

# Liberty

September 1989

Vol 3, No 1

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## Concentration Campus

Censorship and  
Persecution at

America's Universities, p 8

### Saving Yellowstone from its Friends

*by Lawrence Dodge*

### My Expulsion from the Ayn Rand Cult

*by Murray Rothbard*

### Abortion Without Absurdity

*by R. W. Bradford*

### Holocausts and Historians

*by Ralph Raico*

### Understanding Avant-Garde

*by Richard Kostelanetz*

Also: *David Friedman* on Liberty's Conundrums;  
*Gary North* on Reconstructionism and Libertarianism;  
*Karl Hess* on Vigilante Justice; *Mike Holmes* on CBS News;  
and other Reviews and Articles.

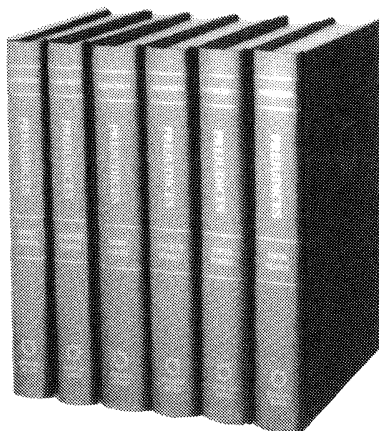
"The

man is eternal vigilance." — John Curran

*"I believe in only one thing and that thing is human liberty...I am against any man and any organization which seeks to limit or deny that freedom."*



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# Letters

## Guess Again

R. W. Bradford's review ("Who Is Nathaniel Branden?" July 1989) of the former Objectivist patriarch's memoir, *Judgment Day*, left me feeling stunned, saddened, and agitated by its sneering tone and obvious prejudice against the book's author, Nathaniel Branden. It's difficult to believe that Bradford and I read the same book. Throughout my reading of his review, I wondered if Bradford feels that he had once been unjustly hurt by something Mr. Branden had said or done.

That he has an axe to grind with the book's author is transparently obvious. Nothing else could have caused such a torrent of bitter distortions to pour from this man's pen. Bradford's review, it would seem, has two purposes: (1) To impugn the integrity of Nathaniel Branden and, (2) to enable him to jump on Rothbard's Objectivism-is-a-cult bandwagon.

"Something fearful and given to sarcasm [in Murray Rothbard's and his circle of friends' manner]" (p. 260), is how *Judgment Day*'s author describes his perception of several people he met more than a quarter of a century ago. Was he describing his past perception of Bradford as well? I strongly suspect so, though I can only guess.

William Auger  
Hawthorne, Calif.

## The Individuated Branden

It is obvious to me that R. W. Bradford is oblivious to the writings and teachings of Dr. Branden since his break with Ayn Rand. If Bradford had spent the time to review some of Dr. Branden's work since that break, he might have a better concept of what *Judgment Day* is really about, and why it was written.

The book is not about whether Ayn Rand was evil or innocent, or a victim, or whether Nathaniel Branden was a cult-creating, people-hating, power-monger. Rather, this is the story of one man on an expedition—exploring his own life, revealing truth in order to discover deeper ones. That's what the process of individuation is all about! It doesn't matter whose autobiography it is, what is rele-

vant is the amazing amount of truth that is revealed. With truth comes understanding.

In my opinion, Nathaniel Branden has done more to add perspective to Ayn Rand and her philosophy than anyone else could ever hope to. He was able to understand the psychology of it and to understand the mistakes that he made and that Ayn wouldn't admit to. I think that Dr. Branden has brilliantly put his finger on the biggest fault of her philosophy, her lack of respect for emotions, self-awareness, and emotional understanding. Ayn Rand's philosophy (as Dr. Branden has pointed out) encourages emotional repression, rigidity, and a sense of inferiority in those who try to live up to the moral perfection of a John Galt, a Howard Roark, or Dagny Taggart.

Yes, Nathaniel Branden made mistakes, so did Ayn Rand, so do we all! There is no doubt in my mind that Nathaniel Branden *did not* deliberately set up objectivism to be a cult. I believe the impetus for that came from the way Ayn wrote.

I feel R.W. Bradford's review of *Judgment Day* is unfair in its villainous portrayal of Nathaniel Branden and in its subtle reverence for Ayn Rand. Without Dr. Branden's insightful perspectives into the inner workings of the objectivist movement, we might not have understood the implications of its cultish tendencies. Had Dr. Branden not pointed out the emotional repression that Ayn Rand's work encourages, it is highly likely that the result would have been a generation of admirers that were unfeeling, brilliantly rational Spock-like automotons.

James Britton  
Newport, N.H.

## Author! Author!

R.W. Bradford missed the whole point of *Judgment Day*, which is the author's total commitment *qua* author to honesty. How honest he *succeeds* in being is for the readers, and the author, to ponder. If you want to hang the man, which I suspect is the case, he has provided all the factual material anyone could need

for such an endeavor, for—while he is harsh on many—he is harshest, after Ayn Rand, on himself.

Brant Gaede  
Park Ridge, N.J.

## A Noble Savages . . .

As a postscript to your perceptive review of Nathaniel Branden's *Judgment Day*, I think the worst feature of the book is Branden's hypocrisy on the subject of sensitivity and human relationships. After revealing how savagely he and Ayn Rand berated their closest friends for their alleged failings, wounding their self-esteem by making every criticism a moral judgment, he now reflects that he should have been more compassionate, less judgmental, more aware that bitter denunciations only engender anxiety and apathy in the victim. "I am appalled," he writes, "at remembering my ruthless behavior on such occasions" (267). He adds: "One of the worst things I had done to myself over the past several years—which became a crime against others as well—was to disown my compassionate impulses" (267). Describing his own role as being "Lord High Executioner," he now declares: ". . . we did not think to ask whether the communication of contempt was likely to inspire improvement in anyone's behavior" and he laments the disappearance of "the benevolence and generosity that had once been so intrinsically a part of me . . ." (268)

Mr. Branden's new-found sensitivity is a transparent pose, witness the fact that he continues to ridicule or denounce every close friend who was part of Ayn Rand's inner circle, the so-called Class of '43. Abusive and cruel remarks about them appear repeatedly throughout the book. If Mr. Branden *ever* possessed "compassionate impulses" or "benevolence and generosity," they have left absolutely no traces in his soul today. From the evidence in this book, he still relishes the role of "Lord High Executioner."

By coincidence, just before reading Branden's book, I read a profile of Jean-Jacques Rousseau in Paul Johnson's new book, *Intellectuals*. The parallels between Rousseau's approach to autobiography and Branden's are striking. About Rousseau's *Confessions*, Johnson writes:

He presented himself . . . as the champion of the principles of truth and virtue . . . It is necessary, therefore, to look more closely at his own conduct as a teller of truth and a man

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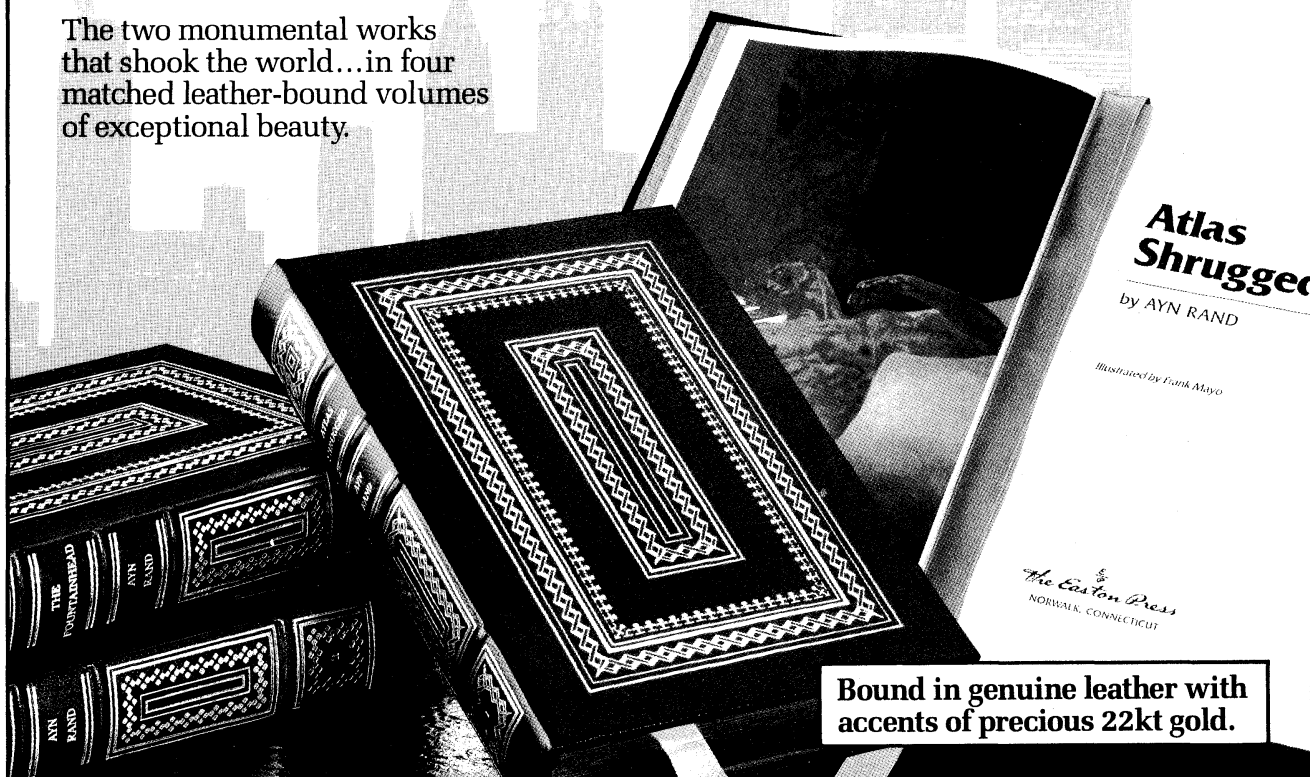


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of virtue. What do we find? . . . Rousseau made absolute claims for the veracity of his book . . . More important, he convinced readers he was sincere by being the first man to disclose details of his sex life, not in a spirit of macho boasting but, on the contrary, with shame and reluctance . . . These damaging admissions build up confidence in Rousseau's regard for truth, and he reinforces it by relating other shameful, non-sexual episodes, . . . But there was an element of cunning in this. His accusations against himself make his subsequent accusations against his enemies far more convincing . . . Moreover, the self-accusations are deceptive since in every critical one he follows up the bare admission by a skillfully presented exculpation so that the reader ends up sympathizing with him and giving him credit for his forthright honesty.

Nathaniel Branden attempts to manipulate his readers in exactly the same way that Rousseau did, but with far less skill and success. If anyone wants to read a masterpiece of malice, buy a copy of Rousseau's *Confessions*, but don't waste time and money on a third-rate imitation.

Robert Hessen  
Palo Alto, Calif.

## In Our End Is Our Beginning

An idea isn't dead just because it isn't making the headlines. Suggesting otherwise ("The End of the Secular Century," by Murray Rothbard, May 1989) is historically myopic. When the monarchy and church power were restored after the French Revolution, secularists didn't disappear—they became the opposition. Secularism has endured a number of setbacks and revivals, and ideas that may not be fashionable in the U.S. right now are very much alive. Surely you would agree that an idea need not be fashionable to be *right*.

Religion is sometimes used to express ethnicity, but religion and ethnicity are not always identical as your essay implies. The history of Catholic-Protestant conflict alone includes many battles which were based on religious and not ethnic difference.

As a person who was born into one ethnic minority and married into another, I am well aware that the downside of inter-ethnic relations ranges from ridicule to brutal suppression by majorities. This secularist has no "Disneyfied" illu-

sions about ethnicity. I don't expect to see ethnic diversity disappear in my lifetime, nor would I want it to. I *would* like to see ethnic animosity replaced by mutual acceptance. It would be fine if ethnic groups enjoyed each other's arts, costumes, and cuisines, rather than persecuting each other.

The problem with religion is that it defines truth not through reason but through authority. That's bad enough in itself; worse is the ease with which authority degenerates into tyranny. I am not so interested in converting people to the conclusion to which reason has led me—atheism—as I am in encouraging people simply to reason.

The essence of secularism is the attempt to govern actions and relationships by reason, not by traditional authority. If secularism is in danger, then the cause of liberty is no safer than a Christian in Mecca, a Hindu in the Golden Temple, an atheist in the White House.

You'd better hope the "Secular Century" is just beginning.

Molleen Matsumura  
Berkeley, Calif.

## Disgusting Weasel Parasite

I am disgusted by Mike Holmes's review ("Guerrilla Tax Revolt Tips," July 1989) of Daniel J. Pilla's *How Anyone Can Negotiate with the IRS—and Win!*

I don't normally question the motives and character of writers, but since Mike Holmes has done so to tax resisters, and characterized them as deluded cultists, I won't hesitate to examine his.

To Mr. Holmes's credit, he tells us up front that he is a parasite who makes his living from IRS persecution of citizens. That he does so suggests both that he has taken flak for this before, and that he is shameless.

Having established his commensal relationship with the IRS, he proceeds to portray tax resisters who have tried to raise various baroque Constitutional issues as cranks at best and hysterical cultists at worst. Mr. Holmes is a pragmatist to the core; no conceptual argument gets the slightest approval from him. All he respects is the mace of the State. He is impressed by the "intelligence" of lawyers who refuse to represent tax resisters: "For one thing, they can be disbarred from practice before federal courts for even bringing these arguments up, and can be fined \$5,000 to boot!" Mr. Holmes urges cooperation with this kind

of tyranny.

The ugliest part of his essay is his claim that those martyred by the State are so deluded that they pin their hopes on "a jury box full of honest citizens who will hear their impeccable logic and mind-boggling legalisms and disregard the instructions of prosecutors and judges." If those who pathetically appeal to a jury with obscure arguments (which have not yet been shown to be true or false) are to be ridiculed, what does this say about Mr. Holmes's attitude to those who take the Constitution at its word and put their faith in the American legal system? He seems more concerned about cowering properly before the State.

He observes: "Like other cultists, tax rebels seldom lose hope, and are quite resentful when others (even ideologically sympathetic libertarians) are less than enthusiastic about their self-imposed plights." I presume he is referring to himself as a "sympathetic" observer (though his criticisms of tax rebels sound as if they could have come from a bastion of libertarian thought like *Time Magazine*). But Mr. Holmes has no harsh words for the State, only warnings to citizens not to assert their rights. His respect for the State reaches its height when he blames the persecuted for their failure to grovel—or, more exactly, their failure to come to him for groveling instructions.

In his conclusion, Mr. Holmes argues—correctly, in my opinion—that even if exotic constitutional theories about the legality of the IRS were accepted in court that the State would simply do whatever was necessary to keep its income incoming. But he weasels out of providing a constructive solution, simply stating blandly that "Serious reform of the tax system will only come about when the public is convinced that the power of government should be reduced." Without speculating about whether this is possible, surely the politi-

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## Letters Policy

We invite readers to comment on articles that have appeared in *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct, typewritten letters are preferred. Please include your phone number so that we can verify your identity.

# Reflections

**The right to arm bears** — Recent Supreme Court decisions involving affirmative action, abortion, and flag-burning have grabbed headlines, but another important case received little notice. The Court let stand without review a lower court ruling that prevents Montana sheep ranchers from defending their flocks from attacks by marauding grizzly bears. The sheepmen argued that because the bears were protected by federal law, their sheep losses amounted to a "taking" without compensation, in violation of the fifth amendment. They also claimed a constitutional right to defend their property. The 9th Circuit Court of Appeals rejected these arguments, stating that the bears' actions could not be blamed on the government. Lawyers for the bears claimed that their clients had no choice, given the nature of their upbringing, and also cited provocative bleating on the part of the sheep. — JSR

**Let's not be chintzy** — The proposed Congressional pay raise has gone down in flames. But it seems to me the Congress Critters had a point: eighty-nine five for a full year's work does seem kind of chintzy—and you can't say they aren't *active*. Still, with the budget deficit running hundreds of billions, I can understand the people's reluctance to raise the pay of their Congressional servants.

Here is an idea that should please both the Congresspeople and the Realpeople: why not give them more time off? Say 9 or 10 months per year? Let 'em have the eighty-nine and a half grand a year *and* most of the year off. Since most are lawyers and other professionals, they could certainly pull more cash out in the private sector with all their free time.

The Constitution of the State of Washington, for instance, limits its legislators to 90 days work per year. This is a blessing: Washington citizens are spared many indignities (e.g. state income taxes, mandatory motorcycle helmets, mandatory deposits on beer bottles) that inflict the citizens of states whose legislatures ape Congress and loot year 'round.

Perhaps the writers of Washington's Constitution really did believe the old saw about how no man's life, liberty or property are safe while the legislature is in session. — REM

**Her feet's too big!** — That we live in a rotten and meretricious culture has rarely been more vividly highlighted than by an interview in *New York Woman* (June-July) with Eileen Ford, veteran head of the Ford Model Agency and longtime arbiter of fashionable taste. Miss Ford reveals that she is a lifelong hater of Eleanor Roosevelt—not, however, for ideological reasons. It seems that Eleanor spoke at Barnard when Eileen Ford was an undergraduate, and Miss Ford was turned off for life. "She was an ugly old toad," Miss Ford recalls, "and oh those awful size 50 feet!"

I never *ever* thought that I would rise to the defense of Eleanor Roosevelt, but talk about judging by appearances! Miss Ford is a living embodiment of that delightful cultural parody

by Fats Waller: "Hate you cause your feet's too big! Cain't stand you cause your feet's too big!" Are we living in a Fats Waller parody? — MNR

**Signs of the times** — Paul Lotz is a realtor in Newport News, Virginia. About five years ago, in accordance with his fundamentalist Christian beliefs, he designed a new letterhead for his business featuring the fish symbol used by some believers. He also placed the symbol on his office door, and began to occasionally add religious messages—"Christ is Coming," "John 3:16" and the like—to his advertising signs. Fair enough, one might say. Not everyone's cup of tea, perhaps, but well within his rights.

The Virginia Real Estate Commission thought otherwise. Claiming that the Christian symbology was inherently discriminatory and therefore a violation of the state's Fair Housing Act, the Commission ordered him to remove all references to his faith from his place of business. Lotz fought back in the courts and finally, after a half-decade-long struggle, was vindicated in January of this year by the Virginia Supreme Court in a unanimous decision.

Fine. A happy ending to a fracas that, of course, should never have begun in the first place. It can't help but be noticed, however, that most of the conservative and Religious Right press have welcomed this decision as a triumph of *Christian values*, rather than of commercial and religious freedom. One is morbidly curious to know what their reaction would be if Mr. Lotz had featured signs stating "Vishnu is Lord" or "Celebrate Humanism." — WPM

**Shoot him on the spot** — Libertarian objection to capital punishment is understandable. The idea of the state bureaucracy putting people to death one-by-one is as repulsive as the idea that the same bureaucracy can pick young men, by the thousands, to be killed in state-determined warfare.

But it should be made clear that not all libertarians object to killing criminals or aggressors.

It seems to me that killing a person who is threatening you or your property is simply self defense. This is quite acceptable to me and to most libertarians (at least to most whom I know).

And, when it comes to aggression on the grander scale, libertarians defend voluntarism, including the voluntary act of signing up to be a member of a defense force and a participant in its later violent activities.

The matter of killing criminals, however, is closest to my heart. I believe that a person who is committing an act of violence against you, such as robbing you, should be deterred by counter violence. (You could try sweet reason, of course: "Hey, man, you shouldn't be crawling in that window waving that gun. Let's talk about it.")

Once you're sure that it's actually an aggressor and not just a drunken, mistaken neighbor, I think that you should go right

ahead and plug the son-of-a-bitch. Surely there is never a moment when justice can be more clearly dealt. You are an eyewitness. The criminal is a palpable criminal, not a tissue of legalisms. There is no phoney-baloney defense technicality to muddy the issue. There he or she was and there you were. And you stopped the crime by stopping the criminal. Fair enough?

The notion of justice being blind, as in the famous icon, always has appalled me. I believe that justice should be clear-eyed and bushy-tailed. The shooter of the criminal should be clear-

*I have never believed that becoming a victim myself was any solution to someone else's "victimization" by cruel fate, society, or crappy karma. In choosing victims I choose the other guy, the one coming in the window with the gun, before I volunteer to be a victim myself.*

eyed also. And would be—as a successful demonstration of marksmanship could prove.

Summary justice is justice delivered at the only time when the situation actually is clear—when it is happening. Some may argue that the aggressor, the criminal, might just be a misguided or even irresponsible, even incapacitated (stoned, drunk, dumb) person who is more a victim than a rotten human.

I have never believed that becoming a victim myself was any solution to someone else's "victimization" by cruel fate, society, or crappy karma. In choosing victims I choose the other guy, the one coming in the window with the gun, before I volunteer to be a victim myself.

Rather than joining any efforts to give the police more power to arrest people (actions that occur after a crime is committed) libertarians might spend time seizing any opportunity that comes along to free up individuals to defend themselves more effectively. Libertarians could sensibly oppose any law that inhibits self-defense (such as the horrid spate of law suits in which criminals are suing householders who injured them while defending life and property). Beating back laws that would discourage the ownership of weapons is another necessity for self-defense.

For any who are seriously concerned by the social effect of encouraging summary execution of violent criminals, there is comfort. Encouraging the killing or maiming of aggressive, violent or even potentially violent criminals who are actually engaged in a threatening act would dramatically raise the cost of being a violent criminal. Knowing that victims may shoot, or that properties may be booby trapped, would probably be more discouraging to your garden grade, slack brained criminal than the current array of petty punishments.

Wouldn't this encourage vigilantism? I hope so. The actual record of vigilantism in the old West is not so bad. The vigilantes were just ad hoc defense forces of volunteers who got together when needed to defend the town or hunt down a known thief or murderer. Even the official police today admit that neighborhood watches are the most effective crime fighting technique available. They are just unarmed vigilantism. Are you really more afraid of armed neighbors than of armed criminals?

Some people are, of course, and they should be free to live under police protection exclusively if that's what they want.

Others, people such as me, might prefer to live in a neighborhood of armed friends.

Which neighborhood would attract the most criminals?

—KH

**Passport to Galt's Gulch** — Getting a handle on the official party line of the rump Objectivist movement is tricky. Consider the following data:

1) An ad in the *New York Times* signed by virtually every prominent member of the official Objectivist movement condemns Ayatollah Khomeini's attack on novelist Salman Rushdie, which they view as so evil that "the U.S. government should take military action against Iran."

2) The spring catalog from Second Renaissance Bookseller, the official Objectivist mail order book dealer, carries the following intriguing introduction from Objectivist intellectualoid Peter Schwartz: "Since we do have strict standards, there are some books we rule out categorically. For example, we do not carry material by Libertarians. Nor do we carry anything by those who are maliciously hostile and defamatory toward Objectivism or Ayn Rand."

Their logic leads in some peculiar directions. Consider the fate at their hands of three writers:

David Kelley: perhaps the leading academic proponent of Objectivist philosophy, author of *The Evidence of the Senses*, a defense of Objectivist epistemology.

Paul Johnson: a British critic and historian, who called for Britain to prosecute Rushdie for "blasphemy" and challenges the idea "that any writer . . . has the right to publish anything."

Paul Weaver: an author who describes Ayn Rand as "domineering, possessive, jealous, manipulative . . . who could be amazingly cruel . . . the past master of making people feel guilty."

Which of the above authors meet the "strict standards" of official Objectivism? You guessed it! Johnson (*Modern Times*) and Weaver (*The Suicidal Corporation*). Kelley's works are excluded.

You figure it.

—EOW

**Concentration campus** — In the July issue (*Reflections*) I mentioned prospective amendments to the student code of conduct at the University of Wisconsin, aimed at prohibiting "certain types of expressive behavior" that were deemed to be prejudicial and which posed "a clear threat to the educational environment." The U.W. regents have voted to approve these revisions.

Pressure from civil libertarian groups forced changes in the draft of the revisions, among them a requirement that intent to "create a hostile environment" be proven before action can be taken against a student. This change disturbed some of the proponents of more restrictive regulations. Solomon Ashby, university affairs director for the Wisconsin Student Association and a member of the Madison Black Student Union, called the need to prove intent "probably the biggest loophole in the world."

Why proving that someone actually meant to violate the vague restrictions in the student code is a loophole is unclear. Perhaps many due process guarantees are also loopholes. However, the inclusion of this caveat does nothing to change the chilling effect of the regulation. Written expression opposing any of the pet projects of so-called minority groups could well be deemed discriminatory, and in such cases intent would be obvious. Furthermore, one wonders how a student would fare protesting the regulation itself. Would this not be proof of



intent to "create a hostile environment" (i.e., by removing the restrictions against such an environment)?

Meanwhile, the University of Connecticut is instituting a course on "Race, Gender, and Cultural Diversity." To ensure maximum diversity, all students must take the course. Those with the bad taste to exhibit alternative behavior will not be allowed to graduate.

Sixties fashions are in on campuses. I hope that the sixties mood of rebellion is not far off. —JSR

### ***Slavery and abortion: the really ominous parallels***

— It is 1854, and Congress has just passed the Kansas-Nebraska Act. The law allows "popular sovereignty" to decide the slavery question; now, the people of Kansas will vote on whether they wish to enter the Union as slave or free. The Act nullifies the Missouri Compromise of 1820, which had set geographical limits on slavery, and puts the slavery question up for grabs in all future states. To Senator Charles Sumner, it "annuls all past compromises with slavery, and makes all future compromises impossible."

The 1989 Supreme Court decision in *Webster v. Reproductive Health Services* brings popular sovereignty to abortion, ending the chapter of American history during which most abortions have had legal sanction nationwide. The abortion question, apparently settled sixteen years ago, is open again, just as the Kansas-Nebraska Act reopened the slavery question. A fight like the one over "bleeding Kansas" may be the next step; if so, it will occur in fifty states, not one or two.

This analogy between abortion and slavery, suggested by Herbert Strom of Montana State University, portends a grim fu-

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*As long as people believe that abortion is murder, they will not compromise—and who can blame them? And if murder is occurring next door, rather than a thousand miles away, as slavery often was, compromise is even less likely. Perhaps that's why Roe v. Wade lasted only half as long as the Missouri Compromise.*

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ture for the nation. It is a plausible analogy because, like slavery, abortion resists settlement by compromise. As long as people believe that abortion is murder, they will not compromise—and who can blame them? And if murder is occurring next door, rather than a thousand miles away, as slavery often was, compromise is even less likely. Perhaps that's why *Roe v. Wade* lasted only half as long as the Missouri Compromise.

Not unlike the slaveowners, those of us who believe that abortion should be permitted find ourselves on the defensive. While I believe that abortion may often be the morally correct choice, I cringe at publicly proclaiming it as a "right." Public promotion of so private a decision sounds selfish and may encourage abortion when it isn't appropriate. Furthermore, because the most vocal proponents of abortion are militant feminists, my support of abortion implicitly associates me with other positions and attitudes that I may not hold. In appearances at least, those of us who favor abortion don't hold the moral

high ground.

In the years ahead, we can expect passionate debate over scientific, moral, and economic issues surrounding abortion, similar to the debate that preceded the Civil War. Perhaps the moral equation will change: The birth of grossly deformed babies may justify abortion in the minds of many; on the other hand, framing the issue in such terms may inflame opponents further.

It is worth remembering that ideas emerged during the pre-Civil War years that might have changed the outcome. Ralph Waldo Emerson, for example, proposed that the federal government end slavery but compensate the slaveowners. His proposal aroused virtually no interest at the time, but if the future could have been foreseen, both Northerners and Southerners probably would have preferred that resolution to the anguish that took place. Unfortunately, I don't have an Emersonian (or Solomonic) solution to offer, but it's too early to despair. I will look for signs of compromise in the years ahead and hope that somehow moderation will win out in the end. —JSS

### ***Out of smarm's way***

— The Great Flag-Burning Controversy has turned the nightly television news into a menace to mental health. We are entertained, on one side, with "Revolutionary Communists" for whom burning the flag is a legitimate form of protest against "capitalist imperialism," and on the other side with conservative (and liberal) politicians insisting on the passage of a constitutional amendment that would restrict freedom to own property and freedom of expression in order to protect the emblem of freedom.

We are also entertained by our own grim thoughts. We realize that one of the greatest bastions of liberty is the people's reluctance to amend the constitution; we must recognize, however, that the difficulty of amending it in positive ways leaves it in the interpretive control of inveterately zany courts.

But one ray of light has shown through the clouds; one political pain-pill has shown up on the market—the product of a most unlikely vendor of sensible ideas, conservative columnist George F. Will. Will has never quite learned the lesson of limited government from which so many other conservatives have profited during the past twenty years. He doesn't quite see the point of freedom. Nevertheless, in his July 4 column he observed that President Bush's "smarmy pandering to the passions of the moment regarding flag-burning—a constitutional amendment to stop what hardly ever happens" will create a regrettable precedent for every kind of special-interest group to try to enshrine its views in the constitution.

It's good, in times like these, to hear someone talking sense, even George F. Will. He hasn't found out why the welfare state doesn't work, but he does understand why conservatives should flee constitutional Causes like the plague. Maybe similar ideas will occur to other "opinion leaders," and we can look forward to something on the tube besides outrage and smarm. —SC

### ***Black and white issue***

— This September the newly created Film Preservation Commission will select the first twenty-five films to come under the protection of the National Film Preservation Act. The thirteen member panel of non-government experts will choose which films will be granted the status of national landmark. Exhibitors will be required to attach warning labels on these films when shown colorized or with commercial interruptions. Each year the FPC is to add 25 additional films to its "protected" list.

This is a new twist in the fight against colorization. Previous efforts attempted to establish an artist's "rights" to a work, even if it was sold without conditions. In December 1988, a French Court ruled that while Turner Entertainment may own "The Asphalt Jungle," directed by John Huston, the "moral rights" resided with the film's creators. The problem with this approach, of course, is that a film has many creators. The director is a primary force, but so are the screenplay writers, the actors, and the producers. Which of these are the creators, and in what proportion? When a director passes away, do his moral rights devolve to someone else, and if so must this be mentioned in a legal document? Such questions are difficult to ponder, especially from a libertarian standpoint, because the premise on which they are based is chimerical. "Artist's rights" don't exist. You have a right to your creation, surely, whether you are an artist or not; but once you sell it, you lose whatever hold you had.

The National Film Preservation Act does not rest on the concept of individual rights, but rather on the notion of the public good. Under the Act's auspices, films will be nationalized. This is an extreme measure, and the Act's author, New York Rep. Robert J. Mrazek, knew better than to have it passed by conventional means. Instead of bringing it through normal channels, he attached it as a rider to an Appropriations Committee bill. For this, the Directors Guild of America presented him with a special award.

Critics of film colorization and other forms of alteration offer both technical and aesthetic arguments. The technical arguments (e.g., the colorization process is inexact) are the least resilient, since advances in technology will ultimately remove any flaws. In fact, advances in digital scanning and advanced visual

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*The opponents of colorization are romantics. They wish to preserve things as they are, because this is what they find pleasing. Questions of property, even propriety, are lost on them.*

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technologies will, perhaps within the next decade, allow one not only to change colors throughout a film, but to change the physical features of the actors and actresses. Imagine, if you will, viewing *Casablanca* starring the man who turned down the role of Rick—Ronald Reagan. Then imagine the ear-splitting howls of the Directors Guild!

The aesthetic arguments are also uninspired. One critic said colorization was like taking a magic marker to the Mona Lisa. Oddly enough, when surrealist Marcel Duchamp did this very thing (putting a moustache on a Mona Lisa print) it was hailed as great art. Others talk of the texture of black-and-white images, and their superiority to color. This viewpoint has government sanction: the Registrar of Copyrights has determined through unknown processes that colorization "has an adverse effect on the esthetics of black-and-white motion pictures." One may agree or disagree, but there is no reason to expect that biases need to be universalized. Color prints of films do not destroy the originals, and if a colorized movie is playing on TV, one may view it in its new form, or wait until it is exhibited in black and white. Furthermore, because colorization is expensive, film owners will not do it unless there is public demand (i.e. potential profit).

Yet this is not a question of expanding the realm of personal choice, or catering to the desires of the public. The opponents of colorization are romantics. They wish to preserve things as they are, because this is what they find pleasing. Questions of property, even propriety, are lost on them. This is why, perhaps, the Directors Guild hails legislation that it should properly revile. If these directors could see beyond the current controversy they would realize that allowing the state power over artistic creation is potentially perilous. The scope of influence of the Film Preservation Board could expand in unforeseen directions, especially given the radical changes the film industry is undergoing. And there is no guarantee that the board could not become dominated by people with narrow religious or social interests, in the manner of Tipper Gore.

The right to property remains the most effective way of defending films or other works of art from alteration by others. Instead of claiming rights that don't exist, or using the state to make films public property, directors should have clauses written into their contracts that would forbid future owners from altering the films. Of course, such a restriction is likely to reduce the value of the films and reduce the income of the directors.

Those who do not want older films colorized are free to buy them and prohibit their exhibition in any new fashion. The creators of the films and fans of black-and-white films prefer to have the government confiscate some of the rights owned by the films' owners. Their motives are not significantly different from those of any other special interest group asking the government for favors. They should be treated no differently. —JSR

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*Mona! Get that silly grin off your face! —*

The aesthetic argument against colorization is limp on other grounds than those pointed out by Jim Robbins. People have changed or reproduced art in new ways to take advantage of advanced technology for centuries. If we are to prohibit reproducing art in a way not anticipated and favored by its creator, then why don't we prohibit taking photographs of paintings or sculptures? Certainly the tiny black and white photo of the Mona Lisa reprinted in my high school history book was as dissimilar to the original as a colorized version of *Blondie Takes a Vacation* is to the original version in glorious black and white. Should photographs of all visual art be prohibited? Should Orson Welles have been prohibited from filming his versions of Shakespeare's plays? Should film versions of novels be prohibited? Should translations of literature and poetry be prohibited? —RWB

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*The best of times, the worst of times —* The crackdown in China has dashed hopes for near-term freedom in that country, but it's hard to ignore the ferment that is occurring around the world. Controls of markets are weakening in the Soviet Union, in some of the Eastern bloc nations, and in much of the Third World, offering more people than ever before a chance for freedom and prosperity. In the West, Margaret Thatcher has revived a nation that most people had written off as moribund, and we ourselves are in the sixth year of an economic boom, thanks to market-oriented policies, especially tax cuts, instituted by the Reagan administration.

This is progress. But look at the consequences of government controls that still exist in our own country.

Our inner cities are caught up in a devastating drug culture that was largely unnoticed until an epidemic of AIDS and a barrage of killings near Capitol Hill called attention to it. Drugs

have apparently almost destroyed a society that had been already weakened by the government's poverty programs, with their inherent penalties for self-sufficient behavior. The government is fighting on this new front with a drug czar, border wars, and even National Guard units. Talk of drug legalization surfaced like a blip on a radar screen and then disappeared.

Our government-run educational system, liberals and conservatives agree, is deplorable, but the members of the educational establishment ignore the fact that spending levels have no impact on public school performance. They want more money and they resist the mounting evidence that free choice among competing schools would improve performance dramatically.

Our borders are closed to economic refugees, trade wars are on the horizon, and even the littlest communities, such as my own in Montana, do what they can to thwart individual choice and economic progress through zoning, licensing, and so-called health regulations.

Furthermore, if there is one person other than Ronald Reagan who can be credited with this nation's prosperity, it is Michael Milken, who helped impose stockholder discipline on several American industries by creatively using the "junk bond." Yet government prosecutors have indicted him on charges too technical to be even printed in the newspapers—his chief crime seems to have been earning \$500 million in one year. Meanwhile, the prosecutor who hauled off Wall Street brokers in handcuffs some months ago is hailed as a hero and has a good chance of becoming the next mayor of New York City.

These days, a person who loves liberty doesn't know whether to view the cup as half full or half empty. —JSS

**Bennett's Follies** — Bill Bennett, our new drug Führer and every neoconservative's favorite macho thug, has turned his blustering attention from education to drugs, with predictably grotesque results. Enforcement, he claims, has not really been tried up till now. To remedy this lack, Bennett proposes a brand-new concept: concentration camps [thoughtfully renamed "boot camps"] for drug dealers. To the usual civil libertarian complaints, Bennett maintains that his lovable camps would be "not prisons" but rather "spiritual based rehabilitation centers" that would have the structure of "get up in the morning and stay busy." I'll bet. The Soviets, your spiritual ancestors, called their camps "cultural rehabilitation centers," Bill; you might try that name too.

Bennett has another argument for his concentration camps; using the jargon of economics, he points out they are "cost effective." They are cheaper than orthodox prisons. Well sure. Even cheaper than boot camp, Bill, is to execute them all instead of maintaining them, in prison or boot camp or anywhere else. And if you're looking for a "cost-effective" method of mass execution, you might try those gas chambers. Although probably cheaper would be the Cambodian Khmer Rouge method of clubbing them to death. Then you wouldn't have to spend resources on gas or bullets.

That Bill Bennett has been thinking precisely along these lines is shown by his response on a call-in radio talk show. A listener proposed beheading all the drug dealers, and Bennett agreed enthusiastically. Way to go, Bill! But how about topping that by going back to the good old method of drawing and quartering, which prolongs death in a satisfyingly torturing manner. Except that now you can do it all on national TV! What fun!

There is one problem, though. Methinks that Bill is still a bit soft. *USA Today* asked Bennett (June 12): "Should users [as well as dealers] be sent to prison or boot camps, too?" And Bill Bennett wimped out! He replied: "You don't have to be that Draconian." Too Draconian? But Bill, you claim to know some economics, and surely you realize that dealers are only serving their consumers. Why are you wimping out, Bill? Why are you soft on drug users? Now how about this: let's stop diddling around. Let's go for it: immediate public execution by torture for all drug users, displayed on TV as a caution and a warning. With luck, Bill, you can kill millions of Americans quickly, thereby tapping economies of scale. Yes, Bill, you *can* save America from drugs, if you are willing to go all the way, and kill every American who might succumb. At last, then, America the Great Cemetery will be drug-free, smoke-free, and Commie-free. —MNR

### **George Will and the individualist threat**

— Syndicated columnist George Will has never been characterized by a reckless passion for individual liberty. I'm not sure if I would regard Will as my "second favorite" person next to Pol Pot, as Ralph Raico does, but at least I'm not likely to confuse him with Auberon Herbert or Murray Rothbard.

Will's High Tory principles have recently been exercised by a small number of judicial decisions which have a quasi-libertarian, or at least civil-libertarian, underpinning. Will's reactions are more interesting than the decisions themselves. In recent columns, he has complained that "[Our] fundamental problem is a social atmosphere saturated with a philosophy of extreme individualism." After proceeding to define individualism rather dubiously as "absence of restraint," Will frets that "the rights of the community . . . to nurture and act on [its] col-

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*George Will deserves our gratitude for identifying individualism as our real enemy. I hope that, if he ever comes up against the long arm of the law, or is fighting to protect his property rights, he isn't plagued with officials who are in the thrall of "the peculiar American obsession with the rights of the individual against those of the community."*

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lective values . . . are by now so attenuated that there is not nearly enough tension . . . between the values of individualism and community." His worry is that "unbridled freedom" is now so "amok" that the polity is all but incapable of "asserting the general claims of the community."

Well, of course all of us share George's apprehension. I for one often find myself tossing fitfully at night, wondering what new ravages will be wrought on the morrow by the pitiless hand of unrestrained individualism. The damage already done can be seen just by glancing at the daily headlines. Scarcely a day goes by without the forces of statism taking a blow in the gut from the ghosts of Bastiat, Spooner, and Tucker. Just witness the recent victories of triumphant libertarianism in such fields as gun ownership, abortion rights, property forfeiture, financial privacy, drug laws, RICO reform, search and seizure policy, and general tolerance. In all of these areas state power, as we know, has been left in shambles.

George Will deserves our everlasting gratitude for acquainting us with the real enemy. And I sure hope that, if he ever comes up against the long arm of the law, or is fighting to protect his property rights, he isn't plagued with officials who are in the thrall of "the peculiar American obsession with the rights of the individual against those of the community." — WPM

**Sauce for the goose** — Lately there has been a great deal of fuss about skinheads. Skinheads are young white hooligans/thugs/stormtroopers who make a habit of terrorizing non-whites. The name and the sartorial standards began in England, where so many wonderful and horrible cultural phenomena have begun, but no matter.

Back when black gangs, who terrorized non-blacks, first entered the cultural showplace, the establishment was on the ball and easily explained and justified the phenomenon. Poverty, lack of education, and discrimination were the reasons, said the pundits, and the Rest Of Us were responsible. Indeed, young blacks who did not participate in such revolutionary struggles were Uncle Toms or capitalist lackeys or something worse. But the same pundits have found other reasons for the skinheads.

The skinheads, to put it simply, are no damn good. Scum of the earth.

Being white, they naturally can't be suffering from poor education or poverty, so their brutality can only be attributed to some perverse tendency towards racism that characterizes those of European descent. No more can they be suffering from discrimination, of course, because present-day quota systems and all sorts of special government deals for minority groups are not discrimination at all. Again, however, the Rest Of Us are responsible, just as we were before, but this time because we haven't repressed and disciplined and indoctrinated the unsavory elements of our own ethnic group.

Okay, enough sarcasm. Thirty years ago many young Blacks were poor, received crummy educations, were hit with anti-black propaganda and discrimination from the government every time they tried to get anywhere—education, jobs, even the armed forces. In the media, they saw insults to their race. A good number of them reacted irrationally by blaming all whites for the predicament they were in. They instinctively knew that they were as good as other people, and articulated that fact by hooliganistic behavior.

Today, many young whites, mostly "ethnic," I suppose, are poor, receive crummy educations, and are hit with pro-black (anti-white) propaganda and discrimination from the government every time they try to get anywhere—education, jobs, even the armed forces. In the media, they see insults to their race. A good number of these . . . well, you get my point.

Races may or may not differ statistically. It doesn't matter much. What differs much less are contrasting subgroups of the races. Young, aggressive, nihilistic males behave pretty much the same whether they're Black, Polish, Irish, Amerindian or Bengali. Only an instinctive racist would find justifications for anti-social behavior for one group while condemning another group that behaves precisely the same way. Common people tend to be ethnocentric but pretty tolerant, by and large. But liberal intellectuals are racist to the core. — RFM

**Architects of tyranny** — Recent events in China and the USSR reveal some odd phenomena concerning certain habits of repressive Communist nations.

Take mass architecture, for example. Communist govern-

ments construct huge squares in their capital cities (Tiananmen Square in Beijing, Red Square in Moscow)—vast empty spaces adjoining government buildings that house the institutions of supreme state authority. Nearby, dead Communist leaders lay stuffed and mounted under glass, the culmination of a mad taxidermist's vision.

Now the rationale for these vast squares is obvious: they dwarf the human and individual sensibilities of those hapless citizens patiently waiting in line to gaze upon the waxen Great Leader. The puny insignificance of the individual is contrasted to the mighty vastness of the State, which is symbolized by the vast stretch of vacant real estate. Only a thoroughly statist society would waste so much valuable urban land in emptiness instead of filling it with office towers, shops, parks, or streets.

These squares have a political purpose: they are ideally suit-

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*One cannot imagine this happening in Washington, London, or Paris—much less Tokyo—since open spaces in those cities are used as green parks or malls, which don't have the political significance of the Communist pavement prairies, stretching out below the freeze-dried corpses of dead dictators.*

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ed for great parades, placard waving demonstrations and marches, with leaders gamely waving to the adoring masses below.

That virtue is also a flaw: the masses are liable to assemble in the squares to demonstrate against the State, especially if the masses have taken the democratic rhetoric of their leaders seriously. As events in Tiananmen Square proved, 100,000 or 200,000 people are hard to control when they are massed together in some kind of anti-Marxist Woodstock celebration. One cannot imagine this happening in Washington, London, or Paris—much less Tokyo—since open spaces in those cities are used as green parks or malls, which don't have the political significance of the Communist pavement prairies, stretching out below the freeze-dried corpses of dead dictators.

So in late May, occupation of Tiananmen Square was the liberation of China, both symbolically and literally. When the "masses" showed up to march without being ordered or shown how and where, government authority simply disappeared. The revolution in the streets played out before the world because 200,000 people are hard to ignore. They gained that certain kind of dangerous courage found in all large crowds, the courage and craziness borne out of anonymity and mass numbers.

The leaders of China were not prepared for this. Along with the Soviet Union, but unlike virtually every other country on earth, the Chinese State had never bothered to acquire non-lethal methods of crowd control. Modern technology has provided the State with dozens of ways of controlling crowds without killing them: tear gas, rubber and plastic bullets, pepper and CS gas, stun guns, bamboo poles, plastic shields, water cannons . . . the list of non-lethal means of crowd control is as long as it is depressing.

So it came to pass that the Chinese relied on the only means at their disposal to disperse the crowd at Tiananmen: send in armed troops and tanks to kill those who wouldn't disperse fast



enough. The world got a chance to see the murderous Chinese State in action, violating the ostensible spirit of its own revolution in an attempt to suppress the new Chinese revolution. Huge as Tiananmen Square is, it is not large enough to be the sort of battlefield on which tanks are effective. The resulting spectacle of huge tanks attempting to maneuver against unarmed demonstrators between huge buildings would have been amusing had it not been so tragic.

Why didn't the Chinese and Soviets have non-lethal means of dealing with crowds? Both have shown little reluctance in the past to commit mass murder, but in this age of global television, surely they are concerned about both internal and external public opinion. Apparently inured by their years of unchallenged rule, they never anticipated that their subjects would take their rhetoric about democracy and freedom seriously. Evidently, the lack of non-lethal crowd control is another example of the failure of socialist planning.

—MH

**Dateline: Peru** — Mario Vargas Llosa is simultaneously one of the world's most distinguished novelists and leading exponents of libertarian ideas. We reported in a recent issue ("Against the Peruvian Apocalypse," March 1989) that he was likely to run for President of his native Peru in the March 1990 elections.

On June 21, he dropped out of the race, announcing that he intended to devote all his time to his literary career (his latest work, a "novel of passion" is just being published, and at least one other novel is planned). But the real cause of his supposed withdrawal was squabbling between the two political parties that support him for the presidency—the Popular Action Party and the Popular Christian Party. His withdrawal seems to have been a threat, and it seems to have been successful: the two parties reached a settlement and he declared himself back in the race on July 3.

The latest polls show him as the candidate of 44% of the electorate. He is doing better than twice as well as his probable main opponent, a Marxist. If Vargas wins, one of the most exciting political events of the century will occur: an attempt by an intelligent advocate of free-enterprise ideas to rescue a nation beset by both chronic and acute economic tribulations and menaced by a virulent communist insurrection. The Maoist Sendero Luminoso ("Shining Path") insurgents are already in the slums of Lima. Vargas's method of dealing with his two great problems would probably be to unleash the slums, to empower their inhabitants to carry on openly and unrestrictedly the economic enterprises that they now practice illegally.

In his introduction to Hernando de Soto's *The Other Path: The Invisible Revolution in the Third World* (New York: Harper and Row, 1989), Vargas argues that the problem is "the state itself. The informal economy is the people's spontaneous and creative response to the state's incapacity to satisfy the basic needs of the impoverished masses." At present, he points out, "even to get a license to open a street kiosk or sell from a pushcart is a task of Kafkaesque proportions; forty-three days of commuting between bureaucrats and \$590.56 (15 times the minimum monthly wage)."

Vargas opposes both the state and the small elite of businessmen who thrive on its monopolies, an elite that "depends on the state and on which the state is itself dependent." We will see if Vargas gets his chance to "uproot" the present system and, as he says, to promote a "transformation of society no less

radical [but infinitely more beneficial] than the one demanded by the Shining Path."

—SC

**Sleaze!** — Womanizing! Demon Rum! Graft! Tower, Wright, Lukens, Coelho! The big buzzword in domestic politics is "ethics." Libertarians are always interested in ethics, and yet reactions have been oddly muted on the libertarian front.

The first point to be made about the ethics question is that the fiercely partisan nature of this allegedly high-toned conflict makes much of the brouhaha wickedly comic. It starts with a Democrat (Republican) exposing or denouncing the sleaze or graft of a high-ranking Republican (Democrat). The Democrats (Republicans) assume a high moral tone, calling for the ouster of the miscreant and proclaiming the urgent necessity of raising the moral standards of whatever branch of government is involved. In angry rebuttal, the Republicans (Democrats) denounce the accusers for personal innuendo and McCarthyite smears, and for concentrating on petty minutiae instead of soberly attending to the nation's vital business. Besides, the defenders go on, if we keep raising moral standards and harassing worthy seekers after the common good, how will we attract good people into government?

Much of the humor comes from the speed with which each party trades ethics charges. When the Republicans (Democrats) retaliate by uncovering sleaze or graft by the Democrats (Republicans), the various partisans, politicians, commentators, and hangers-on, have to reverse arguments in mid-sentence. The fracas is enlivened by the Democrats (Republicans) self-righteously denouncing the retaliating Republicans (Democrats) for engaging in barbaric vengeance instead of calling a truce in the name of unity and the common good. Each party, of course, wants to call a common-good truce after it has just won a big round against the enemy.

A side comment: what's wrong with vengeance? I have never been able to see anything wrong with this common and understandable emotion, either in punishing criminals or in

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political set-tos. The word "barbaric" is not quite conclusive; maybe these "barbarians" were tapping into human nature?

But in addition to ridiculing the blatant hypocrisy of both parties, do libertarians have any further contribution to make? Yes. In this as in many other areas—political philosophy, economics, metaphysics, etc.—I consider libertarians as having what might be called a "third-level role," that is, the role of vindicating the common sense of the man-in-the-street against the sophisticated balderdash of second-level pundits and intellectuals.

A classic example of what I mean was provided by Frederic Bastiat and Henry Hazlitt in the famous "Broken-Window Fallacy"—the essence of Hazlitt's marvelous free-market primer, *Economics in One Lesson*. An event occurs: a bratty kid takes a stone and hurls it through a store-keeper's plate glass window,

breaking the window.

First Level Reaction—the Redneck, or Man-in-the-Street: “It’s a damn shame; that brat has ruined the window, and forced the storekeeper to waste a lot of money on repairing the glass.”

Then comes the sinister sophist at the Second Level, the Keynesian Intellectual: “That’s a simplistic, redneck view. As a trained economist, I say that the kid was really helping the economic system, for now the storekeeper will spend a lot of money on glaziers, and this will stimulate income and employment in the glazing business, provide jobs and help the local economy.”

The role of the economist, the free-marketer, the Austrian, is to trump the Keynesian ace, to debamboozle the man-in-the-street confused by mumbo-jumbo: “What the Keynesian overlooks is what the poor storekeeper would have done with his money if his window hadn’t been broken. He might have bought a consumer good, or invested in expanding his store; this would have given employment that would help the economy and also advance the well-being of consumers. So all the little punk has done is to destroy productive assets and force the economy backwards.”

Thus the role of the Third-Level libertarian or Austrian or philosophical realist, or whatever, is to vindicate the common-sense of the redneck, the man-in-the-street, and to rescue him from the sophistry and the phony paradoxes of the intellectuals.

On the ethics question, I submit that our role is similar. Forgetting about the partisan squabbles, the reactions should be about as follows: Sleaze or graft occurs.

First-Level Redneck: “Shocking! Throw the rascal out!”

Second-Level Establishment Pundit (almost any well-known name will do): “In the public’s petty concentration on the sensational, we are in danger of forgetting about the important issues of government: the deficit, taxes, the homeless, the crisis of the inner cities, etc. Let’s forget about this trivia and concentrate on the public good, otherwise we will deter good people from entering

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*The role of the economist and free-marketer is to trump the Keynesian ace, to debamboozle the man-in-the-street confused by mumbo-jumbo: to vindicate his common-sense and to rescue him from the sophistry and the phony paradoxes of the intellectuals.*

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government. [Bring in the usual Establishment plea for a big pay raise for government officials, so that these poor guys, trying to raise a family on one or two hundred grand a year, won’t fall into temptation.]”

Third-Level Libertarian: “You establishment SOBs have managed to rig the system so that both parties agree on the essentials of every question. You want to concentrate on important issues, don’t you? So where are the politicians or media pundits who are advocating, or are even discussing, such issues as repeal of the income tax, abolition of the Federal Reserve, privatization of the Post Office, an enormous cut in all areas of government expenditure, pulling out of NATO and all foreign bases, etc? You guys have managed to give us an echo, not a choice, and have therefore trivialized the debates. The only discussions or differences of opinion allowed in the public forum are trivial and technocratic: should we cut or increase some tax or government expenditure by 2 per cent, should the Fed raise or lower interest rates a little bit, should we cut twenty missiles from Europe, etc. Marginal differ-

ences make for trivial discussion and boredom for everyone, except for the handful of technocrats making a fat living out of this nonsense.

So since we are only allowed boredom and tedium on the major issues, then at least let’s enjoy the “minor” ones. Let’s throw the rascals out! Let’s at least punish the grafters! Deter them from public office! Why not? In fact, let’s keep raising and raising the standards, so that every person who attains public office has to be pure as the driven snow, has to have never touched liquor, must disgorge all of his financial records since the age of six, and has to present an independent chaperone’s audit of his entire love life from the age of eight. Then, at long last, no one except Mother

## Media Notes

*See Dan read. See Emmett squirm.* — In March, Tom Bethell wrote a column for *The Wall St Journal* that quotes extensively from an interview with J. Danforth Quayle, whom the voters of this country recently elevated to the Vice Presidency.

What magazines are on JDQ’s reading list? “I used to, I’ve read, I read *National Review*—some. I used to read *Human Events*. Don’t read it as much as I used to. *The American Spectator*—it’s hard to get through *The American Spectator*. And *The New Republic* [his voice brightening]. I enjoy reading *New Republic* articles. And then I glance at the lesser—try to get through *Time* and *Newsweek* and *U.S. News*, try to, but it’s much more of a jumpy-type thing.”

This, and other quotations from JDQ, confirmed what we already knew: that he is, well, a little light. His intellectual thinness dates back to days well before St George plucked him from obscurity. (The point of Bethell’s column was that JDQ was “less committed to the conservative movement than we have generally been led to believe;” but JDQ’s intellectual torpor is hard to hide.)

Apparently unaware that exceeding the intellectual limits of a dimwitted U.S. Senator is no indication of abstruseness, JDQ’s fellow Hoosier conservatives at *The American Spectator* took affront at his remarks. They crafted “A Danny Quayle Reader,” a special page of the June issue addressed specially to JDQ. It begins:

Dear Danny Pen-Pal:

Holy cow! Why didn’t you tell us sooner? Like, you know, it’s not as if we would do this for just anybody, but for an old Indiana chum we will gladly go the extra mile to help you ‘get through’ our magazine.

Here then, just for you, Danny, an eminently (EM-I-NENT-LY) readable page—brought down to Quayle-speed—of subjects we’ve covered in recent months.

You get the flavor.

I read it and chuckled—I have never outgrown my taste for sophomoric humor. Even conservatives, apparently, can enjoy making fun of the class dunce, especially when he has risen to a high and powerful position. Harmless, but fun.

Well, I was half right. On pages 26 and 27 of *TAS*’s August issue are 33 letters-to-the-editor, observing that “A Danny Quayle Reader” is “arrogant,” “scurrilous,” “character assassination,” “moronic flatulence,” “brainless,” “gross,” “juvenile,” “mean,” and (the ultimate insult) “liberal.” It is difficult to pick

Theresa will seek public office, and we will have achieved anarcho-capitalism through, so to speak, the back door. — MNR

**Newspeak update** — After a long hiatus, I have returned, on a part-time basis, to teaching English. I was apprehensive about what level of competence I'd find among college freshmen these days, but I wasn't at all expecting to find a proliferation of something Orwell never thought of—the scourge of the slasher pronouns.

By that I mean one damn he/she or himself/herself or his/her after another. Whole paragraphs mottled with ideological stigma. I was quick to ask some other instructors, and learned the fol-

lowing: "Yes, there's a lot of training in non-sexist language usage these days." Amazes me that we've come to such a turn that a person can toss off not only a brand-new adjective like that, but even the "non-" form of it with a straight face.

It turns out that the Modern Language Association, taking all this stuff seriously, has actually come out with guidelines. They recommend trying to avoid the whole problem by detouring into the plural whenever possible, but kowtowing to the cultural commissars when not.

Well. All this would seem to be based on the Whorfian notion that language shapes thought rather than vice-versa. That is, using the he-him-his series as the mixed, or all-inclusive form, to cover

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the most amusing letter. Is it the epistle from Alvin Laidley of Carmichaels, Pa., who wrote, "His intellectual innocence is disarming and constitutes part of his charm"? Perhaps it was the letter from Elizabeth Dubbell of Sedona, Ariz., who complained that the satire was an insult to the illiterate: "The inability to read is a devastating condition and we shouldn't be joking about it. . . . Your article offends those who do have the problem and that's indecent of you." Or Andrew Kurylko of New Providence, N.J., who observed, "Something like this only encourages America's enemies."

The outcry was such that its Editor-in-Chief, R. Emmett Tyrrell, Jr, felt compelled to write a lengthy explanation. "Never in the twenty-three years of this magazine has it received a larger or more inhospitable response to a piece than our response to Dan Quayle's disparagement of three major conservative publications," RET wrote. "Vice President Quayle has his virtues. I have known him as a friend since the early 1970s in Indiana."

Certainly, no one meant to imply that JDQ is less than brilliant. In fact, they were just kidding. Yeah! That's the ticket. They were just kidding. And . . . so was Danny Quayle! All that happened was that TAS and its old friend JDQ were telling jokes: "In the early 1970s he and I were junior members of a conservative supper club in Indiana where we both were the amused victims of the older members' jibes," RET claims. "Now we have shown we can turn the jibes on each other, and I know that Dan's aspersions on conservative publications had to be a joke. Now we have all had a few laughs, and we can get back to our mutual goal of protecting American liberty and advancing a little Yank culture."

Yup. JDQ and RET, two wild and crazy guys!

— R.W. Bradford

**Point-Counterpoint** — A recent segment on CBS Evening News featured several government officials bellyaching about the hate mail they received in response to their respective calls for banning so-called assault weapons. Apparently, the vociferous objections of gun owners, which occasionally included threats, were considered significant enough to be included in the 23 minutes of news served up that evening.

The moaners were liberal politicians who seemed to share an unstated view that semi-automatic weapons should not be owned by ordinary citizens. The scattered threats these people received were supposed to be more evidence that "gun nuts" are inherently dangerous so we should take away their guns immediately. This selective treatment of propaganda as news, in this instance

manufactured from predictable response to passionate controversy, is what gives TV network news its well deserved reputation for slanted journalism. It would be news if politicians quit receiving the occasional death threat from unhappy citizens!

The very next feature provided an ironic counterpoint. Grandmas, school kids and the ordinary citizens who sent letters to one or another Soviet Bloc embassy in Washington have had an interesting experience: a team of FBI gumshoes came knocking at the ole homestead and started asking nosey questions about "just what were you writing the Romanian Embassy about, anyway?"

In one case, a school child wrote in for information for a school project. Another correspondent wrote in objecting to the human rights policy of another Soviet satellite nation. These were ordinary people exercising their freedoms guaranteed by the First Amendment. One eight-year-old told CBS that "my Dad got pretty nervous over that," ha, ha, while another free citizen couldn't understand why the U.S. government would track his correspondence.

How did the FBI know whose doors to knock on? Simple. The Post Office makes copies for the FBI of letters going to addresses specified by the Bureau. This method of surveillance, called a "mail cover" in bureaucratic jargon, was defended by FBI top honcho William Sessions in a press conference. Herr Sessions, a former federal judge, said something to the effect that "counterespionage" activities take many forms, and that mail covers are merely part of the ever-vigilant labors of the heroic FBI to protect our nation from the evil Commies. It was a real comfort to see the FBI Director, a former federal judge, blandly and baldly dishing out this ridiculous excuse for outright government intimidation.

While the FBI is reading your mail (or at least, demanding explanations for your corresponding habits to certain parties) the Bush administration was agonizing over whether to cut off military aid to Communist China in the wake of mass murder in Beijing in early June. It's okay to give Commies in China guns, just don't write any letters to them in Washington. And in case anyone missed the point, we damn well better hang on to every gun we own when the FBI is running around demanding to know what was in that letter you wrote to Mikhail Gorbachev last week.

Something is very wrong here, but CBS hasn't quite caught on yet.

— Mike Holmes

both sexes, somehow would lead those of the female sex to feel slighted—and if somehow that historically had not happened, we wouldn't be in the confused sexual mess we inhabit now. To give Whorf his due, I rather imagine he was talking about a lot subtler and less ideological matters than that. Using Whorf as a feminist bludgeon sort of makes me think of what the Nazis did with Darwin, or, for that matter, what Torquemada did with Jesus.

Before we buy into this brave new world, and proceed to worry about whether to use he/she or she/he or s/he or what, let's take a look at the once-proud English language in contrast to some of its comrade tongues. English is one of the Indo-European languages, which are generally characterized by grammatical gender, and a majority of these languages have equivalents to the he-she dichotomy. However, English would seem to be unique, to my knowledge, in having rejected grammatical gender (it got lost in the shuffle when the Normans invaded) while holding on to a gender distinction in the third-person singular pronoun. Maybe this leads English speakers to perceive that distinction as overwhelmingly sexual, rather than grammatical.

I mean, a Frenchman—*pardon moi*—a Frenchperson, can't attribute a lot of intrinsic sexuality to *ils* and *elles*, because, after all, French tables and pens and fatherlands are feminine, therefore *elles*, while French books and feet and breakfasts are masculine and *ils*. And the relationship between sexuality and gender in the German language, as Mark Twain used to have fun pointing out, is even more tenuous.

One might expect, from the ideological perspective, that societies that are really good at oppressing women would have good stiff grammatical gender rules, either as a cause of their social situation or as something thought up by patriarchal philologists to entrench it. Some do, I'm sure, but in Urdu, Japanese, and Chinese, the third person singular pronoun is uniform. But, even without the psycholinguistic advantage, they manage to kick women around anyway. I don't know about the pronouns in Swahili, but I do know that they have 16 genders. The sexual-politics implications of that, I confess, are beyond me.

So let's quit kidding around, and instead of splicing old Anglo-Saxon pronouns together with diagonal lines, let's just replace he and she with a single-sex pronoun borrowed from somebody who's already got one. Urdu "vo" would be nice, or Chinese "da," even. My own personal preference would be Japanese "ano hito," though, because the "h" is best rendered as a Toshiro Mifune threatening hiss, and a threatening hiss is a damn good metaphor for the whole controversy. —RFM

**But is it art?** — Members of Congress have become disturbed over the way in which the National Endowment for the Arts has been spending its money. One of the precipitating events was an exhibition of photographs by the late Robert Mapplethorpe. The photographs, which were to have gone on display at the Corcoran Gallery July 1, depicted homoerotic, sado-masochistic, and child-pornographic scenes. One example: a black man urinating into a white man's mouth. When Senator Jesse Helms raised questions over the appropriateness of the exhibition, Corcoran chairman, David Lloyd Kreeger, cancelled it, explaining that if it hurt the NEA it would be "detrimental to Corcoran and to every other art institution."

A \$15,000 grant to Andres Serrano also caused a stir. Serrano's claim to infamy was a photograph of a plastic crucifix in a jar of the artist's urine. Serrano called it "a protest against the commercialization of sacred imagery," though the size of Serrano's profit margin on this deal can only be guessed.

Suggestions in Congress that the NEA budget be cut unless

procedures guaranteeing money not go to fund this type of art were met with a certain amount of indignation from the art world. "The danger is not just that Congress will cut the budget, which will be bad enough," stated Livingston Biddle, NEA head in the Carter administration, "but that you could have censorship mandated into law." Kreeger was criticized by some artists for "selling out." By their thinking, the government should be required to fund art regardless of content. They see it as a free speech issue. Robert Brustein of the American Repertory Theater fears that "once subsidized artistic activity becomes subject to Government manipulation, we resemble the official culture of Stalinist Russia." This bit of hyperbole amounts to the argument, "Shut up and give us the money."

On the right, the perspective is vastly different. Many conservative spokesmen feel that pornographic or blasphemous artwork should not receive any funding. Pat Robertson decried "blasphemy paid for by government." Senator Alfonse D'Amato affirmed the right of Serrano to engage in whatever artistic expression (or, as the Senator put it, "filth") he desired, but maintained that "taxpayers' dollars should not be used to promote it." There is a movement in Congress to establish guidelines that will prevent works of art deemed offensive from receiving funding.

As is often the case, both the right and left carry a portion of the libertarian position. Yes, artists have a right to portray whatever they want. So, for that matter, do non-artists. This is the essence of free expression. Guidelines that distinguish between "acceptable" and "unacceptable" forms of expression are inherently anti-freedom. Yet, no artistic effort deserves federal funding. This is true of the blasphemous and the pious, the pornographic and the wholesome. Pat Robertson objects to government funding of "blasphemy," but the real blasphemy is that funding exists at all. Robert Brustein has maintained that NEA funding represents "a buffer between art and government," but that is akin to saying

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The NEA budget is \$170 million per year, and represents only about 5 percent of the funding of established art institutions, and does not include public art set-asides required by every Federal construction contract. The NEA could easily be done away with, and there has been sentiment in Congress for doing just that. Representative Dick Armey, a critic of the NEA, stated that arts should be "funded from the private sector." If acceptable guidelines are not reached, Armey intends to "blow [the NEA] budget out of the water."

However, when the NEA budget was voted in Congress on July 12, even a proposed five percent cut was rebuffed, 328 to 95. Ultimately only \$45,000, the amount spent on the two controversial projects mentioned above, was trimmed.

It appears that Congress is resisting Conservative provincialism, though the results are on the whole unfavorable. It is a shame that the issue of wasteful funding for senseless "art" projects has to be raised in terms of narrow-mindedness, but one ought to take one's allies where one can find them. —JSR



## Review Essay

# The Taboo Against Truth Holocausts and the Historians

by Ralph Raico

"Speaking truth to power" is not easy when you support that power. Perhaps this is the reason why so few Western historians are willing to tell the whole truth about state-crimes during this century.

Last fall the *Moscow News* reported the discovery by two archaeologist-historians of mass graves at Kuropaty, near Minsk, in the Soviet republic of Byelorussia.<sup>1</sup> The scholars at first estimated that the victims numbered around 102,000, a figure that was later revised to 250-300,000.<sup>2</sup> Interviews with older inhabitants of the village revealed that, from

1937 until June, 1941, when the Germans invaded, the killings never stopped. "For five years, we couldn't sleep at night because of all the shooting," one witness said. Then in March, a Soviet commission finally conceded that the mass graves at Bykovnia, outside of Kiev, were the result not of the Nazis' work, as formerly was maintained, but of the industry of Stalin's secret police. Some 200-300,000 persons were killed at Bykovnia, according to unofficial estimates.<sup>3</sup>

These graves represent a small fraction of the human sacrifice that an elite of revolutionary Marxists offered up to their ideological fetish. How many died under Stalin alone, from the shootings, the terror-famine, and the forced labor-camps, is uncertain. Writing in a Moscow journal, Roy Medvedev, the dissident Soviet Marxist, put the number at around 20 million, a figure the Sovietologist Stephen F. Cohen views as conservative.<sup>4</sup> Robert Conquest's estimate is between 20 million and 30 million, or more,<sup>5</sup> while Anton Antonov-Ovseyenko suggests 41 million deaths between 1930 and 1941.<sup>6</sup>

By everyone's account most of the victims were killed before the United

States and Britain welcomed the Soviet Union as their ally, in June, 1941. Yet by then, the evidence concerning at least very widespread Communist killings was available to anyone willing to listen.

If *glasnost* proceeds and if the whole truth about the Lenin and Stalin eras comes to light, educated opinion in the West will be forced to reassess some of its most deeply cherished views. On a minor note, Stalinist sympathizers like Lillian Hellman, Frieda Kirchwey, and Owen Lattimore will perhaps not be lionized quite as much as before. More important, there will have to be a reevaluation of what it meant for the British and American governments to have befriended Soviet Russia in the Second World War and heaped fulsome praise on its leader. That war will inevitably lose some of its glory as the pristinely pure crusade led by the larger-than-life heroes, Winston Churchill and Franklin D. Roosevelt. Inevitably, too, comparisons with what is commonly known as the Holocaust will emerge.

### The "Dispute of Historians"

Such comparisons have been at the center of the raging controversy in the

Federal Republic of Germany that has been labeled the *Historikerstreit*, or dispute of historians, and has now become an international *cause célèbre*. It erupted primarily because of the work of Ernst Nolte, of the Free University of Berlin, author of the highly acclaimed *Three Faces of Fascism*, published in the United States in 1966. In several important essays, in a large book published in 1987, *The European Civil War, 1917-1945*, and in a volume of responses to his critics,<sup>7</sup> Nolte declined to treat the Nazi massacre of the Jews in the conventional fashion. He refused, that is, to deal with it metaphysically, as a unique object of evil, existing there in a small segment of history, in a nearly perfect vacuum, with at most merely ideological links to racist and Social Darwinist thought of the preceding century. Instead, without denying the importance of ideology, he attempted to set the Holocaust in the context of the history of Europe in the first decades of the twentieth century. His aim was in no way to excuse the mass-murder of the Jews, or to diminish the guilt of the Nazis for this crime dreadful beyond words. But he insisted that this mass-murder must not lead us to forget oth-

ers, particularly those that might stand in a causal relationship to it.

Briefly, Nolte's thesis is that it was the Communists who introduced into modern Europe the awful fact and terrifying threat of the killing of civilians on a vast scale, implying the extermination of whole categories of persons. (One Old Bolshevik, Zinoviev, spoke openly as early as 1918 of the need to eliminate 10,000,000 of the people of Russia.) In the years and decades following the Russian Revolution, middle-class, upper-class, Catholic, and other Europeans

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*All mass-murderers—all of the state-terrorists on a grand scale, whatever their ethnicity or that of their victims—must be arraigned before the court of history. It is impermissible to let some of them off the hook, even if the acts of others may be characterized as unique in their brazen embrace of evil and their sickening horror.*

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were well aware of this fact, and for them especially the threat was a very real one. This helps to account for the violent hatred shown to their own domestic Communists in the various European countries by Catholics, conservatives, fascists, and even Social Democrats.

Nolte's thesis continues: those who became the Nazi elite were well-informed regarding events in Russia, via White Russian and Baltic German émigrés (who even exaggerated the extent of the first, Leninist atrocities). In their minds, as in those of right-wingers generally, the Bolshevik acts were transformed, irrationally, into Jewish acts, a transformation helped along by the existence of a high proportion of Jews among the early Bolshevik leaders. (Inclined to anti-Semitism from the start, the rightists ignored the fact that, as Nolte points out, the proportion among the Mensheviks was higher, and, of course, the great majority of the European Jews were never Communists.) A similar, ideologically-mandated displacement, however, occurred among the Communists themselves: after the assassination of Uriitsky and the attempted

assassination of Lenin by Social Revolutionaries, for instance, hundreds of "bourgeois" hostages were executed. The Communists never ceased proclaiming that all of their enemies were tools of a single conspiracy of the "world bourgeoisie."

The facts regarding the Ukrainian terror-famine of the early 1930s and the Stalinist Gulag were also known in broad outline in European right-wing circles. When all is said and done, Nolte concludes, "the Gulag came before Auschwitz." If it had not been for what happened in Soviet Russia, European fascism, especially Nazism and the Nazi massacre of the Jews,<sup>8</sup> would most probably not have been what they were.

### The Onslaught on Nolte

Nolte's previous work on the history of socialism could hardly have made him *persona grata* with leftist intellectuals in his own country. Among other things, he had emphasized the archaic, reactionary character of Marxism and the anti-Semitism of many of the early socialists, and had referred to "liberal capitalism" or "economic freedom," rather than socialism, as "the real and modernizing revolution." The attack on Nolte was launched by the leftist philosopher Jürgen Habermas, who took issue not with Nolte's historiography—his essays showed that Habermas was in no position to judge this—but with what he viewed as its ideological implications. Habermas also targeted a couple of other German historians, and added other points, like the plan to establish museums of German history in West Berlin and in Bonn, to the indictment. But Nolte and his thesis have continued to be at the center of the *Historikerstreit*. He was accused of "historicizing" and "relativizing" the Holocaust and chided for questioning its "uniqueness." Several of the biggest names among academic historians in the Federal Republic, and then in Britain and America as well, joined in the hunt, gleefully seizing upon some of Nolte's less felicitous expressions and weaker minor points. In Berlin radicals set fire to his car; at Oxford, Wolfson College withdrew an invitation to deliver a lecture, after pressure was applied, just as a major German organization dispensing research grants rescinded a commitment to Nolte under Israeli pressure. In the American press ignorant editors, who couldn't care less

anyway, now routinely permit Nolte to be represented as an apologist for Nazism.

It cannot be said that Nolte has demonstrated the truth of his thesis—his achievement is rather to have pointed out important themes that call for further research—and his presentation is in some respects flawed. Still, one might well wonder what there is in his basic account to justify such a frenzy. The comparison between Nazi and Soviet atrocities has often been drawn by respected scholars. Robert Conquest, for instance, states:

For Russians—and it is surely right that this should become true for the world as a whole—Kolyma [one part of the Gulag] is a word of horror wholly comparable to Auschwitz . . . it did indeed kill some three million people, a figure well in the range of that of the victims of the Final Solution.<sup>9</sup>

Others have gone on to assert a causal connection. Paul Johnson maintains that important elements of the Soviet forced-labor camps system were copied by the Nazis, and posits a link between the Ukrainian famine and the Holocaust:

The camps system was imported by the Nazis from Russia. . . . Just as the Roehm atrocities goaded Stalin into imitation, so in turn the scale of his mass atrocities encouraged Hitler in his wartime schemes to change the entire demography of Eastern Europe . . . Hitler's "final solution" for the Jews had its origins not only in his own fevered mind but in the collectivization of the Soviet peasantry.<sup>10</sup>

Nick Eberstadt, an expert on Soviet demography, concludes that "the Soviet Union is not only the original killer state, but the model one."<sup>11</sup>

As for the tendency among European rightists after 1917 to identify the Bolshevik regime with the Jews, there is no end of evidence.<sup>12</sup> Indeed, it was an immensely tragic error to which even many outside of right-wing circles were liable. In 1920, after a visit to Russia, Bertrand Russell wrote to Lady Ottoline Morell:

Bolshevism is a close tyrannical bureaucracy, with a spy system more elaborate and terrible than the Tsar's, and an aristocracy as insolent and unfeeling, composed of Americanised Jews.<sup>13</sup>

But, despite the existence of a sup-

porting scholarly context for Nolte's position, he remains beleaguered in his native land, with only isolated individuals, like Joachim Fest, coming to his defense. If recent English-language publications are a reliable indication, his situation will not improve as the controversy spreads to other countries.

## Why Did the Heavens Not Darken?

The recent work by Arno J. Mayer, of Princeton, *Why Did the Heavens Not Darken?*<sup>14</sup> is in some respects informative;<sup>15</sup> above all, however, it is a perfect illustration of why Nolte's work was so badly needed.

We can leave aside Mayer's approach to the origins of the "Judeocide" (as he calls it), which is "functionalist" rather than "intentionalist," in the current jargon, and which provoked a savage review.<sup>16</sup> What is pertinent here is his presentation of the killing of the European Jews as an outgrowth of the fierce hatred of "Judeobolshevism" that allegedly permeated all of German and

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European "bourgeois" society after 1917, reaching its culmination in the Nazi movement and government. This approach lends support to Nolte's thesis.

The problem, however, is that Mayer offers no real grounds for the bitter hatred that so many harbored for Bolshevism, aside from the threat that Bolshevism abstractly posed to their narrow and retrograde "class interests." Virtually the only major Soviet atrocity even alluded to in the 449 pages of text (there are, oddly and inexcusably, no notes)<sup>17</sup> is the deportation of some 400,000 Jews from the territories annexed after the Hitler-Stalin pact. Even here, however, Mayer hastens to reassure us that the policy was "not specifically anti-Semitic and did not preclude

assimilated and secularized Jews from continuing to secure important positions in civil and political society . . . a disproportionate number of Jews came to hold posts in the secret police and to serve as political commissars in the armed service." Well, mazeltov.

The fear and loathing of Communism that Poles, Hungarians, and Romanians, for instance, felt in the inter-war period, strongly endorsed by their national churches, is qualified by Mayer as an "obsession." With Mayer, fear of Communism is *always* "obsessional" and limited to the "ruling classes," prey to an anti-Bolshevik "demonology." But the recourse to clinical and theological terms is no substitute for historical understanding, and Mayer's account—Soviet Communism with the murders left out—precludes such understanding.

Consider the case of Clemens August Count von Galen, Archbishop of Münster. As Mayer notes, Galen led the Catholic bishops of Germany in 1941 in publicly protesting the Nazi policy of murdering mental patients. The protest was shrewdly crafted and proved successful: Hitler suspended the killings. Yet, as Mayer further notes, Archbishop Galen (deplorably) "consecrated" the war against Soviet Russia. Why? To cite another example: Admiral Horthy, the Regent of Hungary, was an opponent of murdering the Jews and attempted, within his limited means, to save the Jews of Budapest. Yet he continued to have his troops fight against the Soviets and alongside the Germans long after the coming defeat was obvious. Why? Could it possibly be that, in both cases, the previous bloody history of Soviet Communism had something to do their attitude? In Mayer's retelling, Crusader murders in Jerusalem in the year 1096 are an important part of the story, but not Bolshevik murders in the 1920s and 30s.

Allegations of Soviet crimes do appear in Mayer's book. But they are put in the mouths of Hitler and Goebbels, with no comment from Mayer, thereby signaling their "fanatical" and "obsessional" character, e. g., "the führer ranted about bolshevism wading deeper in blood than tsarism" (actually, Hitler's claim here is hardly controversial).

In fact, it seems likely that Mayer simply does not believe that there were anything approaching tens of millions of

victims of the Soviet regime. He writes, for instance, of "an iron nexus between absolute war and large-scale political murder in eastern Europe." But most of

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the large-scale Stalinist political murders occurred when the Soviet Union was at peace. The massive upheavals, with their accompanying terror and mass-killings, that characterized Soviet history in the 1920s and 30s, Mayer refers to in almost unbelievably anodyne terms as "the general transformation of political and civil society." In other words, Mayer gives every evidence of being a Ukrainian famine, Great Terror, and Gulag "revisionist." This is an aspect of Mayer's book that the reviewers in the mainstream press had an obligation to point out, but omitted to do so.

Mayer has no patience with any suggestion that great crimes may have been committed *against* Germans in the Second World War and its aftermath. Here he joins the vast majority of his contemporaries, professional and lay alike, as well as the Nuremberg Tribunal itself.

## Taboo War-Crimes—the Allies'

If Soviet mass-atrocities provide a historical context for Nazi crimes, so does a set of crimes that few, inside or outside the Federal Republic, seem willing to bring into the debate: the ones perpetrated, planned, or conspired to by the Western Allies.

There was first of all the policy of terror-bombing of the cities of Germany, begun by the British in 1942. The Principal Assistant Secretary of the Air Ministry later boasted of the British initiative in the wholesale massacring of civilians from the air.<sup>18</sup> Altogether, the RAF and US Army Air Corps killed around 600,000 German civilians,<sup>19</sup> whose deaths were aptly characterized by the British military historian and Major-

General J. F. C. Fuller as "appalling slaughters, which would have disgraced Attila."<sup>20</sup> A recent British military historian has concluded: "The cost of the bomber offensive in life, treasure, and moral superiority over the enemy tragically outstripped the results that it achieved."<sup>21</sup>

The planned, but aborted, Allied atrocity was the Morgenthau Plan, concocted by the U. S. Secretary of the Treasury, Henry Morgenthau, and initiated by Roosevelt and Churchill at the Second Quebec Conference, in Septem-

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ber, 1944. The Plan aimed to transform post-war Germany into an agricultural and pastoral country, incapable of waging war because it would have no industry. Even the coal mines of the Ruhr were to be flooded. Of course, in the process tens of millions of Germans would have died. The inherent insanity of the Plan very quickly led Roosevelt's other advisors to press him into abandoning it, but not before it had become public (as its abandonment did not). Following upon the policy of "unconditional surrender" announced in early 1943, the Morgenthau Plan stoked the Nazi rage. "Goebbels and the controlled Nazi press had a field day . . . 'Roosevelt and Churchill agree at Quebec to the Jewish Murder Plan,' and 'Details of the Devilish Plan of Destruction: Morgenthau the Spokesman of World Judaism.'"<sup>22</sup>

There are two further massive crimes involving the Allied governments that deserve mention (limiting ourselves to the European theater). Today it is fairly well-known that, when the war was over, British and American political and military leaders directed the forced repatriation of hundreds of thousands of So-

viet subjects (and the surrender of some, like the Cossacks, who had never been subjects of the Soviet state). Many were executed, most were channeled into the Gulag. Solzhenitsyn had bitter words for the Western leaders who handed over to Stalin the remnants of Vlasov's Russian Army of Liberation:

In their own country, Roosevelt and Churchill are honored as embodiments of statesmanlike wisdom. To us, in our Russian prison conversations, their consistent shortsightedness and stupidity stood out as astonishingly obvious . . . what was the military or political sense in their surrendering to destruction at Stalin's hands hundreds of thousands of armed Soviet citizens determined not to surrender.<sup>23</sup>

Of Winston Churchill, Alexander Solzhenitsyn wrote:

He turned over to the Soviet command the Cossack corps of 90,000 men. Along with them he also handed over many wagonloads of old people, women, and children . . . This great hero, monuments to whom will in time cover all England, ordered that they, too, be surrendered to their deaths.<sup>24</sup>

The great crime that is today virtually forgotten was the expulsion starting in 1945 of the Germans from their centuries-old homelands in East Prussia, Pomerania, Silesia, Sudetenland, and elsewhere. About sixteen million persons were displaced, with about two million of them dying in the process.<sup>25</sup> This is a fact, which, as the American legal scholar Alfred de Zayas dryly notes, "has somehow escaped the attention it deserves."<sup>26</sup> While those directly guilty were principally the Soviets, Poles, and Czechs (the last led by the celebrated democrat and humanist, Eduard Benes), British and American leaders early on authorized the principle of expulsion of the Germans and thus set the stage for what occurred at the war's end. Anne O'Hare McCormick, the New York Times correspondent who witnessed the exodus of the Germans, reported in 1946:

The scale of this resettlement and the conditions in which it takes place are without precedent in history. No one seeing its horrors firsthand can doubt that it is a crime against humanity for which history will exact a terrible retribution.

McCormick added: "We share responsibility for horrors only comparable

to Nazi cruelties . . ."<sup>27</sup>

## Bringing All State Terrorists to Account

In the Federal Republic today to mention any of these Allied—or even Soviet—crimes in the same breath with the Nazis is to invite the devastating charge of attempting an *Aufrechnen*—an off-setting, or balancing against. The implication is that one is somehow seeking to diminish the Nazis' undying guilt for the Holocaust by pointing to the guilt of other governments for other crimes. This seems to me to be a thoroughly warped perspective. All mass-murderers—all of the state-terrorists on a grand scale, whatever their ethnicity or that of their victims—must be arraigned before the court of history. It is impermissible to let some of them off the hook, even if the acts of others may be characterized as unique in their brazen embrace of evil and their sickening horror. As Lord Acton said, the historian should be a hanging-judge, for the muse of history is not Clio, but Rhadamanthus, the avenger of innocent blood.

There was a time in America when well-known writers felt an obligation to remind their fellow citizens of the criminal misdeeds of their government, even against Germans. Thus, the courageous radical Dwight Macdonald indicted the air war against German civilians during the war itself.<sup>28</sup> On the other side of the spectrum, the respected conservative journalist William Henry Chamberlin, in a book published by Henry Regnery, assailed the genocidal Morgenthau Plan and labeled the expulsion of the eastern Germans "one of the most barbarous actions in European history."<sup>29</sup>

Nowadays the only publication that seems to care about these old wrongs is the *Spectator* (the *real* one, of course), which happens also to be the best-edited political magazine in English. *The Spectator* has published articles by British writers honorably admitting the shame they felt upon viewing what remains of the great cities of Germany, once famed in the annals of science and art. Other contributors have pointed out the meaning of the loss of the old German populations of the area that is today again being fashionably referred to as *Mittleuropa*. A Hungarian writer, G. M. Tamas, recently wrote:



The Jews were murdered and mourned. . . . But who has mourned the Germans? Who feels any guilt for the millions expelled from Silesia and Moravia and the Volga region, slaughtered during their long trek, starved, put into camps, raped, frightened, humiliated? . . . Who dares to remember that the expulsion of the Germans made the communist parties quite popular in the 1940s? Who is revolted because the few Germans left behind, whose ancestors built our cathedrals, monasteries, universities, and railway stations, today cannot have a primary school in their own language? The world expects Germany and Austria to "come to terms" with their past. But no one will admonish us, Poles, Czechs, and Hungarians, to do the same. Eastern Europe's dark secret remains a secret. A universe of culture was destroyed.<sup>31</sup>

More remarkably still, Auberon Waugh drew attention to the fervid support given by British leaders to the Nigerian generals during the Civil War (1967–70), at a time "when the International Red Cross assured us that 10,000 Biafrans a day were dying of starva-

*In fact, all great states in this century have been killer-states, to a greater or lesser degree. It makes no sense to isolate one mass-atrocity, historically and morally, and then to concentrate on it to the virtual exclusion of all others.*

tion," victims of a conscious, calculated policy.<sup>32</sup> His observation was a propos of the massacre in Tiananmen Square and the nearly universal execration of the Chinese leaders; it was a telling one.

## The Wider Context

In fact, both the Soviet and Nazi mass-murders must be placed in a wider context. Just as it is unlikely that Nazi racist ideology of itself can account for the murder of the Jews—and so many others—so Leninist amorality is probably not enough to account for Bolshevik crimes. The crucial intervening historical fact may well be the mass-killings of the First World War—of millions of soldiers, but also of thousands

of civilians on the high seas by German submarines and of hundreds of thousands of civilians in central Europe by the British hunger-blockade.<sup>33</sup> Arno Mayer makes the important point in regard to World War I that "this immense bloodletting . . . contributed to inuring Europe to the mass killings of the future." He means this in connection with the Nazis, but it probably also holds for the Communists themselves, witnesses to the results of a war brought about by "capitalist imperialism." None of this, of course, excuses any of the subsequent state-crimes.

In fact, all great states in this century have been killer-states, to a greater or lesser degree. Naturally, the "degree" matters—sometimes very much. But it makes no sense to isolate one mass-atrocity, historically and morally, and then to concentrate on it to the virtual exclusion of all others. The result of such a perverted moralism can only be to elevate to the status of heroes leaders who badly wanted hanging and to bolster the sham-rectitude of states that will be all the more prone to murder, since history "proves" that they are the "good" states. □

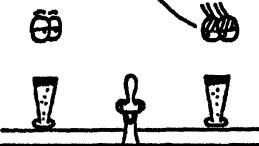
## Notes

1. *Washington Post*, Oct. 23, 1988.
2. Robert Conquest in *The Independent* (London), Dec. 5, 1988.
3. *New York Times*, March 25, 1989.
4. *New York Times*, Feb. 4, 1989. Stephen F. Cohen, "The Survivor as Historian: Introduction," in Anton Antonov-Ovseyenko, *The Time of Stalin: A Portrait in Tyranny*, trans. George Saunders (New York: Harper and Row, 1980), vii.
5. Robert Conquest, *The Great Terror: Stalin's Purge of the Thirties* (Macmillan: London, 1968), 533. See also note 2.
6. *Op. cit.*, 213.
7. Nolte's first essay to draw fire appeared originally in English: "Between Myth and Revisionism? The Third Reich in the Perspective of the 1980s," in an important volume edited by H. W. Koch, *Aspects of the Third Reich* (London: Macmillan, 1985), pp. 17–39. Some of Nolte's contributions to the debate, as well as those of many other writers, appear in the useful collection, "Historikerstreit": *Die Dokumentation der Kontroverse um die Einzigartigkeit der nationalsozialistischen Judenvernichtung* (Munich: Piper, 1987). Nolte's *Europäische Bürgerkrieg, 1917–1945. Nationalsozialismus und Bolschewismus* (Frankfurt/Main: Propyläen, 1987) has not yet been translated. His rebuttals to some of the attacks are contained in his *Das Vergehen der Vergangenheit. Antwort an meine Kritiker im sogenannten Historikerstreit* (2nd ed., Ullstein: Berlin, 1988).
8. The Nazis were responsible, of course, for the deaths of millions of non-Jews, especially Poles and Soviet prisoners of war. The Jewish genocide, however, has been the focus of discussion.
9. Robert Conquest, *Kolyma: The Arctic Death Camps* (New York: Viking, 1978), 15–16.
10. Paul Johnson, *Modern Times* (New York: Harper and Row, 1983), 304–305. Johnson does not, however, provide any relevant sources for this claim.
11. Nick Eberstadt, Introduction to Iosif G. Dyadkin, *Unnatural Deaths in the U.S.S.R., 1928–1954* (New Brunswick, N.J.: Transaction Books, 1983), 4.
12. See Arno J. Mayer, *Why Did the Heavens Not Darken? The "Final Solution" in History* (New York: Pantheon, 1988), *passim*.
13. Bertrand Russell, *The Autobiography of Bertrand Russell, II, 1914–1944* (Boston: Little, Brown, 1968), 172.
14. See note 12.
15. Mayer concludes that Hitler's attack on the Soviet Union was not intended as a step toward "world domination," but was the culmination of his plans to provide Germany with the *Lebensraum*, or living-space, which he, in his archaic way, believed was a prerequisite for German survival and prosperity.
16. Daniel Jonah Goldhagen, "False Witness," *The New Republic*, April 17, 1989, 39–44. A fair statement of the differences between intentionalists and functionalists can be found in Saul Friedlander's introduction to Gerald Fleming's *Hitler and the Final Solution* (Berkeley: University of California Press, 1982).
17. Notes would, presumably, have added to the book's length, but the author could have compensated by omitting his rehashings of well-known political and military history in the period.
18. J. M. Spaight, cited in J. F. C. Fuller, *The Second World War, 1939–45. A Strategic and Tactical History* (London: Eyre and Spottiswoode, 1954), 222.
19. Max Hastings, *Bomber Command* (New York: Dial, 1979), 352.
20. Fuller, *op. cit.*, 228.
21. Hastings, *op. cit.* The best short introduction to the subject is the review of Hastings's book by the gifted London journalist Geoffrey Wheatcroft, *The Spectator*, Sept. 29, 1979, reprinted in *Inquiry*, Dec. 24, 1979. It was the only review *Inquiry* ever reprinted.
22. Anne Armstrong, *Unconditional Surrender. The Impact of the Casablanca Policy upon World War II* (1961; repr. Westport, Conn.: Greenwood, 1974), 76. On the Morgenthau Plan, see *ibid.*, 68–77. For the text of the Plan, see Alfred de Zayas, *Nemesis at Potsdam. The Anglo-Americans and the Expulsion of the Germans. Background, Execution, and Consequences* (London: Routledge and Kegan Paul, 1977), 229–232.
23. Aleksandr I. Solzhenitsyn, *The Gulag Archipelago, 1918–1956. An Experiment in Literary Investigation, I–II*, trans. Thomas P. Whitney (New York: Harper and Row, 1973), 259n.
24. *Ibid.*, 259–260.
25. Alfred de Zayas, *op. cit.*, xix.
26. *Ibid.*
27. *Ibid.*, 123.
28. Many of Dwight Macdonald's essays critical of the Allies' conduct of the war were collected in his *Memoirs of a Revolutionist* (New York: Farrar, Straus, and Cudahy, 1957).
29. William Henry Chamberlin, *America's Second Crusade* (Chicago: Henry Regnery, 1950), 304–310, 312.
30. See, e.g., the review by Wheatcroft, cited in note 21.
31. G. M. Tamas, "The Vanishing Germans," *The Spectator*, May 6, 1989.
32. *The Spectator*, June 10, 1989.
33. On the British hunger blockade and its likely effect in helping shape Nazi brutality, see my contribution, "The Politics of Hunger: A Review," *The Review of Austrian Economics*, III (1988), 253–259.

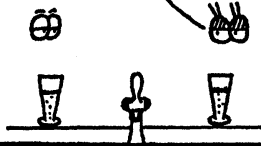
Surgeon general Koop attacks drunk driving

BURONS © 1989 BOB ORTIN

LAST YEAR, KOOP SCARED ME OUT OF MY SMOKE BREAKS.

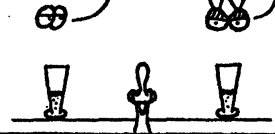


NOW HE'S AFTER MY HAPPY HOURS TOO!



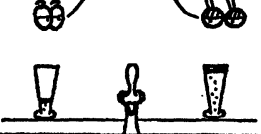
PRETTY SOON HE'LL MAKE ME AFRAID TO DRIVE HOME!

HEY, BETTER CALM DOWN BEFORE YOU LEAVE HERE...



...YOU SHOULDN'T DRIVE WHEN YOU'RE SO UPSET.

YOU'RE RIGHT. I NEED ONE FOR THE ROAD.



# Burons

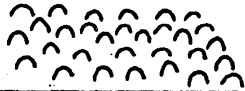
by Bob Ortin

William Bennett visits first school as nation's drug czar...

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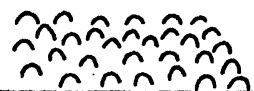
W.R. THOMAS JR. HIGH WELCOMES William Bennett

...AND IN CONCLUSION, IT'S AN ACT OF TRUE FRIENDSHIP, NOT SNITCHING OR BETRAYAL,...



W.R. THOMAS JR. HIGH WELCOMES William Bennett

...TO REPORT TO AN ADULT YOU TRUST ANY FRIEND WITH A DRUG PROBLEM, ANY QUESTIONS?



W.R. THOMAS JR. HIGH WELCOMES William Bennett

MR. BENNETT, YOU'VE BEEN A NICOTINE HEAD SINCE BEFORE I WAS BORN AND...

HEY, I'VE BEEN CLEAN SINCE I GOT THIS JOB.



W.R. THOMAS JR. HIGH WELCOMES William Bennett

BUT SIR, THE RECIDIVISM RATE AMONG NICOTINE ADDICTS IS ASTRONOMICAL.

I'M TAKING IT A DAY AT A TIME, SON. PRAY FOR ME, NEXT QUESTION.



Watching TV news in China...

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THIS IS THE EIGHT-YEAR-OLD BOY WHO WAS NOT SHOT BY HEROIC SOLDIERS OF THE PEOPLE'S ARMY AS HE STOOD IN THE DOORWAY OF HIS HOME ON A STREET NEAR TIANANMEN SQUARE.



THIS IS THE BOY'S MOTHER WHO DID NOT CRY HER EYES OUT AS HER BULLET-RIDDLED SON LAY DYING.



THESE ARE THE DOZENS OF NEIGHBORS WHO DID NOT STAND BY HELPLESSLY WATCHING THE BOY DIE AND HEARING HIS MOTHER'S SOBS.



IN FACT, THIS BOY NEVER EXISTED, AND NOW, THE LATEST ON THE DOZENS OF STUDENTS WHO WERE NOT CRUSHED BY TANKS OF THE PEOPLE'S ARMY AS THEY...



## Essay

# Abortion Rights Without Absurdity

by R. W. Bradford

Almost everyone knows what conclusion an argument about abortion should have, but few really take care to make sensible arguments. Not surprisingly, absurdity is often the result.

Should abortion be illegal? That is, should the State punish a woman (and those who assist her) for killing a fetus that lives within her?

Ever since the Supreme Court prohibited State interference with abortion, the issue has inflamed the spirits of many Americans, and the Court's recent slight back-track from *Roe v Wade* has fueled the controversy further. Some people are convinced that the act of killing the fetus is tantamount to murder and ought to be prohibited by the State. Others believe that a woman ought to be able to control the functioning of her own body, even if control involves the death of a fetus.

Partisans of both positions have developed elaborate and sophistic ideologies.

### Abortion is Murder!

For most anti-abortionists, abortion is wrong and ought to be illegal for one simple reason: abortion violates "God's law," as stated in one or another religious text. In America, the text usually cited is the Bible.

Now, the Bible does not mention abortion *per se*, so anti-abortionists who claim Biblical prohibition of abortion must base their cases either on the Bible's general prohibition of murder or on God's commandment to "be fruitful and multiply" or on the Old Testament prohibition of assaults on women in which the fetus within the woman's womb dies.

The Bible, like other sacred texts, is obscure. It can be interpreted, for

instance, to be on the side of each participant in any war. God supported both the Allies and the Central Powers in World War I. Furthermore, He requires both socialism (check with an advocate of the Social Gospel) and capitalism (check with a Christian Reconstructionist); both statism (ask a medieval churchman) and anarchism (consult Tolstoy); both prohibition (refer to any Methodist cleric, circa 1924) and bibulousness (consult a Catholic bishop or I Timothy 5:23). The "anti-abortion" passages of the Bible can easily be interpreted so as to have no relevance to abortion.

One is tempted to surmise that the motivation of the opponents of abortion lies elsewhere. Since so many of religionist anti-abortionists are cultural conservatives who decry modern sexual morals, and since conception of unwanted fetuses is the result of sexual congress, it appears that they may be motivated by a desire to punish those who engage in sex. More than likely this motivation explains the views of many, but not all, opponents of abortion.

But whatever their motivation, most who advocate the criminalization of abortion base their position on the idea

that abortion is murder. Murder is nearly universally condemned by both religious and non-religious people. By addressing the argument to the broadest possible audience, the abortion-is-murder argument acquires greater impact than arguments based on a particular interpretation of a particular sacred text. In other words, if you want to get people enraged against abortion, call it murder; nobody likes a murderer.

The abortion-is-murder argument presupposes that the fetus is a human being. Clearly the concept of murder applies only to human beings. A person who works at an abattoir is not engaged in murder, though occasionally someone might say so figuratively.

This raises the issue: At what point does an entity become a person? We all agree that a 21 year-old is a person, and that an unfertilized egg or a sperm is not. Somewhere along the line, the egg and sperm becomes a human being, thereby presumably deserving the protection of the law. Where is the point at which this transformation takes place?

Some argue that a zygote becomes a human being at the point at which it is capable of independent life. This is

problematic: some adults are incapable of sustaining themselves, as are virtually all infants, yet nearly everyone agrees that the killing of an incapacitated adult or an infant is a bad thing.

Others propose that the moment of birth is the point of demarcation, and that killing the fetus prior to this moment is acceptable, but killing it after is not. This assertion seems silly on its face: is the newborn infant whose umbilical cord is not yet severed a fetus (and thus abortable) but the newborn whose umbilical cord is cut a person (and thus pro-

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*Is the newborn infant whose umbilical cord is not yet severed a fetus (and thus abortable) but the newborn whose umbilical cord is cut a person (and thus protected by the State)?*

---

tected by the State)? The same problem inheres in other proposed definitions of birth.

Still others propose that some specific pre-birth stage of development marks the transformation from fetus to human: the beginning of brain activity, the development of specific organs, or some such. This has the same problem: once one specifies the level of brain activity or development that is the threshold, does it make sense to allow abortion a nanosecond earlier, but punish the abortionist for murder when the same event occurs a nanosecond later?

The difficulty is that a human being develops gradually. Any specific point of development (whether the onset of brain activity, birth or whatever) is a merely arbitrary threshold for human

life and the granting of the protection of the state. The transformations from zygote to fetus, from fetus to infant, and from infant to child are gradual processes. Any attempt to pick a point in this development as the moment at which a human being exists where none existed before is arbitrary.

There is, however, an event that is non-arbitrary: the fertilization of the egg by the sperm. In this case, at one moment there are two gametes; at the next, there is one zygote. It is a clear and distinct event. If this is the only non-arbitrary event that we can identify in the transformation of gamete to zygote to fetus to infant to child to adult, then this is the point at which the protection of the State should begin. This argument is compelling for many who value philosophical absolutism above all else.

### A Problem for Libertarians

Most libertarians who have grappled the issue agree that the only identifiable point for the beginning of human life is conception. Because most libertarians believe that each man possesses an inalienable right to life, they are forced by the logic of their argument to condemn abortion as murder: if life begins at conception, the expulsion or removal of any fetus is a violation of the right to life.

But if liberty means the maximization of control over one's own life, and if a woman is not allowed to expel from her womb a tiny piece of protoplasm that can grow into something we would recognize as a human being, then how much control does she possess over her life? Isn't the freedom to have an abortion one of the freedoms we desire for ourselves and for others? Do we want to form an alliance with Neanderthals and primitives against modernity?

Not surprisingly, some libertarians have devised solutions to this quandary.

### The Fungus Amungus

Some argue that the zygote or fetus is an aggressor against the mother, others that the fetus is a "guest" liable to expulsion if he overstays his welcome, or that maintenance of the fetus against the will of the mother is a form of slavery. Still others argue that the fetus is a fungus.

But my personal favorite is the argument that since no adult (fully developed human being) has the right to reside within the body of another per-

son against that person's will, so no fetus (less developed human being) has this right.

These arguments are sometimes clever and often amusing. But they are also silly and unconvincing. Fungus? Slavery? Aggressor? Unwelcome guests? Get serious! Given their absurdity, it is not surprising that these arguments are easily demolished. They are all too obviously specimens of attempts to find a rationale for a presupposed ethical position. Abortion must be legitimized, their designers think; let us develop an argument that does so. It is not surprising that this *post hoc* logic results in absurd arguments.

### A Radical, Yet Modest Proposal

We all agree that a 21 year-old human being is a person whose rights should be secured. We all agree that neither a sperm nor an egg is a person whose rights should be secured. The State should protect the 21 year-old and should not protect the gamete. Somewhere along the way, between gamete-

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*Pro-abortion arguments by libertarians are sometimes clever and often amusing. But they are also silly and unconvincing. Fungus? Slavery? Aggressor? Unwelcome guests? Get serious!*

---

hood and adulthood, a person emerges. Prior to this point, if the entity dies or is killed, it is not a matter for the law or for public morality. After this point, the death of the entity is the death of a person; if it is intentionally caused by another person, that person has aggressed against it.

The issue is: what is the point at which personhood begins?

Conception is the only univocally identifiable, discrete event in the process of development. So it seems to many that conception is the only point at which we can begin to identify the entity as a person. Therefore, from the moment of conception, the zygote is a person; from the moment of conception the fertilized egg has rights, and killing it or

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expelling it violates its rights and must be punished by the State.

But is it reasonable to call a single-cell entity completely dependent on its host a human being? It does contain a blueprint encoded in DNA of a human

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*The error of the anti-abortionist argument lies in the substitution of its advocates' desire for a single, discrete point of personhood for a fact of reality—the fact that development of personhood is gradual.*

---

being. But the zygote is not the only type of cell that has a DNA blueprint for a human being: virtually every human cell does. If the zygote is nurtured in the proper surroundings (the womb) it will develop into a full-fledged human being. What will anti-abortionists say when cloning of human beings becomes practical? The transformation of two gametes into a zygote may be discrete and identifiable, but it hardly seems to be more momentous than, say, birth.

Furthermore, if we are to define a zygote as a human being deserving the protection of the state, then what of all the zygotes that die of natural causes? Should their demise be investigated by the police, as are the demises of post-birth human beings? Is the host (the mother) responsible to offer care to the zygote? What if the host doesn't know of the zygote's existence? Is every sexually active woman obligated to monitor constantly whether she has somehow become host to a zygote, so she can prevent accidentally killing it? (Cf. "Fetal Rights, by Tibor R. Machan, *Liberty*, July 1989)

Where did this line of thinking go wrong? Let's reduce it to propositional form and examine it more closely:

Proposition 1: There is a need to identify a point at which personhood begins so that we can decide when the destruction of an entity is permissible and when it is not.

Proposition 2: This point comes somewhere between gametehood and adulthood.

Proposition 3: The development of the human being from gamete to adult is gradual.

Proposition 4: Conception is the only easily identifiable, discrete event in this development.

Therefore: Personhood begins at conception.

Therefore: It should be legal for a person to kill his sperm or her unfertilized egg, but killing a zygote is the killing of a person and can only be done in very limited circumstances (e.g. self-defense). Virtually all induced abortions should be illegal.

It seems to me that Propositions 1 to 4 are all true. But I do not see how the conclusions follow from them. Consider the following analogous argument:

Prop 1: Because an infant is not capable of understanding contracts, contracts he agrees to should not be enforced by law; however, an educated adult person is quite capable of understanding contracts, and contracts to which he agrees should be enforced by law. There is a need to identify a point at which contracts can be enforced.

2. This point comes somewhere between infancy and adulthood.

3. The development from infancy to adulthood is gradual.

4. The development of underarm hair is the only easily identifiable, discrete event between infancy and adulthood.

Therefore . . .

Why don't we accept this argument? We reject it because it is *stupid*. It flies in the face of common sense. It leads to absurd conclusions. It is silly. What does underarm hair have to do with the ability to make contracts anyway?

The problem with this argument and the anti-abortion argument is that each rejects the continuous development of the human being. In each argument we agree that there is a change from one condition to another and we insist that, because at one point an entity has one character and at a later point another character, at some specific, identifiable point along the way the entity changed from one type of thing to another.

We all recognize that at midnight it is dark and at noon it is light, but we cannot identify the exact point at which darkness falls. So it is with the issue of personhood. And just as we have postulated a method to determine when night begins (the moment of sunset with a sea-level horizon), so we can postulate a method for determining when personhood begins. Just as there is an element

of arbitrariness in our definition of the onset of darkness (tonight I mowed my lawn until a half hour after sunset, and it seemed light enough to me), so there will be an element of the arbitrary in determining when personhood begins.

We determine whether a person is legally able to enter binding contracts by a method that has an element of the arbitrary. We know that there are some 12 year-olds who are mature enough to be responsible for a lease and some 30-year-olds who are not. Yet we have agreed that, for legal purposes, a contract with a 17-year-old is not binding and a contract with an 18-year-old who is. Why should the right to contract be conferred at the age of 18 years instead of 18 years and one second? or 17 years, 364 days, 23 hours, 59 minutes and 59 seconds?

Such arbitrary distinctions trouble us very little because we recognize the utility of postulating an easily verifiable point at which to confer the right to make contracts, and have a general idea that that point ought to be in some specific range of ages.

The error of the anti-abortionist argument lies in the substitution of its advocates' desire for a single, discrete point of personhood for a fact of reality:

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*There is no need for jesuitical thinking to justify legal abortion. Abortion should be legal because people will have better control over their lives, the number of unwanted children will decline, women will be happier, men will be happier, families will be happier.*

---

the development of personhood is gradual. For the same reason that we accept a postulated age as the point at which a person can make valid contracts, we should be willing to posit an easily verifiable point at which the right to abort a fetus expires.

There is no need for jesuitical thinking to justify legal abortion. Abortion should be legal because people will have better control over their lives, the number of unwanted children will decline, women will be happier, men will

*continued on page 32*



# Border Guard

by Brett Rutherford

Now and then, a man whose job it is to shoot his fellow citizens, enjoys a day at leisure. He does not go to a crowded cafe. The dreary bleached faces on television annoy him. The films and books he would like to see are forbidden, the satire plays closed down. He walks down streets that have forgotten their names, opens a twisted gate and walks into a ruined cemetery. He likes it here. These people died before the bombs, before the chapel became a shell, when the living had time to honor the dead, the patience of stone carvers to mark their passing—when the living had space to house them each in an individual grave—not the quick, anonymous flame of cremation nudged from behind by the next in line. The trees were planted before he was born. No one nails slogans to them. These crows are not informers.

A shard of stained glass falls to the ground: a saint's eye, a halo chip, a puzzle piece of a forgotten benediction. An acorn descends, a leaf tears away from the structured tree. Why should one leaf among its classless brethren defy the order and symmetry of oakdom to make its assuredly fatal plunge? The acorn must fall, the squirrel must do his duty and bury it. Even a new oak that springs unintended from its sepulchre is doomed, each tree another jailhouse, a jabbering asylum under an iron sky.

But a leaf—a leaf has a chance—a wind might catch it, a bird might seize it from an updraft and carry it to freedom. Who knows what becomes of one over there? Maybe an anarchy of leaves, maybe a touch-me-not defiance of order, maybe they plant themselves on any tree they please—oak and ash and willow and holly, the plane and the pine, a jostle of maple and cedar and birch—melting pot trees in a jigsaw forest—or maybe a peaceful wood, each uniform tree striving its best toward the eternal light?—Why should one man, fed and provided for, his job assured, his humble bed, his state-assured cremation—why should one man cry *nay* against the law-compelling land,

to burst through the checkpoint where he was trained to shoot at any outlaw breakout, to stop the spy, the saboteur, the secreteur of wealth? He thinks of the truck that barreled through, of the joy and terror on the driver's face, how he had fired to miss, thinking *Lucky bastard*, how his comrades had failed to stop the seven-ton juggernaut, how no one really wanted to. He knows of dozens of failed escapes, knows the bloodstains, the bullet holes, the patches in the length of the hundred mile wall. On the other side there are wreaths for those who died trying. "Did them a favor," the sergeant boasts. "What would they do in the decadent West anyway? Nothing but drugs and poverty. Nothing but trouble."

Next day, the sun beats down accusingly, a fusion-powered torchlight, soul-baring. He walks to his station like a criminal, fears the secret police could read his thoughts, like banners hung from a dirigible. He takes his rifle and rounds, his heavy coat and helmet, assumes his place. His stern reflection in the guardpost glass fools no one—he is a frightened boy: tired of this game, these dullard playmates, this oppressive school. He drops the gun, slides out of coat and helmet, turns with a voice not quite his own and says to the guard beside him, "Comrade, what if I crossed the checkpoint now—what if I walked right into the West—would you shoot me?" His companion's face locks in agony. "You didn't say that, comrade. I didn't see you. My gun—" he smiles—"My gun could jam." He waves to the guards on the other side. He takes a breath. He runs and no one fires a shot behind him.

Where an oak leaf trembled and fell a piece of sky now admits the blue of the alter heavens. The leaves are astir. They don red jackets for their breakaway.

Where once a guard stood resolute, a question mark settles like a gull, a dare replaces a salute. The guards are all investigated. The sergeant who assigned the guards is demoted. The lieutenant in charge of the sector is brought before a loyalty board. The army considers more robots and dogs. Along the wall, the stones themselves shift in their mortared places and ask *Why are we here?*

## Memoir

# My Break With Branden and the Rand Cult

by Murray N. Rothbard

One of the most powerful means of controlling the members of a cult is the threat of expulsion. But this doesn't *always* work.

Like thousands of other people, I have read Barbara Branden's and Nathaniel Branden's accounts\* of the Ayn Rand Cult. Unlike most others, I was there, and my memories diverge significantly from those of the Brandens, especially Nathaniel.

You may wonder how anyone could get involved in such a preposterous thing in the first place. I had been a libertarian since the late 1940s, and during the 1950s was lucky enough to find myself the center of a group of young, high-spirited libertarian thinkers and scholars who, if I may say so, have been unmatched anywhere. We called ourselves The Circle Bastiat,<sup>†</sup> whose core, in addition to my wife Joey and myself, consisted of Ralph Raico, George Reisman, Ron Hamowy, Leonard Liggio, Bob Hessen, and Bruce Goldberg. There was a floating fringe of about eight or ten people. Our frequent informal gatherings combined learned discourse, high wit (most of it contributed by Raico and Hamowy), song composing, joint moviegoing, and fiercely competitive board games. It all added up to a helluva lot of fun.

Before the publication of *Atlas Shrugged* in 1957—that is, before Branden wove the seductive net of the Cult around her—Ayn Rand used to talk to, and even be friends with, other conservatives and libertarians. Sometime dur-

ing the early 1950s I had been introduced to Rand by Herb Cornuelle of the William Volker Fund—an unsung and now-forgotten but marvelous organization that managed to sustain conservative and libertarian scholarship during those dark days. When *Atlas* was published in late 1957, I and most of the Circle admired it, and I wrote Ayn a fan letter telling her so. Then, at the importing of the rest of the Circle who wanted to meet Ayn and the group, I agreed to renew my personal acquaintance, and there ensued about six months of (unfortunately) intense interaction between the two groups.

At the time, of course, we didn't know that we were entering a totalitarian Cult; we naively thought we were meeting another group of libertarians or quasi-libertarians in New York. In fact, we were Present at the Creation of the organized RandCult (although we scarcely felt the thrill and pride that Dean Acheson did at the inception of the Cold War). We attended the very

first series of Branden lectures on objectivism, and many of us (not me) attended a whole bunch of subsidiary lectures as well, including Nathan's lectures on sex theory, Barbara's on How to Think (!), and Ayn's on fiction.

### I. The First Deviation: Disobedience

The first Branden lectures began, as I recall, in January 1958; by the end of February, most of us were beginning to realize that the honeymoon was over, and that the marriage of the two groups was bound to collapse in not too long a time. The robotic, humorless posturing, the trumpeting by these ignoramuses of their own greatness, the personality cult being formed around Rand and Branden, the unrelieved nastiness toward one and all, the cigarette holders brandished by all the women, the monogrammed "dollar-sign" gold cigarette lighters everywhere, the NB monograms on every piece of Brandenian clothing, for all these and similar reasons we came to look at all these trumped-up jackasses as figures of ridicule. Rand herself was partially exempt, since *she*, after all,

\* *The Passion of Ayn Rand*, by Barbara Branden (Garden City, N.Y.: Doubleday & Co, 1986); *Judgment Day*, by Nathaniel Branden (Boston: Houghton Mifflin, 1989). Cf. "Who is Nathaniel Branden?" *Liberty*, July 1989, pp.57-65.

<sup>†</sup> Named for Frederic Bastiat, noted 19th-century classical liberal.

had created something.

These insights came to a head at a birthday party we held for me at our home on March 2. My wife and I had just bought ourselves a tape-recorder. Not only was it the kind you had to thread, it was one of those massive 50-pound jobs that could only sardonically be called "portable." We proudly trotted it out to the entire Circle after the party got started. We started fooling around with the tape and the microphone, and what emerged

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*How could I do such a thing as imitate Rand and Branden? I tried the bromide about "imitation being the sincerest form of flattery," but he was too shrewd to believe it. "After all," he intoned, "you wouldn't mock God."*

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was a true epiphany, a purely spontaneous, improvised skit satirizing the RandCult.

All of our half-formed perceptions about the Randians came bubbling out. Particularly hilarious were: George Reisman, playing Branden perfectly, down to his pretentious sing-song Russo-Canadian accent; Ralph Raico, as Rand; and Ron Hamowy, playing a "Tina Zucker" character (a rank-and-file Randian female). One of the pervasive themes, of course, was money: Reisman/Branden: "Be sure to bring your checks and money orders, your dollars or quarters forward," with Hamowy/Zucker shrilly complaining: "You've taken all my money [as therapist], Mr. Branden; I have no more money." Reisman/Branden and Raico/Rand start feeding each other lines such as: "You see Tina, Money is neither good nor bad but the expression of man's rationality," and, then, in perhaps the single most hilarious line, Reisman/Branden: "I will now say the line in the Money Speech on page 854, paragraph 3 of *Atlas*, the line that I know is on the minds at this moment of Ayn and Leonard, of Alan Greenspan and of Barbara, and of Joan Mitchell in Toronto . . ." Rand applauds Branden: "Well done, comrade." The issue for poor Tina is finally resolved when Reisman/Branden informs her that she can also pay for her

therapy sessions by typing and performing domestic service for Nathan, at which Hamowy/Zucker gushes: "God Bless you, Miss Rand. If you say I'm happy I guess I'm happy now. . ."

The day after this happy gathering, one of the Circle Bastiat was out walking with one of the Randian females\* and told her about the fun he had had the day before, with various of us imitating the voices of Rand and Branden. I don't believe he even told her about the subversive *content* of the skit; the very fact of such mimicry weighed on the poor girl. The awful knowledge caused her a sleepless night, after which she rushed to report this gross sin to Nathan the Great.

Blasphemy! *Lèse majesté!* Nathan called each of the ringleaders in turn on the carpet. Finally, I was called in. How could I do such a thing as imitate Rand and himself? I tried the bromide about "imitation being the sincerest form of flattery," but he was too shrewd to believe it. "After all," he intoned, "you wouldn't mock God." I looked at him, thinking, "Who's God here, buster? You, Rand, or both?"

Branden then demanded that I turn the tape over to him. "Don't tell me the tape doesn't exist any more, because I wouldn't believe it." "No, it exists," I said, "but you have no right to demand it." Branden then conceded that he had no "right" to the tape, since, after all, it was my property, but he demanded that I give it to him anyway. I flatly refused, and that was that.

But I knew and Branden knew that from that point on my days in the Randian movement were numbered. I had flatly refused a direct order from the Führer. From then on, it was just a question of what issue would constitute the official excuse for my expulsion. The crime of "disobeying a direct order from the greatest man of all time" would scarcely yield good public relations value.

## II. The Gathering Storm

Deviations soon began to accumulate thick and fast; there was no shortage of critical issues. Many of us in the Circle Bastiat would fantasize about the taunts we would hurl at the Randians as we were being kicked out the door; heading the list was, inevitably, "What

\* Vivian Greczka, who had followed Randian custom by changing her name to Grant.

about Frank O'Connor?" For they all claimed to be perfect Randian heroes and heroines, whereas Frank, Mr. Rand, the only genuinely nice person in the Randian movement, clearly lacked the Randian virtues of philosophical acumen, creativity, a driving sense of heroic purpose, and all the rest.

## A. Anarchism

Most people assume that my split with the Randians must have come over anarchism *vs.* limited government, but the subject, though lurking in the wings, never came up. From my first meeting with Ayn, she decided to put off discussion of mere political questions until all the fundamental metaphysical issues had been hammered out. That was fine with me, since from my point of view, friendship (which is what I originally thought this was all about) should involve mutual learning and enjoyment, and not seeking out heresies for rapid conversion or excommunication. But the anarchist question was looming up, and by the end Nathan was already talking about arranging a full-scale "debate" over the issue. If for no other reason, the break/expulsion would have come shortly thereafter.

## B. The Goldberg Expulsion

An ominous foreshadowing of the future came with the brusque expulsion from the RandCult of one of our leading Circle members, the budding philosopher Bruce Goldberg. The sticking point, however, was scarcely philosophical. A joint meeting of many of the Circle Bastiat and RandCult members (at which neither Rand nor I was present) turned into an orgy of Holy-Roller type testimonials in which each person, in turn, was expected to tell the assembled acolytes the answer to one crucial question: "Who has been the most intellectually important person in my life?" The answer, of course, was foreordained: The Rand. "Ayn Rand has changed my life;" "This greatest mind of all time has shown me that A is A, and that 2 and 2 make 4," and on and on. Judgment hour hit, however, when it became Bruce Goldberg's turn: the most intellectually important person in *his* life, it turned out, was Ralph Raico, who had converted him to libertarianism. "*Ralph Raico!*" Nathan leaped to the attack, and, in short order, Goldberg was shown the door for all time, a victim of premises that were clearly ir-

redeemably evil. Raico, of course, departed with him.\*

### C. "Why Don't You See Us More Often?"

In my last meeting with him before the break, on July 14, 1958, Branden, with elaborate casualness, asked me: "By the way, why is it you don't see us more often?" ("Us," of course, was the group.) I was a bit startled, since I was seeing these people twice a week, which I was coming to consider at least two times a week too many. *More?*

The reason I didn't see this crew more often, and was more and more wishing I would see less, is I couldn't stand these people. Any of them. Posturing, pretentious, humorless, robotic, nasty, simple-minded jackasses. I couldn't very well say: "I don't want to see more of you because I can't stand you." Not only would such a statement have been socially unacceptable, it would have been considered philosophically erroneous and evil. According to

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*"Murray," said Nathan, "you have plagiarized on every page from Atlas Shrugged and from Barbara's unpublished Masters essay." I told him that his statements were preposterous. "You will appear at your trial on Wednesday at 4," he told me. I told him, in effect, what he could do with his trial, and hung up the phone.*

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Randian doctrine, these were the most "rational" people in the country, if not the universe. If you wish to be rational yourself, (and if you *don't*, buster, you're in for instant excommunication or, at the very least, several grueling years of Randian brainwashing), it then follows ineluctably that you'd want to spend as much time as possible with these Most Rational People. I should be dying to spend *eight* days a week, if that were possible, with these super-men and super-women.

\* An imaginative reconstruction of the incident, as well as of my break with the RandCult, can be found in Jerome Tuccille's hilarious *It Usually Begins with Ayn Rand* (New York: Stein and Day, 1971). While Tuccille's account was not always historically accurate, he perceptively caught the spirit of the entire affair.

I tried at first to say that I was very busy, but of course that was a feeble argument in the light of the imperious demands of Randian Reason. Branden let me off the hook for a while by concretizing his concern: "Why don't you spend more time with Alan Greenspan?" Ahh, I was on safer ground. Greenspan was the Randian Economist, and since I too was an economist, and about the same age, we were supposed—if not required—to be *simpatico*. But I couldn't stand Greenspan from our first—and fortunately only—meeting. In addition to being a Keynesian with no knowledge of or interest in Austrian economics, Greenspan was supercilious and monotonic; he had the sense of life of a dead mackerel.

"I don't like Greenspan, Nathan."

"You don't like Greenspan?" Clearly, a sin that Branden had never before contemplated. "Why don't you like Greenspan?"

"He's a namedropper." The understatement of the month.

"Alan—a namedropper?"

I was off the hook, for the moment. Not liking Greenspan was, I suppose, only a venial sin. But at our next meeting, the rest of the story would inevitably open up, and that would be that.

### D. "The God Tape"

Whereas not liking any of this gang was going to come up at our next meeting, a less immediate but more serious reason for a break was also becoming clear and all too intense by mid-July. My wife Joey was and is a practicing Christian. I knew from the very beginning that the Randians were fanatically anti-religious, that Rand hated God far more than she ever hated the State. So I put it squarely to Branden at our very first meeting: "Is it your view that I should divorce Joey because she's a Christian?" "Of course not," Nathan replied, "how could you think we were such monsters?"

Branden's answer lulled me into a false sense of security. As the months wore on, however, I came to realize that while Branden was technically telling the truth, the Randian attitude was, if possible, even *worse*. For no, I was not supposed to divorce Joey because she

was a Christian; I was supposed to spend several months hectoring the poor girl to convert her to atheism; if *that* failed, I was supposed to divorce her.

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*Branden the Scholar! What a fearful power he thought he had loosed upon the world! Branden may have been good at winning by intimidation, and at tossing his forelock aloft and strutting up and down declaiming his greatness (what he calls being "serious about his values"). But when he started playing scholar, he was operating on my turf.*

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Branden's campaign started casually. I was attending the first set of Branden's Objectivist lectures. Nathan requested that Joey attend his refutation-of-God lecture, or, since she was going to be out of town that week, to listen to his God tape. Well, that sounded reasonable; why not? When I heard his anti-God lecture it struck me as one of the weakest of the lot. When coming to the argument from design—certainly the most powerful of theistic arguments—Branden set up an obvious straw man and proceeded to demolish it with easy ridicule. Branden's "design-argument" was of the simpleton variety: "Isn't it wonderful that God created oxygen since man needs it to breathe?"

When I heard Branden I was sure that Joey's immortal soul was in no danger; it would be hard to underestimate the intelligence of any religious person who would be converted by Branden's ploy. Sure enough, Joey heard Nathan's God tape, and was singularly unimpressed. And that was that. Or so I thought.

At my last meeting with Nathan, the same where my Greenspan Deviation had emerged, he asked, with calculated casualness: "By the way, did Joey listen to my God tape?"

"Yes."

"Well, what did she think of it?"

"She found it . . . interesting."

"Well, was she converted by it?"

"No."

Nathan was stunned. "But, but," he sputtered, "don't you *care* that Joey wasn't converted by my God tape?"

"No."

Nathan drew himself up. He couldn't understand this clearly blasé attitude on my part. "If Barbara should ever show any signs of religious leanings," he emphasized sternly, "I would lock the door and sit her down and discuss the matter until we had come to a complete agreement."

"Complete agreement" meant, of

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*"I really did not know," Mises wrote, "that the concept that man has no automatic knowledge of how to survive and that the task of his reason is to discern the values and virtue needed to keep him alive' was not known to mankind before the fall of 1957."*

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course, unconditional surrender. As I listened to this creep, I could vividly visualize the scene: after forty-eight hours of sensory deprivation, forced to go without food or water or sleep while Nathan drones on in Randian syllogisms, Barbara finally cracks: "Please Nathan, I can't go on any longer, I must have food, I must rest . . . all right, yes, yes, I agree, God never could, never did, never shall exist. Can I rest now, please?"

As Nathan droned on, the Randian path blocked out for me became all too clear: I was to give Joey a reasonable amount of time to convert or else, subjecting her to intense pressure all the while. Nathan also made it clear that I was supposed to drop my other religious friends as well, such as Leonard Liggio. I never bothered to ask whether I was supposed to drop them *immediately* or pressure them to convert first. I'd had it with Branden and his whole bunch.

That day, I had given Branden as a courtesy a copy of a paper I had written for a conference to be held that fall by the William Volker Fund on Scientism and the Study of Man. The article, "The Mantle of Science," was a Misesian critique of scientism—in particular

behaviorism and organicism, expanded to be grounded in an Aristotelian-Thomist defense of free will. I had thought that Branden and Rand would be interested. Little did I realize just how interested they would be.

### III. The Break: the Plagiarism Canard

The next day, July 15, 1958, as I sat down at my typewriter writing a letter to Branden kissing him and the whole bunch off, I received my final phone call from Branden. "Murray, you have plagiarized on every page from *Atlas Shrugged* and from Barbara's unpublished Masters' essay" (which he had urged me to read). I told him that his statements were preposterous. "You will appear at your trial on Wednesday at 4," he told me. I told him, in effect, what he could do with his trial, and hung up.

The trial was held, *in absentia* of course, to the tune of general denunciations, reading from the Evil One's works, etc. A few days later I received a letter from Branden dated July 16 reiterating the plagiarism charge, citing eleven specific instances to which I must answer, and issuing "a simple ultimatum":

Unless, within a week, you present evidence that original authorship of all the above points will be acknowledged in your paper, Ayn's and Barbara's lawyer will send a letter to the head of the symposium, informing him of the issue in detail, and presenting quotations from the three works in question that will uncontestedly establish what you have done. The only other alternative is for you to withdraw your paper from the symposium altogether—and, frankly, this is what I would advise.

I did not respond, so Nathan sent a detailed list of charges (July 20) to me and, via the law firm, to Helmut Schoeck, the director of the conference.

Branden the Scholar! What a fearful power he thought he had loosed upon the world! It was clear that he was convinced that, once he laid out the detailed charges, aided by a bit of legal threat, then my iniquity would be exposed, I would be booted out of the Scientism conference, and I would lose my job as reviewer and analyst for the Volker Fund.

What a *potz*! Branden may have been good at winning by intimidation, and at

tossing his forelock aloft and strutting up and down declaiming his greatness (what he calls being "serious about his values"). But when he started playing scholar, he was operating on *my* turf. And the problem with Rand, Branden, and the rest of the crew is that these were dazzlingly ignorant people. Rand was proud about never having read any philosophy except a third-rate history of philosophy by B.A.G. Fuller. She was convinced that any philosophical thought she ever had must have been *original*; no one could have anticipated her greatness. Her followers, from Branden on down, maintained this tradition.

Branden's long letter began with the absurd statement that my "entire paper" had been written in Ayn Rand's "philosophical framework"—absurd because to anyone with brains it was obvious that the paper was written in the Misesian framework, and that the entire disputed portion of my paper consisted of only five out of the twenty-five manuscript pages of the article.

And so Branden's lengthy letter of July 20 listed ten charges of plagiarism against my article, demanding footnotes to *Atlas* and to Barbara's masters' essay on every point, else I would have to "take the consequences" of my action. (Ooh! *Scary*!) He graciously consented to letting me off the hook on Charges 2, 4, and 6. Interestingly, Branden quietly dropped an eleventh charge that he had made in his original letter of July 16: namely, that I had plagiarized Barbara's great, original point that accepting other peoples' judgments uncritically is not the same thing as being *determined* by them. Unfortunately, a mutual friend had leaked to Branden in the interim that I had indeed "plagiarized" this point—but *from myself* in an article I had submitted to an economic journal in 1954—three blessed years before encountering the RandCult!

He concluded by reiterating his threats and warning me that he really had the goods on me:

I might mention that there are several witnesses to the fact that, when reading "Human Freedom and Human Mechanism" [Barbara's masters' thesis], you took exceptionally detailed notes on it, which are still in your possession . . .

Needless to say, I shall certainly make it my business to learn whether or not a paper by you is presented at the symposium, and, if so, what is



its content . . .

It is impossible for me to comply with your request that I return my copy of your essay. Under the circumstances, I have every rational right to keep the objective evidence of that of which I am accusing you.

The quintessence of my reply to the charges was contained in a short and not-sweet letter to Branden on August 16:

You are apparently laboring under several serious misapprehensions. In the first place, it is not true that any idea that I write which is not footnoted is "passed off as my own." Originality is not claimed for ideas in books or articles unless such originality is specifically proclaimed. If this were not true, very few books or articles would ever be written in philosophy or the social sciences, and those would be clogged by a vast morass of footnotes . . . Secondly, the ideas which you charge me with taking from *Atlas Shrugged* and Barbara Branden's essay are neither theirs nor mine; on the contrary, they are a part of the philosophical heritage of Western civilization, and can be found in innumerable rationalist writers. Of the many people at all versed in philosophy who have read my paper, not one thought these ideas were original, and not one failed to state that these were ideas that he had encountered many times before.

Helmut Schoeck, the distinguished German sociologist and author of *Envy*, then teaching at Emory University, got the Branden-law firm missive on vacation in Austria. His reaction was even more caustic and horrified than my own. Writing to his colleague James Wiggins, chairman of the Scientism conference, Schoeck wrote (August 13):

This morning I did not quite believe my eyes . . . when the enclosed letter and material from the law firm of Ernst, Can & Berner arrived. . . . The apparatus [of legal threats] is so utterly out of proportion to what they seek (a few footnotes giving credit) that their primary aim seems to be the destruction of Dr Rothbard as a human being.

A study of Nathaniel Branden's letter to Dr. Rothbard shows that a fantastically ludicrous claim of plagiarism is being made. . . . but none of the ideas . . . [that] Rand and Branden's claim can any longer be considered private literary property.

They are part and parcel of hundreds if not thousands of books and treatises which were published in the past sixty years, in some cases the past few hundred years. Item No. 6 ["consciousness is a primary"], for example here Rene Descartes, a few hundred years ago, has written as much.—The long item No. 7 of the complaint [showing that determinism is in self-contradiction]; all that has been rehashed in hundreds of arguments ever since Friedrich Nietzsche, the Marxists, and Sigmund Freud began to relativize intellectual positions. It is a well known argument taught in any introductory course in logic.—Most ridiculous of all is item no. 10 on which the plaintiffs base most of their case: [a point supposedly original with Barbara] the example of the savage or child who does not respond to a gun [an argument I, along with dozens of authors, was making against behaviorism] can be found in every textbook on social psychology, social control and related subjects for the past sixty years or so. I have used this example spontaneously in many lectures. It is the most obvious one to come to the mind of anyone trying to make that point.

Schoeck added that my only error in all this was to get involved with these people in the first place, a point with which I, of course, heartily agreed.

The response to this affair I cherished the most was that of my dear mentor, Ludwig von Mises. I sent a copy of the Branden charges to him in New Hampshire, where he was vacationing. Mises replied promptly on July 22, employing a level of sarcasm that I had never seen him use: "I really did not know 'that the concept that man has no automatic knowledge of how to survive and that the task of his reason is to discern the values and virtues (the ends and means) needed to keep him alive' was not known to mankind before the fall of 1957." Mises also dismissed Branden's outrageous claim that Barbara had invented the crucial distinction between freedom and power: "Did Mrs. Branden, in pointing out that one must not confuse 'freedom' and 'power,' acknowledge Hayek's *Road to Serfdom*?"\*

A week later (July 30), Mises wrote me a follow-up letter after a further examination of Branden's charges. He turned to No. 10, the "savage," the

\* Chicago: University of Chicago Press, 1944.

"child," and the "gun," which had drawn the wrath of Helmut Schoeck.

It is true you used the example of the savage or the child in order to illustrate the proposition that the reaction depends on the meaning the actor ascribes to the stimulus. I pointed this out again and again in order to refute the crude behavioristic stimulus-response scheme, for the first time in an article "Begreifen und Verstehen," published before 1933 and reprinted in "Grundprobleme" in 1933 . . . But I never claimed authorship of this fundamental idea. Neither did Max Weber (died 1920). Perhaps one has to credit Droysen or Dilthey.

Mises concluded sweetly by advising me to "be calm and wait," adding that "it is useless to argue with B."

Helmut Schoeck had concluded his letter to Wiggins:

I suggest that Dr. Rothbard ignore these crackpots and that he, with our help, get quotes for each of the disputed paragraphs of course preceding in time the publications of the plaintiffs. They can be found easily.

They sure could. In his totally false account of the affair, Branden writes in *Judgment Day* that I had managed to dredge up some obscure medieval

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*These were dazzlingly ignorant people. Rand was proud about never having read any philosophy except a third-rate history of philosophy by B.A.G. Fuller. She was convinced that any philosophical thought she ever had must have been original; no one could have anticipated her greatness. Her followers, from Branden on down, maintained this tradition.*

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scholar who "indeed had anticipated some of Ayn's arguments." (260) Bunk! A few hours in the library and a set of Leonard Liggio's Thomist philosophy textbooks from his Georgetown undergraduate days quickly yielded a whole raft of citations and quotations all saying exactly what he claimed Rand and

Barbara had originated, and all were published from the 1930s to the 1950s—all before the publication of *Atlas*. I needed no more help than that. And most delicious of all, almost every one of these quotes was from a Dominican or Jesuit priest, exemplars of the Christianity that had been one of the major reasons for our break in the first place.

I sat down and wrote a detailed reply to all of the charges, incorporating the new quotes. I sent it to the Volker Fund. Justice triumphed. My paper, with the new citations, was published in the Scientism volume. The reader is invited to check all this for himself: Murray N. Rothbard, "The Mantle of Science," in H. Schoeck and J.W. Wiggins, ed., *Scientism and Values* (Princeton, N.J.: D.Van Nostrand, 1960, pp. 159-180). The lovely sources, mainly Thomist, bolstering points allegedly stolen from Rand and Branden originals, can be found in footnotes 3-12. The article was well received, though every once in a while, someone would ask me, "it's a good article, but why do you have all those footnotes to points that are a basic part of Western philosophy?" And then I tell the story.

For several months after the break, mutual acquaintances carried information back and forth between us. When the dust had settled, and the Volker Fund had in effect told Branden where to stuff his charges, Branden told a friend: "Well, even if all of my charges are wrong, Murray's greatest sin was to hang up on me"—thereby refusing to recognize the legitimacy of the Randian "judicial" process. I was greatly amused a decade later to read Barbara's account that *her* greatest sin in Randian eyes was not showing up for *her* trial. Can you imagine the psyche of someone who would meekly respond and actually show up for his or her "trial"?

I had thought that publication of my article, *cum* footnotes, would finish the matter. But apparently Branden has forgotten. The old plagiarism baloney is trotted out as if this were still mid-1958, and Nathan were still the Enforcer.

Well, as far as I am concerned, he still is. Old Branden or New Branden, Randian shrink or Biocentric shrink, student or Ph.D., young or old, he's still the same pompous ass, the same

strutting poseur and mountebank, the same victim of his own enormously excessive self-esteem. *Judgment Day* confirms that assessment in spades. Certainly, in recounting my own case, Branden seems to forget the superficial recantation of his role as St. Paul and Grand High Inquisitor of the Randian movement, and slips easily back into the old loony prosecutorial role that he elsewhere claims to renounce. In my case at least, he seems to have forgotten much and learned nothing, dredging up the old "plagiarism" canard that I had stuffed down his gullet over thirty years ago. His copious sins of omission and commission make his account of our break simply *not to be believed*; it certainly does not inspire confidence in the veracity of the rest of his self-serving memoir.

There *must* be no more Rands, no more Brandens, no more tinpot enforc-

ers and petty despots in our midst. We all need to realize that there will be no such Enforcers ever if we only deprive them of the Sanction of the Victim.

#### IV. Epilogue

I did not hear from Branden again for nearly thirty years. In July, 1986, I reviewed Barbara's *The Passion of Ayn Rand* for *American Libertarian* (July 1986, p. 7). Then suddenly, a letter from Nate the Great! It almost achieved the status of being friendly. Of course, he wanted something from me.

I had referred in my review to the "numerous lives that the [Rand] cult wrecked or crippled." Well, of all things, Branden wanted my help, in doing research for his book, in discovering the names of those whose lives he had wrecked.

What *chutzpah!*

Naturally, I did not reply. □

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#### Bradford, "Abortion Without Absurdity," *continued from page 25*

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be happier, families will be happier.

These are perfectly good and valid reasons to make abortion legal.

What should be the point at which personhood begins? I am not really sure. Plainly it should occur sometime after conception: otherwise we must prohibit the inducement of abortion of accidental and unwanted pregnancies, we must prevent women from control of their own bodies, we must drive some women into the hands of underground abortionists who cannot be sued for carelessness so the risk of death or injury is high. Plainly it should be sometime before the actual moment of birth. Somewhere between these boundaries, we should agree to a point at which abortions are legal and the right to abortion is sanctioned by law.

This process may affront the desire of some people to identify the discrete moment at which personhood occurs. These people are subjectivists in the worse sense: they believe their desire for such a moment proves that there is such a moment. Their misunderstanding of the nature of human development and their subjectivity do not entitle them to set public policy.

The situation is not

black-and-white, as some anti-abortionists would have it. The development of the zygote/fetus is gradual; in terms of the black-and-white metaphor, it goes through various shades of gray. But the situation is not *all* grays, as the moral relativist would have it: there are entities that are undoubtedly persons or non-persons, and it is only in terms of these categories that the grays can be understood. In terms of the black-and-white analogy, the anti-abortionist takes the view that the world consists of *only* blacks and whites; the moral relativist takes the view that the world consists of *only* grays.

My position views the world as blacks and whites and gradations of gray. □



"According to the quiz in this magazine, Lou, we should turn ourselves in to the authorities."

## Essay

# Indefining the Future

by Richard Kostelanetz

**T**he libertarian movement is advanced and visionary in ways that Marxism, socialism, communism, conservatism and monarchism are not. Though one might expect that there would be a community of the imagination between libertarians, who are political visionaries, and *avant-garde* artists, who are esthetic visionaries, this does not seem to be the case. Why? Perhaps if advanced artists in general weren't so dumb (and herd-ish) about politics they would have more respect for libertarian assumptions; but if libertarians didn't seem so dumb about advanced art (perhaps reflecting the influence of Ayn Rand, surely no smarter about art than politics), they might find more artists—*natural* libertarians if there are any—in their midst.

Art may not change the world, but it is made by those who would like to change it.

— Seldon Rodman,  
*Tongues of Fallen Angels*

So what constitutes the vanguard in art?

### Second Culture?

The term *avant-garde* refers to those out front, forging a path that others will take. Initially coined to characterize the shock troops of an army, the epithet passed over into art. Used precisely, *avant-garde* should refer to rare work that satisfies three discriminatory criteria: it transcends current conventions in crucial respects, establishing discernible distance between itself and the mass of current practices; it will necessarily take considerable time to find its maximum audience; and it will probably inspire future, comparably advanced endeavors. Only a small minority can ever be *avant-*

The avant-garde, like any culture, can only flower in a climate where political liberty triumphs, even if it often assumes a hostile pose toward democratic and liberal society. Avant-garde art is by its nature incapable of surviving not only the persecution, but even the protection or the official patronage of a totalitarian state and a collective society. . . . The only omnipresent or recurring political ideology within the avant-garde is the least political or the most antipolitical of all: libertarianism and anarchism. —

Renato Paggioli, *The Theory of the Avant-Garde*

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*Those most antagonized by the avant-garde are not the general populace, which does not care, but the guardians of culture, who do—whether they be cultural bureaucrats, established artists or their epigones—because they feel, as they sometimes admit, "threatened."*

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*garde*; for once the majority has caught up to something new, what is genuinely *avant-garde* will, by definition, be someplace else. The term has the same meaning in English as in French, and thus need not be italicized.

Problems notwithstanding, it remains a critically useful category.

As a temporal term, avant-garde characterizes art that is "ahead of its time"—that is beginning something—while "decadent" art, by contrast, stands at the end of a prosperous development. "Academic" refers to art that is conceived according to rules that are learned in a classroom; it is temporally post-decadent. Whereas decadent art is created in expectation of an immediate sale, academic artists expect approval from their social superiors, whether they be teachers or higher-ranking colleagues. Both academic art and decadent art are essentially opportunistic, created to realize immediate success, even at the cost of surely disappearing from that corpus of art that survives merely by being remembered. By contrast, one fact shared by both decadent art and academic art is that they realize their maximal audience upon initial publication.

Avant-garde art has been defined as "whatever artists can get away with." This is true, however, only in time and in context—only if the invention contributes to a perceptible ongoing tendency or challenges radically an acknowledged professional issue. As avant-garde art is not made in a vacuum, so it is not offered only to the wind. The exact same brand-new creation that might seem innovative at one time or one place can, even if redone precisely, seem irrelevant, if not decadent, at another. The vanguard, the leading edge of art, is the front of the train; the *derrière-garde*, the caboose. Most artists ride cars in the middle.

One secondary characteristic of avant-garde art is that, in the course of entering new terrain, it violates entrenched rules—it seems to descend from "false premises" or "heretical assumptions"; it makes current "esthetics" seem irrelevant. For instance, Suzanne Langer's theory of symbolism, so prominent in the forties and even the fifties, is hardly relevant to the new art of the past two and one-half decades. It

offers little intelligence toward understanding, say, the music of John Cage or Milton Babbitt, the choreography of Merce Cunningham, the poetry of John Ashbery, where what you see or hear is generally most, if not all, of what there is. This sense of irrelevance is less a criticism of Langer's theories, which four decades ago seemed so persuasively encompassing, than a measure of drastic difference.

One reason why avant-garde works should be initially hard to comprehend is not that they are intrinsically inscrutable or hermetic but that they defy, or challenge as they defy, the perceptual procedures of artistically educated people. They forbid easy access or easy

acceptance, as an audience perceives them as inexplicably different, if not forbiddingly revolutionary. In order to begin to comprehend them, people must work and think in unfamiliar ways. Nonetheless, if the audience learns to accept innovative work, it will stretch their perceptual capabilities, affording them kinds of perceptual experience previously unknown. Edgard Varèse's revolutionary *Ionisation* (1931), for instance, taught a generation of listeners about the possible coherence and beauty in what they had previously perceived as noise.

It follows that avant-garde art usually offends people, especially serious artists, before it persuades; and it offends them not in terms of content, but in terms of Art. They assert that Varèse's noise (or Cage's, or Babbitt's) is unacceptable as music. That explains why avant-garde art strikes most of us as esthetically "wrong" before we acknowledge it as possibly "right"; it "fails" before we recognize that it *works*. (Art that offends by its content offends only as journalism or gossip, rather than as Art, and is thus as likely to disappear as quickly as other journalism or gossip.)

Those most antagonized by the avant-garde are not the general populace, which does not care, but the guardians of culture, who do—whether they be cultural bureaucrats, established artists or their epigones—because *they* feel, as they sometimes

The situation of  
(Arnold)  
Schoenberg  
is typical—he  
was never in  
fashion and now  
he's become  
old-fashioned.  
— Milton  
Babbitt,  
Words  
about  
Music

All arts tend to decline into the stereotype; and at all times the mediocre tend to try, semi-consciously or unconsciously, to obscure the fact that the day's fashion is not the immutable.  
— Ezra Pound,  
"Vers Libre and Arnold Dolmetsch"

admit, "threatened."

Disreputably unforgettable or commendably forgotten—given the chance, the avant-grade artist would prefer that his creation be the former. That is one explanation for why those new works that veterans dismiss while new artists debate are usually avant-garde.

Though vanguard activity may dominate discussion among sophisticated professionals, it never dominates the general making of art. Most work created in any time, in every art, honors long-passed models. Even today, in the United States, most of the fiction written and published and reviewed has, in form, scarcely progressed beyond early twentieth century standards; most poetry today is similarly decadent.

The "past" that the avant-garde aims to surpass is not the tradition of art but the currently decadent fashions; for in Harold Rosenberg's words, "Avant-garde art is haunted by fashion." Because avant-gardes in art are customarily portrayed as succeeding each other, the art world is equated with the world of fashion, in which styles also succeed each other. However, in both origins and function, the two are quite different. *Fashion* relates to the sociology of lucrative taste; *avant-garde*, to the history of art. In practice, avant-garde activity has a dialectical relationship with fashion, for the emerging lucrative fashions can usually be characterized as a synthesis of advanced art, whose purposes are antithetical to those of fashion, with more familiar stuff. When it does appear to echo advanced art, a closer look reveals the gov-

But the new does exist, even apart from any consideration of progress. It is implied in *surprise*.

So is the new spirit. Surprise is the most living, the newest element of the new spirit—its main-spring. It is by the element of surprise, by the important place it assigns to surprise, that the new spirit is distinguished from all earlier artistic and literary movements.

—Guillaume Apollinaire, "The New Spirit and the Poets"

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*The esthetic avant-garde ("left") does not coincide with the political vanguard (also "left"), the former regarding the latter as culturally insensitive and humanly exploitative, and the latter regarding the former as individualistic and politically inept.*

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erning model as art actually of a period recently past.

One difference between literature and visual art is that the merchandizers of the latter can successfully peddle the work of certain figures who were once genuinely avant-garde, although such produce is itself rarely avant-garde. For example, the purveyors of Salvador Dali can profit at levels unavailable to the purveyors of Gertrude Stein; the former artist can be commercially fashionable to a degree that the latter cannot.

Though fashion imitates the tone of innovation and exploits the myth of its value, the aim of fashion is standardization; the goal of fashion's creators is, simply, a formula that can be successfully mass-merchandized. That accounts for Jean Cocteau's formulation of fashion as what goes out of fashion. The avant-garde artist, by contrast, is interested in discovery and transcendence, not only of current fashions but himself (and, by extension, his

For a certain moment of history, a picture or a statue speaks a language it will never speak again: the language of its birth. —André Malraux, *The Imaginary Museum*

The avant-garde consists of those who feel sufficiently at ease with the past not to have to compete with it or duplicate it.  
—Dick Higgins, "Does Avant-Garde Mean Anything?"



Art is not predict-  
able. To put it the  
other way  
around, what can be  
predicted is not art.  
Art which does not sur-  
prise, does not enlarge,  
does not extend our  
knowledge, our conscious-  
ness, our *something*, is  
not—by twentieth  
century standards  
at least—worth  
the bother. So  
we can't talk  
about its fu-  
ture profita-  
bly. We can  
only talk  
round it  
and across  
it, or we  
can talk  
about it  
from  
the

other  
side.

— Reyner Banham,  
"The Future of Art from the  
Other Side"

own previous art).

When avant-garde inventions become fashionable—as, say, collage in visual art and associational syntax in poetry already have—then they begin to seem decadent, and everyone aspiring to create genuine vanguard art feels in his or her gut that this new fashion has become a milestone that one is obliged to transcend.

Whenever the current state of an art is generally perceived as decadent or expired, a new avant-garde is destined to arise.

The esthetic avant-garde ("left") does not coincide with the political vanguard (also "left"), the former regarding the latter as culturally insensitive and humanly exploitative, and the latter regarding the former as individualistic and politically inept. Each thinks the other is naive about cultural change; and needless to say perhaps, each is essentially correct.

The term avant-garde can also refer to individuals creating such path-forging art; but even by this criterion, the work itself, rather than the artist's intentions, is the ultimate measure of the epithet's applicability to an individual. Thus, an artist or writer is avant-garde only at certain crucial points in his creative career, and only those few works that were innovative at their debut comprise the history of modern avant-garde art. The phrase may also refer to artistic groups, if and only if most of its members are (or were) crucially contributing to authentically exploratory activity.

The term is sometimes equated with cultural antagonism, for it is assumed that the "avant-garde" leads artists in their perennial war against the Philistines. However, this Philistine antagonism is a secondary characteristic, as artists' social position and attitudes descend from the fate of their creative efforts, rather than the reverse. Any artist who sets out just to mock the Philistines is not likely to do anything more.

Certain conservative critics have recently asserted that "the avant-garde no longer exists," because, as they see it, the suburban public laps up all new art. However, it is critically both false and ignorant to use a secondary characteristic in lieu of a primary definition. *Avant-garde* is an art-historical term, not a sociological category. If an art critic in particular fails to use "avant-garde" as primarily an art-historical term, then he is exploiting the authority of his position to spread needless confusion. The fact that the avant-garde is widely discussed, as well as written about, scarcely makes it fashionable or lucrative—not at all.

The conservative charge is factually wrong as well, as nearly all avant-gardes in art are ignored by the middle-class public (and its agents in the culture industries),

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*Since the avant-garde claims to be prophetic, the ultimate judge of current claims can only be a future cultural public. For now, a future-sensitive critic should just try to posit tentative estimates.*

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precisely because innovative work is commonly perceived as "peculiar," if not "unacceptable," not only by the mass public as by those middlemen who make a business of selling to it. Indeed, the pervasiveness of those perceptions is, of course, a patent measure of a work's being art-historically ahead of its time.

It is also erroneous to think of current avant-gardes as necessarily extending or elaborating previous avant-gardes. It was misleading, for instance, to classify the painter Jasper Johns as only a descendant of Dada, for implicit in Johns's best art is a conceptual leap that reflects Dada and yet moves well beyond it. Partial resemblances to Dada notwithstanding, Johns's work has been done for other esthetic purposes, out of other interests, from other assumptions. Indeed, the term avant-garde is most appropriate when it is applied to work that is so different in intention and experience that it renders the old classifications irrelevant.

Since the avant-garde claims to be prophetic, the ultimate judge of current claims can only be a future cultural public. For now, a future-sensitive critic should just try to posit tentative estimates.

One reason why the artistic innovations of the future cannot be described today is that whatever will be judged avant-garde transcends, almost by definition, current imagination. □

## Inquiry

# Simple Principles vs the Real World

by David Friedman

The problem with theoretical arguments for freedom is that they often lead to impractical conclusions, thus making a *theoretical* case for the practical, "utilitarian" approach.

Many libertarians appear to believe that libertarianism can be stated as a simple and convincing moral principle from which everything else follows. Popular candidates are "It is always wrong to initiate coercion" and "Everyone has the absolute right to control his own prop-

erty, provided that he does not use it to violate the corresponding rights of others." If they are right, then the obvious way to defend libertarian proposals is by showing that they follow from the initial principle. One might even argue that to defend libertarian proposals on the grounds that they have desirable consequences, as I have done in *The Machinery of Freedom*, is not only a waste of time but a dangerous waste of time, since it suggests that one must abandon the libertarian position if it turns out that some coercive alternative works better.

One problem with deducing libertarian conclusions from simple libertarian principles is that simple statements of libertarian principles are not all that compelling. Lots of people are in favor of initiating coercion. Despite occasional claims to the contrary, libertarians have not yet produced any proof that our moral position is correct.

A second problem is that simple statements of libertarian principle taken literally can be used to prove conclusions that nobody, libertarian or otherwise, is willing to accept. If the principle is softened enough to avoid such conclusions, its implications become far less clear. It is only by being careful to restrict the application of our

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principles to easy cases that we can make them seem at the same time simple and true.

The easiest way to demonstrate this point is with a few examples. In order to define coercion, we need a concept of property—some way of saying what is mine and what is yours. The usual libertarian solution includes property rights in land. I have the absolute right to do what I want on my land, provided that I refrain from interfering with your similar right on your land.

But what counts as interfering? If I fire a thousand megawatt laser beam at your front door I am surely violating your property rights, just as much as if I used a machine gun. But what if I reduce the intensity of the beam—say to the brightness of a flashlight? If you have an absolute right to control your land, then the intensity of the laser beam should not matter. Nobody has the right to use your property without your permission, so it is up to you to decide whether you will or will not put up with any particular invasion.

So far many will find the argument convincing. The next step is to observe that whenever I turn on a light in my house, or even strike a match, the result

is to violate the property rights of my neighbors. Anyone who can see the light from his own property, whether with the naked eye or a powerful telescope, demonstrates by doing so that at least some of the photons I produced have trespassed onto his property. If everyone has an absolute right to the protection of his own property then anyone within line of sight of me can enjoin me from doing anything at all which produces light. Under those circumstances, my "ownership" of my property is not worth very much.

A similar problem arises with pollution. Libertarians sometimes claim that since polluting the air over anyone else's property is a violation of his property rights, pollution can be forbidden in a libertarian society except when the polluter has the consent of the owners of all affected land. This argument is used to attack schemes such as effluent fees, which are designed to limit pollution to its economically efficient level—the point at which further reductions cost more than they are worth—but not to eliminate it. (See Chapter 26 of *Machinery of Freedom* for my discussion of this proposal.)

Here again, the problem is that an

absolute right to control one's property proves too much. Carbon dioxide is a pollutant. It is also an end product of human metabolism. If I have no right to impose a single molecule of pollution on anyone else's property, then I must get the permission of all my neighbors to breathe. Unless I promise not to exhale.

The obvious response is that only significant violations of my property rights count. But who decides what is significant? If I have an absolute property right, then I am the one who decides what violations of my property matter. If someone is allowed to violate my property with impunity as long as he does no significant damage, we are back to judging legal rules by their consequences.

A similar problem arises if we consider effects that are small not in size but in probability. Suppose I decide to play Russian roulette, with one small innovation; after putting one cartridge in my revolver and spinning the cylinder, I point it at your head instead of mine before pulling the trigger. Most people, libertarian or otherwise, would agree that you have every right to knock the gun out of my hand before I pull the trigger. If doing something to someone (in this case shooting him) is coercive, then so is an action that has some probability of doing that something to him.

But what if the revolver has not six chambers but a thousand or a million? The right not to be coerced, stated as an absolute moral principle, should still apply. If libertarianism simply consists of working out the implications of that right, then it seems to imply that I may never do anything which results in some probability of injuring another person without his consent.

I take off from an airport in a private

plane with a cruising radius of a thousand miles. There is some (small) probability that my instruments will fail, or I will fall asleep, or for some other reason I will go wildly off course. There is some probability that the plane, having gone off course, will crash. There are things I can do which will reduce these probabilities, but not to zero. It follows that by taking off I impose some (small) probability of death and destruction on everyone through whose roof I might crash. It seems to follow from libertarian principles that before taking off I must get permission from everyone living within a thousand miles of my starting point.

I am not claiming that libertarians who argue from rights rather than from consequences believe that you cannot light a match on your own property, or fly an airplane, or breathe out; obviously they do not. My point is that simple statements of libertarian rights taken literally lead to problems of this sort.

One can avoid such results by qualifying the statements: saying that they apply only to "significant" violations of my rights, or violations that "really injure" me, or that by breathing and turning on lights and doing other things that impose tiny costs on others I am implicitly giving them permission to do the same to me. But once one starts playing this game one can no longer use rights arguments to draw clear conclusions about what should or should not happen. People who believe in taxes can argue just as plausibly that taxes do not really injure you, since the benefits they produce more than make up for the cost, or that everyone implicitly consents to taxes by using government services.

The longer I have thought about these issues, the more convinced I have become that arguments about fundamental moral principles do not provide answers to enough important questions. In particular, they provide no answer, and no way of getting an answer, to a whole range of questions about where to draw lines. It seems obvious that we want

property rules that prohibit trespass by thousand megawatt laser beams and machine-gun bullets but not by flashlights and individual carbon dioxide

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*Most libertarians believe that a libertarian society is both just and attractive. It is easy enough to claim that we are in favor of following libertarian principle whatever the consequences—given that we believe the consequences would be the most attractive society the world has ever known. But the claim that we put individual rights above everything else is, for most of us, false.*

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molecules. But how, in principle, do you decide where along that continuum the rights of the property owner stop? We want rules that prohibit me from demonstrating my marksmanship by shooting a rifle at flies hovering around your head but do not prohibit all airplane flights. We want rules that prohibit trespass by elephants but not by satellites orbiting three thousand miles over my roof.

One tempting approach to such issues is to try to go back to the origin of property in land. If we knew how I acquired ownership of land, we might also know what that ownership consists of. Unfortunately, we do not know how I acquired ownership of land. John Locke, several centuries ago, suggested that we acquire land by mixing our labor with it, but he did not explain how, when I clear a piece of forest, I acquire not only the increased value due to my efforts but complete ownership over the land. How, in particular, do I acquire the right to forbid you from walking across the land—something you could have done even if I had never cleared it? Later libertarian theorists have suggested other grounds for establishing ownership in land, such as claiming it or marking its boundaries. But no one, so far as I know, has presented any convincing reason why, if land starts out belonging equally to everyone, I somehow lose my right to



"I agree that he's a creep, but we have to have *some* form of government, don't we?"

walk on it as a result of your loudly announcing that it is yours.

It is easy enough to show reasons why the conversion of common property into private property is a good thing—why it makes us better off—but it is very much harder to derive property in land from some *a priori* theory of natural rights. That is why, at the beginning of *The Machinery of Freedom*, I conceded that the basis of property in unproduced resources such as land is shaky, and argued that it does not matter very much, since only a small fraction of the income of a modern society is derived from such resources.

The problems I have discussed so far are all associated with the definition of property rights to land. A host of similar problems arise in specifying the rules of a legal system designed to enforce libertarian rights in a libertarian way. A criminal trial rarely if ever produces a certainty of guilt. If you jail (or fine) someone after concluding that there is a 98 percent chance that he has committed a crime, there remains a two percent

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*The problem is that an absolute right to control one's property proves too much. If I have no right to impose a single molecule of pollution on anyone else's property, then I must get the permission of all my neighbors to breathe. Unless I promise not to exhale.*

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chance that you are violating the rights of someone who is innocent. Does that mean that you can never punish anyone unless you are a hundred percent certain he is guilty? If not, how in principle do libertarian moral principles tell you what degree of proof should be necessary for conviction and punishment?

Once someone is convicted, the next question is what you can legitimately do to him. Suppose I have stolen a hundred dollars from you. If all you are allowed to do is take your money back, then theft is an attractive profession. Sometimes I am caught and give the money back, sometimes I am not caught and keep it. Heads I win, tails I break even.

In order to prevent theft, you must

be able to take back more than was stolen. But how much more? When I raised that question once in a talk to a libertarian audience, I was told that it had already been answered by a prominent libertarian—you are entitled to take back exactly twice what is stolen. That was many years ago, but nobody yet has given me a reason why it should be twice. Two is a nice number, but so is three, and there may be much to be said for four, or ten, or a hundred. The problem is not to invent answers but to find some way of deriving them.

### Unwanted Consequences of Libertarian Rights

I could continue with a wide range of other problems for which the natural rights approach to libertarianism offers, so far as I can tell, no solution. I would prefer instead to suggest a different criticism of that approach. Even if we ignore situations that involve vanishingly small rights violations, the usual statements of libertarian principle imply conclusions that almost nobody, libertarian or otherwise, believes in.

Consider the following example. A madman is about to open fire on a crowd; if he does so numerous innocent people will die. The only way to prevent him is to shoot him with a rifle that is within reach of several members of the crowd. The rifle is on the private property of its legitimate owner. He is a well known misanthrope who has publicly stated on numerous occasions that he is opposed to letting anyone use his rifle without his permission, even if it would save hundreds of lives.

Two questions now arise. The first is whether members of the crowd have a right to take the rifle and use it to shoot the madman. The answer of libertarian rights theory, as I understand it, is no. The owner of the rifle is not responsible for the existence of the madman, and the fact that his rifle is, temporarily, of enormous value to other people does not give them a right to take it.

The second question is whether it is desirable that someone take the rifle and use it to shoot the madman—whether, to put it more personally, I wish that someone do so, or whether I would rather see the members of the crowd stand there and be shot down. The answer to this question seems equally unambiguous. If someone takes the rifle, there is a relatively minor violation of the legitimate

rights of its owner; if no one does, there is a major violation of the legitimate rights (not to be killed) of a large number

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*Libertarian theorists have suggested other grounds for establishing ownership in land, such as claiming it or marking its boundaries. But no one has presented any convincing reason why I somehow lose my right to walk on it as a result of your loudly announcing that it is yours.*

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of victims—plus a substantial cost in human life and human pain. If asked which of these outcomes I would prefer to see, the answer is obviously the first.

This result is not, in any strict sense, paradoxical. An outcome may be desirable even though there is no morally legitimate way of achieving it. Indeed, this possibility is implied by Robert Nozick's idea of viewing libertarian rights as "side constraints" within which we seek to achieve some objective; the constraints would be irrelevant unless there were some circumstances in which we could better achieve the objective by ignoring them.

While not in any strict sense paradoxical, the result is, at least to me, an uncomfortable one. It puts me in the position of saying that I very much hope someone grabs the gun, but that I disapprove of whoever does so.

One solution to this problem is to reject the idea that natural rights are absolute; potential victims have the right to commit a minor rights violation, compensating the owner of the gun afterwards to the best of their ability, in order to prevent a major one. Another is to claim that natural rights are convenient rules of thumb which correctly describe how one should act under most circumstances, but that in sufficiently unusual situations one must abandon the general rules and make decisions in terms of the ultimate objectives which the rules were intended to achieve. A third response is to assert that the situation I have described cannot occur, that there is some natural law guaranteeing that rights violations will always have bad

consequences and that committing one rights violation can never decrease the total of rights violations.

All of these positions lead to the same conclusion. Under some circumstances rights violations must be evaluated on their merits, rather than rejected *a priori* on conventional libertarian natural rights grounds. Those who believe that rights violations are always undesirable will be sure that the result of the evaluation will be to reject the violation, but that does not mean that they can reject arguments to the contrary without first answering them. Any such argument claims to provide a counterexample to their general theorem, and if one such counterexample is true the general theorem must be false.

I have made my point so far in terms of an issue created for the purpose; whether or not to steal rifles in order to shoot madmen is not a burning issue in libertarian (or other) circles. I will now carry the argument a step further by defending one of the particular heresies which, it is widely believed, no libertarian can support—that under some conceivable circumstances a draft would be desirable.

Suppose we are threatened with military conquest by a particularly vicious totalitarian government; if the conquest is successful we shall all lose most of our freedom and many of us will lose our lives. It is claimed that only a draft can protect us. Two replies are possible. The first is that since coercion is always wrong we should reject the draft whatever the consequences. I have tried to show that that answer is not satisfactory—at the most it should lead us to refuse to enforce a draft ourselves while hoping that someone with fewer principles imposes one for us. Temporary slavery is, after all, better than permanent slavery.

The other possible reply is to deny that the draft is necessary. This can be done in many ways. The economist is inclined to argue that collecting taxes in cash and using them to hire soldiers is always more efficient than collecting taxes in labor; the moralist may claim that a society whose members will not voluntarily defend it is not worth defending. I have myself used the first argument many times; I believe that in the circumstances presently facing the U.S. it is correct. But the question I am currently concerned with is not whether

under present circumstances, or even under likely circumstances, a draft is desirable. The question is whether under any conceivable circumstances it could be.

The answer is yes. Imagine a situation in which the chance of a soldier being killed is so high that a rational individual who is concerned chiefly with his own welfare will refuse to volunteer even at a very high wage. Imagine fur-

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*Utilitarianism is a possible moral rule, but it is not one that I am willing to accept. Why? For the same reason that I reject all simple statements of libertarianism—because I can construct hypothetical situations in which it seems clear to me that the rule gives the wrong answer.*

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ther that the percentage of the population required to defeat the enemy is so large that there are simply not enough patriotic, or altruistic, or adventure-loving, or unreasonably optimistic recruits available; in order to win the war the army must also include selfish individuals with a realistic view of the costs and benefits to themselves of joining the army. Recruiters and preachers will of course point out to such individuals that "if everyone refuses to fight we will be conquered and you will be worse off than if everyone volunteers to fight." The individual will reply, correctly, that what he does does not determine what everyone else does. If everyone else volunteers, he can stay safely at home; if nobody else volunteers and he does, he will almost certainly be killed and if not killed will be enslaved.

Under such circumstances, an army could be recruited without a draft by paying very high salaries and financing them with taxes so high that anyone who does not volunteer starves to death. The coercion of a tax is then indistinguishable from the coercion of a draft. While a libertarian may still argue that to impose either a draft or a tax is immoral and that he himself would refuse to do so, I find it hard to see how he can deny that, under the circumstances I

have hypothesized, he would rather see himself and everyone else temporarily enslaved by his own government than permanently enslaved by someone else's.

The point of this argument is not that we should have a draft. As it happens, I not only believe that under present circumstances a draft is a bad thing, I also believe that if the government has the power to impose a draft it is very much more likely that it will use it when it should not than that the rather unlikely circumstances I have described will occur. That is, however, a practical argument, and one that might depend on the particular circumstances of a particular time and place; it is not an argument of principle that would apply everywhere and everywhen.

Perhaps what these examples show is not that we cannot accept a simple statement of libertarian principle but only that I picked the wrong one. Perhaps we should replace a statement about what one should do ("never initiate coercion") with a statement about what one objective one should seek ("do whatever minimizes the total amount of coercion"). Both seizing the rifle and imposing a draft are then, in the particular circumstances I have described, not only consistent with libertarian principle but required by it.

While I cannot speak for libertarians, I find that this version of libertarianism does not always fit my moral intuition. Suppose the only way I can stop someone from stealing two hundred dollars from me is by stealing your hundred-dollar rifle (which you are unwilling to lend or sell me) and using it to defend myself. The result is to reduce the total amount of coercion, at least if we measure amount by value of what is stolen. Yet it seems, at least to me, that stealing the rifle is still wrong.

A second problem with this approach is that it is of no help when we must choose between a small cost in coercion and an enormous cost in something else. Suppose you happen to know that everyone in the world is going to die tomorrow (by some natural catastrophe, say the earth colliding with a large asteroid), unless you prevent it. Further suppose that the only way to prevent it involves stealing a piece of equipment worth a hundred dollars from someone who, in your opinion, rightfully owns it. Your choice is simple: I



violate libertarian principles by stealing something or let everyone die.

What do you do? You cannot justify stealing as a way of minimizing total coercion. Being killed by an asteroid is not coercion, since it is not done by a person. After the asteroid strikes there will be no more coercion ever again, since there will be no one left to either coerce or be coerced.

Speaking for myself, the answer is that I steal. When I put such questions to other libertarians, one common response is a frantic attempt to reinterpret the problem out of existence. One example might be the reply that, since the person you are stealing from will himself be killed if you do not take the device, he would be in favor of your taking it, so you are not really stealing—you are using the device in the way he would want you to if he knew what you know. Another response might be that you should not steal the equipment because your belief that doing so will save the world may be wrong.

All such evasions are futile. I can always alter the assumptions to force the issue back to its original form. Perhaps the owner of the device agrees that using it is necessary if the world is to be saved, but he is old, tired of living, and not very fond of his fellow humans. Perhaps the situation is so clear that everyone agrees that without your act of theft we shall all die.

Our response to such questions demonstrates that we do not really believe in simple single values. Most libertarians, myself among them, believe that a libertarian society is both just and attractive. It is easy enough to claim that we are in favor of following libertarian principle whatever the consequences—given that we believe the consequences would be the most attractive society the world has ever known. But the claim that we put individual rights above everything else is, for most of us, false. Although we give some value, perhaps very great value, to individual rights, we do not give them an infinite value. We can pretend the contrary only by resolutely refusing to consider situations in which we might have to choose between individual rights and other things that are also of great value.

My purpose is not to argue that we should stop being libertarians. My purpose is to argue that libertarianism is not a collection of straightforward and

unambiguous arguments establishing with certainty a set of unquestionable propositions. It is rather the attempt to apply certain economic and ethical insights to a very complicated world. The more carefully one does so, the more complications one is likely to discover and the more qualifications one must put on one's results.

### Utilitarianism And All That

Though there is no obvious logical inconsistency in a moral principle that implies that nobody should be permitted to breathe, it is not a principle that many people are likely to accept.

One possible response is that—contrary to the conclusion of the foregoing argument—libertarianism is an absolute principle, an ultimate value which cannot be overridden, but that it is not adequately expressed by the simple statements I have been attacking. If those statements are only approximations to a much more complicated and subtle description of libertarian principle, it is hardly surprising that the approximation sometimes breaks down in difficult situations.

This is a view with which I have a good deal of sympathy, but consider to be not very useful for answering real-world questions, at least until someone manages to produce an adequate statement of what libertarian principles really are. Moral philosophy is a very old enterprise and its rate of progress has not been rapid in recent centuries, so I do not plan to hold my breath while I wait.

A second response, and one with which I also have a good deal of sympathy, is that there are a number of important values in the world. They cannot be arranged in any simple hierarchy, or at least are not going to be any time soon. Individual liberty is an important value in and of itself, not merely as a means to happiness, so we should not be willing to sacrifice large amounts of it in exchange for small amounts of happiness. But liberty is not the only value, nor is it infinitely important compared to other values, so we should not be willing to sacrifice unlimited amounts of happiness for small gains in liberty.

A third possibility is that the conflict between libertarian and utilitarian values is only apparent. Perhaps there is some deep connection between the two, or that libertarian ethics, properly

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understood, is the set of rules that leads to the maximum of human happiness. The counterexamples given in the previous section must then be interpreted as some combination of mistakes about what is possible—for some reason those situations could not arise in the real world—and mistakes about what is implied by a correct statement of libertarian principle. Something along these lines seems to be suggested by the arguments of those libertarian philosophers who claim to get their principles not by generalizing from what seems right or wrong to them but by deducing what set of rules is appropriate to the nature of man.

One argument in favor of this approach is that it fits the observation that libertarianism and utilitarianism, while quite different in principle, frequently lead to the same conclusion. Through most of *The Machinery of Freedom* I used utilitarian arguments to justify libertarian conclusions. By doing so, I provided evidence that the potential conflicts between the two approaches which I discussed in the previous chapter are the exception rather than the rule. In Chapter 31 I tried to show that the institutions of anarcho-capitalism would tend to create libertarian laws. A key step in that argument was my claim that the value to individuals of being able to run their own lives is typically greater than the value to anyone else of being able to control them—or in other words, that increases in liberty tend to increase total utility.

A fourth possibility, and the last I will consider, is that libertarianism is wrong and we should accept utilitarianism instead. According to the strict utilitarian position, rules, actions, ethics, must be judged solely by their effect on the sum (some utilitarians would say the average) of human happiness. Whatever increases happiness is good; whatever decreases it is bad. Libertarian principles are then valued only as a means, a set of rules that frequently lead to increases in total utility and should be rejected when they do not. This again is a possible interpretation of arguments that claim to derive libertarian principles from the nature of man, although not, in my experience, an interpretation that those who make such arguments are willing to accept.

One argument against utilitarianism is that it cannot be a correct moral rule

because there is no way we can tell whether we are following it. We cannot observe other people's utility and are therefore unable to judge what will increase it. Even if we could observe individual utilities, we do not know how to compare the utility of different people and so have no way of judging whether a gain in happiness to one person does or does not balance a loss to another.

I find this argument unconvincing. Consider the act of buying a present. If you really have no knowledge at all about what makes other people happy, then buying a present is pure guesswork; you might just as well open a page of the Sears catalog at random,

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throw a dart at it, and buy whatever you hit. Nobody believes that; if we did, we would not buy presents.

Consider a court awarding damages. If we really know nothing at all about other people's utility, how can a court decide how much someone owes me for breaking my arm? For all the judge knows, I enjoyed having my arm broken. Assuming that I disliked it, he has no way of knowing whether my disutility for a broken arm is measured by a penny or a billion dollars.

We give presents and award damages, and we do not believe that other people's utility is entirely unobservable. What we do believe, or at least what many of us believe, is that each of us knows more about his own values than most other people do, and that people are therefore usually better off deciding what they want for themselves. That is one of the main arguments in favor of a free society. It is a long step from that to the claim that we know nothing at all about other people's values.

Even if we were entirely unable to observe other people's values, that

would not necessarily prevent us from constructing a society designed to maximize total utility. Each person knows his own values, so all of us put together know everybody's values. In order to maximize the total utility of the society, we would construct rules and institutions that utilized all of that information via some sort of decentralized decision-making system, with each person making the decisions that require the particular knowledge he has.

This is not, of course, merely an abstract possibility. One of the strongest arguments in favor of letting people interact freely in a market under property rights institutions is that it is the best known way to utilize the decentralized knowledge of the society—including the knowledge that each individual has about his own values. The field of welfare economics largely consists of the analysis of the rules that lead to optimal outcomes under specified circumstances, where the outcomes are evaluated in terms of the preferences of the individuals concerned. One originator of modern economics, including much of welfare economics, was Alfred Marshall, an economist and utilitarian who viewed economic theory in part as a way of figuring out how to maximize total utility.

Even if individual preferences can be observed, either directly or as reflected in actions, we are still left with the problem of comparing them. How can we say whether something that makes one person worse off and another better off produces a net increase in human happiness?

The answer, I believe, is that we may not be able to make such comparisons very well or describe clearly how we make them, but we still do it. When you decide to give ten dollars' worth of food and clothing to someone whose house has just burned down instead of sending a ten-dollar check as an unsolicited gift to a random millionaire, you are expressing an opinion about which of them values the money more. When you decide where to take your children for vacation, you are making a complicated judgment about whether their total happiness will be greater camping in a forest or wading on the seashore. We cannot reduce the decision to a matter of precise calculation, but few of us doubt that the unhappiness A gets from the prick of a pin is less than the unhappi-

ness B gets from being tortured to death.

Utilitarianism is a possible moral rule. The difficulties of applying it to real world problems are substantial, but so are the difficulties of applying an alternative rule such as minimizing coercion. One would face very similar problems in defining and measuring the amount of coercion and in judging the trade-off between increased coercion for one person and decreased coercion for another.

Utilitarianism is a possible moral rule, but it is not one that I am willing to accept. Why? For the same reason that I reject all simple statements of libertarianism—because I can construct hypothetical situations in which it seems clear to me that the rule gives the wrong answer.

You are the sheriff of a small town plagued by a series of particularly brutal murders. Fortunately, the murderer has left town. Unfortunately, the townspeople do not believe the murderer has left, and will regard your assertion that he has as an attempt to justify your own incompetence in failing to catch him.

Feeling is running high. If no murderer is produced, three or four innocent suspects will get lynched. There is an alternative. You can manufacture evidence to frame someone. Once he has been convicted and hung, the problem will be gone. Should you do it?

On utilitarian grounds, it seems clear that the answer is yes. You are killing an innocent person but saving several—and you have no reason to believe that the one you kill values life any more than the ones you save. You yourself may receive disutility from knowing that you have framed an innocent man—but if it gets bad enough you can always kill yourself, leaving profit of at least one life's worth of utility.

I am not willing to accept the conclusion. In an earlier hypothetical, I said that I would steal; in this one, I would not frame. To save a million lives, perhaps, but for a net profit of one or two, no. It follows that I am not a utilitarian.

Although I reject utilitarianism as the ultimate standard for what should or should not happen, I believe that utilitarian arguments are usually the best way to defend libertarian views. While most people do not believe that maximizing human happiness is the only thing that matters, most do believe that

human happiness is important. Libertarians are not the only ones who avoid conflicts by believing that the system they favor works both morally and practically. To the extent that I can show that a particular libertarian proposal—abolition of heroin laws, or minimum wage laws, or all government—produces attractive results, I have an argument which will have some weight in convincing almost anyone to support it.

So one reason to base my arguments on consequences rather than justice is that people have widely varying ideas about what is just but generally agree that making people happy and prosperous is a good thing. If I argue against heroin laws on the grounds that they violate the addicts' rights, I will convince only other libertarians. If I argue that drug laws, by making drugs enormously more expensive, are the chief cause of drug-related crime, and that the poor quality control typical of an illegal market is the main source of drug-related deaths, I may convince even people who do not believe that drug addicts have rights.

A second reason to use practical rather than ethical arguments is that I know a great deal more about what works than about what is just. This is in part a matter of specialization; I have spent more time studying economics than moral philosophy. But I do not think that is all it is. One reason I have spent more time studying economics is that I think more is known about the consequences of institutions than about what is or is not just—that economics is a much better developed science than moral philosophy.

If so, the implications are not limited to the best choice of arguments with which to convince others. In the previous sections I gave a long list of questions which I saw no way of using libertarian principles to answer. The truth may be that they are all questions that can, at least in principle, be answered by using economic theory to discover what rules maximize human happiness. If so, then economics is not only a better way of persuading others. It is also a better way of figuring out what I myself am in favor of. □

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## Contention

# The Theology of Ecology

by Robert Formaini

Though the debate that has raged in these pages has encompassed several points of view, Mr. Formaini suggests that it has yet to meet the *real* challenge: dealing with the true nature of environmentalism.

I have been both amused and bemused by the articles in *Liberty* dealing with the environment. Some have argued that ecologic concerns provide evidence that strong state action is needed. The responses to these criticisms have been the expected market-oriented models for dealing

with the pollution problems. I suspect that the authors on both sides, as well as the readers, have remained unmoved by each other's arguments and suggestions.

Why? It is not that libertarians are split between those who wish to despoil the environment by any means possible and those who wish to preserve it. Neither is it an issue of emotional diatribes versus the cool application of reasoned scientific and economic analyses. At root the conflict is not resolvable because both sides either have explicitly or implicitly accepted the same fallacious environmental model. The contentions that follow from application of this model, while they drive debate and policy, really are good for little save propagandizing on behalf of a particular set of presently held beliefs.

My old friend Murray Rothbard has it quite right, and his columns are entertaining jousts at demolishing the modern buncombe foaming from within the so-called "environmental movement." Yet even Murray argues as if he has implicitly accepted the worldview of a small, powerful minority of modern western intellectuals. One cannot refute these individuals (for reasons that will be discussed below). One either agrees with their view or not. It is my conten-

tion that, should you agree with their model, you cannot then legitimately label yourself as libertarian. The sooner we make this point and the sooner these individuals move on to their final political destinations, whatever they may be, the better off libertarianism will become by virtue of their voluntary departures.

It's not that I am opposed to diverse views on important issues. Rather, it is that I oppose mundane, idiotic blather—blather that I can hear from any random citizen, or on my television set at any hour of the day—masquerading as concerned libertarian theorizing and projected policy. The time has come to end all this nitpicking nonsense and get on with other, and more important, matters.

### The Model

The theological underpinning of the modern environmentalist argument is a collection of axioms, postulates, propositions and pronouncements constituting the modern religion known as "ecology." There is, of course, nothing inherently wrong with the science of ecology. It's just that some ecologists and their media shills have instigated a

whole panoply of modern regulatory interventions.

Remarkably, despite the explosive growth of this endeavor, evidence has not been as strong for the ecological model's apocalyptic, propagandistic press releases as the media, politicians, consultants, bureaucrats, and assorted public interest "non-profit" voices of doom would have us believe. In fact, every single tenet of the environmentalist faith is questionable, both theoretically and empirically.

What do environmentalists believe?

Firstly, that the world as we know it is a vast, mysteriously interconnected organism whose survival rests upon the survival of *all* its parts in forms now extant. This accounts for all the blather about "endangered species," with the concomitant claim that no one animal can be allowed to depart this vale of tears lest it take us with it by some incredibly complex process of interdependency. Thanks to the wonders of modern moviemaking, we can name this the *Star Trek IV* Axiom.

Secondly, there is an implicit proposition that ours was once a pristine, unspoiled planet, where "nature" always took care to maintain the "ecological

balance" but which has been forever despoiled by destructive humans. This destruction has proceeded so far that "we probably have lost the planet."<sup>1</sup>

Growing out of the foregoing state-of-nature perfection is the argument that everything that is "natural" is good, while manmade existents are "artificial" and, therefore, must be "unnatural" and bad. Faced with the chemical fact that there is simply no difference between manmade and naturally occurring compounds, the environmentalist will begin whispering something about mysterious "trace elements," and their alleged "unnatural" badness.

What is the worst single thing in nature? Advocates of the environmental model claim, without hesitation or doubt, that it is *human beings*. Not all human beings come in for the same amount of abuse, of course. The closer a society or a "people" are to abject poverty and total primitivism, the higher on the environmentalist's toleration scale they will rank. This is because of the

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perfection of the state of nature myth they believe with all their energies. Naturally (no joke intended), this is trite, platitudinous buncombe. But nonetheless, environmentalists weep large tears for the disappearing primitive societies as well as for the disappearing endangered species.

All development must be suspect, since it artificially alters the natural environment. It's probably just a coincidence that the primary targets of environmental action are people and companies who are trying actually to produce something besides the hot air that is euphemistically termed "environmental impact statements." What total nonsense and waste of taxpayer funds!

But environmental regulation is an unequal opportunity employer, requiring vast amounts of the very type of "work" supplied, primarily, by already affluent upper middle class whites. You know the kind of stuff I mean: computer modeling, consulting, legal challenges and defenses, political lobbying, media releases, organizing . . . in short, Yuppie high-tech heaven! There's gold in them there hills . . . and valleys . . . and streams. But not, of course, for development or profit. That would be, well, so base.

All of this activity is designed, so I have been told, to "protect the environment." From what? From the wrong kind of humans—from those who wish to live as humans typically do once they have discovered that technology provides a way of beating the insufferable naturalness of nature! This transformation of our environment is called, by those who have failed to absorb the enlightened environmental message, "civilization." It is precisely the program of the environmental paradigm to repeal civilization in the name of helping its already happy beneficiaries. Naturally, this has to be done "for our own good" because, left to our own devices, most of us just would not understand why it is necessary to spend vast amounts of our tax money on inconsequential "species" of insects, rodents, or other such vermin.<sup>2</sup>

The remaining parts of the modern environmental model are blind faith in government regulations and hysterical press releases designed to augment that regulation. Take any random data set. Mix well with one or two ecologists and a computer model of "the environment." Add every dark interpretation possible. Shake well and pour for the friendly, local media hucksters to sell to the gullible public. Forget the traditional Saturday night horror movie. Just watch the evening news or *60 Minutes* for the latest terror from your local chemical plant or oil tanker. Now repeat after me: "My God, we are losing the planet!"

Naturally, all this hysteria is advertising for the primary products sold by the largest growth industry in America, environmentalism.<sup>3</sup> The hysteria is designed to put regulation in place regardless of whether it will work on the grounds that "at least, we are trying to do something." Also, it is designed to

foster guilt in people so they will not resist further encroachments on their liberty, since the encroaching is done "for the good of all." Naturally pure buncombe. The single fastest way to become scientifically misinformed is to get your information about environmental issues

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from television or mass circulation publications. But then, that's true of all issues.

The writers who have answered the standard environmental hysteria have done so by taking up two lines of defense, neither of which can ever be decisive. Firstly they argue, as Rothbard does ("Greenhouse defects," *Liberty*, January 1989), that each single hysterical charge is precisely that: hysteria. The Greenhouse Effect is not really occurring, nor is the "hole" in the ozone layer and besides, absolutely no one was injured at Love Canal, and even if they were it was the fault of the Niagara Falls school board.<sup>4</sup>

The alternative approach also argues on the environmentalists' home court, and was taken by Jane Shaw ("Private Property: Hope for the Environment," November 1988). "Don't worry," this reply counsels, "neoclassical economics can design mechanisms that will clean the environment efficiently, lead to optimal use of resources, and all of this can be accomplished, not by government regulation, but by free markets."

Talk about buncombe! Markets will never do the sort of things that environmentalists attempt to achieve through government regulations. The reason, quite simply, is that markets reflect indi-

vidual choices and, with the exception of a small minority, individuals simply do not share the environmental model the regulators believe in with such evangelical fervor. A libertarian order can only handle real, verifiable environmental issues, not the impossible demands of religious zealots.

### Back To Basics

If we begin by wiping the slate clean and rejecting the entire environmentalist model, things become much, much easier to understand and correct. In the first place, there was no utopian past without pollution and there will be no such place in our future. Zero pollution is a meaningless concept, as are such catchy but scientifically irrelevant concepts as "clean air." Further, no one has a right to any particular air, water or any other thing not totally within human control mechanisms. Such a positive entitlement program is just another promise that government cannot deliver, and to suggest otherwise is to burden intelligent persons with trite, sophistic nonsense not suitable even for high school debates.<sup>5</sup> Most of the so-called environmental problems can be solved within a libertarian framework precisely because we are the only political movement that takes property rights seriously. We can, of course, call certain types of property disputes "environmental" so long as we are clear about what exactly we are talking about.

The planet is neither lost nor is it going to be, at least not because of human mismanagement. In fact, the capacity of the natural environment to alter itself is impressive, which is the main reason that no entitlement right is possible. I believe one of the problems

with this model is that the word "the" always appears before the word "environment," as if there were only one, single entity and every new blow cripples this entity further. Each new, weekly crusade concocted by environmental groups charges that episodes in one place threaten to destroy the entire earth. Such hyperbole is, of course, the common link between all the various factions in this business.

Naturally, such claims are susceptible to the severest scientific criticisms. Yet scientists often get on the band wagon themselves in order to receive fame and money.<sup>6</sup> Virtually every claim, no matter how absurd, has the sincere efforts of its very own C. Everett Koop-type scientist(s). As long as people are willing to believe the "disaster of the week," our policy debates will remain unproductive. All this stuff has happened prior to this week, and we are still here. In fact, the heating/cooling of the earth hysteria dates back at least to the 1930's. Yet, more than a half-century later, the supporting evidence remains underwhelming.

What I am saying is this: the environmental-science-regulation model now in place is, to be charitable, the purest of bunk. Every new major disaster trial balloon follows what I will term the Rachel Carson Model of Social Change Through Induced Mass Hysteria. Just as *Silent Spring's* total madness was pseudo-scientific claptrap and advocacy disguised as disinterested scientific investigation, so every new hysterical "discovery" is hyped without apology or embarrassment by overactive morons claiming to present informed public opinion. I submit that no call for "market-based solutions" can withstand this

sort of constant pressure, no matter how rational such an approach might appear on paper.

After all, genetic engineering is something worthy of human pursuit. Try and tell that to Jeremy Rifkin and the hysteria brigade!<sup>8</sup> When it comes to hysterical buncombe, I always turn to good ol' Jer and his foot-

noted, breathless doom pieces!

Not only are the crises mostly bogus, the so-called solutions are not to be believed. Just give governments totalitarian control over production, and everything will be great for the

---

*Markets will never do the sort of things that environmentalists attempt to achieve through government regulations. The reason, quite simply, is that markets reflect individual choices and, with the exception of a small minority, individuals simply do not share the environmental model the regulators believe in with such evangelical fervor.*

---

environment. At this point, even little children roll their eyes. Yet our newer, more modern, more "concerned" libertarians lie awake nights and question their belief that the state *causes*, rather than *cures*, problems. If a person were to approach these doubters at a cocktail party and advocate central planning, one-world socialism, totalitarian control of individual action and technocracy our heroes would, perhaps, set them straight. Yet when all this same nonsense is trotted out under the rubric of "saving the world environment," their knees weaken and they succumb without a struggle! I guess decades of daily propaganda works as well on libertarians as it does on anybody else. As I wrote these lines, so help me, the radio informed me about three oil spills, and an EPA study that "proves" that corporations are trying to murder all of us with their "toxic" emissions. Gee whiz. I guess it's time to admit that the Left has been right all along on this issue? After all, "no one is safe" and "we are losing the planet."

### Coda

As they are wont to mutter around the offices of *National Review*, "who says A must also say B."<sup>9</sup> In the context of the environmental debate, he who adopts his opponents' model will wind up adopting his opponents' conclusions as well. It is the entire basic edifice of



"Oh heck — it's starting to rain!"



today's so-called "environmentalism" that carries the excess baggage of governmental intervention. Reject the model or be prepared to buy, and then to carry, the bags. □

## Notes

1. The words are those of Lester Brown, of *WorldWatch*, the media's favorite non-profit environmental guru. This man's record of prognostications is as accurate as most of the rest of the environmentalist movement's pronouncements. For more of his prophecies, see James Bovard's editorial page comment in *The Wall Street Journal* on Monday, June 26, 1989.
2. "Species" is a much more difficult/slippy concept than the average person has been led to believe. See William Tucker's *Progress and Privilege: America in the Age of Environmentalism* (Anchor Books, 1982) for a very useful discussion of this issue and many related issues.
3. If you doubt this, consider the new environmental package that is planned for Los Angeles and its costs. See "The Market for Clean Air," in *Insight* magazine, July 3, 1989. This is the environmentalist model in all its pristine glory . . . savor it as you think of *Atlas Shrugged* and what was once possible.
4. Debunking, such as that of Eric Zuesse in "Love Canal: The Truth Seeps Out," in *Reason* magazine (February, 1983), is nice and needed, but in the end will prove useless as a means for stopping, or even slowing, this movement. After all the news, documentaries, and TV movies no one believes it anyway. If you doubt this, try out the conclusions of Elizabeth Whelan's *Toxic Terror* (Jameson Books, 1985) or Edith Efron's *The Apocalyphtics* (Simon and Schuster, 1984) on the unconvinced. For that matter, try them out on some of the writers in *Liberty*.
5. The June 26 *Wall Street Journal* contains a heartwarming story on page A-10. It seems that the FBI doesn't spend all its time trying to get Pete Rose or dig up dirt on the latest nomination on Capitol Hill. My goodness, no. They also spend time flying over the federal government's weapons plants taking infrared photos to prove that the very entity many libertarians rely on to protect them from environmental harm is itself "murdering" its citizens with toxic wastes. Beyond that, it seems that the government has been engaged in environmental cover-ups that go back decades. Talk about Chernobyl.
6. See S. Fred Singer's "My Adventures in the Ozone Layer," in *National Review* (June 30, 1989) for a description of this process. The theological belief that "science" can measure

harmful existents and then protect us from them is central to the environmental religion. Yet, the ability of scientists to do these things is open to serious question. See my book *The Myth of Scientific Public Policy* (New Brunswick, N.J.: Transaction Books, 1989) forthcoming.

7. I am weary of the lies these people propagate in the "public interest." Whenever one of them admits he has lied for "our own good"—for instance, Paul Erlich admitted that, yes, he lied to us in his hysterical 1975 *The Population Bomb* . . . but only to get us into the labs to have vasectomies or whatever—I simply make a mental note never to take anything such a writer prints again seriously. The same attitude applies to any scientist I catch special pleading on behalf of any special interest(s). I can forgive error honestly proffered; I can never forgive mendacity.
8. At one point, this fanatic had the entire genetic engineering process in this country tied up in court. Now, after over a decade, the number of sanctioned products is still pitifully small, thanks to all the continuing law suits and regulations.
9. They mutter this in honor of the late James Burnham, but one gets the feeling that someone surely said this before he did. . . . Oh well, I'm too tired to research this.

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**FREEDOM DAILY**  
Vol. 1 January 1990 No. 1

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### A Message from FFF's Founder and President JACOB G. HORNBERGER



Socialism is morally and intellectually bankrupt. Under the guise of "order" and "security," millions of innocent people have been murdered or enslaved. Under the guise of "taxation" and "social justice," untold amounts of income and savings have been plundered and redistributed to the politically privileged. Having grasped the hearts and minds of the people of the world in the 20th century, socialism has left it in its wake death, miseries, poverty, desperation, hopelessness, and despair.

I have organized the Future of Freedom Foundation not only to show the bankruptcy of the socialist ideal but more importantly, to develop and promote the moral and intellectual foundations of the opposite ideal, FREEDOM. It is important first to count our blessings. Those of us who live in the United States are fortunate to reside in a society where, despite periodic exceptions, there is religious, intellectual, political, and civil liberty. We are free to worship or not without political interference; to read or publish virtually any thought, no matter how repugnant, without being censored; to replace our public officials through the peaceful means of the ballot box; to denounce our governmental officials without being imprisoned or put to death; to have the benefits of habeas corpus, trial by jury, the presumption of innocence, and other aspects of civil liberty. It is to the



**January 4, 1990 THURSDAY**

**BASTIAT** Life, liberty, production . . . in other words, individual liberty, property . . . this is man. And in spite of the cunning of artful political leaders, these three gifts from God precede all human legislation, and are superior to it. Life, liberty and property do not exist because men have made laws. On the contrary, it was the first that life, liberty, and property existed before-hand that caused men to make laws in the first place. *Frederic Bastiat*

**APPOINTMENTS**

AM

10:00 *Hazlitt*

PM

4:00 *Marye plans dinner*

The Future of Freedom Foundation

**January 5, 1990 FRIDAY**

**Lord John Acton born 1834**

**ACTON** Liberty is not a means to a higher political end. It is not for the sake of a good public administration that it is required, but for the security in the pursuit of the highest objects of civil society, and of private life. *Lord John Acton*

**APPOINTMENTS**

AM

9:30 *meeting with Paul*

PM

7:00 *Orbi's B&W*

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## Dispute

# Reconstructionists, Libertarians, and Dead Theologians

If writing should be judged by the amount of controversy it stirs up, then Jeffrey Tucker's review, "Puritanism Comes Full Circle" (*Liberty*, July 1989), is a masterpiece.

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### Capitalism, Catholicism and Reconstructionism

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#### A Reply to Jeffrey Tucker

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Gary North

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It is my deeply held belief that book reviews are supposed to be reviews of books. I realize that this startling view of book reviewing may sound strange to many readers, not to mention book reviewers, but it is my view. I offer no apologies.

Mr. Jeffrey Tucker reviewed my little book, *Puritan Economic Experiments*, and a fine review it was; I doubt that I could have done it that well myself. But a funny thing—funny peculiar, not funny ha ha—happened at the end of the review. The final two-thirds is a Roman Catholic critique of Christian Reconstructionism, the ideological Protestant movement that R. J. Rushdoony and I founded.

Unfortunately, Mr. Tucker is a much better book reviewer than he is an historian and theological commentator. I have no objections to seeing Mr. Tucker write theological essays. New converts to a religion can earn their spurs this way. It is quite traditional. But editors of libertarian journals need to be aware of hidden ecclesiastical agendas in such essays. These essays should be run in a special section, perhaps called "Theological Insights," and not be allowed to

masquerade as book reviews.

#### Natural Law: Dead and Alive

The springboard for Mr. Tucker's presentation of his lengthy theological critique was my brief reference—about one line—to Thomas Aquinas's negative impact on medieval economics. I also reject Aquinas's natural law defense of theology. As Mr. Tucker points out, I am not a natural law advocate. What he did not point out is that I am a follower of Calvinist philosopher Cornelius Van Til, who devoted his whole career to separating Christian theology and philosophy from all traces of natural right and natural law theory.

I not only reject Aquinas's natural law theology but am highly suspicious of the State-enhancing implications of his doctrine of the just price, given the use his successors made of it. One thing is sure: Aquinas followed Aristotle on the question of interest. He thought it should be illegal for a seller to set a selling price higher than his buying price, if the price hike was based exclusively on the passage of time.

Mr. Tucker treats me as if I had not done my homework on Aquinas. In my doctoral dissertation, from which my little book was derived, I devoted a chapter to medieval economic thought, much to the consternation of my dissertation advisor, E. S. Gaustad. I knew that there might be a Jeffrey Tucker waiting for me down the road, so I insisted on this

chapter's importance for the dissertation. Gaustad then consented. Nevertheless, in a 60-page, popularly written book on the New England Puritans, I did not reprint my 50-page chapter on medieval economic thought. I think readers can understand why; the book was not on Thomas Aquinas and medieval economic thought.

In that missing chapter I demonstrated this amazing fact: medieval social theorists were, believe it or not, *medieval*. (Hold the presses!) They were usually anti-profit, anti-business, and anti-commerce. Commerce was seen by most scholastic theologians as at best a necessary evil, a calling filled with con-

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*Medieval social theorists were, believe it or not, medieval. (Hold the presses!) They were anti-profit, anti-business, and anti-commerce.*

---

tinual moral temptations—more than in other professions—that must be resisted daily. The Roman Catholic Church was adamant about this, and only in modern times has it relented even slightly from this anti-business mentality; it still pervades all the Church's proclamations regarding the legitimacy of profit in an industrial society. I offer as evidence the last century of Papal pro-

nouncements on labor and capital. For every Jeffrey Tucker, there are a hundred Dorothy Days and Barbara Wards.

Mr. Tucker paints a picture of Thomas Aquinas as the Murray Rothbard of his day. But if Aquinas was the staunch defender of market liberty that Mr. Tucker says he was, how did it happen that the medieval world rejected such views until the sixteenth century? Even then, only the School of Salamanca seems to have rediscovered this long-neglected truth. This calls for a doctoral dissertation, or a lifetime of detailed publications, not a couple of throw-away paragraphs in a tirade disguised as a book review.

The fact is that Aquinas's doctrine of the just price was not coherent. What can we make of the following statement by him? "Now whatever is established for the common advantage, should not be more of a burden to one party than to another, and consequently all contracts between them should observe equality of thing and thing." (*Summa Theologica*, Ques. 77, Article 1, II-II). This confusion led to subsequent confusions among Aquinas's defenders, an observation made by Raymond de Roover in a neglected but important 1957 essay: "Joseph A. Schumpeter and Scholastic Economics," (*Kyklos*, vol. X, p. 132). The best of the late-medieval scholastics had no integrated theory of supply and demand, although the elements were there (p. 139). In an essay published the next year ("The Concept of the Just Price: Theory and Economic Policy," *Journal of Economic History*, XVIII [1958], p. 427), de Roover stated emphatically that Reformation economic theory was basically the same as scholastic theory with respect to the just price. With respect to the Puritans, he concluded that "they followed the traditional pattern, especially in the matter of price, and their approach to economic problems was entirely scholastic" ("Monopoly Theory Prior to Adam Smith," *Quarterly Journal of Economics*, LXV [1951], p. 508n.). If Mr. Tucker wants to argue with de Roover's work, let him; I did not have sufficient courage to do so.

I would refer readers, including Mr. Tucker, to J. Gilchrist's remarkable book, with its reprinted primary source documents, *The Church and Economic Activity in the Middle Ages* (St. Martin's, 1969), and to two key studies by John W.

Baldwin: "The Medieval Merchant Before the Bar of Canon Law," *Papers of the Michigan Academy of Science, Arts, and Letters*, XLIV (1959), Pt. II, and "The Medieval Theories of the Just Price," which appears in the *Transactions of the American Philosophical Society*, New Series, XLIX, pt. 4 (July, 1959).

### Put On Your Dancing Shoes

Why criticize a short book for what it is not? One possible answer: in order to write a long essay with a hidden agenda. I suspect that Mr. Tucker's recent conversion to Roman Catholicism from independent Baptist theology may have something to do with his *obiter dicta* on

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*Mr. Tucker paints a picture of Thomas Aquinas as the Murray Rothbard of his day. But if Aquinas was the staunch defender of market liberty that Mr. Tucker says he was, how did it happen that the medieval world rejected free market views until the sixteenth century?*

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my book. He is now trapped on the horns of his personal dilemma: the necessity of remaining true to the economic conclusions of Misesian economics (anti-natural law, pro-utilitarian), to the Rothbardian natural rights philosophy (anti-utilitarian, but equally anti-revelational), and to the Thomistic faction (small and rapidly declining) of the Roman Catholic Church. Every time the Pope issues a statement on official economic philosophy, Mr. Tucker has to lace up his dancing shoes. To be a choreographer-dancer on this narrow theological stage takes a lifetime of practice. As a new convert, Mr. Tucker has not yet had enough practice, and those few predecessors who share his views (e.g., Dr. Ed Facey) have chosen to avoid performing their necessarily daring and complex dance routines in public.

Mr. Tucker implies that I was not fully aware of the free market views of the late-medieval Spanish scholastics. Because he was in junior high school at the time, he is unaware that it was I who first published Murray Rothbard's excellent essay on the late-medieval scholastics in *The Journal of Christian*

*Reconstruction* (Summer, 1975), which I edited at the time. When I republished the three essays that comprise *Puritan Economic Experiments* in 1988, I was not so stupid as to have failed to recognize that the Scholastics had been defenders of the free market. What I did recognize, however, is that the Roman Catholic Church has always paid zero official attention to them in formulating its economic pronouncements.

When Mr. Tucker says that "Rather than confront the view that capitalism may be more Catholic than Calvinist in origin, North chooses not to treat it." Well, my book's text is only 60 pages long. What did Mr. Tucker expect? But I challenge him: as a newly sworn believer in the dogmas of the Roman Church, he needs to tell us where there is any detailed study of the widespread—let alone dominant—influence of the late-medieval Spanish economic ideas on the actual pronouncements of the Roman Church since the sixteenth century. Where are the Papal bulls and similar official pronouncements that clearly rely on the ideas of the School of Salamanca in formulating Church-recommended economic policy, right up until today? There are none. I suspect he knows this, too.

The question that contemporary Roman Catholic defenders of the economics of the late-medieval School of Salamanca need to ask themselves—and then answer with lots and lots of evidence—is why this school of social and economic thought has been rejected by the Roman Church, and why it was unknown to most English-speaking historians until Marjorie Grice-Hutchinson published her study on them in 1952.

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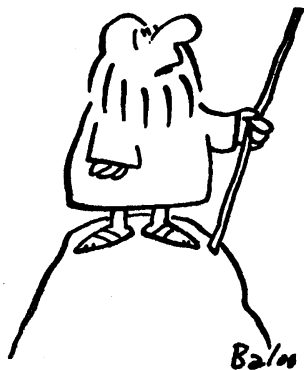
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Why has there been a recent stirring of interest in the School of Salamanca? (From off-camera, a voice very much like Ed McMahon's: "Gee, Gary, I don't know. Why is that?") *Because nobody had remembered them for four hundred years.* Well, not quite nobody; Murray Rothbard offers evidence in his as-yet unpublished history of economic thought that Adam Smith may have known about them, and probably stole some of their better ideas. But surely the intellectual public did not know, and the Roman Church never has accepted their free market doctrines.

### Max Weber as Lazarus

Along similar lines is Mr. Tucker's dismissal of Max Weber's thesis regarding the close relationship between the rise of Calvinism and the expansion of capitalist culture (i.e., modern rational production techniques and its supporting ideology), especially in Anglo-American society. He cites Joseph Peden's announcement of the death of Weber's Protestant ethic hypothesis within today's academic community, but this is a familiar litany; it takes place during every academic generation. Simultaneously during every generation, fellows such as I come along and resurrect it, with modifications, of course. Research does go forward. The war of the footnotes goes on. For example, I refer readers to Chapter 4 of the excellent book by Nathan Rosenberg and L. E. Birdsell, *How the West Grew Rich* (Basic Books, 1986), especially the subsection, "The Development of a Moral System Suitable to Commerce." In short, the report of the demise of the Weber thesis is exaggerated (again).



"Forty years in the desert? — But, won't we be perceived as *extremists*?"

Mr. Tucker cites as published evidence of Weber's academic demise only H. M. Robertson's 1933 book on the topic, a book that I dealt with critically, among several others—by R. H. Tawney, A. Fanfani (a Catholic socialist), and K. Samuelsson—in my defense of Weber's hypothesis (a defense that appeared in my dissertation and that was published in the *Journal of Christian Reconstruction* in the summer of 1976, pp. 185–201). In any case, Robertson argued that the spirit of modern capitalism came only after the arrival of accounting and financial science—that is, as an import from Islam. "The great cause of the rise of rational capitalism," he wrote, "was not Christian at all—it was a secular scientific development, taken over by Western Europeans from Muslim Arabs and Syrians" (45). Capitalism created the spirit of capitalism, he concluded (56). It was the rise of the secular Renaissance State, he argued, that created the social milieu favorable to capitalism (86). This is not what Mr. Tucker's defense of Aquinas and Catholicism seeks to communicate.

Let me give one long-neglected example of a crucial Protestant—specifically, Puritan—influence in the coming of North European capitalism. Before John Calvin, and especially before the seventeenth-century Puritans, there was no acceptance within Christian theology of the eschatological view known as *postmillennialism*, which teaches that there will be compound economic and cultural growth in response to the worldwide acceptance of the gospel of salvation before Jesus Christ returns in final judgment. This eschatological view was rejected by the Roman Church, and it still is, but it was this concept that first gave legitimacy to the idea that long-term compound economic growth is even possible, let alone morally legitimate. The New England Puritans believed in the doctrine during their first generation (1630–60), and it remained in their creeds even after their optimistic faith had begun to waver. This observation, with evidence, appeared in my original dissertation, and also in the *Journal of Christian Reconstruction*, in the same issue in

which I published Rothbard's essay on the late-medieval scholastics (101–6). (See how much I published? When you're the editor, go for it! It's *vita-augmentation* time!)

### Factions and Lobbies

I do not choose at this time to comment on Mr. Tucker's almost adequate summary of Christian Reconstructionism's recent history, except to ask that he spare us the discussion of the supposedly destructive factions within Chris-

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*Every time the Pope issues a statement on official economic philosophy, Mr. Tucker has to lace up his dancing shoes.*

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tian Reconstructionism (there are in fact only two) especially in a libertarian publication. (If factions inescapably doom an ideological movement, why write for *Liberty* or *Reason*?)

As for the "cult" charge against Christian Reconstructionism—not that Tucker makes it, but he says that it exists—it has been dead for a year with respect to the "Northians" (Mr. Tucker's ghastly term!). The congregation that I attend is now in the Reformed Episcopal Church, a 110-year-old denomination, which for conservative Protestantism makes it a mature institution. We are so conventional liturgically and institutionally that it makes me a bit nervous. This may not interest most *Liberty* readers, but it's still worth mentioning, given our supposed "cult" image. Half of the Reconstruction movement is now immunized.

What really does baffle me is Mr. Tucker's statement that "Reconstructionists don't concentrate their lobbying efforts for these [libertarian] aspects of their social theology. Instead, they gravitate toward issues like anti-feminism, prayer in schools, the right to take off work on the sabbath, and a broad enforcement of the death penalty." Wrong on 3.5 counts.

My only essay on "anti-feminism" appeared in *The Freeman* in 1971—a critique of "equal pay for equal work" legislation. My view is surely the libertarian one. I know of no "anti-feminist" Reconstructionist book, except possibly George Grant's critique of

Planned Parenthood, *Grand Illusions* (1988), published 15 years after Rushdoony's *Institutes of Biblical Law*, the manifesto of Christian Reconstructionism. I do not regard critiques of pro-abortion organizations as systematically anti-feminist. Maybe Mr. Tucker does; if so, he is right there with us on the "anti-feminist front," since he also opposes abortion. In any case, we are not involved in *lobbying* for anti-feminism, although we do speak out against taxpayer-funded daycare centers when anyone asks us. Nobody ever does. We oppose pornography, and we think that victims of rape should be allowed to demand huge monetary penalties from convicted violent rapists—even execution. Does this make us "anti-feminist"? Only if being anti-lesbian is inherently anti-feminist.

On prayer in the public schools, our view is clear: there should not be any public schools, and in any case, Bible reading (except as an academic study) and prayer do not belong in them. This was the position of J. Gresham Machen, founder in 1929 of Westminster Seminary, in a 1926 essay that I reprinted in the *Journal of Christian Reconstruction* in the Summer of 1978. (This essay, "The Necessity of the Christian School," is reprinted in Machen, *Education, Christianity, and the State*, edited by John W. Robbins (Trinity Foundation, Jefferson, MD, 1987). Machen was a 19th-century liberal on economic questions. He opposed our entry into World War I, Prohibition, the Federal Department of Education, and much, much more. H. L. Mencken wrote a glowing tribute to Machen, a fellow Baltimorean, in his obituary of 1937. Mr. Tucker makes it

look as though we were pro-prayer for the public schools. This is not rigorous scholarship on his part.

On the Sabbath, both Rushdoony and I are non-sabbatarians—we are opponents of "blue laws" or "Sunday laws"—for which we are frequently criticized in Christian circles. We do not believe in laws forcing businesses to shut down on Sundays. I spent about a hundred pages criticizing the traditional sabbatarian view in my book on the economics of the Ten Commandments, *The Sinai Strategy* (1986). Mr. Tucker ignores this.

With respect to the death penalty, yes, we do hold to a much broader enforcement, but we do not lobby for it. We would like to see the automatic death penalty re-established tomorrow for first-degree murder. Our long-term agenda on the question of capital crimes is educational and therefore not an aspect of any present lobbying effort.

What do we lobby for? Precisely those libertarian issues that Mr. Tucker insists that we ignore, especially private education. We lobby also against abortion. We Reconstructionists are libertarians for the unborn, not libertarians for the mother. (Now, with regard to the problem of factions, shall we pursue the abortion topic in *Liberty*?)

\* \* \*

Mr. Tucker is remarkably ignorant of our views, given the large number of our publications that he has had plenty of time to read during his spiritual odyssey. He apparently found all this too much. A sixty-page book is just about all he could handle for his comprehensive critical essay. Therefore, I suggest that in the future he confine himself to discussing short books in short reviews and confine his longer excursions into social theory to explaining with full documentation exactly what mainstream Roman Catholic social theory has been for the last nine hundred years: variations of medieval guild socialism.

As a libertarian and a faithful churchman, Mr. Tucker now needs to find a way to reconcile the Roman

Church's actual social and economic pronouncements with his libertarian economics, rather than hide in the long-forgotten, though brilliant, free market insights of the School of Salamanca. But that is his dilemma, not mine. □

## Reconstruction and Liberty

Jeffrey A. Tucker

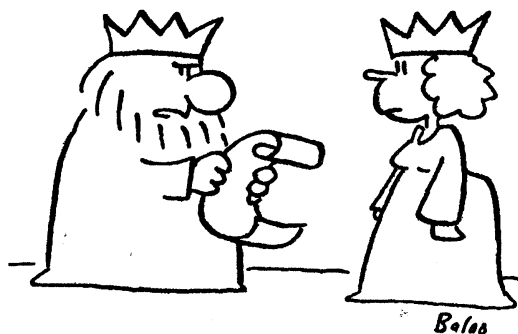
An article about Reconstructionism in a recent issue of *Church and State*, the magazine of Americans United for the Separation of Church and State, discussed the relationship between libertarians and Reconstructionists in a sidebar, "Reconstructionists and Libertarians: An Unlikely Partnership":

In their quest to rebuild America along Old Testament lines, Christian Reconstructionists have found an unlikely bedfellow in the Libertarian Party, a small political movement that has been fronting presidential candidates since 1972. Reconstructionists and Libertarians share some common ground. Like Reconstructionists, Libertarians favor limited government—some go as far as to propose an anarchistic system—and a free-market economy based on hard currency. Their foreign policy is generally isolationist; they call for dismantling the welfare state.

There is an interesting link between Reconstructionism and the Libertarian Party's 1988 presidential candidate, former Texas congressman Ron Paul. Paul put militant Reconstructionist Gary North on his staff when he served an eight-month interim term in congress in 1976. When Paul, then a Republican, returned to Congress in 1978, he put another man with Reconstructionist ties, Mark Elam, in his office.

Libertarians, while championing the free-market economic policies that Reconstructionists hold dear, extend that laissez-faire attitude to social policy as well. Placing strong emphasis on individual freedoms, they advocate some positions that must make Reconstructionists shudder.

The examples of drugs, sodomy laws, abortion, and pornography are given. "Clearly," they conclude, "the Reconstructionists see the party as a means to something other than the free-market state the Libertarians would establish." Later I'll tell more about what that "oth-



"These people are nuts!— First they complain about prison overcrowding, and now they want me to abolish the death penalty!"

cile the Roman

er" consists of.

But the links are already there, and they run even deeper than the article implies. I don't see anything wrong with these links, so long as each side is aware of the other's agenda. Sheldon Richman

*Every time the issue of the death penalty comes up, North has to lace up his running shoes. Murder; adultery, incest, bestiality, sodomy, fornication, witchcraft, cursing father or mother, blasphemy, prophesying falsely or propagating "false doctrines"—all these "crimes" Reconstructionists consider punishable by death.*

and Ralph Raico are squeamish about the Reconstructionists' agenda—and for good reason.

### Too Far North

The Reconstructionists are also upset with me, although my essay was largely sympathetic. The complaint was twofold. First, several thought I gave too short shrift to presuppositionalism and theonomy, two of the four points of Reconstructionist theology. Fair enough, although I am not sure that a detailed exposition of these rather arcane elements would be appropriate for a political-cultural magazine like *Liberty*. Second, some said I placed an exaggerated emphasis on Gary North's influ-



"Look, we've been wandering in the desert for years — we don't even remember how to *do* most of this stuff!"

ence—intellectually and strategically—in the Reconstructionist movement. Maybe so. But he is a fascinating character and a brilliant scholar, whatever reservations many Reconstructionists and others have about his strategic vision and cranky approach. Frankly, I like his spirit.

Admirable spirit or not, however, he is sometimes mistaken. Let's first clear away the fog generated by Mr. North's discussion of the scholastics and their influence on Puritan economics. In the original work in question, Mr. North makes two claims I found significant: 1) the Puritans were ardent economic interventionists who drew up detailed regulations governing nearly every aspect of economic and cultural life; 2) they did so because they were too Catholic—that is, they were influenced by the Thomist doctrine of the just price. He proves the first point; that's the part of the book I liked so much. The second point is neither proven nor empirically connected to the first.

A crucial shift in Mr. North's view of St. Thomas has taken place between his short book and his response to my review. Recall that in his response he says this: "The fact is that Aquinas's doctrine of the just price was not coherent." Compare that view with this statement from his book: "A lot of needless confusion has emerged from discussions of scholars concerning the just price. From the time of Thomas Aquinas right up until the mid-seventeenth century, a 'just' price was assumed to be the market price during 'normal' times" (p. 24).

What are we to make of this shift? In my review, I pointed out that this was indeed St. Thomas's view and granted that Mr. North recognized this too. So the last person I expected to argue with me on this was Mr. North. Yet in his response, we meet North II denying that the just price is the market price. I am pleased to argue with North II on this point. But maybe he should reflect on what led North I to the correct position in the first place.

Now if the Thomists were market pricers and the Puritans were Thomists on economics then obviously the Puritans would be market pricers.

In his book, Mr. North notes an exception to market-based pricing under Thomist economics—the case of market disruptions in time of emergency, under which the price is to be determined exogenously, on a cost-plus basis. My point on this subject in my original review—a point that Mr. North never addresses—is that the Puritans imposed controls regardless of external conditions. This seems to undercut Mr. North's thesis.

Now concerning the influence of St. Thomas on the scholastics—the schools where they taught (not just Salamanca); how the tradition grew; why they were influential; the positions they held; the centuries they spanned; their libertarian views of property rights, economic exchange, and interest rates; and all the rest—it would take an article much longer than Mr. North's to respond. Or I could just reprint Alejandro A. Chafuen's justly celebrated book *Christians for Freedom* (Ignatius Press, 1986). Mr. North will find most of the answers he seeks there.

### Put on Your Running Shoes

Mr. North doesn't like the format of my review essay. He must not like the *New York or London Review of Books* either. I dealt with his book adequately, by Mr. North's own admission. Most

*Mr. North writes: "How do we build a biblical theocracy? By beginning with ourselves. . . we vote in terms of these laws. As the process of dominion extends the authority of Christians over more and more areas of life, we will see the creation of a comprehensive theocracy."*

readers, however, want to know more about the author and his premises, especially when a radical movement such as Reconstructionism is involved.

Here are some of the errors Mr. North makes in his article. He says "[Tucker] did not point out . . . that I am a follower of Calvinist philosopher Cornelius Van Til, who devoted his whole career to separating Christian theology and philosophy from all traces of natu-



ral right or natural law theory." Yet in *Liberty*, on page 75, first column, I wrote that "the foundation" for Reconstructionism includes "Presuppositionalism, the teaching of the late C. Van Til, which says that the Bible is not only inerrant, but that all truth must be capable of a rigorous Biblical defense or it isn't truth." I wrote that as Van Tilians they are also "particularly hostile to the tradition of natural law." What gives?

Mr. North writes that "every time the Pope issues a statement on official economic philosophy, Mr. Tucker has to lace up his dancing shoes." Underlying this is the common though erroneous belief that Catholics are required to adopt every teaching of the Pope, even on eco-

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*My "spiritual odyssey" is not the issue. The issue is Reconstructionism; that is what my review concerned. And it is the issue Mr. North wants to avoid.*

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nomics. Yet that authoritative status only applies to very rare *ex cathedra* statements regarding matters of faith and morals. Respect is certainly due to the ordinary magisterium of the Church, but it is not binding and doesn't pretend to be. Dancing shoes not required.

Mr. North says "he spent about a hundred pages criticizing the traditional sabbatarian view in my book on economics on the Ten Commandments." I "ignored" his writings and "this is not rigorous scholarship," he says.

Readers of *Liberty* might be amused by the real point of his 78 pages on the sabbath. In that chapter, he says: "There is no way, biblically speaking, to escape the necessity of imposing the death penalty on persistent sabbath violators, unless we interpret Romans 14 as having changed the locus of enforcement from the civil government to the individual conscience" (305). Ever gone out to a restaurant on Sunday? If the Puritans have their way, you could be stoned.

Now the Puritans were wrong, Mr. North says, because they forgot about Romans 14:5, which says: "One man esteemeth one day above another: another esteemeth every day alike. Let every man be fully persuaded in his own mind." Whatever the hermeneutical im-

plications of this passage, it is far from being a self-evident repeal of Old Testament capital crimes. Mr. North happens to believe that Romans 14 should be interpreted so as to release us from being stoned for violating the sabbath. Forgive me if I require a little more assurance that my life will be spared. If any reader is surprised that 78 pages are needed to convince Reconstructionists that they need not kill sabbath violators, then that reader hasn't had contact with this movement.

Mr. North makes one accusation I take personally: he says that I was once an "independent Baptist." Not true. I never had any association whatsoever with any independent Baptist sect. Where Mr. North got his information I can only speculate; unlike Mr. North, I shall not present my speculation as fact.

My "spiritual odyssey" is not the issue anyway. The issue is Reconstructionism; that is what my review concerned. And it is the issue Mr. North wants to avoid. In Northian terms, every time the issue of the death penalty comes up, he has to lace up his running shoes to flee from the implications of the economic doctrine.

The Rev. R.J. Rushdoony has spelled out them out clearly in his book *The Institutes of Biblical Law* (Craig Press, 1973), a book that Mr. North calls "the manifesto of Christian Reconstructionism." Here are the Old Testament crimes that the Reconstructionists consider punishable by death (77): murder; adultery; incest; bestiality; sodomy; rape "of a betrothed virgin"; "false witness in a case involving a capital offense"; kidnapping; "for a priest's daughter" who commits fornication; witchcraft; human sacrifice; striking or cursing father or mother; "for incorrigible juvenile delinquents"; "blasphemy"; "prophesying falsely or propagating false doctrines"; "for sacrificing to false gods"; "for lawless refusal to abide by Godly law and order, anti-law, anti-court attitudes and actions." Rushdoony adds that a few Old Testament capital crimes were "altered in the New Testament," for example the one concerning "sabbath desecration." But the rest remain in effect.

In response to my review, I thought Mr. North would assure us that this is only the long-run agenda. Instead, he says "our long-term agenda on the ques-

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tion of capital crimes is educational." Really? Compare this statement from his earlier writings: "For crimes so horrible that no restitution payment is sufficient to compensate the victim (such as murder) or compensate God (adultery, witchcraft, idol worship, etc.), the civil government is empowered by God to execute the criminal" (*Unconditional Surrender*, Geneva Divinity School, 1983, p. 76). (Mr. North has elsewhere called the Catholic belief in transubstantiation the equivalent of witchcraft. Look out, Mother Theresa!)

### Too Far Right

To cast further doubt on Mr. North's assurances, I offer a rare look into the esoteric strategy of the Christian Reconstruction movement.

In a hair-raising essay entitled "Apologetics and Strategy" (*Tactics of Christian Resistance*, Geneva Divinity School Press, 1983, pp. 100-140), Mr. North (writing with David Chilton) belies his present libertarian tone: "Religious competition is not a commercial activity—or shouldn't be, anyway. A 'free marketplace' is a place to sell soap. When it is used as a metaphor for religious confrontation it is either meaningless or deceptive. In fact, it is the triumph of Christianity alone which ensures the existence of a free marketplace for soap" (129).

Mr. North says that he and the Reconstructionists don't lobby for the "broader" aspects of the agenda on capital crimes. But in the same essay, Mr. North writes, "We are in a fight. There will be winners and losers. On the day of judgment, there will be no prisoners. Our apologetic methodology must therefore reflect the all-or-nothing nature of the confrontation. . . . Compromise here leads to compromise everywhere" (138).

Mr. North further writes: "How do we build a biblical theocracy? By beginning with ourselves. . . . Then we vote in terms of these laws. We will also sit on juries and vote in terms of these guidelines. We use juries, if possible, to nullify the ability of the civil government to impose God-defying laws on our fellow citizens. . . . As the process of dominion extends the authority of Christians over more and more areas of life, we will see the creation of a comprehensive theocracy" (135-36).

Belief in these laws is not unreasonable given theonomy, which holds that all

Old Testament laws remain in effect unless specifically amended or reversed in the New Testament.\*

More on the lobbying question. With regard to taking off work on the sabbath, the Rutherford Institute (an explicitly theonomic organization) recently won a lawsuit against a private firm because it didn't want to let its employee off on Sunday. On feminism, see the many columns by Reconstructionist John Lofton in the *Washington Times* on the subject. And speaking of lobbying, Mr. North's most recent campaign has been for a federal law banning flag desecration as "an act bordering on treason" because "the flag is a representative symbol of the nation, just as a cross is the symbol of Christianity or a menorah of Judaism. . . . There is an implied threat in every symbolic act of this kind" (*Remnant Review*, July 7, 1989). This bolsters my point that Reconstructionists tend to "focus on symbols." I should also point out that, in contrast, R.J. Rushdoony calls flag wor-

\* Doug Bandow, in *Beyond Good Intentions* (Crossway Books, 1988, pp. 94-100), argues persuasively against this doctrine.

ship of this sort a form of idolatry.

I am pleased, however, that Mr. North accepted my short summary of Reconstructionist theology and called my rendition of recent history "almost adequate." I must not be, after all, "remarkably ignorant" of Reconstructionist views.

One of the benefits of the ecumenical movement has been that Christians have felt free to disagree with each other without resorting to the bigoted rhetoric of the Reformation. My admiration of Mr. North's work was clear in my original article. When I disagreed, I did so respectfully. I am sorry that Mr. North feels he needs to adopt a tone more appropriate to the Rev. Ian Paisley of Northern Ireland, perhaps to distract the reader's attention.

It should be clear that there are potential pitfalls when libertarians work with Reconstructionists. As with all other questions of strategy, final answers are elusive. So libertarians must decide for themselves whether cooperation with certain ideological movements and ecclesiastical bodies is consistent with the promotion of liberty. □

## Terra Incognita

### Tallahassee, Fla.

Prompt state action nips a new crime in the bud in the Sunshine State, as reported by the *Houston Chronicle*:

Gov Bob Martinez signed a state law banning dwarf-tossing, which "occurs when a consenting adult little person allows a stranger to pick him up and see how far he can throw him," according to Angela Van Etter of the Committee to Ban Dwarf Tossing. A dwarf interviewed on CNN said he "can make more money doing this than doing a daytime job."

According to opponents of the ban, "When dwarf-tossing is outlawed, only outlaws will toss dwarfs."

### Kista, Sweden

New idea in criminal rehabilitation from progressive Scandinavia, as reported in a dispatch from the *New York Times*:

Eight teenagers, convicted of armed robbery, assault, theft or burglary, whose behavior was deemed so bad that no halfway house would accept them, were sentenced to spend six months on a cruise of the Caribbean, where it was hoped that

they would learn the value of "community and cooperation." They will be accompanied on their cruise by three welfare workers. The cruise will cost taxpayers of this Nordic land about \$400,000, or about \$50,000 per criminal.

### Washington, D.C.

Evidence of the benefits government regulation of advertising, as reported by *The Wall St Journal*:

The EPA prohibited at least nine manufacturers of disinfectant sprays, liquids and moistened towelettes to stop claiming that their products can kill the AIDS virus on telephones, toilet seats and other hard surfaces. The EPA acknowledges that the products do indeed kill AIDS viruses on contact, but explained that it "doesn't want people to start thinking, 'The government has been lying, and I really can get AIDS from that table.'"

The firms will be allowed to advertise their products as AIDS-killers to health care providers, because health care providers are not as "impressionable" as consumers, a spokesman for the EPA continued.

# Reviews

*A Theory of Capitalism and Socialism*, by Hans-Hermann Hoppe.  
Kluwer Academic Publishers, 1989, \$40.00.

## The Argument from Mere Argument

Loren Lomasky

As *perestroika* gnaws at the bloated entrails of Soviet central planning and Chinese octogenarians contort themselves to snatch at capitalist wealth with one hand while exorcising the devils of democracy and civil liberties with the other, it might seem that a declaration of the inadequacies of socialism is yesterday's news. Who outside of Managua, Berkeley, and other equally frayed Third World outposts continues to believe otherwise? Where Marx once loomed large, Hayek and Friedman now reign. Libertarians may properly congratulate themselves on having homesteaded the terrain others now scurry to occupy. Whatever may be the case for ex-statists of one stripe or another, we are not likely to receive as a new revelation yet another volume displaying the manifold inefficiencies of socialist economic production.

Nonetheless, publication of *A Theory of Socialism and Capitalism* has occasioned a considerable flurry within libertarian circles, reaching an apex of sorts with the Hoppe symposium in the November 1988 issue of *Liberty*. Some—Murray Rothbard most conspicuous among them—have expansively praised Hoppe as the purveyor of path-breaking arguments that once and for all put the lie to enemies of the liberal order. Most commentators, though, are more restrained, and some are overtly dismissive. Because energetic doctrinal disputes among libertarians do not exactly consti-

tute an endangered species, one should resist the temptation to attach overly much significance to these latest stirrings. Still, they give fair warning that something unusual is going on.

And so it is. The object of attention is far more ambitious than its title suggests. Hoppe's "socialism" is not restricted to centrally planned regimes in which private ownership of the means of production is outlawed. Rather, he idiosyncratically classifies as socialistic any intrusion on or limitation of universal free exchange. Thus, wherever one finds a state, however night-watchmanly it may be, one finds socialism. Moreover, claims Hoppe, all state intervention is, without exception, both economically inefficient and ethically unjustifiable. The minimal state suffers, albeit less virulently, from the same malady that inflicts Albania. This, then, is not merely a defense of the capitalism as practiced in the United States, Europe, or Japan; it is no less than a manifesto for untrammelled anarchism.

One promising strategy for the promotion of anarchism is to catalog the various perversions to which governments historically have shown themselves liable. "If *that's* what states do," one might reasonably conclude, "we can do without!" Hoppe, though, eschews the low road of empiricism, soaring instead with Kant and von Mises through the realm of *a priori* necessities. His is a theory "which is not itself derived from experience but rather starts from a logically incontestable statement . . . and

proceeds in a purely deductive way . . . to results which are themselves logically unassailable" (1). In other words, the status of anarchism is claimed to be like that of a mathematical theorem: validated by pure reason and uncontaminated by any merely empirical likelihoods.

Hoppe purports to extract the irrationality of all state intervention from the ethic of argumentation. By that he means not the ordinary courtesies discussants are expected to observe—cite sources accurately, give the other person opportunity to respond, don't shout so loudly that the neighbors complain, etc.—but rather the internal logic of argumentation. Insofar as one disputes some point with another person, one thereby acknowledges that individual's freedom and independence. It is not, of course, necessary that anyone engage in argument, but one who does attempt to justify his beliefs to another thereby implicitly grants that his interlocutor enjoys the right of self-determination. For if one coerces one's opponent to extract a concession, literally forces him to produce certain words, then one has abro-

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*This is not merely a defense of contemporary capitalism; it is a manifesto for untrammelled anarchism.*

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gated the conditions of argumentation. Thus, any attempt to justify the proposition "I may permissibly encroach on the person or property of another," is self-impugning. It follows, claims Hoppe, that all doctrines of interventionism are necessarily incoherent in virtue of maintaining a permissibility that the act of their own assertion belies.

What shall we say about this tour de force? I begin by noting that the history of philosophy is strewn with arguments too clever by half. From the paradoxes of Zeno of Elea to Anselm's ontological argument for the existence of God to McTaggart's proof of the unreality of

time, philosophers have presented "demonstrations" that almost no one believes but which are remarkably resistant to refutation. Is Hoppe's central argument of this ilk? I am strongly persuaded that it is, but a full dissection would be out of place here. Suffice it to say that even if Hoppe is correct in maintaining that the process of argument incorporates a norm of nonaggression, that norm applies only to the act of argument itself and not beyond. In particular, it does not extend to the *object* of discussion (for example, the legitimacy of state coercion) but only to the *activity* of arguing. That is, the act of argumentative justification must be noncoercive—else it simply is not justification—but that which is justified may, for all Hoppe has shown, be practices and institutions that incorporate coercion.

In reply, Hoppe contends that this objection runs afoul of the *universalizability* of norms: one who engages in argument does not simply agree to avoid coercive argumentation but is logically committed to acceptance of the general regulative principle, "Nobody has the right to uninvitedly aggress against the

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*Even if Hoppe is correct in maintaining that the process of argument incorporates a norm of nonaggression, that norm applies only to the act of argument itself and not beyond.*

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body of any other person" (133). Well, that's what he *says*, but the reader will hunt in vain for anything that resembles a supporting argument. (I don't count repeating oneself in ever more apodictic tones as support.) Hoppe proceeds as if this leap from argumentation to all activity whatsoever were straightforward and uncontroversial, but there exists a considerable body of philosophical work on the logic of universalizability that strongly indicates otherwise. Unfortunately, none is cited in the text. Either Hoppe is ignorant of this literature or is convinced that stonewalling is the best defense. What sort of ethic of argumentation this strategy presupposes is an interesting exercise I leave to others.

Nor is this an isolated lacuna. Hoppe's criticism of empiricism is not

without interest, but he writes as if empiricism were still as the logical positivists left it in 1950. Later theorists such as W. V. Quine are not refuted; they go unmentioned. His defense of private property approvingly cites John Locke's well-known dictum that one makes things one's own by "mixing one's labor" with them. Hoppe somehow omits noting that Locke adds the qualifier that "enough and as good" be left for others. This "Lockean proviso" is hardly some obscure aside within the philosopher's corpus. Robert Nozick's *Anarchy, State, and Utopia* gives over many pages to grappling with the proviso, and almost every subsequent discussion of liberal property rights has followed suit. But because the proviso is inconvenient for Hoppe's program, he consigns it to oblivion. For that matter, Nozick too is allowed to slide down the memory hole, appearing only in one peripheral footnote. This is scholarship as perfected by the Great Soviet Encyclopedia!

It is not only in his dealings with predecessors that Hoppe is less than scrupulous. His own "contributions" are often embarrassingly shoddy, high on hyperbole but low on validity. Here is how he defends the right to appropriate (external) property: "[I]t should be noted that if no one had the right to acquire and control anything except his own body . . . then we would all cease to exist" (135). This is multiply defective. First and most obviously, it falls far short of justifying *unlimited* acquisition. But second, and more seriously, it is false as it stands. It is not the *right* to control property that is necessary for existence but the *fact* of control. The difference may at first blush seem negligible, but it is crucial. If Hoppe's pronouncement is acceptable, then so too is this corollary:

- P1. If mosquitos did not possess a right to drink the blood of anyone, then mosquitos would all cease to exist.
  - P2. No mosquito possesses a right to drink the blood of anyone.
- Hence C. Mosquitos have all ceased to exist.

This may not be entirely persuasive to the person who is scratching.

Or consider the following foray into Social Darwinism:

Even with truly natural assets, like intelligence, about which people can admittedly do little or nothing, con-

sequences [of economic redistribution] of the same kind will result, though only with a time lag of one generation. Realizing that it has become relatively more costly to be intelligent and less so to be nonintelligent, and wanting as much income (of all sorts) as possible for one's offspring, the incentive for intelligent people to produce offspring

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*Unlike Hoppe, credible liberal economists recognize that monopoly and public goods production are issues to be confronted, not obfuscated.*

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has been lowered and for nonintelligent ones raised. Given the laws of genetics, the result will be a population that is all in all less intelligent. (52-3)

Characteristically, no cross-societal intelligence measurements or any other empirical data is cited to support this assertion—just possibly because none exists. This hardly inspires confidence in Hoppe's *a prioristic* methodology—or, for that matter, in the prospects of an imminent revival of eugenics.

I have concentrated on the philosophical arguments of *A Theory of Socialism and Capitalism* both because that is my area of expertise and because of the notoriety they have achieved in libertarian circles. I now wish to suggest that, though the volume's philosophy is unsatisfactory, the economics is worse. Hoppe's major effort in this area is an attempt to dissolve the public goods problem as merely a pseudo-problem, to demonstrate by pure logic that "a capitalist order always, without exception and necessarily so, provides in the most efficient way of the most urgent wants of voluntary consumers" (6).

How does he achieve this epochal result? Well, try this one on for size: "In terms of consumer evaluations, however high its absolute level might be, the value of the public goods is relatively lower than that of the competing private goods, because if one had left the choice to the consumers . . . they evidently would have preferred spending their money differently (otherwise no force would have been necessary)." With a display of scholarly modesty by now all

too familiar to the reader, Hoppe concludes, "This proves beyond any doubt that the resources used for the provision of public goods are wasted" (196). His "proof" presupposes, of course, the universal optimality of voluntary transactions. Thus it entirely begs the question. Serious economic theorizing is difficult work; how much more pleasant instead to throw up a rhetorical barrage!

Unlike Hoppe, credible liberal economists recognize that monopoly and public goods production are issues to be confronted, not obfuscated. And confront it they do. In virtue of their analyses we now understand that the free order is a great deal more robust than its socialist and Keynesian critics alleged. Fine points of theory can be debated, but debate is not inconsistent with displaying respect for the integrity and achievements of those against whom we contend. Here are a couple of representative Hoppe ap-

praisals of other liberal theorists: "The most prominent modern champions of Orwellian double talk are J. Buchanan and G. Tullock" (252 n 17); Chicago-style property rights economics is "pseudoscientific humbug" (250 n 14). Evidently, the author's expertise as philosopher and economist is matched only by his generosity and high-mindedness.

Although libertarians may have been perplexed by this book, we Minnesotans are uniquely well-equipped to peg it. Sports fans everywhere know my adopted state as the site of the Hubert H. Humphrey Metrodome. Its dome is truly an engineering marvel, supported only by blowers. Here in the northland we like to joke that the roof stays up because of the hot air left behind by the late senator. If so, he has no monopoly on the commodity; the gusts of the co-acronymous Mr. Hoppe are equally warm, windy, and wildly overblown. □

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*The Fatal Conceit: The Errors of Socialism*, by F. A. Hayek.  
W. W. Bartley III, ed. University of Chicago Press, 1988, 180 pp., \$24.95.

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## Reason and Evolution

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Timothy Virkkala

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At the end of a long and productive career, Herbert Spencer—one of the most influential libertarian theorists of the nineteenth century—retained only enough of his native optimism to predict that the world would have to endure a "century of socialism and war" before individualism could come into its own. Spencer was right: the tide of ideology is turning away from socialism, and once again the classical liberal vision is gaining ascendancy.

There are many reasons for this change, of course, not the least is that socialism has obviously failed to live up to its promises. But one of the more important reasons is the intellectual influence of those who have opposed socialism all along.

Prominent among them is F. A. Hayek, who has been widely acknowledged, ever since publication of his *The Road to Serfdom* (1944), as a leading anti-socialist thinker. He has developed his case in several novel ways. His most important achievement, perhaps, is his replacement of the standard economic defense of capitalism—the "better bathtub" ploy, which argues that capitalism produces more and better goods than any other system—with a sophisticated reformulation of Adam Smith's "invisible hand" theory. According to Hayek, markets are capable of forming a "spontaneous order" that no conscious, human plan could duplicate, much less surpass. This ordering process, he claims, is similar to natural selection in biology; attempts to redesign the whole of society in terms of conscious ends and means are as wrong-headed as are

attempts to explain biological change in pre-Darwinian terms. Hayek sees socialist ideas as expressions of a crude rationalism that does not know the nature and limits of reason itself.

Hayek has argued this case in a variety of books and essays. Appropriately, his thinking has itself undergone evolutionary changes.

He began as a straightforward economist, and achieved his first fame for developing Ludwig von Mises's theory of the trade cycle. His theory was briefly the rage among economists in the 1930s, until John Maynard Keynes's more politically savvy treatment swept through Academe and the State like wildfire. During the course of the debate over it and another of Mises's contributions—the argument that economic calculation under socialism could not yield results anywhere near those of a market economy—Hayek abandoned a reliance on standard equilibrium theory in economics, and began articulating a more realistic "process" approach. This turn of mind, though in many ways simply a recognition of the differences between the Austrian and more standard approaches, yielded some important ideas: the concept of competition as a "discovery procedure" and the idea of markets as coordinators of dispersed knowledge. It was for this work, completed before the century's midpoint, that Hayek was awarded the Nobel Prize for Economics in 1974.

But since his early work, he has gone "beyond economics," so to speak, devoting most of his energy to social philosophy. Now, at the end of his career, he has written *The Fatal Conceit*, the perfect summation of—and introduction to—this latter half of his life's work.

*The Fatal Conceit* is the most thoroughly engaging of Hayek's books. It clearly and succinctly states his case against socialism and for the open society, displaying his vision of how societies change and what makes institutions work, in the process revealing his own, distinctive world-view.

This is not to say, however, that the book's value is wholly the result of Hayek's intention. His clarity of exposition allows the reader to examine easily (and critically) aspects of his philosophy that have remained obscure. It is possible to explain just where Hayek goes wrong. Though subtitled *The Errors of Socialism*, the book's most interesting

revelations (for me, at least) pertain to the Errors of Hayek.

## Deconstructing Anti-Rationalism

Hayek's major contention is, I think, indisputably true: "Our civilisation depends, not only for its origin but also for its preservation, on what can be precisely described only as the extended order of human cooperation" (p. 6).

The "fatal conceit" of socialism, as he sees it, is a "presumption of reason," that "since people had been able to generate some system of rules coordinating their efforts, they must also be able to design an even better and more gratifying system" (7, 8). Hayek sees socialism as an essentially reactionary movement, relying on moral notions appropriate to "life in the small roving bands or troops in which the human race and its immediate ancestors evolved during the few million years while the biological constitution of *homo sapiens* was being formed" (11), but absolutely destructive when practiced by people in a modern, industrial society.

Unfortunately, Hayek is not content to attack the socialists' "presumption of reason." Though he is by no means an irrationalist—he defends "reason properly used," a reason "that recognises its own limitations" (8)—he embraces a concept that not only limits reason but seems to preclude it wherever applied. That concept is "instinct," which he plays as a sort of trump card that outranks reason whenever played.

He uses the word from the very beginning of the book. Socialists, we are told, seek to overthrow civilized traditions by applying "a rationally designed moral system whose appeal depends on the *instinctual* appeal of its promised consequences" (7, emphasis added). He argues that cooperation in primitive societies is steered by the "genetically inherited instincts" of "solidarity and altruism," but that the rules allowing civilization to flourish were "handed down by tradition, teaching and imitation, rather than by instinct" (11, 12), and were adopted almost by accident. This morality of the extended order cannot be "justified" by reason, and so stands "Between Instinct and Reason" (which is the title of the first chapter). Like a virus attached to a DNA molecule, this word is embedded in Hayek's exposition, mutating the argument from something reasonable to something very mistaken.

In his delightful seventh chapter, "Our Poisoned Language," Hayek himself ironically provides the perfect term for what has happened here: "As a weasel is said to be able to empty an egg without leaving a visible sign, so can these words deprive of content any term to which they are prefixed while seem-

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*It is often suggested that Hayek's chief weapon against socialism—his critique of constructivist rationalism—seems also to apply to libertarianism. Rand's and Rothbard's ethics are often cited as examples of rationalistic hubris. Do not Hayek's arguments against socialism also destroy libertarianism?*

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ingly leaving them untouched. A weasel word is used to draw the teeth from a concept one is obliged to employ, but from which one wishes to eliminate all implications that challenge one's ideological premises" (116–17). "Social" is the weasel word Hayek decries, but "instinct" is surely as disastrous.

The concept that Hayek is "obliged to employ," but that he is loathe to confront, is the "reasons" people have for acting, and (especially) for following rules. Though he elsewhere praises the marginal utility theory of value, rightly linking value to human purposes (95), and though he makes several positive references to economists who are developing the "property rights" approach to law and resources, it does not cross his mind to extend this sort of analysis to ethics. According to him, people do not select rules according to their purposes and values, at least not to a significant extent. In fact, Hayek's whole theory of cultural group selection sees it as happening the other way around: "Learnt moral rules . . . displaced innate responses, not because men recognised by reason that they were better but because they made possible the growth of an extended order exceeding anyone's vision, in which more effective collaboration enabled its members, however blindly, to maintain more people and to displace other groups" (23).

This theory of "displacing groups"

seems out of line with what actually happens. It is an extreme "natural selection" theory applied to whole societies. This sort of selection of cultural practices is surely not the only way in which certain sets of rules tend to predominate: people emulate more "successful" rules and living strategies all the time. No matter how much "constraints on the practices of the small group . . . are hated" (13), people do indeed adopt the restrictions of an extended civilization so they can participate in its prosperity. In the Third World examples of this sort of adaptive behavior abound. (See David Ramsay Steele, "Hayek's Theory of Cultural Group Selection," *Journal of Libertarian Studies*, Vol. VIII, No. 2, pp. 171–195, for an excellent critique.)

Though there may be a sense in which "rules select people," the plain fact of the matter is that people also select rules. This even goes for Hayek's beloved collectivist savages, whose regulatory institutions of ceremony, nascent religion, and rudimentary industry can all be explained—at least in part—by attention to human purposes and values. But Hayek smears the word *instinct* over the whole subject, and never even mentions all the work being done in other fields—for example, game theory, general systems theory, public choice—that help explain this connection.

Further, though he quite rightly notes that the Hobbesian state of nature is a myth (which Hobbes, by the way, would have readily admitted), his own vision of primitive man is hardly any more anthropologically accurate. Over and over again he describes the "natural morality" of pre-civilized men as "altruistic" and "instinctual," but the truth, of course, is that the moral traditions of these people are incredibly diverse (see the sociological writings of Herbert Spencer, for instance, or Spencer's "The Ethics of Kant," *Essays*, Vol. 3, [New York: D. Appleton and Company, 1891] pp. 192–195). Though the smallness of their societies tended to personalize and thus to reinforce the reasons for following traditional customs, I have never seen any evidence—and Hayek supplies none—for regarding their moral habits as acquired and maintained in any other way than the one he ascribes to the habits of civilized men: "handed on by tradition, teaching and imitation, rather than by instinct. . . ." Parents in primitive soci-



eties raise children according to moral norms just as do parents in developed ones.

Hayek's discussion of tradition seems to present a rather weird picture of what tradition *is*. Tradition does not merely prescribe; one becomes a *part of it*. As it changes each individual, so each individual changes it. Hayek's picture of tradition and morals is one-sided: man is influenced by tradition—never tradition by man. Though it is true that single individuals do not *completely* remake a tradition, innovation on the individual level constantly occurs, and changes mount up.

The perennial appeal of communitarian ethics and programs need not be explained by recourse to an "instinctual" rule-following behavior, programmed into man during the long course of biological evolution. Man is a purpose-oriented creature first, and a rule-following creature second; he follows rules for a variety of complex reasons, one of which is simply the need to economize on attention to the multitude of options that are always potentially present to acting human beings. Communitarian ethics have a special attraction because they seem to follow from a simple vision of causation in the social world, one in which purposes are clearly defined and options clearly marked. Coordination of behavior in a vast array of the market, on the other hand, is hard for people to imagine; it is simply too complex. Thus they support simplistic political programs *not* because they are fundamentally rule-followers, but because they are fundamentally purposive. Hayek's own eloquent discussion of the "Mysterious World of Trade and Money" (his sixth chapter) provides ample evidence for this thesis, though he doesn't draw the correct conclusion.

This is not to say, however, that his distrust of rationalism has no ground. Many of the reasons people have for adopting ethical norms are not of the kind that rationalists admire—or even *notice*. Furthermore, it is possible—indeed, quite common in the evolution of society—for people to practice moral behavior for one or more reasons, and have moral behavior yield beneficial effects that were no part of their intention. This applies also to whole societies. Because of this, most of Hayek's arguments against "constructivist rational-

ism" still hold true: there is indeed a *hubris* in many radical thinkers' methods, a presumptuousness that can lead to disaster.

However, Hayek's failure to consider important details of basic theory is amazing (though many readers may appreciate the breezy sketchiness of his argument). Not only does he neglect to present a cogent theory of rule-following (and -advocating) behavior, he also makes no explorations into the economics of tribal endeavors, families, firms, or states, and he allows the socialist calculation debate to go by with but one short discussion! But I should not be too hard on him, I suppose—the whole Austrian school of economics seems content with masticating old issues, reluctant to push on to new territories. At least he is not arguing endlessly over method!

### Progress As Differentiation

But perhaps he should have spent some time doing so. Hayek has, over the years, distanced himself from Ludwig von Mises's "praxeological" grounding for economic and social science (a grounding that explains social events in terms of human purposes). He has denied not only its Neo-Kantian a-priorism but its claims to fundamental and exhaustive explanatory power, as well. Though Hayek has often mentioned his disagreements with Mises on the fundamentals of social analysis, he has not, to my knowledge, ever given Misesian theory a thorough critique.

This is unfortunate. The Austrian school of economics has always placed a great deal of importance on method, and Hayek's unexplained dismissal of Misesian method presents problems for present-day economists working in the tradition. Hayek's broadening the scope of economic inquiry to include subjects normally covered by anthropologists, sociologists, and linguists (and others) makes for an attractive research program, but must Austrians who wish to extend their theory abandon Misesian praxeology in the process? Hayek gives them no good reason to do so. Not surprisingly, the Austrian school of economics, though more active now than at any time since the death of Hayek's teacher, Friedrich von Wieser, is in danger of coming apart at the seams, disrupted by arcane disputes and divergent goals.

Though comparisons with Mises are

obvious and important, it is Herbert Spencer (1820-1903) who provides the most interesting parallels and contrasts. Though Hayek never defines evolution in as straightforward a way as did Spencer—that is, as an increasing degree of heterogeneity, complexity and integration—the manner in which he uses the term in relation to the "spontaneous order" of civilization suggests a Spencerian usage (a usage that has, alas, fallen out of favor among neo-Darwinists). His depiction of the "extended order of civilisation" is certainly reminiscent of

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*Hayek embraces a concept that not only limits reason but seems to preclude it wherever applied. He plays "instinct" as a sort of trump card that outranks reason whenever played.*

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Spencer's. Though unlike Spencer he does not care to mention the possibility of a systematic study of "dissolution" (destructuring processes), this does not make him an historicist; he recognizes that societies do not follow a uniform, unilinear path to an "ideal" condition (a belief often misattributed to Spencer). Like Hayek, Spencer had a concept of instinct. Happily, it was much less disastrous for his system; the fact that there was so much more to his theory than there is to Hayek's helps.

In many ways, Spencer's thinking on social evolution is better developed than Hayek's. For one thing, Spencer tried to develop his theory according to the facts (though many readers find Spencer's seemingly endless listing of anthropological detail in his *Principles of Sociology* the perfect cure for insomnia). More important, however, is Spencer's boldness in identifying evolution with progress. Though now completely out of favor with the intellectual elites, Spencer's formulation of evolution always was a constant reminder of what the evolutionists' needed to explain: the origin of increasingly complex orders out of simpler ones. Evolution is not a matter simply of "change" but of a specific type of change. Darwin's exposition of speciation processes was not controversial *merely* because Darwin explained how species could change: it was controversial be-

cause it was designed to explain how new and more complex beings could develop. Neo-Darwinists tend to forget that these days.

Spencer did not hesitate to describe one being as more "evolved" than another. A man, according to Spencer, is more evolved than a dog because man can perform a greater variety of actions and adapt to a greater variety of environments: man is more purposive. Similarly, a "super-organic" system (society) is more evolved than another if it can accommodate a greater variety of members, each able to perform a greater variety of actions, reflecting a greater diversity of values. This is relevant to the issue at hand because Spencer was able to draw an ethical conclusion from all this: *Because values pertain to ends and means and human purposes, there is always an imperative to progress toward a more "evolved" condition.* Though Spencer sometimes expressed his position rather crudely, it need not involve the dreaded naturalistic fallacy (as G. E. Moore argued in his *Principia Ethica*). Though Spencer's "imperative" does not look like the imperatives of most other moral philosophers, and needs recasting in terms of "universalizability" and "prescriptivism" to put it into an acceptable, modern form, it nevertheless remains an impressive philosophical achievement.

Compared to it, Hayek's tentative imperative seems almost comic in its meekness. It yields the same conclusion, but its skeptical, oh-so-modern hesitancy strikes me as very peculiar: "Although this morality [of the extended order of human cooperation] is not 'justified' by the fact that it enables us to do these things, and thereby to survive, *it does enable us to survive, and there is something perhaps to be said for that*" (70, emphasis in original).

## Libertarian Hubris?

It will be a long time before scholars come to a consensus over Hayek's work, and I will not hazard to guess what that consensus will look like—though I can only hope that he will be treated better than Spencer was treated after his death. Perhaps if libertarian ideas gain greater currency, Hayek's reputation will be protected.

One aspect of his theories has vexed libertarians for some time. It has often been suggested that Hayek's chief weapon against socialism—his critique of con-

structivist rationalism—seems also to apply to libertarianism. Rand's and Rothbard's ethics are often cited as examples of rationalistic *hubris*. Do not Hayek's arguments against socialism also destroy libertarianism?

I do not think so. There are three reasons why Hayek's critique should not be stretched to include libertarianism.

First, elements of his critique of reason in ethics are wrong. As I suggested earlier, we can understand both the origins of ethical norms and the effects of

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*According to Hayek, markets are capable of forming a "spontaneous order" that no conscious, human plan could duplicate, much less surpass. This ordering process, he claims, is similar to natural selection in biology.*

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those norms in a more systematic way than Hayek admits, thus weakening his argument against conscious manipulation of morality (this does not weaken the case against socialism one bit, however).

Second, Hayek himself gives strong reasons why we should not extend his arguments against libertarian theory.

I wish neither to deny reason the power to improve norms and institutions nor even to insist that it is incapable of recasting the whole of our moral system in the direction now commonly conceived as "social justice." We can do so, however, only by probing every part of a system of morals. If such a morality pretends to be able to do something that it cannot possibly do, e.g., to fulfil a knowledge-generating and organisational function that is impossible under its own rules and norms, then this impossibility itself provides a decisive rational criticism of that moral system. It is important to confront these consequences, for the notion that, in the last resort, the whole debate is a matter of value judgements and not of facts has prevented professional students of the market order from stressing forcibly enough that socialism cannot possibly do what it promises. (8)

This is one of the best passages in the book, and it is a pity that Hayek did not

extend the analysis in the manner I suggested earlier; such an extension would have backed up this passage much better than his main argument does. Later in the book, when he discusses the differences between the positive and negative ideas of freedom, Hayek reaffirms his version of classical liberalism—a form that, though not identical to libertarianism, is certainly compatible with its spirit:

The question is how to secure the greatest possible freedom for all. This can be secured by uniformly restricting the freedom of all by abstract rules that preclude arbitrary or discriminatory coercion by or of other people. . . . In short, common concrete ends are replaced by common abstract rules. Government is needed only to enforce these abstract rules, and thereby to protect the individual against coercion, or invasion of his free sphere, by others. Whereas enforced obedience to common concrete ends is tantamount to slavery, obedience to common abstract rules (however burdensome they may still feel) provides scope for the most extraordinary freedom and diversity. Although it is sometimes supposed that such diversity brings chaos threatening the relative order that we also associate with civilisation, it turns out that greater diversity brings greater order. Hence the type of liberty made possible by adhering to abstract rules . . . is, as Proudhon once put it, "the mother, not the daughter, of order." (63–4)

This paragraph so powerfully undermines the idea that Hayek's critique applies against libertarianism that it is almost a wonder that the subject ever came up. That it did, I believe, is the result of a mistaken view of what libertarians have attempted—which brings us to the third reason to reject the idea that Hayek's critique applies to libertarianism: the libertarianism "method," though indeed radical, differs from socialism in a crucial way.

Contrary to some of the pretensions of the more *a priori*-minded libertarian theorists, even the most rationalistic libertarian does not start with an ethical nothing. He starts with the morality with which he has grown up, and theorizes outward. But the morality of this "constructivist" is not just any old morality, it is the morality that has allowed the extended order of human cooperation to flourish. *Libertarianism is a refinement of certain ethical and legal principles that have evolved dur-*

ing the course of civilization. It is not an expansion of the ethos of the family, or of the firm, or of a local cooperative. Hayek's strictures against applying the ethics appropriate to a small group to all of society do not really apply to libertarians because that is not what libertarians are doing. They have sometimes seen themselves as doing this only because they are so acclimated to the morality of the extended order that they do not see that other moralities also make sense in

certain situations!

I have focused on the problems with Hayek's thinking as they are laid bare in *The Fatal Conceit*. But it covers far more ground than I have discussed here. For example, many readers will find his chapter "The Extended Order and Population Growth" to be worth the price of the book. There is not a single passage whose meaning is not plain, yet Hayek and Bartley maintain an enviable elegance. □

### ***A Yellowstone Primer:***

#### ***Policy Reform via the New Resource Economics***

John Baden, ed. Winning Publications, 1989, 215 pp., \$29.95 hb, \$12.95sc.

## ***Can Yellowstone Recover?***

Lawrence Dodge

Originally, a "primer" meant a small prayer book. Later, the term came to refer to any elementary reading instruction book. *A Yellowstone Primer: Policy Reform via the New Resource Economics* is both. It aims to teach us to read and understand some intriguing new handwriting that has appeared on the walls of environmental policy, and to pray that those inside the walls do likewise.

The handwriting explains, in a modern language known as the New Resource Economics (NRE, or free-market environmentalism), how and why free markets can do more to satisfy the various competing demands for resources on America's public lands than can any government policy.

Replete with examples, references, and scenarios, the *Primer* can be read as an exciting anthology of private-sector policy options by those who desire to become more conversant on such topics. Or, it can be read and used as a fresh point of departure by those who are or wish to become actively involved in public lands policymaking. The trick may be to get people with a vested interest in the status quo to pay open-minded attention to the *Primer's* many

provocative proposals.

Maybe that's too apprehensive. NRE seems to be gaining credence as a basis for strategy among today's more savvy environmental activists, and at least begrudging acknowledgement even among those who remain reluctant to admit its value.

Here in Montana, for example (where like Baden, I both reside and remain involved in ecological issues), a bevy of new buzzwords has entered the lexicon of environmental debate. Policy discussions now routinely include concepts such as privatization, user fees, water markets, conservation easements, free-rider problems, bureaucratic entrepreneurship, tragedy of the commons, and opportunity costs.

During Montana's 1989 legislative session, a coalition of environmental groups proposed a bill to allow farmers and ranchers to sell or lease unused portions of their water rights to public and private resource management organizations as instream flow rights—and a much-diluted version of that bill was actually passed. Before NRE, that small step might literally have been unthinkable.

As Baden himself points out, the Yellowstone Park forest fires of 1988 set

the stage "for essential policy reform throughout the National Park System and the 720 million acres, of America, owned and managed by the federal government." And those fires only added to the heat generated by Alston Chase's stunning exposé of ecological mismanagement on the part of the National Park Service, *Playing God in Yellowstone: The Destruction of America's First National Park*.

Free-market environmentalism, precisely because it dispassionately takes on all forms of special interest (preservationist, recreationist, developmental, extractive, governmental—whatever) had to spend much of its youth scratching for survival in a hostile intellectual habitat. And Baden has paid the price for his advocacy of NRE in more than one lost job, grant, and contract. Nonetheless, the New Resource Economics is becoming a serious contender for intellectual allegiance among a new generation of environmental scholars and activists, several of whom contributed essays to the *Primer*.

Because they share approximately the same angle of analysis, the articles found in the *Primer* tend to cover some common theoretical ground. Whatever annoyance this redundancy may cause those who read the whole book through in one pass, the up side is that each piece can stand alone. The *Primer* thus has handbook value: if you want to get "up to speed" on a given policy issue, you needn't read the whole book.

After Baden's opening articles, which introduce NRE, demonstrate its relevance to the ecological dilemmas facing the Greater Yellowstone area (including the fires), and indicate what to expect from all the other contributors, the *Primer* gets down to specific issues.

If you seek debate on whether it makes ecological sense for the government to buy up property or reclassify some of its own around Yellowstone as "buffer zones," co-editor and contributor Don Leal's entry on "Saving an Ecosystem—from Buffer Zones to Private Initiatives" may convince you that the latter choice makes much better sense.

If you want to learn about intrastate and interstate water conflicts, and possible solutions to them besides obliging taxpayers to build dams in preparation for water wars, Andrew Dana's essay, "Water Resource Management in the

Yellowstone Ecosystem" is essential reading. Dana provides a short but meaty history of western water problems and explains how we've reached a depressing point where the ideal solution (a fully free market in water with well-defined, enforced, and transferable property rights) may be as unachievable as it is desirable. But he concludes with some realistic, hybrid proposals that could make the best of a bad situation.

Jo Ann Kwong makes an excellent case for resolving public and private land-use conflicts in Greater Yellowstone by increasing reliance upon property-rights-based options, in lieu of further government (taxpayer) purchases and takings. Her entry, "A Private Property Rights Approach to Land-Use Conflicts in the Greater Yellowstone Ecosystem" is must reading for anyone who's ever wondered how private organizations can and do go about enhancing and protecting wildlife and its habitat. Conservation easements and purchases are among the strategies she covers.

Tom Blood tackles a touchy problem in his *Primer* contribution, "Man, Elk and Wolves in Greater Yellowstone." The

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*If you've ever wondered about the internal politics of a major news distribution organization, such as how the real down-and-dirty decisions on "what to leave out and what to leave in" are actually made, "Playing Games at Newsweek" will satisfy your curiosity (and perhaps confirm your suspicions).*

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idea of reintroducing wolves in the area has gotten no further than heated exchange, to date. Wildlife experts, public and private, have come to recognize the key role of the wolf as predator in the Yellowstone area ecosystem, especially in keeping the elk population trimmed so that other species may share the same habitat. But politically powerful livestock interests have been able to stymie reintroduction hopes. Blood presents a politically, economically, and ecologically plausible program involving financial bonding, wolf management zones, land

trusts and timber valuation methods that, because of its sophistication, might just sell.

Don Leal, Geoff Black, and John Baden, in their joint entry "Oil and Gas Development in Greater Yellowstone" explain why environmentally nefarious activities on public lands, like logging, tend to receive government subsidies and other encouragements, while more benign extractive endeavors, like oil and gas exploration, meet with bureaucratic reluctance and resistance. This is important because resource management according to NRE admits the necessity of private funding, and benign sources of income are actively sought. Functioning examples of symbiosis between oil and gas development and environmental preservation and enhancement add to the persuasiveness of the authors' arguments.

Two very lively articles dealing with the differences between official fiction and actual fact concerning the consequences of National Park Service policies are included near the end of the *Primer*, further documenting the need for fundamental policy changes. The former, "What Washington Doesn't Know about the National Park System," is by Alston Chase (of *Playing God* notoriety). Chase retraces some of the more controversial points he made in his book, especially the discrepancies between animal populations and habitat conditions reported by the Park Service and those supplied by independent observers. He rejoins various unfounded, even underhanded criticisms of his exposé, and winds up by making some well-thought-out recommendations for remedying the problems he has identified. His facts and figures, rebuttals and remarks are interspersed with some astute sociological observations, not to mention wit.

The latter piece is by Gene Lyons, "Playing Games at Newsweek." If you've ever wondered about the internal politics of a major news distribution organization, such as how the real down-and-dirty decisions on "what to leave out and what to leave in" are actually made, this report will satisfy your curiosity (and perhaps confirm your suspicions). It's an instructive anecdote of journalistic intrigue and political whitewash.

Richard Stroup, in "Rescuing Yellowstone from Politics," also strips

the shine off the Park Service's image, but argues that the fault lies with institutional arrangements more than with particular people and circumstances. After reiterating a point permeating most of the *Primer*—that special-interest pressure upon park and other public lands administrators virtually precludes development of policies pleasing to all—Stroup pro-

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*Most of the authors regard humans and other species all as creatures responding to conditions and incentives they face on a daily basis. Chase goes so far as to define bureaucracy itself as "an ecosystem tending to stability, growth, and control of information."*

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poses an innovative alternative to public administration: Wilderness Endowment and Park Endowment Boards, which could be set up to manage wilderness areas and parks much like museums manage their collections, without actually transferring the lands to private ownership, but linking authority with accountability. Thus the substantive portion of the book ends on another positive, creative note.

It's hard to find fault with a book that aims mostly to stimulate thought and inspire policy. But if the *Primer* lacks something, it is a summary chapter in which its many provocative recommendations are tied together into a comprehensive conclusion, or perhaps a proposed agenda. Beyond being instructive, a wrap-up chapter that projected various scenarios for the ecology and economy of the greater Yellowstone area, depending upon which policy options are followed, would have been an exciting way to end the book.

Still, the specific value of each contribution adds to the harmony they make together in treating humankind as one of many species interacting with ecosystem Earth, and not as some kind of alien manager, "outside the glass." Baden, for example, immediately draws attention to the common derivation of the words "economics" and "ecology," and most of the authors regard humans and other species all as creatures responding to conditions

and incentives they face on a daily basis. Chase goes so far as to define bureaucracy itself as "an ecosystem tending to stability, growth, and control of information."

The value of this line of reasoning lies not only in its ability to open our eyes to practical solutions that would likely otherwise remain undiscoverable, but in the connection it establishes between free-

dom of human action—constrained only by institutions of property rights and personal responsibility—and improved life chances for all living beings. Conversely, it provides a basis for seriously questioning the habitually presumed causal connection between centralized, political control over economy and ecology and the welfare of everything and everybody coming under that control. □

so much to advance. But because he has been more than just a scholar, it is fitting that his *festschrift* go beyond scholarship, and give us a view of Rothbard the man—multi-faceted, boisterous, fun-loving, and cantankerous.

—R. W. Bradford

## Booknotes

**Bestschrift** — *Man, Economy and Liberty* (Ludwig von Mises Institute, 1988, 423pp., \$23) is a *festschrift* honoring Murray Rothbard celebrating his academic and secular contributions. Although it does contain a number of interesting scholarly papers, it also contains light and even humorous entries. In this respect, it is rather more like a good magazine than a conventional *festschrift*. There is serious reading, to be sure, but also reading that can be enjoyed while waiting for the bus.

The bulk of the book consists of scholarly essays, some celebrating Rothbard's contributions to the development of libertarian thinking in economics, philosophy, political science and history, others extending Rothbard's thinking. The contributors are a "who's who" of academics associated with libertarianism and Austrian economics, including both Rothbard's ideological allies and his critics: D. T. Armentano, Israel Kirzner, Walter Block, Ellen Frankel Paul, Leland Yeager, Douglas Den Uyl, Anthony Flew, Tibor Machan, David Osterfeld, Arthur A. Ekirch, Ralph Raico and others.

Among the less than somber contributions are a brief view of Rothbard the man (written by his wife), Rothbard the lover of jazz (by Neil McCaffrey), and Rothbard the film-reviewer (by Justus D. Doeneke). Sheldon Richman's survey of Rothbard's unpublished book reviews written for the Volker Fund from 1952 to 1962 is especially interesting. It gives us a glimpse at the development of Rothbard as libertarian and as writer, and it includes numerous excerpts of Rothbard's own sparkling prose.

My favorite contribution, however, is "Himself at Sixty," a testimonial to Rothbard's life in Ogden Nashian doggerel, written by Robert Kephart and Dyanne Petersen. An excerpt gives the flavor:

Now hardened for battle our hero debates,  
The most likely tactic for smashing the state.  
Forget armed revolution, that would be no  
improvement,  
But wait—we could start—a Libertarian  
movement.

A movement for liberty throughout the land,  
Murray suggests the idea to—Ayn Rand.  
"A is A," she responds, and then starts to  
holler,  
"My economist heroes, they have to be—  
taller."

My favorite couplet comes a few lines later:

So the movement matures, and the years tick  
away,  
Strange people pass through, and some of  
them stay.

Kephart and Petersen conclude their epic with a challenge to Rothbard:

And one final question. Try to answer this,  
Smarty.

What is an anarchist doing in the Libertarian  
Party?

As the jelly in the doughnut, there are four pages of photographs of Rothbard. At last we have the solution to the mystery posed by the 1973 edition of *Power and Market*: that photo of Rothbard on its back cover was taken in 1956 on the occasion of his earning his PhD, in an attempt "forestall his parents who wanted a picture taken in his cap and gown."

*Man, Economy and Liberty* provides the reader with generous helpings of the kind of thinking that Rothbard has done

**Read This** — Some titles are irresistible. Unfortunately, sometimes they are better than the books themselves, and many books, of course, are much better than any title could suggest. One of the nice surprises of George Stigler's newest book, *Memoirs of an Unregulated Economist* (Basic Books, 1988, \$17.95), is that its contents are as delightful as its title is clever.

If you know nothing of economics, this is a good introduction to the best that the mainstream of economics in this century has to offer. Stigler is one of the leading lights of the Chicago School (along with Milton Friedman and the late Frank Knight), and he does a superb job of relating its history and distinguishing characteristics. He uses his career as a jumping-off point to numerous reflections on the nature of society, politics, and (of course) his profession. Though all are interesting, my favorites are those dealing with the relation of economists to politicians and lawyers. His anecdotes about his run-ins with the Nixon and Reagan Administrations are hilarious.

Still, his discussions of the proper method of economics will be the most valuable aspect of the book for many libertarians. The Austrian School of Economics has had a very strong influence on the libertarian movement, and many of us are a bit narrow-minded when it comes to using the work of other schools of thought. Austrians, you will recall, do most of their "research" in an armchair, a place armchair anarchists find very comfortable. The Chicago School, on the other hand, actually goes out looking for answers to chalkboard questions. Stigler puts this "experimental," positivist approach in the best possible light, and I found his descriptions of the Chicagoans' work hard not to admire.

—Timothy W. Virkkala

**The Hell You Say** — Every crank knows that a damning quote bolsters an ideological argument. It adds authority to a weak point and immutability to a smear. Sometimes, however, the most devastating quotations are fabrications. But how can we find out? Paul F. Boller,

Jr. and John George went on a search for phoney quotations and came up with some interesting culprits, which they list in *They Never Said It: A Book of Fake Quotations, Misquotations, & Misleading Attributions* (Oxford University Press, 1989, 159 pp., \$15.95). Some are harmless; others horrid. All should be exposed for what they are.

For starters, Gus Hall never called for U.S. politicians to be strangled to death; the Bolsheviks never wrote a list of "Rules for Revolution"; Rowen Gaither never said the Ford Foundation wants a merger between the U.S. and the Soviet Union; and Harold Ickes never said FDR was striving for a "modified form of communism." Although each is a fabrication—and the authors of the book do their best to trace the source of each—these are often quoted to make ideological points.

The Left too is guilty of fabricating quotations. For example, Hoover never said, "Prosperity is just around the corner." And Adolf Hitler never made a speech calling for "law and order."

Jerry Falwell is fond of quoting Edmund Burke: "the only thing necessary for evil to triumph is for good men to do nothing." But the closest thing Burke said to that is: "When bad men combine, the good must associate; else they will fall, one by one, an unpitied sacrifice in a contemptible struggle." It's easy to see why the real one isn't quoted.

Then there are the misleading attributions. Libertarians will be disappointed to know that Jefferson never said "The government is best which governs least." And he did not say "eternal vigilance is the price of liberty" (and neither did Ben Franklin, to whom the quote is sometimes attributed). James Otis never said "Taxation without representation is tyranny!" And Winston Churchill never said, "The idea that a nation can tax itself into prosperity is one of the crudest delusions which has ever befuddled the human mind."

Phoney Abraham Lincoln quotations cover fifteen pages of the book. Lincoln never uttered the long list of "cannots" often attributed to him, "You cannot bring about prosperity by discouraging thrift . . . You cannot help the wage-earner by pulling down the wage payer. . . ." etc. Neither did he praise high tariffs and protectionism because "we get the goods and the money."

There are fourteen pages of phony

Vladimir Lenin quotations. Suffice it to say that a Lenin quote with any one of the following subjects is a fake: overripened falling fruits, breaking pie crusts, selling ropes, debauching currency, corrupting the young, registering handguns, taking over the world step-by-step, and using the useful idiots of the West.

Boller and George have done excellent work; their book is well indexed and footnoted. So cranks, be on guard. Before you look silly, you'd better look at this book. Scholars can learn a lesson here too: if a quote sounds suspicious, check the source. Even Bartlett's can't be trusted, as the authors show. If you find a fake quote, send the documentation to Boller and George; they plan to issue another edition.

—Jeffrey A. Tucker

### **Freedom-Fighter Intrigue**

James P. Hogan, the author of the superb Prometheus Award-winning novel *Code of the Lifemaker*, has written another expert thriller, this time abandoning hard-science extrapolation for political speculation. As the millenium ends, Hogan sees a libertarian revolution taking place.

Well, not a real revolution, merely the election of the leader of the "Constitutional" Party. But there is no doubt of its being libertarian, rather than nut-rightist (which is what "constitutional" usually means to me)—the preaching that goes on in this book proves it: it is of the kind I have been hearing (and speaking) for years. In this book the proselytizing goes on and on. . . .

Still, *The Mirror Maze* (Bantam, 1989, \$4.95) is an engaging story that kept me up all night. It is the kind of book that you read in one sitting, and then forget about soon after. It is not nearly as good as some of Hogan's other books, particularly the above-mentioned *Code of the Lifemaker*, but it is still worth reading as light entertainment. If you have the time for 439 pages of politics, intrigue and libertarian propaganda, pick it up. —TWV

**A Knife to the Womb** — If you have thought about it at all, perhaps you have reached the conclusion that the coin of abortion has only two sides: pro-life and pro-choice. Victor Koman invites you to think again.

In his new novel, *Solomon's Knife* (Franklin Watts, 1989, \$18.95). Koman melts down the currency of abortion and mints a new coin. In a suspenseful, tightly written and emotion-filled story,

Koman examines the pro-life/pro-choice controversy and proposes an ingenious solution, one that is not only uniquely libertarian but appears to be medically and technically feasible as well.

Dr. Evelyn Fletcher, Koman's dynamic and articulate protagonist, has created an alternative to abortion: transoption, which is short for "transfer option." This is an entirely voluntary procedure by which a fetus can be transferred from the womb of a woman who does not want to give birth to the womb of a woman who does.

Dr. Fletcher is a refreshingly real, individualist character—she smokes a brand of cigarettes called Defiant ("The brand with the highest dose of nicotine per milligram of tar"). And though she makes no spoken claim to being a libertarian, she consistently presents libertarian principles through her actions.

While I don't want to give away too much of the story, the central conflict occurs when the first transoption baby, Renata, is born. Renata becomes gravely ill and needs a bone marrow transplant from her original mother—who, for reasons given in the story, does not know Renata even exists. But when she finds out . . . well, suffice it to say that Koman has written one of the most intense courtroom battles I have read.

Koman writes with depth and clarity. He gives us three-dimensional characters that we can care about, and he crafts a story with plenty of fireworks—one that is guaranteed to knock your vision out of any tunnel. —Michael Reed

### **What I Would Do If Made Dictator of These United States**

— Long ago, in the days when I was forced to attend school, a teacher required me to give an extemporaneous speech on a topic that I was to draw from a hat. I drew the slip of paper, and read: "What you would do if you were made dictator of the world." I found the topic disgusting, so I made a joke out of it. Unfortunately, many people not only find this stuff amusing, but actually take it seriously. John Dalmas, in his book *The General's President* (Baen Books, 1988, \$3.50), does just that.

The time is the future (I forget just when; it doesn't matter), and the United States is in economic chaos. The Vice President has just resigned because of corruption, and the President is sick and



worried. Congress has declared a state of emergency and given him dictatorial powers. He is about to resign, and he offers to appoint as VP (and therefore next President) his favorite general, Cromwell. The general refuses and finds a substitute, an inventor and businessman, Arne Haugen, a true-blue American of Norwegian and Finnish descent. Haugen accepts the appointment, and a benevolent dictator is born. The rest of the book is a spinning-out of the details.

Dalmas is not writing a cautionary tale; he is offering a blue-print for selecting a *Führer*. Haugen is the ideal man in a time of crisis. Not only does he maneuver the ship of state out of tough waters, but he institutes many quasi-libertarian institutional changes. He pulls off miracles, too, if you regard the manufacture of Tesla "scalar resonance" transmitters and power generators as miraculous (I do). He also institutes some reforms that strike me as, well, just a bit too stupid for words: a comploty overhawl of speling, along scientific lines.

I guess this is kind of fun, but it is also disturbing. Somebody who can fantasize about being a dictator is not to be trusted. I can tell you, I would not choose Dalmas as the next Arne Haugen. Cromwell, are you listening? —TWV

### **BOLDFACED Buncombe** —

Like nearly all other obscure and small intellectual movements, libertarianism transmits largely through the self-publishing, *samizdat* method. The chief peril of this method is brilliantly demonstrated in Jason Alexander's book, *Ayn Rand, Libertarians and the Fifth Revolution* (San Francisco: Sitnalta ["Atlantis" spelled backwards] Press, 96 pp., \$9.95[!]), which has been touted in the pages of *Libertarian Party News* and the newsletter of Libertarian International. It represents the all-too-common problem of the self-published book: it isn't worth reading.

Presumably, the author must have some personal charm, because if the current book indicates anything, his writing couldn't impress anybody. A collection of pretentious and tedious rambling about Ayn Rand and abstract ideas, most of the time CAPITALIZED AND IN BOLDFACE in case we are too thick TO GET HIS POINT, Alexander's book is the literary embodiment of Gertrude Stein's famous aphorism regarding Oakland—there's no "there" there. In

Alexander's case, there's no Fifth Revolution either, although he suggests that you might actually find out what he is talking about if you buy some of his other books conveniently listed at the end of this volume.

What content there is seems to be warmed over platitude and vague generalities centering around the idea that mankind has gone through a series of evolutionary stages (AGES AND STAGES, they're called, in one of Alexander's many Jesse Jacksonisms). The announcement that we are in the throes of a Fifth Revolution is the culmination of the skimpy 32 pages of his text. The rest of the book is filled out with an introduction by the North Carolina Libertarian Party chair and a full 51 pages of the softest of softball interviews imaginable by Libertarian

International chair Vince Miller. They do little to illuminate Alexander's ideas.

I can't really make out what the Fifth Revolution is, though I suspect it has something to do with PHILOSCIENCE, "love of knowledge."

"Miller: What is Philoscience?

"Alexander: Permit me a flippant answer: A Philoscience is a philosopher who knows what he or she is talking about."

On the bright side, the typeface is easy to read and the embossed, two-part front cover is one of the nicest to be found on a vanity—er, "self-published"—book. But the most important thing to be learned from this book is that editors and publishers in the real marketplace do serve a useful social function: keeping books like this out of libraries. —Mike Holmes

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*Do the Right Thing*, written and directed by Spike Lee.  
Starring Danny Aiello, Spike Lee, Ossie Davis, Rosie Perez, Bill Nunn,  
John Turturro, Richard Edison. Universal, 1989.

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## Racial Consciousness

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Timothy Virkkala

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I recently discovered that I am *not* Caucasian. No, this was not a Pudd'nhead Wilson sort of revelation, and definitely not the kind about which movies are made. I did not unearth the truth by going over old genealogy books or by uncovering some deep secret hidden in the family closet. I merely read the regular *Natural History* column of my favorite Marxist, Stephen Jay Gould, and learned the latest in racial theory. According to Gould—who in an earlier essay dismissed racial distinctions as scientifically unsound, for reasons that seemed ideological rather than scientific—contemporary theorists categorize genetic and linguistic stocks into seven distinct groups, and people of my ancestry (Finns) are classified not with Indo-Europeans, but with Hungarians and some others as "Northeastern Asian." Linguists had been using this category

(Finno-Ugric) for quite some time, and now it appears that geneticists have followed suit.

Though I learned of this from Gould, it did not exactly come out of left field: I had been prepared. Years ago I had heard that Finns were said to be part "Mongol," or some such. Young, and involved in a kid's romance with the *other*, I was fascinated by the idea. I mentioned it to a great aunt of mine, and she was appalled. She vociferously denied it. Finns *Mongols*? Never! You would think I had said *mongrel*, or something. My reaction to her response, of course, was to reflect on what a bad choice my great uncle had made.

Unfortunately, it seems that few people share this fascination with the *other*: racism is prevalent, and cultural pluralism under attack. Recently, my fascination with "otherness" was challenged—just as were many people's ideas of racism—by Spike Lee's summer blockbuster

er of a movie, *Do the Right Thing*. Lee, an independent black film-maker, is one of today's best directors; his films far outstrip Woody Allen's early efforts, for instance, both in comic inspiration and in film technique, and they rival Woody's later efforts in moral purpose.

Though the "moral purpose" in Lee's first feature film, *She's Gotta Have It*, was subtle and individualistic, *School Daze*, his second film, and especially *Do the Right Thing*, take up controversial issues that were once routinely described as matters of "social conscience" (and social "consciousness," too). *Do the Right Thing* is an exploration of racism, and not just white racism against blacks, either: black treatment of whites is starkly outlined, and, in one outrageous sequence, bigotry by and about Chicanos, Koreans, Jews, *everybody*, is hilariously portrayed.

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*What matters is the escalation of the violence preceding the riot and the manner in which that violence is squelched: the police kill one of the combatants. After that police action, the riot is inevitable; those who do not see this inevitability have no understanding of what it is to be the victim of prejudice, racial hatred, and injustice.*

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The film concentrates on an inner-city community where Sal's Pizzeria is the last hold-out of the old white community. Sal (brilliantly played by Danny Aiello) and his two sons serve pizza to their mostly black customers. The older of Sal's sons is deeply racist, admonishing Sal to pull up stakes and move to a better neighborhood, but Sal will have none of it—and not merely for practical reasons; he seems to have respect for his customers (though not, inevitably, equal respect). The elder son also bitterly disapproves of his younger brother's friendship with their delivery boy, Mookie, played by director Lee. Mookie is the stereotypical "lazy" black youth, invariably taking too long on his pizza runs. Though a likable fellow, he is certainly not a paragon of virtue, as his sister

(played by Lee's sister, Joie) lets him know. Indeed, for much of the film it is a mystery why Sal keeps Mookie on; towards the end of the film we learn the reason: Sal has a crush on Mookie's sister.

The first two thirds of the film is mostly comic. There are several episodes filled with witty and ironically framed dialogue, realistically delivered in street-scat (I do not think I have ever seen a movie with more profanity, or any movie in which the profanity was more appropriate). The characters are fascinating studies in diversity: there is the "Mayor," an old drunk with a heart of gold (he is the one who Delphically instructs Mookie to "do the right thing"); there are three do-nothing old gents who sit at the corner making comments on the passing scene, including the enterprising Koreans who have started their own little market across from Sal's Pizzeria (why can't blacks do that, they wonder); there is Mister Señor Love Doctor, deejay at the little FM station, who plays music and preaches brotherhood to a world that sorely needs the latter, if not the former ("Brothers, are we gonna live together? Together are we gonna live?"); and there is my favorite, Radio Raheem.

Raheem carries a ghetto blaster to end all ghetto blasters. Early in the movie, Sal angrily tells Raheem to shut the thing off when in Sal's place, and Raheem angrily complies. There are numerous, hilarious run-ins between Raheem and just about everybody else; and all the while Raheem plays but one song: "Fight the Power! Fight the Power! Fight the Powers that be!" (Boom, chicka thwack!)

The point on which the plot turns comes early, courtesy of a friend of Mookie's, a stylish young man with a strong territorial instinct. This person complains to Sal that there are "no brothers on the wall." The customers' booth wall of Sal's Pizzeria contains framed pictures of famous Italian-Americans. Mookie's friend thinks it only proper that since Sal serves black customers he should put blacks on his wall, too. Sal is not interested, obviously wanting to keep something of his own culture in the neighborhood: "You want brothers on a wall? Get your own fucking wall and put brothers on it!"

Well, this response might satisfy a libertarian, but it doesn't impress

Mookie's friend, who tries to organize a boycott. He has no easy time of this, but he finally gains one convert: Radio Raheem. He and Raheem go to Sal's one night and declare their opposition; Sal gets angry, and tells the two trouble-

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*"Do the Right Thing" is an exploration of racism, and not just white racism against blacks, either: black treatment of whites is starkly outlined, and, in one outrageous sequence, bigotry by and about Chicanos, Koreans, Jews, everybody, is hilariously portrayed.*

---

makers to get out. They do not. Sal also tells Raheem to shut off his radio. Raheem will not. And then the violence escalates.

I suppose I should not describe the particulars of that escalation, other than repeat what you have already read elsewhere: it ends in a race riot. There is, of course, no question—in my white but not Caucasian mind, at least—that the riot is in an important sense "wrong." But it is at least understandable, and perhaps forgivable (mercy is a virtue, too). But the media and critical attention given to the riot amazes me. From a moral point of view what matters is the escalation of the violence *preceding* the riot and, from a sociological point of view, the manner in which that violence is squelched: the police kill one of the combatants. After that police action, the riot is inevitable; those who do not see this inevitability have no understanding of what it is to be the victim of prejudice, racial hatred, and injustice.

This is a morally interesting movie, the kind that you can spend hours discussing. According to Lee, the actors themselves argued over the film while making it: he and Aiello disagree over whether Aiello's character is racist or not. On this matter, I side with the actor, not the writer: I do not consider Sal to be racist; he merely does not approve of certain aspects of inner-city black culture, the rudeness of Radio Raheem's loud music being the most notorious example. Surely it is not racist—or immoral—to object to cultural practices of others. The trick is to avoid allowing cultural criti-

cism to turn into expressions of unreasoned hatred or envious denigration.

Lee's professed view of Sal seems rather peculiar, however, because it does not show in his film. *Do the Right Thing* is a morally complicated movie that does not take easy positions. Most of the cultural criticism of blacks in the film is spoken *by blacks*. The three old gents on the sidewalk make all sorts of critical remarks about their neighbors and themselves. Lee has not "whitewashed" the culture of inner-city blacks; the moral flaws in his characters are there on the screen for all to see. But still, they are well-drawn human beings, not caricatures, and are not altogether unattractive.

This is an important point, for me at least. For a short time in my life, the only blacks that I met on a regular basis were those black males I encountered in the downtown area of a major city. These black youths were egotistical, rude human beings. The best thing you could say about them is that they were not, at least, *beneath* contempt. Still, I was appalled at how quickly I slipped into racist thinking. I grew up in a totally white community, and I had briefly known only one black person. Though this person was certainly admirable, memory of him was not strong enough to fight away the rush to prejudice *all* blacks I met according to the image of these inner-city blacks. Of course, I knew that racism was "wrong," and could easily come up with reasons against prejudice: indeed, some of my favorite writers and thinkers were black, a fact that put the lie to racist arguments against blacks as in some way inherently "inferior." But "reason" is nearly powerless against some sentiments, as Mookie also discovers (there is a hilarious scene in which Mookie attempts to reason with Sal's bigoted son). In fact, every time I felt myself slipping into racism I had to recall to my attention the memory of a childhood acquaintance whom I still regard as the most vile human being I have ever met. I could say to this fellow Finn what Russell Means said to the Libertarian Party: "you saved me from racism."

Thus it is with great relief that I viewed this movie. The characters in this film seemed realistically drawn to me, at least as realistically drawn as one can expect in a comic film. Many of them are recognizable as types of people I have known. But what is important is that

they are drawn in a context that an alien white such as myself could hardly have seen in real life. These are people who live, love, play, and (sometimes) work; in this context—and in context of the racist elements around them—one easily sympathizes with them. And however wrong-headed we may judge some of them to be, they are shown definitely *not* to be, in the words of Sal's son, mere "animals." It is a pity that this still needs arguing. But Lee has certainly "done the right thing" by *demonstrating* the point, not merely talk-

ing about it.

At the end of this movie, Lee scrolls a quotation from Martin Luther King advocating peace. Then he scrolls a quotation from Malcolm X, asserting that violence is not always violence, but sometimes "intelligence." Though there is no "intelligent violence" anywhere in this movie—not by blacks, not by whites, and not by the police—the possibility of "doing the right thing" is not extinguished; it is only shown to be not so easy as we sometimes think. □

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### Personal

**SM, 25**, seeks libertarian woman, 18-35. No drugs, religion. Send photo, self-description: 2041 S. Pacific #5, San Pedro, CA 90731.

**Gay Libertarian Man, 28**, is interested in contacting other men. Nonsmokers only. Occupant, 4 Bayside Village Place, #307, San Francisco, CA 94107.

## Letters (continued from page 6)

cal events of the past six months show that it is less likely than at earlier times.

This "review" is nothing more than a plea to maintain the status quo, which, as Mr. Holmes candidly notes, is profitable for him. I don't know what credentials Mr. Holmes has as a libertarian, but I'm amazed that *Liberty* has published this cynical and cruel attack as "libertarian" thought.

Michael Sloan MacLeod  
Monterey, Calif.

## With Allies Like These . . .

Knowing our friend Jeffrey A. Tucker to be a dedicated advocate of liberty, we were shocked to read his recommendation ("Puritanism Comes Full Circle," July 1989) of short-term alliances between libertarians and Reconstructionists, the Puritan theocrats whom he described as favoring the death penalty for "adulterers, homosexuals, incorrigible children, and idolaters." This last group presumably includes participants in the Catholic Mass. The Reconstructionists, on Jeff's own showing, are would-be mass-murderers on a colossal scale. What if they advocated extermination of the Jews? On reconsideration, can he still be in favor of even short-term association with such persons?

Sheldon Richman  
Woodbridge, Va.  
Ralph Raico  
Buffalo, N.Y.

## What's Wrong With Liberty

I'm not renewing:

1. Same old "Ayn Rand forever" crap
2. Same old writers
3. Same old lines

Name Withheld

## Managing the Party

Chester A. Arthur provided a colorful, but misleading and irrelevant look at the use of monies by the Libertarian Party and a comparison with the Institute for Humane Studies.

The comparison is misleading because it uses only the budget of the National LP Committee and Office operations and ignores both the LP Ballot Access Committee and the Ron Paul for President Committee. The reality is that if the Libertarian Party National Organization did not exist, there would be no Ballot Access Committee and there would be no Ron Paul for President Committee (let alone a campaign). The reader should note that the LP National

Committee Budget is exactly where the vast bulk of the management items are found so one should not be amazed that the vast bulk of expenses are made from that budget.

The comparison is irrelevant because in this country Political Parties can not use 501 (c) 3 income tax fund raising methods that IHS and others use. The fact is that almost all of the monies spent on Academics Programs, Scholarships and Educational programs come in through the tax-exempt status that the LP cannot use (e.g. Corporate grants).

If one figures in the actual monies raised for Libertarian Party activities in 1988, the amount spent on "Management" is about 15%. The next time Chester Arthur's "old friend" receives a special fund raising mailing for the LP National Committee maybe he will remember that without the LP National Budget there would be no LP Campaigns, no LP education and no LP Outreach.

Don Ernsberger  
LP National Committee  
Warminster, Penn.

## Bozo Alert

Leland Yeager confused me (in "Contractarianism vs Utilitarianism," July 1989) by saying, "I cannot understand . . . how anyone could seriously avow a grounding of ethics and political philosophy actually at loggerheads with a sensible (non-caricature) version of utilitarianism." Possible interpretations of this are:

1. All non-utilitarians are bozos, from Socrates on.
2. All serious philosophers are/were accidental crypto-utilitarians.
3. Utilitarianism is compatible with any serious ethic.
4. Non-utilitarian ethics are hard to understand.
5. There is no sensible (non-caricature) version.
6. All non-utilitarian moral philosophy was intended as an elaborate joke.

From context, Yeager intended to say 3. But any criterion that is compatible with every plausible ethical theory is analytically useless. Someone who agrees with both sides of an argument helps neither.

Narveson gets sprayed with the utilitarian grafito because of his use of "social cooperation," which Yeager claims as part of utilitarian turf. My knowledge of the Bentham/Mill gang is too sketchy

for me to evaluate his claim, but even if it's valid, I doubt it's exclusive.

My own beef with Narveson is that his contractarianism verges on majoritarianism. He's a bit too comfortable excluding minorities, as long as they're very small and unpopular. Unfortunately, he makes no clear distinction between when minorities have rights and when they don't.

Dave Burns  
Austin, Tex.

## Professor Yeager responds:

In my efforts both to be brief and to avoid repeating what I had written elsewhere, I probably did express myself imprecisely when I said "I cannot understand . . . how anyone could seriously avow a grounding of ethics and political philosophy actually at loggerheads with a sensible (noncaricature) version of utilitarianism." You list six possible interpretations of what I meant and settle on your number 3: "Utilitarianism is compatible with any serious ethic."

I agree with you that such a position is analytically useless: a position compatible with anything says nothing in particular and so is empty. But utilitarianism is not empty; alternatives to its criterion of "happiness" are conceivable. They include, among others, conformity to the supposed will of God, or performance of intuited duty for duty's sake alone, or conduciveness to the flourishing of the noblest specimens of the human race, however ordinary people might then fare (a view sometimes attributed to Nietzsche).

In part I meant that some prominent supposed alternatives to utilitarianism really are utilitarianism in disguise. This is true, as I said in my review, of the contractarianism of Narveson and the Public Choice school. John Stuart Mill said so—correctly, I think—about Kant's doctrine.

In saying that "I cannot understand" actual nonutilitarian groundings of ethics and political philosophy, I was not denying that some have been attempted by eminent philosophers. I meant that such groundings—the arguments offered, if any are offered—are quite unpersuasive. Utilitarianism does have alternatives, and the unattractiveness of those alternatives under close inspection helps make utilitarianism look good.

I certainly did not mean your interpretation number 1—that all nonutilitarians are bozos. Someone can be wrong on a particular point without being a bozo. I have often been wrong myself without, I hope, being a bozo.

## Notes on Contributors

"Baloo" is the *nom de plume* of Rex F. May, whose cartoons appear in numerous periodicals.

R. W. Bradford is editor of *Liberty*.

Stephen Cox, a senior editor of *Liberty*, is Associate Professor of Literature, University of California, San Diego.

Lawrence Dodge is an entrepreneur and political activist who lives in Helmville, Montana.

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## Coming in the Next Issue of *Liberty* . . .

"Ayn Rand & I" — Tibor Machan relates his encounter with Ayn Rand and her retinue, and what it is like to be an Objectivist philosopher outside the Collective.

"The Lost War on Drugs" — Joseph Miranda, a military strategist, considers what it would really take to "win the war on drugs." (Think about body bags.)

"Goodbye, Galactic Empire" — J. R. Dunn explores the final frontier of fiction, and sees a ray of hope in the development of a libertarian school of science fiction.

"Regulating Children's TV" — David Bernstein refutes the case made by "children's issues advocates" to regulate commercial television.

"Blowing the College Teaching Biz" — Richard Kostelanetz considers the poverty of modern scholarship, and finds the reason in the institution of tenure.

# Terra Incognita

## New York

Advance in ethical theory proposed by the 37th President of the United States, as reported by Bob Greene, on *NBC-TV*:

In an interview with Richard Nixon, I asked him:

"Surely when you're on a fishing boat with Bebe Rebozo, your best friend, he doesn't say, 'Would you like a beer, Mr President?'"

"Nixon said, 'Yes, he does.'"

"I said, 'Wait a minute. You don't let your best friend call you by your first name?'"

"Nixon said, 'No. It wouldn't be right.'"

## Philadelphia

Intriguing insight into the limits of "Total Mind Power," as reported in *The Wall St Journal*:

When asked about what one can learn from her book, *Natural Bust Enlargement with Total Mind Power*, psychologist Frances Rothman responded, "Mind power is not so great as to increase actual inches."

## New York

Insight into the requirements of leadership in the world's greatest democracy, as observed by activist Jane Fonda, from a dispatch to the Bremerton (Wash.) *Sun*:

Jane Fonda describes teen idol Rob Lowe's potential as a politician: "He's a phenomenon, much like a young Frank Sinatra in the way he works the women in the audience . . . He'd make a good politician."

## Tokyo

Interesting example of how the heroes of America's National Pastime promoted U.S.-Japanese understanding during the pre Pearl Harbor era, as revealed by sports journalist Fred Leib, in his memoir *Baseball As I Have Known It*:

During a "goodwill" tour of Japan in 1931 by a team of All-Star baseball players, several players and organizers of the tour were invited to visit Japan's Prime Minister, Reijiro Wakatauki: "He received us graciously in the prime minister's residence, displayed some knowledge of baseball and was familiar with names such as Gehrig, Cochrane, Simmons, and Grove. Before the tea was served, a messenger came in and told Mr Wakatauki that something urgent needed his attention. He excused himself and was absent for about ten minutes. When he left the room, I regret to say that . . . three or four players filled their pockets with the prime minister's Havana cigars; others snatched pens from the premier's desk; some of the ladies took small vases from the shelves. Even my [wife] Mar, who was as honest as a Florida summer day is long, could not resist the temptation and secreted a vase in her bag. 'After all, we don't have tea with a prime minister of an important nation every day,' she explained. My daughter still displays the vase in her home."

## Tokyo

Another example of how the heroes of America's National Pastime promoted U.S.-Japanese understanding during the pre Pearl Harbor era, as explained in *Moe Berg: Athlete, Scholar, Spy*, by Louis Kaufman, Barbara Fitzgerald, and Tom Sewell:

During a "goodwill" tour of Japan in 1934 by a team of All-Star baseball players, the second-string catcher for the team, Morris Berg, engaged in espionage on behalf of the U.S. government, taking motion pictures of civilian targets which were eventually bombed by the U.S. during World War II.

## Stratford, Ontario

Advance in racial understanding in the arts, as reported in the London *Economist*:

This southern Ontario's largest industry, its internationally famous Shakespeare Festival, has decided to cut one entire scene and part of another from *The Merchant of Venice* before performing it this summer. "The festival defends the cuts as fulfilling Shakespeare's intentions." The offending scenes are considered to be anti-Semitic.

Elsewhere in Canada, suggestions have been made that the Festival may edit *Taming of the Shrew* to make it more palatable to feminists and eliminating the hunchback from *Richard III* to protect the sensitivities of the physically challenged.

## Blackfoot, Idaho

Effect of civic pride in the Gem State, as reported in a dispatch in the Detroit *News*:

Because the lawn had not been mowed, officials of the city of Blackfoot concluded that the home of Dawn and Leo Wynn was abandoned. Acting under the city's cleanup ordinance, the officials broke into the home and disposed of their belongings. Prompted by the city, the couple's mortgage company put the house up for sale, despite the fact that the mortgage payments were up to date. Mr and Mrs Wynn were living temporarily in another town at the time.

## Seattle, Wash.

Ironical consequence of inadequate tax support for education in the humane treatment of animals, as reported in the Seattle *Times*:

Kathi Prevost, manager of the King County Animal Control Department, quit her job after some of her employees revealed to the press that her two black Labrador dogs died of heat stroke while she left them sealed in her car. She was punished with a three-day suspension without pay, deferred for six months, to be stricken from her record if there was "no similar incident."

"Prevost said she found irony in her punishment because she has argued for years for more money for an education program. Last year, she requested \$4,000 in her division budget for information programs only to see it cut by the County Council."

## Washington, D.C.

Progress in the language arts, as reported by the Detroit *Free Press*:

A task force from the National Security Council is investigating ways to assassinate foreign drug dealers without violating the 1976 presidential prohibition against assassinations abroad. "One way to circumvent the ban on killings would be to target drug operations, rather than individuals. Any deaths could be considered only incidental to the operation," according to the one member of the task force.

## Houston

The War on Crime in the Boom Town of the Bayou, as reported in the *The Wall St Journal*:

Dr Hal Doerr, an anesthesiologist at the Baylor College of Medicine, was arrested for roller-skating under a law passed in 1942. He had purchased the roller skates to replace his bicycle, which was stolen. Police report no suspects in the theft of his bicycle.

(Readers are encouraged to forward newspaper clippings or other documents for publication in *Terra Incognita*.)



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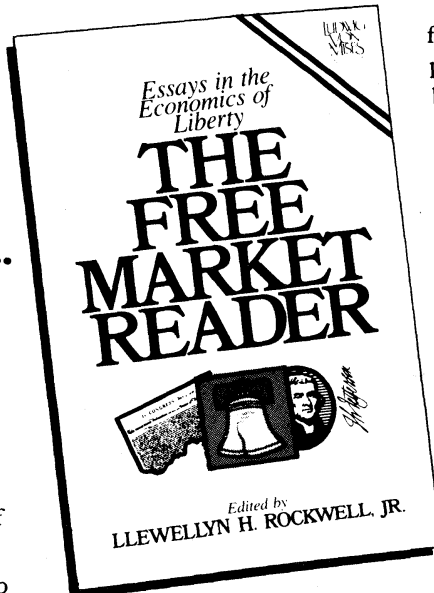
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