recognize the authority of charismatic, inspired teachers. They take easily to denunciatory rhetorical tropes in which those outside the fold are held up for scorn and obloquy — not so much scorn or obloquy, though, as those who had formerly occupied a position within the favored group but who subsequently were seen to waver or defect from the pristine creed. Nonbelievers hover in limbo, but heretics are consigned to the deepest circle of libertarian hell.

Schism, purges, and ostracism are regular episodes in the libertarian drama. That this reduces the population of the saved from, say 1 percent to 0.1 percent is of no consequence when insistence on doctrinal purity is at issue. Nor is the fact that these mini-convulsions appear thoroughly ludicrous to outside observers. Libertarians are not, of course, the only denomination that affords this spectacle; American Trotskyites regularly put themselves through similar cathartic purges, and fringes of the contemporary paleo-right seem intent on choreographing equally arcane dances. Given the assumption of readily accessible but overwhelmingly neglected truths of fundamental importance, such practical consequences are almost unavoidable.

This sort of creedal wrangling is unlovely. But how is it to be avoided by those who are convinced that (L) is true, indeed a truth of the utmost practical significance? Heroic self-restraint in the face of invincible human obduracy is one path of egress, but heroism is an exceedingly scarce moral commodity. So the more likely route is that of abandoning the presuppositions that generate the contretemps.

One can, for example, give up the claim that moral principles are grounded in nature, and swing to the opposite pole, holding that they are purely conventional understandings rooted in local social mores. Perhaps these conventions will display considerable regularity across cultures, or perhaps they will be expansively diverse. In either event, the meta-ethical pigeonhole into which they fall is moral relativism. If moral relativism is true, however, then (L) is false. Libertarianism could be at most *a* correct moral framework, not *the* correct one. Therefore, whatever the merits of pure conventionalism may be, it is not relevant to the topic under consideration.

## Locating Morality

I understand morality, including libertarianism, as neither the law of nature nor purely conventional. Rather, I believe it to be convention grounded in nature.

There are certain fundamental facts about the makeup of human beings and their circumstances that are, if not constitutive of what it is to be a human person, then so pervasive and characteristic of the world in which we act that they might just as well be necessary conditions. It is in virtue of these facts that we are a species that cannot dispense with morality. Least of all can we dispense with *justice*, the precinct of morality that houses libertarianism. However, only insofar as these needs stimulate the development within actual human communities of a technology of moral norms and practices will there come to exist an effective structure of rights and duties, oughts and obligations.

The fundamental facts I have in mind are thoroughly familiar, even banal. They can conveniently be put into three groupings.

First, human beings are *vulnerable*. When we are cut, we bleed. More specifically, we are vulnerable to incursions by others. As Hobbes noted, even the mightiest can be laid low by the humble while sleeping or unobservant.

Second, individuals' *interests conflict* — not always and everywhere, but enough so that my exercise of prudence does not carry any guarantee of your well-being. If nature had strapped us together like mountaineers at opposite ends of a rope, morality might be dispensable. Instead, nature has given us ropes that can easily be adapted to function as nooses around one another's necks. What we each need from all others is a little slack.

*The vast majority of individuals find libertarianism eminently resistible. Why? Two answers leap to the fore. One is that the vast majority of people are wicked; the other is that they are invincibly ignorant.*

Third, should we manage to mesh our actions, a *cooperative surplus* is available. However, to use the game theorists' term, the cooperative strategy is not dominant. In the absence of conventional forms, individuals will often be able to improve outcomes for themselves by following a beggar-thy-neighbor strategy. Thus dissolves the potential cooperative surplus.

Framed in this context, morality is seen to have a *point*, one embedded in concern for human interests. It is not a set of abstract propositions read off the book of nature or distilled a priori from pure practical reason. Like money, mattresses, and marriage, morality is artifactual. It represents a creative response to perceived needs and, as such, has the capacity to make life go better.

As some, for example Hobbes, tell the story, morality is constructed from whole cloth as a deliberately engineered violence-avoidance mechanism. In other versions, those of Hume and F. A. Hayek for example, moral structures are almost entirely the product of human action but not human design. They are born, mutate, evolve, die out, or thrive in almost Darwinian fashion.

I find the second way of relating the story more credible, but there is no need to take sides. A helpful analogy is to language. Particular phonemes are entirely conventional, at least within the constraints set by the human vocal mechanism. That we have language, though, and use it to describe, to ask questions, to give commands, to berate and praise, are not random bits of happenstance. Rather, they are grounded in deep facts about the human condition and the significance to us of communication.

Along with the three fundamental facts from which morality takes its point, we can identify three conditions that bear on how successful it is likely to be in meliorating the

human condition. Taking a cue from Hume and John Rawls, I refer to these as the *circumstances of morality*, though I claim no identity between my formulation and theirs.

1. *Moderate goodwill.* Most people most of the time are capable of being motivated in an appropriate direction by the weal or woe of others. A somewhat different dimension of moderate goodwill is that people are willing to bind themselves in schemes of cooperation with other willing cooperators. This is not to demand a general willingness to live by the terms of the Golden Rule or utilitarian impartiality; that would render morality utopian in the most literal sense of that word. It is, though, to invoke more than the calculative rationality that Hobbes and David Gauthier believe to be sufficient for bootstrapping one's way out of the war of all against all and into morality. The classic expression of the rationality-alone construal is Kant's bold announcement that "as hard as it may sound, the problem of setting up a state can be solved even by a nation of devils (so long as they possess understanding)."

*Most people believe that if the four previous tosses of a fair coin have yielded heads, then there is a better than even chance that the next toss will be tails.*

But even if it can be solved, it is also susceptible to being dissolved. Fresh outbreaks of deviltry will disrupt the delicate equilibrium. (Think of cease-fires in Bosnia.) For the sake of stability, if nothing more, we had better hope to have a population with greater moral aptitude than that possessed by devils.

2. *Moderate intelligence.* Most people most of the time are capable of learning at least the most central moral rules, recognizing situations calling for the application of those rules, and figuring out which actions on their part will constitute compliance with the rules. Beyond this, it will be useful if individuals are able sensibly to adjust their conduct when exceptional circumstances suggest that the usual considerations might not apply, to adjudicate conflicts among rules, to act in concert with others to meet new circumstances, and to assimilate new information by modifying the system of rules to which they declare allegiance. For the most part though, it suffices that morality be the province of proles, not archangels.

3. *Moderate demandingness.* From saints and heroes anything can be asked and they will provide it, and more. But this is a proposition of striking irrelevance to the quotidian practice of morality. The vast majority of individuals are neither saints nor heroes, and therefore the magnitude of the restraints they may be expected regularly and reliably to place on their own conduct is small. Morality can hold up ideals to which people are *invited* to aspire or admire, but what it can *demand* as a matter of strict obligation is sharply limited.

If, then, communities of human beings bring to the circumstances of nature (including their own nature) moderate goodwill and moderate intelligence regulated by principles under which ordinary men and women can comfortably live, then they will do better at shielding their vulnerabilities, brokering conflicting interests, and availing themselves of the potential surplus from cooperation. The point of morality will have been realized.

## Morality and Libertarianism

Where do the precepts of libertarianism fit into this model?

By hypothesis, (L) is true: libertarianism is the correct framework for political morality. Minor qualifications aside, that is to say that libertarian precepts are not onerously demanding for moderately intelligent persons of moderate goodwill, and that if such persons manage to arrive at libertarian precepts as the regulative principles under which they commit themselves to live, then they will tend, under a wide, if not infinitely wide, range of conditions, to do better with regard to confronting the three natural facts.

General respect for libertarian rights will render them less vulnerable to breaches of the integrity of their persons, especially those breaches initiated by other individuals. Acknowledgment of a moral space within which each individual is sovereign will afford them epistemically accessible bases for peacefully resolving conflicts of interest. And robust rights over one's person and property will make possible exchange relations that tap the potential cooperative surplus for mutual benefit. This is the condensed version of the story that I (as well as many other libertarians) have spun at greater length. To it I add a pair of follow-up points.

First, although libertarianism represents the optimal solution to problems of human interaction, nothing that I say is meant to deny that other, less good but nonetheless creditable solutions can be crafted. A fine red Burgundy is the optimal beverage to consume with filet mignon, but a cold lager or, in extremis, water is better than nothing.

Second, libertarianism serves as the optimal solution only insofar as it is embodied within some actual community as its regulative political framework. A libertarianism that is the esoteric doctrine of a coterie of moral savants does not fulfill this function.

At present, libertarianism does not regulate our interactions with each other. That, alas, is the unavoidable upshot of (M). What does this hard fact imply for libertarian belief and practice? One thing that it does not imply is that one should reject libertarian precepts. (L) is, after all, true.

One might instead conclude that because libertarianism fails to obtain, one lives in a morally bankrupt society. Let us call this *rejectionist libertarianism.* Concomitant with adherence to rejectionist libertarianism is denial of legitimacy to all social institutions that are incompatible with pristine libertarianism. As much as possible the embrace of such institutions will be avoided. If it should prove feasible, one may choose to emulate the disaffected Essenes who withdrew from wicked Jerusalem to the Qumran caves, where they could establish their enclave of the godly and deposit their sacred texts. It has often been a fantasy of rejectionist libertarians to be able to retreat from the wider society to some offshore libertarian paradise. But if geographical isolation is too costly, then one can attempt to effect a spiritual retreat, avoiding as far as one is able the touch of any appur-

tenances of the state. What one cannot withdraw from one will defend against. Swiss bank accounts, multiple passports, a well-stocked bunker, a copious supply of armaments, the collected writings of Ayn Rand: these are the instruments of choice.

Without in any way denying the right of individuals to detach themselves from the greater society, I believe that this response to the conjunction of (L) and (M) is overreaction that borders on hysteria. It expresses the conviction that no moral technology other than full-blown libertarianism merits one's respect or allegiance. I suspect that this judgment is belied by the conduct of many of its adherents insofar as they implicitly rely on others, even agents of the government, to exercise moral self-restraint so as not to rape, assault, murder, and even not snatch too much of one's property. It also represents, I believe, a serious misestimation of what sorts of lives are rewarding and how inimical the presence of an overly large state is to prospects of individual flourishing.

Hysteria, though, is not something that people can easily be talked out of, and in any event I shall not attempt to practice such therapy here. The remainder of the discussion is directed to those who share the belief that the depressingly nonlibertarian character of the United States is not too depressing, that productive and morally respectful interchange with the unconverted is both feasible and desirable.

## Cooperative Libertarianism

Those who believe that libertarian precepts can be read off the book of nature by all who enjoy the moral equivalent of a tenth-grade reading level almost unavoidably regard people who fail to subscribe to libertarianism as dumb or

*Nature has given us ropes that can easily be adapted to function as nooses around one another's necks.*

wicked. The alternative libertarianism, what I will call *cooperative libertarianism*, is more generous. It is willing to concede that nonlibertarians are mostly well-meaning, honorable people with whom one may cooperate without thereby dishonoring oneself.

Nonlibertarians are, to be sure, importantly mistaken concerning a momentous matter, but that mistake discredits neither their intellect nor their character. Possession of moderate goodwill and moderate intelligence does not immunize people from statist persuasions. Indeed, neither does an abundance of goodwill and intelligence. That is because the moral terrain that must be traversed in order to arrive at the libertarian destination is steep, rocky, and dotted with mirages. Nongeneralizable items within one's personal experience heavily influence the likelihood that one will achieve the happy consummation. Rawls refers to such epistemic obstacles as the "burdens of judgment."

It is a mistake to hold that the government ought to fund and run school systems, but it is not an egregious mistake. People who believe this are not to be lumped with those who think that Jews have horns or that Elvis is pumping gas at the corner Texaco station. Ditto for those who believe that zoning enhances the livability of neighborhoods, that commercial establishments ought to be legally required not to exclude black customers, that Yosemite should not be auctioned off to the highest bidder. These are people with whom we literally and figuratively can do business.

Consider an analogous area in which toleration and blanket rejection are options. Perhaps no more vexing issue than abortion roils the American polity. Some hold that abortion is nothing other than the slaughter of innocents; others retort that opposition to abortion is opposition to women's

*Most people most of the time are capable of being motivated in an appropriate direction by the weal or woe of others.*

sovereignty over their own bodies. It is news to no one that between these parties there is contention aplenty. At least equally noteworthy, although much less often remarked, is the extent of accommodation achieved between them.

Many abortion-is-murder believers work or live next to abortion-is-a-woman's-right exponents. They may even be friends who have learned to agree to disagree. They can do so despite the gravity of the issue if they perceive that the burdens of judgment are especially heavy in this domain and that one who sees matters differently may nonetheless be one's moral and intellectual peer. Of course the rhetoric peddled on both sides of the dispute is intended to disrupt such accommodation, and every so often someone is gunned down outside an abortion clinic. What is remarkable, though, is how few shootings there are. On any given day, such an abortion-related eruption is less probable than a California freeway fracas in which one enraged motorist pulls out his shotgun to blow holes in another.

The moral of the abortion analogy is not merely vapid praise of toleration, but rather a more capacious understanding of what is genuinely tolerable. Still, the implications drawn so far may not strike the reader as especially venturesome. Wasn't it Mom who said on the first day of kindergarten, "Play nicely with the other little boys and girls"? Perhaps the foregoing discussion is little more than an updated version of her wisdom. Accordingly, I now move to argue for more controversial implications.

Libertarians are wont to intone, "Taxation is theft!" It is our clever variation on Proudhon's "Property is theft!" Cleverness is to be applauded, but not when it leads to outsmarting oneself. It is one thing to *say* that taxation is theft, another to *believe* it.

Many libertarians who say it also believe it. They are mistaken. Moreover, they are mistaken in a way very difficult to achieve unless one is in the grip of an ideology. Taxation is *not* theft. It may resemble theft in important respects; it may be the case that some of the reasons that lead us to condemn theft will, if properly considered, lead us to condemn taxation; it may even be the case that taxation is as morally reprehensible as theft; nonetheless, and

with apologies for the repetition, it is not theft.

The point is not semantic but phenomenological. The perceived reality of theft is notably distinct from that of taxation. When I return home from a libertarian scholars' conference to find the lock on my door broken and my television set gone I am outraged. That which I expected to be secure from encroachment has been violated. The perpetrator of the theft has transgressed rules that both he and I recognize as *de facto* as well as *de jure* principles of cooperation that undergird a framework of civility from which all citizens can expect to derive benefit. The moral ire I feel is not some amorphous feeling that things are other than they ought to be. My animus is precisely localized: it is focused on *this* act by this individual.

Moreover, I possess a justifiable confidence that my animus will be seconded by those among whom I live. What is primarily a violation of my rights is understood by them as more than a private conflict of interest between me and the individual who coveted my television. Accordingly, I am able to avail myself of the formal apparatus of the legal system and the informal vindication afforded by a consensus among the members of the moral community that I have been violated and ought to be made whole. And if I am exceptionally lucky, this solidarity may even help me to recover the TV set.

*Possession of moderate goodwill and moderate intelligence does not immunize people from statist persuasions.*

In nearly all relevant respects the perceived context of taxation is significantly different. I look at my pay stub and observe that a large slab of my salary has been excised before I ever had the opportunity to fondle it. This is an annoyance, perhaps an intense one. But it is not focused on the particular extraction. Rather, its object is some or all of the 10,000 pages of the tax code, the political order within which the power to tax is lodged, and the constitutional foundations on which that political order is erected. I wish some or all of it were otherwise; that, though, is the inverse of a highly specific grievance.

Moreover, I cannot count on the solidarity of my fellow citizens. That is both a descriptive and a normative statement. If I have adopted the cooperationist rather than rejectionist attitude toward the society in which I live, I am thereby committed to acknowledging that although my fellow citizens' views concerning the ethics of taxation are, as I see it, mistaken, the perspective from which they adopt those views is not so unreasonable or uncivil as to disqualify them from moral respect. I am entitled, perhaps even obligated, to attempt to persuade them to think otherwise. However, until the dawning of that bright day in which the veils are lifted and freedom reigns, I will, if I am not a fanatic, concede the legitimacy (not, of course, the optimality) of the moral framework within which taxation takes place.

It is, therefore, not only misleading but also an exercise in borderline incivility to equate taxation with theft, for if it is taken in its straightforward sense, that pronouncement denies the legitimacy of the social order and announces that I regard myself as authorized unilaterally to override its dictates as I would the depredations of the thief. It says to my neighbors that I regard them as, if not themselves thieves, then confederates or willing accomplices to thievery. Is it pusillanimous to suggest that declaring war, even cold war, against the other 99 percent of the population is imprudent? I would therefore caution libertarians to shelve the "Taxation is theft!" slogan despite its sonorous ring, and if they cannot bring themselves to do that, then at least to cultivate a twinkle in the eye when they haul it forth.

Another example: Libertarians decry the Social Security system's enforced transfers from the young to the old. I share that antipathy. I do, however, part company from those who, when asked to contemplate a transitional regime, snarl that the geezers have been enjoying the fruits of illegitimate plunder lo these many years and that justice would be served by cutting them off forthwith. To these hard-liners it is entirely immaterial that for more than fifty years Social Security has enjoyed a level of popular support unmatched by any other welfare program, that it has garnered the electoral support not only of the old who are its recipients but also of the young who fund it. This hard line bears softening. The Social Security Administration is a blot on the body politic, but although it was an error to create these claims of the old on the young, now that they exist and have been repeatedly validated in a political arena that is far from ideal but not so defective as to merit wholesale rejection, the claims carry moral weight. Libertarians disregard it at their peril.

## Libertarianism and Personal Conduct

I turn now to a different family of implications that flow from the conjunction of (L) and (M), implications concerning the personal conduct of libertarians as they warily confront the state and its various bastard progeny. Some libertarians are uneasy about driving on state-funded roads or using the state's postal services. That degree of scrupulousness seems extreme because there does not exist an alternative network of purely private roads or first-class mail delivery. Becoming a libertarian is not — or should not be — a commitment to don a hair shirt. The freeway isn't free; it is funded from coercively extracted imposts. But to regard it as off limits on the basis of moral scruples is a further, self-imposed restriction of one's freedom. So most libertarians will feel few compunctions about driving on an interstate highway or mailing back their sweepstakes entry to Publishers Clearing House.

Somewhat more troubling are activities like vacationing at a national park or attending a concert in a tax-subsidized auditorium. For these there are reasonably satisfactory private alternatives. Is one morally obliged, then, to vacation at Disney World rather than at Yellowstone? An affirmative answer evinces a high degree of scrupulousness. Donald Duck is not a close substitute for Old Faithful. Libertarians should not be required by their principles to lead geyserless lives.

Here is an example that strikes closer to home. Although I believe that there should be no such thing as a state university, I am employed at one. In the United States there exist hundreds of private colleges and universities; perhaps I could get a job at one of them. Failing that, I certainly could secure

some job in the private sector that would afford me a middle-class mode of life. (I have, for example, some cooking talents from which I probably could derive a flow of income.) Nonetheless, I have not attempted to do so. The position I currently occupy is, to the best of my knowledge, the most desirable one available to me. Securing alternative employment would involve bearing a non-negligible opportunity cost, not one so great as eschewing highway use, but nonetheless substantial. Should I, as a libertarian, accept that cost? Similarly, my children have been educated mostly in the public school system. There existed plausible private alternatives, though none that I judged worth the cost. Should libertarian scruples have led me to reconsider this decision?

Formerly I regarded these questions as posing a thorny dilemma for me and, by extension, for other libertarians whose involvement with the state is similarly deep. The response I gave when the questions were put to me, either by some mischievous interlocutor or by myself, was to haul out the "hair shirt" argument, although I had to admit that these particular garments were not insufferably scratchy. And I conceded that if one had the option of taking only slightly inferior employment in the private sector, then it would be an act of bad faith for a libertarian not to do so.

In part as a result of thinking my way through the preceding argument of this essay, however, I have convinced myself that this view was mistaken. Teaching philosophy in a state university is not morally inferior to teaching philosophy in a private institution. Some readers may take that as a reductio ad absurdum confirming the corrupting tenor of my argument. In response I note that even self-serving arguments can happen to be valid.

*Libertarianism serves as the optimal solution only insofar as it is embodied within some actual community as its regulative political framework.*

Consider the following analogy. The American League has adopted the designated-hitter rule, and the National League has rejected it. Baseball fans often feel strongly concerning which is the better arrangement. Those who oppose the designated-hitter rule tend to despise its effect on the great American pastime. Suppose that you are among their company. If you are offered a job managing a National League team and a slightly better job managing an American League team, do your principles oblige you to accept the former? I do not believe that they do. If you take the American League managerial job, would it then be morally better of you to decline to avail yourself of the option to designate a specialized hitter and instead have the pitcher bat in his spot in the lineup? I do not believe that it would be.

Some will reject the analogy on the ground that baseball is merely a game and thus is not a serious affair for serious-minded adults. That is to betray an egregious misunderstanding of the nature of baseball. I shall not, however, take up that particular cudgel in this essay. Rather, I note that reasonable people can differ concerning the rules under which baseball ought to be played, and reasonable people can likewise differ concerning the rules under which educational services ought to be provided. A disestablishment of education is desirable, but, to my personal and professional regret, the vast majority of Americans reject that proposition. They believe that the common good is better served by systems of tax-supported schools. Their endorsement of public education is, apparently, genuine. It is not just a thinly disguised cover for plundering one segment of the society for the sake of another. ("Public education is theft!" is, therefore, another no-go.)

One who is committed to cooperating with others on terms that all can reasonably — if not joyously — accept may unapologetically act as a consumer or producer of tax-funded educational services. My previous reluctance to accept this conclusion was, I now believe, the result of confusing considerations bearing on how one may permissibly act under a system of rules with considerations bearing on how one may permissibly act with regard to selecting and maintaining those rules. If a libertarian who enjoys a comfortable living within the public sector declines, because she cherishes that comfort, to oppose its extension and advocate its abolition, if she prudently decides to focus her political activities on areas the freeing-up of which will not affect her own welfare, if she refrains from suggesting to her students that she and they are the beneficiaries of an unjustifiable practice of transfers from the less well-off to the more well-off, then she has indeed been corrupted. One need not be so pessimistic as to suppose, however, that such corruption is the inevitable consequence of entente with the overinflated state. Nor, for that matter, need one be so pessimistic as to maintain that the preceding sentence itself necessarily manifests that corruption.

It can be objected that complicity with statist undertakings willy-nilly expresses support for those undertakings. That objection deserves to be taken seriously. To the extent that action under the rules implies or may seem to imply endorsement of those rules, libertarians are obliged to be wary. Conscientious objection and conscientious abstention are, therefore, honorable stances that acknowledge the force of one's expressive obligations. There are, however, other ways in which one can articulately convey one's attitude toward prevailing norms. The concept of a "loyal opposition" has application outside the legislative arena. It may be as difficult for a libertarian who is employed by a public body effectively to display his convictions as it is for a socialist who brings home millions from Wall Street (although, for the latter, the example of Engels is instructive). Difficult does not, however, mean impossible.

Indeed, it can be argued that if libertarians impose on themselves a social apartheid, then they will be less able to make their voices heard in precisely the domain where they are most needed. Nothing is more banal than a farmer plumping for higher agricultural subsidies, steel manufacturers lobbying for quotas on steel imports, educators advocating more dollars for education; but when representatives of these industries urge withdrawal of the governmental teat, that is striking.

Libertarians may, I conclude, honorably avail themselves of governmentally provided benefits. I hasten to add that it is also possible for them thereby to dishonor themselves. It all depends on how the game is played — and on how the

game of choosing the rules of the game is played.

The critic may complain that this is far too undemanding a prescription. Just so long as one footnotes in nine-point type one's demurral from the coercive practices of the prevailing regime, anything goes: are there no limits on the extent to which one may involve oneself in illiberal practices?

There are limits, and these limits are implicit in the model of cooperative libertarianism itself. These limits are not algorithmic; their application requires discernment and sophistication. But, contra those who wish to reduce ethics to an automated decision procedure, the need for discernment is endemic to moral life. Living well isn't easy; so what else is new? For the cooperative libertarian, the task of discernment is to distinguish between, on the one hand, those measures that can reasonably (if mistakenly) be construed as responsive to the interests of all citizens acting within a framework of reciprocity and mutual advantage, and, on the other hand, those policies that are designed to plunder some for the sake of serving the interests or prejudices of others.

*To be a libertarian is a doleful fate if it entails despair on each occasion when the vast multitude fails to be persuaded by one's own lucidly compelling arguments.*

Because legislative packages do not come neatly labeled as to which of these categories they fall under — rather, because those that ought to carry the second description are invariably packaged under the first — judgment must be exercised. It is therefore neither feasible nor desirable to offer a comprehensive demarcation of clean and unclean here. The following examples are presented as indicative, not clear-cut, and they are intended as a stimulus for further discussion among libertarians, not as the blueprint for a new libertarian paradigm.

One class of governmental enterprises that libertarians need not reject as inherently unacceptable are those that supply public goods. Insofar as their provision serves the interests of all individuals rather than treating some people as mere means for the ends of others, public goods can reasonably be considered fit objects of concern for a polity founded on terms of mutual advantage. National defense is the stock example of a good which, once provided to some citizens, cannot feasibly be withheld from others, and for which the consumption by some does not diminish the amount available to others.

Publicness in this sense is an economist's term of art, and within that context there is ample debate concerning the fine points of the concept. Although these discussions bear significantly on efficiency and equity questions surrounding political provision of items that more or less closely fulfill the criteria of being public goods, they need not detain us here. Arguably public in the relevant sense are police and firefighting services, roads, basic (as opposed to applied) research, environmental protection, and the like.

A second class of activities that may pass the test are social insurance programs. Medicaid for the indigent, unemployment insurance, and food stamps are examples. The argument for governmental provision taps into familiar equity considerations concerning the desirability of a social safety net, but also into somewhat more recherche arguments that attempt to establish that because of moral hazard and adverse selection phenomena, these insurance functions cannot satisfactorily be carried out by means of market arrangements. None of this may make a case for government involvement. The failure is not so palpable, however, as to prevent conscientious libertarians from soiling their hands with such matters. So, for example, a libertarian physician may treat Medicaid patients; a libertarian grocer may accept food stamps.

A third class of activities that may qualify as acceptable are measures that incorporate the practice of moderate paternalism. Some examples are a Food and Drug Administration that rules on the safety of pharmaceuticals, seat belt and motorcycle helmet laws, and forced savings for retirement. At the risk of becoming tiresome, I repeat that I am not hereby announcing myself in favor of such policies. Were I the philosopher-king who ruled America, I would shut down the FDA tomorrow and delegislate mandatory seat belts and helmets the day after tomorrow. But I am not the philosopher-king, and it is a very good thing that no one else is either. Our political order, though far from perfectly liberal, incorporates a much higher degree of consent among moral equals than Plato's *Republic*. For better or worse, the citizenry currently accepts the propriety of making people do some things for their own good whether they want to or not. These paternalistic practices do not constitute a summary abandonment of civility, but rather the adoption of a somewhat inferior version of it.

But a word about the qualifier, "moderate" paternalism. By that is meant measures that impinge on individuals in areas closer to the fringes than to the centers of their lives. If I am forced to buckle up when I drive, that only slightly affects my ability to devote myself to personal projects; if because I have had the temerity to don saffron robes and chant "Hare Krishna" I am kidnapped and subjected to the tender ministrations of the deprogrammer, that impales my pursuit of the good at its heart. No libertarian can conscientiously accord any legitimacy to the latter sort of paternalism.

That brings us to the question of what is beyond the pale of toleration by cooperative libertarians. I can offer nothing more exact than this rule of thumb: all those measures that deliberately or foreseeably trample on the rights-respecting activity of some to advance the interests or designs of others merit all the disdain and noncooperation libertarians can muster. If slavery still existed and enjoyed the support of millions of one's compatriots, it would still be the paradigm of an institution with which no accommodation is possible.

But it is not exactly bold and provocative theorizing to send one's moral principles into battle against Simon Legree. Since slavery is blessedly dormant, the War on Drugs is perhaps the best example of a contemporary practice enjoying wide popularity with which libertarians must conscientiously refuse any degree of accommodation. Hundreds of thousands of people have been jailed for illicit chemical consumption; civil rights have been obliterated by glinty-eyed G-Men; vast areas of our cities have been rendered unlivable

*continued on page 51*

# Mourning an American Icon

*by Stephen Cox*

The premature death of a presidential icon is a tragic loss that diminishes us all.

The death of John Fitzgerald Kennedy, Jr., so terrible in itself, was rendered still more terrible by the memories it recalled. On hearing the news, I — like most other Americans — immediately remembered all those passings that have touched us so deeply in recent years.

I thought of Michael Kennedy, killed (so sadly and unjustly, by one of the trees he loved) at the age of 39; I thought of his grandmother, Rose Kennedy, who had barely passed her first century of life. And I thought of all those other members of presidential families, inhabitants of the charmed but fatal circle of true greatness, who have given us so much and expected so little in return. I thought of Bess Truman, Richard Folsom Cleveland, Billy Carter. And of course, I thought of Alice Roosevelt Longworth, "America's Daughter."

February 20, 1980 — how well I remember that terrible day. It was one of those days about which people would ask, in the long years to come, "What were you doing when you heard the news?" I was watching *Gilligan's Island.* Suddenly, I knew that something was horribly wrong. There was a disruption in the Force! Quickly, I turned on the radio and waited for the bottom of the news. The news was tragic: Alice Roosevelt Longworth was dead.

Alice Roosevelt Longworth! Daughter of one president, fifth cousin of another. First cousin of Eleanor Roosevelt. Wife of an Ohio congressman. What memories her very name evoked!

Little Alice the tomboy, flying downhill with her feet on the frail handlebars of her first bicycle. . . . Like all the other members of the fabled Roosevelt clan, she had been taught by Teddy, her legendary father, that she must lead "the strenuous life."

Little Alice, too rambunctious to succeed in a public school. . . . She knew already that her life would have some special purpose.

Little Alice, sharing the nation's mood when President McKinley was shot. . . . "Daddy's always wanted to be President," she shouted. "Now he *is* President. Hurrah for Daddy!", and she danced for joy. Only 17 years old — and already the consummate politician.

Unforgettable images of a girl who was, after all, just an American girl, just an All-American Princess.

Alice's wedding in the White House.

Alice's visits with European royalty, who often sought her out.

Alice's innocent mockery of relatives and friends.

America would look back on the days of the Roosevelts as an age of innocence and sophistication, blended as only the great could blend them. No wonder Alice always expressed astonishment that anyone but a Roosevelt should presume to occupy the presidency. As it was said, "everyone knew that Alice wanted a 99-year lease on the White House"— and most people knew that she deserved one. But she left the White House (girlishly putting a curse on her family's successors!) and went on to a brilliant success in that most difficult of all careers, that of Washington socialite.

A lesser woman would have collapsed under the burden. But Alice soldiered on, a good Roosevelt to the end. There were rumors of her husband's appetite for women and alcohol; there were rumors of her own "moral lapses"; but she faced every rumor down. Alice Roosevelt Longworth never faltered in the delicate act of flaunting her family's virtues while concealing its flaws.

Her strategy (always a spectacular success) was to deflect attention onto the flaws of others. Her best weapon was her rapier wit. Of President Harding, she said, "Harding was not

a bad man. He was just a slob." Touché! Of another Republican president, she observed that "the Hoover vacuum cleaner is more exciting." Of yet another: "Eisenhower. A nice boob."

The Roosevelt humor. The Roosevelt zest for life.

"I have a rather mean disposition," she said, smiling gaily. "I *specialize* in meanness." But those who knew her best, knew otherwise. Anecdotes of her kindness and generosity abound. One instance among many: when Robert Kennedy was assassinated, Alice said to her sister, "Why him? So young and attractive." That sums it up.

But neither a Kennedy nor a Roosevelt could be content with leading just one life, however adventurous that life might be. Alice combined her exploits as a socialite with forays into the risky realm of writing. She put her name on

*I thought of Michael Kennedy, killed (so sadly and unjustly, by one of the trees he loved) at the age of 39; I thought of his grandmother, Rose Kennedy, who had barely passed her first century of life.*

the line with a Washington column, daringly entitled "Capital Comment." She put her taste on the line by editing (with her brother Ted), *The Desk Drawer Anthology: Poems for the American People*. And who can forget the brilliance of *Crowded Hours*, her personally authored book of reminiscences, the book that helped Americans survive the difficult days of the Great Depression?

But it wasn't anything specific that Alice did or said; it was her whole being that demonstrated, once and for all, that the American dream was alive and well. Alice Roosevelt Longworth stood for hope.

And always, there was that honesty and courage, that existential willingness to put herself on the line. Who but Alice would remark, "If you haven't got anything good to say about anyone, come and sit by me"? Who but she would call Thomas E. Dewey, the presidential nominee of her own party, "the little man on the wedding cake"? It might cost Dewey the election, but she had the guts to say what must be said.

She had wisdom as well as courage. It was she who observed, "You can't make a soufflé rise twice." Enemies, of course, were many. There are always people who carp at a distinguished record of service, people who think that it must be very easy to be a celebrity if you happen to be the wealthy daughter of a famous statesman. To such critics, Alice Roosevelt Longworth was nothing but "a silly old bat who goes around making nasty remarks." There have always been Roosevelt haters.

What may at first seem surprising is the fact that — in the shock and horror that followed her death, before the television networks had time to assume their role as public educators — there were people who admitted that they had never even heard of Alice Roosevelt Longworth. But this was understandable, of course. Seeker of publicity though she was, Alice had always tried to protect her privacy.

To the great majority of Americans, however, she would always be that little girl who danced and shouted, "Hurrah for Daddy!" It was a snapshot indelibly engraved on the nation's brain. Conscious we were, too, that this little dancing girl was forced to bear much more than her share of personal tragedy. Dying, as she did, at the age of 96 (and how unbearably ironic, that death should claim her just eight days after she celebrated one birthday, and just 357 days before she was scheduled to celebrate another!), she had seen the demise of literally scores of beloved Roosevelts. Her husband had also died.

These were misfortunes that few Americans have ever had to face.

And we must add to the list of sufferings the frustration of her most cherished wish: that her husband would become president and be succeeded by her brother, so that she could enjoy just four more terms as mistress of the White House — "back where she belonged," as her biographer rightly remarks. But it was not to be. The nation preferred a race of lesser men, the Tafts of this world, the Coolidges, the Eisenhowers.

How she bore such griefs, how she kept her childlike vigor and optimism, no one will ever know. Perhaps she took to heart her own maxim about the nature of innocence: "The secret of eternal youth is . . . arrested development!"

Given just a few more years of life, Alice herself might have taken up her family's electoral torch. She might finally have accepted one of the numerous invitations that she received to run for public office. She would have been a shoo-in, for instance, in a contest for Senator from New York.

It is certain that, had she achieved high public office, nobody would ever have gotten her out of it. Of Richard Nixon she said, "Dick is a weaker man than I thought him. Weak, weak, weak! Kennedy *never* would have shilly-shallied the way Nixon is doing. The tapes should have been destroyed and enough of this nonsense!" Insiders think that Alice was weighing her political choices, biding her time, adding to her war-chest, when death so unexpectedly intervened.

It is a fantasy, but an inspiring fantasy, to consider what Alice could have done to reclaim the Roosevelt legacy. The shape and pattern of her politics would of course have been

*Little Alice, sharing the nation's mood when President McKinley was shot. . . . "Daddy's always wanted to be President," she shouted. "Now he is President. Hurrah for Daddy!", and she danced for joy.*

totally unpredictable; any identifiable political platform or ideology was too confining for her free spirit. But how vividly we can picture her standing in the Senate and proclaiming her simple philosophy, so in accord with the spirit of American democracy: "Fill what's empty; empty what's full; scratch where it itches!"

It's true that during the grim weeks following her death, Americans in general were too grief-torn to know exactly

*continued on page 51*

Essay

# Anti-Jefferson, Left and Right

*by Timothy Sandefur*

Leftists aren't the only ones who hate the man who penned the Declaration of Independence.

A study recently published in the scientific journal *Nature* claims to prove conclusively that Thomas Jefferson fathered at least one child by his slave Sally Hemings. The allegation is nothing new, and the new evidence has attracted plenty of gossipy attention. But in the academic world, the story has taken on greater importance. To many historians, the Hemings story is less interesting for its biographical detail than as a piece of ammunition in an ongoing "culture war."

This war, under the euphemism of "multiculturalism," seeks to impugn such historical figures as Christopher Columbus, Abraham Lincoln, and Thomas Jefferson, or even remove them from the history books altogether, not out of an indignant respect for individual rights, but out of a hostility towards the cultural values which they represent — values which are anathema to the leaders of the multiculturalist left. Those values are reason, individualism, science, progress — or rather, the ethos of the Renaissance and Enlightenment eras, of which these values were a part.

The academic attacks on such classic authors as Shakespeare and Milton, the class textbooks that distort American history to please various politically correct pressure groups, and the claims that Jefferson and Lincoln were racists, are linked by a philosophy which sees history through a lens of tribalism, collectivism, and a traditionalist resolve against the analytic reasoning of individuals.

For a long time, the left has viewed Thomas Jefferson as a man ahead of his time in pushing the class war against aristocracy. But this old Marxist view is now subsidiary to the views of the multiculturalists, who see Jefferson as a vicious racist whose talk of freedom must always be seen as including a racist undertone. When Jefferson speaks of "life, liberty, and the pursuit of happiness," we are meant to keep in mind that he really means "white life, white liberty, and the pursuit of white happiness." It is taken as evidence of the pervasiveness of American racism that he did not find it necessary to include these words. Jefferson's alleged racism is not seen so much as discrediting his personal integrity as discrediting America's founding itself. This is *ad hominem* assertion on a national scale.

Historian Howard Zinn, despite his ridiculous Marxism, keeps Jefferson's struggle with slavery in perspective:

> Jefferson tried his best [to overcome his era's attitudes towards blacks], as an enlightened, thoughtful individual might. But the structure of American society, the power of the cotton plantation, the slave trade, the politics of unity between northern and southern elites, and the long culture of race prejudice in the colonies, as well as his own weaknesses — that combination of practical need and ideological fixation— kept Jefferson a slave owner throughout his life.

This is a far more charitable view than the multiculturalist left often takes. In Ken Burns's recent documentary on Jefferson, historian John Hope Franklin commented:

> The legacy of Thomas Jefferson is a gift and a curse. He's a blessing, in one way, for he gives us many important things that we can hold up as ideals, but he cursed us with a practice of inequality and of slavery, and the denial of justice that can scarcely be erased by anything we can think of.

This is a ridiculous charge. Slavery had existed on the North American continent for two and a half centuries before Jefferson wrote the Declaration of Independence — which included an attack on slavery that others in the Continental Congress struck out. To blame Jefferson for "cursing" America with the practice of slavery is remarkable. But to the multiculturalist left, this makes sense, because Jefferson represents the Enlightenment culture that founded

America, and therefore slavery. That culture is said to be steeped in racism, not only on the surface of political reality, but throughout the social structure, even its epistemology. Reason itself is racist. Biologist Meera Nanda says of the postmodernist left that it

> challenges the belief that a knowing and active subject can, in principle gain access to objective reality. . . . In other words, science's claim to provide a "God's eye view" of the world is a mere ruse to hide its historical, political, and cultural situatedness [sic] in the largely upper class, white, male Protestant culture of seventeenth-eighteenth century Western Europe. Such skepticism about the possibility and (in most cases) desirability of culturally transcendent criteria of truth has become widespread among feminists and other social critics.

To the multiculturalist left, individual actions are culturally determined; thus, what we may refer to as *reason* is in fact only *western* reason, or *white* reason, or *masculine* reason.

*To the multiculturalist left, blaming Thomas Jefferson for "cursing" America with the practice of slavery makes sense, because Jefferson represents the Enlightenment culture that founded America, and therefore slavery.*

This attitude is shared by a remarkable number of environmentalist, black, and feminist philosophers. Feminist theorists claim that science and logic are products of a male-dominated society and that a female-dominated society would have produced a different *sort* of reasoning. Some black professors argue that black forms of thought are different than white forms of thought. Even homosexuals are in on the work. Professor Robert Corner reports that so-called "Queer Theorists" have "even gone so far as to suggest that identity itself is inherently oppressive," and attack their opponents for "hostilly 'identitarian' modes of thought, which emphasize identity and sameness at the expense of other aspects of experience. . . ." All of this echoes the "Aryan" philosophers who denounced Einstein's relativity theory as the product of "Jewish science," or those communist backers of Trofim Lysenko who denounced practitioners of "bourgeois" science and wrote a "new" biology in accordance with dialectical materialism. Indeed, writes another critic, "The very idea of 'rationality' in fact may have to be replaced by a pluralized concept of 'rationalities' in the post-colonial era."

Interestingly, the multiculturalist left finds itself in agreement here with the academic wing of conservatism. To many conservatives, Jefferson is a violent revolutionary, dangerous because of his corrupting tendency to challenge tradition with reason. Jefferson's attitude towards traditionalist conservatism is summed up in his Second Inaugural Address, where he complains of

> persons [who] inculcate a sanctimonious reverence of their ancestors; that whatever they did, must be done through all time; that reason is a false guide, and to advance under its counsel in their physical, moral, or political condition, is perilous innovation; that their duty is to remain as their Creator made them, ignorance being safety, and knowledge full of danger . . . in short, they too have their anti-philosophers, who find an interest in keeping things in their present state, who dread reformation, and exert all their faculties to maintain the ascendancy of habit over the duty of improving our reason, and obeying its mandates.

For some conservatives, society is an organic whole, arising not from a social contract but from a process of sublimation. Cultural relativism lies at the base of the conservatism which holds that values are justified primarily not by such considerations as individual freedom or welfare but by a sort of divine cultural guidance.

James Madison asked

> Is it not the glory of the people of America that, whilst they have paid a decent regard to the opinions of former times and other nations, they have not suffered a blind veneration of antiquity, for custom, or for names, to overrule the suggestions of their own good sense, the knowledge of their own situation, and the lessons of their own experience?

Many conservatives regard this sort of thing as radical nonsense. Irving Kristol says that "to perceive the true purposes of the American Revolution, it is wise to ignore some of the more grandiloquent declamations of the moment." To many conservatives, the founders are admirable for their piety toward tradition. Some members of the revolutionary generation were indeed pious — John Adams, for instance, or John Dickinson, who refused to sign the Declaration of Independence. Such men often occupy a disproportionately large space in conservative histories of the American founding.

For seminal conservative philosopher Russell Kirk, revolutionary individualism does not lie at the heart of the American Revolution:

> All in all, the Declaration's understanding of "natural law" is consonant with old "right reason," and is not an infatuation with the Goddess Reason whom the French revolutionaries would enthrone. . . . Although the Declaration describes the colonial past only in general terms, it was not by natural law arguments alone that the Patriots could justify their separation from the Empire.

Other conservatives go much farther. It was very telling that when historian Connor Cruise O'Brien published his attack on Jefferson, *The Long Affair*, which accused Jefferson of messianic bloodlust, it was roundly praised in the conservative journal *National Review* by historian Forrest MacDonald, who agreed with O'Brien that Jefferson should be "read out of the American pantheon." Yet O'Brien is not a conservative; he merely sees Jefferson as a "redneck," and an incorrigible hypocrite, indirectly responsible for the Ku Klux Klan, and even the Oklahoma City bombing. To him, Jefferson is the "prophet and patron of the fanatical racist far right in America."

*For multiculturalists, Jefferson's whole political personality is seen as bound up in the sexual exploitation of a slave.*

Of course, Jefferson was really a passionate believer in individualism whose Declaration of Independence was very much a product of analytical reason. To some conservatives, western civilization is not justified by its discovery and protection of individual rights; individual rights are justified by their having been discovered by western civilization, or, as Robert Bork says, "for no better reason than that it is a majority" that accepts them. This is not the opposite, but the reverse, of the multiculturalist left; both believe that cultures should be judged, not by universal human criteria, but by a relativism that sees each culture as achieving what is "right for it." What Mary Lefkowitz says of multiculturalism can likewise be said of certain conservative historians. "In traditional historical writing," she observes, " arguments are based on the discussion of evidence. But in cultural history the quality of the argument depends upon its cultural merit."

Like the multiculturalist left, such conservatives may even suggest that the individual's proper role is that of a passive agent of his social structure. Kirk quotes historian Rowland Berthoff: "If men subvert or abandon the values embodied in a well-ordained institutional structure, and so dismantle the social foundations for cultural achievement and spiritual serenity, they proceed at their own grave peril." The proper operation of a culture, considered as a relationship between the "living, the dead, and the yet unborn," as Burke put it, was upset by the corrosive individualism of men like Jefferson.

Fortunately, from the point of view of some historians, his influence was not as large as is commonly thought. Kristol has said that Jefferson "wrote nothing worth reading, on religion or almost anything else." Kirk asserted that "to America, the mentality of the Enlightenment scarcely penetrated." But the multiculturalist is, in a way, more thorough. To him, the Enlightenment remains a potent enemy; it is influential, and it must be stopped. As Martin Lewis writes in an important book, *The Flight From Science and Reason*,

> Most committed Greens [i.e., environmentalist leftists] are also wary of the scientific endeavor, viewing it as complicit in planetary destruction. As one moves towards the more radical fringes, not only science but rationality itself is denounced as lying at the root of humanity's deadly estrangement from the natural world . . . It is now a common article of faith among the most concerned Greens that the very survival of human civilization, if not life itself, depends on a wholesale rejection of science and reason — on a repudiation of the Enlightenment project that alienated us from nature and set us on a course of accelerating destruction.

Where does Sally Hemings fit into all this? To the multiculturalist left, she represents a more literal version of feminist Sandra Harding's characterization of Isaac Newton's *Principia Mathematica*, which she called a "rape manual," guiding the scientist in a process which is much like "marital rape, the husband as scientist forcing nature to his wishes." Similarly, Jefferson's whole political personality is seen as bound up in the sexual exploitation of a slave. Jefferson's position as *the* Enlightenment figure in America can thus be seen as inseparable from his ownership and exploitation of slaves, and the Enlightenment can be dismissed accordingly.

Conservative writer Dinesh D'Souza describes a conversation he had with some thoroughly indoctrinated college students: "On Jefferson, the three were agreed: he was, in various descriptions, a 'hypocrite,' a 'rapist' (an apparent reference to Jefferson's alleged relationship with a dark-skinned woman), and a 'total racist.'" Jeffersonian principles of individualism, reason, science, and private property, all become tainted. Black historian Henry Louis Gates Jr. argues that racism is "a consequence of Enlightenment philosophy and humanism." During this era, he writes, "racism and — dare I say it? — *logocentrism* marched arm in arm to delimit black people in the most pernicious way." He warns that black intellectuals must avoid defending the Enlightenment's faith

*What damns Thomas Jefferson in conservative and multiculturalist eyes alike is his appeal "to all men and at all times," and not to the considerations of race, class, and sex, of which the left approves, or to the "whispers of dead men" that the conservative hears.*

in universal human reason. To do so, he writes, would "allow our discourse to be incorporated into the discourse of Europe and then to be naturalized (seemingly) and colonized." Blacks must "beware of the neocolonial wolf, dressed in the sheep's clothing of 'universality.'"

The Jefferson debate arises from a relatively recent split between the old Marxist left, which still respected progress, science, and reason, and held to Marx's original line about the gradual progression towards communism, and the new, more romantic, multicultural left, which sees in science, reason, and progress the dangerous roots of individualism, capitalism, and environmental destruction. As one commentator puts it:

> Joining the recoil from Marxism is the much longer intellectual indictment of the entire epistemological and ideological underpinnings of the Enlightenment in which Marx's writings are embedded. In this criticism, the roots of rationality have been argued to be nothing more than a set of moral fictions that underwrite power and domination.

Were the anti-Jeffersonians motivated merely by a hatred for slavery, libertarians could hardly object. And it is doubtful that Jefferson himself would object. He said of slavery that it was "the most unremitting despotism. . . . I tremble for my country when I reflect that God is just: that his justice cannot sleep forever." But that's not where it stops. Kirkpatrick Sale, a radical environmentalist, writes, "Nothing less than a drastic overhaul of this civilization and an abandonment of its ingrained gods — progress, growth, exploitation, technology, materialism, humanism and power — will do anything substantial to halt our path to environmental destruction. . . . " Note what must be abandoned: values that lie at the heart of Enlightenment culture ("exploitation," of course, is a leftist buzzword for "division of labor"). Stewart Brand, writing in *Whole Earth Catalogue* follows the path still farther: "We have wished, we ecofreaks, for a disaster or a social change to come and bomb us into the stone age, where we might live like Indians in our valley,

*continued on page 52*

# Hanoi Jane, the Gipper and Me

*by Sarah McCarthy*

How strange is an odyssey that begins as volunteer chauffeur for Jane Fonda and ends with support for Ronald Reagan and writing for *Liberty*?

If I were a pie chart, I would be about one-half libertarian, give or take a slice or two, one-quarter conservative and one-quarter liberal. I see myself as a dimmer switch (and sometimes just a dim bulb) trying to adjust political positions like the fine tuner on a TV. In the 60s and 70s, I was a social-ist-feminist-peacenik, trusted enough among Movement Heavies to be chauffeur-for-a day for Chicago Seven radical Tom Hayden and his wife Jane Fonda. Fonda sat disdainful in the back seat of our Ford Fairmont station wagon munching on celery sticks, raw carrots and plain cold tuna out of a baggie, not saying a word to any of us all day, not even to her husband. Hayden, despite being a Chicago Seven radical, was bouncing around like an eager puppy in our back seat trying to jump through hoops for his wife. "Look Jane," he said enthusiastically as we zoomed through the streets of Pittsburgh, "the steel mills here look just like Liverpool, don't you think?" Jane made no response unless she just gave a slight nod of her statuesque head, which I could have missed from my vantage point in the rearview mirror. Perhaps she was saving herself for the moments when she came alive on stage.

Jane was in town to promote her new film, *Nine To Five*, about bosses who are insensitive to their underlings, and to do an anti-nuke speech at Carnegie-Mellon University. Jane, a full-blown egalitarian activist, couldn't even be bothered to say "Thanks" when she exited our car after a day of volunteer chauffeuring in which her life (and ours by association) had been threatened in a bomb scare, photos of our license plate had been snapped by a man who'd followed us to each stop, and after we'd been nearly stampeded in an alley by a crush of fans! But that was cool. In those days, I was just happy for the adventure of being around the Movement Heavies, the downside of which is relatives becoming suspicious that you know more about things in the news than you actually do. When Patricia Hearst was kidnapped by the Symbionese Liberation Army, my mother-in-law called to say that she knew I knew where they were holding Patty.

In the 70s, we heard Angela Davis and some other dashika-clad communists with Afros, who all had names like Rasheed, speak in Pittsburgh where they assured us that the Vietcong were "humanitarians" with daisies in their gun barrels. I read *Soul On Ice* by Eldridge Cleaver and felt sorry for poor black Eldridge because all his jailhouse pin-ups were of white girls! (Was I stupid or what???) I even had a copy of the *Eat the Rich* cookbook, a recipe book for dishes like Rockefeller Stew, Barbequed Capitalist Pigs and other class-envy concoctions. I couldn't help noticing that Leftists would forgive you anything except being rich. Such were my radical credentials that I considered the Chicago riot at the Democratic Convention to be a "police riot" (which it probably was) and subscribed to *MS.* the same year that body hair was declared to be the "Last Frontier." So deep and widespread was the socialist consciousness and class envy in America that I knew someone who accused a struggling small-business owner of feeding her employees dog food. "What do you do besides this?" I was asked by a feminist who was pointing at my two toddlers, and, in a precursor of the O.J. verdict, I heard a bunch of my white, middle-class Leftist friends defend a black kid who had raped and murdered a young white girl on the grounds that he was a member of an oppressed group.

I was there listening when the radically pacifist Berrigan brothers said it was against the principles of non-violence for women to fight back if raped, and was asked not to come back to a NOW group on the grounds that I was "too

Catholic" after I (mildly) disagreed with a woman who said she considered a fetus to be like a cancerous tumor. I hung out at a socialist bar/restaurant, Wobbly Joe's, run by The New American Movement, and watched it shut down because they couldn't afford pay raises or health benefits for their employees. Their socialist customers threatened to stage a boycott if the price of beer was raised a nickel.

Always intrigued by interesting times, I considered much of this stuff to be harmlessly fascinating, sometimes lighthearted fun to be taken with a grain of salt, and sometimes serious learning experiences and cultural work. The leftists that I knew were right about many things, well-intentioned, good people whose excesses (and my own) I now see as naive and misguided. Though some went too far in their critique of America, they were totally unlike the people David Horowitz describes in *Second Thoughts About The Sixties* as dangerous and manipulative radicals like the red diaper communists and Black Panthers who were perceived as idealistic revolutionaries but were in reality more like common street gangsters.

*Fonda sat disdainful in the back seat of our Ford Fairmont station wagon munching on celery sticks, raw carrots and plain cold tuna out of a baggie, not saying a word to any of us all day, not even to her husband.*

The meaning of the word liberal drifts and changes through the decades like ship smoke on the horizon (I can still quote Pink Floyd) but one thing most of us can agree on is that it went too far . . . way too far, and that most liberals have never given any serious thought or have any understanding of the other side of the story. Most liberals don't even recognize that there *is* another side to the story.

As the 70s rolled on into the 80s, I began to see things differently. Liberal-socialist Marxist theories were no longer just theories out there on the lunatic fringe, but had taken hold and were becoming so widespread that they actually began to undermine the economy and security of the United States. Things had become precarious. Despite repeated warnings from its management, I was shocked when U.S. Steel began to collapse under the weight of the crushing reality of government regulations and the relentless onslaught of big labor. In Pittsburgh, we thought U.S. Steel was omnipotent and would always be there, but just like Gulliver, the steel giant had been roped and tied, and was brought to its knees. Instead of merely harmless Davids bearing slingshots, unions, government agencies and other opponents had brought down Goliath, rendering U.S. Steel too weak to compete with the Japanese. The United States was suffering runaway inflation, out-of-control interest rates that reached 19 percent, increasing joblessness, out-of-control crime, and threats of terrorism. We needed a new sheriff, and we got one Ronald Reagan, who declared Carter's decade of malaise to be over. With an optimistic tough guy in the White House, it was Morning in America!

Reagan UN appointee Jeane Kirkpatrick, tough and defiant, was the first person in a long time who refused to be guilt-tripped by Third World socialist types and their American fellow travelers who had paralyzed the United States from within and without. Kirkpatrick correctly denounced them as the Blame-America-First crowd. No matter what happened, it was "Amerika's" fault. A former peacenik protester sickened by the bloody mess of the mismanaged Vietnam War, I cheered when Reagan sent two fighter planes to surgically remove a plane from the skies that was carrying the terrorists who had thrown a wheelchair-bound American into the ocean from the deck of the Achille Lauro cruise ship. Reagan's action was a symbolic act but in a country whose military had been rendered incompetent, impotent, shamed and emasculated, it was a breathtaking maneuver. Shortly thereafter, Reagan sent a much needed missile into the compound of Libyan premier and terrorist supporter Muammar Ghadafi.

The American economy, helpless and sagging, weakened by taxes, big government regulators and big unions whose demands were relentless, was given a jump start. Reagan lowered taxes and fired the illegally striking members of the Air Traffic Controllers Union whose salaries were in the $150,000 range in today's dollars. The firing of the air controllers was so symbolic that a decade later, Bill Clinton, in one of the first acts of his presidency, rehired them. Clinton was right to identify the firing of the striking air controllers as an event that marked a major cultural shift. Standing up to labor unionists, all of whom were to be considered poor, aggrieved and therefore unquestioned holders of the moral high ground, was unheard of.

Despite all of this, I'm afraid my own Leftist economic fog might not have lifted had I not had the concurrent experience of managing a small restaurant that Hillary Clinton would have called "undercapitalized." "I can't go out and save every undercapitalized entrepreneur in America," said the First Lady in 1993 while promoting her wildly expensive health care plan. A simple lesson that is obvious now, but wasn't obvious then: One cannot always be compassionate in business, cannot always grant raises, benefits and cushy jobs and remain functional. In a start-up small business, financial discipline and the need to discipline employees is taught firsthand, a process that can be as unforgiving as a ride through the rapids in a lifeboat. Bizarre as it may sound, it was like an internal taffy pull for me to twist myself out of a pro-worker, socialist mindset into a boss who had to throw uncooperative people off the sinking lifeboat. When he fired the striking air traffic controllers, Reagan gave me the moral courage to do what I had to do. Reagan had dealt fatal body blows to socialist thought which had been winning the culture war at home and abroad.

*I hung out at a socialist bar/restaurant, Wobbly Joe's and watched it shut down because they couldn't afford pay raises or health benefits for their employees. Their socialist customers threatened to stage a boycott if the price of beer was raised a nickel.*

Though feminists would never give him credit, Reagan made groundbreaking appointments of women to high office: Among others, the first female Supreme Court Justice, Sandra Day O'Connor, Dr. Jeane Kirkpatrick as UN ambassador, and Peggy Noonan as his head speech writer. Shocking as it may seem to some, in the days when feminism was about achievement, breaking down overly rigid sex-role behaviors for both men and women, and opening up choices — in contrast to feminism's current Cult of Victimization which focuses on little more than whining and punitive-damage lawsuits — it could well be said that Reagan shared many goals with feminists.

In the 80s, inspired in part by Reagan, many conservatives and libertarians found new hope and courage. Previously silenced by a juggernaut coalition of socialist, Leftist economists, feminists, Afro-American lobby groups, government workers, trial lawyers, unions and academics, conservatives and libertarians found their voice and brought forth a creative burst of new theories, new books, and radio talk shows that posed serious intellectual challenges to the Left. Conservatives and libertarians began writing about issues like fatherless homes, the dangers of single parenthood, the initiative-destroying welfare system, the dangers of too much regulation, litigation and taxation, the importance of private property rights and retaining the constitutional right to bear arms, the fight against speech codes, the destructive power of the victim industry and many other breakthrough ideas. The intellectual Right had delivered some heavy duty shots across the bow of the intellectually bankrupt Left who believed in little except big government solutions to everything, redistributive economics, class envy and an endless array of overwrought and petty racial and gender grievances.

But, on the other hand, (And shouldn't there always be an "on the other hand," in any sophisticated study of culture and political events?) there is no single political philosophy that can provide answers to all problems. Though the Free Market has a solid record of providing the greatest benefits and the most freedom to the greatest number of people, when I had to fire unproductive employees, some of whom were too old, too weak or tired, to do the heavy lifting necessary to save a struggling small restaurant tottering on the edge, I was intensely thankful there was a government to catch them in its safety net. An "undercapitalized" small business cannot sustain people who are old or sick and remain functional, but society-at-large can. The United States is wealthy and productive enough to voluntarily join in a social contract to help those who have fallen through the cracks if we so choose, and the majority does so choose, but how to help without destroying incentives of both taxpayers and beneficiaries is the question. While fully aware of how quickly "kinder and gentler" politics transforms itself into "compassion fascism," governmental compassion should be a part of any well thought out political philosophy.

In the 80s in the restaurant business in what seemed like an epidemic, I ran into many young guys who had wrecked their lives with alcohol and drug abuse. These drug users were not like the leftists I knew who smoked grass at Moody Blues concerts, but young blue-collar guys whose lives were out of control due to heavy use of cocaine, heroin, LSD, Quaaludes, ecstasy, and God knows what else. Their young lives were a trail of broken marriages, abandoned children, overdoses, drunk-driving arrests and lost jobs. On the issue of hard drugs, I am a conservative.

Though self-help groups like AA and Narcotics Anonymous appear to have the best record in helping drug abusers, many libertarians recognize that some "faith-based" agencies can be as oppressive as the government kind, especially when churches are on the receiving end of huge amounts of government cash through tax exemptions, vouchers or grants. Even when faith-based organizations are not the recipients of the forcible taking of others' property through taxation, there is often enough coercion and faith-related intimidation to make many of us uncomfortable with that brand of compassion.

The religious branch of conservatism is especially harsh to women. Author Alice Walker once wrote that a woman alone with one child is handicapped, but with two she is a sitting duck. A person enslaved to biology cannot experience liberty. Faith-based organizations often deny not only abortion information to a woman in serious need, even to one who has been raped or who has a life threatening illness, but even birth control or family planning information. Government blindness to biological gender inequalities is a government in denial. In his book, *Culture of Complaint*, Robert Hughes writes that when someone lays siege to an abortion clinic and declares himself to be "pro-life," you may be sure that he's not:

> worrying about the life of the scared pregnant teenager; what is at stake is not so much the survival of the fetus, as the issue of how much male control over the bodies of women this society will grant. For without the right to choose abortion over pregnancy, the ideal of equal opportunity for women fails; the involuntary mechanism of ovary and womb will always hamper their pursuit of degrees, appointments, jobs and free time."

*Jane, a full-blown egalitarian activist, couldn't even be bothered to say "Thanks" when she exited our car after a day of volunteer chauffeuring in which her life (and ours by association) had been threatened.*

Few would seriously argue as my radical feminist friend once did, that the destruction of a fetus is equivalent to the removal of a cancerous tumor. Abortion should always be a matter of grave moral choice, but this choice must be made by the mother, not by the state. Pro-lifers and churches have done their best work at saving babies through education and persuasion rather than by forcing women to continue unwanted pregnancies. The following speech by Ronald Reagan, ironically titled "A Time To Choose," or "The Speech," — the one that propelled him into the national spotlight, was delivered in 1964. Though the speech was not meant to apply to the abortion debate, its principles apply there as elsewhere, and define many of the political and cultural arguments that continue to this day:

> This is the issue of this election: Whether we believe in our capacity for self-government or whether we abandon the

*continued on page 46*

Survey

# The Academic Marketplace Today

*by Richard Kostelanetz*

To gain an education about higher education, start with the right lingo. Here's a helpful word: *schnorr*.

Some four decades ago, two academic sociologists named Theodore Caplow and Reece J. McGee published a remarkably illuminating book about American universities. Pointedly titled *The Academic Marketplace* (1958), it regarded our institutions of higher education as falling into four classes — major league, minor league, bush league, and Siberia. The last consisted primarily of community colleges and small denominational schools that required heavy teaching loads from their instructors without caring about whether they ever published anything and were thus, as institutions of learning, extensions of high schools. They represent Siberia on the academic map because few, if any, individuals teaching at that level would ever rise out of them.

A major-league university was one that could steal a prominent professor from another major-league university. Minor-league universities are defined primarily in relation to major league places: they got only the rejects from the major leagues, though a minor-league university became major through enviable steals. When New York University began hiring nationally prominent faculty two decades ago, a new status was bestowed upon an institution that was clearly lesser-leagued a decade before. A mostly minor-league university could have a major-league department if the department could steal in ways that the rest of the school could not. One way in which major and minor resemble each other, while differing from those below, is emphasizing research in both hiring and promotion.

Those who didn't get major-league tenure would customarily end up at a minor-league school, while those minor-leaguers who wrote prominent books or did prominent research would often be promoted to a major-league school. Forty years ago, Brown was Harvard's minor league; the four-year colleges comprising City University had a comparable relationship with Columbia. Similarly, the lesser California state universities were Berkeley's minor league.

Bush-league schools, not to be forgotten, exist largely within their own world. Because the gulf between bush and minor is greater than that between minor and major, it is rare that someone moves up from lesser state schools (such as teachers' colleges and former teachers' colleges) and truly provincial smaller colleges. If they move at all, it is from one bush-league school to another, as a friend of mine has gone in the past decades from Davis-Elkins College in West Virginia to the University of Evansville and now to Georgia Southern, notwithstanding his publishing the definitive book on French visual poetry.

When *The Academic Marketplace* was taught to me, the professor could think of only one example of a teacher moving out of the bush, and that occurred a few years before when a historian at Long Island University went directly to Columbia after publishing a best-seller about the Spanish Armada. Perhaps a decade ago a friend who had published both poetry and scholarship moved from the same L.I.U. to the University of Oklahoma, probably minor league, only because, so he told me, he agreed to assume the chairmanship that nobody already there wanted. He didn't go up or across again.

The quadripartite distinction remains valid, even though most professors, when told about it, are understandably inclined to rate their schools a rung higher than they are. When a dean at a state university told me that his university was minor league, rather than bush, I asked whether he could think of any colleague who left his school for a higher level. When he could only identify people who moved across the bush league, I knew his estimate was inflated. Similarly,

when another friend insisted that her small college was "major league," I asked again about people who left. By citing several who went on to "research institutions," as she called them, she had defined her school as minor, if not less.

I was reminded of the Caplow-McGee book when sociologist Dennis H. Wrong published a front-page article in *TLS* (formerly the *Times Literary Supplement*) implying that the old distinctions are incomplete. As he wrote me, "The stratification is, if anything, much steeper, but there have been a variety of new and formerly obscure institutions, mostly in the Sunbelt, that have lured away some quite big names with money and other perks, including, I suppose, the warm climate. This process has made the rank order much more complex." Maybe yes, maybe no. No bush-league university became minor, let alone major, by stealing a retiree, his prominence notwithstanding, simply because, to recall the measure of mobility, he won't be going anywhere else before retiring again. Nor will any of his colleagues be moving up solely because of that retirees' affiliation.

*While a minor league university may become major, it is rare for a bush-league school, even with the best of intentions for raising its status, to get out of the bush.*

While a minor league university may become major, it is rare for a bush-league school, even with the best of intentions for raising its status, to get out of the bush. A state university near a ten-month beach recently inaugurated two chairs — one in the humanities, the other in the arts — that paid in the six figures annually, in addition to offering an equally generous budget for the chair-holder's professional projects. Among the finalists for second chair was an English-lit professor best known for his interest in earning more money than anyone else, a famous hyperactive feminist, a prominent art historian who writes prolifically on contemporary art, and a woman known only to a few as "a personally abrasive feminist sociologist." The finalists for the arts chair included a film documentarian who had won an Academy Award, an artist-writer prominent in several domains, and a pianist internationally renowned. Since the humanities chair went to the least-known candidate, while nobody got the arts chair, this university failed to raise its status, not to mention its visibility (and incidentally disappointed its donor). While you can only guess how such opportunities are undermined, the truth is that without moxie, a pile of money and warm weather are not enough.

## Beyond Mobility: Public-Private Differences

What I think is missing from Caplow-McGee's rankings, as well as Wrong's more recent critique, is a distinction that cuts across them. Universities that are privately funded differ crucially from those that receive most of their funds from state and local governments. Economically, which is a good place to start, private and public universities are essentially different businesses. The financial aim of the former is separating well-to-do people from large amounts of money, whether as parents of customers or donors, in endless schnorring (which is Yiddish for begging). The job of its president, in addition to administration that is customarily delegated to the provost, is to create a product that will entice big bucks and, even better, allow his university to constantly escalate tuition and fees. This escalation in private university costs depends upon the myth that attending "a good college" is necessary for social survival, if not success.

To keep his institution solvent, the private-u president must be in tune with fashions among people wealthy enough to afford his product, which is to say the moneyed classes. Among the changing fashions were emphasis upon the teaching of classics a century ago against more attention to pop culture today, heavy reading a few decades ago and less reading today, anti-Semitism a half-century ago and political correctness today, required daily chapel attendance a few decades ago (this is hard to believe now) against nothing comparable today, sexual suppression a half-century ago and polysexual tolerance today. After all, were a university to neglect such fashions, were the myth of "a good college" to explode, the worst thing that could happen is that no one would show up to pay tuition. (Continue to escalate the costs, and this may eventually happen anyway.)

A few private universities compete for big bucks by differing in one or another current fashion — say, more stringent parental rules, a more classical curriculum, more required religious observance, less sexual tolerance — but one truth common to all these unfashionable institutions is that they need a wealthy clientele. Without enough bucks they would go the way of Black Mountain College, which was, after all, a legendary art school. The private college president resembles a stockbroker or an art dealer who likewise succeeds by amicably extracting large amounts of money from otherwise value-conscious benefactors.

*Perhaps the best qualified person to head a public university would be not an academic at all, but a lobbyist.*

When I arrived at a second-level Ivy four decades ago, with tuition only a minuscule fraction of current rates, the dean gave a reception for us and our parents, I assume in retrospect to reassure them about their investment and to make himself available for any letters of concern. ("Dear Charlie," you could imagine one writing, "Remember meeting me last September. Well, my son Jimmy. . .") Such private-u solicitude accounts for why some parents of recent alumni of my college could tell me that its president "is doing a good job," indicating that their sense of the man justified their expenditure, apart from the intellectual quality of the education or its effect upon their children, and thus that the president had sold himself to them much as a successful mutual fund manager or high-end automobile dealer would. (You wonder why the private-u doesn't put its president's face in its promotional ads, much as mutual-fund directors or Cadillac dealers do.)

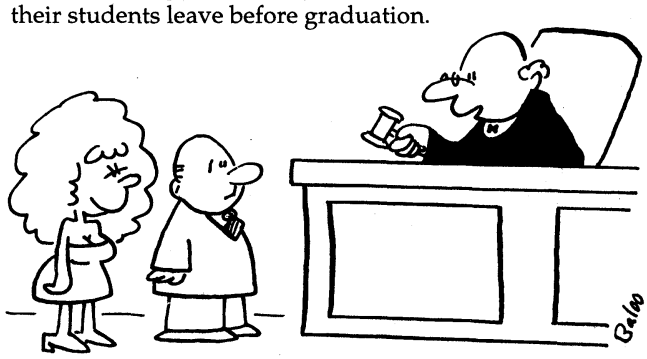
The chiefs of publicly funded institutions should be, by contrast, more skilled at hustling governors, mayors, and leg-

islators, none of whom have to dip into his own pockets for the money he gives to a school. These latter schnorrers depend upon the myth that university education should be made available to as many Americans as possible, or at least as many constituents as possible. (During the 1970s, I'm told, no one could get elected to the Puerto Rican legislature unless he advocated creating a local branch of the state university.) In that respect, public university presidents resemble the heads of other institutions claiming to benefit everyone at government expense — hospitals, social-welfare agencies, public libraries, prisons, and the military. It's hard to imagine them cultivating tuition-paying parents. Nor would the public-u parents necessarily know who their kids' college president is, while the football coach, who is probably better known, would be more effective at schnorring private money, in this case only for the university's team.

Perhaps the best qualified person to head a public university would be not an academic at all, but a veteran lobbyist. No wonder that the new chief of the University of Massachusetts was previously the president of the State Senate, William "Billy" Bolger, who established his new office not on the campus but in downtown Boston near the state legislature.

Certain hiring practices reflect the difference. When a branch of New York's City University recently hired a prominent French AIDS researcher at a salary considerably higher than the norm, even for a "Distinguished Professor," its president obviously intended not to please the students or the alumni, who don't give much money anyway, but the media, and thus their readers and, by extension, publicly elected officials to justify this school's payroll. No private university could pay this guy's salary without earmarked beneficence from an alumnus or another private entity.

Acknowledging this economic distinction, I wonder whether professors at private colleges don't differ mentally from those working at public universities, and whether they differ in more ways than they are probably aware (or are commonly known). Let me offer a few distinctions I've observed. Professors at the former are likely to show more loyalty to their institutions and their purposes than those at public places. That accounts for why even the busiest of them can be enticed to speak gratis at alumni functions. Private-u profs are less likely to flunk a weak student partly out of the recognition that their university would then be losing his or her parents' money. Consider the relationship of this reluctance and the pride that Ivy schools often take in how few of their students leave before graduation.



"I'm going to let your wife off with a warning, Mr. Digby, but I'm afraid it's the death penalty for you."

It is indicative that the highest professorial and administrators' salaries occur at private colleges, whose chiefs need to persuade only a board of wealthy trustees, rather than state officials, of anyone's greater worth. (One truth familiar here is that rich people are more predisposed to help aid the should-be-rich than those genuinely poor.) The kind of cushy contract that Maya Angelou has at Wake Forest, say, would be impossible at a public university if only because public and legislative support for black women celebrities, even in North Carolina, is less than that for an internationally renowned AIDS researcher. (And thus while Angelou might generate some negative yahoo press that a private university can safely ignore, the latter appointment does not.)

*When certain prominent professors who were socialists in their youths said they would prefer to work at public universities over private, it is reasonable to ask why they would rather take money from taxpayers over rich people.*

## Peculiarities of Public Universities

Given that public universities were created to teach those unable to afford private colleges, it is reasonable to wonder why the former should compete with private employers for star researchers by offering them high salaries and reduced teaching loads. It's hard not to sympathize with those tightwad legislators who complain about extravagance at the public trough. When certain prominent professors who were socialists in their youths said they would prefer to work at public universities over private, it is reasonable to ask why they would rather take money from taxpayers over rich people. Top administrators at state universities should be less concerned with enticing faculty into fund-raising than with getting them to keep their noses publicly clean. God forbid that any professor should do anything that seriously offends legislators or their constituents. I've heard of a state university in Florida whose administrators' greatest fear is that pro-Fidel professors would upset legislators dependent upon Cuban immigrants' votes, and I wonder if a state university in Utah could survive with too many vociferously anti-Mormon faculty. Prominent professors at public universities are paid roughly as much as those at private places, in a false competition, because the former do little, if anything, to increase the value of the university with its primary benefactors (the legislators) or its potential students. They apparently suffer no more guilt about ripping off the public than do other civil servants.

It is harder for presidents at public universities to budget and to plan because legislators are forever adding and cutting money according to their last-minute whims. (To keep private donations apart from public funds, they often need to create "research foundations" that are wholly controlled by the school.) My friend Ronald Sukenick, who has taught at both, suggests, "At a private university, you're your own boss; at a state university, you feel like a worker in a produc-

*continued on page 52*

Letter

# Out of South Africa

*by Jim Peron*

Now that South Africa has majority rule, the media suggest, it is full of hope, stability and prosperity. The situation looks vastly different to those who actually live there.

## First, a bit of good news.

South Africa held its second "democratic" election June 2. By manipulating the rules for voting, the ruling African National Congress (ANC) legally eliminated over 1 million voters, most of them white. The predictable result was that the ANC won reelection with a greater majority than in the first election. In its drive to consolidate power, the ANC targeted the libertarian-leaning Democratic Party (DP) as its enemy and expressed affection for the former apartheid dictatorial National Party (NP). Top ANC officials repeatedly denounced the minuscule DP as "racist" and part of a white conspiracy to return apartheid as official policy. The DP argued that apartheid hadn't been abandoned at all, and that the ANC was now using similar laws to take over every aspect of civil society.

Curiously, considering the ANC's denouncements, the DP had been the center of white anti-apartheid activism before the first election. As such, it was a confused amalgamation of conflicting ideologies ranging from socialist to libertarian. Anti-apartheid sentiments glued this odd coalition together. In the previous election the DP only managed to gain slightly under two percent of the vote. It had no clear perspective on the issues.

Since then, DP leader Tony Leon and a handful of policy advisers pushed the party in a libertarian direction. For instance, in this election the DP campaigned for the complete privatization of public schools and the abolition of affirmative action laws. It attracted a large amount of support from the gay community and was regarded as the bastion of support for free enterprise.

The NP, no doubt infected with huge amounts of guilt over its apartheid-era sins, had barely acted as an opposition party to the ANC government after the ANC's victory in the first election. The tiny DP filled the opposition role unofficially, a fact that was widely apparent. This time, though, the NP lost over half of its supporters and imploded into a shadow of its former self. The DP increased its vote total to just under ten percent and went from five MPs to 39.

This massive shift to the DP was best exemplified by election results in the former NP stronghold of Pretoria. In the June 2 election not one voting district placed the NP in first place. Every district either supported the ANC or the DP. The NP was relegated to the status of a minor regional party with the bulk of its support coming from the Cape coloureds. The Inkatha Freedom Party, which came in third behind the DP, received almost its entire support in KwaZulu Natal. The upstart United Democratic Movement performed dismally, with most of its support coming from the region where its leader had been the former military dictator.

Contrary to ANC claims, the DP attracted relatively good multiracial support. It won some support in black areas of Johannesburg, took a majority of Indian neighborhoods around Durban and also did well in some coloured areas in Johannesburg. A survey by the Human Services Research Council found that one in ten DP supporters is black, while the ANC barely has one percent of white support. The DP also attracted the support of an organization founded for the unemployed. While the black elite are benefiting from ANC affirmative action policies and labor laws, the mass of poor blacks are suffering even more. In its first term of office the ANC managed to destroy in excess of 500,000 jobs. This is a country with a population of about 40 million people, so 500,000 represents a huge loss.

Today, the DP and ANC are the only two parties that received support across the country. When the election totals

were finally announced, the DP became the Official Opposition. And now it faces the real challenge. Many new DP voters do not understand the party's support for free enterprise and civil liberties. The DP MPs are a relatively decent lot of individuals, but there will be a lot of pressure for them to act like the old Nats. Meanwhile the old Nats are saddling up to the ANC and making political kissy face. Post-apartheid South Africa is a strange place, indeed.

## On the Other Hand

And now, the bad news.

Fully three-quarters of all well-educated individuals, according to a survey recently conducted by the *Sunday Times*, were contemplating emigration. Predictably, government partisans dismissed the survey as unrepresentative.

*Democratic Party leader Tony Leon and a handful of policy advisers pushed the party in a libertarian direction. For instance, in this election the DP campaigned for the complete privatization of public schools and the abolition of affirmative action laws.*

The accuracy of the *Times*'s survey was bolstered by the results of another survey conducted by the Institute for Democratic Alternatives for South Africa, which found that 65 percent of "skilled" workers were considering emigration from South Africa.

The results of these surveys confirm what the World Competitiveness Yearbook has been saying. Its study ranked countries by the proportion of well-educated people who were thinking of emigrating. South Africa ranked 42nd out of 47 countries, just five spaces ahead of last-place Russia. Less than two in ten educated South Africans were planning on staying in the country.



Other reports show that government figures regarding emigration are highly suspect. Official South African emigrants do not total up to official South African immigrants in other countries. The South African Institute of Race Relations found, for example, that far more South Africans officially moved to Australia than officially left South Africa.

Senior economist Tony Twine of the Econometrix research group says the surveys confirm "what people have been saying for years." They reveal a large trend of "semigration," in which people emigrate but hide the real reasons. People leave under the pretext of going on vacation to escape South Africa's overbearing currency controls.

This voluntary brain-drain is exacerbated by the involuntary deportation of thousands of whites, some long-term residents.* Over 1,000 physicians were ordered to leave the country, while at the same time the hospitals were short staffed. In just five years the public hospital system has completely collapsed. Fees for immigration have been radically increased for anyone seeking permanent residency, to discourage the migration of educated individuals into the country.

On the other hand, the ANC had a different policy when it came to black "illegal" immigrants from neighboring countries. In its first term as the ruling party, the ANC offered these immigrants "free" citizenship. Over 300,000 new voters were added to the rolls, most of them guaranteed to be life-long ANC supporters.

The explanations for racial disparities in immigration policy are obvious. By forcing educated whites out of South Africa, the ANC creates more elite positions for its supporters. And educated individuals from European countries are more likely to find ANC policies repugnant and offensive. They complain far too much to make the ANC happy. Plus many white immigrants are staunch DP supporters. With its policy of watered-down racial cleansing, the ANC increases its own support, rewards its followers, and reduces criticism of its illiberal policies.

Of course, any idiot can see that South Africa's brain drain, combined with the ANC's racist immigration policy, will be deleterious to the nation's economy. The *Global Competitiveness Report*, published by the World Economic Forum, finds South Africa sinking in its global competitiveness rating. Last year South Africa ranked 42nd out of 59 countries surveyed. In the current survey South Africa plunged five spots to 47th.

The fact that ANC policies favor a number of radical trade unions that are part of the coalition government isn't helping much. The World Economic Forum ranked South Africa dead last on labor regulations, labor/employer relationships, work ethics and hiring and firing practices. This union-inspired regulatory straitjacket has managed to reduce total jobs in the country by 500,000. This out of a total working-age population of about 20 million.

With the rise of the libertarian-leaning DP in South Africa, those South Africans interested in personal freedom have something to cheer about. The only question is: Will ANC policies destroy South Africa before DP sensibility prevails?❑

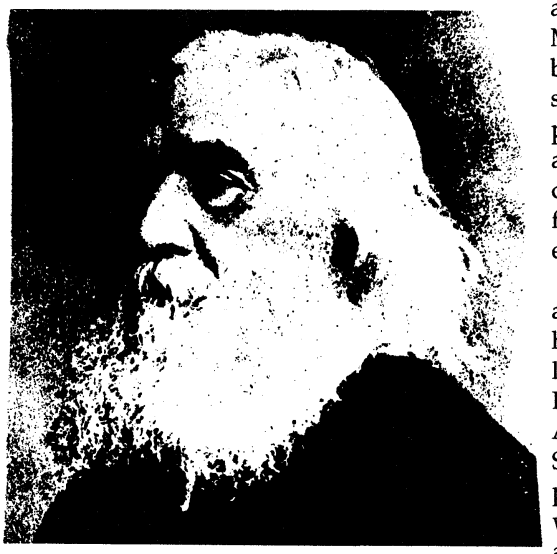
*The author, who has lived in South Africa for eight years, has been told by the government to leave the country. No reason was given and he was told that he had no right to an explanation. The matter is still being negotiated through attorneys hired for this purpose.

# In Search of Lysander Spooner

*by Randy Barnett*

The most individualistic and radical of all 19th century American anarchists has been nearly forgotten, but traces can be found, if you look hard enough.

The most striking thing about Lysander Spooner (1808–1887) is neither his curiously picturesque name nor the long, imposing beard of his most famous portrait — it is his legacy as an ancestor of the modern libertarian movement and his idiosyncratic career as a lawyer, abolitionist, entrepreneur, and anarchist pamphleteer. I think so well of Spooner's essay *No Treason: The Constitution of No Authority* (1870) that I regularly assign it to students in my jurisprudence classes and my seminar on constitutional theory. Three years ago I also became enamored of Spooner's earlier work on constitutional interpretation, *The Unconstitutionality of Slavery*, which appeared in two parts in 1845 and 1847. In this book Spooner argued with surprising persuasiveness that slavery was unconstitutional, notwithstanding the original intent of the framers or ratifiers of the constitution, and those passages of the document itself that apparently refer to and sanction property in men.



Lysander Spooner, 1808–1887

A year later, when I was invited to deliver a lecture at the McGeorge School of Law in Sacramento, I decided to devote both it and a subsequent article to Spooner's theory. The *Pacific Law Review* generously agreed to publish an abridged version of Spooner's original work along with my essay.

While preparing the lecture, I became aware that Spooner had written all of his works in rural Massachusetts and Boston, and that he was buried in Forest Hills Cemetery in Boston. I resolved to visit these sites as soon as possible. I am not sure why I was driven to go in search of Spooner and trace his footprints in Massachusetts. Perhaps it was because I had admired Spooner for so many years. Perhaps as a law professor in a generally left-wing academy I wanted to emulate his courage and solitary fortitude in the face of a hostile intellectual environment.

So last summer my wife Beth and I finally made the trip from our home in Newton. The grave is located in the oldest section of Forest Hills, the Field of Ephron. According to cemetery officials, Spooner was buried above another person, one Lucy A.B. Calhoun, who had died some 40 years earlier and who apparently bore no relation to him. The grave had gone unmarked until 1974, when Carl Watner, publisher of *The Voluntaryist*, thoughtfully arranged for the placement of a simple brass plaque, which reads:

Lucy A. B. Calhoun
LYSANDER SPOONER
*To live honestly is to harm no one and to give everyone his due.*

My first sight of the grave was disappointing. Between two

substantial granite tombstones lay a plaque embedded in concrete, flush to the ground, beneath the grass line, invisible to anyone who was not deliberately searching for it. The absence of any information about Spooner, even his date of birth and death, seemed far too modest even for this modest man. After lingering for a while and taking some photographs, I returned to the office and inquired about the possibility of adding a more fitting and informative marker.

Having located Spooner at the end of his life, Beth and I wanted to investigate his place of birth — Athol, Massachusetts. It was there, while living on his father's farm, that he wrote his book on slavery. It was there, too, that he

*Spooner argued with surprising persuasiveness that slavery was unconstitutional, notwithstanding the original intent of the framers or ratifiers of the constitution.*

founded the American Letter Company to compete with the U.S. Post Office, and where he wrote his pamphlet condemning the unconstitutionality of the postal monopoly.

Athol is a rural blue-collar community, population 11,451, 70 miles west of Boston. Even before my trip to Forest Hills, I had not expected to find much, if anything, of Spooner's legacy in Athol. I had found a listing for the Athol Historical Society, but when I called, no one answered the phone. So I called the local library. It had some sort of file on Spooner. The librarians insisted that I should call a local historian and retired newspaper reporter named Richard Chaisson. I did, and Chaisson's voice boomed ever the receiver. "Oh, Lysander!" he exclaimed. When I told him I was coming to Athol to find Spooner's birthplace, he said cheerfully, "You know, the house is still standing. It belongs to a very nice couple who have restored it." I asked him if there was any marker designating the place as Spooner's birthplace. "Someone from New Hampshire talked to the owners," he replied, "but he wanted to play up Spooner's anarchism, and I think they were not entirely comfortable with that." He gave me directions to the house and told me he would leave his files for me at the library's help desk.

It was a bright, beautiful July day when Beth and I headed for Athol. As we drove, I began to realize just how remote Spooner's upbringing had been. Seventy miles from Boston seemed a long way, even at the rate of 60 mph (well, make that 70). It was hard to imagine him writing his 300-page scholarly broadside this far away from the libraries of Boston, where he would eventually do his later work.

We pulled off Route 2 onto Petersham Road. There, at the second building from the exit ramp, we found the designated address, 559, and the house itself. Beth and I approached the building slowly, examining it from the street. It was a two-story colonial with gray, worn clapboards. Sitting along a busy highway, it was hard to picture as the remote farmhouse it was when Lysander Spooner was born.

I knocked on the door, feeling a bit sheepish about disturbing whoever might be home; but for a long time there was no answer. I thought for a moment that we were out of luck when the door opened and a tall, youngish man in a T-shirt and jeans appeared. I identified myself as a law professor from Boston University and explained the reason for our visit. He seemed guarded and asked a few questions. When I mentioned that I had been a criminal prosecutor in Chicago, a smile broke out on his face. "Hey, I'm a cop. Come on in." Under the circumstances, it was an ironically friendly greeting for two anarchist-hunters to receive.

Andy Paton showed me around. He told me how he and his wife Elsa had exposed the original hand-sawn beams and the floorboards— boards so long and wide that no modern Massachusetts tree could furnish them. He explained how the house had been subdivided into two dwellings and how the original center chimney had been removed and along with it, much of the support for the structure and roof. We examined every room, even the large airy attic. I could see how he had reinforced the roof after jacking up the center of the house, which had been on the verge of collapse when he and his wife bought it.

As we were taking our tour, his wife returned. When we explained our interest, she searched for photos of the restoration, and she happened across the clearest, most detailed copy of the only picture of Spooner that I have ever seen. "The one where he looks like Walt Whitman," she said. She had two copies and insisted that I take one. She also produced an extra copy of a book on local landmarks, which featured the "Lysander Spooner House."

I discovered that the Patons hadn't known that Spooner had lived there when when they bought the place. They still knew little about him except that he had started a mail ser-

*The absence of any information about Spooner, even his date of birth and death, seemed far too modest even for this modest man.*

vice that competed with the post office. I went to the car and retrieved a six-volume set of the complete works of Lysander Spooner, and placed it on the large dining room table that the Patons had made from spare floorboards. They seemed awed by the green volumes spread out before them. I opened volume 4 to *The Unconstitutionality of Slavery*. "Spooner wrote this in this very house," I told them. It was a moving moment — for everyone, I believe. Spooner had returned to his home.

We had been there an hour and a half, and I knew that Andy had to get to work, so I thought we ought to go. Before we left, he retrieved a metal container from somewhere and showed me the contents: original handmade nails that had been removed during the renovation and that dated to the time the house was supposed to have been built. "Take some," he said. I did. Then Andy took us on a short tour of the property, showing us the original post road that ran by the house. Spooner's company had used this road to carry letters in violation of federal statutes; for doing so, his employees had been prosecuted as criminals. Behind the house, we saw a beautiful lake that had been created, much later, by damming a river. The couple's large, gentle, dog, which Andy used for K9 rescue work, trotted right in and

swam around the shaky pier on which we stood.

As we said our goodbyes on the front porch, I broached the subject of placing a marker in front of the house and told them I thought of describing Spooner as a "Lawyer, Entrepreneur, Abolitionist, Scholar, Legal Theorist, and Anarchist." When I said the last word, Andy smiled and said "yeah, all right" or words to that effect.

He told me that he had considered having the house registered as a historic landmark but did not want to put up with the restrictions that such a designation imposed. I assured him that Spooner would not have wanted his home listed with the government and believed strongly in property rights. I also said that Spooner would want the house to be lived in precisely as they were doing, making it *their* home. Andy seemed relieved. It was as though Spooner himself had given his blessing to the Patons's endeavor.

Beth and I then drove from the house into Athol. I was struck by the distance between Spooner's home and even this small town. Athol is by all accounts economically depressed, but I found it more quaint than run-down. Beth and I had planned to eat what by now would be a very late lunch at the restaurant in town that Elsa had recommended, but before doing that, I decided we should get the file from the library to study while we were eating.

When I identified myself to the woman at the desk, she directed me to a man sitting at a nearby table. It was Dick Chaisson, and he had been awaiting our arrival. A not-so-old New Englander who, by his own account, had never in his life traveled beyond the region, Chaisson had been a local reporter and he was eager to talk about Spooner. He showed me his file, a collection of tiny folded clippings and notes on three-by-five cards in a grey cardboard box. Each clipping was filed in chronological order. He told me to take any duplicates, and that by doing so I would be doing him a favor.

I examined the clippings as we spoke. Unfortunately, there was little new information. Most of the newspaper stories he had written were about Spooner's mail service. The articles shied away from Spooner's politics, though not completely. One clipping by a local historian and antique dealer described Spooner's stamps. And there was a fascinating copy of Spooner's obituary from the *Boston Daily Globe* lengthy, detailed, remarkably accurate, surprisingly laudatory. It closed with the comment of Boston poet John Boyle O'Reilly, who described Spooner as one of the greatest men the world ever saw, a man whose nature was so large and whose love for humanity was so great that he distinguished no race or creed or nationality. In his own way, in his humble living, as an anchorite, Spooner made his beneficence felt on every hand; yet few had ever heard of him, and fewer still were privileged by his acquaintance. O'Reilly called Spooner's loss to the country the greatest since the death of Emerson. He prophesied that a monument would be erected to perpetuate his memory within 20 years, or 50 at the farthest.

That was not to be. The world continued to move away from Spooner's views. A century had to elapse before his

ideas would even begin to come into vogue, a century in which the great socialist experiment that was beginning when he died was finally shown to be a catastrophic failure.

Near the end of our visit with Chaisson we had an exchange that left Beth and me amused. On the phone, Chaisson had told me of a letter to the editor strongly protesting one of his articles about Spooner because it glorified an anarchist. As I perused his files, he told me the story again. Just before we parted I read the letter. In fact, its author was clearly an anarchist or radical himself. His opening line, which went something like, "I never thought I would see the day when an article favorable to such a radical," etc., was clearly facetious *praise*. And for all those years, Chaisson thought he had been criticized for going too far. My suspicions about Chaisson's political bent tended to be confirmed by this, though I also suspected that it confirmed his status as a genuine liberal. He had promoted Spooner *in spite of* his politics. His approach was most commendable, and all too rare among the press today.

Shortly after our visit to Athol, we found the apartment house on Beacon Hill where Spooner lived during his last days, and where he died. It is now thoroughly converted from the rooming house it had once been into a stately, but undistinguished, three story apartment building. It's within a short walking distance of the Boston Athenaeum where Spooner wrote his more radical tracts during the last half of his life. (Locations and directions to all the Spooner locations can be found on the Lysander Spooner web page at www.lysanderspooner.org.)

Now we had seen where Spooner was born, where he worked, lived, and died, and where he was buried. We had shared for a while the circumstances of his life; and thus, in a way, we had come to know him better. The influence of a great mind transcends all circumstances; but knowing the circumstances can make the influence even more profound. I now feel even closer to the brilliant and headstrong lawyer, scholar, and theorist from the backwoods of Massachusetts. And I will always treasure the nails. ❑

## McCarthy, "Unravelling," *continued from page 37*

American Revolution and confess that a little intellectual elite in a far-distant capital can plan our lives for us better than we can plan them ourselves. You and I are told we must choose between a Left or Right, but I suggest there is no such thing as a Left or Right. There is only an up or down. Up to man's age-old dream the maximum of individual freedom consistent with order or down to the ant heap of totalitarianism.

The Founding Fathers knew a government can't control the economy without controlling people. And they knew when a government sets out to do that, it must use force and coercion to achieve its purpose. So we have come to a time for choosing. We are for a provision that destitution should not follow unemployment by reason of old age, and to that end we have accepted Social Security as a step toward meeting the problem.

You and I have a rendezvous with destiny. We will preserve for our children this, the last best hope of man on earth, or we will sentence them to take the first step into a thousand years of darkness. If we fail, at least let our children and our children's children say of us we justified our brief moment here. We did all that could be done. ❑

# The Search for Ayn Rand's Russian Roots

*by Chris Matthew Sciabarra*

All anyone knew about Rand's education in Leninist Russia was what Rand told her friends — until the Soviet Union collapsed and its archives became available. But there are still those who want to keep her years in Russia secret . . .

In the early 1990's, my research for *Ayn Rand: The Russian Radical* was aided by an extraordinary historical opportunity. As the Soviet Union collapsed, its archives were slowly opening to the eyes of scholars. In my efforts to probe these archives, I was fortunate to find — and gain — the cooperation of such historians as Boris and Andrew Lossky, sons of the distinguished philosopher, N. O. Lossky, with whom Ayn Rand claimed to have studied in her first year at Petrograd University. Boris, in particular, had close contacts with high officials at the Academy of Science Library for Scripts and Rarities. In July 1992, the Leningrad State University records were searched by the director of the archive administration and the vice director of the department dealing with the exchange of documents. N. T. Dering and L. V. Guseva discovered the college dossier of the young Ayn Rand — sealed with the official university stamp of the Archive Administration for the Committee of the People's Council of the Leningrad Region, the State Central Archive of the October Revolution and the Building of Socialism in Leningrad!

For all its fancy inscriptions, however, the document did not include any information on Rand's coursework, grades, or teachers, but it did provide some interesting facts: I discovered, for instance, that Rand's full name was Alissa Zinovievna Rosenbaum. It had been reported by Barbara Branden, in her biography *The Passion of Ayn Rand,* that Rand's father's name was Fronz. My discovery of Rand's patronymic, "Zinovievna," indicated that her father's real name was Zinovy. The dossier also detailed the year of Rand's birth (1905), and her enrollment in the three-year program of the *obshchestvenno-pedagogicheskoe otdelenie* or Department of Social Pedagogy in the College of Social Sciences. That department contained the historical and philosophical disciplines, and often prepared students for careers as social science teachers. The document listed Rand's date of entrance as 2 October 1921, and her date of graduation as 15 July 1924.

I was dismayed that no information existed on Rand's actual courses or professors. Hence, it was incumbent on me to reconstruct the historical record by my own effort in an attempt to resolve certain paradoxes concerning her education. The results of that reconstruction appear in the book, but some of my conclusions created controversy. For example, Rand recollected to Barbara Branden that she had studied with Lossky in her freshman year (1921-22). I discovered, however, that Lossky's life had been shattered when the Soviets had allegedly barred him from teaching at the university during that very academic period. In addition, Lossky suffered from ill health in the fall semester, and it seemed unlikely that he could have taught any courses at that time.

Before receiving the dossier, I had written Leonard Peikoff about this historical problem. Contrary to the public assertions of John Ridpath (*Intellectual Activist,* January 1996), that Peikoff's response was "dismissive," I received what I believed to be a promise from the Estate. Peikoff explained that the Estate was compiling Rand's biographical data and that if anything relevant turned up with regard to the Lossky-Rand connection, he would notify me. Hardly dismissive. I remained hopeful.

As my explorations continued, I discovered two interesting facts. Rand had claimed to have befriended Olga Nabokov, the sister of Vladimir, Russian writer of *Lolita* fame. Boris Lossky was also friends with the Nabokovs. He suggested that for Rand to have been classmates with Olga,

she would have had to have attended the Stoiunin gymnasium, a school founded by his maternal grandparents, N. O. Lossky's in-laws. Lossky actually taught logic and philosophy courses at the gymnasium from 1898 to 1922.

Eventually, I was led by Vladimir Nabokov's biographer, Brian Boyd, to Olga's surviving sister, Helene Sikorski. Helene confirmed that she and her sister Olga had attended the Stoiunin gymnasium during the period in question. My conclusion was that Rand had also attended this school, and that she most likely learned of the famous Lossky while enrolled there.

Another interesting fact that I uncovered pertained to Lossky's status at the university. Apparently, he had not been barred from teaching. He had simply been transferred to a university annex, the Institute for Scientific Research.

*The Ayn Rand Institute's restrictive policies are compelling scholars to expend their time, energy, and money in an effort to get documents that already exist within the Institute archives.*

The Soviets were disturbed by Lossky's anti-materialism and anti-communism, but their censure of him did not preclude him from continued lecturing. Unfortunately, any courses that Lossky may have taught at the annex were untraceable in the Lossky family "red-book." Boris suggested that this lack of evidence in his family's archive raised doubts about Rand's claims. Still, some of Rand's recollections were in accord with Boris's formal records. In the end, I gave Rand the benefit of the doubt, and accepted her version of the story as the best available explanation.

The reactions to this historical conclusion were mixed. Some praised my detective work and meticulous scholarship, while others condemned the results as fiction. A few of my critics had an ideological ax to grind: they simply could not accept that Rand had actually learned anything of value from her teachers, and if this required them to damn Rand's own recollections of the period, so be it. After all, I had offered Lossky as a symbol of a profoundly dialectical tradition in Russian scholarship, and I had insisted that virtually all the professors in the Leningrad history and philosophy departments of the period were of the same tradition. In essence, I declared, dialectics — with its contextual analysis of dynamic structured wholes — was in the intellectual air, and Rand had breathed its insights, absorbing its organic methodological techniques, even as she rejected the entire mystic, collectivist, and statist substance to which these were wedded.

But just as my critics were unsatisfied, so was I. I knew that somewhere more information existed, and it was only a matter of time for this information to surface.

Nearly two years after the publication of my book, I came upon an item in the May 1997 issue of *Impact*, newsletter of the Ayn Rand Institute. In discussing the possible origins of Rand's chosen name, "Ayn," the newsletter reported: "Last month, Michael Berliner was looking at a copy of Ayn Rand's university diploma and transcript from St. Petersburg (recently acquired by our Archive)." I was both stunned and ecstatic. Could it be that the long lost transcript of Ayn Rand had finally surfaced?

I had benefited from some dealings with the ARI in the past. In fact, in the aftermath of my book's publication, I received several letters of appreciation from ARI associates, who were impressed with the seriousness that I brought to Rand scholarship, even though they disagreed fundamentally with my approach. I even arranged for their use of a photograph of N. O. Lossky taken from my book, facilitating Boris Lossky's permission for such use in the Paxton documentary, "Ayn Rand: A Sense of Life." I was pleased to see both of us acknowledged in the credits of that Oscar-nominated film. Moreover, in the April 1997 issue of *Impact*, the Institute posted notification of my 16-page "objective" Rand biographical entry in the 1996 *American Writers* encyclopedia (though they never actually mentioned who *wrote* the entry). I was hopeful that further contact with the ARI could be fruitful.

I called the Institute and spoke with an individual connected to the archive project. Yes, the ARI had secured two versions of the transcript, with not much difference between them. I explained to the Institute archivist that the transcript was of enormous historical value because it would help us to substantiate whether Rand had actually studied with Lossky. But the archivist did not notice any listed courses on the history of ancient philosophy, the Lossky class that Rand claimed to have attended. And it did not appear that Lossky's name was even in the document, he said. In fairness, however, all of the professor signatures, allegedly inscribed after each course listing, were illegible, I was told. If Lossky's signature was actually on the transcript, it could not be deciphered. Perhaps I was correct in my thesis that this course was untraceable, the archivist suggested.

He seemed persuaded, however, that, with the Institute providing me with a copy of the document, I could marshal my own resources to probe its mysteries so as to gain important insight into Rand's college education. I told him that time was of the essence. I knew that both Boris and Andrew Lossky were in the twilight of their years, and that the former was now ill, residing in a Russian nursing home in Paris. I was blunt: "When these individuals die, a world dies with them." I proposed to act as a scholarly liaison, to work with the Losskys and with several other colleagues, including the distinguished philosopher George Kline, in an effort to preserve the integrity of the historical record.

*I was told, in essence, that the Institute did not want me to ever write on this subject. In other words, I was supposed to do all the detective work, provide the ARI with the results of my research, and never benefit from it personally.*

Nevertheless, the Institute was concerned that I would publish my work on the transcript prior to the publication of its authorized Rand biography, for which my research would be used. I assured them that if they wanted to make the "big splash" with this information, I would wait for them to

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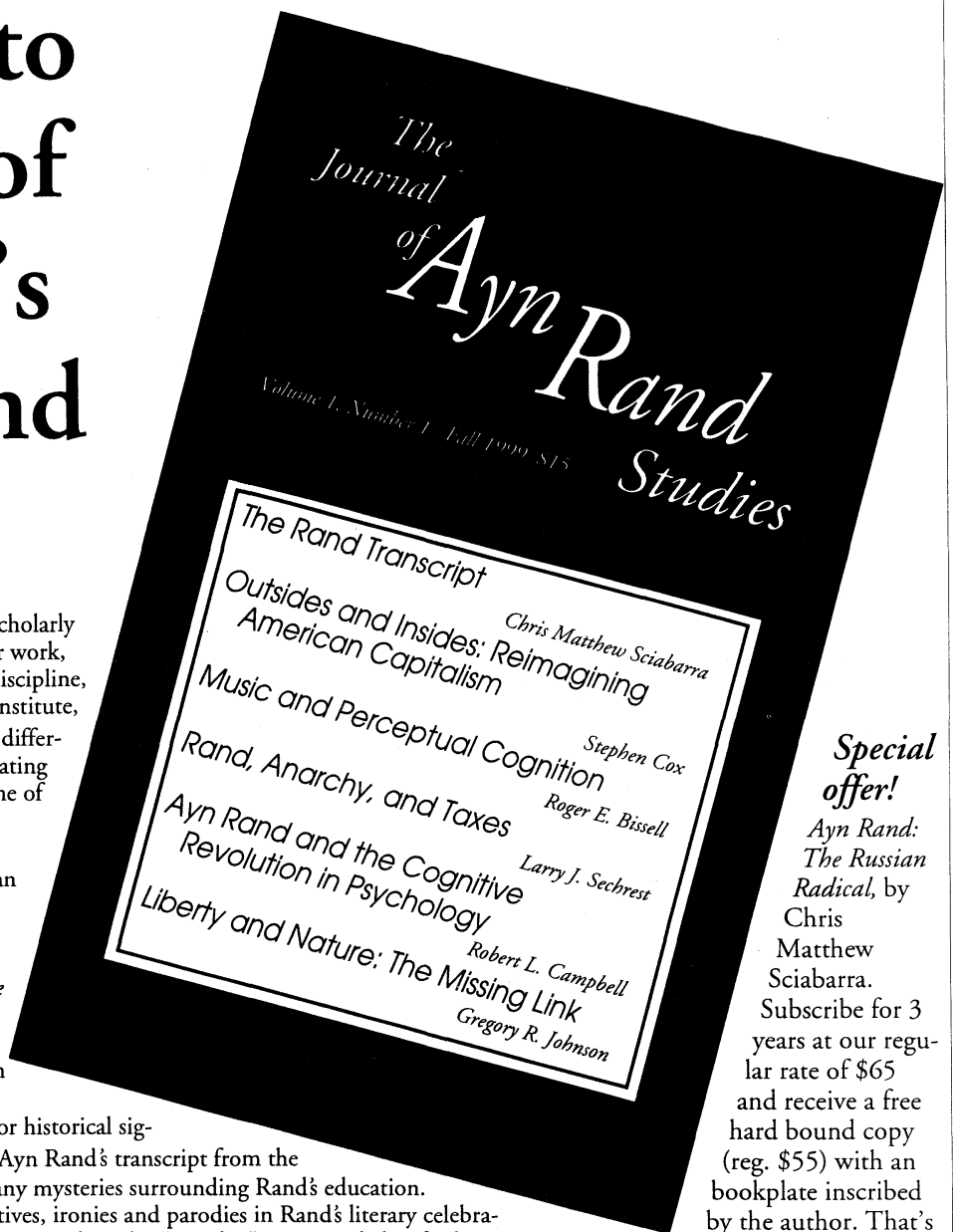


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publish it first. In any event, I explained, anything that I might publish — whether as an article or as an appendix to an extended second edition of *Russian Radical* — would be more of an interpretive, rather than a purely journalistic, essay on the transcript's contents.

It took weeks for us to hammer out the terms of a formal agreement. I sought no compensation for my work. I stipulated that I wished to retain the right to publish my own reflections on this material at a later date. I also insisted on an acknowledgment, in print, in their projected biography, for any material that I might specifically uncover.

Literally minutes before faxing me the document, the Institute wanted one last assurance. I was asked to sign a written guarantee that neither I nor George Kline nor Boris Lossky would publish the transcript or any articles about it. I was puzzled. My colleagues had never expressed any interest in publishing anything about this transcript. Yet, since I was not their agent, I could not bind either of them *legally* on such grounds. I assumed that the Institute wished to prevent publication of transcript information prior to the release of its authorized biography or an alternative negotiated date. My assumption was incorrect.

I was told, in essence, that the Institute did not want me to *ever* write on this subject. In other words, I was supposed to do all the detective work, provide the ARI with the results of my research, and *never* benefit from it personally. I wondered aloud: "Have you ever heard of the trader principle?" There was no response.

By the end of June 1997, our negotiations collapsed. I was told that since neither Lossky's name nor his course appeared to be in the transcript, there was really no reason to pursue this joint project any further. I was disappointed, but not surprised. I told the archivist explicitly that since the Rand transcript was a matter of public record, nothing could stop me from finding it on my own.

Finding it, however, proved nearly impossible. Boris Lossky's health had deteriorated, and I was unable to locate his colleagues from the university archives. Several other foreign correspondents could not find the document. Still others were asking for enormous sums of money to move the project forward. Hopeful leads disintegrated. After nearly a year and a half, I still had nothing to show for all my efforts.

And then, suddenly, there was a breakthrough. In October of 1998, with the help of a growing international network of committed individuals, Rand's transcript was discovered among the papers of the Central State Archive of St. Petersburg. It took phone calls, faxes, travel, patience, persistence, time, and money to get an official university copy of a document that the ARI had had in its possession for more than 18 months, a document that the Institute was unwilling to share because of my refusal to sign an agreement that would have demanded the abdication of my responsibility as an historian.

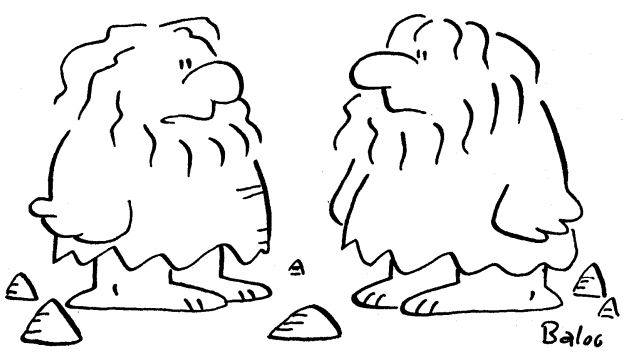
In the end, I suppose, some things turn out for the best. I now enjoy regular interaction with colleagues who constitute a model for joint intellectual ventures. By sabotaging our proposed cooperative project, the ARI undermined its own ability to decipher the transcript and its encryptions. Its associates saw no apparent evidence of Lossky or his course because they didn't know what to look for. I am happy to report that the transcript includes additional evidence in support of my historical contentions. My contact with Russian archival and historical specialists today has provided even more evidence, not only of the Lossky connection in particular, but of Rand's dialectical education in general. The results of my investigations will be published in the premier Fall 1999 issue of *The Journal of Ayn Rand Studies.*

*In October of 1998, with the help of a growing international network of committed individuals, Rand's transcript was discovered among the papers of the Central State Archive of St. Petersburg.*

Unfortunately, the lapse in time — from May 1997 to October 1998 — had its costs. Andrew Lossky passed away. And Boris Lossky, now in his late nineties, was simply not in a position to offer much additional reflection on the document. This is tragic, for nothing can substitute for the eyewitness accounts of those who were Rand's contemporaries at the university, and who may have shed additional light on the transcript.

There are essential issues in Rand scholarship that cannot be avoided. While the Ayn Rand Institute has no moral obligation to share any of its documents with anybody, it remains a repository for most of Rand's papers. Its archives include a wealth of material relevant to Rand studies. When I visited the Institute facilities for a brief, but fascinating, tour in April of 1999, I was told that the archives were still not open to the general public or to scholars, and that access to them was restricted to those working on Estate-approved publications. The Institute has yet to enunciate a policy of access for independent scholars in pursuit of legitimate research. Given my own extensive work on Rand's education, however, and my discovery of certain alterations in Rand's published journals, I expressed to the Institute my concern about the accuracy of the historical record.

More importantly, I am concerned that the Institute's restrictive policies are compelling scholars to expend their time, energy, and money in an effort to get documents that already exist within the Institute archives. How many more lost opportunities will there be? The future of Rand scholarship is at stake. And so is truth. ❑




"I'd rather worship rocks — trees can give you *splinters*."

## Cox, "Alice Roosevelt Longworth," *continued from page 30*

how to express their grief. In those days, too, Americans lacked the healthy custom of visiting the various sites connected with a deceased individual's life (house, office, favorite parking spot) to deposit flowers and poems and balloons and beanie babies and other heart-felt tokens of remembrance. And that's too bad — Alice would have enjoyed her quota of votive . . . teddy bears!

Yet a few representative Americans, caught on camera in the act of paying their respects, really spoke for everyone. "I don't know anything about her," one woman said. "But I just can't stop crying." A man confessed, "I can't handle my emotions. She was much closer to me than any of the people I actually know." Many said, "There was something about her . . . the electricity . . . you could feel the aura when she passed. I saw her once, and she changed my life."

Public mourning in those days was more restrained than it has since become; but even then, as on more recent occasions, the life of the nation was visibly altered. Conversations seemed more muted; traffic moved more slowly, thoughtfully; the giddy games of childhood, touched by the reality of death, assumed a haunted quality. Overheard in a subway station in New York City: "Things just don't seem right these days." That was the kind of impact that Alice's passing had.

Meanwhile the tributes poured in, tributes from both the humble (the "rancid American people," Alice had affectionately called them) and the great. With the latter, especially, she shared a deep sympathy and understanding. This is what she said, for example, about the Kennedy family, whom she likened appreciatively to "the Bonapartes":

> I like the Kennedys. I have an affection for them. . . . What an extraordinary upbringing they had. Everything was put behind the boys so that they could concentrate on power and success.

I can think of no more fitting tribute, to either Alice or her beloved Kennedys. As the poet Heine said, "the peaks of the mountains see each other." ❑

## Lomasky, "Libertarianism," *continued from page 28*

by fallout from the battles.

To be sure, drug crusaders have offered rationales for these policies, rationales that invoke time-honored moral concepts. Some drug warriors profess that by threatening to lock up drug users and then carrying out those threats, they are acting for the sake of the users' good. It is a wondrous if not entirely benign feature of human lips that they can be employed to say virtually anything. This is one of those cases where discernment is needed to distinguish between the plausible and the pathetic. The level of discernment that is needed to see through the various drug czars' rhetoric does not, I confess, seem to me to be great.

Whether it is great or small, though, I do not see that a conscientious libertarian can have any truck with this crusade. One may not relieve oneself of the burden of one's unpleasant neighbor by informing the authorities where he keeps his stash, and one may not become one of those authorities. Period.

Similarly, a libertarian cannot tolerate practices of punishing individuals for "victimless crimes." Nor can censorship from the religious right or the feminist left be accepted. Insofar as these are attempts to impose on individuals one's own conception of what is good and proper by making it too costly for them to hold on to their own conceptions, these practices cannot with any credibility be understood as passing the test of cooperating for mutual benefit with one's moral peers. These are the acts of would-be moral superiors imposing on their inferiors.

Enforced monopolies, coercively extracted rents, and restraint of competition are other clear-cut instances of plunder and, as such, are to be afforded no credibility. In a world distinctly suboptimal from a libertarian perspective, it may be impossible entirely to avoid their embrace without simultaneously donning the hair shirt (recall the example of the monopoly post office), but what libertarians may not do is endorse these, through word or conduct, as even plausible simulacra of policies reasonably conceived as respecting the interests of all citizens.

Could it not be objected that all of these measures are widely approved by the general public, the same general public toward whom cooperative respect has been urged? The short answer is: Yes. But how can one continue to display moral respect for those who have been gulled by the Drug Warriors, the vice-squad gendarmes, and the import restricters? The short answer is: With considerable difficulty. The somewhat longer answer is to respond to the question with another question: What is the alternative?

If the alternative is tacitly or openly to enter into a state of war with those majorities, then the choice of alternatives is truly momentous. One must not only realistically consider one's own prospects, to cite a 1996 sub-1 percent libertarian candidate, of finding freedom in an unfree world, but one must also attempt accurately to reckon the costs of foregoing cooperative activity with the exasperatingly nonlibertarian many. That, in turn, involves considering whether they suffer from localized and remediable patches of unreasonability or whether these are global and terminal. Someone who stodgily and unreflectively takes the president at his word that it is a good thing to continue to imprison pot smokers (presumably only those who inhale) is not automatically to be lumped with the fervent Nazi who willingly bore great hardships so as to be able, even as Allied boots could be heard in the distance, to continue with his mission of gassing Jews.

To be a libertarian is a doleful fate if it entails despair on each occasion when the vast multitude fails to be persuaded by one's own lucidly compelling arguments. It can, however, be a matter of some joy if one conceives oneself as a participating member of a society of mostly reasonable and civil individuals, enjoying in virtue of one's libertarianism a perch of honor in its 99th percentile. ❑

## Kostelanetz, "Academic Marketplace," *continued from page 40*

tion line." From this follow different ways of treating colleagues and students. "You relate more vertically to the deans above you than horizontally to colleagues beside you or students, especially if you want to do anything," he continued. "There is less fraternity at public universities."

As a guest lecturer at schools across the country, I'm often struck by how often established professors at public schools don't know others of comparable eminence outside their department. At more than one place I've had the opportunity to introduce the tenured professor of one art to the tenured professor of another art. They'd never met before, even though both came to see me. I've taken a prominent professor in one department to the home of a prominent professor in another department. Though they had known about each other, they'd never visited before. In my observation, such collegial distance is less likely to happen at a private school. Since interdepartmental collegiality sometimes reflects the quality of the faculty club as a lunch place, it is scarcely surprising that these bargain-priced restaurants are typically superior at private institutions.

I remember having dinner once a week at a professor's home during my undergraduate years at a lesser Ivy — something that I'm told would be impossible at a state school — perhaps because the professor regarded me as likewise upper-middle class. Indeed, authorities at state schools are more inclined to police teacher-student relations for fear of sexual scandal. Whereas private universities emphasize the inculcation of politically correct sentiments, some even enforcing "speech codes" upon both students and faculty, public universities are more likely to police deviant actions. There are other differences between the two, I'm sure. One reason for my keeping these last paragraphs sketchy for now is to hear what others find.

### Private University Opportunities for Growth

I wonder whether professors at private institutions don't give higher grades, if only to justify all the parents' investments. I recall one telling me with pride that over half his students got their degrees at least cum laude, without recognizing that such a high-end spread might undermine his school's claim to superior standards.

Scholarships at private universities are awarded not to aid the poor per se but to create a social mix acceptable to the paying customers. Changing patterns in financial aid probably reflect changing fashions in the moneyed classes. To my recollection, nearly all (perhaps all) my African-American (and African) classmates at Brown four decades ago paid their own way; many more African-Americans would have received generous scholarships nowadays. I can recall a Chinese-American classmate, the son of a suburban laundryman, on a scholarship then but wonder if any Asian-Americans get them now. The only Jews of my generation who got substantial financial aid from private colleges were the children of bohemians, teachers or athletes. Nonathletic scholarships four decades ago went instead to WASPs with insufficient income and the bright kids from nearby neighborhoods, on the grounds that they would become the future leaders of the local communities. If I'm wrong about these generalizations, which are hard to verify, I hope that readers will correct me.

With these distinctions in mind, I wonder why my own alma mater recently picked as its new chief a man who had previously been president of a huge state university. I recall that the announcement appearing in our alumni magazine cited his previous success with state legislators, even though it was obvious to me that this particular kind of fund-raising experience would count for little on his new job. (This choice made me wonder if the trustees of my self-consciously underfunded alma mater might have hired him to arrange something more typical recently of private American universities on the verge of bankruptcy — selling themselves off, or giving themselves away, to the nearest state. Only then would the new president's previous experience with state legislators be crucially important!)

### The Lesser Evil

Politically I find private universities more sympathetic than public, but in education in America, as with our arts, relying wholly on private money would be culturally disastrous. ❑

## Sandefur, "Jefferson," *continued from page 34*

with our localism, our appropriate technology, our gardens, our homemade religion — guilt free at last!"

Both the multiculturalist left and the traditionalist right long for their "localism, appropriate technology, and their homemade religion." And Thomas Jefferson is to them a figurehead of the "ingrained gods" of progress, technology, and humanism that questions their idyllic dream.

Abraham Lincoln — himself often the target of multiculturalist attacks — wrote:

> All honor to Jefferson — to the man who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times, and so to embalm it there, that today and in all coming days, it shall be a rebuke and a stumbling block to very harbingers of reappearing tyranny and oppression.

This is what damns Thomas Jefferson in conservative and multiculturalist eyes alike: that he appealed "to all men and at all times," and not to the considerations of race, class, and sex, of which the left approves, or to the "whispers of dead men" that the conservative hears. In fact, Jefferson's work was vital to the demolition of American slavery; intellectually and morally, his record of passionate and brave attacks on slavery speaks for itself. His thought was not bound by the dogmas of previous generations, and it was his corrosive reason that allowed him to help start slavery along its "course of ultimate extinction." Anyone who really cares for freedom and equality can hardly have better company than Thomas Jefferson. ❑

# Reviews

***The Conservative Revolution: The Movement That Remade America,* by Lee Edwards. The Free Press, 1999, 391 pages.**

# The Failure of Conservatism

Clark Stooksbury

American conservatives have developed an impressive movement over the last half century or so, as Lee Edwards of the Heritage Foundation retells in *The Conservative Revolution*. In the 1940s and 50s, conservatives could not capitalize on temporary political advantages because there existed no infrastructure to back them up.

Edwards begins his narrative in the immediate aftermath of the Second World War, a sensible choice as that war is a major dividing point in history, as anyone looking to buy a 1943 Chevrolet could attest. His narrative focuses on four major Republican political leaders: Ohio senator and presidential contender Robert Taft; 1964 Republican nominee, Barry Goldwater; President Ronald Reagan; and the former speaker of the House, Newt Gingrich. The rise, and perhaps decline of the movement is foretold in the highest level reached by each leader: unsuccessful candidate for the Republican nomination, Republican nominee, President, and then House Speaker. Edwards' history is a useful starting point for someone who is interested in learning about the post-war conservative movement, but with a few caveats. His memory is highly selective, and where he remembers what happened, he often fails to add any insight that would distinguish his work from previous books on the conservative movement. The purpose of a movement, such as conservatism, is to effect change in the country and the world, not just create a series of well funded think tanks, magazines, grass roots organizations and politicians. Edwards shows that they have done an outstanding job at the latter, but it is questionable how well they have done at the former.

The administration of Ronald Reagan has the most well-developed record to examine and explain away. Edward focuses on minor successes such as the government's reduction of spending in "some welfare areas . . . from $63 billion in 1980 to just over $49 billion in 1987, a decrease of about 22 percent." When a conservative critic like Richard Viguerie inconveniently pointed out that after Social Security tax increases were taken into account; the average American's tax payments increased under Reagan, Edwards treats this as mere nitpicking.

A prominent feature of *The Conservative Revolution* is its coverage of the Cold War and Right wing anticommunism. For Lee Edwards there was never any question about America's half-century crusade against Communism, or any serious thought about its effect on the expansion of the U.S. Government. The chapter entitled, "The Reagan Doctrine" is an especially unreflective paean to the president's warmongering ways. The centerpiece of Reagan's foreign policy was his proxy war in Nicaragua, which became a conservative obsession by the mid-1980s. But the Nicaraguan Contras, whom Reagan proclaimed the moral equivalent of the Founding Fathers, garnered little enthusiasm outside of the bunkers and war rooms of the Heritage Foundation, *National Review* and the National Security Council. Edwards implausibly claims that the president, "never contemplated sending U.S. troops to Nicaragua." They could not even consistently maintain congressional support for the Contra aid. As Newt Gingrich explained in 1986, "If you're on the pro-Soviet side, you get more equipment, more advisers, more money, more help, and when you're on the American side, you get more debates, more argument, more excuses and more evasion." In other words, only two years after Reagan's spectacular 49 state electoral shellacking of the hapless Walter Mondale, democracy was rearing its ugly head to restrain the president's foreign adventurism.

The most memorable facet of the Contra war was its Iranian-funded phase. Edwards has to go into full defense mode to justify the debacle that almost brought the administration down. He uncritically quotes Reagan's claim that, "It was the president's duty to get them home" and points out that the president was motivated by "humanitarian concerns."

This is the sort of vacillating weakness that conservatives despised in Jimmy Carter during his Iranian hostage crisis.

## Memory Lapse

Whole episodes of recent conservative history disappear down the mem-

ory hole in *The Conservative Revolution.* Edwards only hints at cracks in the wall such as the significant conservative opposition to the Gulf War. The paleoconservative allies of Pat Buchanan are mentioned briefly and then dismissed with a non sequitur about their lack of cheery optimism at the sunset of the Reagan era.

Astonishingly, Edwards does not speak of the numerous attempts to place Pat Buchanan — an important figure not only as a politician and as a popularizer but as a staunch socially conservative opponent of gay rights and abortion — beyond the pale of respectable conservatism. A December 1991 special issue of *National Review* was given over almost entirely to the lengthy article, "In Search of Anti Semitism," written by William F. Buckley. It focused critical attention on the Jewish problems of, among others, Buchanan and former *National Review* senior editor, Joseph Sobran. Again, in 1996, after Buchanan won the New Hampshire primary and had success in several caucuses, *The Weekly Standard* focused critical attention on Buchanan's alleged anti-Semitism, his opposition to free trade and his ties to the paleoconservatives. An article in the March 11, 1996 *Standard* by David Brooks that featured explosive charges of racism and sexism among the paleos, makes it perfectly clear that they and the neoconservatives are scarcely a part of the same move-

*I do not begrudge Edwards's celebration of a movement that has made tremendous progress. But I can not forgive his omission of important events that don't fit the otherwise happy tone of the book.*

ment. The tone of Edwards' book is triumphal and I do not begrudge his celebration of a movement that has made undeniable progress in the last half century, but I can't forgive his omission of important events that don't fit the otherwise happy tone of the book.

Edwards closes with a chapter that asks the question, "Can Conservatives Govern?" He answers in the affirmative and cites the passage of the Taft-Hartley Act by the 80th Congress, the tax cuts and economic growth of the Reagan years and the passage of welfare reform and the line-item veto in the 1990s. But he has a way of glossing over important issues that might undermine his case, such as when he quotes a friend as indicating that some conservatives are worried that, "in the process of defeating communism, the constitution was destroyed through the creation of a mil-

*Oddly, much of the chapter ostensibly devoted to showing that conservatives can govern is actually given over to promoting the success of private lobbying organizations.*

itary-industrial complex and the whole character of the nation was changed. America, they say, is no longer a nation but a vast archipelago of disconnected human beings." But Edwards is here to cheerlead, so he drops this glum assessment as quickly as he raises it. Instead, he focuses on the success of lobbying organizations such as the Family Research Council and Concerned Women of America — a curious focus in a chapter ostensibly devoted to showing that conservatives can actually govern.

Ultimately, *The Conservative Revolution* is a failure. It has too many gaps to be a reliable guide to the past and Edwards is too much of a Pollyanna to be trusted to predict the future. He cannot grasp that the unmistakable im- plosion of left-liberalism does not necessarily correspond with victory for conservatism. In a couple of years, the country may have a Republican president and congress for the first time since Eisenhower's first term, but the odds of genuine conservative results emerging — a ban on abortion, a return to traditional morality, a government approaching the size and scope that America had in the 20s, or even the 50s — are remote. Conservatives wondering why their movement is so much better at creating and developing inputs — think tanks, magazines, organizations, histories of the movement — than outcomes should turn to David Frum's *Dead Right* (1994). Frum examines many of the critical episodes in recent conservative history that Edwards ignores and comes to the hard-headed conclusion that conservatives have failed to insist on reducing government. Even better, they should read the late Robert Nisbet's *The Present Age: Progress and Anarchy in Modern America* (1988), which places Edwards' hero Ronald Reagan, with his moralistic and universalist rhetoric, squarely in the tradition of conservative giants Woodrow Wilson and Franklin Roosevelt. ❑

***In Praise of Commercial Culture*** **by Tyler Cowen. Harvard University Press, 1998, 278 pp.**

# Culture and Capitalism

Alan W. Bock

When I was a callow youngster in the 1950s, my father took every opportunity to denigrate the products of tin-pan-alley "six-week wonders." He claimed that music worth paying attention to is music that has stood the test of time.

Well, some of that music seems to have passed my father's test. Oldies radio stations are found in most cities of any appreciable size, television is cluttered with infomercials selling collections of greatest hits, and record companies are licensing all sorts of CD collections. But does that mean that "Maybelline" or "Wake Up Little Susie" have achieved the artistic stature of, say, Schubert's lieder?

In his provocative and valuable book, *In Praise of Commercial Culture*, Tyler Cowen slyly sidesteps that question. Cowen's discussion of contemporary commercial culture comes from a value-neutral position. He simply "attempts to show that market wealth supports creative artworks of many different kinds, appealing to many different tastes. My favored variety of aesthetic pluralism admits the validity of contrasting perspectives on culture, values diversity, and recognizes the ultimate incommensurability of many artistic values."

That said, Cowen makes a strong case for cultural optimism, arguing that a market economy (broadly defined) offers the kind of environment most conducive to a thriving and diverse cultural life. He brings economic analysis to bear on cultural issues, offering surprising insights into how technological progress and economic incentives have shaped the making of art, at least since the Renaissance. He also questions quite convincingly "the common identification of quality culture with high culture, and of popular culture with low-level or accessible culture. Shakespeare, Mozart, and Beethoven thought of their work as popular, while much of today's so-called popular culture is in fact a highly refined product that appeals only to a distinct minority."

That's hardly the prevailing view among people who consider themselves certified cultural critics. Cultural pessimism — whether rooted in a political agenda or simply in dismay at the limited capacity of most people to appreciate refined expression — is more common than optimism.

Even conservatives who recognize some of the virtues of the marketplace often blame cultural decline at least in part on capitalism. Capitalism favors a mass market, it is said, in which the lowest common denominator prevails. Alternatively, the market economy tends toward a "winner-take-all" culture in which a few wildly popular entertainers become disgustingly rich while more deserving artists languish in obscurity and poverty. Some conservatives associate capitalism with the permissiveness of modern society.

Meanwhile, neo-Marxist critics argue that market exchange leads to the commodification of culture and a degradation of critical faculties. Many neo-liberal critics, while rejecting Marxist solutions, agree that modern technology and corporate domination corrupt culture. Some in the politically correct crowd identify market culture with the suppression of women and minorities.

Against this legion Cowen bravely lifts his lance. "I focus on the following features," he writes, "which I identify with our modern, commercialized society: profit and fame incentives, decentralized financial support, the possibility of financial independence for some artists, the entrepreneurial discovery of new artistic technologies and media, and the ability to profit by preserving the cultural creations of the past." Rather than exploring every possible aspect of life that could be viewed as being part of culture or having an influence on culture, such as fashion or advertising, he focuses on "visual art, literature, and music, arguably the three arts most central to the Western tradition."

He reminds us that during the late Middle Ages and the Renaissance the commercial cities of Italy, central Germany and the Low Countries took the strongest interest in literacy. Such cities also had the material resources to support the visual arts. These sources of support became diverse enough to allow artists like Rembrandt, Leonardo, and Michelangelo to work for a variety of customers rather than a single wealthy patron. The increase of wealth enabled artists to gain economic and artistic independence.

*Cowen makes a strong case for cultural optimism, arguing that a market economy offers the kind of environment most conducive to a thriving and diverse cultural life.*

Cowen also stresses the importance of technological advances, which are the byproducts of quasi-capitalist commercial societies, as important in the development of the arts. Marble quarrying, for example, languished through the contraction of commerce that characterized the Dark Ages and only became practical again as commercial society encouraged the creation of wealth. The price of paper fell during the Renaissance. Printing made possible the dissemination of composed music of the kind we now call "classi-

cal." New electronic gadgets were crucial to the rise of rock music in our century, and computer-aided processes now give photographers new ways to tinker with their images.

Are modern technologies good for the arts? The debate over that question has been going on for centuries. In the 15th century, cultural pessimists attacked the idea of printed books: "the pen a virgin, the printing press a whore." In the 18th century, Jonathan Swift, Alexander Pope, Oliver Goldsmith, Joseph Addison, and others still revered as part of the canon, decried the commercialization of literature, while Samuel Johnson defended the spread of the printed word.

Cowen might be making too much of the idea that today's high culture is yesterday's popular culture, but the point is worth considering. Shakespeare, Mozart, Beethoven, Schubert, and Johann Strauss all viewed themselves as popular entertainers, while actively pursuing the artistic independence that financial independence could confer. Once their works were canonized and new music came along to capture the popular imagination, they became examples of "high culture." If anything, the process has accelerated in our era, with swing, jazz, and the "standard" pop music of tin pan alley — perhaps even "classic disco" — being viewed as achievements of the past against which the tinny outpourings of modern pygmies can be compared unfavorably.

The glory of the market, Cowen argues, is that it allows a wide variety of cultural tastes to be served, if only by small niche markets. He doesn't bother to argue against the idea that top-40 radio stations, most of television and a good deal of the movies cater to a mass market that tends toward lowest-common-denominator taste. But he reminds us that there are art movies designed for small, discriminating audiences, and capitalism is making them cheaper to make; that a steady market for classical music persists; that the "original instrument" or "authentic performance" trend in baroque music was only possible in an advanced commercial society; that there are markets for everything from obscure folk music to Gregorian chants and "world music."

Cultural pessimism tends to degrade the achievements of the present by making unfair comparisons to the best that has been produced in the past. Most art produced in recent Western history has been mediocre at best. What has survived as a legacy and a canon has been the best of this vast tide of mediocrity. Most of the popular art of today is ephemeral, but some will survive to be viewed as classic.

The fact that we don't have a Shakespeare and a Milton and a Beethoven and a Michelangelo and a Leonardo and a Verdi all living and producing today — or that some real artists are doing commercials or movie scores — doesn't mean that a good deal of high quality work isn't being produced. We'll just have to wait a while — or perhaps our descendants will — to see what is viewed in a hundred years as worthy of being called the work of genius. ❑

***American Beliefs*, by John Harmon McElroy. Ivan R Dee, Chicago, 1999 259 pages, $25.**

# America Works

Bruce Ramsey

John Harmon McElroy believes that all cultures have beliefs in common, and he is interested in identifying the distinctively American ones.

What are they? Here's one.

When Franklin Roosevelt asked Congress in 1940 to enact Lend-Lease, a neutral America would give destroyers to Britain and thereby become embroiled in a foreign war, he described it as lending a next-door neighbor a garden hose to put out a house fire. "By using that particular figure of speech," Harmon writes, "he was able to win the support of the American people and the approval of Congress." Why? Because of an American frontier belief: *Helping others helps yourself.*

*In America, despite half a century of exhortation by social workers, a stigma attaches to welfare that does not attach to Social Security and Medicare.*

Another example has to do with welfare. In America, despite half a century of exhortation by social workers, a stigma attaches to welfare that does not attach to Social Security and Medicare. Part of the reason is that the latter have been packaged as insurance; a greater part is that they are intended for old people, people who have presumably completed their life's work. In America, handouts for people of working age are not respectable. They conflict with one of the primary beliefs of American culture: *Everyone must work.*

One caveat must be entered. Obviously, not everyone believes that anymore. The argument of McElroy's book is still important, but its title should be amended slightly. It should be called "Traditional American Beliefs."

McElroy is a good person to write on this topic. He's a conservative — not a tub-thumping conservative, but a thoughtful, historical one. He is well-read in Madison, Hamilton, Tocqueville, William Bradford's *History of Plymouth Plantation*, and many similar works. He knows America's traditional culture. His thesis is that every culture emphasizes some simple beliefs, philosophical one-liners, if you will.

Consider the belief that *Everyone must work*, and its corollary, *Manual work is respectable.*

Many other cultures reject such beliefs. In some Asian cultures, men grow one long fingernail as a way of bragging about their soft hands. Here a mechanic is respectable. And if fewer Americans these days make a living working with their hands, they remain the world's champion do-it-yourselfers. It goes back to the settlement of the country, when everybody had to work.

A belief in social equality is also a traditional American identifying mark. McElroy tells the story of Queen Elizabeth greeting a woman at an American housing project in 1991. The woman, Alice Frazier, 67, gave QE2 a big hug and said, "How're you doin'!?" It was, says McElroy, "a breach of English decorum of shocking proportions. . . No commoner in England would ever have hugged Her Royal Majesty on first acquaintance or on any subsequent acquaintance either, for that matter."

The belief in social equality and the belief in work are traditionally complementary. In America, social standing is based on individual success. "No one's social status in America is ever fully assured," McElroy writes. And status is a limited concept: The poor's deference to the rich is limited. Americans would make the world's worst servants, and America is probably the worst country in which to keep a servant. Writes McElroy, "The idea of 'one's betters' is repugnant to an American."

I'm reminded of H.L. Mencken's "Declaration of Independence in American": "Me and you is as good as anybody else, and maybe a damn sight better."

Unfortunately, most Americans don't know how American they are. The best way to find that out is to live abroad; the next-best way is to travel there. McElroy said he "began to discover [his] Americanness" living in Spain 30 years ago, when he had to devise a series of lectures on American culture.

*In some Asian cultures, men grow one long fingernail as a way of bragging about their soft hands. Here a mechanic is respectable.*

I recall the time when a Hong Kong physician prescribed some pills for me, and his nurses told me how many of the red ones to take and how many of the blue ones, but nobody told me what they were. When I asked the nurse, she looked at me as if I were a moron and said, "They're medicine." When I looked at her as if she were a moron, she said, "Do you want them or not?"

Confronted with something outrageous, you want to stand up and say, "Hey! This is crap." And you realize that you are the only one who thinks that way, because you are an American.

In 1972 I was approached in Turkey by a man who wanted to practice English. He started explaining why he hated the Greeks: they had burned Turkish villages in 1921. He spoke as if it were yesterday, though he was too young to have been there. I hear the same attitudes expressed by Albanians and Serbs — but not by Americans, who think they can "lend a garden

hose" (B-2 bombers, and such) and "put the fire out."

"Americans are future-oriented," writes McElroy. "Americans do not brood over past wrongs nor allow their lives to be determined by past events." The recent rise of identity politics contradicts that, but it also runs against a powerful American belief, that what counts is the situation now, and another powerful belief, too — the idea that "No group in society has a moral right to claim an interest that is paramount."

He argues, provocatively, that though Americans honor a self-made person, and though "property was the chief outward sign in America of presumptive honesty," most Americans do not hope to get rich. "Success for them has historically consisted of aspiring not to be poor."

Of course, some of the beliefs that McElroy lists are more firmly grounded in the public mind than others. "The people are sovereign" and "the majority decides" are indisputably popular, but "the least government is best" is clearly having a tough time of it.

A leftist would certainly have emphasized equality more than McElroy does, and critics of every stripe will find some American belief that seems more obviously foolish than he allows. Most people would have some basic American precept to add to his list. I would have put something in about a "right to know" certain things, such as what's in the little red and blue pills. I would also have put something in about the family — in America, your family does not choose your life partner, your profession, or your religion. In America you can get away from your family. Many Asians, for instance, revere their families more than many Americans do, and they criticize Americans for putting old folks into nursing homes. But when they come to America, it is often to get away from their families, to get some breathing space or opportunity to experience life unsupervised.

The strength of McElroy's book is its success in rooting characteristic American beliefs in the early history of the nation. Key American beliefs, he writes, "developed from the situation of civilized men and women living in a Stone Age wilderness" — an experience that is now at least a full century removed, and is beginning to fade, but in Europe is a millennium or more removed.

Other factors had to do with the policies of the colonizing countries. In the Spanish, Portuguese and French colonies, immigration was limited by number, religious affiliation, or nationality. In the English colonies the limitations were not nearly so strict, and a melting-pot identity developed more quickly. The English expected the colonies to create their own governments and pay for them, including the provision of their own defense. They did, and by doing so became self-reliant. When England started imposing rules and taxes, small taxes, at that, they rebelled. English America was settled far later than New Spain, but it declared its independence earlier. The reason, writes McElroy, is that it had developed a culture with different beliefs.

McElroy ends his book by proposing three super beliefs of Americans: individual responsibility, equal free-

dom, and practical improvement. And in defining what is American, he tentatively and briefly defines what is un-American: "Organizations that aim to restrict the opportunities of other people or to regulate other people's freedom of advancement may truly be said to be un-American."

This book reminds me of James Q. Wilson's "The Moral Sense" (1994), which tried to discover the essence of morality through the study of history, anthropology, psychology, child behavior, and animal science. McElroy tries to piece together an American ideology from sources in fiction, history, diaries and other documents, and personal experience.

The book's drawback is its imprecision. It's easy to argue (as I have) that McElroy doesn't get his list of one-liners exactly right. The book's strength is its ability to get the reader to look more closely at American ideas, and recognize in them at least a shadow of himself. ❑

# Booknotes

***Almanac of the Absurd*** — *The Political Reference Almanac*, compiled by Anthony Quain, (PoliSci Books, 1999, 848 pages) seeks a place on the bookshelf of every political activist. It's an oversized paperback packed with information, some of it useful, some of it curious, some of it odd, and most of it trivial.

Political activists and junkies will probably find the 316-page section on the current Congress most interesting, mainly for the 268 pages of information on Congresscritters and their electoral districts. If you want to know the committee assignments of Eni F. H. Falemavaega, non-voting representative (oops, I mean "delegate") from American Samoa (International Relations and Resources) or the email address of dimwitted Sen. Charles Grassley of Iowa (Chuck_Grassley@grassley.senate.gov), this is the book for you.

More interesting (to me, anyway) are the demographic data and electoral history of each congressional district. I learned here, for example, that my own representative, the Hon. Norman Dicks, got 69% of the vote in 1998, compared to only 66% in 1996. President Clinton, a member of the same party as Mr. Dicks, got 52% of my district's vote in 1996 but just 44% in 1992. I also learned that my district is 60% urban, 55% white-collar, and 5% Black. Also 28% of households get Social Security welfare checks and 8% are on "public assistance." If you want still more, there's also a small photo of Mr. Dicks.

The 82-page section on the Executive Branch is lame, though it has its amusing moments. It is apparent that each department head was allowed to provide the description of his own career, sometimes with interesting results. Secretary of Agriculture Daniel R. Glickman, for example, mentions his membership in the Arthritis Foundation and his experience on a local school board, among the 160 words he selected to tell us what it takes to hold this august cabinet position. Vice President Albert Gore, Jr., claims to be "engaged in the homebuilding business" and mentions his membership in the Farm Bureau. President Clinton, with no further offices to aspire to, takes only 20 words to list the offices he's held and says he has also been a "lawyer" and "law professor." If you really need to know the name of Staff Director of the Office of Public Liaison, this is the place to find it.

The section on the judiciary, mercifully taking only 20 pages, serves up similar self-descriptions of Supreme Court justices. Justice Souter brags that he was a member of the Maine-New Hampshire Interstate Boundary Commission from 1971 to 1975). This section also provides a table showing how frequently every justice concurs with every other justice and another classifying their opinions. Quick trivium: which Justice has the most lone dissents? Answer: John Paul Stevens with 157 in the past five years. No one else has more than three and Ruth Bader Ginsburg has never written a lone dissent in her life. Way to go, Ruth!

The 152-page section on state and local governments includes a useful summary of state budgets, party breakdown of each state legislative body, a list of counties, and a chance for each governor and several big-city mayors to summarize their careers.

The 214 pages devoted to "World Governments" is trivial in the extreme. This section mostly is lists of officeholders, though it contains very brief summaries of recent elections. But if you have a hankering to know the name of New Zealand's Minister of Racing or Djibouti's Minister of Youth, Sports and Cultural Affairs (Tau Henare and Rifki Abdoul-kadar Bamakarama, to save you the trouble of looking them up), this is the book for you. Did you know that the Cook Islands, with a population of less than 20,000, has 39 members in its cabinet? They're all listed on page 137.

To fill out the 848 pages, compiler Quain has tossed in the complete text of nine political documents and 5 political speeches, 41 pages of economic statistics, 21 pages on American political parties, lobbyists and think tanks, and a really cool political calendar. I just learned that today is Independence Day in Vanuatu.

Excuse me, I'm going outside to light some firecrackers.

— R. W. Bradford

***Gun Stories*** — The mainstream media seldom find the many incidents in which people defend themselves and their property with a firearm to be the stuff that news is made of. Murders, rapes, robberies . . . these crimes with victims are more sensational than a story about a man who scared off a would-be burglar by brandishing a firearm. *The Best Defense: True Stories of Intended Victims Who Defended Themselves With a Firearm* (Cumberland House, 1998, 212 pages) by Robert A. Waters chronicles 14 episodes in which the law-abiding had it out with human predators. In one story, a man puts an end to a mass murder. In another, a man debilitated by a brain tumor saves the life of a policeman after hoodlums ambush the officer during a traffic stop. Waters recounts these tales with skill, blending in just enough drama and suspense without making it maudlin or hokey like a cheap thriller.

—Jonathan Ellis

***Gen-X Sausage*** — Sausage-making is fascinating to contemplate. Throw some discarded pig-lips, rectums, and assorted other "meat by-products" into a meat grinder, whip on the power for a few seconds, out comes tasty, wholesome sausage. I doubt if that is the image Michele Mitchell wished to conjure with her new book, *A New Kind of Party Animal: How the Young are Tearing Up the American Political Landscape* (Simon & Schuster, 1998), but that is what came to my mind. Mitchell, a former congressional staffer and current NPR commentator, seems to have been inspired to write this defense of the "18–35" set by media assumptions that Generation X is indifferent over matters political. This generation, she claims, is surprisingly interested in local politics and problem solving (those are distinct of course), less likely to fall into the dogma of the religious right or Maoist left, and more likely to vote independent. But the paeans to local action notwithstanding, the only provocative passages in her book are about life on Capitol Hill (where all her friends work), where she confirms the old law about law-making being as unwholesome as sausage-making.

During the Medicare reform debate, Mitchell reports, one congressman broke another honorable gentleman's finger in an altercation just off the floor. When Congress debated which nutrition programs to cut in the post-welfare reform world — fluff like federal money for senior center dinners and school lunch programs — the Ds and Rs cut a deal that horrified their 18–35 staffers, who let down their shields of cynicism just momentarily. "None of us should have been surprised," Mitchell comments. "When hadn't both parties failed us equally? The one time that young aides abandoned caution and actually committed to a party, and look what happened. We choked on our indignation. But on the House floor, our bosses delivered scripted parts."

At the campaign finance hearings in 1997, reporters crowded around Democratic "spin doctors" like pigeons at the feet of old ladies. "Of course," Mitchell recounts, "many journalists did observe in their articles the absurdity of this spin excess. But that overlooks the point: The media still flocked to the spinners, and it quoted whatever they said." She follows that with her own, generational spin: "No wonder so many young people consider news as it comes down through television, magazines and newspapers to be prepackaged drivel." You mean, 18–35s think about the media the same way everybody else does? Wow!

As for the central argument, it gets lost in this muddle of a book. Mitchell's cast of characters — some friends of hers from Capitol Hill and others community activists — isn't very distinguishable. But then they don't get much of a chance to distinguish themselves through the narrative. Mitchell's writing shifts erratically between quotations from her sources, Bob Woodward-style mind reading, and factoid stream of consciousness, all of which seem to shift backward and forward in time and across geography unobstructed by much organization. The earth-shaking message is that "18–35s" are . . . individuals! Not very wise individuals, unfortunately, as they see and experience the evils of centralized bureaucracy daily and don't do the logical thing: hoist the black flag and commence to cutting throats. Or live in the woods and mail bombs to their old colleagues. Or read Hayek and go to work for the Cato Institute.

Those reading *A New Kind of Party Animal* to learn how to convert the "18–35s" into partisans for liberty will be disappointed. Mitchell's sources are statist to the bone, whatever their rugged pronouncements recorded in these pages. After all, she wouldn't have had the chance to write about people who genuinely despised and avoided the political abattoir. But *Party Animal* will give you a glimpse of your enemy. Just a glimpse before it gets ground into the national sausage.

—Brien Bartels

***Timely Advice*** — In the life of a freedom fighter, there's a time for reading Hayek and a time for stockpiling ammunition. Claire Wolfe, author of *Don't Shoot the Bastards (Yet): 101 More Ways To Salvage Freedom* (Loompanics, 1999, 230 pages) has made her reputation as an expert in the latter activity. A sort of libertarian self-help expert, Wolfe writes for people interested in maximizing individual freedom in a society gone bad with bloated government. Which is not saying that Wolfe isn't also an intellectual. She is, in my mind, one of the glittering gems of the freedom movement; her writing is thoughtful, witty, and for people interested in self-reliance and monkey-wrenching, extremely practical.

*Don't Shoot the Bastards (Yet)* picks up where Wolfe left off with her first book, *101 Things To Do 'Til the Revolution*. Both books advise the serious freedom fighter on choosing the right tools and methods of survival, ranging from gun selection, food and water storage, caching valuables, and more. For people who can't sit by and do nothing while government gobbles up civil liberties, Wolfe includes information on fighting back with both symbolic and serious activities of civil disobedience.

Perhaps Wolfe's greatest insight is in preserving privacy rights. In an era in which both corporate and bureaucratic stooges scrape for as much information as possible on those of us with respectable lives, Wolfe offers advice on staying clear of the mega-databases run by these snoops.

—Jonathan Ellis

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# Coming in *Liberty*

"Rediscovering Victoria Woodhull" Elizabeth Dole wasn't the first woman to run for president. More than a century ago, a beautiful libertarian feminist challenged the statist, patriarchal status quo. *Wendy McElroy* reports.

"The Best Way to Stand Up to the State" *Gary Alexander* explains what he learned and what the cause of liberty gained when he sought election to the Virginia House of Delegates.

"Inside the Russian Libertarian Movement" *Jen Tracy* reports on the nascent libertarian movement in the former home of communism.

"Sex Behind Bars" Political prisoner *Dyanne Peterson* reports first-hand how the media and Amnesty International twisted the facts about women prisoners having sex with guards to sell papers and raise money.

"The Libertarian of the Century" And the winner is . . .

Look for the November *Liberty* on newsstands or in your mailbox right by October 1.

# Terra Incognita

### *Brazil*

Curious fashion trend from the beaches of Brazil, reported by Reuters:

A Senate panel has approved a proposal to ban the use of the Brazilian flag in any "morally degrading" setting, which includes as a pattern for clothing or underwear, curtains, napkins, tablecloths, and drapes. The ban was proposed over outrage that Brazil's beach goers use the flag as a pattern for the country's notorious "dental floss" bikinis.

### *New York*

The significance of Ayn Rand, according to actress Helen Mirren, who portrayed Rand in the film *The Passion of Ayn Rand*, as reported in *More* magazine:

"Rand is proof that sexuality doesn't come from good looks. And that sexuality doesn't end at thirty-five."

### *Ames, Iowa*

Presidential aspirant Patrick Buchanan tells Iowa Republicans what he would say to Chinese leaders if he were president:

"Stop pointing your missiles at us or you've sold your last pair of chopsticks in a mall in the United States of America."

### *San Francisco*

Intriguing advertisment published in San Francisco newspaper classifieds under "Cremations":

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Let your loved one live on. S.F. artist,
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### *Iran*

Progress in international trade, reported by the *Teheran Times*:

The sub-commander of the National Law Enforcement Forces of Iran said that between March 21 and May 21, 127 billion rials worth of smuggled goods had been seized from smugglers. Seizures included 21,400 packs of cigarettes, 3,539 satellite receivers, houshold items, textiles, cosmetics, toys, carpets, oil by-products, automotive parts, glass, and 21.3 kg of narcotics.

### *Rio de Janeiro*

Advance in risk-management, reported by Reuters:

Television star Susana Alves has insured her buttocks for $2,000,000.

### *Williamsburg, Va.*

Progress in the Thespian arts, reported by the *Washington Post*:

Skits performed under the new African American program at Colonial Williamsburg have so vividly portrayed slavery that some audience members have attacked white actors performing in the "slave patrol." Actors had to step out of character to restrain another visitor who tried to lead a revolt against "slave handlers."

### *Chandler, Ariz.*

Advance in volunteerism in the 48th state, reported by the *Arizona Republic*:

The Chandler police department is encouraging vehicle owners to register with the department's new Combat Auto Theft (CAT) program. Participants are issued a CAT decal for their vehicle's rear window which gives police the authority to pull over the vehicle if it is being driven between the hours of 1-5 a.m.

### *Toledo, Ohio*

Interesting educational reform, from an editorial in the *Toledo Blade*, a venerable daily:

"Let's be blunt about it. In a way it is an insult to one's parents, and one's hometown, to accept the nurturing, the encouragement, and, yes, the taxpayer-subsidized education, and then head off to some distant city, never to come home except for the occasional family renunion or holiday.

"That's why last Sunday's series of stories included a novel wrinkle on one of the most basic features of modern life, the contract. It provides a mechanism for young Toledoans to enter into a pact with their parents that they will come back home after furthering their education and give back to the hometown that invested so heavily in them.

"Is that servitude? Hardly. . . . Why shouldn't prestigious colleges and universities insert right into their admission requirements a contractual obligation calling for hometown service of, say, two years?"

### *New Orleans*

Suppressing vice through advertising in the Big Easy, reported by *The New Orleans Times-Picayune*:

A state law that requires sex offenders to pay for newspaper ads in their hometown once they are released on parole has had the unintended consequence of publicizing prostitutes who are routinely convicted of sex offenses covered under the law.

### *U.S.A.*

Incipient voice for unionizing farm animals, quoted from a tear-soaked letter in *The Progressive*:

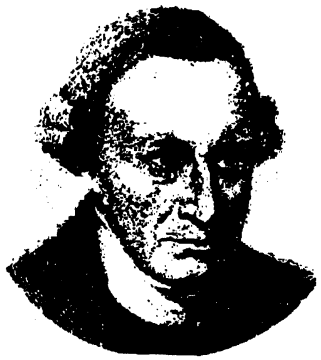
"When is it going to sink in? In your May issue, you have a heart-rendering story about catfish farmworkers. Boo-hoo, they have miserable working conditions. What about the catfish?"

### *Wisconsin*

Social Security reform in the home of Progressivism, reported by the *Milwaukee Journal Sentinel*:

Marcia D. Turner, a former mental health caseworker for the Wisconsin Correctional Service, is under investigation for allegedly using money from patients' Social Security disability accounts to buy items for herself and her family. Investigators were tipped off to the fraud when size XXL underpants and a large brassiere were charged to the account of "an extremely petite woman," and two pairs of hiking boots were charged to the account of a man who has no feet.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or to email them to terraincognita@libertysoft.com.)



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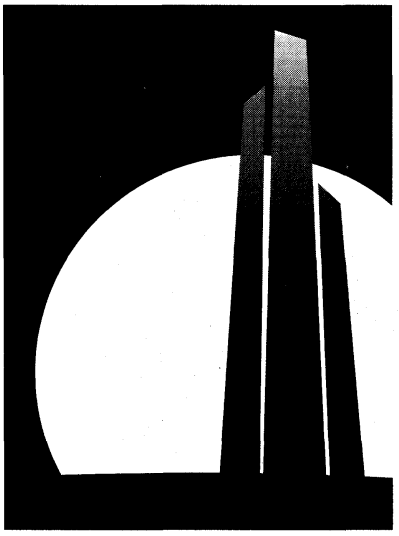

# The OBJECTIVIST CENTER

**Our Mission:**

To advance Objectivist ideas and ideals in our culture and society and to create an open community of people who share those ideals. We are crusaders for rational individualism, and a home for rational individualists.

In our new capacity, The OBJECTIVIST CENTER is hosting a major conference on the secular alternatives to religion:

## WHAT SHOULD WE WORSHIP?

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**Banquet at 7 pm**

**Banquet address: David Kelley—*"Truth and Toleration: Ten Years Later"***

*For more information, please contact The Objectivist Center at*
**800–374–1776**
**www.objectivistcenter.org**