

# Liberty

September 1990

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Discussing  
Philosophy with  
**Ayn Rand**

*by John Hospers*

## Me and AIDS

A Hetero Searches for Sanity

*by Richard Kostelanetz*

## The Ecology Beat

Why Bias is Good for Business

*by Jane S. Shaw*

## The Pro-Life Case for the "Abortion Pill"

*by Ron Paul, M.D.*

## The Butterfly Effect

Is the State an Endangered Species?

*by Richard Fulmer*

Also: *Jim Bristol* on World War II, the draft and prison;  
*R. W. Bradford* on forcing pork on Japan; *Brian Doherty* in  
defense of the offensive; and other articles and reviews.

*"The ball of Liberty is now so well in motion that it will roll round the globe." — Jefferson*

# Letters

## Listening to Synthetics

A friend of mine gave me the May issue of *Liberty*, asking that I read Bill Kauffman's review of the work of Ed Abbey ("Novelist, Naturalist, Anarchist").

What a pleasant surprise! I was expecting a defense of industrialism against subversive monkey-wrenching. Especially since I have long thought it was libertarians that Abbey was writing about in *Desert Solitaire* when he said, "There are some who frankly and boldly advocate the eradication of the last remnants of wilderness and the complete subjugation of nature to the requirements of—not man—but industry. This is a courageous view, admirable in its simplicity and power, and with the weight of all modern history behind it. It is also quite insane."

If libertarians can forge some kind of a synthesis of the ideas of Ed Abbey and Ayn Rand, sprinkle it with a little compassion and stir in a pinch of humor, I'll listen to you. Probably the rest of the world will too.

Carlyn Rice  
Pocatello, Idaho

## Meanwhile, Back at the Ranch

I thought that R. W. Bradford's portrayal of *A Texan Looks at Lyndon* (in his reflection "All the way with LBJ," July 1990) as "right wing screed" was uncalled for. I knew its author, Mr Haley, who lived at Canyon (near Amarillo). In the early sixties, he and his son were prosecuted for planting 20 acres more wheat than their allotment allowed. Has not *Liberty* flailed the farm subsidies? Haley was fighting them long before *Liberty* graced the newsstands.

Doyle Henry  
Casper, Wyo.

## Side Effects

James S. Robbins argues that some "lesser interactions" like the invasion of Grenada do not add to the domestic power of the government ("Defining a Libertarian Foreign Policy" July, 1990). Maybe not directly, but there are other effects to consider:

1. Increases in the popularity of the President, making it more likely that he will get his way in elections and on

Capitol Hill.

2. Building a core of flag-waving, my-country-right-or-wrong "super-patriots" that make a flag burning amendment and other liberty restrictions more likely.

3. Hardening the citizens to such actions by the government, whether in foreign lands or here at home.

4. Diverting public scrutiny from other situations, which the government can then handle outside the public eye,

There may be other and possibly more important concerns, but these are enough to make one stop, think, and decide against the supposed harmlessness of these "lesser interventions."

Charles A. Hall  
Marion, Ind.

## Defining a Policy Analyst

"Who is this guy?" I asked myself angrily, turning to the Notes on Contributors, after reading "Defining a Libertarian Foreign Policy," by James S. Robbins. It's like the anger one gets while enduring a bad movie, hoping it will get better but it never does. And, I even got the same clues you get from these movies. The first line was a tip-off, with Robbins personifying the synthesis "Unity in the Idea" of Hegel's dialectic with respect to the ideas of Stephn Cox and Sheldon Richman on foreign policy. This not-so-subtle one-up-manship is followed by pages of drivel that end up justifying every foreign policy stance ever held by this country. Then, as if dismissing everything he had just written, he throws out the libertarian hook: "... the standard of evaluation should be that an action is permissible if undertaken to defend the life, liberty, and property of the citizens of this country ..." Yeah, right.

Kent Christiansen  
Curtice, Ohio

## Benefit of Academe

In his letter to the editor (May 1990), Tibor Machan criticizes George Smith's essay ("Scholarship as Leechcraft," March 1990) which castigates libertarians who work for the state: "Let George prove that I, who fit the formal characterization of the Welfare Intellectual, working as I do at a State University,

have sold out, stopped working hard, or failed to be public in my opposition to public education."

Is this the same Tibor Machan who writes in the July issue of *The Freeman* that "No one has the right to benefit from acts or practices that violate the rights of others."???

Perhaps Machan has opposed public education. But he must know very well the source of his income. He knows as well as Smith that the source involves "the intentional violation of individual rights." Many people (myself included) did not "consent" to the taxes we pay that are used to pay Machan's salary. Yet Machan cashes his paycheck anyway!

Robert A. Markley  
Phoenix, Ariz.

## Having it More than One Way

Brian Doherty's review ("Feminism triumphs—Earth destroyed by asteroid!" July 1990) of my book *The Failure of Feminism* is a little hard to make out, though it is clear he feels an *ad hominem* is preferable to argument. Thus, he says that I "don't seem to be man enough for the job" of criticizing feminism. Here, apparently, traditional masculinity is the standard to which Mr Doherty cleaves. Yet much of his review is devoted to accusations that I assume the pose of a "He-Man," show "flashes of pride in masculinity" (Good heavens!), and the like. In these places, Mr Doherty evidently regards masculinity as a silly myth, as a "macho" delusion. Since, as a libertarian, he presumably holds reason to be the standard of truth, he can't have it both ways.

This same disregard for standards of reality enables him to accuse me of belonging to the "Woman Haters Club." It is, of course, a standard accusation of anti-feminists that they hate women; a notion plausible only to those who imagine that feminists represent women. In reality, it is feminists who, hating women, wish to change them; and those of us who like women who resist this indescribably perverse effort. It was not for nothing that Ayn Rand described feminists as "the commandoes of the haters' army."

Mr Doherty also seems exercised over my pointing out that the atom bomb—ultimate symbol to feminists of the supposed destructiveness of masculinity—actually has some peaceful and important uses, such as destroying asteroids or comets that may one day collide

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# Liberty

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# Inside Liberty

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with the earth. If he doesn't like this example of the utility of what feminists are pleased to abuse as "male technology," he could easily have thought up other examples of his own.

Finally, Mr Doherty concedes my central point: that current scientific knowledge of sex differences vitiates the cultural determinism on which, as he puts it, "certain feminist assumptions" rest—yet he manages to utterly miss its significance. What is at stake, as I spell out repeatedly in the book, is not certain assumptions of feminism, but the viability of feminism itself, whose claim of female oppression can only be sustained in the absence of any inherent, socially significant gender differences. The alert will recognize that if, as Mr Doherty concedes, I have managed to show that such socially significant gender differences do exist, I have indeed demolished feminism as an intellectually viable entity.

Nicholas Davidson  
New York, N.Y.

## Judges Were Made for the Law, Not the Law for Judges

If a libertarian judge can interpret the Constitution to reach a libertarian end then what does it matter that his interpretation is incorrect or that the reasoning behind his decision is fundamentally flawed? The results are good, therefore we should not question the methods used. The problem with a legal philosophy such as this is that it ignores the fact that the law exists not for a philosopher-judge to create his particular utopia but to establish an objective order within which to deal with the problems faced by society and that the proper function of the judge is to apply the law to the situation at hand, not twist it to fit his ends into something completely different from what it was. The alternative—judges becoming unaccountable law makers—is ultimately destructive of even the most libertarian society since it is more likely that a judge will use the law to increase the power of his employer (the state) than that he will use to increase individual liberty. A social order, libertarian or totalitarian, established from above on an unwilling or unconvinced populace has assured its own destruction.

Mr Schaffer's desire (see Letters, July 1990) to see libertarian judges interpret the law to increase individual liberty

even in cases where that interpretation may be incorrect is understandable. After all, from our vantage point it seems much easier to have less than one thousand federal judges and maybe five Supreme Court judges who are libertarian judicial activists use the existing legal system to circumvent the will of the president, the Congress and even a majority of the American people to create a libertarian society than to engage in the long, hard, and seemingly doomed task of convincing the American people that libertarianism is the only ethical and workable political system known to man. The problem with a strategy such as this however is that it is doomed to failure precisely because it "goes over the head" of the American people and attempts to impose, by judicial fiat, a libertarian political order on them whether they want it or not. Instead of believing that they are being liberated by brave judges, it is far more likely that the American people will react to libertarian judicial activism in the same way they reacted to the episodes of judicial activism in the 1920s in the economic area and in the 1960s in civil liberties, they will feel that some elitists somewhere have attempted to thwart their will by imposing on them political, economic, and social policies that have greatly affected their lives without consulting them, they will be angry, and they will be correct.

Mr Schaffer is correct when he says that the only way to make our legal system more rational is to make it more libertarian. However, by leaving that task to a handful of unelected judges, he dooms his strategy to the same dustbin of Constitutional history where we will find theories such as substantive due process and, before long, the idea of an unrestricted right to privacy somewhere in the Constitution (though no one seems to know precisely *where*). In the end, the only way that a true and lasting libertarian society can come into existence is if the people become convinced that only by recognizing and protecting each individual's rights to life, liberty, and property will society become free and prosperous. Such a strategy will be difficult and will undoubtedly take much longer than some sort of libertarian legal revolution but, by recognizing the fact that the people should be the court of last resort in political matters it is much more stable and much more in

line with libertarian beliefs. Given the choice, however, between a political movement that takes, say, 20 years, and a quick legal change that collapses after 20 years and then taints libertarian philosophy as authoritarian, I think any consistent (and sane) libertarian will choose the former.

Douglas Mataconis  
Piscataway, N.J.

## Capitalism Without Kosko

Bart Kosko ("Libertarianism Without Romance," May 1990) argues that we should dispense with the moral realm as a foundation for a defense of capitalism: the benefits of free markets are unrelated to ethics ("free markets are like brains") and, anyway, ethics provides us with no valid arguments since "ethical statements are neither true nor false." Unfortunately Kosko's positive argument for capitalism, by itself, does not justify anything like what libertarians would call capitalism (or free markets or voluntary exchange, etc.), and it fails to do so precisely for ethical reasons.

So what is capitalism? I will accept Kosko's definition, and then I will give you mine: exactly the same as Kosko's, except that in any actual set of institutions that satisfy it, I own everything that Kosko would have owned under his definition. I submit in advance that this is an extremely minor change to Kosko's definition, and that it will modify capitalism in such a tiny way that (almost) none of us will notice, and that none of the real benefits of capitalism—"exponential equilibration, unsupervised learning, insensitivity to small perturbations"—will be lost. Except to Kosko. And if he can produce anything other than an ethical objection to my definition, I would love to hear it.

Gordon Sollars  
Montclair, N.J.

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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

**Saying "Yes" to Noriega** — Let's see if I've got this straight. First, the U.S. Army, at taxpayers' expense, trained a Panamanian by the name of Manuel Noriega to work in (what the Army calls) intelligence. Then for years the Central Intelligence Agency, at taxpayers' expense, paid large amounts of money to Noriega to induce him to act as a source of (you guessed it) intelligence. The CIA made these payments with full knowledge that Noriega was heavily involved in international drug dealing. Still later, the former head of the CIA (that's right, old "kinder and gentler" himself) ordered the U.S. armed forces to unleash their awesome firepower on the people and property of Panama for the ostensible purpose of (I'm not making this up) arresting Noriega and bringing him to the United States, where he could be given a fair trial and found guilty of violating (I know it sounds bizarre, but I have it on high authority) U.S. laws against drug trafficking.

To make sure that Noriega would not squirrel away his ill-gotten millions, U.S. authorities requested that the governments of the several countries in which Noriega maintains bank accounts freeze the accounts. Pretty smart, eh? There was just one catch. Defendant Noriega, now whiling away his time in jail in Florida, has a crackerjack team of attorneys preparing to defend him against the charges on which he will in due course be fairly tried and found guilty. These attorneys don't come cheap. They have already spent about \$1 million for investigators, translators, computer jocks, paralegals and, of course, their own fees of several hundred dollars an hour each. Poor Noriega, his funds frozen, is unable to pay his defense team.

So who will? I kid you not: you and I will—at least for a while—because Noriega is going to receive a loan from the U.S. government (repeat after me: of the people, by the people, for the people). U.S. District Judge William Hoever has approved a plan to use public funds—that is, money originally extracted from you and me and other law-abiding citizens—to pay Noriega's lawyers.

But not to worry. We're supposed to get the money back (you and I won't get it back, of course, but our duly elected officials and their agents will). If Noriega loses his case, he forfeits his loot to the government, and thus the loan is repaid. But what if (don't bet on it) Noriega wins? No problem. He has signed an affidavit promising that if he wins he'll reimburse the government. And if you can't trust Noriega, whom can you trust? —RH

**Art and money** — Taking a cue from the anti-McCarthyites of the 50s, the American arts community is demonstrating that it will not supinely knuckle under to the philistines and puritans of the 90s. Organizations are doing the heretofore unthinkable: refusing cash benefactions from the National Endowment for the Arts. "There are a great

many literary magazines that can't afford to act on principle. But we had to make a statement," said George Plimpton in declining a \$10,000 NEA grant to the *Paris Review* of which he is editor. Others have done likewise.

They are protesting the endowment's inclusion of a form to be signed by grantees affirming that the project avoids "sodomasochism, homoeroticism, the sexual exploitation of children or individuals engaged in sex acts and which, when taken as a whole, do not have serious literary, artistic, political or scientific merit." "Very dangerous," murmurs Plimpton. A man who has passed days attempting to evade charging 280 pound linemen should know whereof he speaks.

Still one wonders whether this episode qualifies for the Hall of Fame of civil liberties defenses. It's easy to understand how an artist may lose face among his pals if he shows himself to be squeamish about the sexual exploitation of children, but how severe a breach of one's integrity can it be to attest that the funded work possesses some artistic merit? Compared to earlier resistance to political witch hunts and the human carnage of a hapless undeclared war, the artists' revolt seems, well, Norman Rockwellish.

So I offer this suggestion to Plimpton, et al.: refuse the money on the grounds that it has been coercively extracted from unwitting, unwilling payers. That would be truly avant-garde. —LEL

**A new Trinity** — The three most popular men in America today are Nelson Mandela, Mikhail Gorbachev, and Bart Simpson. I am not sure what to make of this, but it doesn't sound good. —EOW

**Lip-reading** — "How do you tell whether a politician is lying?" the old joke goes. "If he is moving his lips."

George Bush demonstrated the truth that underlies the joke in his statement on June 25 about "tax revenue enhancements," welshing on the promise that got him elected President: "Read my lips. No new taxes."

Of course, only a few true-believing Republican morons took Bush's solemn word of honor seriously in the first place. But the most effective politics is moral posturing, and Bush's promise scored big with voters. They doubted his promise, but they appreciated a politician who made a firm and unequivocal promise against new taxes.

By standing by his word for two years—setting some sort of record for a politician—Bush earned the goodwill of most Americans. The question now is: will voters accept his flip-flop as inevitable, or will they react against the president and his party?

The flip-flop came at a particularly bad time for the Republicans, who already suffer from losses from a popular rejection of their stand on another of their major issues.

For more than a decade, Republicans have profited handsomely from the abortion issue. By advocating the criminalization of abortion, they got money and support from the religious right, a vociferous and active minority group. It was a pretty cheap way to get support because the Supreme Court in the *Roe v. Wade* decision had ruled that just about any restrictions on abortion were unconstitutional. The majority that favors legal abortion never got too upset about the Republicans' stand on abortion, since it couldn't be enacted into law.

But with the *Webster* decision last year, the Court put the issue back before the public. This has Republicans in a difficult position: they can continue to oppose abortion, thereby

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*The Republicans have called for making it a criminal offense to fail to show sufficient respect for the flag. This is too big a fish for the shysters on the Supreme Court to swallow: despite their amazing ability to twist the Constitution to any shape they want, they can't figure a way to make flag burning exempt from the very plain meaning of the First Amendment.*

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offending the 70% of the electorate who favor legal abortion, or they can waffle on the issue by retreating from their previous stand, which would make them look like wimps. Most Republicans wish the abortion issue would go away.

By solemnly promising "no new taxes," Republicans had been able to tap a huge reservoir of support from the overwhelming majority of Americans who pay far more in taxes than they receive in benefits. The public relations campaign by the left-liberal establishment in favor of higher taxes has borne fruit: many Americans have more or less resigned themselves to higher taxes (or so the polls tell us). But an awful lot of voters remain opposed to paying even higher taxes than they do now, and are willing to support politicians who promise to oppose them. And now Bush has wiped out opposition to higher taxes as an issue.

To fill the void, the Republicans have come up with a new issue: the flag. The Republicans have called for making it a criminal offense to fail to show sufficient respect for the flag. This is too big a fish for the shysters on the Supreme Court to swallow: despite their amazing ability to twist the Constitution to any shape they want, they can't figure a way to make flag burning exempt from the very plain meaning of the First Amendment.

The Republican call for a constitutional amendment to ban flag desecration has struck a resonant chord with many Americans, just as early in this century laws banning racial integration struck a resonant chord with many Americans. Democrats mostly have argued that putting a limit on freedom of expression as guaranteed by the First Amendment is not a very good idea. So the Republicans are busy forcing votes on the Amendment and related measures so they can use the votes of Democrats in Congress to score points with voters and divert attention from the abortion issue.

The elections this fall will likely be fought over abortion

and flag-desecration. Unless, of course, some renegade Republicans stick to their guns on taxes. Here's hoping some do, and win big.

—CAA

**Angry at the sun** — Bush's lie about taxes shouldn't be a surprise to anyone. He has spent his career as a civil servant crawling his way to the top, and part of that career as head of the CIA, a job that doubtless does little to inculcate habits of forthrightness and honesty. He has spent his whole life immersed in a subculture built around secrecy and deceit—politics.

Political relationships, because of their authoritarian nature, encourage dishonesty. Underlings lie to their superiors to curry favor by telling them what they think they want to hear. Superiors lie to underlings to get them to do their bidding. And when the veneer of democracy is thrown over the process, everyone in power lies to the voters in order to remain in power by telling them what they want to hear. Bush divined that what the American people wanted to hear in '88 was "no new taxes." So he said it. But anyone who thought he meant it for a minute hasn't lived in a democracy long enough.

Perhaps feeling angry about this fact of political life is futile and pointless:

That public men publish falsehoods

Is nothing new . . . Be angry at the sun for setting

If these things anger you.

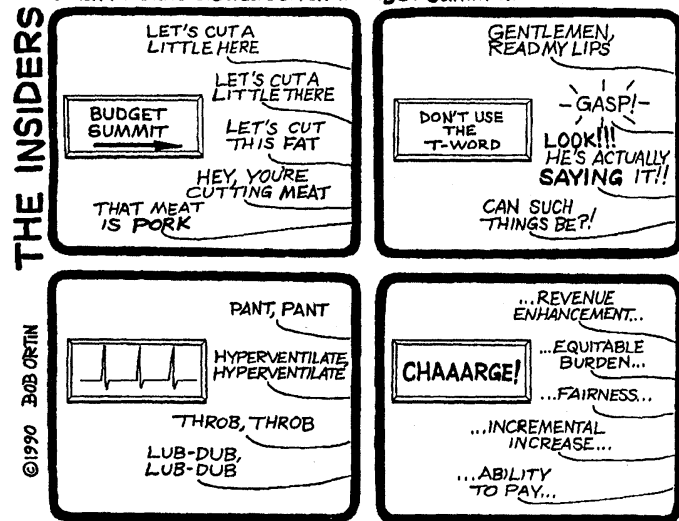
So wrote Robinson Jeffers a half century ago. And he didn't even know about George Bush.

—BD

**Mandelamania** — The British Royal family visited, and the United States treated them like kings. The Pope arrived, and our prayers were with him. Gorby and Raisa came to town, and the Gorbasm commenced. Then came Nelson Mandela, and the world stopped turning. The adoration of Mandela seems to defy logic—it may well be that the ancient wisdom about Americans needing heroes is correct. He is the nominal leader of one of the last contending communist-oriented movements in the world, in an era when socialism is being placed alongside Zoroastrianism as a source of political guidance for the future.

To call the African National Congress communist is hardly a smear. Given their state-centered economic and social

**Bush breaks deadlock at budget summit...**



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Loren Lomasky — philosopher specializing in rights theory, author of *Persons, Rights and the Moral Community*;

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policies, I would call it an objective description. He is also, however, the symbolic leader of the struggle against racism in South Africa, and he well fits this role, with his stately bearing and energetic stage presence. In this sense he is similar to Ronald Reagan. Furthermore, like Reagan he fell asleep at awkward moments, and snubbed his Yankee daughter and grandchild when he was in Boston.

Mandela's American tour eventually brought him to Atlanta, corporate HQ of the Civil Rights Movement, where he laid a wreath at the tomb of Martin Luther King, Jr. However, the ANC leader refused to commit himself to a policy of non-violence, claiming that South Africa wasn't ready for it. This is interesting, considering that Dr. King took his political inspiration from Mahatma Gandhi, who perfected his strategy of non-violence in South Africa. I suppose the ANC showed its opinion of the Mahatma a few years back when it burned down his old house in an attack on the nearby Indian community. Nevertheless, Mandela joined in a soulful chorus of "We Shall Overcome."

Mandela's mission in the United States was fundraising, and his emotive speeches were well calculated to this effect. He tailored his words to his American audience, which was far more wealthy, far more emotional, and far more ignorant of actual conditions in Africa than anyone on his home continent. I spoke to a Nigerian journalist who met with Mandela in Lagos before he came to the United States, and he told me that Mandela stressed the need to work with the de Klerk government to come to an equitable solution of the South African problem, and to pursue moderate policies while preventing radicals, both black and white, from disrupting the process. Can you imagine the tremendous let-down Mandela's American fans would have felt if he came over here and said something reasonable and pragmatic like that? So instead we were treated to slogans and posturing, both from Mandela and from every American political hanger-on in his vicinity. It is an election year, after all.

—JSR

**U.S. pork exports up** — The Bush Administration has decided to help reduce the trade deficit by exporting pork barrel politics. It seems that the government of Japan doesn't

waste as much money on so-called "public works" as the U.S. does, and this gives the Japanese an unfair advantage. So the Bush Administration threatened trade restrictions against Japan unless it increased pork barrel spending.

Japan resisted valiantly, but in the end agreed to spend 430,000,000,000,000 yen (about \$2,844,000,000,000) on "public works" over the next ten years—a lot of money for bridges and highways. Now it's hard for me to visualize spending in the trillions of dollars, so I decided to figure out how much spending is required per acre.

As a matter of fact, it amounts to about \$31,000 per acre of land in the entire country. But most of Japan is forest, farms and grassland—according to The World Factbook, Japan is 69% forest, 16% farms, and 3% grassland. Presumably the "environmental president" would not want to pressure Japan into paving over its forests or farms. So the \$2,844,000,000,000 will

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*In exchange for Japan's spending \$3 trillion dollars on pork-barrel boondoggles, President Bush announced he had decided to go back on his promise not to raise taxes. The idea apparently is, you shoot yourself in your foot and I cut my arm off.*

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have to be spent on the remaining 12% of Japan that is developed for use other than farming. This amounts to an average of \$257,685, or about 38,949,045 yen per acre. That's enough to cover each acre in 3 layers of Japanese one yen coins, and still have 10,157,624,704,404 yen (or \$67,202,280,545) left over.

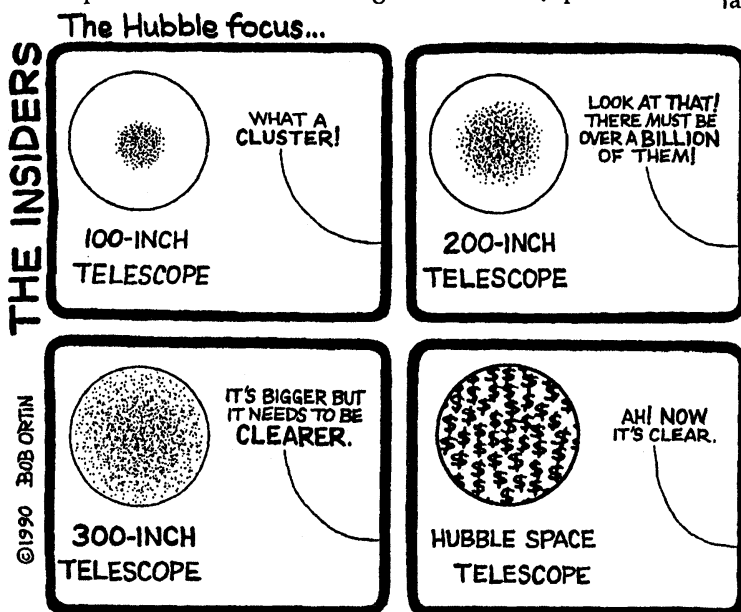
Of course, the overwhelming bulk of the remaining 12% is privately owned, and used for housing, industry and recreation. So the foregoing analysis grossly underestimates the rate at which the Japanese government will have to plow money into its publicly owned non-forest, non-farm land.

Maybe Japan should just pave over their whole damn country. Maybe they'll have to, in order to spend all the money they've promised to spend. However you cut it, by the time Japan spends the \$2,844,000,000,000 on "infrastructure" it ought to have some of the best damn bridges and highways in the world.

I hope Bush doesn't decide we need to spend that much on "public works" in this country. If my own little county spent money at that same rate, it would have to spend \$3.5 billion a year on "infrastructure"—or about 200 times the total amount my county currently spends on everything.

The theory behind the arm-twisting apparently is that such wasteful spending will make it more difficult for the Japanese to produce goods of higher quality at lower prices than American firms who are burdened with U.S. taxes for domestic pork-barrel spending. "We would have liked to have seen more," one U.S. negotiator told The Wall Street Journal, which reported the Bush Administration had requested an expenditure 500,000,000,000,000 yen.

The Wall Street Journal reported that the U.S. is making concessions also: "U.S. negotiators said President Bush's announcement Wednesday that he would support an increase in tax revenue proved to the Japanese that the





U.S. is serious . . ." In other words, in exchange for Japan spending trillions of dollars on pork-barrel boondoggles, President Bush announced he had decided to go back on his promise not to raise taxes. The idea apparently is, you shoot yourself in your foot and I cut my arm off.

What will be next? The U.S. negotiates for Germany to bomb its own auto factories, in exchange for which we will make Ralph Nader president? The Oakland A's agree to make José Canseco use a chopstick for a baseball bat, in exchange for the Mets playing Dr Ruth Westheimer at shortstop?

Stay tuned.

—RWB

**Let no man put asunder** — Queen Elizabeth II, visiting Quebec, offered an opinion on the notion that Quebec might secede from Canada. "Those who have been conquered," she advised, "should stay conquered."

Okay, I admit it, I'm kidding. What she actually said was, "Those who have joined together should stay together." Just because she misrepresents history, there is no reason I should.

—EOW

## **Elitism in defense of the state is no vice**

— As I toil at my computer in the middle of the night, I occasionally turn on my television and tune it to PBS at 1:00 a.m. to catch Today's Japan, a news program from the Japanese government's television network. It's usually pretty dull, but it occasionally has something interesting—perhaps a report on a new hypertech toilet or of a new way transporting mollusks live by truck so that gourmets in inland cities can eat them while they are still wiggling. I like TJ because it's easy to follow without watching, which is nice because I can't see my television from my computer desk. If something interesting comes up, I can use it as an excuse to take a break and watch the video.

After TJ, my local PBS station runs a potpourri of PBS programs: talking heads, furry animals, high school science movies—the usual flotsam and jetsam of public TV, distinguished only by being so boring that PBS won't run it during their primetime or even on Sunday afternoons.

And so, the other day, I audited an episode of Bookmark. I had never seen it before, but I quickly gathered it is a talk show about a single recent book. Host Lewis Lapham, editor of Harper's, was joined by three guests: Kevin Phillips, the author of the book under discussion, *The Politics of Rich and Poor*; Richard Cloward, "professor of sociology and social work at Columbia University, an authority on America's class wars, and author of *Why Americans Don't Vote*," and William Greider, "an extraordinarily astute observer of national political and economic affairs, formerly a managing editor at the Washington Post, who now writes an occasional column for The Rolling Stone Magazine."

Already Lapham had dropped a hint or two about his program: William Greider is the National Affairs Editor of Rolling Stone, not merely an "occasional columnist." And the magazine is called Rolling Stone, not "The Rolling Stone Magazine." Apparently Lapham moves in circles where a rock and roll magazine—even one with pretensions—is not so respectable that one would bother to cite it by its correct name. Greider, for his part, seemed perfectly happy to have his position with such a magazine played down—Rolling Stone is apparently good enough to pay his salary, but his involvement should be mini-

mized when appearing in the august environment of public television.

In *The Politics of Rich and Poor*, Phillips argues that during the Reagan years there was a tremendous shift of income from poor to rich. "What exactly happened in the last ten years?" Lapham asked him to kick off the show. "I mean, how large was the shift from one end of the society to the other?"

"Well that's it. It was really enormous," Phillips responded. "People have just underrated how much. There's one statistic that shows the top 1%—that means about 600,000 people—increased their share of national income from about 8% to somewhere between 12% and 14% depending on the numbers you credit. Now that's somewhere between \$100 and \$200 billion." The panelists nodded sagely, impressed with Phillips' mastery of his subject.

Wow! What statistics! Phillips certainly is an expert.

Let's see . . . if 1% of the population is 600,000, then the U.S. population is about 600 million. That's more than twice the accepted population figure; no wonder there are complaints that the Census is missing some people in their counts. If an in-

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*It never occurred to the members of the panel that they are part of the elite in America, that they live at the expense of American working people. They were content with the give and take of the discussion—giving each other compliments and taking the taxpayers' money to spend on European vacations and \$500 suits and other accoutrements of fine living that the poor saps who subsidize them can only dream about.*

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crease of 4% in national income amounts to \$100 billion, then national income is about \$2.5 trillion—or about half the figure published by the Commerce Department. None of the panelists did the simple arithmetic involved, once again demonstrating that PBS is an ideal place to cite bogus statistics to support one's position.

The discussion was virtually a gang bang on businessmen and high-income individuals, the "elite" that has despoiled this country during the Reagan years. The host and panelists were pleased that Phillips, a maverick conservative political analyst, had come over to their view that the rich constitute an elite and ought to be punished for their wealth, preferably by being separated from it.

I say "discussion," but that isn't really the right word. Discussion involves give-and-take, disagreement and the comparison of alternating positions. What Bookmark offered was a love-fest, with each individual lavishing praise on the others and agreeing with what the others said. The only disagreement I recall was when Phillips disagreed with the view that all businessmen were bad; he personally knew some that agreed with him that most businessmen were bad—these particular businessmen weren't such bad guys.

Not only are the elite bad people, they are living high on the hog at the expense of ordinary Americans, they agreed. Funny thing, from where I sit, these guys look like members of the elite. I dare say not one of them wore a suit bought

off the rack. I suspect they eat more meals at fine restaurants than at Denny's and have never seen the inside of a Taco Bell.

What's more, they seem to have little compunction about living high at the expense of ordinary Americans, the practice they had just denounced. None seemed to be bothered by the fact that the show on which they were promoting their books and magazines is telecast by PBS, which is financed by tax money taken from ordinary, non-elite Americans, who prefer to watch other television networks, financed by advertising or subscription. In fact, all seemed quite happy to promote the sale of their books—and the flow of royalties into their pockets—at taxpayer expense. (Lapham neglected to plug William Greider's most recent book while introducing him, but Greider remembered to plug it a half dozen times during the course of the program.)

Nor did Lapham complain about the largess that his magazine enjoys at taxpayer expense by means of subsidized postage rates. (*Harper's* is a "non-profit" foundation, so it can send out junk mail at less than half the cost that its private competitors pay.)

No, it never occurred to Messrs. Lapham, Greider, Cloward or Phillips that they are part of the elite in America, that they live at the expense of the American working people. They were content with the give and take of the discussion—giving each other compliments and taking the taxpayers' money to spend on European vacations and \$500 suits and other accoutrements of fine living that the poor saps who subsidize them can only dream about.

—RWB

**Down the Hatch** — On June 21, the Senate failed to override the President's veto of a bill to disembowel the Hatch Act, which prohibits federal employees from engaging in partisan political activities. The impetus behind the measure had come from federal employees unions, who were looking for a method to increase their political power. "Eastern Europe has opened up and, by God, we've been left behind" whines the boss of the American Postal Workers Union. He

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*I am not altogether certain that people on the federal dole should even be allowed to vote. But when I think of the side effects of getting rid of the Hatch Act I have second thoughts.*

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knows what buttons to push. Nothing sells better nowadays than invidious comparisons between newly-liberated Eastern Europe and the bad ol' U. S. of A.

But are the Hatch Act restrictions unreasonable? They were enacted to eliminate political pressure in the federal workplace, and to protect federal employees from feeling intimidated into supporting certain political causes dear to the hearts of their superiors. Amending the Hatch Act would "create the freedom for public employees to be politically coerced. If this bill is enacted, there might be more speech, but not necessarily more free speech," Sen. William V. Roth has pointed out.

Personally, I am not altogether certain that people on the

federal dole should even be allowed to vote. So my initial inclination was to be unsympathetic to this endeavor. But when I think of the side effects of getting rid of the Hatch Act I have second thoughts. Nasty political pressure will be brought to bear on everyone in federal workplaces, making the working environment that much less attractive. And anything that tends to make working for the government seem less appealing is fine by me.

So I was disappointed by the President's veto. Sure, repealing the Hatch Act would have led to more vocal pressure groups on the stump for more and bigger government—but by bringing the stridency of unionized partisan political pressure to the federal workplace, it would also probably discourage as much actual governance as it encourages theoretical governance. A bureaucrat busy bugging the guy at the next desk about political contributions or arguing with his co-worker about whose turn it is to canvass the bad neighborhood is a bureaucrat not busy infringing on my freedoms—and the person at the next desk is that much more apt to look for honest work.

—BD

**The truth goes marching on, part XIV** —

Recently in Detroit a number of local organizations sponsored a large meeting to honor the late Paul Robeson. It featured a retrospective of his films and songs in addition to a wide variety of speeches praising the famous black entertainer's accomplishments. Now Robeson was many things. He had one of the most beautiful singing voices ever heard—a rich, deep baritone that is still a pleasure to listen to on fifty-year old recordings. He was a capable actor, although his talent was often wasted in mediocre jungle-chieftan movies—Americans weren't ready for black leading men in the thirties and forties; even in such roles, however, Robeson always projected powerful presence and dignity. On the stage he was even better—commanding in his favorite roles of Othello and the half-mad Haitian emperor Henri Christophe.

Paul Robeson was also a Communist Party hack of the very worst type. Not only did he parrot, repeatedly and publicly, every imaginable Stalinist cliché, and relentlessly follow every twist and zag in the Party line, he did something that black leaders ought to regard as even worse: he took such positions even when they were damaging to his own race. This was not because of any sort of racial self-hatred, nor was he trying to suck up to whites. He simply placed the interests of the communist movement above all else. Even when the NAACP and other Negro groups were pushing for anti-lynching legislation during World War II, Robeson savagely denounced their efforts, referring to them as "kluxers" for daring to raise any issue which might even minutely detract from the war effort and thereby inconvenience our Soviet allies. A few years later, at the height of the cold war, Robeson endlessly repeated the imbecilic notion that, if war came with the socialist bloc, American Negroes would take up arms for the USSR, not the United States. Naturally, white racists ate this up. Robeson never abandoned his commitment to the unworthy cause that he had chosen, even as his influence and his career waned during the fifties.

Yet here we have the organizers of the Detroit memorial calling Robeson a great "civil rights leader" (which is not true in any sense) who fell victim to McCarthyism for daring to

"speak out for his people." One spokesman called him a "great emancipator."

Truth may be mighty, and may triumph in the end. The trouble is, the end can be a damn long ways away. Meanwhile, how often does one have to support it by rehashing issues which should have been settled years ago? The point is not to sully the memory of Paul Robeson, who should probably be regarded as a tragic figure more than anything else. But it is wrong to claim that, his artistry aside, Robeson left a positive heritage. His politics were poisonous. There is no meaningful sense in which he can be thought of as a "black leader." He was simply a CP loyalist who was black. He should be remembered not as a hero but as a supremely talented person who was seduced by the most destructive ideology of our time.

—WPM

### ***South Africa and the herd of independent minds***

— There are few better current illustrations of the "herd of independent minds" phenomenon than fashionable American thinking about South Africa. All seem to favor "disinvestment," which forces American companies present there to unload their businesses, no doubt at bargain prices. The principal beneficiaries of such fire sales are white South African entrepreneurs, who garner a viable enterprise at a fraction of its real worth; the principal losers are the stockholders of the parent American company on one side and the black workers on the other. In part because they were American, absentee owners were more likely to employ and promote blacks than white South African bosses; once

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*I wonder about Bishop Tutu's enthusiasm for disinvestment. Knowing something from histories of the Jewish holocaust about the collaboration of "leaders" in the face of oppressive force, I have more than once conjectured that perhaps these black leaders are being employed, or blackmailed, by the South African secret police.*

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American influence would be excised, the old ways of discrimination could return. Were I a black South African worker made destitute again because of pressure from abroad, I would be justifiably angry at the comfortable Americans whose agitation prompted my poverty.

Don't you notice, I can hear someone say, that the most visible black South African leaders favor such disinvestment, some quite passionately? Indeed, they do, and I wonder about it, beginning with Bishop Tutu's almost manic enthusiasm for it. Knowing something (initially from histories of the Jewish holocaust) about the collaboration of "leaders" in the face of oppressive force, I have more than once conjectured that, perhaps, these black leaders are being employed, or blackmailed, by the South African secret police. Any underhanded motive we can attribute to the CIA or the KGB can also be imagined of their South African counterparts. Don't you wonder as well about Jesse Jackson's favoring disinvestment? I do, but I am not the first to notice that Jackson will favor almost anything that appeals to his constituency. (He also advocates enlisting the American military in the "war on drugs," which is another

counterproductive idea, setting up our lowest-paid civil servants to be bribed and thereby setting a dangerous precedent for hiring American soldiers for private ends.)

Precisely because discussion of the South African situation ignores the fate of black African workers, certain truths get lost. One is that African blacks are trying to sneak into the Republic of South Africa, to break down its border, simply because jobs are more plentiful there than in the surrounding black-run states. A second is that South Africa has more deeply established bureaucracies, media, and commerce than the surrounding "republics," some of which are one-party dictatorships, others of which have hierarchies of feudal exploitation that channel wealth to their leaders, none of which offers the general populace, black or white, many civil rights. The fundamental liberal deceit here (as in judgments of Israel) is to compare the Republic of South Africa to Western European states rather than to its immediate neighbors. The disingenuous assumption is, to be frank, racist, which is to say that the white people running South Africa (or Israel) should be made accountable to standards inapplicable to neighboring blacks (or Arabs); the other side of the deceit is, of course, even more profoundly disquieting—the implicit assumption that since black or Arab behavior cannot be judged according to Western European standards, they must be fundamentally inferior to whites. Why aren't people more aware of the implications of popular pieties?

—RK

***An Azerbaijani nuclear force?*** — In the mid-1980s, at the height of nuclear-freeze mania, it was widely asserted that the world was "closer than ever before in history" to nuclear war (the Cuban Missile Crisis notwithstanding). Nuclear issues, and particularly total nuclear war, were common themes in public discourse. However, with the dismantling of the Soviet East European empire and the relaxation of tensions between East and West, the issue of nuclear war has receded.

It is true that the likelihood of the sort of nuclear conflict envisioned by deterrence strategists, i.e. an all-out exchange between the United States and the Soviet Union in a war-time setting or by sneak-attack, is slim. But the probability of other forms of nuclear conflict at lower levels has increased in the past five years. Consider the following scenarios:

1. Terrorists in the Soviet Union, motivated by nationalism, religious fundamentalism, or ideological concerns, take over a missile silo or weapons stockpile and use the weapons against the United States, China, Israel, Moscow, or another target;

2. Motivated by a need to unite the Soviet Union in times of increasing domestic chaos, government leaders (either resurgent internationalist socialists or Great Russian Pan-Slavists) set off a war of expansion into an economically robust but militarily weakened Western Europe, which leads to nuclear exchanges;

3. During a new Russian revolution/civil war, authorities who control the nuclear arsenal, facing imminent death at the hands of their domestic enemies, launch a grudge attack against foes, real or imagined, at home or abroad.

None of these scenarios is likely to take place soon, but each, I submit, is at least as likely as the nuclear war scenarios of the 1980s. The difference is that while the earlier deterrence strategies were based on assumptions of rationality, and at

least potentially preventable, the scenarios described above are based on less predictable, more passionate concerns. And when one looks outside the Soviet Union to the number of potentially hostile developing nations and non-state actors which are developing or attempting otherwise to acquire nuclear and ballistic missile technologies and capabilities, and the possibilities of accidental launch, the situation becomes even more unstable.

There are some things the United States can do to decrease the likelihood of future nuclear conflict. Propping up Gorbachev in his attempt to chart a moderate course of reform in the Soviet Union is one of the easiest but least effective measures, because he has not shown promise in creating stability, and has few good long-term prospects in any case. A second, more difficult and more effective measure would be to intensify efforts to reduce the numbers of ICBMs and SLBMs in U.S. and Soviet arsenals, perhaps even to the point of using the United Nations to monitor all such weapons, or giving over our nuclear arsenal to an international coordinating commission which would control all such weapons worldwide. The U.N. hasn't shown itself to be a very effective arbiter of conflict in the world, but it might contribute to stability through administration; the U.N. bureaucracy would render the weapons useless!

The third and most important policy option is the speedy deployment of a ballistic missile defensive system. The long-term logic of strategic defense (to stave off the missile threat in the developing world) should be compelling enough, but destabilization in the Soviet Union should make it imperative. Furthermore, while many critics pointed out that an SDI system would not be effective against massed ICBM attacks, such a defensive shield would be very useful against an uncoordinated or partial launch.

Recently, Soviet troops began to evacuate all military nuclear materials from the Baltic States. Elite forces were sent to Baku to garrison nuclear sites there. It is clear that the Soviet leadership doesn't trust the people of the Republics not to try to get hold of nuclear weapons. So why should we? —JSR

**Military industrial complexities** — With the disintegration of the Warsaw Pact, all hopes for propping up U.S. defense spending have collapsed. The sharks circling the "peace dividend" are heating the political waters to froth. Within the military-industrial-congressional complex, brothers-in-arms are fast becoming fratricidal, each determined to save his own projects, if need be at the expense of any or all others.

The Bush administration originally requested defense budget authority of nearly \$307 billion for fiscal year 1991, projecting real reductions of about 2 percent annually through 1991, about the same rate of decline as during the past five years. But everyone from George Bush on down recognized that Congress would not approve so much military spending, and the President quickly made a small concession and signaled a willingness to cut further.

Sen. Sam Nunn, the influential chairman of the Senate Armed Services Committee, first blasted the administration for failing to take into account the tremendous changes in the East Bloc, then made a noteworthy speech calling for much larger reductions in forces, especially in Europe. Nunn pro-

posed military spending of just \$297 billion, which translates into a real cut of nearly 7 percent from this year's spending, after adjusting for anticipated inflation of 5 percent. It now appears that the defense budget ultimately will be cut even more than Nunn proposed.

Although sizable cuts seem inevitable, which programs will be cut or eliminated remains to be seen. With history as our guide, we may confidently expect that the particulars of the retrenchment will be determined far more by political maneuvering than by strategic considerations or solicitude for the public interest.

Every domestic base or munitions plant is located in someone's congressional district. So, as an administration official remarked, "you are dealing with pork, self-interest, and local politics. Geopolitics and grand strategy take a back seat." Already, plans to terminate production of the M-1 tank after 1991 have roused lawmakers from Ohio and Michigan, where

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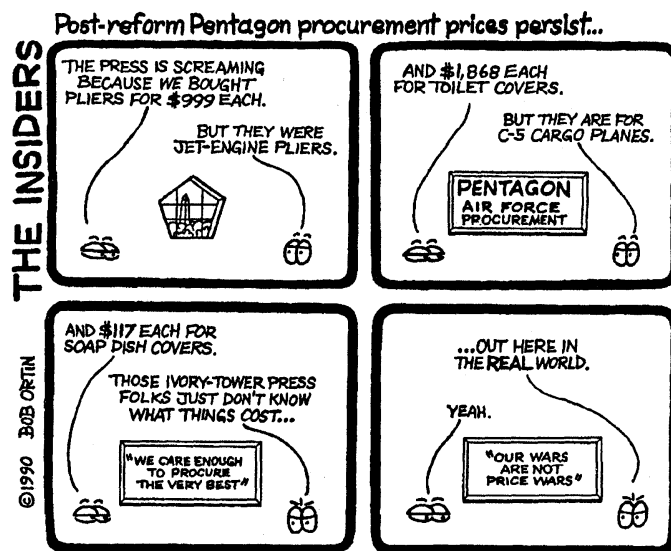
*With history as our guide, we may confidently expect that the particulars of the retrenchment will be determined far more by political maneuvering than by strategic considerations or solicitude for the public interest.*

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the tank factories are located, to mount a stiff defense of the armored behemoths.

Efforts to protect workers now in defense-related jobs have given rise to a Democratic plan, supported by several large industrial unions, to direct 0.5 percent of the defense budget, about \$1.5 billion annually, into operating conversion programs and assisting displaced workers. The administration, which denies the reality of any peace dividend, and the Defense Department oppose the proposal.

Inside the Pentagon, interservice rivalries have taken on new urgency. Each branch of the military seeks to preserve programs to develop and produce the kind of weapons "platform" that sustains its identity. The Air Force places priority on high-tech flying machines with human pilots, including the C-17 transport, the new stealth fighter, and the bomber, a





vastly expensive weapon system already in deep political trouble. The Army wants to proceed with development of a new generation of light attack helicopter and a replacement for the heavy M-1 tank. The Navy clings tenaciously to its fourteen aircraft carriers, each accompanied by an imposing and costly complement of combat and support vessels.

Each service has expressed a willingness to sacrifice personnel—in the case of the Army, perhaps 25 percent of the troops—in order to preserve the development and production of new weapon systems. Not surprisingly, the arms contractors, who continue to wield considerable political clout, also support this choice.

Reacting to congressional pressures for larger budget cuts, Defense Secretary Dick Cheney artfully proposed that substantial savings could be realized by closing domestic bases. Rep. Les Aspin, chairman of the House Armed Services Committee, protested that Cheney's plan puts "a political gun to the head" of Congress. Members of Congress prefer that foreign bases be shut down first—no political retribution will touch American legislators if they offend only German voters. Aspin has called for creation of a new base-closure commission to relieve Congress of responsibility for future base closures.

Increasingly, desperate members of Congress are turning on one another. For example, East Coast lawmakers, seeking to preserve jobs in their own districts, have asked the Navy to reassess the desirability of proceeding with construction of the new "home port" in Everett, Washington. The Washington State delegation immediately counter-attacked. Other internecine fights will break out as defense dollars, a major source of pork-barrel benefits, grow scarcer.

The present infighting seems out of proportion to the resources at stake in the context of what happened during past defense retrenchments. The current reduction is the fourth major cutback since 1945. Each of the preceding reductions began from a relatively higher level: the military share of GNP reached more than 40 percent during World War II, more than 15 percent during the Korean War, and 9 percent during the Vietnam War. Now defense absorbs less than 6 percent of GNP, so by this measure there is less to quarrel over. But the absolute amounts are enormous. And, in any event, in politics the fighting often grows fiercer when the prize is shrinking. —RH

**Nervous implosion** — Years from now, after the Russian Revolution has run its course, social scientists will study the Party Congress of 1990, analyzing the class backgrounds of delegates, estimating the influence of various kinds of political patronage in their appointment, and emphasizing the increased number of bureaucrats, as opposed to workers and peasants, in the assembled throng. The social scientists may not notice that there was a moment in the congress at which the party announced that it had lost its nerve.

It came when Eduard Shevardnadze, Foreign Minister and one of Gorbachev's chief lieutenants, rose to defend himself against the accusations and ridicule of the hard-line Marxists who dominated most of the proceedings. "Everyone who comes to this tribune is tense beyond limits," Shevardnadze said. He was acknowledging that the office no longer protects

the man, even psychologically.

Social scientists are able to quantify votes, income, answers to questions in polls. They are unable to quantify "nerve." They therefore ignore it. But there was a moment in 1789 at which the French aristocracy lost its nerve, and a moment in 1989 at which the despots of Central Europe lost theirs. Nerve can maintain a state when nearly all political resources are gone. And immense political resources are of no avail when nerve is lacking; witness Reagan's would-be revolution.

The hard-line Marxists of contemporary Russia are as lacking in nerve as Shevardnadze—no, more lacking. They forced him to defend himself for his youthful piety toward the authoritarian state they worship.

"I had the sin of writing poems as a child," he admitted. "One of them I dedicated to Stalin. . . . We were naive and believed Stalin. Later, we believed in Krushchev: 'Dear Nikita Sergeyevich.' Then came Brezhnev and all the rest. Then came you."

But the old-fashioned Marxists don't care about poetry; they care about keeping themselves out of jail, and they know that this may be their last chance to do so. They listened in silence as Boris Yeltsin lectured them on the distinct possibility of their sharing the fate of Erich Honecker. Then they did almost nothing, except to block the free-market reforms that might rescue some semblance of their legitimacy as a ruling party. Without the nerve either to tyrannize effectively or to reform effectively, they are lost. —SC

**Black is innocent** — Jury nullification is the principle that jurors can and should judge the law as well as the facts of any given case. Accordingly, juries can decide to simply not enforce a law regardless of the facts of the case.

For a while it seemed that America's sleaziest politician, Mayor Marion Barry of Washington, D.C., had discovered a clever way to get around the usual prohibitions against even mentioning this principle aloud in court.

Both Barry and his attorney mentioned something that *sounded* like jury nullification in press conferences. It would take only one juror to deadlock Hizzoner's trial, you see, and thus bring the whole thing to an end or require an impossibly expensive reprise of the entire sordid mess.

But Barry's tactic isn't based on any high-minded dedication to ancient Anglo-Saxon common law principles, or a desire to end judicial tyranny. His goal is jury nullification based on pure, unalloyed racism. He is saying, roughly, "to hell with the law. Who cares whether it should apply here or not. The



"The doctor says it's male-pattern laziness."

whole thing is a racist plot against the greatest black mayor in America. It is part of a sinister plan by which whites are attempting to end black leadership." It is pure entrapment by the white persecution which, he can state without even a giggle, even "taught" him how to smoke crack (for which he was arrested) through the instructions of the babe who set him up for arrest.

Barry has seen the face of God in his arrest, and calls upon the Savior frequently. He regrets the furor over his arrest because it was caused by his being so slavishly devoted to the welfare of Washington that he hadn't time left over to save his soul. If he had spent more time being Marion Barry, rather than Moses, it wouldn't have happened. As for the succession of infidelities that mark his marriage, well what can a man so busy saving you do to relax anyway?

But Barry's version of jury nullification is even less wholesome than the crimes and indiscretions of which he is accused. The complaint of undeserved black guilt is familiar. The Barry position, that blacks should be judged innocent because they are black is a stratagem that is as clever as it is unprincipled, and as likely as any action in recent years to inspire racial tension. —KH

**Another lie** — When Americans think about what a liar George Bush is, they first think of his famous read-my-lips promise against raising taxes. But he made an even more outrageous lie, one that I suspect will be remembered long after his lie on taxes is forgotten.

It has long been a cornerstone of U.S. foreign policy that the Soviet Union's conquest of Lithuania, Latvia and Estonia was illegal and these three tiny nations are, so far as the United States is concerned, free and independent states. Every world map issued by the CIA contains a special notice in tiny type stating: "The United States Government has not recognized the incorporation of Estonia, Latvia and Lithuania into the Soviet Union." And the U.S. continues to maintain diplomatic relations with the original governments, which still staff embassies in Washington, D.C.

President Bush has been especially vocal in his support for Baltic independence, repeatedly, unequivocally and enthusiastically telling Lithuanian-American voters in Ohio that he supports the right of self-government and independence of Lithuania and abhors its conquest by the Soviets.

So what happens when the tiny nation of 3 million gets up on its hind legs and declares its independence from the Soviet Union? Does Bush make good his long held, often repeated promise to support it?

Guess again. Not only does he refuse to recognize the independence of the tiny country, but he uses the moral power of the presidency to cool public support for Lithuanian independence and the diplomatic power of the United States to prevent other nations from extending diplomatic recognition, all because he doesn't want any harm to come to his buddy, "reform-minded" Mikhail Gorbachev—never mind that so far Gorbachev's reforms have all tended to increase his own power.

And so, in the absence of diplomatic or moral support, and squeezed by the Soviet state's embargo on food and energy, the Lithuanians rescinded their declaration of independence, and the world yawns.

For Bush's inauguration, his advertising men came up with the slogan, "From George to George," a reference to the inauguration of George Washington two centuries ago. I wonder if they were trying to tell us that in 200 years, the Presidency had passed from the hands of a man who couldn't tell a lie to a man incapable of telling the truth. —RWB

**Deficits vs spending** — Each year the federal government spends more than it takes in. What sort of problem is this?

According to the news media, the problem is "the deficit." This seems a curious way to characterize the problem. Past tax increases have not eliminated the deficit. They have signalled even higher spending. But the federal government spends more than it takes in every year, no matter how much it takes in. The deficit is a manifestation of that problem, a consequence of it. The problem is that the federal government spends too much.

So why do the media and policy-making class tell us the problem is "the deficit"?

I have no special insight into the hearts of those in government and media, so I can only hypothesize.

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*Look at the issue another way. Imagine there were a budget surplus. I know, it's quite a stretch, but just suppose. Would the media and policy-makers be whining about the "surplus problem"? Would they advocate tax cuts?*

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I think they describe the problem as "the deficit" because the deficit can be eliminated (or reduced) by raising taxes. But over-spending can be eliminated (or reduced) only by cutting spending, which means reducing the power of the policy-making class.

Look at the issue another way. Imagine there were a budget surplus. I know, it's quite a stretch, but just suppose. Would the media and policy-makers be whining about the "surplus problem"? Would they advocate tax cuts?

We can get an idea of what would happen by looking to what has happened in the other Washington—the state of Washington. Budget deficits are actually illegal in Washington state, so whenever a deficit looms the legislature wrings its hands and raises taxes. When I moved to Washington a decade ago, the state was faced with a deficit thanks to the Carter recession. The big source of revenue is the sales tax, since its state constitution prohibits an income tax and requires a vote of the people to be changed.

How did the state respond to the "deficit crisis"? By raising



"Wait a minute... How do we get back from the moon?"

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by  
Virginia L. L. Hamel

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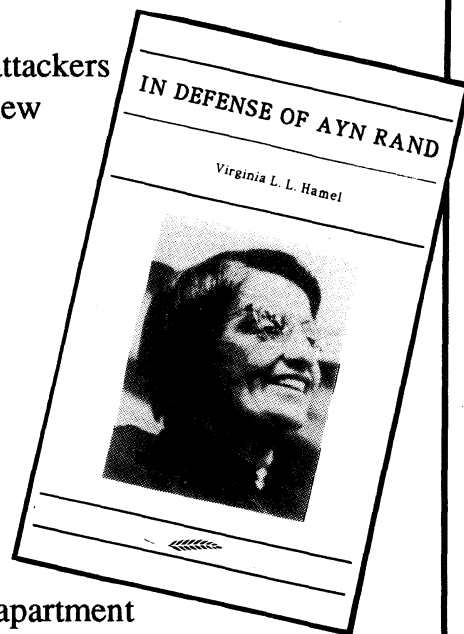
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taxes, of course. During the early 1980s, the sales tax was raised by 56%. But eventually the recession ended and retail sales picked up. With the sales tax rate set so high, tax revenues increased faster than spending. Did this result in a "surplus crisis"? Did politicians and the media call for tax cuts?

Guess again. The surplus was no "crisis" at all. It was an "opportunity." And the politicians took advantage of the opportunity by spreading the excess loot among their favorite special interests, government employees and teachers. In fact, the legislature actually raised excise taxes in the face of the surplus.

The next time retail sales dip, of course, there will be another "deficit crisis." And another increase in taxes. And the words "spending crisis" will never be heard from any member of the policy-making class. By stating the problem as one of "deficits" rather than "spending," they have stacked the deck in favor of higher taxes.

—RWB

**Bum rap** — The Miami-based rap band 2-Live Crew has made history: Its members are the first recording artists to get an album banned by a federal judge.

The band is probably incapable of achieving any other distinction. Musically maladroit, witless and dull, 2-Live Crew was just a minor-level fad in the rap world until this happened. It was infamous for being really filthy and stupid in its views on sex and women. It was famous for nothing else. It was nothing I'd ever care to listen to and nothing I'd ever think of defending on aesthetic grounds.

---

*Musically maladroit, witless and dull, 2-Live Crew was just a minor-level fad in the rap world until it was banned.*

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But then U.S. District Judge Jose Gonzalez declared its LP *As Nasty As They Wanna Be* obscene, and Broward County Sheriff Nick Navarro went into action. He sent his brave troops to arrest record store owner Charles Freeman (not very free, apparently) for selling the LP to a deputy, and dispatched a fleet of squad cars to apprehend three members of the band for performing their "obscene" songs before a crowd of adults at Club Futura in Hollywood, Fla. This has made band members martyrs and heroes in the struggle to protect free expression in the United States.

Our dedication to freedom of expression only becomes meaningful in the hard cases, and at first glance 2-Live Crew seem to be a hard case. Crude, stupid, vulgar—do we really want to defend this sort of thing?

Some very "liberal" members of our society apparently don't care to sully their fingers by doing so. People are being arrested for singing to a group of adult paying customers or selling an album, and all Mindy McNichols, the legislative director for the Florida branch of the National Organization for Women can say is that the Crew represent "sexism," and thus, apparently, are getting what they deserve.

But really, the Crew doesn't need your defense or mine. The 1.3 million people who have put up their own money as evidence of their desire to hear 2-Live Crew have already provided all the proof necessary to put the lie to Judge Gonzalez's contention that the band's music defies community standards and has no redeeming social, literary or artistic value. This stuff is mu-

sic, and people obviously value it enough to spend money on it.

Cases like this show how untenable the notion of "prevailing community standards" is in defining obscenity. 2-Live Crew is loved and appreciated by one large segment of the population; it is reviled by another large segment. I thought that the First Amendment was in the Constitution to keep questions about who are and aren't allowed to express themselves out of the dirty arena of democracy. The notion that there is something called "obscenity" that has removed itself from First Amendment protection by its nature—a nature that is impossible to define in a way that means the same thing to everyone—is patently absurd.

The fact that localities have decided to put laws against this ill-defined something on the books, and that judges and constabularies are wasting their time enforcing these laws is an insult to taxpayers who are allegedly getting some civic order from their government. (To put some perspective on Sheriff Navarro's concentration of energy and resources on 2-Live Crew: in 1989 Broward County suffered from 115 murders, 830 sexual assaults, 25,478 burglaries, and 11,190 car thefts.)

Of course, what people are really getting is a power apparatus that allows men like Nick Navarro to arrest some men who spent their evening leading a crowd through a chant of "Fuck Nick! Fuck Navarro!" Navarro insists there was nothing personal in his arrest decision; just doing his job enforcing a judicial reading. Judge Gonzalez was just applying Florida's obscenity statutes. No one is at fault here; just the wheels of justice grinding, blindly as ever.

Some blacks, including Crew leader Luther Campbell, don't see it that way, and I think they have a point. No "dirty" white entertainer, like, say, the notorious comic Andrew Dice Clay, has suffered from a judicial ban. And 2-Live Crew didn't come to the attention of a federal judge until their album began selling outside the ghetto of the black charts. It's when "filth" began infecting young white adolescents that blind justice began noticing. (I spent much of the last few years as a clerk in a record store, and 2-Live Crew were the rap purchase of choice for local white rednecks, apparently because of the very nastiness that aroused Judge Gonzalez' ire.)

But not all blacks see it Campbell's way. The NAACP, servile supporters of the white liberal power apparatus, have made pains to dissociate the Crew's insulting rhymes and outrageous sexual braggadocio from "the black experience." Anyone with even a passing knowledge of black American folkways knows how absurd that claim is. An appreciation for rhyming wit, insult and sexual brags are not unknown among black men, except apparently ones who have spent their whole lives trying to squeeze special favors out of the federal government.

But despite how genuinely a part of "black culture" 2-Live Crew are, or how bad their music is, obscenity laws are a pox upon a free society, and anyone who is the victim of them deserves our support, moral and otherwise. And it's been gratifying to see that some folks in Broward County are not sitting back and taking it. T-shirts are circulating that read "I used to live in America, now I live in Broward County." And one enterprising Crew supporter broke onto Sheriff Navarro's communications band frequency and played two minutes of "Me So Horny," a 2-Live Crew song. Good to see there are still people out there behaving like citizens of the United States, rather than subjects.

—BD



## Report

# The "Meech Lake" Fiasco, Canada's Future, and Liberalism

by Michael I. Krauss

If any province of Canada failed to ratify the Meech Lake accord it would mean the end of Canada. Meech Lake failed. So we were told . . . But now what?

It's difficult to describe, in concise language that remains intelligible to an American audience, the complex political problems assailing Canada. After the recent unsuccessful attempt to modify its constitution, television commentators have pronounced the impending demise of Canada. This seems grossly premature to this expatriate. Libertarians who delight in the collapse of governments should not cheer too soon, or (I hope to show) too loudly about this possibility. Nevertheless, Canada's failure to validate what has been known as the "Meech Lake Agreement" is of interest to classical liberals.

To understand Canada's constitutional crisis it's essential to look back to 1882, when the Great White North "patriated" (as Canadians are wont to say) its constitution from London. Before 1882, the basic structure of Canadian government was determined by an 1867 British statute (the *British North America Act*) which could therefore only be amended by the House of Commons in London. The B.N.A. Act essentially set up a federal, but otherwise British, structure. The structure was British in its Austinian positivism and its pure majoritarianism: that is, virtually no fundamental individual rights were placed out of the reach of legislatures. The structure was federal (much more so, as it turns out, than in the U.S.) in that sovereignty (which, remember, is vested entirely in the

state, not in the people) was divided between the federal government and the provinces. [There were four provinces in 1867. There are now 10 provinces and two administered territories. Newfoundland, the tenth province, entered Canada in 1949.]

Although the British link pleased many Anglo-Saxon Canadians, the desire to "patriate" or Canadianize the constitution was a dream for Pierre Trudeau, the intellectual Quebec social-democrat who ruinously governed Canada through the 1970s and early 80s. Paradoxically for an anti-American who demonstrated very little respect for individual rights<sup>1</sup> or private property,<sup>2</sup> Trudeau also suggested that a Charter of Rights be annexed to the Constitution. Although a US-style document, the Charter of Rights differed significantly from its American counterpart in that it enshrined *group* rights (to "multiculturalism" and other similar nonsense) and permitted governments to adopt valid legislation overruling protected rights, as long as they did so explicitly.

Unfortunately for Trudeau, it was obvious that any "patriation" and modification of the Constitution would require the consent of all eleven governments (Ottawa and the ten provinces), since unanimous consent had always been obtained for modification requests to London in the past. Unanimous consent was impossible this time, since Quebec's government had been, since 1976, run by the socialist and separatist Parti Québécois. Undaunted, Trudeau and nine other Premiers hammered out an agreement one evening in Ottawa, while Parti Québécois' leader René Lévesque sulked across the Ottawa River in Hull, Quebec. The proposed new Constitution was sent to London, where Britain's parliament ratified it and finally washed its hands of the whole Canadian mess. A subsequent Canadian Supreme Court decision rejected the Parti Québécois' challenge to the validity of the process by ruling that this non-unanimous Constitution was "legal but illegitimate," since it violated unwritten conventions of unanimity.

When Trudeau's "Liberals," [sic] who were detested across the country for their impoverishing nationalizations and bureaucratic expansion, were defeated by Brian Mulroney's "Progressive Conservatives" [sic] in the early 1980s, the pressure to "legitimize" the Constitution by obtaining the consent of Quebec became acute. On the one hand, Mulroney had been elected with substantial support from Quebec nationalists; on the other hand the Parti Québécois was ultimately defeated and replaced by Robert Bouras-

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*English Canada is now forced to respect individual liberty of expression for minuscule French populations, while Quebec routinely tramples on its Anglophone minority.*

---

sa's Liberals, who were overt allies of Mulroney's Conservatives (remember, I said this would be complicated). After much posturing and negotiation amidst a totally indifferent population all ten premiers agreed, at a 1986 meeting at Meech Lake (or *Lac Meech*) in western Quebec, to a formula that would be acceptable to Quebec, and that would lead it to sign the new constitution. The agreement would become valid only when approved by all ten provincial legislatures, within three years following the first ratification.

The Meech Lake agreement provided, *inter alia*, that:

- Quebec would be guaranteed 3 of the 9 seats on the Supreme Court, and would have a determining voice in the selection of these Justices;
- Quebec would be recognized as a "distinct society"; this would quite possibly lead the Supreme Court to validate Quebec legislation that would be unconstitutional if adopted in other provinces (for example, legislation oppressing English speakers in the province);

- All provinces would have to agree to any amendment to the composition of Canada's Senate. The Senate, an appointed body of political hacks like the UK's House of Lords, is essentially powerless. Meanwhile, Canada's House of Commons (70% of whose members come from populous Ontario and Quebec) lacks any regional or provincial check or balance. Western provinces especially had hoped for an elected, US-style Senate with equal provincial representation, to prevent future grabs like Trudeau's National Energy Policy, wherein Ontario and Quebec conspired to fix the price of (and then nationalize part of) Alberta's oil industry;
- All provinces would have to agree to the creation of a new province. Any new province to be created in Yukon Territory or the Northwest Territories would be English-speaking, of course, and thus a Quebec veto to their generation was likely.

Readers will have noticed that *nowhere* in the patriation process, Lake Meech negotiations, or in the ratification provisions, was opinion or concern for individual Canadians provided for. Canadians were mute about the patriation process to begin with, and have traditionally accepted government intervention meekly, but as they saw provincial legislature after provincial legislature ratify the agreement many of them became increasingly apprehensive.

Some English Canadian displeasure was undeniably a manifestation of bigotry. Decades-old coercive legislation in many English provinces has triggered massive assimilation of those provinces' once-substantial French-speaking minorities, and many Canadians remain bitter that French-speaking communities remain in the country. However, much dissatisfaction with Meech Lake was productive. Criticism was voiced of the blatant double-standard whereby English Canada is now forced to respect the individual liberty of expression for (remaining) minuscule French populations, while Quebec routinely tramples on its Anglophone minority. The "dis-

tinct society" clause<sup>3</sup> seemed to give a constitutional seal of approval to a particularly disgusting Quebec law outlawing most English signs in that province, and perhaps even to recent proposals in Montreal whereby many children (precluded from attending English language public schools) would be watched and prevented from speaking English to each other in hallways and during recess. Canadian Indians were outraged to see white men frustrating their only chance at something resembling self-government (in the Northwest Territories and the Yukon). Western Canadians were bitter that Senate reform seemed forever precluded by the agreement.

Ottawa has great leverage over the provinces through an incredible maze of existing "transfer payment" programs (this federal leverage would, interestingly, be reduced were the Meech Lake accord passed). Equalization of wealth across Canada is a constitutional act of faith that permits thousands of Maritime fishermen to ply their trade for 8 weeks per year

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*If Quebec secedes it will likely constitute a northern Argentina, unless the corporatist mentality of much of its political elite changes.*

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and then receive 44 weeks of federal largesse. Cooled and berated by a faltering Mulroney whose scandal-plagued government's approval rating had dropped to 16% as the Meech Lake deadline approached, eight legislatures ratified the Meech Lake accord between 1986 and 1989. Manitoba's Premier was won over *in extremis* by Mulroney's promises (threats?), and its legislature would have been the ninth to ratify were it not for its sole Indian MPP (Member of Provincial Parliament), who became a folk hero across English Canada when he refused to concur in the unanimous consent required to bypass that parliament's procedural strictures. Among the Premiers, only Newfoundland's Clyde Wells (elected after the signing of the Meech Lake agreement) re-

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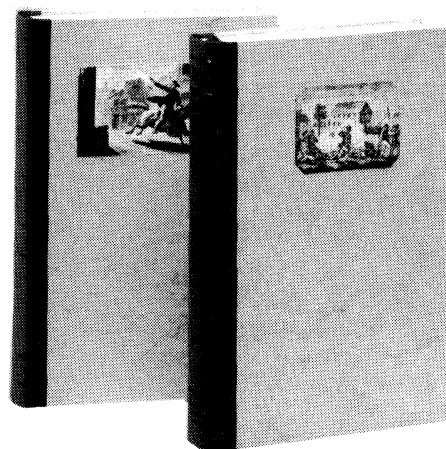
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mained unconvinced. Destitute little Newfoundland <sup>4</sup> (importantly, *not* Mr Wells himself) is certainly Canada's most Francophobic province, as a result of an incredible 1950s hydroelectric deal whereby the newly admitted province essentially sold almost all its enormous future hydroelectric potential to Quebec for nothing. <sup>5</sup> Mr Wells lost no popular support by refusing to "appease" Quebec.

So Meech Lake is dead. Quebec is still not "part of the constitution," although I venture to say that 90% of Québécois do not have the foggiest notion what that phrase means, precisely because it means nothing, legally. But many Québécois' nationalistic pride is undoubtedly bruised.

What will the future bring? Francophone Quebec businesspersons have gleefully displaced Anglophone executives fleeing the province's recent spate of rights-violating legislation. The Free Trade Agreement with the U.S. <sup>6</sup> and Francophone corporate control of the lucrative subsidy process in Quebec City has given these industrialists the temerity to push for independence. But there's little to cheer about here for those who value liberty: unless the corporatist mentality of much of its political elite changes, if Quebec secedes it will likely constitute a northern Argentina.

I just don't think it will happen, though. Politicians and political elites have lost face, of course, and in their efforts to salvage their honor they could blow the country apart. But technical questions will, I think, vanquish the nationalistic fervor presently gripping *La Belle Province*. How will Canada's humongous public debt be divided between Quebec and English Canada? How will Quebec maintain its credit rating and the financing

needed for its nationalized mega-projects at James Bay if it alienates Wall Street? How will the millions of Canadians who have worked in both Quebec and English Canada receive

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*Nowhere in the patriation process, Lake Meech negotiations, or ratification provisions, was concern for individual Canadians provided for.*

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their pensions? What will become of "Rupert's Land," a huge territory constituting over 30% of Quebec's land mass that was detached from the Northwest Territories and ceded by Ottawa to the province in the 20th century, and whose Indian and Inuit population will insist on "seceding" from Quebec and rejoining Canada. I could go on and on . . .

The simple fact of the matter is that classical liberals are a rare species in Quebec, while collectivist social planners and Francophone bigots already have most of the legislative tools they need in the present Canadian context. <sup>7</sup> The technical problems alluded to above should lead them to cease their posturing after a time. For their part, English Canadian elites desperately fear the departure of Quebec, which could set off a process of disintegration and toll the bell for a country historically constituted as a bastion of mercantilism. Canada will likely muddle through, in disunity and bureaucracy, as the Sweden to our north. There just aren't enough liberals in either part of the country to set things right. □

## Notes:

1. His brutal repression of political protest in Quebec in 1970 is possibly without precedent in North American history.
2. Trudeau nationalized much of Alberta's petroleum industry, without compensation. He ceaselessly criticized foreign (i.e., American) investment in the country, and ultimately restricted it greatly. Both these measures, and some others, greatly impoverished Canadians.
3. The Meech Lake Accord contained a clause modifying the Constitution by inserting a declaration that the interpretation of its provisions by the court must take account of the fact that, inside Canada, Quebec constitutes a "distinct society" and that it can take measures of self-preservation.
4. Newfoundland has approximately 600,000 people, or 2.3% of Canada's population. Over half of its wealth consists of transfer payment from Ottawa. Quebec's 6,800,000 people constitute 28% of the country's population.
5. The infamous "Churchill Falls Agreement" has allowed Quebec to export Newfoundland electricity to other provinces, and to U.S. states, at fabulous profits. In a rare show of free-market sentiment, Quebecers have always maintained that "a deal is a deal." Newfoundlanders accurately perceive that the federal government's refusal to reopen a contract signed by Newfoundland's inexperienced 1949 premier is eloquent recognition of Quebec's influence in federal politics. If Quebec were to secede from the Canadian federation, the agreement would arguably no longer be enforced.
6. See Michael I. Krauss, "A Kinder, Gentler Nation?: Fear and Loathing on the Campaign Trail in Canada," *Liberty*, March 1989, pp. 23-28.
7. Quebec has quasi-embassies, and its own foreign policy. It has its own flag. It controls its own immigration. It does not have a national anthem yet, but it does have its own national holiday.

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## History

# The North American Devolution of 2022

*by Ausra Kamenets von Bleichroeder*

*It's difficult to believe today that a half-century ago the United States of America was a world financial and political power and universally believed to be among the most stable and enduring regimes in history. But, a century ago, Germany was ruled by a "Thousand Year Reich" that lasted but 12 years.*

Lanyi—the first president of Transylvania and sage of Cluj—often complained of being bored by the predictability of North American politics. “Look at whatever is now happening in Europe,” he used to say, “and in ten to fifteen years the same scenario will be replayed from Montreal to Merida.” And in fact the American devolution came fourteen years after the *Abtrennung* of 2008 reversed the uneasy German *Anschluss* of 1991. It came eleven years after the old Russian Federated Republic split into nine sovereign states, shattering the myth that devolutionary zeal was confined to the other nationalities of the old empire.

But it would be a mistake to dismiss the upheaval of 2022 as little more than the reflexive clone of a European progenitor. It was the culmination of a long series of distinctively American developments.

Harbingers of devolution surfaced as long ago as the 1990s. In an effort to avoid higher taxes, responsibility for some long-established federal functions was shifted downward to the fifty states. At the same time, relations between the congressional and executive branches not only deteriorated but grew increasingly vindictive. James F. Baker—the peripatetic, thoroughly unpopular, one-term president who succeeded George Bush—was a conspicuous target of congressional wrath. Deprived of his costly White House air fleet during his last year in office, he had to endure the plebeian indignity of flying—no more than 20,000 kilometers annually—by

commercial carriers.

But the first institutionally conspicuous milestone on the road to devolution was the twenty-seventh Amendment to the old U.S. Constitution (2005). It was easily adopted after a frightening acceleration of inflation was halted by plunging the economy into a recession that, in turn, resulted in a large federal budget deficit. After some false starts, the drafters agreed on a tamper-proof formula for ending deficit financing. They mandated a gradual retirement of the huge outstanding debt, consisting of the obligations both of the treasury and of federal agencies for which taxpayers were contingently liable. Under the new formula, Congress was compelled to budget for annual surpluses. If, for any reason, there was a shortfall of revenue, the treasury could borrow, but any new debt had to be retired within a year from the revenues of a tax hike. The incurring of additional debt by any independent federal agency was prohibited.

Not long after the amendment's adoption, the U.S. government ceased to be an active player in the world's money markets.

The reshaping of the U.S. monetary system was even more radical than the fiscal reforms. Unlike the constitutional amendment, the Monetary Reform Act of 2007 was narrowly passed after a bruising legislative battle. For political reasons, the bill—celebrated or reviled for ac-

The end of deficit  
financing

Money at the root  
of the “evil”

Air Force One ...  
lost

Ausra Kamenets von Bleichroeder is Professor of History in Koenigsberg University of the Republic of Kurland and Director of the Americas Institute in Petrograd, Greater Karelia. This article is excerpted from her forthcoming book, *North America in Devolutionary Transition, 2005-2022*, to be published in November 2037 by the Devo Society of the Free State of Saxony.

compleishing a “triple castration”—did not formally abolish the country’s central bank, popularly known as “The Fed,” but instead rendered it impotent. First, the requirement for privately-owned banks to maintain reserves at the Fed was abandoned, thus freeing the banks of the Fed’s control. Second, the Fed was forbidden to buy or sell government securities in order to control total bank credit and the supply of money. Third, all legislation was repealed that prohibited or inhibited private banks from issuing notes that circulated as currency.

Although seldom stated with candor by the architects of the reform, their agenda was a regime of private money, and their success in achieving it was striking. By the centenary of the Fed in 2013, its once familiar greenish banknotes had all but disappeared. Inflation and interest rates declined steadily and the dollar grew firmer on foreign exchanges.

But what few, if any, of the monetary reformers realized was that they had taken an inadvertent but significant step toward devolution. Without a central banking mechanism, a means of creating money by fiat, it becomes difficult for a state to finance the costly programs required to placate special interests. A failure to satisfy those interests—whether they are ethnic, economic, or ideological—makes the state, especially a large and diverse state, vulnerable to centrifugal forces.

Some writers insist that the American devolution was fortuitous, that—in light of the successful fiscal and monetary reforms—the big house of American federalism might still be standing were it not for the severe drought of 2015–17. This is a dubious proposition. The national unity was severely strained by irrepressible economic and social conflicts. Federal programs that fattened the incomes of farmers by raising retail food prices were bitterly assailed by organized consumers. Inhabitants of states that prohibited prayers in public schools protested federal grants-in-aid to states that permitted them. Defenders of choice in reproduction struck back at their enemies, both on the Supreme Court and in the state legislatures, by smuggling abortion pills into communities where their use was outlawed. Like a house of cards, the federal edifice was vulnerable to any gust of wind. The drought created a crisis by augmenting and intensifying long smoldering conflicts.

Drought affected seven southwestern states—Arizona, California, Colorado, Nevada, New Mexico, Texas, and Utah—and revived a long-forgotten irrigation project that was conceived in the early 1960s, another time of deep anxiety over water. It called for tapping the Great Slave Lake in the Northwest Territories of Canada, melting the ice by nuclear-powered heating units, and transporting the water southward through a vast network of canals and tunnels that would extend for more than 15,000 kilometers. The cost of the undertaking was ini-

tially estimated—not very scrupulously, as it appeared—at a staggering \$5 trillion, about what was required to operate the entire federal establishment for a year.

The Parched Seven, as the affected states were dubbed, were represented by powerfully articulate delegations in Congress. But under the reformed fiscal-monetary regime, pushing Great Slave through Congress was a daunting challenge. There was no soft option, no way of shifting the burden of the project—the interest and repayment of principal on a debt of at least \$5 trillion—to generations yet unborn. No federal government bonds could be issued for its construction, and there was no longer a central bank that could grease the skids by acting as their purchaser of last resort.

Critics from other states, with facetious delight, suggested that Great Slave be built by private enterprise. They were certain in the knowledge that the Parched Seven would never agree to pay anything even approaching a reasonable price for the water. A modest proposal Another alternative was to finance Great Slave through annual appropriations, a hard choice that led to a hopeless stalemate. Delegates from the Seven proclaimed that theirs was a truly national project that would work to the advantage of all the states in the federal union. But antagonists were quick to counter that benefits of Great Slave would in fact be largely confined to the Seven, pointing out that farmers who immediately benefited from existing irrigation were not adequately charged for the water and realized wind-fall gains when they sold their lands. So the only remaining choice—not surprisingly a course that was summarily rejected—was to go it alone through a compact between the Seven that would finance Great Slave by costly loans and higher state taxes.

Had the drought been broken by ample rainfall in 2016, Great Slave and the animosities surrounding it would have been quickly forgotten. But it persisted, and the country was caught up in a sectional antagonism that degenerated into an orgy of incivility. The eminent Breton philosopher, Jean-Jacques Moulin, a veteran observer of the North American scene, was so shocked by what he read, saw and heard that he coined the term “regional racism” to characterize it. A group of young American historians, in a prescient expression of concern, declared flatly that Great Slave was more dangerously divisive than the “cold war” hysteria and witch hunts of the 1940s and 1950s.

New York and Los Angeles became rival nerve centers of a sordid propaganda war. The southern California political strategists—the “Orange County Motherfuckers” as they were called in New York—accused an effete Northeast, an insular Middle West, and a smug Southeast of calculated indifference to the welfare of the Seven. As the rhetoric grew shriller, there were intimations of intended genocide by water deprivation. A nadir of vulgarity

of vulgarity came with the appearance of an auto bumper sticker in the fiercely hostile state of Tennessee. It read: "Piss for the Parched."

In light of a tradition of strong American chief executives—Jefferson, Jackson, Lincoln, and Roosevelt—it's fair to ask why the White House was so impotent in the face of an unravelling federal union. The short answer is that were the gods bent on the destruction of the union, there could not have been a more ideal agent of their design than the last president of the United States, Ronald Reagan Dart, first elected in 2016. A third-generation member of the Orange County cabal and a former governor of California, the affable Dart was somewhat more cerebral and alert than his namesake. But even a more generously endowed person could not have overcome Dart's political disabilities. A persistent campaign of clever obfuscation failed utterly to persuade the public that he was somehow other than what he was widely perceived to be: a narrow-minded partisan who did not blanch from squandering the dwindling prestige of his high office on the lost cause of Great Slave.

The revisionist honor roll Long before the Dart administration, the American presidency fell under the critical scrutiny of a persuasive group of revisionist historians. Abraham Lincoln, though still secure in the pantheon of great chief executives, was chastised for his harsh treatment of northern dissidents during the Civil War. At the same time there was an enthusiastic rehabilitation of John C. Calhoun, a once vice-president and states-rights proponent who defied Andrew Jackson by leading South Carolina's abortive attempt to "nullify" the import tariffs that the Congress levied in 1832.

In 2018, when it was clear beyond the shadow of doubt that the rest of the country would not bear any of the burden of providing the Parched Seven with water, the unspoken alliance that sustained the nearly century-old system of farm subsidies came unstuck. Once that shock was absorbed, frustrated legislators, anticipating the next break in the chain of reciprocity, began asking themselves, "Why stroke them when there'll be nothing in it for us?" The upshot was that other, once untouchable federal programs fell like so many dominoes: aid to dependent children; import quotas on textiles, steel, autos and microchips; river and harbor improvements; federal nurseries; interstate highways, military bases, and many more.

A noteworthy aspect of those turbulent times—in light of prior European experiences, a display of insularity that bordered on arrogance—was the bankruptcy of the language of political discourse. The term "death of politics" was a cliché tirelessly repeated by both politicians and news commentators, as if what they were witnessing had never happened anywhere before. But of course politics—the politics of devolution—was very

much alive. What was mourned as a death was in fact a transformation.

During the election campaign of 2020—a bitter contest so close that it almost went to the electoral college—Ronald Dart ran on the slogan, "Bring the country back together again!" But it was of no avail. Even though the drought was over and Great Slave all but forgotten, the shattered structure of federalism was beyond repair.

Late in December of 2021, the governors and congressional delegations of the Seven gathered at Palm Springs, California and resolved that, as a prelude to the formal dissolution of the union, residents of their states should no longer pay any federal taxes. Propositions to that end were then overwhelmingly approved by a referendum in each of the seven states.

The next nine months were crowded with conventions, referenda, and delicate negotiations as the individual states formed regional alliances, not only among themselves but with contiguous Canadian and Mexican provinces. Southern Florida, to no one's great surprise, decided for close ties—including dual citizenships—with Cuba. Oregon, Washington and the northern counties of California joined with British Columbia. When the Seven signed their open-border, free immigration treaty with Mexico, there were wry jokes about the ultimate revenge of Antonio Lopez de Santa Ana, who lost the 1846–48 war with the United States.

By September of 2022, it was apparent to all that the *de facto* devolution made Washington a nullity. One senator moved that a symbolic semblance of union be preserved and that the motto of the Great Seal of the United States of America be changed from *E Pluribus Unum* to *Ex Uno Plures*. But she was voted down. On Sunday, September 25, at high noon, the union was formally dissolved in the last joint session of the U.S. Congress. None of the oratory was memorable, but Angelo Minsky O'Toole, a representative from St. Louis, caught the spirit of the occasion when he closed his remarks by quoting from T. S. Eliot's "The Hollow Men":

*This is the way the world ends  
This is the way the world ends  
This is the way the world ends  
Not with a bang but a whimper.*

Washington today is a pitiful remnant of its former glory, a shrinking city on the southern end of the Mid-Atlantic group of sovereign states. The Pentagon, once the world's largest office building, became a privately-owned legal center, and for a time housed as many as 9,000 Washington lawyers and their staffs. But the big structure fell on hard times and is now the home of a struggling casino-bordello. Efforts to preserve the Capitol as a museum failed, and in 2029 it was sold, dismantled and reassembled in an American theme park near Sapporo in the alpine republic of Hokkaido. □

Note: This *ficción* was written by Harvey H. Segal.

## Poetry

### *At the Funeral of Someone I Did Not Know*

Business has brought me here,  
duty and curiosity.  
Amazingly, I've never been  
to one before. Even so,  
there is nearly nothing  
that books and TV shows  
have not prepared me for:  
the dark suits and women  
with handkerchiefs to their eyes,  
the hush and pall.

But the Lord of Hosts is full  
of surprises at the most somber times.  
Is it the fresh black paint,  
the hairspray and cologne,  
the heaps of flowers,  
or something unfamiliar  
which obliges me to pay my last respects  
with a stunted, "Ah-choo!"  
and then another?

Embarrassed, I smile  
in the face of all these mourners.  
They cannot know  
how reassuring it is to find  
that, despite my Plath-like  
perambulations around the fact,  
I will not join  
the dead poet's society.  
I am, after all,  
allergic to death.

by David Starkey

### *The Submission of Job*

The record shows that I was innocent.  
I paid with my suffering  
the price of a casual (though to Him piquant)  
double-dare. For seven days,  
even those with most reason  
to envy my prosperity were speechless.

Of course, when their surprise faded  
they showed carnivorous teeth  
and were quick enough to discover guilt.  
They pummeled me with unlivd truths.  
Had they been less self-righteous,  
they might have protested,  
as I am still tempted to do  
in moments of doubt or hatred,  
that if we are cursed when most devout  
and saved when most in sin,  
the only problem is knowing  
the proper time to surrender.

Who dares scorn my anger?  
My cheeks were covered with boils, tender  
as a virgin's sex, yet He cuffed me,  
and caressed Elihu's never-shaven face.  
I wailed at the clouds,  
pulled my hair from its roots.

But the liquid stars trembled  
and poured forth a Voice.  
Like a gossiping schoolchild  
who suddenly finds his master at his back,  
I shut up quick.  
His proof stood before me,  
a proof that later generations  
could only surmise. Not humility,  
as is supposed, but common sense  
made me yield to the proud  
creator of the crocodile,  
He who seeks no justification,  
whose conundrums are the stuff of life.

## Memoir

# Fighting the Draft in World War II

by Jim Bristol

Although the price of liberty may be eternal vigilance, the cost of conscience is often the loss of liberty. But when liberty is *already* lost, conscience sometimes has a *choice* of slaveries . . .

September 1990 will mark the fiftieth anniversary of the passage of the Burke-Wadsworth Bill, which imposed peacetime conscription upon American citizens for the first time in U.S. history. The first registration for a peacetime draft for all males from 18 to 45 took place on October 16, 1940.

The Burke-Wadsworth Bill contained a provision that both granted legal recognition to conscientious objectors (because of "religious training and belief") and authorized alternative service for them ("work of national importance under civilian direction"). Non-combatant work in the armed forces was open to recognized conscientious objectors (CO's) who in good conscience could wear the military uniform.

Pacifists had worked extremely long and hard throughout the summer of 1940 to secure inclusion of the CO provision in the law. Not only were the three historic peace churches (Friends, Mennonites, Brethren) involved in this effort, but in addition, agencies from some of the mainline churches, notably the Methodists, as well as the War Resisters League, Fellowship of Reconciliation and certain concerned individuals were included in the endeavor. This CO provision represented a giant stride forward from the treatment accorded objectors to the military service demanded by the World War I draft. Then there had

been no recognition of the CO's conscience, and certainly no opportunity for alternative service. Men had been inducted into the armed forces in spite of their protestations. Thereafter, they frequently had been physically abused, even tied up by their thumbs or soaked with cold water in below-freezing cells because of their refusal to wear the uniform.

Certainly there was justifiable cause for rejoicing in the pacifist community over the accommodation arrived at in the conscription legislation. The right of conscience had been recognized, established, legalized. No conscientious objector, provided he could convince the draft authorities of his sincerity, need face ill treatment or imprisonment.

In due course, Civilian Public Service Camps provided "work of national importance [allegedly] under civilian direction," operated separately by the Friends, Mennonites and Brethren, later by a Catholic agency, and several years later by the government. After an initial period of largely "boon-doggling" projects, a number of

extremely significant undertakings for Civilian Public Service workers developed: "human guinea pig" experiments, a starvation unit, work in mental hospitals, "smoke-jumpers" fighting forest fires from the air, to name just a few.

### Some Did Not Rejoice

Why then did some of us fail to rejoice? Why were we lukewarm in our response to the considerable achievement of making recognition of conscience part of the law of the land? As so often happens in pacifist circles, there were many different answers; here is mine.

The CO provision in my view was (and still is) a major civil liberties achievement, but it paled before the harsh fact of the first peacetime military conscription in American history. Moreover, it was even diabolically true that the CO provision made the law "better," and rendered it acceptable to more people.

Of course, those who worked so hard to include the CO recognition in the Burke-Wadsworth Bill were deep-



ly opposed to conscription. A subtle process sets in, however, when we strive to modify that to which we are "unalterably opposed." In working to insert our provision in a piece of legislation, we tend to give tacit approval to that legislation and to assume that its enactment is a *fait accompli*.

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Obviously, in this regard all of us face a genuine dilemma. Do we stress the "prophetic" strain (to use religious terminology) of our opposition to war by opposing the entire draft system, including its beneficent provisions; or do we emphasize our "pastoral" concern for our fellow pacifists and work to make obedience to the draft less onerous? My conclusion after fifty years of immersion in draft-related experience is that there is no single correct answer. Some of us are constrained to oppose the entire conscription system as totally as possible, while others of us are impelled to do our utmost to assist those who comply with the law of the land (believing also in the importance and worth of the positive humanitarian service they perform). Of course, at times all of us do some of both.

### My Own Experience

In 1940 I was pastor of a Lutheran church in Camden, New Jersey. During the five previous years (in spite of the teachings and practice of the Lutheran Church) I had become a pacifist, and in the 1940 discussion in pacifist circles found myself so strongly opposed to military conscription that I spent my summer vacation in Wash-

ington DC fighting against the enactment of the Burke-Wadsworth Bill.

I did this because of my conviction that conscription was wrong for the nation. Although under the provisions of the then-pending legislation I, as a minister, was exempt for perpetuity, the law was hurtful to America in my view. It was undemocratic and totalitarian. It denied the validity of moral and religious values, and constituted a step toward our involvement in World War II.

When the legislation became law, I remained convinced that military conscription was wrong for the nation. Yielding to strong pressure from Church authorities and equally strong intercessions from friendly pacifists, I registered on October 16, 1940, with grave misgivings. Almost at once I realized that I had done the wrong thing, and several months later I broke the law by refusing to answer my Selective Service questionnaire. Five months after that I was arrested, and seven weeks later I received an eighteen-month prison sentence.

During that seven-week period, I was incessantly visited, entreated, reasoned with, cajoled, and even threatened with being defrocked as a Lutheran minister. Fellow members of the clergy, church officials, Selective Service representatives from state headquarters, friendly pacifists, and well-intentioned personal and family friends all bore down upon me. More than once, either directly or through intermediaries, I was presented with a range of options, including the opportunity to comply with the law simply by signing a blank questionnaire. (Shades of a pinch of incense before the bust of Caesar. . .)

The argument repeatedly urged upon me was that I was misguided to put myself outside the law. Here was legislation that provided for those who conscientiously opposed war, and I was deliberately placing myself *outside* its generous provisions. To this I replied: "I want to do just that. To me it is a vicious, war-generating, reprehensible law, and it is harmful to the nation. I have always respected the law of the land, but I want to put myself as far as possible outside *this* law."

When I was arrested and taken be-

fore the U.S. commissioner, I tried to explain this point to him by citing the Hebrew prophets' insistence that a King's particular action was wrong, not because it hurt them or trod on the toes of a religious institution, but because it spelt disaster for Israel. The next day's newspaper quoted the commissioner as saying: "He thinks he's the Apostle Paul or something."

### Gradual Acceptance

Not surprisingly, I received no support from the Lutheran Church in my stand against conscription. Individually, however, a number of Lutheran ministers, including one highly-placed official at national headquarters, gave strong and practical support to me and my wife and our 20-month-old daughter, despite not agreeing with what my conscience had led me to do. These people believed that being true to the dictates of conscience was central to the Christian faith.

In 1941, there had been no Civil Rights Movement, no Vietnam-era re-

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*Those who worked for CO recognition were deeply opposed to conscription. A subtle process set in, however, as we sought to modify that to which we were "unalterably opposed." In working to insert our provision in a piece of legislation, we gave tacit approval to that legislation and tended to assume its enactment as a *fait accompli*.*

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sistance. Good people obeyed the law. That was a given. Many of my friends and associates found it totally incomprehensible and actually ridiculous that I should go to prison, leaving my wife and daughter to fend for themselves, just because I would not sign a piece of paper. My action was considered utterly irresponsible, or worse, and my wife Dee Bristol shared the blame. "Why do you let Jim do this?" she was asked.

In a written statement explaining

why I was doing such a manifestly ill-advised and silly thing, I stated that I did this "for all wives and all daughters everywhere" in the hope that this action would contribute, however minutely, to some day bringing an end to war. It was not that I loved my own family less when I loved them as members of a worldwide family that included even the wives and daughters of my country's enemies. On the whole, I regret to say, my explanation fell on deaf, or at least uncomprehending, ears.

Also not surprisingly in the world of 1941, the reaction of the pacifist community was decidedly mixed. At that time, only a handful of us had been led to break the law. The acceptable objector stand was to perform alternative service under the law (by 1945 about twice as many men were to serve as noncombatants in the armed forces, but to the best of my knowledge there was not much discussion about that). Although there were glorious and heartening exceptions and we did receive support, a larger part of the pacifist community treated us "absolutists" rather like second-class citizens, the Civilian Public Service men being truly the fair-haired boys. I think that often we were an embarrassment to our fellow pacifists, and that frequently they were hurt by our rejection of the law with its hard-won and rejoiced-over provisions for CO's.

As time went on, this attitude changed and softened somewhat. An increasing number of objectors at one stage or another broke with the system. Then, inevitably, people began to accept—and a number to comprehend—a stand taken over and over again. At the end of World War II, following their experience with the Civilian Public Service camps, the American Friends Service Committee said: "Never again; never will we administer conscription in the future."

Yet even as late as 1948, when the draft was reintroduced after a brief suspension, a new organization had to be created, the Central Committee for Conscientious Objectors, in order to assist and undergird the "absolutists" and non-religious objectors. And it was not until the Vietnam era that a widely representative gathering of Friends from the continental U.S., including the

American Friends Service Committee and the Philadelphia Yearly Meeting in the second Richmond "Advices Against War and Conscription" (1968), avowedly approved the draft resistance position as opposed to supporting the individual conscience of the individual resister. (In 1948, in Richmond, Indiana, the first "Advices" issued by a similar gathering of Friends did not support draft resistance.) It took a long time (approximately thirty years in some cases) for many in the pacifist community to accept draft resistance as co-equal with CO recognition and service within the law.\*

### Fifty Years Against the Draft

In the half century that has elapsed since 1940, I have remained an unregenerate opponent of the entire conscription system—still passionately against the draft *per se*. I do not share the depth of concern of many of my colleagues in the anti-draft movement about provisions for CO's, Selective Service definitions of the valid CO position, and this or that specific Selective

\* Illustrated by Quaker experience, this does not pretend to be a catalogue of organizational positions.

Service regulation. I have at times been involved in efforts to improve or to prevent regression in the Selective Service handling of CO's (and over the years I have counseled a great many law-abiding CO's), but my rejection of the entire heinous apparatus is such that my eyes do not light up and my pulse does not quicken about matters that are to me only peripheral issues for those arrayed against the draft.

Let me cite a case in point, which also reveals my own ambivalent feet of clay. In the early 1960s a move developed in Congress to change the procedure for sending CO's to perform their alternative service. The proposal was to first induct all CO's into the armed forces; then those classified to do civilian work would be dispatched from the armed forces to do so. At short notice I joined with several others to work in Washington against this, and we were able to side-track the proposal. Returning to Philadelphia, I sent an explanation of our "victory" to the American Friends Service Committee peace education staff nationwide and quickly received a response chiding me for claiming victory. "The draft system," I was told, "is still intact." □

## Doing Time

Federal Prison was not as bad as I had feared. When I was arrested (taken in handcuffs before a U.S. Commissioner) without prior warning, I was deposited in a county jail until bail could be raised by my ever-resourceful wife. Later I spent ten days in that same jail, awaiting transfer to Danbury. It bordered on something out of Dickens. The federal institution was a welcome change—mostly clean, with food (in contrast to slop) three times a day.

How did the prison experience affect me? In many ways, very little. It taught me much about the hypocrisy and duplicity of many members of the administrative and custodial staffs; but at the same time I discovered that oth-

ers in the same penal system were people of sincerity and integrity.

The incarceration experience did engender in both my wife and myself a cynicism about "good people" and "good institutions" that has remained with us ever since (amply reinforced, I might add, by much that we have encountered outside of prison during the intervening half-century).

Certainly the experience did not "teach me a lesson." I was in no sense rehabilitated. I felt no shame as I entered prison, or while inside, or when I reentered society. My "crime," as it turned out, but not my incarceration, did change my life. Ten months after my release I left the Lutheran pastorate, never to return. For 46 years I have

worked and volunteered as a peace activist.

Two vows that I made in Danbury have long since been broken. One was never to spend more than \$1.50 on a meal. The second was not to attend so many (from my prison perspective, rather useless) meetings. Gradually my addiction to meetings returned.

How did other prisoners treat me? As a coward or traitor? Prisoners are not monolithic; different inmates treat-

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*Prison did not "teach me a lesson." I was in no sense rehabilitated. I felt no shame as I entered prison, or while inside, or when I reentered society.*

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ed me quite differently. Even those who were most hostile never accused me—or other CO's—of cowardice or treason. Rather, we were judged to be unpatriotic, unAmerican ingrates who refused to support our country.

However, waves of bad feeling toward CO's did ebb and flow through the prison population from time to time. After the declaration of war in December 1941, most of our fellow inmates expected that with the attack on Pearl Harbor we would leave Danbury and "join up." It was virtually impossible to explain to them why we would not do so, and the first wave of bad feeling swept through the institution. To some extent the fortunes of war determined the advent of hostility and ill feeling. A major enemy advance or a crushing Allied defeat (in 1942 and early 1943) could trigger considerable animosity from our fellow prisoners.

Another CO working on the prison farm and I refused to load string beans and tomatoes onto Army trucks from a nearby encampment. It was not that we opposed soldiers eating; but we could not see ourselves as producers of food for the armed forces. For our refusal to work as ordered, we were assigned to the pick and shovel gang and for several months dug ditches. We both experienced hostility from the population in general, and from our

fellow diggers in particular. The only black person on the gang, however, befriended us, and in ten days or so we were accepted by the rest of the group.

As weeks became months, I spent considerable time listening to the difficulties and frustrations faced by a number of my fellow prisoners. Six years in the ministry had already taught me that people often want, not a "physician of souls," but just someone to whom to tell their troubles. The barrier that existed between chaplain and inmate was not there in my case. Also, I was able to help men compose letters that were of particular importance to them, and assisted some illiterates in learning to read. Such associations rather naturally served to promote friendliness and to lessen potential hostility.

Let me cite three examples of relationships that come to mind years later. For many months I was housed next to "John Doe," an army sergeant who, while intoxicated, had set fire to a hospital. He was tough, hard-boiled, foul-mouthed, ill-tempered, ill-mannered, very patriotic and he hated CO's. Yet almost from the first day of our close proximity he virtually clung to me. Three times a day he fell into the chow line next to me; for months on end we ate every meal together. And at night we had almost interminable conversations (often extremely long "listens" on my part). Some weeks after my release, I received a letter thanking me for being such a good friend to a Danbury prisoner. It was signed, "John Doe's mother."

A bootlegger who worked in the institution's tailor shop was dismayed at the worn and tattered shirt I was issued prior to my monthly visit with my wife. In some miraculous fashion (prison propagates miracles), he brought me within minutes a brand-new shirt that I was almost embarrassed to wear. Later that day as my wife was arranging for a taxi, his family (by pre-instruction) intervened and took her in their car to the railroad station.

Finally, I recall that every now and then while I was walking around the yard one or another inmate on the kitchen detail would put his arm

around my shoulder and shake my hand, leaving in my palm a hard-boiled egg or a slice of roast beef from the officers' mess.

Did I suffer? Definitely not. At the same time let me say that I would urge anyone to think very carefully before "doing time"; it is no picnic. Inmates are under constant surveillance even when asleep (guards shine flashlights—often in your face—to be certain you are still there). They are lined up and counted in one of several locations six or seven times a day, and everything comes to a halt until "the count" is reported accurate. If their work detail goes outside the institution's walls, they are "frisked" in each direction. The tension is all-pervasive; it never lets up.

My wife's extremely precious visits came once a month. Her next-to-last visit was suddenly and arbitrarily terminated. Though the visit was reestablished just as she was getting in a cab to leave, I began to shake all over, and continued to shake not only during the balance of the visit, but also uncontrollably for hours thereafter—the result of pent-up tension, I believe, touched off by utter and despairing helplessness.

The separation from family was, it goes without saying, horrendous—one hour visits between husband and wife, with censored letters in-between. And no display of affection was permitted at visiting time (no longer true). My 20-month-old daughter was becoming ever more adorable—at least, so I was told. None of this was easy to experience.

I did not count the days; never did I mark each day off on a calendar as some did. Each person does time in his own way. The admonition of Holy Writ stood me in good stead: "Sufficient unto the day is the evil [or whatever] thereof."

After all these years I still have a recurring dream in which I am once again incarcerated. It is always a dreadful dream. I am always grateful to wake up.

—Jim Bristol

An earlier version of the first part of this essay appeared in the January/February 1990 issue of *The Nonviolent Activist*; reprinted with permission.

## Essay

# RU486 and Legal Wisdom

by Ron Paul, M.D.

Many opponents of abortion argue that RU486 ought to be banned because the it can be used as an "abortion pill." Ron Paul finds three reasons to differ with his fellow pro-lifers: RU486 has valuable uses unrelated to abortion, drug bans doesn't work, and, besides pills don't kill fetuses, people kill fetuses.

There was a time when medical awards were presented to great scientists who cured diseases. Today awards sometimes are given for *other* kinds of achievements. In September 1989, the most prestigious American medical award, the Albert Lasker Medical Research Award, went to Dr Etienne-Emile Baulieu, the French scientist who developed RU486, the controversial abortifacient that stops the development of a fertilized egg.

In accepting the Lasker Award, Baulieu observed that today, even with legalized abortion, 200,000 women die each year throughout the world as a result of this procedure, and "many hundreds of thousands of women are wounded physically and psychologically." (Evidently, legalized abortion is not as safe as some have claimed.) Baulieu frankly admitted that his research was done for the purpose of facilitating safe abortion—not for developing some of the positive ways that RU486 might be used.

Of course, abortifacients have been around for thousands of years. But many have been notoriously dangerous, proving deadly to the mother as well as the fetus. With RU486 modern science has produced a drug that efficiently induces abortion without causing great danger to the woman's health. RU486 is a derivative of norethisterone, a widely-used artificial progestational agent. The earlier RU486 is used, the more effective it is. When used with a prostaglandin in

the early weeks of pregnancy, it is nearly 100 percent effective in causing an abortion. It blocks the receptor sites for the naturally produced progesterone that is necessary to prepare the uterus for implantation when an ovum becomes fertilized. Thus the sites either *refuse to accept* or *reject* a fetus.

Although designed as an abortifacient, RU486 will likely be used in many other situations as more knowledge is gained of its properties. Theory suggests that it may help in treating estrogen-dependent breast cancer, endometriosis, and Cushing Syndrome. It is quite likely that it will serve as a true contraceptive without causing abortion.

Although RU486 is legal in China and France, it is not legal in the United States. Not surprisingly, conservative right-to-lifers have demanded that it be banned, apparently on the theory that banning it will prevent its use.

Conservative pro-lifers should know better than to fall prey to this sort of thinking. They do not propose banning guns because criminals use guns to rob and kill. "Guns don't kill,"

they argue, "people kill." The same sort of thinking applies to drugs, including abortifacients: *Drugs don't abort, people who use certain drugs cause abortions.* No one has proposed that the surgical curette or the suction curette be banned in order to stop abortions. Everyone knows that these instruments can be used for other purposes.

I believe that those who argue for banning RU486 should consider the results of such a ban. Prohibition would raise its price and increase the chances that contaminated and poorly measured forms of the drug would be used, causing more complications. One need only look at the total failure of the "drug war" to realize that this approach would lead to more trouble, not less.

Banning RU486 will not prevent its use as an abortifacient. The hard cold fact is that very early abortions on demand will soon be easily available in the form of a "morning-after pill," from doctors or from the underground, if not made available over the counter.

If physicians or others deliberately

prescribe and inject drugs or use mechanical means to destroy a legally identifiable living human being, their acts must be construed as acts of aggression and should be punishable by law. But as an advocate of the right to life and as a libertarian, I do not think it would make sense for me to advocate the banning of abortifacients, any

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*If RU486 is used in very early pregnancy, when pregnancy is virtually impossible to detect, no known government agency, physician, or district attorney could possibly prove that a crime was committed without preemptive and excessive police activity.*

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more than it would for me to advocate banning guns or hard drugs. The aggressive acts that result from the irresponsible use of guns or hard drugs should not be tolerated—they should be punished by law. But the law should do nothing about the peaceful possession and use of guns or hard drugs.

The same should be true of abortifacients.

### Hard Cases and Good Laws

Some will argue that prevention of the implantation of the embryo is an overt act of aggression, since it will cause the death of the embryo, albeit indirectly. It may be argued that an embryo resulting from rape is no more deserving of death than any other embryo. I respect this view, but I believe that the embryo resulting from rape is clearly not a result of a volitional act of the woman. She is not responsible for it or obligated to accept it. Personally, I believe the presence of an ovum that is fertilized through the act of rape prior to implantation should not preclude the woman's right to alter her own endometrium. The egg fertilized through rape is a direct threat to the woman's well being.

Still, the point really isn't what I or other right-to-life proponents think about this early stage, because it's not

legally or medically provable whether altering the endometrium did actually prevent implantation of an embryo. It's worth a philosophical discussion, but it cannot provide a justification for coercive legislation. Neither is forcing pregnancy tests on all women at the time of their menstrual period worthy of consideration.

If RU486 is used in very early pregnancy, when pregnancy virtually is impossible to detect, no known government agency, physician, or district attorney could possibly prove that a crime was committed without preemptive and excessive police activity. This would not make early abortions "right," but a government limited to the purpose of protecting life and liberty can do nothing more. A position such as I have outlined, although it would not prevent early and easily accessible abortion, would still command respect for life and liberty. Using a "morning-after pill" to abort a two to three week fetus is beyond government capacity to police.

A recent Supreme Court case (*DeShaney v. Winnebago County Social Service*, February 1989) speaks to this issue. Four-year-old Joshua DeShaney was beaten into a coma and left with permanent brain damage by his father. One day before the beating, a social worker visited the family in response to reports of child abuse. Joshua's mother filed suit against the state government and the social worker, arguing that the government failed to protect her son from injury. In a novel twist on the due process clause of the constitution, the mother argued that the child had been "deprive[d] . . . of life, liberty, or property without due process of law."

Obviously, the father was guilty of violent behavior, and deserved punishment. But the question before the court was whether government employees (police) are liable and obligated to protect citizens from potential harm, when warned of potential danger. Conservative Chief Justice William Rehnquist wrote for the majority (6-3) that the due process clause was intended "to protect the people from the state, not to insure that the state protected them from each other." The state, Rehnquist argued, "[can] not be-

come the permanent guarantor of an individual's safety."

It would be nice if government could protect us all from potential harm without any violation of our civil liberties. But government can't do this without serious infringement of our liberties. Any attempt to do so would require a lot more than just social workers sticking their noses into our affairs—we would need an entire army of police. The notion that government must guarantee us against all harm is pernicious, as the Court pointed out.

Unfortunately, we already see this concept creeping into society. Government agents from the CIA, the FBI, the Secret Service, the IRS, the DEA, the FDIC, and the SEC are snooping all the time, running sting operations and preempting every move in the world of commerce. It's a dangerous policy, and must not become an accepted procedure for promoting social change.

The DeShaney decision relates to the issue of whether the state ought to try to prevent violence directed against the fetus early in pregnancy. In the first two to three weeks of pregnancy, the diagnosis is tricky. Without government intrusion beyond all comprehension, it is impossible to make a perfect legal and medical diagnosis of pregnancy before the time of the first menstrual period after conception.

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*As tough as it is for pro-lifers, we must accept the fact that a society free of abortion and the elimination of early abortions can come only through moral persuasion, in the marketplace of morality and ideas.*

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Proving that an abortion has or has not been performed with an abortifacient in the first three weeks of pregnancy would be nothing less than a social and legal nightmare.

### Moral Alternatives

As tough as it is for pro-lifers, we must accept the fact that a society free of abortion and the elimination of early



abortions can come only through moral persuasion, in the marketplace of morality and ideas. It will not be achieved through unreasonable and intrusive legislation.

The choice to use the "morning-after pill" should be personal. It would involve a moral decision, and for many it would be a serious religious matter. The responsibility for eliminating *all* abortions, and having a society where even the "morning-after pill" was never used to abort a pregnancy,

is the moral responsibility of individuals and of their families, churches, and other private groups. Those not content with stopping only overt acts that produce abortion should direct their energies toward education, religious or otherwise, not lobbying. If the anti-abortion effort should fail, its advocates cannot merely blame the absence of strong laws, they must assume some of the responsibility.

Placing the ultimate responsibility on *the individual* to bring about a truly

moral and nonviolent society where *all* life and liberty are protected neither ducks the issue nor capitulates to pro-abortionists. Refusal to admit that government should not station a social worker in every home in the land to prevent child abuse does not amount to legalization of child abuse. Similarly, refusal to allow government intrusion into the complex and subtle biological processes of very early pregnancy does not amount to a legalization of abortion. □

## Genesis of a Pro-Lifer

As a resident physician at McGee Women's Hospital in Pittsburgh, I frequently visited operating suites to observe different procedures. One morning, without knowing what was in each room, I made the rounds of the operating rooms. Shortly after entering an operating room, I was abruptly awakened from the daze I was in, having been up most of the previous night. Two surgeons were in the middle of a hysterectomy, a C-section performed for pregnancy at less than term. Soon after I entered the room, the infant was extracted, weighing approximately two pounds, crying weakly, gasping for air.

Up until that moment, everything for the previous ten years that I had learned was directed toward preserving life and improving the health of all my patients. What followed was ghastly. The infant was placed in a basin on the floor in the corner of the room, and everyone pretended not to hear the weak cries and the final gasp as the baby expired. No longer could I avoid thinking seriously about abortion. I would be involved in this issue for my entire career as an obstetrician. I would need to come to grips with the issue of abortion.

My choice of profession and my philosophical rejection of the initiation of force against other human beings has kept me thinking and refining my beliefs about abortion to this day.

Whether abortion is right and ought to be legal are serious issues. As time has passed, the two sides of the issues have grown increasingly bitter and emotional. Abortion probably won't be resolved in this century, and the manner in which it is resolved will determine the future of the United States. It is not an isolated problem, accidentally dumped on us. It is a fundamental problem involving deep-seated philosophic and moral commitments of all of us.

Shortly after the episode in the operating room, I sought counsel from the Chief of the Obstetrics and Gynecology Department. He argued strongly in favor of abortion. He was responsible for the department's policy of defying Pennsylvania's law prohibiting abortion. During the 1960s, defiance was commonplace around the entire country. The move was on to repeal, ignore, or have overthrown all prohibitions against abortion.

In my discussion with my chief, he strongly argued for abortion to eliminate the fetus diagnosed with serious disease or handicaps. I pointed out to him that some diseases can't be diagnosed until late pregnancy, or at the time of birth. He agreed and consistently argued that late abortion should thus be permitted. He even went on to say that if a 24-hour observation revealed serious abnormalities, infanticide made sense to him. Pursuing this

line of thinking, I asked about an even later diagnosis of six months or a year and, again, he consistently argued that infanticide up to one year made sense to him. He thought that one year, though, was ample time to evaluate the infant. Only after one year could the infant be vested with his inalienable right to life, and only after some individual or committee approved. I found the consistency of his argument compelling, at the time, and I still think it is today: anyone who favors abortion and does not accept infanticide is ducking the issue.

That was when I realized that there really is such a thing as a "slippery slope" and my professor was on it, sliding out of control. The Kevorkians are already beginning to appear. I could not walk on that slope. I became firmly pro-life. I accept the biological fact that life begins at conception, and the philosophical fact that all life is precious and deserves protection of the law. I believe that applying the principle of nonaggression to an unborn human being is a strong libertarian position, not a weak one. Those who make an exception to this principle are the ones who waterdown libertarianism.

This is not always an easy position for a libertarian to hold, especially in the context of the circumstances surrounding the criminalization of abortion. But certainly it makes a lot more sense than my professor's view

—Ron Paul

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Dear Friend:

I'm James DiGeorgia, President of Oak Tree Numismatics, one of the largest rare coin firms in the nation.

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Over the past 3 years, I've been an occasional contributor to Gary North's newsletter, usually condensing articles from my NUMISMATIC FOCUS. Dr. North, a Ph.D. in economics, tracked the performance of the recommendations in my articles. He reports they've performed remarkably well, yielding...

27% profits in 1987

41% profits in 1988

49% profits in 1989

Furthermore, in a report just released, Dr. North reports that my 1990 recommendations are up another 23.7% in just 5 months, despite the miserable performance of the bullion markets. With profits like this, it should come as no surprise that there's a thriving investment market in rare coins, nor that Oak Tree is surging to the forefront of the industry. In the past 5 years, rare coins have grown from an obscure "niche" market to a multi-million dollar, electronically-traded commodity. They are actively bought and sold by some of the major Wall Street investment houses, including Merrill Lynch, Shearson Lehman, and GE Capital Corp.

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More...

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Learn how a 19-year old whiz-kid  
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NUMISMATIC FOCUS regularly runs straight-talk articles with the country's top coin experts. We just ran, for instance, a fascinating interview with a 19-year old whiz-kid who made one million dollars on rare coin investments.

In NUMISMATIC FOCUS' exclusive interview, you'll learn what types of coins he looks for...You'll see the two key attributes he looks for in each coin he buys...You'll read the techniques he uses to find bargains lying out there in the open, under the noses of everyone else.


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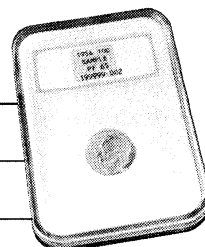
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## Appraisal

# Is Environmental Press Coverage Biased?

by Jane S. Shaw

The ideal is straightforward: the news media should stand outside partisan politics; they should assess the world of public life in as objective a manner as possible. But the wall of separation between ideology and journalism is usually hard to discern. And when it comes to ecological matters . . .

The January 2, 1989, issue of *Time* magazine deviated from its usual "Man of the Year" cover, heralding instead the "Planet of the Year" and describing the perils facing the earth and what might be done about them. Plant and animal species are disappearing at a rate 1,000 times faster

than they did in the past, *Time* said; the "greenhouse effect" is warming up the earth; chlorofluorocarbons (CFC's) are destroying the ozone layer; hazardous waste is befouling land and sea; the "population bomb" is endangering the world.

"Let there be no illusions," sermonized writer Thomas A. Sancton. "Taking effective action to halt the massive injury to the Earth's environment will require a mobilization of political will, international cooperation and sacrifice unknown except in wartime."<sup>1</sup> Reading this, you had to sit up and take notice.

The "Planet of the Year" issue is already something of a classic because it was an almost perfect efflorescence of the contemporary doomsday mood, rich with unfounded claims, exaggerations, errors, and bad advice. Indeed, every claim stated above is either scientifically unsupportable, or vastly overstated.

This issue gained additional notoriety some months later when Charles Alexander, the science editor at *Time* who was primarily responsible for that issue, spoke at a conference on en-

vironmental issues. "As the science editor at *Time* I would freely admit that on this issue we have crossed the boundary from news reporting to advocacy." Andrea Mitchell of NBC News echoed the same theme. "Clearly the networks have made that decision now, where you'd have to call it advocacy."<sup>2</sup> David Brooks, a *Wall Street Journal* editor who attended the conference, took down these quotes and in an article asked the obvious question: Whatever happened to objective reporting?

Is it appropriate for a news reporter to be an outspoken advocate of a specific environmental agenda when it is considered unprofessional to be a proponent of a political candidate or a political policy? In other words, is environmental protection a non-controversial issue of the sort that motherhood used to be? The answer, of course, is no. Environmental issues have many ramifications. Once you start advocating environmental positions, you must take positions on public policies that can affect jobs, health, and even lives.

*Time's* editors came out with specific recommendations to save the Earth. For example, they urged that the government insist that auto makers improve fuel efficiency to 45 miles per gallon by the year 2000; urged a complete ban on manufacture of CFC's; said the government should set standards for recycling of waste; proposed that the government should fund family planning organizations, including the UN Fund for Population Activities; and urged ratification of the UN Convention on Law of the Sea, which would regulate mining and other commercial development of the sea. Every one of these raises important issues—issues of ethics, costs, health, and the proper role of the government.

### **The Costly Policies They Blithely Propose**

Yet journalists ignore even rudimentary implications of their policy proposals. For example, *Time's* recommendation for toughening the federal fuel efficiency standards would cost lives. To meet the tighter standards,

automakers would have to lighten their cars even more than they have already. Lighter cars give passengers less protection in accidents. Robert W. Crandall of the Brookings Institution and John D. Graham of the Harvard School of Public Health have concluded that mandatory fuel economy standards cause hundreds of deaths every year.<sup>3</sup>

There are harmful effects from banning chlorofluorocarbons, too. CFC's are inert gases that are widely used in air conditioning and refrigeration (and formerly in aerosol sprays). The theory is that as these gases rise into the stratosphere, they destroy the protective ozone layer; they also are believed to contribute to global warming. The reason that CFC's are used in the first place is because they are relatively inert and nontoxic; substitutes will almost certainly be less safe and more expensive. Robert Watson of NASA, for example, says that if CFC's were banned, "probably more people would die from food poisoning as a consequence of inadequate refrigeration than would die from depleting ozone."<sup>4</sup>

Sometimes, of course, the results of furor about supposed dangers are merely more government boondoggles, such as the \$10 billion Superfund program that supposedly cleans up hazardous waste sites. Fear that places like the Love Canal dump in New York, Times Beach in Missouri, and Stringfellow Acid Pits in California were causing birth defects and cancer created and bankrolled this program. But Superfund, a political pork barrel, has cleaned up only about 50 sites since it was enacted in 1980.<sup>5</sup> Yet reputable studies have failed to confirm any serious health effects from such sites. A 1985 compilation of health studies at 21 well-publicized waste sites did not find epidemiological evidence of any long-term health effects. Researchers from the Environmental Defense Fund reviewed these and other studies and agreed that no "serious, life-threatening" diseases had turned up in statistically significant numbers, although they argued that better designed studies might have revealed "subtle effects."<sup>6</sup>

The perversity of media-fed scares is epitomized by the Alar scare last year. Alar is a growth regulator that is

used on apples to keep them from falling from the tree too early and ripening too fast in storage; it is regulated by the EPA as a pesticide, though that isn't really what it is. The EPA has banned a number of pesticides and was considering a ban on Alar because it caused tumors in animal tests. Suddenly, the Natural Resources Defense Council pushed for a ban and, following a well-orchestrated public relations campaign, newspaper articles and television shows terrified mothers about giving their children apple juice made from apples that might have been treated with Alar.

Exactly how dangerous was Alar? Bruce Ames, head of the biochemistry department at the University of California at Berkeley is a well-respected researcher on environmental risks (he developed the Ames screening test for

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possible carcinogens). In a letter published in *Science Magazine*,<sup>7</sup> Ames and a colleague attempted to put the Alar scare in perspective. He noted that the potential hazard from UDMH, the carcinogenic breakdown product of Alar, from a daily lifetime glass of apple juice is less than the risk from the natural carcinogens you get from eating one mushroom daily, and less than the risk from the carcinogens you get from the aflatoxin in a daily peanut butter sandwich. Yet because Alar is "synthetic" rather than "natural," we focus on it while ignoring the other carcinogens. Ames estimates that we are ingesting about 10,000 times more natural pesticides than synthetic ones! (It may be hard to believe that pesticides are natural, but that is how plants protect themselves from predators.)

Furthermore, says Ames, the use of Alar reduces the need for pesticides

on apple orchards in some places; and Alar-treated apples may be less susceptible to molds, so that juice from Alar-treated apples may have fewer toxins. By not being able to use Alar, producers may supply fewer apples, making the price higher and leading consumers to substitute less healthy foods. At the height of the scare, the New York Public School system stopped selling apples. Think of the junk food that schoolchildren ate instead.

## The Dubious Issue of Global Warming

With global warming, the press has pulled out the stops. An Associated Press article<sup>8</sup> in December, 1989, reported that the "threat of an environmental cataclysm is replacing nuclear holocaust as the scariest menace to civilization." The writer cited a number of problems—clean air, ozone depletion and extinction of species. Then: "All these concerns will be secondary, however, to the one overriding issue that touches them all—global warming."

Yet global warming is far from an "overriding issue." Many scientists doubt that global warming is even a problem. Less than fifteen years ago, a book called *The Cooling*<sup>9</sup> predicted a new Ice Age and received respectful scientific comment. Now, largely but not entirely because we had a spate of warm years, the fear has changed direction.

Readers of *Liberty* are aware that the global warming issue is highly debated, as climatologist Patrick Michaels indicated in a recent issue.<sup>10</sup> Although it is an undisputed fact that carbon dioxide has been increasing in the atmosphere, possibly by as much as 35% since the Industrial Revolution, it's far from certain that CO<sub>2</sub> and other "greenhouse gases" are trapping more heat than they used to. There is evidence that global temperatures have increased slightly over the past century—although not in the continental United States. But the increase in temperature that has apparently occurred is far less than the computer models predict. Michaels concludes that "the globe has warmed up approximately one-half as much as the lower limit suggested by combinations of climate

and ocean models." <sup>11</sup> Furthermore, these models on which scientists base their views about global warming predict greater warming at high latitudes than near the equator, but, says Michaels, "high latitude temperatures have simply not responded in the predicted fashion" <sup>12</sup>—and, in fact, they rose rapidly before the major emissions of greenhouse gases. If computer models designed to predict temperatures on the basis of the greenhouse theory can't describe accurately what has happened so far, how can we count on them to predict the future correctly?

Michaels is not the only skeptic on global warming. Others include Reid Bryson, director of the Institute of Environmental Studies at the University of Wisconsin at Madison; Kenneth E.F. Watt, Professor of Environmental Studies at the University of California at Davis; Hugh Ellsaesser of Lawrence Livermore National Laboratory; and Andrew Solow of Woods Hole Research Center. Some scientists contend that the small amount of warming that has apparently occurred represents a natural evolution from the

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*Charles Alexander, the science editor at Time, said, "I would freely admit that on this issue we have crossed the boundary from news reporting to advocacy."*

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"Little Ice Age" that ended during the 19th century.

In general, the doubting scientists have been ignored by television and the press. About 18 months after this issue first became headline news, a few skeptical articles began to appear, and some writers have begun to insert caveats in their articles. In its "Endangered Earth Update," *Time* did mention some critics of the environmental craze. However, it devoted less than a page of its seven-page "Update" to the critics, lumped them with Reagan officials James Watt and Anne Gorsuch Burford as destructive naysayers, and claimed that they are on the defensive. <sup>13</sup> The

juggernaut rolls on.

## The Lurid Reporting of Chemical Dangers

Don Leal and I have conducted an informal survey of how two prominent newspapers, the *New York Times* and the *Washington Post*, report on chemical dangers. Our purpose was to compare coverage with the same newspapers' treatment of AIDS. By most standards, the advent of AIDS truly is a crisis, yet we found that the tone and language of articles about AIDS are carefully chosen to avoid alarm and clarify the risks—far different from the way chemical risks are discussed. <sup>14</sup>

To give you an idea of the way these newspapers treat chemicals, consider a *New York Times* article headlined "Congress Again Confronts Hazards of Killer Chemicals." <sup>15</sup> It began: "The most alarming of all man's assaults upon the environment is the contamination of air, earth, rivers, and sea with dangerous and even lethal materials," Rachel Carson wrote a quarter of a century ago in her celebrated book *Silent Spring*. Today there is little disagreement with her warnings in regard to such broad-spectrum pesticides as DDT, then widely used, now banned."

In fact, there is and has been substantial dispute about her warnings. The author of the *Times* article notes that the book was "excoriated by the chemical industry," but never mentions that scientific opinion then and now also questions many of Ms. Carson's conclusions. For example, Norman Borlaug, who received the Nobel Prize in 1970 for his agricultural research, said in a 1971 speech that *Silent Spring* presented a "very incomplete, inaccurate and oversimplified picture of the needs of the interrelated, worldwide, complex problems of health, food, fiber, wildlife, recreation and human population." <sup>16</sup>

Toxic waste provides a particularly attractive opportunity for fear-mongering. In a *New York Times* article, "Trying to Shut Off The Toxic Spigot," <sup>17</sup> Philip Shabecoff describes "a rapidly emerging belief among scholars, policy makers and environmentalists, and even within industry, that

simply attempting to dispose of the increasing stream of hazardous effluents is a case of applying a Band-Aid to a hemorrhage." Yet even the Environmental Protection Agency's internal re-

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*Is it appropriate for a news reporter to be an outspoken advocate of a specific environmental agenda when it is considered unprofessional to be a proponent of a political candidate or a political policy?*

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port, *Unfinished Business*, which reflects the views of career professionals, concluded that public concern about chemical waste disposal exceeds the actual health dangers <sup>18</sup> and, as I reported earlier in this article, no long-term health effects have been confirmed scientifically from any of the hazardous waste sites that have been extensively studied.

Perhaps the most extreme sort of coverage turns up in "comprehensive" articles about a particular supposed disaster. In late 1986, <sup>19</sup> the *Washington Post* reviewed the case of the Stringfellow Acid Pits, a southern California waste dump that figured in the political tangle leading to the resignation of Anne Gorsuch Burford in 1983. The front-page article by Michael Weisskopf says that the Pit "brought environmental havoc to Glen Avon [the town where the pit is located]: property loss, livestock deaths and human illnesses, including high rates of cancer and heart trouble. More ominous is the poisonous horizontal plume that is spreading underground as fast as three feet a day toward the Chino basin, which provides water for 500,000 people within a 30-mile radius."

The story is sprinkled with phrases such as "the plume of carcinogenic chemicals," "DDT-laced soil," "walking time bombs," and statements such as "[E]cological trouble was brewing beneath the surface," and "A list of the toxic substances dumped at Stringfellow looks like a chemical alphabet soup."



Yet the hazards themselves are rather different. Weisskopf reports that the level of TCE (trichloroethylene) in the water under Glen Avon was 40 parts per billion or "eight times the state's public health standard." Sounds terrible, but Bruce Ames wrote in an article published months prior to the *Post* story that this level of TCE is less hazardous than ordinary chlorinated tap water!

And about a month after the *Post* article appeared, the State of California

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*Why does the press treat environmental issues in an inflammatory way? One reason is that news is entertainment, and certain kinds of stories entertain people better than others.*

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issued its report on Stringfellow.<sup>20</sup> It concluded that "[b]ased on the present study, there is no reason to believe that the Stringfellow site has had a serious impact on the community's health." The state found no unusual incidence of cancer, miscarriages, or birth defects. The only increased incidence was reported ear infections and skin rash, symptoms not normally associated with groundwater contamination. Of course, the state of California is not an unimpeachable source, and some impacts over time still could occur. But where was Michael Weisskopf when this reassuring news came out?

### The Source of the Problem

Why does the press treat environmental issues in an inflammatory way? One underlying reason is that news is entertainment, as economist Michael C. Jensen observed in an insightful lecture,<sup>21</sup> and certain kinds of stories entertain people better than others.

Keeping up with the news is interesting to many people. More of us probably watched the news when the earthquake hit San Francisco than would have watched the World Series that night. "60 Minutes" is consistently one of television's most popular shows. But because we rarely have a chance to affect the news, we have lit-

tle incentive to develop an accurate understanding of what is happening. For the most part, we simply want to be superficially informed and therefore entertained.

Reporters, editors, and producers advance professionally to the extent that they come up with entertainment their readers and viewers want. What they want seems to consist of two chief elements: a simple, clear story-line (in Jensen's words, readers have an "intolerance of ambiguity") and a dramatic story that pits good against evil.

Even the least controversial stories must have a strong story line. I remember an experience at *Business Week* that illustrates how the need for a strong story line may get in the way of the truth. I was assigned the lead news story (not the cover story, but the first story in the section about what had happened in business the previous week). This was a few years after the oil crisis of 1979, and my job was to find out whether the recent drop in gasoline prices was sizable enough for Americans to "hit the road" the coming spring—that is, to plan on increasing their automobile travel. *Business Week* reporters around the country called the national parks, Disney World, travel agencies, and other such places to find out if bookings were up and if they could discern a trend. Relying on such reporting, I had to decide whether tourism and travel would be going up.

If travel was going up, I had a good lead story; if the drop in gas prices was having no discernible effect, I had either no story or a very unimportant one at the end of the news section. It was impossible to have a story that said, "On the one hand, some people are going to travel more this summer, but on the other hand, a lot of people are going to stay home." That wouldn't qualify as news.

Unfortunately, the reporting was ambiguous. In some places, it looked as though tourism was on the rise; in others, reservations were similar to what they had been for a few years. I was faced with a decision. If I decided that travel was not going to increase, I would lose a prominent spot in the magazine that week. Certainly, my incentive was to focus on an upswing. In

the end, I did.

A reporter has to go with a strong story line or "spin" if he wants the story to be published. Of course, readers want more than that, too. Jensen points out that they like stories about people and about conflicts between good and evil—that is, good and evil people. The demand for such stories is nothing new. Jensen quotes H. L. Mencken: "In so far as our public gazettes have any serious business at all, it is the business of snouting out and exhibiting new and startling horrors, atrocities, impending calamities, tyrannies, villainies, enormities, mortal perils, jeopardies, outrages, catastrophes—first snouting out and exhibiting them, and then magnificently circumventing and disposing of them."<sup>22</sup>

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Mencken wrote that in 1920, when federal funds were not so readily available as they are today to pour money into "solving" or regulating problems like global warming, Alar, and CFC's. Today, the press doesn't have to "dispose" of the problems it "uncovers"—eager politicians will grab headlines claiming to correct them.

### The Role of Ideology

To understand why the press acts as it does, one must also consider ideology. In *The Media Elite*,<sup>23</sup> S. Robert Lichter, Stanley Rothman, and Linda S. Lichter surveyed the elites in journalism as well as top business executives and civil service executives. Each person was asked to rate himself or herself on the political spectrum; and the journalists described themselves as more to the left of the spectrum than did either of the other groups, including government employees.

My personal experience convinces me that this ideology influences journalists in their daily work. This shouldn't be surprising—many of us in journalism were attracted to the profession partly because we felt it offered a chance to correct some of the world's problems.

At *Business Week*, for example, a number of my colleagues had an inordinate hostility to Ronald Reagan. They felt that his policies were "right-

wing"—whatever they meant, it was bad—and were moving us in the wrong direction, away from a strong government role back to unrestrained capitalism. They often joked harshly about him and disparaged him and his associates in private. Their attitude toward Reagan undoubtedly affected their writing. Even the editor-in-chief realized this. Before the election of 1980, when "supply-side economics" was just beginning to be discussed in Washington, he found that he had no journalists covering Washington who were willing to treat it seriously. He hired a reporter from outside to find out what this new phenomenon was.

When you combine ideology with the need for every story to have a "spin," and as dramatic a spin as possible, you almost inevitably will get less than purely objective stories. Rothman and Lichter documented the bias in a detailed study of journalistic treatment of the safety of nuclear power in recent years.<sup>24</sup> They found that the journalists they surveyed were far more opposed to nuclear power than were the scientists who actually study nuclear issues. They also found that journalists tended to interview and quote scientists who were more opposed to nuclear power than was typical of their peers; furthermore, these scientists tended to write for the public at large more than for their colleagues in peer-reviewed journals—a fact that Rothman and Lichter interpret as evidence that these outspoken scientists are not among those most respected by their peers. Undoubtedly, however, they offer the press a better story than other scientists do.

### And Then There is "Herd" Journalism

A third factor that contributes to poor reporting is the phenomenon known as "pack" or "herd" journalism (symbolized by the crowd of noisy reporters following every move of the president). Once a story reaches the front page, competing newspapers and magazines fall over themselves to report the newest development and to "be on top of" the story as it

evolves. The need to stay with the pack means that a few leading publications often determine which stories get covered and what angle they take. As a reporter for *Chemical Week* magazine, I remember being told to change the spin on a story to conform to The New York Times's version; at *Business Week*, which would eschew such overt pressure, stories in The New York Times often influenced the topics the magazine chose and the way it treated them.

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*It's a mistake to put the entire blame for poor environmental reporting on journalists. Erroneous ideas and assumptions are deeply entrenched in the minds of influential people today—as anyone who has tried to defend free markets at a cocktail party surely knows.*

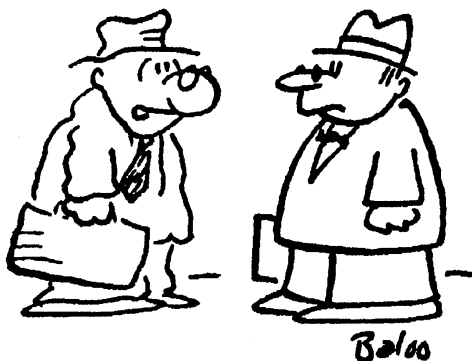
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On some subjects, cracking the prevailing wisdom is just about impossible. I am sure that most people in the nation still think that Hooker Chemical was responsible for the leakage of chemicals from Love Canal, even though a well-documented report in *Reason* showed that the school board forced Hooker to sell the land and then ignored its extensive warnings about the chemicals. The article (published in 1981) was picked up by ABC's *Nightline*, but, even then, it was not widely reported. It did not penetrate public consciousness and has been ignored ever since.

We are currently seeing a similar tendency in the treatment of acid rain. A ten-year government study assessing the effects of acid rain was recently completed. In the journal *Regulation*,<sup>25</sup> the original research director of the study wrote the following: "Extensive surveys in natural forests and commercial plantations over the eastern and northwestern states have failed to identify any regional decline that could not be attributed to natural causes, with the possible exception of red spruce

*continued on page 41*

Congress  
→



"To make a long story short, somebody herbicided my grass roots!"

## Introduction

# The Butterfly Effect

by Richard W. Fulmer

A butterfly flaps its wings over Mont Pelerin, and there is a hurricane in Big Water, Utah. Richard Fulmer explains an unintended effect of chaos theory: the collapse of the rationale for Big Government.

The maxim, "If you can't measure it, you can't manage it," is subscribed to by many in and out of government. Complaints have been growing now for years, however, that the government cannot, in fact, "measure it."

Statistics are the preoccupation of the bureaucratic mind. Theoretically, they indicate which policies to follow and which to abandon—which actions are having their intended effects and which are not. How high should taxes and tariffs be? Should the Federal Reserve inflate the money supply or apply the brakes? What will be the effects of this or that piece of legislation? The answers to these and other questions, we have been told, can all be supplied by the federal bean-counters in Washington DC.

Now we find that our government does not even accurately know how many American citizens there are, much less what our trade imbalance is. Each month Wall Street is sent into a buying or selling frenzy when Washington releases the latest trade figures only to discover later that the numbers were wrong as the result of errors in the data or because of the acquisition of new data.

These problems will hardly come as a surprise to readers of this magazine, but to believers in the efficacy of bureaucracy, they apparently have been something of a shock. The experts are "concerned," and a "special initiative" has been launched by Mi-

chael Boskin, the Administration's chief economist, to rectify the situation.<sup>1</sup>

No doubt an increased expenditure of tax money at the Census Bureau, Commerce Department, Bureau of Economic Analysis, Bureau of Labor Statistics, *et al.*, may result in better numbers. But will the numbers be good enough to enable Washington to effectively micro-manage our increasingly complex economy?

Almost thirty years ago an accidental discovery provided solid basis for doubt. In 1960, Edward Lorenz, a research meteorologist at M.I.T., created a computer model of the earth's atmosphere. Fed by such data as temperature, air pressure, and wind velocity, the computer generated recognizable, ever-changing patterns. Here then was the proof that Nature itself was deterministic. Given enough data, the right formulas, and a computer, we could accurately model even the most complex phenomenon. Quantifiable causes had quantifiable effects, and if we could identify and measure the former, we could predict the latter.

But then, in the winter of 1961, it

all fell apart. Lorenz, wishing to more closely examine a particular sequence of modelled events, started a run at the mid-point. Instead of using the same initial conditions normally input to the system, he took his numbers from a printout which his program had previously generated. To his surprise the numbers generated from the new run quickly diverged from the original calculations. They should have been identical—exactly matching the data from the earlier run—and yet they were different.

Lorenz eventually realized that the problem was that the data on the printout which he had copied showed three decimal places—one part in a thousand. The computer, on the other hand, used six decimal places in its calculations. These tiny, almost immeasurable, differences had caused the two runs to diverge dramatically within a relatively few iterations.

Because of the iterative nature of mathematical models like Lorenz's, the cumulative effects of inaccuracies in the data and in the calculations grow rapidly. For example, the temperature that is calculated for tomorrow, given today's conditions,

becomes the input for calculating the next day's temperature, which, in turn, is used to determine the following day's conditions, and so on. Errors creep in due to inaccurate and incomplete starting data, and because the model's mathematical formulas can only approximate the complex processes at work. These errors, piled one on top of the other, eventually cause the projections to diverge from actual conditions.

By collecting more data with greater precision, and by improving the formulas we can hope to project further and further into the future. "But suppose the earth could be covered with sensors spaced one foot apart, rising at one-foot intervals all the way to the top of the atmosphere. Suppose every sensor gives perfectly accurate readings of temperature, pressure, humidity, and any other quantity a meteorologist would want."<sup>2</sup> At a given instant, all of the sensors are read, and the information fed into a computer.

Even with such incredibly accurate starting information the computer would still be unable to calculate the weather at a given point a month from now. "... The spaces between the sensors will hide fluctuations that the computer will not know about, tiny deviations from the average."<sup>3</sup> The instant after the data is collected, these

fluctuations will shift the weather toward a path different from that calculated by the machine.

Enormous effects, then, can be the result of immeasurably small and undetectable causes—causes that perhaps cannot be identified even in hindsight. This concept of "tiny differences in input... quickly becoming overwhelming differences in output" was "half-jokingly known as the Butterfly Effect—the notion that a butterfly stirring the air today in Peking can transform storm systems next month in New York."<sup>4</sup> But the consequences of Lorenz's discovery are quite serious. It meant, Lorenz realized, that despite the quantity or accuracy of the data amassed, "any physical system that behaved nonperiodically would be unpredictable."<sup>5</sup>

Before Lorenz, we had illusions of someday not only predicting, but controlling the weather. Now scientists understand that while we may change the weather on a small scale (perhaps by seeding the clouds), we can never know if in the long run the change is for the better or the worse. This is because we cannot calculate what the weather would have been had we done nothing. We can only know, in hindsight, what it was after we altered it. The rainfall we cause in Wichita today, may result in a killer hurricane ravaging the Caribbean

next year, or it may prevent a hurricane—we can never know.

Complex though it is, the task of mathematically modelling the atmosphere is trivial in comparison with that of modelling an economy or a society. The weather is the sum of the interactions among individual molecules—society the sum of the interactions

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*Though the analogy between weather and society ends—as must all comparisons between human and non-human phenomena—where free will begins, the "Butterfly Effect" ensures that even a society made up of robots could not be accurately modelled.*

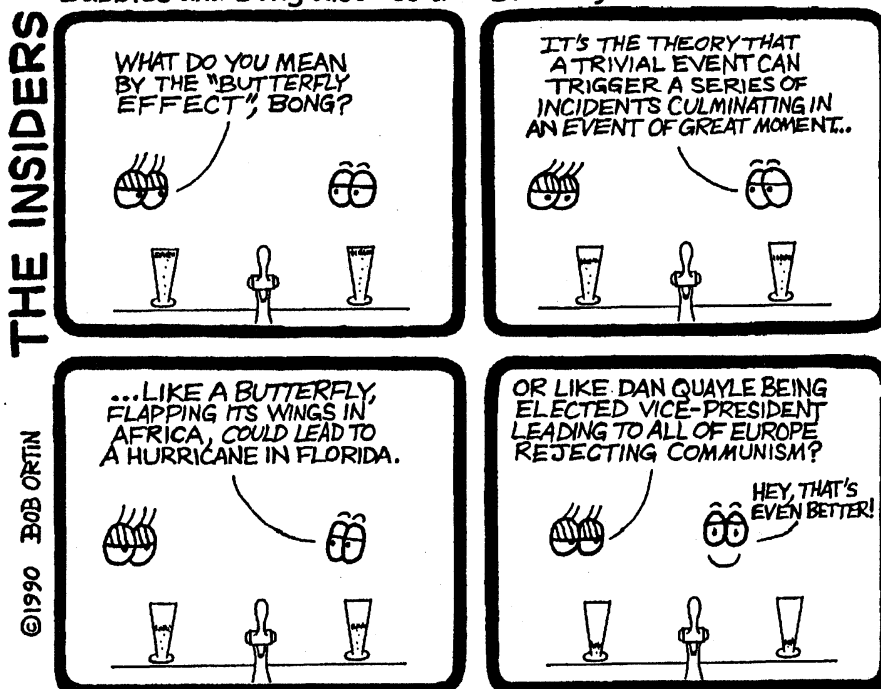
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among individual human beings. The analogy between the weather and society ends, as must all comparisons between human and non-human phenomena, where free will begins. Free will makes all of the necessary calculations infinitely more obscure.

Perhaps, then, the collectivists' distaste for the individual is more practical than philosophical. How can a bureaucracy be expected to exert control over a society if unrestrained individuals insist on introducing random variables? Yet suppose free will could be stamped out, and the actions of every individual were to become as predictable as those of an oxygen molecule. The "Butterfly Effect" would ensure that even a society made up of such robots still could not be accurately modelled.

I do not wish to suggest that mathematical models should not be used. If their limitations are understood, they can be quite useful. Nor am I suggesting that because we cannot know the ultimate consequences of our actions, we should therefore cease all activity. Certainly the knowledge that I cannot foresee every link in the chain of events that will result from my leaving for work each morning should not keep me from my job. I am suggesting, however, that the knowledge that we

### Bubbles and Bong discuss the "Butterfly Effect"...



are fallible should make us hesitate before trying to control the lives of others.

Because we control our own actions, and because we have the mental ability to project into the future, we have the capacity to anticipate events. But this capacity falls rapidly as our direct influence over those events is reduced, or as those events become increasingly separated from us by time or distance. Before attempting to control others "for their own good," we should remember that we always possess incomplete knowledge. Despite our best intentions, we may easily hurt the people we are trying to help.

Marxism was born in an era of belief in the ultimate ability of science to reduce all human experience to exact

mathematical formulas. The faith that philosophers had in science did no more than mirror the faith of the scientists themselves. Until the end of the 19th century, the prevailing view

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*Enormous effects can be the result of immeasurably small and undetectable causes—causes that perhaps cannot be identified even in hindsight.*

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among physicists was that deterministic laws were sufficient to explain and predict all natural phenomena. They are not.

Eventually the implications of the Butterfly Effect will find their way into the minds of philosophers and social scientists, and from there to the popular imagination. Perhaps then the naive faith in the ability of our government, or of any government, to manage a nation's economy will finally pass away into a well-deserved oblivion. □

### Notes:

1. Holman Jenkins Jr., "The Nation's Figures Indicate a Number of Deficiencies," *Insight*, May 1, 1989.
2. James Gleick, *Chaos*, Viking, New York, 1987, p. 21.
3. *Ibid.*, p. 21.
4. *Ibid.*, p. 8.
5. *Ibid.*, p. 18.

## Shaw, "Is Environmental Press Coverage Biased?," continued from page 38

trees in the high elevations of the northeastern Appalachians." Now consider the New York Times headline on its story about the study: "Researchers Find Acid Rain Imperils Forests Over Time."<sup>26</sup>

It's a mistake to put the entire blame for poor environmental reporting on journalists. Erroneous ideas and assumptions are deeply entrenched in the minds of influential people today—as anyone who has tried to defend free markets at a cocktail party surely knows. Nevertheless, a good part of the cause is inherent in the nature of journalism. Reporters seek news that tells a dramatic story; to find it, they often identify crises that don't actually exist. Furthermore, since they tend to be on the left of the political spectrum, they are willing, perhaps eager, to encourage more government involvement—and apparent crises help that along. Voices that challenge the prevailing way of looking at a problem are largely ignored, and the articles frequently lead to the adoption of policies that are costly and damaging as well as unwarranted. □

### Notes

1. *Time*, January 2, 1989, p. 30.
2. David Brooks, "Journalists and Others for Saving the Planet," *The Wall Street Journal*, October 5, 1989, p. A20.
3. Robert W. Crandall and John D. Graham, "The Effect of Fuel Economy Standards on Automobile Safety," *The Journal of Law*

and Economics, Vol. XXXII, April 1989, pp. 97–118.

4. Quoted in Alston Chase, "The Ozone Precedent: We've Got a Policy, But Do We Have a Problem?" *Outside*, March 1988, pp. 37–38.
5. This estimate was reported in "Profits Are For Rape and Pillage," by Grethen Morgenson with Gale Eisenstodt, *Forbes*, March 5, 1990, p. 94.
6. Amanda M. Phillips and Ellen K. Silbergeld, "Health Effects Studies of Exposure from Hazardous Waste Sites: Where Are We Today?" *American Journal of Industrial Medicine* (8:1-7, 1985).
7. Bruce N. Ames and Lois Swirsky Gold, "Pesticides, Risk, and Applesauce," *Science*, Vol. 244, May 19, 1989, pp. 755–757.
8. By Mitchell Landsberg, an Associated Press reporter, seen in *The Billings Gazette* on Dec. 27, 1989.
9. By Lowell Ponte (Englewood Cliffs, New Jersey: Prentice-Hall, 1976).
10. Patrick Michaels, "The Greenhouse Effect: Beyond the Popular Vision of Catastrophe," *Liberty*, January 1990.
11. Michaels, p. 28.
12. Michaels, pp. 28–29.
13. *Time*, December 18, 1989, p. 68.
14. For more information on this subject, see "AIDS and Hazardous Waste Reporting," by Jane S. Shaw, in *The Washington Times*, July 3, 1989.
15. October 11, 1987.
16. Quoted in *Toxic Terror*, by Elizabeth Whelan (Ottawa, Illinois: Jameson Books, 1985), p. 67.
17. By Philip Shabecoff, September 21, 1986.
18. U.S. Environmental Protection Agency, *Unfinished Business: A Comparative Assessment of Environmental Problems* (Volume I: Overview), February 1987, p. 76.
19. Michael Weisskopf, "Toxic-waste Site Awash in Misjudgment," *The Washington Post*, Nov. 16, 1986, p. 1.
20. "A Report to the Legislature on the String-fellow Health Effects Study," State of California Health and Welfare Agency, Department of Health Services, December 1986.
21. In his talk, "Toward a Theory of the Press," given at the Third Annual Inter-laken Seminar on Analysis and Ideology, Switzerland, June 1976, Michael C. Jensen offers the key insight that news is entertainment and discusses a variety of implications stemming from this insight. The talk is reprinted in *Economics and Social Institutions: Insights from the Conference on Analysis and Ideology*, edited by Karl Brunner (Boston, The Hague, London: Martinus Nijhoff, 1979).
22. This quote from H.L. Mencken's, "On Journalism," in *The Smart Set*, April 1920, is reprinted in *A Gang of Pecksniffs*, ed. by Theo Lippmann, Jr. (New Rochelle, N.Y.: Arlington House, 1975), p. 65 and cited by Jensen.
23. *The Media Elite*, by S. Robert Lichter, Stanley Rothman, and Linda S. Lichter (Bethesda, Maryland: Adler & Adler, Publishers, Inc., 1986).
24. Stanley Rothman and S. Robert Lichter, "Elite Ideology and Risk Perception in Nuclear Energy Policy," *American Political Science Review*, Vol. 81, No. 2, June 1987, pp. 384–404.
25. J. Laurence Kulp, "Acid Rain: Causes, Effects, and Control," *Regulation*, Winter 1990, p. 45.
26. By William K. Stevens, *The New York Times*, December 31, 1989, p. 1.

Memoir  
PART 2

# Conversations With Ayn Rand

by John Hospers

In our last issue, John Hospers related what it was like to talk philosophy with Ayn Rand. Now, in the conclusion to his memoir, he details some of their philosophical differences, and relates the inevitable falling out between the philosopher and the visionary. . . .

Ayn occasionally expressed some disquiet (perhaps resentment) that she was not recognized as a philosopher by the contemporary philosophical community. In spite of long philosophical passages in *Atlas Shrugged*, philosophers had never taken note of her views, and her philosophizing in *Atlas* had largely fallen on deaf ears in the academic community.

I told her that philosophical discussion goes on almost entirely in philosophical journals. What about philosophical books? she asked. "Yours is a philosophical book," I said, "but it is a novel. It's not that philosophers don't read novels—though a lot of them don't—but they don't consider it their professional duty to do so." Besides, I added, she had acquired a right-wing image in the popular press, and that is a position that most academicians are strongly opposed to. There were a few well-placed curses from Ayn about the prejudices of the "liberal establishment."

I told her that if she wanted to become known in philosophical circles, she should write a piece or two and submit it to the *Journal of Philosophy* or the *Philosophical Review* or the *Review of Metaphysics*. After its publication, I said, it would be studied, commented on, and probably criticized. She would then respond to these criticisms, which again would evoke more from others, and at that point, I said, "I guarantee that you will be known as a philosopher."

But she never did this. She did not

want to enter the arena of public give-and-take with them. She wanted them to come to her. What she wanted of philosophers, other than recognition, is not easy to say. I am sure she would have cursed them soundly if they offered criticisms. Even a mild criticism would often send her to the stratosphere in anger.

At the same time, I must add, she would often tolerate criticism, even revel in responding to it, if (1) it was given "in the right spirit" (the vibes had to be non-hostile) and (2) it was sort of "on the right track"—the sort of thing that could be said by someone who was "on his way to the truth" but hadn't yet arrived there; then she would "correct him" painstakingly and in detail.

I sometimes pondered how people could approach so differently the enterprise of philosophy. I thought of the composers Igor Stravinsky and Richard Strauss; each occupies a high place in contemporary music, but neither could tolerate the other's musical idiom. Similarly, was it just a difference of style among philosophers? Surely not. Each comes to philosophy as a satisfaction

for a felt need. I had been "burned" early on by over-eager philosophic generalizations, and I was weary of systems in which different philosophers said opposed things, with no apparent way of resolving the issues in favor of the one or the other. I had come to the conceptual-analysis route as a way of resolving (or sometimes dissolving) problems that had long haunted me. Ayn had aimed instead at a "final philosophical synthesis," and regardless of its strengths or weaknesses, that is what she had to present to the world.

◆

Human beings are distinguished from all other creatures by the power of choice. I agreed with Ayn about this—we know that the dog scratches at the door but we don't know that he chose to do it (nor do we know that he didn't). But I tended to disagree with Ayn about some of the things that (according to her) we choose. Do we really choose "to think, or not to think"? I for one (I said) don't remember making such a choice. I would often think about things, perhaps because I am a



questioning sort of person and don't usually take things on faith. Yes, often when confronted by a specific problem, I have said "I'll think about it." But when my first acts of thinking occurred I no more chose "to think or not to think" than I chose "to be or not to be."

But more than that I considered the scope of human choice to be much more *limited* than she did. Some limitations we would both agree on: a dunce can't choose to be a genius, and a crippled person can't choose to walk (he can only choose to try, unsuccessfully). Without practice a person can't choose to do shorthand or typing at 60 words a minute. Neither can a person, just by choosing (or even by choosing *and* trying), extricate himself from situations that have been years abuilding. An obsessive-compulsive cannot just stop doing whatever he obsessively has been doing for years, such as putting the key in the lock three times and then tapping the floor three times (or whatever his ritual is). And if a teenager ran away from home to escape alcoholic parents and now has lived on the city streets for two years, she can't just suddenly "straighten out" and become a normal citizen—the gutter-instincts (survival by any means) are just too strong by now. And so on for thousands of cases in which we may unthinkingly believe people could have chosen to do what we want them to do.

At this point in my diatribe Ayn reminded me that people do escape from the slums, that with determination they overcome seemingly impossible odds and sometimes become leaders in society. Prepared for this observation, I granted that it was true; but the fact that one person, A, can do this, doesn't show that other persons, B, C, and D, can also do it. Each of them acts under somewhat different conditions from A. They have one common denominator, slum upbringing; but some had the love and trust of their parents, and the wherewithal to prepare them to surmount adversities, and others did not; some had father-figures with whom they could identify; and so on. (If a person tries hard *enough*, he will succeed; but what is meant by "hard enough"? Would you call it "hard enough" if he did not succeed? Doesn't the statement

come to the tautology "If you try till you succeed, you'll succeed"?)

Anyway, all this preparatory conversation was so much chaff in the wind, for Ayn hit me with the charge that I was sure she would come up with sooner or later. "You don't believe in freedom at all, you are a determinist."

I knew what dense philosophical thicket lay in waiting here, with vague and overlapping meanings of crucial terms like "free," "determined," and "caused." I hesitated even to embark on it. One must come at the issue from so many different aspects, breaking one stone and then another along the way—and most people lack the tenacity to go through it all, they want quick and easy solutions, so that they can repeat certain verbal formulas and convince themselves that they have the problem mastered. So I began simply: "Determinism is just universal causation. Everything that happens has some cause or

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*Ayn was quite shocked that I took ESP seriously. Didn't I know that reality does not work in that way? Perhaps so, I said, but whether it does or doesn't is not something we can know by just pontificating about it from our armchairs.*

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other, that's the core meaning of 'determinism' (to which other meanings have sometimes become attached). The causes may be matter or mind, spirits or God—all that determinism says is that everything has a cause, even if we never find out what all the causes are." This was determinism in its most neutral, vanilla-flavored sense, without the punch it was supposed to pack, for there was nothing in my formulation that made it incompatible with freedom, yet that was the main feature which led many people to oppose it.

Of course, I continued, if everything is caused, events in human life are caused too. Every decision you or I make is caused. But so what? I decide to rake the leaves because I think the lawn looks unsightly. So what's so hostile to freedom in that? Would it be bet-

ter if I *causelessly* raked the lawn?

But of course, no matter how many actions are caused by decisions (or other things going on in the mind), ultimately these events in the mind are caused by things that take place in the world outside the mind. They may be hereditary factors or factors in the environment, all very complex indeed, but if my decisions are caused, so are the factors that caused *them*, and so on back. And over the hereditary and early environmental factors I had no control at all. So am I really free?

Once the term "free" is raised, more clarification is called for. (I discussed this with Ayn at much greater length than I have indicated here.) The word "free," I began, does have a use; it does describe something. Ordinarily we say that I am free when I am not coerced, when no one has forced me to act as I do; I act as a result of my own choice, unforced and unconstrained by others. If she marries him because she wants to, she does so freely, but if she is dragged to the altar she is forced. This is a rough-and-ready distinction that everyone understands and uses. Does determinism (I said) really deny this? Determinism says "My act is caused"; freedom says "I caused my act." The difference is between the active and the passive voice.

Ayn started to object, but I went on. Sure, you can find causal antecedents of human actions in the brain, in the environment, in parental influences—in such complex causation as this there are antecedents to be found all over the place. Most of the factors, however, we don't know at all, such as what makes one person make this decision and another person in the same circumstances make a different decision. In the human realm we are very far from having established determinism as we have done in physics and astronomy, where we can predict an eclipse to the split-second a hundred years ahead. Determinism *asserts* the universality of causes in the human realm, without having gone much of the distance toward proving it that has been accomplished in the natural sciences.

Ayn expressed the belief that in the area of human choices, there are indeed causes, but that a person in so acting is self-caused (*causa sui*). I expressed

doubt as to what this could mean. If something is caused, isn't it caused by something else, something other than itself? How could my decision cause itself? Cause has to do with origination, and how could the origin of choice X be choice X itself? We can say, truly, that I caused my choices—that I, a complex set of actual and dispositional characteristics, caused this act of choosing to occur—but that is not the same as saying that X caused X. I was not able to see *causa sui* as anything but a desper-

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*Ayn didn't accept the distinction between necessary and contingent at all. For her, it seemed every statement that is true is necessarily true. "Doesn't everything that happens have to happen?" she once asked me.*

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ate attempt to escape "the dilemma of determinism."

At any rate, what I wanted to make crystal clear to Ayn was that the "principle of determinism" (or Causal Principle), that everything that occurs has a cause, is not merely a statement (true or false) about nature's workings; I tried to give her a sense that it had a much more complex and ambivalent epistemological status than that, which rendered labels like "true" and "false" extremely dubious.

I tried to make the epistemological point very simply. Suppose a chemistry student gets some quite unexpected results when he repeats a laboratory experiment. He then reports to his teacher that the same effects don't always arise from the same cause: he set up the experiment exactly the same both times, yet got different results (an orange precipitate in the first case, none in the second). Conditions C produced result E-1 the first time and E-2 the second time—different effects from the same cause! Yet his teacher wouldn't tolerate this for a moment. Maybe he had some evidence that the C's weren't the same—he might find an impurity in the liquid the second time that wasn't there the first. But more usually he had no evidence at all—there was a difference in

the E's, he reasoned, so there had to be a difference in the C's. And we would say this whether we know it or not, whether we ever discover it or not.

And so on in general, I said. If after repeated trials we discover the cause of something, we say that confirms the Causal Principle even more; but if after repeated trials we fail to discover the cause, we don't say it had no cause, but only (and always) that it's there but we haven't *discovered* it yet. Isn't this a remarkable asymmetry? Isn't this very peculiar—a principle that discoveries confirm but no discoveries can disconfirm? A principle that parades as a truth about the world, yet is apparently immune to refutation by discoveries about the world? What does this show? Isn't there "something funny going on" here? Aren't we trying to run with the hare and hunt with the hounds? Isn't this asymmetry a ground for suspicion?

I was not sure whether Ayn followed the direction in which I was pointing, but I went on. I suggested that the much-vaunted Causal Principle was not a statement about the world at all—not like "All birds fly," which can be disconfirmed by finding a few ostriches. That which can be confirmed by experience but not disconfirmed by experience is not a statement about the world. It might be an *a priori* truth, like the Law of Identity, not subject to, and not requiring, confirmation by experience. But I could not think it *a priori* because it made claims about nature which, I suggested, could only be confirmed by observing nature—which can't be done from one's armchair. Instead, I suggested that it was a kind of scientific rule-of-the-game ("heuristic maxim") that has stood us in good stead because when we used it in the past we have found lots of causes, but one which we don't permit to be disconfirmed, for there's nothing that we could do that we need to count as disconfirming it. It's a rule, the following of which has pragmatic value—it helps us to find more causes; but since it isn't falsifiable it doesn't count as an empirical rule, which is what it would be if it were like "All birds fly" or "All bodies gravitate."

Something may look like a plain and simple statement about the world, the only question about it being "Is it

true or false?" But what looks like a statement needn't be a statement, and perhaps this one isn't—instead maybe it's a rule that we use to guide our future scientific activities, or express a faith in some ultimate uniformity of nature. And if it has that status, then our talk about the Principle of Determinism being *true* or *false* is mistaken from the outset. We have been misled into thinking it has this simple true-false status at all.

I could not expect Ayn or anyone else to grasp the import of this at once: to someone who has spent most of a lifetime asking "Is it true or is it false?" it is disorienting and mind-blowing to be told that this distinction may not be applicable to the question at hand. One has to see how this approach can be applied to other philosophical problems (not just determinism), and how it clarifies or dissolves those problems rather than leaving them forever intractable. But to appreciate all this requires much more one-on-one philosophizing than I had done with Ayn. I had high hopes that we might yet do it. But whether it was the defects of my presentation or her disinclination to think outside the traditional categories with which she had operated for many years, I was never able to get far with her on this—it remained *terra incognita* to her, and her responses seldom indicated that she had grasped the true import of what I had said.

◆

It seemed to me that she failed to appreciate the subtle shifts of meaning of crucial terms that often occur midway in a discussion, and result in total confusion unless the shifts are pointed out when they arise. She seemed to have a number of ideas packaged together under the heading she called "determinism" and assumed that the term retained the same meaning in its various contexts of use (a common enough error). One example that I particularly remember is that she would say that according to determinism a person never *could* do other than he did; and that if exactly the same circumstances were to arise again (according to determinism), the same result would occur.

"And if the same thing *didn't* recur," I said, "then you'd conclude, without further evidence, that some factor in the

circumstances leading up to it were different this time. And you would say it," I insisted, "as an *a priori* assumption, without any independent evidence that any of the conditions were different." I remember using this analogy: A says "All swans are white," and B replies that there are black swans in Australia; to which A replies, "If they're not white, they're not swans."

I tried to open up to her the logic of the word "could." I said that "could" is an *ability word*: when someone says "You couldn't have done otherwise," this charge invites the retort, "Not even if I wanted to?"

And of course if I had wanted to I would have done something different—I would have continued reading the paper instead of going to the kitchen. My wanting to do X instead of Y could well be the deciding factor that caused me to do X instead of Y. So, I said, it isn't true that I couldn't have done Y; I would have done Y if I had wanted to.

But the next step, of course, was "According to determinism, you couldn't have *wanted* anything other than you did." But what, I said, does

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*"A is A" is something of which we need to remind ourselves constantly. But it is not, I said, an empirical statement: we don't have to go around examining cats to discover whether they are cats.*

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"couldn't" mean in this sentence? That I wouldn't have wanted anything else even if I had wanted to? No? If not, then what *does* "could" mean in this sentence? I suggested that it would be preferable to say that if exactly the same conditions were repeated the same event *would* have happened—and then show the unprovability of that statement because of the impossibility of tracking down all the conditions.

Ayn was impatient with such subtleties. When we recapitulated, she would always return to the position that if you are a determinist you believe that nothing *could* have happened except what did happen. And once again

I would inquire what "could" might mean in that sentence—and we would start on the merry-go-round once again.

Of course, I went on, there are (as usual) other senses of "could" as well, not specifically applying to human action. We may say that when you let go this pencil from your hand it *could not* fly upwards, that it could not do anything but go downwards in accordance with the law of gravity. But that is only to say that the downward motion of the pencil is the one that accords with laws of nature. That is, if you *assume* certain laws of physics, then the pencil could not (logically could not) have moved in any other way. The "could" here is a logical "could" (not an empirical one) expressing the logical connection between statements—statements of the laws of nature, statements about the mass and volume of the pencil, and the third statements (the conclusion) about the behavior of the pencil. We can say that *granted* certain premises, this behavior *could not* have been other than it was. (But, I added, saying that the pencil could not have behaved otherwise is already a departure from the central meaning of "could," which has to do with ability.)

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I never made much progress with her on determinism, but when we talked one evening about a specific kind of causation—extra-sensory perception—I evoked in her an unexpectedly vigorous response.

I do not remember how the subject arose, and I didn't even consider it a philosophical area of discussion, but I was describing to her Soal and Bate-man's book *Experiments in Parapsychology*. I explained that out of thousands of tries, a few people made very good subjects; they were able to state with considerable accuracy truths that (as far as we knew) were discoverable only by sense-perception, but which they could not have known through sense-perception.

A man was sealed into a room evening after evening, and there was no possible communication between this room and another room three doors away—there were scientists who averred that there was no way a person in Room 1 could convey information to someone in Room 4. In each of these

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two sealed-off rooms, cards were being pulled from a deck one per minute. Every minute a bell would ring, at which moment a card would be pulled from a deck in one room and the sub-

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*In spite of Ayn's lack of concern for shifts of meaning in a word or phrase, I had to be very careful what terms I used in her presence, for some terms would trigger in her an instant conclusion that was quite foreign to anything I meant.*

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ject in the other room would write on a piece of paper which card he thought it was. There were five different kinds of cards (apple, elephant etc.) and thus one chance out of five of guessing correctly. Getting the correct result slightly above chance (20 percent) for a time wasn't particularly noteworthy, but getting results like 40 percent correct over 100,000 attempts was quite remarkable, the chances against this being some trillions to one. Yet several subjects were reported to have done just that, and no one knew how. Ayn looked skeptical but allowed me to proceed.

Moreover, I went on, the subjects had improved with practice. From a fifth they had gone gradually to a quarter and even to a third. No one could figure out how they got the ability to do this. They themselves didn't know: they weren't aware at the time that they were guessing correctly, they just "put down the first thing that popped into their heads." And then the rules of the game were changed—"You will now write down the card that was being pulled *last* night at this point in the sequence"—and their achievements vanished (went down to chance), but came up again with practice to the previous fraction.

And then, most curious of all, the rules were changed once more: "You will write down the card that *is going to be pulled* at this point in the sequence *tomorrow* evening." Again the results went down to chance, but again with practice the record gradually improved. But the implications of it

shocked me: How could they possibly know the future? What if between tonight and tomorrow night the entire building burned down? And so on.

Ayn was now taken quite aback, and thought I should give no credence to any of this. It implied reverse causality, she said, and that was impossible—something at a later time causing something at an earlier time. I agreed that reverse causality was impossible—such as the rain tomorrow helping the crops grow today. But I didn't think the example involved reverse causality but only precognition. We all predict the future, I said, usually with some evidence; what made this case peculiar was the ability of the person to make a correct prediction again and again without apparently having any evidence whatever. (At least there was nothing known to science that we would call evidence.) That was what I found different about this kind of case, and I couldn't think of any explanation.

Ayn was quite shocked that I would take any of this "mystery-mongering" seriously. (It was hard to convey briefly the import of entire books on the subject, and the extraordinary lengths to which people had gone to make sure there was no sensory route by which A could have known B.) Didn't I know that reality does not work in that way? Perhaps so, I said—and I added I didn't much care whether reality does work in that way or not—but whether it does or doesn't is not something we can know by just pontificating about it from our armchairs: we have to go the difficult route of empirical investigation to find out whether people can know truths about the universe that are not mediated through sense-organs. One cannot know this *a priori*, I claimed; one has to go the more difficult route of checking it all out in detail. But I gathered that she considered this all a matter of necessity—that it was necessarily the case that nature doesn't work in this way. She was more disturbed about my permissiveness on this subject than I had thought she would be. Instead of saying that nature *can't* work in this way, the question for me was whether in fact it does; if it does, then it won't do to say that it can't.

For me, the question of what caused what is entirely a contingent matter, on which we can make judgments only in

the light of observation of the world. But it dawned on me that Ayn didn't accept the distinction between necessary and contingent at all. For her, it seemed (though I never got it in just these words) every statement that is true is necessarily true. "Doesn't everything that happens *have* to happen?" she once asked me.

I replied that one would first have to inquire about the meaning of the phrase "have to." In most locutions, "have to" involves a command or order—"I have to be in by midnight." When one says that events in nature, such as a comet entering the earth's atmosphere, have to happen, it sounds first off as if this event is being commanded, perhaps by God. But this is surely not what most people mean when they say it. Perhaps we mean that *if* one accepts certain laws of nature (concerning gravitation, mass, velocity), and if one grants certain initial conditions (Comet X is in such-and-such a position at such-and-such a time), then Comet X *must* be another place at a specific other time. (Not that the comet *must*—but that the statement—the conclusion—logically must be true *if* the premises are true. The "must" is about the relation between *statements*, not about phenomena in nature.) When I say that if I let go of this pencil it must fall, doubtless I am saying that the statement that it does (or will) follows from certain laws of nature plus initial conditions. But it would be clearer if I just said that the pencil *will* fall.

There are many uses of "must" and "have to" (I took her through several more) and I told Ayn that I thought she was telescoping several disparate uses of the term "must" into one, without distinguishing among them, and that this might be why she was led to make such a statement as "whatever happens must (has to) happen." (If you take it quite literally, I said, it seems like a more extreme fatalism than any view I have ever countenanced.)

◆

Ayn usually let me take the initiative in deciding what subjects we should discuss. The conversations described in this paper reflect largely my choice of topics—these were the things about which I was interested in sounding her out. I reflected later that in this respect

I had probably made a mistake. Only occasionally did we get around to discussing topics that were central to her philosophy. That is why some topics central to her are largely absent from these pages. Her papers on these subjects had yet to be written.

“A is A” is, I insisted, a tautology, but an important one: every time a person is guilty of a logical inconsistency he is saying A and then in the next breath not-A. Thus “A is A” is something of which we need to remind ourselves constantly. But it is not, I said, an empirical statement: we don’t have to go around examining cats to discover whether they are cats. (We might have to examine this creature to discover whether it is a cat.)

But, I said, statements of what causes what, such as “Friction causes heat,” are empirical statements; we can only know by perceiving the world whether they are true. How, I wondered, can the Law of Causality be merely an application of the Law of Identity? You could manipulate the Law of Identity forever and never squeeze out anything as specific as a single causal statement.

But (I went on) I could see how such a confusion might be generated. A tautology can easily look like something

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*I realized that Ayn read almost no philosophy at all. And I was amazed how much philosophy she could generate “on her own steam,” without consulting any sources.*

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else. “A thing acts in accordance with its nature” might be one example. This might be taken as an instance of the Law of Identity: if a creature of type X acts in accordance with laws A, B, C, and this creature doesn’t do that, then it isn’t an X. If dogs bark and growl and this creature hisses and meows, it isn’t a dog; that is, we wouldn’t call anything a dog that did this. So we can plausibly classify the statement about what we call “a thing’s nature” as special cases of the Law of Identity. But this, I insisted, tells us nothing about the world, but only about how we are

using words like “dog” and “cat.”

What is a thing’s “nature” supposed to be anyway? I went on. Is a thing’s nature its definition? Some might say yes: it’s the nature of water to be two parts hydrogen and one part oxygen. But one might also answer no: it’s the nature of water, one might say, to flow downwards, and this is no part of any (usual) definition of “water.” It wouldn’t even be true if atmospheric pressure were ever so much less than on earth (it might evaporate and not flow). So to answer the question, we have to know what the person means by talking about a thing’s nature. Often, I suggested, when we talk about a thing’s nature we are talking about a set of dispositional traits: thus, “It is the nature of cats to prowl”—yet so far as I know the tendency to prowl is not listed in the definition of “cat.” Or, when we say “I used to think his lying was just a quirk, but now I think it’s his nature,” we are saying that his tendency to lie is a more fundamental trait than we had previously thought.

I could see that Ayn was getting bored, so I summarized the moral of the tale: that statements about “X’s nature” sound simple and easy, but that under this linguistic simplicity lies a morass of vagueness, which comes out only gradually as we explicate one case after another in which we actually use the expression. I seemed unable to convey to Ayn any sense of this; and yet, it seemed to me, what was wrong with the usual philosophic formulations, including hers, couldn’t be appreciated without going through the detailed “digging” required to turn up these disparate meanings, and their confusion with one another from which the errors flow. Philosophic formulas, I said, merely give us “philosophy on the cheap.”

It was inevitable that sooner or later we would get to the subject of definition. I never had an opportunity to present my views on this systematically, from the ground up. I had done this in some detail in my book *Introduction to Philosophical Analysis*, in the long 100-page introductory chapter entitled “Words and the World.” I gave her a copy of the book and encouraged her to read the relevant chapter. But she

never did; I was disappointed by this, for I had thought we could use this material at least as a starting place for discussion, but in time I realized that she read almost no philosophy at all. And I was amazed how much philosophy she could generate “on her own steam,” without consulting any sources.

She began by insisting that one should search for true definitions, and I responded that definitions were neither true nor false. But it shortly turned out that I was talking about definitions of words and phrases, and she was talking about definitions of things (entities in the world) or, sometimes, concepts of those things. But I expressed ignorance as to what the phrase “the definition of a thing” meant. (We also discussed “definition of concepts,” examining the differences between words and concepts.)

I suggested that there were no true or false definitions. “The word ‘sym-

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phony' once referred to any orchestral composition, without voice, in four movements," I said. "Then, as in Beethoven's 9th, voices would sometimes be introduced and the work would still be called a symphony, so that was no longer a defining feature. Then in the 20th century came one-movement symphonies, such as Sibelius' 7th, so the four-movement requirement fell out. What happened was that the word 'symphony' was no longer used to describe what it had described before. But there is no true or false definition of 'symphony.'"

A simple case to the contrary, Ayn said, was that  $H_2O$  is a *true* definition of water; if someone said water was  $HO$  or  $H_2SO_4$ , he would be *mistaken*.

I responded that I saw nothing but confusion in this. "It depends on what you mean in the first place by the word 'water.' If by 'water' you *mean*  $H_2O$ , then course 'Water is  $H_2O$ ' is true because you've already defined water to mean that. All you get that way is ' $H_2O$  is  $H_2O$ ,' a simple tautology. But of course you might not already mean that by the word 'water'—early man surely did not. He meant the liquid that flows in streams and rivers. In that meaning, it is true that water is  $H_2O$ —that is, the liquid in streams and rivers has the chemical formula  $H_2O$ . That is a true

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*For a person who was always insisting on "iron-clad definitions," I found Ayn's linguistic habits quite sloppy.*

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statement about water—an empirically true statement, not a definition. Once you are clear what you mean by the word, the issue is resolved."

Ayn alleged that man is a rational animal, and that this is a true definition. It is true, in other words, that that's what man *is*. I replied that it all depends what you mean by "man" *in that sentence*. As a rule we employ a biological definition of man—man is a creature with two legs, two arms, walks upright, etc.; that's how we identify creatures as human without knowing anything more about them than our senses present to us. Now, the creature that fulfills that biological requirement is also a rational animal (that is, has ra-

tional potentialities, even if unfulfilled)—that is a true statement: not a definition, but a statement about the creatures identified by the first (biological) definition. (Of course, again, if by "man" you already mean "rational animal," then it's a sheer tautology.)

We could say, I suggested, that man is a laughing animal, or an aesthetic animal (the only creature that enjoys works of art), a volitional animal (the only creature capable of choice), and perhaps several others. But, as Ayn aptly pointed out, these features are less *fundamental*. If we were not rational animals we would not be able to comprehend works of art or see the point of jokes; the rationality explains the other characteristics, not vice versa. I assented to this; but I insisted that my point still held, that if "man" is already defined as a rational animal, the statement that man is a rational animal is a tautology (merely an example of  $A$  is  $A$ ); whereas if "man" is defined biologically, as we ordinarily do, then the statement that man is a rational animal is true, but not a definition.

A *stipulative* definition, I said, merely tells others how we're going to use a word ("I'll use this noise to mean so-and-so"), and a stipulation isn't a true statement, just a proposal to use a noise in a certain way. A *reportive* definition is a report of what a word is used to mean in a language-group. Thus, "A father is a male parent" is a report (in this case a true one) of what the word "father" is used to mean in the English language. And finally, if you already mean by "father" a male parent, the definition of "father" as male parent is *presupposed*, and the statement "A father is a male parent" comes to "A male parent is a male parent," another instance of " $A$  is  $A$ ." Confusion comes only if we get these scrambled together.

Is "Steel is an alloy of iron" a true definition of steel? No, I said, it is a definition of "steel" if that is what you choose to mean by the word "steel." It is also a true report about how users of the English language use the word "steel," and as such it is a true reportive definition. And if you already mean "alloy of iron" by the word "steel," then again you have a tautology, Steel is steel,  $A$  is  $A$ . It seemed to me that these distinctions clear up the question. In every case we *define* words and phrases,

and we *describe* things (using the words or phrases).

Whales were once thought to be fish. When it was discovered that they were mammals, wasn't this a discovery of the true definition of whales? The discovery (an empirical one), I said, was that those creatures which we called "whales" (on the basis of their shape, size, and general appearance) also had the feature of being mammalian. We then changed (or biologists did) the definition of the word so as to include being mammalian as a defining feature; biological classification on the basis of mammal, reptile, etc., had already long been in place; so after the discovery nothing that looked like a whale but was a fish would have been *called* a whale. The re-definition of the term was simply an adaptation to existing methods of biological classification. But the discovery, that these creatures were mammals, was an empirical one, like the discovery that some nebulae are actually galaxies.

This is one of the issues that seemed so obvious to me that I did not see how anyone could think otherwise. That is why I tended not even to remember opposing remarks as long as they were not clear to me. Rather than misreport what Ayn said, I have chosen not to say anything about her remarks: what I said is very clear to me, what she said is not.

At the time being described, Rand's non-fiction works, including *Introduction to Objectivist Epistemology*, had not yet been written. I would like to think that our discussions helped motivate her to write some of these non-fiction works. At the time of our discussions she was writing very little. Time was on her hands, and perhaps that was one reason for inviting me back.

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She vehemently denied the validity of certain distinctions, like analytic vs. synthetic and *a priori* vs. *a posteriori*. Both were Kantian distinctions, and her hatred of Kant may have played a part in the rejection; but more likely her rejection of the distinctions played a part in her hatred of Kant.

Already at the time of our discussions there was critical talk in philosophical circles about the analytic-synthetic distinction. Is it analytic to say



that all green things are extended? Quine had asked, and concluded that the failure to provide a satisfactory answer was due to the unclarity of the term "analytic," not to any defects in "green" or "extended." But the examples I used were of the very simplest sort: "All A is A" is analytic, I said (it's another formulation of the Law of Identity), and "All A is B" is not. "Lions are lions" is analytic and "Lions are fierce" is not—to determine that you have to observe lions. And the same for *a priori*: you don't have to go to the next room to discover whether the cat is a cat, but you do have to in order to find out whether the cat is lying on the bed there.

Why did Ayn deny a distinction that seemed to me so obvious—perhaps not for far-out cases like colors being extended, but for ordinary "A is A" type cases? She seemed to think, as Leibniz had done for different reasons, that the distinctions do not apply because all the statements are really in the same bag. All the features of lions, whether now known or not, are really a part of their definition. All statements about X follow from X's definition—that seemed to be the view.

But I did not see how this could be so. That this table is a solid object does follow from (or is contained in) the definition of a table. But that we are now sitting at this table does not. Nothing in any definition of a table known to me could possibly tell us whether it is true that we are now sitting at the table.

Perhaps the issue has a different focus: This would not be the egg that it is if it had not been laid by this hen, and I would not be the person I am if I had not been born to the specific parents I had. True—but would I also have to have the characteristic of having been born at the moment that I was? If I had been born a day earlier (to the same parents etc.), wouldn't it still have been me? True, it wouldn't have been me if the birth had taken place in ancient Greece—the parents wouldn't have been the same, etc. But would one really be prepared to say that all features of me are defining, including the mole on my cheek and the fact that a bee had just stung me? I saw nothing but endless confusion in that way of trying to deny the difference between necessary and contingent

statements.

I tried using some examples, of the kind that made my students catch on to the distinction most quickly. That this flower is red, that there are six of them on this plant, that such plants exist at all—these are contingent statements, they depend on the way the world is, which can't be known *a priori*; that  $2 + 2 = 4$ , that the angles of a triangle equal 180 degrees, that if A is larger than B then B is smaller than A—these are necessary truths, I tried to explain, even if one doesn't accept the analytic-synthetic distinction.

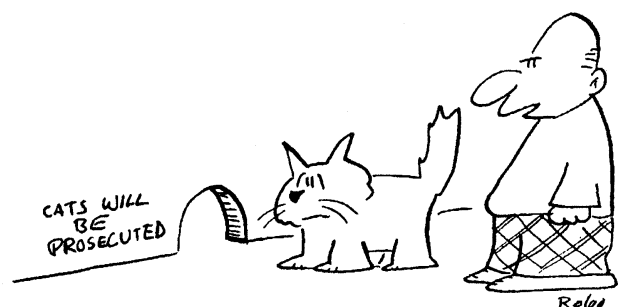
Or again, with regard to possibility and impossibility: I can't jump 20 feet high, but I (logically) might, and if I claimed to do so my statement would be false, but there would be no contradiction in it. But if I claimed to have gone backward in time, and disappeared from 1961 to 2500 B.C. (and what could that mean?), and actually helped the Egyptians build the pyramids—this, I said, was a logical impossibility, because contradictions would be involved in asserting it: I would be saying that (for example) the pyramid-building occurred without me (I wasn't born yet) and also that I participated in it (by "going back" in 1961 to 2500 B.C.); and that there were, let's say, 5,368 persons building the pyramids and (with the new addition of myself) there were 5,369—but there (logically) couldn't have been both 5,368 and other than 5,368. And so on. She granted the impossibility in the second case, but perhaps not for the reason I mentioned. To her all impossibility was of one stripe, and she did not admit the distinction between logical and empirical possibility.

I stated a problem (or pseudo-problem) which seemed to fascinate my students: "How do you know that you and I are seeing the same color? True, we both pass the color-blindness tests, and you say you see green when you look at the tree, just as I do, but how do I know you aren't the victim of a "reversed spectrum,"

for example that you regularly see red where I see green and vice versa, but of course you call it green like everyone else, since that's the word you've been taught to use in describing the color of trees? But perhaps if I could see what you're seeing, I'd call it red, or something else. After all, how do I know?" Maybe the outcome has no practical import, but it's a nice theoretical question anyway—the sort of thing that science seems unable to answer.

I cannot say that Ayn was fascinated by this question. She regarded it as rather trivial. But she heard me out. I suggested that you can (usually, perhaps always) get to what a questioner means by his question, if he can tell you what sort of thing would satisfy him as an answer—what precisely does he want to know? Now consider these possibilities (I said): (1) Suppose it were technically possible, as one day it may be, to connect one person's eyes and optic nerve with another person's brain. You could, then, quite literally see through the other person's eyes; and then you would know whether the leaves looked the same color to you as they did when you looked through your own eyes. You'd be able to compare what you saw with your former eyes with what you saw through your new eyes. Perhaps when you did this you would say, "They still look the same to me," and that would settle the question; or you might say "They don't look as they used to at all," and that too would settle the question.

But of course (I pursued) one may object that this won't do. (2) Exchanging eyes isn't enough, runs the objection. The interpretation of these visual data takes place in the brain. To settle the issue, I would not only have to have your eyes, I'd have to have your brain (or at least a part of it). But now we run into what's called the problem of per-



"Oh, don't be so gullible!"

sonal identity. If my brain were put into your body and vice versa (assuming this to be as technically possible as exchanging eyes) would it still be me? Would it still be me, with all my brain's memory-traces now inside *your* head? Here we run into a problem that's more than a technical problem; what is it that constitutes one's self, if not one's perceptions, dispositions, and memories? How can I exchange brains with you and still be me? Thus, if this second alternative is the one demanded to resolve the problem, then unlike the first alternative, it can't be solved: the conditions demanded for the solution are self-contradictory.

Ayn wasn't very impressed with all this. She didn't consider the issue to be of any importance in the first place. She was temperamentally unsympathetic to this way of doing philosophy. And she had no patience with the distinctions I used in order to arrive at a solution. For her it was a non-solution to a non-problem.

In spite of her lack of concern for shifts of meaning in a word or phrase, I had to be very careful what terms I used in her presence; for some terms, if I used them, would trigger in her an instant conclusion that was quite foreign to anything I meant. When I mentioned that a theory in science can be accepted or rejected on pragmatic grounds—as a device for explaining the most by means of the least—she would hear the term “pragmatic” and accuse me of being a pragmatist. And then I would explain at some length that I was not a pragmatist in any sense that *she* probably had in mind—for example, I did not hold that the truth of a statement had anything to do with its utility. I only used the term within a definite context, with a meaning defined within that context—and one should not jump to the conclusion “You're a pragmatist,” for I wouldn't even know what she meant by the term in *that* sentence.

For a person who was always insisting on “iron-clad definitions,” I found her linguistic habits quite sloppy. I was aware that Rome wasn't built in a day and that she had not grown up in a tradition in which sensitivity to these matters was considered important—one

just strode over the issues in seven-league boots (my characterization, not hers). Still, philosophic outcomes depend so much on just such subtleties that I became discouraged when after many hours of discussion she showed no more awareness of where I was really coming from than she had when we started.

I had no problems with her ignorance of modern logic or physics (such as Heisenberg's principle), but when the very issues she raised required a finely honed instrument to grapple with them insightfully, and she seemed quite unaware of what that instrument could do, and remained so after time, I gradually became as discouraged with her as she was impatient with me.

Somewhere she had picked up the idea that philosophers in the twentieth century were skeptical about the existence of an “external world” (tables, trees, stars, etc.). I told her that skeptical arguments in this area were still extensively examined, in the tradition of Hume, but that no one so far as I knew had any actual doubts about the existence of the chair they were sitting on, and so on. But that, she said, was the mistake: they don't doubt it in practice but they do in theory—they don't practice what they preach. I explained that when skeptical arguments occur, as in Hume, they have to be met, in an attempt to make theory accord with practice; one can't just assume that “common sense” is always right. I explained a similar situation in Zeno's paradoxes, and Parmenides' attempt to deny the reality of motion. I said there were lots of problems about the relation of the world to the senses by means of which we perceive it.

I did mention, almost incidentally, an attempt to prove that we know the existence of the external world for certain, namely by Prof. Norman Malcolm in his essay “The Verification Argument” (in Max Black's anthology, *Philosophical Analysis*). Instantly she picked up on this, inquiring about Malcolm as a possible ally. She wanted to know more about him and even to invite him to New York for a personal meeting. She did not read his article, or anything else by him, but I outlined the rather complex argument of the article for her

in two typed pages, trying to state his premises accurately and show how they yielded his conclusions. She expressed gratitude to me for doing this. But, she wondered, why should a person go to such lengths to defend a thesis that was so obvious? I realized that to Ayn the existence of the physical world was axiomatic and didn't require defense, and told her that she would probably find no particular ally in Malcolm, who was most interested (in the essay) in exploring the implications of terms like “verification” and “certainty.” At any rate, there the matter dropped. She took my word as to what his arguments were, and as far as I know she never read anything to enlighten her further on the issue.

We discussed many other philosophical issues, often in a brief and fragmentary way, before concentrating on something else. I omit here those issues of which I could not now give an accurate account from memory. In many cases I remember more clearly what I said than what she said. Her non-fiction works had yet to be written, and what I endeavor to record here is what she and I said then, not what we might have said later. Moreover, most of my readers will probably be acquainted with her position on various issues, but unacquainted with mine; and I want to provide some conception, however brief and unsystematic, of where I was coming from on the issues we discussed.

When we discussed metaphysical and epistemological issues, a certain tension between us would very gradually and almost imperceptibly arise. I could usually avoid an unpleasant scene by attributing (correctly) the view being discussed to some actual philosopher, living or dead, and then she could curse the philosopher in question and take the heat off me. It's not that I wanted to avoid responsibility for the view, but I wanted to avoid unpleasant scenes, which only impeded the progress of our discussions, and achieved no worthwhile end that I could think of. But it was clear that I was not “giving in” to her brand of metaphysics, and equally clear that my methods of what I liked to call philo-

sophical clarification were falling on arid ground in the present case. I became somewhat discouraged, especially since she seldom acknowledged an error and seemed less interested in learning than in defending prepared positions. Moreover, what seemed like a blinding philosophical light to me would be a total dud to her, and her highly abstract philosophical pronouncements often seemed to me confused, unclear, or false, effective though they might be as banners for enlisting the philosophically unwashed.

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Meanwhile, several incidents occurred that distressed me. There was a professor at a midwestern university who had been denied tenure some months earlier, for saying that he wouldn't mind too much if his daughter slept around a bit before she decided on whom to mate with for life. The faculty was up in arms against the university administration for terminating him, and started a nation-wide petition on his behalf. I had also signed a petition requesting that he not be terminated.

When I showed Ayn the letter to which I had responded on his behalf, Ayn saw my name on the letterhead and urged me strongly to dissociate myself from any attempt to defend him. He should not have referred to his daughter publicly in that way, she said. I asked her whether she really thought he should be denied tenure just on account of having said what he did. And Ayn's reply stunned me: he should have been terminated from his job, she said, even if he'd *had* tenure. Knowing all that tenure means to someone who has worked for years to earn it, I found her reply shocking and astonishing.

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*Newsweek* wrote a terribly unfair piece about Ayn. I responded to it by letter, trying to answer their charges point by point. I gave Ayn a copy of my letter. *Newsweek* never published it, but that, said Ayn, made no difference; what mattered was that I had come to her defense by writing it and responding to the false charges.

Not long after, New York University's philosopher Sidney Hook attacked her in print, and she wanted me to take him on as well. Knowing Sidney, I was

disinclined to do this. He already knew about my acquaintance with Ayn, but we had never discussed it further (I hardly ever saw him). Should I now condemn him publicly and destroy a long-standing friendship? I knew that this friendship would be at an end if I condemned him.

Ayn was sure that nothing less than a public condemnation was required to prove to him how much I was devoted to "intellectual objectivity." But she had very little conception of the manners and morals of professional academicians—they can get along well and even be friends, while disagreeing strongly with one another on rather fundamental issues. The philosophic arena was one for the friendly exchange of diverse ideas. But for her, it was a battlefield in which one must endlessly put one's life on the line. I was not willing to risk years of occasional friendly communion with Sidney by condemning him publicly, even if I thought he was mistaken in some of his allegations.

But for Ayn this was a betrayal. It almost cost us our friendship. In the end she attributed my attitude to the misfortune of having been brainwashed by the academic establishment, at least with regard to their code of etiquette.

I once mentioned to her my friendship with Isabel Hungerland, a distinguished aesthete from Berkeley with whom I would discuss issues at philosophical conventions. Ayn inquired what her politics were. "As far as I know, she's a liberal," I said. "What!" exclaimed Ayn, "a friend of yours—a liberal?"

I realized then that I was expected, once I knew Ayn, to sacrifice the friendship of all persons with political (and other) views opposed to hers. Not that I would *have* to—I was supposed to *want* to. It was immoral of me to continue to deal with such people. With many of them, as with Isabel, I had a kind of relaxed, laid-back relationship, never talking politics at all from one year to the next, and often not knowing what their political views were. But now I was supposed to excommunicate them all. "If thine hand offend thee, cut it off." I was not willing to plant a flag on a new terrain and thereby disavow my allegiance to all other views, and I deeply resented Ayn's attempt to steer

me in that direction—or should I say, her assumption that I would "of course" do such a thing.

It wasn't that I would have been unwilling to declare where I stood, if I had been totally convinced and was prepared to defend it. I try not to back off of commitments. But my whole way of coming at philosophy was quite different from hers, and in spite of various attempts I don't think she ever understood mine. With her, it was as if she were developing a Euclidean geometry from a set of axioms; I, on the contrary, was the gadfly who kept puncturing the axioms or finding their meaning (in some cases) to be vague or confused. As a result of this I was convinced that "the high *priori* road" was not the way to go in philosophy; I was sure that a careful, step-by-step, case-by-case approach, frustrating though it might be in the work required and the time needed to get anywhere with it, was the only road to progress. This wearied her, bored her, and ultimately repelled her.

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The more time elapsed, the more the

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wise tightened. I could see it happening; I hated and dreaded it; but knowing her personality, I saw no way to stop it. I was sure that something unpleasant would happen sooner or later. The more time she expended on you, the more dedication and devotion she demanded. After she had (in her view) dispelled objections to her views, she would tolerate no more of them. Any hint of thinking as one formerly had, any suggestion that one had backtracked or still believed some of the things one had assented to previously, was greeted with indignation, impatience, and anger. She did not espouse a religious faith, but it was surely the emotional equivalent of one.

When I was authorized by the American Society for Aesthetics to ask Ayn to give a twenty-minute talk at their annual meeting, which would take place this time in Boston the last weekend of October 1962, I passed on the offer to her at once. She accepted, with the provision that I be her commentator (all papers were required to be followed by a response from a commentator). She thought that I would understand her views better than those who had no previous acquaintance with them. I consented.

And so it was that on the last Friday night of October 1962, she gave her newly-written paper "Art and Sense of Life" (now included in *The Romantic Manifesto*). In general I agreed with it; but a commentator cannot simply say "That was a fine paper" and then sit down. He must say things, if not openly critical, at least challengingly exegetical. I did this—I spoke from brief notes and have only a limited recollection of the points I made. (Perhaps I repressed it because of what happened shortly thereafter.) I was trying to bring out certain implications of her talk. I did not intend to be nasty. My fellow professors at the conference thought I had been very gentle with her. But when Ayn responded in great anger, I could see that she thought I had betrayed her. She lashed out savagely, something I had seen her do before but never with me as the target. Her savagery sowed the seeds of her own destruction with that audience.

When her colleague Nathaniel Branden and I had a walk in the hall immediately following this exchange, there

was no hint of the excommunication to come. But after the evening's events were concluded, and by previous invitation I went to Ayn and her husband Frank's suite in the hotel, I saw that I was being snubbed by everyone from Ayn on down. The word had gone out that I was to be (in Amish terminology) "shunned." Frank smiled at me, as if in pain, but he was the only one. When I sensed this, I went back to my room. I was now officially excommunicated. I had not so much as been informed in advance. It was all over. In the wink of an eye.

So now a two-and-a-half-year friendship was at an end. It had come with such suddenness, I couldn't quite handle it at first. The long evenings with Ayn were now a thing of the past. I was now the one to feel a sense of betrayal.

But my pain was not entirely unmixed with relief. The pressure had been mounting, and certain tensions between us had been increasing steadily. Being forced to choose between friendship and truth as I saw it (even if I saw it mistakenly), was not my way of conducting intellectual life. I would sooner or later have had to escape from the vise, I reflected. Perhaps it was better this way, with an outside event precipitating the break. Sooner or later, probably sooner, I would have been too explicitly frank or honest, and she would have had an angry showdown with me, and that would have been that. Or so I told myself. At any rate, along with the pain and the desolation, I felt a sense of release from an increasing oppressiveness, which had been inexorably tightening.

At dinner earlier that evening, when the radio announcer said that Kennedy would not call off his blockade of Cuba even at the risk of nuclear war, Ayn had said, "Good!" Privately I wondered whether she had also said "Good" in connection with the break in our relations. Perhaps she merely reflected with regret that the years of her efforts on my behalf had been largely wasted.

At any rate, that night was the last time I ever saw her.

But I heard her once after that. In the late summer of 1968, not long before the Big Break, Nathan phoned me in

California and said "I want to put you on the line to someone." The conversation with Ayn was very brief. "I understand that you are presenting my philosophy to your classes," she said. I replied that I was—I considered Ayn's views in several of my courses, without thereby implying that I did so with total agreement. She seemed gratified, and wondered how I was, and then turned the telephone back to Nathan.

I thought of her endlessly during the years. Her enthusiasm for ideas, her intensity, her unfailing bluntness and those piercing eyes—the image of these things was never far away from me, especially when I assigned some of her essays in my classes and discussed them with students point by point. But I never regretted that I had not been enveloped further in the web of intellectually stifling allegiances and entanglements, the route I had seen so many of her disciples go.

In the next few years, as her non-fiction essays appeared, I read them avidly and made many notes and comments in the margins—points to raise with her, questions to ask her. But of course I never got to ask them.

And then, almost fifteen years after my expulsion, I heard on the radio that she had died. I felt, even after all these years, a devastating sense of loss. It was hard to stay in control during my talk at the memorial service for her in Barnsdall Park in Los Angeles.

How often, on visiting New York, I had almost stopped at her apartment building. No, I thought, her friendships are broken but her enmities last. It wouldn't be any good. And surely she had treated me pretty shabbily. But I thought of her, up there in that apartment, without Frank now, and I wanted to be mesmerized by those piercing eyes once again, and have another all-night discussion as in the old days.

I never got up the courage to take that step. It would probably have been useless. The occasion is past, and the past is gone forever.

That, I thought to myself with a certain grim irony, is at least one necessary proposition to which she would have given her assent. □

# Reviews

**Tenured Radicals: How Politics Has Corrupted Our Higher Education,** by Roger Kimball. Harper and Row, 1990. 204 pp., \$18.95.

## Rebels Without Good Cause

Stephen Cox

*There is more than one "reality," and no perception of "reality" is any "truer" than any other.*

*Everyone's "reality" is "constructed by" his or her race, class, and gender.*

*No appeal to supposedly objective reasoning can transcend the barriers of race, class, and gender.*

*The naïve belief that objective reasoning can achieve transcendence merely demonstrates the degree to which the believer has been imprisoned by cultural assumptions produced by race, class, and gender.*

*Language is not a means of communication across such barriers but the code in which they chiefly manifest themselves; language is not a means of self-liberation through self-expression but a means by which the self intensifies its imprisonment, fondly imagining that it can discover reality or "presence" by manipulating verbal symbols, symbols that appear only in the absence of the reality they purport to symbolize.*

*Literature is nothing but language of this kind; it is an encoding of race, class, and gender, and a revelation of absence rather than presence.*

*We cannot say that there is any body of "great" or "important" thought or literature that professors should teach and educated persons should know; one's belief that there is such a body of thought or literature merely demonstrates the extent to which one is imprisoned by the non-objective assumptions encoded in one's own peculiar culture.*

*The principal duty of American scholars is to impress the foregoing ideas upon the minds of their colleagues and students, so that the academic profession—and, ultimately, American society in general—can be freed from the white, male, capitalist, objectivist, western tradition that has established hegemony here.*

These, as Roger Kimball asserts, are the beliefs of the most influential scholars of the humanities at America's most influential academic institutions.

Influence, in this case, obviously has little to do with persuasive reasoning. The reader has undoubtedly noticed several gaps of logic in the argument sketched above. The gap is particularly large between the last thesis and the others. How can a skeptical denial of anyone's capacity to say anything objectively true about reality manage to produce a crusading zeal to convert an entire profession to some particular truth—a truth, by the way, that is so far from being self-evident that it can be reached only by the most elaborate and eccentric processes of reasoning?

Certainly this is a truth that never dawned upon the leftwing radicals of the distant past. Marx, for all the cultural relativism inherent in his notion that historical progress constantly alters the values appropriate to humanity, never dreamed that Shakespeare would be pilloried in the classroom as a "dead, white male." Lenin, for all his theories about the relation between ideas and

power, never imagined that Pushkin would be left in the dustbin of . . . what? History? Or mere metaphysics of a crackpot kind?

No one arrived at the views of Kimball's tenured radicals by conducting careful philosophical analysis of the ways in which knowledge is formed, or by pursuing conscientious literary analysis of the ways in which language achieves its effects. Most students of philosophy know the difference between factors that impel and factors that compel. They understand that people's concepts may be influenced by traditions, gender roles, class backgrounds, and racial attitudes; and they understand that the language necessary to form concepts exerts an influence on concepts themselves. But they also understand that to influence something is not necessarily to constitute it or determine it in its totality. The diversity of views that always obtains among people of the same race, gender, class, tradition, and language indicates to serious students of human behavior that these factors do not compel any group of people to adopt a monolithic and untranscendable set of assumptions.

Serious students of literature know that even dead, white males have not all written the same book, or anything like the same book. They know that the diversity that gives life to any particular culture, including the culture of "the west," must be carefully analyzed before generalizations can be made about any intellectual constraints imposed by that culture. Serious students of literature cannot help being aware of the peculiar ability of language to transcend immediate interests and circumstances. It is this ability that allows you and me (and the literary radicals about whom Kimball writes) to know whatever can be known and to say whatever can be said about any work of literature other than the one we may happen to be writing right now. Or, to look at the other

side of things, it is this ability that allows Kimball's tenured radicals to write a whole library of books excoriating the ideas of white, bourgeois westerners like themselves.

At one time, and not too long ago, literary theorists were fascinated by the capacity for transcendence that is inherent in language and literature. As Wayne Booth (one of the best of these theorists) observed, we *know* when Jane

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*Marx, for all his cultural relativism, never dreamed that Shakespeare would be pilloried in the classroom as a "dead, white male."*

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Austen is being ironic; we *know* that her deadpan, seemingly uncritical descriptions of characters are meant to convey the idea that she actually detests those characters. This is a wonderful thing to know, because it indicates in the most basic way the ability of language and literary intention to transcend their circumstances and communicate an understanding that is true—and, if you will, objectively true—over nearly incredible distances of time, space, and mentality. The audience, white or non-white, male or female, American or Japanese, capitalist or socialist, *understands* Jane Austen. Many lifetimes after her death, the words that she chose make her a vivid presence, not a mysterious "absence"; and this is reason enough to call her a great writer.

What shall we say of people who cannot follow such elementary arguments as this, or who attempt to escape from them with sophistic contentions about some vast cultural hegemony that imposed the same "false consciousness" on Austen and on every imaginable reader of Austen, or who regard the trite and obvious conclusions reached by the argument as insupportably oppressive?

One thing we can say is that such people—who tend to be located in academic departments of literature—are not concerned with *literature* at all. They are concerned with something other than literature, something that

stands between literature and them, something that hopelessly obscures their view of the subject. But what is it?

Part of it is politics, as Kimball's subtitle claims. The arguments of the tenured radicals would not swing the way they do if the lodestone of "Marxist" politics did not attract them.

In his recent book, *Skeptical Engagements*, literary critic Frederick Crews argues persuasively that the crucial element in contemporary cultural theory, its rebellion against the idea of a truth accessible to language and logic, results from its attempt to evade an understanding of the failure of Marxism. Because nothing is more truly and objectively apparent than this failure, a dogmatic adherence to Marxism can be supported only by a hostile "interrogation" of all claims to "truth" and "objectivity." The idea that Marxism can, quite simply and objectively, be said to have failed induces the academic theorist to deny that anything can be as simple as it looks and to claim that all assertions of "objectivity" are merely the tools of white, male, bourgeois hegemony.

Crews's argument is probably correct. Many people in the American literary academy, protected by the nature of their work from an intimate knowledge of economic and political fact, have staked their careers on Marxist methods of analysis. They have cultivated the oppositional mentality endemic to Marxism, enjoying the opportunity to imagine themselves as rebels and prophets rather than academic bureaucrats. The effort to save at least this oppositional mentality from the wreck of Marxism has engendered a truly virulent hatred for everything that might threaten the radicals' preferred self-image, including any vestiges of a Marxist respect for factual analysis of history.

So class struggle takes definitive leave of the factory and moves into the classroom, where it can be played quite safely as a game of words. The immediate object of attack is not economic conditions, which are pretty good for the tenured radicals, but books and logical processes. And the weapons of attack are passages of cast-iron prose, prose that is incomprehensible, not just to the working class and their capital-

ist-imperialist-male-hegemonist oppressors, but (one suspects) to the writers themselves.

Kimball cites some wonderful examples of this "cruelly abstract" prose. Among them is a gem (or just a hard, ugly stone) by Peter Eisenman, a celebrated theorist of architecture. Of all the arts, architecture is most concerned with the practical requirements of humanity. Regarding humanity's practical requirement of shelter, Eisenman observes in an essay in the interestingly titled book *Houses of Cards*:

But as shelter also exists in the mind as an idea, in its metaphysical state architecture is a conceptual reflection on physical presence, an "absence" in a material sense. From this perspective, what was earlier described as a traditional architectural history founded on dominant vectors of truth can also be seen as an ideological effort to screen architecture's intrinsic absence behind an emphasis on its physis. It could be said that this screening is a sign of the endurance of anthropocentrism's privileging of presence and centeredness, even beyond its own crisis.

Well, Ellsworth Toohey could not have said it better. No, he could have said it better, because he was created by someone who knew how to write. Kimball appropriately observes (p. 125) that "if the issue is architecture considered as a 'physis,' I suppose one could admit that there is something emetic

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*The crucial element in contemporary cultural theory, its rebellion against the idea of a truth accessible to language and logic, results from its attempt to evade an understanding of the failure of Marxism.*

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about [Eisenman's] passage." But Ellsworth Toohey would have been proud to have written any number of the academic radicals' gratuitous attacks on the once-unnoticed evils of "centeredness," "presence," and intellectual "privileging."

One senses that academic theorists must keep themselves pumping such



heavy verbal iron in order not to notice too clearly the otherwise obvious paradoxes in their works and lives. These are dogmatists who assert that no dogmas can be true, upper-middle-class scholars who are determined to destroy the "culture" of the "bourgeoisie," rebels against the scientific and humanistic faith in progress who constantly congratulate themselves on the "progress" of their own "research."

Another paradox is suggested by the outraged academic reactions to Kimball's witty and provocative book. Friends of contemporary literary theory

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*Tenured members of elite institutions are smart enough to figure out that certain ideas are obviously wrong, provided the tenured professors are given a decade or two to do so.*

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have insisted that Kimball has misread and misrepresented the theorists he discusses. I have discovered no proof that he has done so. But suppose he has? The only standard to which the misinterpreted avant-garde theorist can appeal is the standard that he or she rejects—the standard of objective truth and fidelity to literal meanings, a standard of truth and fidelity that, according to the avant-garde theorist, can never be attained. And *this* is a paradox that has been noted throughout the last twenty years and more of critical warfare about literary theory, a paradox so very apparent that it's a wonder everyone in the game isn't laughing about it.

But what the academic outrage over Kimball's book mainly reveals is not a touchy concern for scholarly accuracy but a wounded self-importance. As Kimball suggests, self-importance is the most pervasive quality of the theorists' prose—indeed, of their whole attitude. The professors of literature have "given up literary criticism to play at being . . . philosopher[s]" (Kimball, p. 150), but they aren't philosophers, and they can sustain the act only by suspending a well-merited disbelief in their own pretensions.

The function of Kimball's book is

the puncturing of these pretensions, in case they are taken seriously by the general, university-educated audience that from time to time interests itself in the doctrines that academics preach to the unsuspecting young. Kimball does not attempt to make converts from the hard core of contemporary radicals. He assumes that his audience consists merely of men and women of common learning and common sense, people who will be spontaneously horrified by such propositions as those listed at the beginning of this review. Kimball's book is not a work of philosophy or literary theory; it is a polemic, and an effective one for its chosen audience.

Should this audience be disturbed by the academic assault on truth and objectivity that Kimball describes? Yes and no. Academic fads that are deeply saturated by nonsense are fairly normal in the humanities, and are ordinarily of somewhat short duration. It is true that we are enduring a particularly destructive fad, one that is opposed, as Kimball believes it is, to every fundamental humanistic value. But tenured members of elite institutions are, believe it or not, smart enough to figure out that certain ideas are obviously wrong, provided the tenured professors are given a decade or two to do so.

It is questionable if very many students ever understand enough of the cultish jargon of deconstruction and other nihilistic trends to be deeply wounded by the specific ideas that they express. Some students may even be led to their own independent explorations of ideas by reflection upon the nihilists' skeptical questions. The nihilists' answers are wrong, but some of their questions, I cheerfully concede, are those that every educated person should ask: Is objectivity possible? How can we assess claims of truth? Is everyone's mentality irreversibly biased by his or her environment? Can we really communicate with one another? Of what does cultural "greatness" consist?

Tenured radicalism probably does the most serious damage to two groups of people: the young men and women who might have become interested in Jefferson or Eliot or even Marx, but who will never read them because their professors of history and literature are

busy trying to radicalize people's cultural assumptions; and the young men and women who could become brilliant exponents or critics of traditional western values but who must struggle hard to succeed in academic professions in which the shots are, for the moment, being called by ungenerous dogmatists.

But truth is hard to beat, especially with a set of metaphysical propositions as dull as they are false. Ultimately, people of real learning will emerge victorious in the struggle for the university's soul (or at least its wits). In the meantime, it's important for all such persons to know that others can see through the nonsense. Kimball is one of the people who are letting them know. □

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*Individuals and Their Rights*,  
by Tibor Machan. Open Court, 1989. 250 pp, \$32.95 hc, \$16.95 sc.

## On the Rights Track

Greg Johnson

Tibor Machan's *Individuals and Their Rights* is the most interesting work in libertarian political philosophy since . . . well, since Machan's last book on political philosophy, *Human Rights and Human Liberties*, a work that had the misfortune of following too closely on the heels of Nozick's *Anarchy, State, and Utopia* and which withered in its shadow.

Granted, a lot of writing has been done since 1975. Henry Veatch, Friedrich Hayek, Jan Narveson and Loren Lomasky have produced original and insightful books. Hans-Hermann Hoppe has also written on the subject. But Machan's works are distinguished by his attempts to systematize and advance what I consider to be the most fundamental and powerful defense of capitalism yet: Ayn Rand's neo-Aristotelian approach to rational egoism and natural rights.

Every page of *Individuals and Their Rights* is marked by Rand's explicit arguments or implicit agenda. In highly compressed form, her and Machan's case for capitalism runs as follows: Man is a being of a specific nature. Two of man's most distinctive and fundamental powers are free will and reason. Man is a living being, and life is contingent on specific courses of action. Those courses of action that lead to human flourishing are the good. Those that lead to suffering and death are the evil. If man chooses to live, then he must employ his reason to guide his actions and alter his environment to gain values. Rational and productive action is man's means of survival.

Since man is a social being, and since men have the power to interfere with rational and productive action, it is therefore necessary for men to de-

rive social principles that are based on human nature and which allow each individual to pursue his own life in a social context. These principles are human rights. Since the initiation of force and fraud are the primary means by which rational and productive action can be interrupted, it is right that man be protected from them; he has a right to be protected from them. The social system that arises when force and fraud are outlawed is laissez-faire capitalism.

Machan presents this case in seven chapters and buttresses it with two long "postscrippts." Chapter 1, "Rights-Theory at a Glance," is something of a smorgasbord, presenting Machan's understanding of the natural rights tradition, arguing for the possibility of a theory of nature at all, and commenting on such topics as the relationship of modern science to morality, the place of value in a world of facts, and free will. The content of Chapter 2, "From Classical Egoism to Natural Rights," is clear from the title. Chapter 3, "Grounding Lockean Rights," is the metaphysical and epistemological core of the work, presenting Randian views on these matters in highly compressed form and fending off a number of criticisms. Chapter 4, "Rights as Norms of Political Life," states a view of negative rights but consists largely of critiques of opposing views. Chapter 5 deals with property rights, Chapter 6 with capitalism and free trade, and Chapter 7 deals with political authority, including Machan's views on anarchism. The two postscrippts deal, first, with the necessity of a natural law and natural rights approach to political philosophy, and, second, with refutations of several welfare-statist philosophers.

*Individuals and Their Rights* is not, however, a mere rehash of Rand's argu-

ments. Granted, Machan does not do much to deepen Rand's case (although in a pinch he always manages to pull a distinction out of his sleeve). But this is no cause for criticism. Philosophy is not art and should not be judged by its standards. In art, originality might be an end in itself. But in philosophy, the truth and the good are the goals. Any philosopher who sacrifices them in pursuit of mere originality has betrayed the philosophic quest. It is a far greater virtue to graciously accept a truth from the hands of another than to create a fiction of one's own. In this regard, Machan has been far more gracious and courageous in giving Rand due credit than many other philosophers who are glad to accept her insights, but who are terrified to mention her in print.

Machan's main contribution to the neo-Aristotelian program is his attempt to address its critics. His book abounds with illuminating points about Quine, Gewirth, Hampshire, Harman, Kant, Rawls, Nozick, Kuhn, Popper, Vlastos, Dworkin, et al. He is especially good in arguing for the necessity of a natural rights approach to libertarianism, as opposed to subjectivist, utilitarian, Kantian, and state-of-nature theories.

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*Tibor Machan's Individuals and Their Rights is the most interesting work in libertarian political philosophy since . . . well, since Machan's last book on political philosophy.*

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Of course, I would have to forfeit my book-reviewer's card if I didn't find some problems with Machan's work.

The book's biggest problem is its hybrid nature. On one hand, Machan wishes to set out systematically a neo-Aristotelian defense of natural rights. On the other, he wants to beat back the numerous metaphysical, epistemological, and moral assailants of this position. And he wants to do both in about 200 pages!

Machan's motivation for this approach is quite virtuous. He recognizes that one cannot simply begin one's philosophizing with floating political "axioms." Every political philosophy stands

or falls upon answers to more fundamental metaphysical, epistemological, and moral questions. In short, every political theory must be grounded in a wider philosophical system. Furthermore, he recognizes that a new school of thought which does not engage in critical, scholarly dialogue with other schools is dooming itself to permanent marginality.

But the systematic nature of philosophy does not require that a treatise on rights *contain* a sustained presentation and defense of a complete philosophy. A completely elaborated metaphysics, epistemology, and ethics would require hundreds, if not thousands, of pages. It would be a hell of a long preface. And it would be even longer if it took into account all of the relevant scholarship. Thus it is quite reasonable to produce a book on rights theory that simply *lists* its more fundamental assumptions, promises their full elaboration and defense in other works, mentions the contemporary literature in footnotes, and devotes most of its space to a detailed, systematic elaboration of the topic at hand.

Obviously, Machan realizes this. But I don't think that he realizes it enough, for *Individuals and Their Rights* is a hybrid work, trying to pack a systematic philosophy and a sustained polemic into a single slim volume. And by trying to grasp too much, Machan lets too much slip through his fingers. His defense of essentialism, for example, is very provocative, but one wonders if it is really enough to address the concerns that give rise to anti-essentialist positions. And the same goes for many other points.

And while Machan is busy sniping at his foes, there are many issues in rights theory that are left dangling. For instance, it seems that Machan doesn't quite get Ayn Rand's distinction between "intrinsic" and "objective." On page 3 Machan announces that "I argue that from the time that human beings emerged, they had the rights that they now have, however clearly or unclearly this was recognized." I think that Rand would disagree with this, and for good reason.

Rand considers a right to be a moral principle, i.e., a conceptual identification of a fact of reality. And conceptual

identifications are conscious, human achievements. They do not exist whether they are recognized or not. Only human nature exists whether it is recognized or not. Rand considers rights to be objective because they are conceptual identifications based on human nature. She would consider Machan's rights to be intrinsic because they are supposed to exist regardless of man's conceptual achievements.

This may seem to be a nit-picking

distinction, but it has important implications. One of the great appeals of subjectivist or conventionalist theories of rights is that they avoid some of the absurd conclusions to which intrinsic concepts of natural rights lead. A classic problem that intrinsicists face is the punishment of criminals. If criminals have intrinsic rights to life, liberty and property, then are not capital punishment, incarceration, and fines viola-

*continued on page 62*

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***Individuals and Their Rights,***  
by Tibor Machan. Open Court, 1989. 250 pp, \$32.95 hc, \$16.95 sc.

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## Rights Derailed

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Ethan O. Waters

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According to Ayn Rand's theory of rights, all human beings by their nature possess inalienable rights, so it is always wrong for anyone to initiate the use of force against another human being. Rand's theory has for many years been a pillar of libertarian thought. Rand developed her theory of rights as an element in her philosophy of Objectivism, first articulated in her novel *Atlas Shrugged* and later promulgated in essays and lectures by Rand and her disciples Nathaniel Branden and Leonard Peikoff.

In the hands of Ayn Rand and Murray N. Rothbard (its other major proponent),\* rights theory brooked little criticism, and seemed to possess a moral vigor that many found very convincing. But lately, it has lost a bit of its

cachet. As libertarianism has matured and the dominance of Rand and Rothbard has slipped, natural rights theory has been questioned, criticized and found wanting. For one thing, Rand's conception of rights seemed to lead to numerous absurd moral positions. For another, there seemed to be serious logical lapses in its derivation. Worse still, at least from the viewpoint of academic philosophy, Rand-Rothbard rights theory seemed a little goofy and not quite respectable.

Along comes Tibor Machan with *Individuals and Their Rights*, the most detailed attempt yet to develop and defend Ayn Rand's rights theory in a way that is philosophically respectable and tenable. Machan is well aware of many of the criticisms of natural rights thinking, especially the criticism from academic philosophers. And he works very hard to meet these objections, restating the case for natural rights in philosophic vernacular to make it more palatable to other philosophers and reformulating rights theory a bit here and there in the process. *Individuals and Their Rights* is the state-of-the-art in Randian rights theory.

Which fact only underscores the philosophical weakness of Randian rights theory. While Machan's tinkering

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\* The main elements of Objectivism are classical realism, egoism, rights-based liberalism and a romantic aesthetics. Rothbard adopted Randian rights theory more-or-less intact, but developed it within the context of his own sketchily drawn neo-Thomistic thinking. Although Rand's and Rothbard's rights theories are essentially identical, they lead different ways: Rand's to the minimal state that characterizes classical liberalism, Rothbard's to anarcho-capitalism.

corrects some of Randian rights theory's minor flaws, it fails to address the major problems. Furthermore, it fails to provide good arguments, is abysmally written, deals superficially with complicated issues, and makes gross philosophic errors. The case for Randian rights remains seductive but ultimately unconvincing.

One of the most peculiar aspects of *Individuals and Their Rights* (henceforth

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*Where Machan rises to intelligibility, he defies common sense and common experience.*

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IATR) is that, despite the fact that it is a detailed elaboration and defense of Ayn Rand's theory of rights, at no point does Machan credit Rand for it. Three brief quotations from her political writing is as close to an acknowledgment as he comes. My first thought is that he wanted to avoid crediting Rand because she is so unrespectable among academic philosophers. But this cannot explain it: on page 78, he writes, "About conceptual knowledge my account owes a great deal to the analysis provided by Rand."

But to his credit, Machan is not afraid to step on a few Randian toes by deviating from Objectivist dogma. For example, early on Machan persuasively argues that recent "purely mathematical objections to [Aristotelian logic] do not serve to deny Aristotle's basic metaphysical position," a point that had been anathema to Rand and her more orthodox followers.

Still, much of what passes for thinking in IATR is philosophic gloom. What is one to make of a passage like this?

It is individuals who are supposed to have rights. These rights are significant, however, only if they are natural, grounded in something other than convention, "contract," or interest. *The reason is that by "natural" is suggested a base that may reasonably be taken to refer to what all individuals of the kind that would be candidates for rights-possession may be said to be.* (7-8, emphasis added)

Sometimes Machan rises above this sort of gobbledygook, providing us a paragraph whose meaning is fathomable:

If one chooses to be part of human community life, one is implicitly consenting to the necessary conditions for such association, namely, respect for other people's sovereignty over their own lives and the reasonable securing of those conditions, that is to say: enforceable basic rights. (58)

Here, where Machan rises to intelligibility, he defies common sense and common experience. For one thing, who among us "chooses to be part of human community life"? We are born into it; we grow to maturity within it; we are educated within it; we earn our sustenance within it; we spend our entire lives within it.

Even if one accepts that the rejection of a hermit's life is in some sense an important choice we make, how does it follow that we must agree to "the necessary conditions of such association"? The Founding Fathers chose to live in the British Empire just as much as we choose to "be a part of human community life." Were they compelled to accept the "necessary conditions for such an association," namely agreement to the rule of a distant tyrannical monarch?

And even if one is somehow convinced that choosing to live with other human beings entails accepting the "necessary conditions" of such an association, why must we consider "respect for other people's sovereignty over their own lives" as one such condition? Such mutual respect for sovereignty has seldom been in evidence in human society, yet human society persists.

Machan is so mired in the worst aspects of academic philosophy and so fixated on his peculiar Randian notions that he cannot see why so many people find this sort of thinking absurd. Indeed, all he can do is dismiss their type of objection as expressions of a "fundamentally antimetaphysical approach to ethics" (59)!

But, curiously, Machan's most interesting characterization of morality seems also "fundamentally antimetaphysical":

"Morality . . . could be the general principles that members of the species must themselves discover and follow in order to do well at life. That this kind of morality does not possess the fantastic characteristics of the categorical imperative—true in all possible worlds, for all possi-

ble agents, regardless of their circumstances—might be a disappointment. It is not such, however, in terms of realistic expectations about the nature of human morality." (18)

This understanding of morality is *precisely* that of Herbert Spencer, and is not dissimilar to the views of at least one other twentieth-century philosopher, George Santayana. After reading this interesting paragraph, I expected a discussion of ethics with an at least slightly relativistic and fact-based edge. But Machan does not develop this viewpoint to any appreciable degree. Indeed, Machan heaps scorn on the libertarian philosopher who has gone the furthest in this direction: he lumps Spencer's moral philosophy with Marx's as "typically, normally, indeed in every case" in violation of the "ought implies can" principle (103).

Still, Machan's view that morality is fundamentally *instrumental* and *prudential* (41-44) is, I think, correct. But typically, normally, indeed in every case he undermines this view with overly strict, apodictic reasoning.

## Rights and Values

The first section of the first chapter of IATR is sensibly called "What are rights?" Machan answers that "rights

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*Machan is in the curious position of arguing that a person can become a slave (i.e. alienate his right to liberty) by committing aggression but not by voluntary exchange. In a Machan-esque society one can consent to his own servitude by violating the law, but cannot consent to his own servitude by agreeing to it himself!*

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seem to be *social conditions that ought to be maintained*, moral principles pertaining to aspects of social life . . . A right binds us to refrain from preventing others from acting in certain ways . . ." (2, italics in original) All this is quite sensible, but it doesn't constitute much of a definition. Unfortunately, Machan never explores the matter of definition at

any length. For a philosopher convinced that definition plays a crucial role in arriving at truth (see his recapitulation of Randian concept theory on pp 78-82), this is astonishing, to say the least.

One consequence of his fuzzy definition of rights is that he balls up the distinction between conventional and natural rights. Conventional rights, Machan says, "presumably . . . exist as a matter of social agreement, tradition, temporary convenience, historical happenstance." Natural rights, on the other hand, "exist because of the nature of their possessor." What does this mean? Well, "the right to copy some software if one is a member of a computer club would usually be conventional, institutional, special. It would not be natural. . . . The right to life, however, is often held to be natural. . . . [J]ust in virtue of one's being human and living with other human beings, one is said to have the right to live" (3).

But his characterization of the conventional is a caricature, and his use of the natural is simply wrong. Just as Rand lumped all those not committed to her metaphysically-obsessed view of reason as "whim-worshippers," Machan considers those rights not grounded on his view of human nature to be the result of "historical happenstance" or "temporary convenience," insinuating that rights by "social agreement" are arbitrary and irrational. But the rights that most beneficiaries of western liberalism have possessed—the rights to life, liberty and property—did not arise arbitrarily. They arose out of the ordinary, everyday interaction that characterizes human society with regard to the ordinary, everyday *facts* of social life, and they have been articulated and defended in a rational fashion with long-term *human* interests in mind. In what category, one wonders, does one place such rights?

But by posing this dichotomy between "natural" and "conventional" rights, Machan is able to dismiss such rights as irrational and arbitrary—and not worthy of consideration. Yet they have a utility demonstrated in experience, and it just doesn't make sense to dismiss them as conventional and arbitrary. The dichotomy Machan draws between natural rights (i.e. those spun out of Machan's [or Rand's] head), and

conventional rights (i.e. those rising out of historic happenstance) is false and misleading.

There is another serious flaw in Machan's distinction between natural rights, which he characterizes as fundamental and universal, and conventional rights, which arise out of "agreement, tradition, temporary convenience, [or] historical happenstance": Universal, fundamental rights are often derived and articulated in a context completely foreign to natural law.

In this country, for example, everyone has the right to free speech, and free speech is fundamental to other rights, so it qualifies as a natural right by Machan's definition. Yet the right to free speech is often articulated and defended on grounds of convention, constitution, or utility; which, if we are to follow Machan, precludes it from being a natural right.

Machan also asserts that a legal right is a "descriptive" concept, as opposed to a "moral" one (1). But *all* rights—whether legal, moral or whatever—are *normative* and *prescriptive*, and in this sense similar. (See the writings of H.L.A. Hart on this matter: Hart is right, er, correct). Curiously, in light of his acceptance of the distinction between "moral" and "descriptive" concepts, Machan takes the typical Randian position that "Values may be regarded as a different type of fact, nothing more" (18). He proceeds to back this audacious statement up by—surprise!—a "*sketch of a theory*" [italics added] in the typical Randian manner. "Values," we are told, "came into existence with the emergence of life." Then: "Since to the living perishing is cessation of being, what contributes to perishing logically comes to be regarded as bad or a disvalue, from the viewpoint of the existing being" (19). Here we are presented with only the most extreme of circumstances, per usual Randian manner: to live or not to live. We are not given any examples of a living being having values that are *not* based on living or dying, though surely values also pertain to weakness and strength, thriving and stultifying, choosing marginally different options, and—it unfortunately seems to go without saying—the *feelings attendant* upon these circumstances.

But Machan quickly moves on: "From this experience-based concept it

follows that to contribute to the likelihood of cessation is a disvalue, to contribute to continuation is a value. Good and bad, then, are features of living being. They are objective, relational features or aspects of living" (19). Machan concludes this discussion of value by mentioning that *moral* values arise with free will: "Only if the standards of good and bad can be freely adhered to or evaded does the framework for ethical or moral standards of right and wrong emerge" (20).

But does his "sketch of a theory" solve anything? To the extent it suc-

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*While Machan's tinkering corrects some of Randian rights theory's minor flaws, it fails to address the major problems. Also it fails to provide good arguments, is abysmally written, deals superficially with complicated issues, and makes gross philosophical errors.*

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ceeds, it does so only by being a sketch, by avoiding the complexities of the issue. Consider just one: If life-enhancement is the ultimate standard of moral value, then surely suicide is a great evil. Subjectivists, always concerned with emotions, dispositions, etc., have no problem either explaining or defending a person who wants to commit suicide; objectivists like Machan, however, should feel the push of their own arguments to prohibit suicide (if life is the greatest value, it is immoral to disvalue life, and coercion is surely a lesser evil than letting a person disvalue the greatest value). Machan, a *libertarian* objectivist, deals with this problem by *not dealing* with it, by never addressing it. This seems inexcusable to me: those who place the utmost importance on the decision whether to live or die should at least *mention* suicide!

Now, what is common to these failings is the old objectivist/subjectivist split. Machan, an objectivist with a capital O, should be more attuned to the difficulties here. But in *IATR* the objectivist/subjectivist split in value theory is in evidence as a problem not dealt

with, not as a problem solved.

## Rothbard's Wrongs

Machan takes Murray Rothbard to task for one of Rothbard's few deviations from the Randian theory on rights:

Nor can one own oneself, as some libertarians (such as Murray N. Rothbard) maintain: A person is not two beings, one the self who owns, the other the self who is owned. I am myself and cannot at once also own myself. (139)

Like so many Objectivist and Objectivistic "arguments" this sounds superficially convincing. But before joining Machan in rejecting the notion of self-ownership\* as absurd, let us consider the following argument:

Nor can one control oneself, as some libertarians (such as Ethan Waters) maintain: A person is not two beings, one the self who controls, the other the self who is controlled. I am myself and cannot at once also control myself.

Whether self-ownership is a permanently valuable contribution to political thinking I do not know, but it certainly makes a lot more sense than does Machan's facile rejection of it. And one wonders: why does Machan reject self-ownership? Does grafting self-ownership onto Randian rights theory make rights theory any less intelligible? The only problem that I can fathom with self-ownership in the context of Rand-Rothbard rights theory is that it might lead to the notion of slavery: ownership implies the right to trade, and if one trades oneself, one becomes a slave, which is a bad thing. Machan eliminates this problem by defining property as "*anything tradable or exchangeable that may be of value to persons*" (140, his italics), thereby excluding one's person from one's property and end-running the problem of a human being's selling his person. Rothbard eliminates it by arguing that one's self is "inalienable" property, a unique sort of property that cannot be bought, sold or

traded. These two solutions seem pretty similar to me: they define the problem out of existence.\*\*

This is all the more curious in light of the aspect of *IATR* that has most annoyed other critics: Machan's argument that when a person commits a crime he *actually consents* to his own incarceration. Machan is in the curious position of arguing that a person can become a slave (i.e. alienate his right to liberty) by committing aggression but *not* by voluntary exchange. In a Machanesque society one can consent to his own servitude by violating the law, but cannot consent to his own servitude by agreeing to it himself!

## Formal Illogic

Unfortunately, in addressing his audience of academic philosophers, Machan adopts a curious approach: first, he says what kind of argument he is going to make; then, he notes that numerous philosophers have disagreed with his type of argument; he then quotes several of his opponents' caveats and briefly argues against their notions; he then claims to have proven his point . . . usually without having developed his thought outside of these defensive maneuvers. Most of the book seems to be organized this way, and a more exasperating method could hardly be imagined.

Those who read *Individuals and Their Rights* might suspect that Machan had simply set for himself a task too difficult to handle in any of the ordinary forms. Machan himself recognizes this problem. In the Preface (there is an Introduction, too, covering much of the same territory, only in more space) he writes that he "had to decide between charging ahead, not heeding actual or possible criticisms except to present what one takes to be a good argument, and looking often at criticisms that can steer one toward treating important problems a theory must confront. It is simpler to read a work with the former style. But when one's views are out of the mainstream on a variety of philosophical fronts, such a technique is a luxury" (xvi).

Puzzling over the form of the book,

\*\* My own guess is that Machan's rejection of self-ownership has its origin in the old, rather personal squabble between Rothbard and the Randians.

I have come to the conclusion that he should have emulated another thinker "out of the mainstream," the Austrian economist Friedrich von Wieser. In Wieser's last treatise on economic theory, *Social Economics*, the expository sections are placed in normal type, and the argument proceeds almost without reference to other theories or writers; Wieser's many critical comments are then placed in smaller type after the relevant controversial sections of his exposition. This method made for a very readable treatise, despite the noble Austrian's almost Machanesque prose style. Machan, I think, could have used this form to great profit.

What Machan apparently does not realize is that his subject needs not a cursory treatment, but a robust one; *IATR* is too brief to demonstrate his thesis. Indeed, what is peculiar about *IATR* is how quickly Machan disposes of opposing views and how quickly he drops his own points.

What is most striking to me is how Machan does not realize how fundamentally *antinatural* his "naturalistic" thinking is. He has no interest in exploring the myriad ways people in different cultures "choose" their particular form of "human community life." What are the means of rationalizing divergent moral views? What kind of reasons do people come up with for acting and interacting in the ways they do? In what sense can their reasoning be said to be good or bad, and from what perspectives? Since any community that *survives* can be said to meet at least *some* requirements of "the necessary conditions for such association," what does this mean for the idealizing methods of a universalistic ethic (such as Machan's—or most libertarians)? Because these questions are not even considered, the reader will find no clue here, and will learn nothing really practical about morality.

"Rational persons," writes Machan, "treat doors as doors need to be treated and learn what doors are . . ." But Machan is so interested in coming up with an airtight description of how *people* "need to be treated" that he has shut his mind to the many ways in which people *are* people, thus leaving his ethical theory as isolated and closed-off as ever. □

\* Self-ownership is a notion that has played an important part in liberal political thought at least since Locke. One suspects that Rothbard grafted the notion to Rand from Auberon Herbert, the 19th century British quasi-anarchist, who developed the concept of self-ownership most rigorously. During the 1950s, Rothbard wrote under the name "Aubrey Herbert."



## IT IS A FRIGHTENING FACT . . .

. . . and hard to believe - but any day now you could be accused of violating one or more of the **millions** of laws which, like an ever-expanding spider web, entangles each of us. In such a case you may find yourself facing a jury who could ruin your life! Particularly if you are self-employed. It is more than scary when one realizes that most citizen-jurors are unaware of their rights, duty, purpose and **power**, and that such **uninformed** jurors have been used like mindless, programmed robots to imprison thousands of Americans for violating so-called 'victimless crime laws', which are concocted in a perpetual stream by our public servants.

Such gross injustice hangs like a cloudy pall of doom over each of us. Because we Americans **are no longer taught** the simple truth - that **the most important reason** we have trials by citizen juries is **TO GUARD EACH OTHER'S GOD GIVEN RIGHT TO INDIVIDUAL LIBERTY** . . . liberty that our country was founded to secure! And for this **vital purpose** each juror has the awesome power to nullify (veto) any law before the jury . . . which in his judgement violates individual rights of peaceful Americans or is unjust, unclear . . . or just plain bad.

**TO 'NULLIFY' A LAW**, it takes only one juror who votes 'not guilty', then adamantly **refuses** to change his vote - even though it might appear that the accused did indeed violate a law. This '**hangs**' the jury . . . freeing the accused. Some trial judges will deny that our citizen-jurors have the right to nullify law. But in 1789, John Jay, the first chief justice of our U.S. Supreme Court, stated:

"The jury has a right to judge both the law  
as well as the facts in controversy."

More recently in 1972 the court stated in a case between the U.S. and Dougherty:

"The pages of history shine on instances of the  
jury's exercise of its prerogative to disregard  
instructions of the judge . . ."

As you can easily see, this **liberty-securing knowledge** is of little value . . . unless the few of us who have re-discovered it spread this vital information far and wide. To make this possible, we publish a compact **JUROR'S HANDBOOK** which, although concise, provides profuse details of our juror's rights, powers **and** duties. **THE JURY HANDBOOK** includes an abridged history of jury nullification; also **The Bill of Rights** with its **preamble**.

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Johnson, "On the Rights Track," *continued from page 57*

tions of the criminals' rights? If this is the case, then the protection of one person's rights entails the violation of another's, which implies that there is no moral difference between committing a crime and punishing a criminal. Given this sort of implication, is it any wonder that people wish to reject inalienable natural rights?

Machan's way out of this problem is to claim that criminals implicitly consent to their punishment. But what in the world does "implicit" consent mean? To consent to something is a cognitive act. "Implicit" consent seems to be a cognitive act that one hasn't actually acted out. This strikes me as extremely dubious.

Another attempt at solving this problem is to claim that criminals forfeit their rights. But again, the intrinsicist conception of rights runs into problems. If rights are intrinsic to human nature, then the forfeiture of rights is tantamount to the forfeiture of part of one's nature. But what does this mean? Granted, it is often said that criminals behave like animals. But they behave only *like* animals. They do not literally become animals.

I think that Rand's answer to the problem would be closer to forfeiture than to implicit consent. Since Rand does not hold that rights are intrinsic, she does not have the problem of claiming that a criminal forfeits his nature. Rand thinks that the choice to live is at the root of morality. If a man chooses to live a fully human life, then he must use reason to guide his actions and produce the goods that he needs for survival. Certain social conditions must also be maintained, and these are delimited by rights. But if a man does not choose to live a fully human existence, if he chooses to live by force or by fraud, the social conditions delimited by rights need not be secured for him. He has no rights because he has not chosen the kind of life that makes rights necessary or possible. His forfeiture of rights does not, however, involve the forfeiture of his nature. Instead, it follows from the fact that he had chosen not to fully realize his nature.

Particular criticisms aside, one must ask the cash value question: Does Machan present a persuasive case for libertarianism? Yes and no. If the measure of persuasiveness is the ability to

win converts, then the answer is no. The hybrid nature of the book ultimately saps its argumentative punch. But if the measure is the ability to demonstrate that the neo-Aristotelian approach is a live option that must be reckoned with, then the answer is yes.

In order to answer the question of persuasiveness, one must determine *who* is the target of persuasion. Machan's arguments will be best received by libertarians, as well as by philosophers in the Catholic and continental traditions, all of whom are at home with broad, abstract, and systematic philosophy. The neo-Aristotelian program clearly meets these criteria. Unfortunately, Machan's presentation is too sketchy to be totally persuasive to such an audience. There are just too many loose ends and sudden jumps.

But Machan is clearly directing his arguments at mainstream analytic philosophers. And if this is Machan's audience, then his book's virtues will make it unpersuasive. In spite of stylistic choppiness, Machan's philosophical vision is very broad, abstract, systematic, and radical. Moreover, his parameters and assumptions are clearly realistic, his tone is serious and dignified, and he presents his arguments in natural language.

Nothing could be calculated to displease analytic philosophers more. In order to have better persuaded his chosen audience, Machan should have written a narrow, concrete-bound, piecemeal, and ultimately cautious work. And he would have had to adopt a frivolous, unserious tone; cook up wildly arbitrary thought experiments; and present it all with a rhetoric of unnecessary variables, unnecessary arguments, and unnecessary Rubik's cube complexity—without which analytic philosophers feel somehow cheated. And if Machan were to adopt this strategy of persuasion, then there would not be much left to persuade people of. Besides, someone has already written *Anarchy, State, and Utopia*.

Based on my experiences, most analytic philosophers labor under a self-induced pinheadedness, a self-stifled abstract capacity that makes them immune to the power of any systematic vision. Combine this with a pervasive

inability to differentiate irony and snideness from refutation, and you have a singularly unpromising audience. Can Machan really expect to be understood and appreciated by such people as he quotes in the following? "What is it for a right to exist anyway? As Henry Aiken put the issue, this matter is confronted by most theorists

... *simpliciter*, out of any context of inquiry or concern [and will] entangle you in a murky swamp of speculation about the nature of being *qua* being, or reality as reality. . . . such speculations . . . turn out invariably to be disguised queries about the meanings, or better, the uses and roles in our discourse of the words 'being,' 'existence,' and 'reality.'" [Machan, pp. 65–66]

Aristotle bequeathed us metaphysics, the science of "being *qua* being," an inquiry that deals with reality in the broadest, deepest terms. And Henry Aiken, typical of analytic philosophy, has turned from the "murky swamp" of thinking about reality toward the dazzling clarity of semantics. Can one reasonably expect that a theory of ethics and rights based on reality will not be equally trivialized?

Granted, analytic philosophy still dominates the philosophical mainstream; therefore, it cannot be ignored. But it is becoming increasingly clear that the analytic establishment is nearly brain-dead, kept alive only by inertia and the tenure system. A new, more speculative and systematic philosophical pluralism is emerging. Perhaps, then, it is time for libertarians to seek out other schools of thought—such as neo-Thomism, phenomenology and hermeneutics—for a more comprehending audience.

Although Machan ultimately raises more questions than he settles, *Individuals and Their Rights* is an important work. Machan makes it abundantly clear that metaphysical, epistemological, and moral issues are vitally connected to the defense of libertarianism. He has also issued a number of promissory notes for the full elaboration and defense of Rand's neo-Aristotelian agenda. One hopes that forthcoming works—such as Douglas Rasmussen and Douglas Den Uyl's *Towards Liberty: A Neo-Aristotelian Approach to Natural Rights*—will help to redeem those notes. □

*Misinformation and Manipulation,*  
by Joe Peacott. B.A.D., 1990. 28 pp., \$2.00 .

## Me and AIDS

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Richard Kostelanetz

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Can I be the only woman-loving single male to be puzzled by AIDS journalism? On the one hand I read that AIDS is a threat to guys like me, who are single with a history of variety; on the other hand, I don't know of anyone like me who has contracted it. Hearing that AIDS is a threat to the general populace, I am reminded of the monologist Sam Kinison's challenge to his audience, "Straights die of AIDS, right? Name one." No one is ever mentioned, perhaps because there is none.

This last, unfashionable, thought occurred to me a few years ago when, in the course of a "complete physical examination," I asked my Greenwich Village-based physician for an AIDS test in addition to all the others. He refused to give it to me, on the ground that although he had lots of AIDS patients, "I've never seen anyone like you who had it." "Whaddya mean," I replied, adding, hysterically, "I'm promiscuous." He replied that he knew my body well enough to know that I was not gay and did not use intravenous drugs. A few months later, I had an AIDS test in the course of obtaining life insurance and, of course, scored negatively. Around the same time I met an administrator at the New York City Health Department who told me that the office adjacent to his had fulltime investigators checking out AIDS victims who were NIRs, as he called them—who, since they did not fall into any of the categories of those especially susceptible, had "No Identifiable Risks." In every case, he explains, someone who has initially appeared or claimed to be an NIR turned out not to be, and that in New York City, a reput-

ed AIDS hotbed, there were no male NIRs—absolutely none.

It would seem that this is a truth that has been kept out of print. On one side, the conservative press would like to scare the straight population out of having any sex at all, especially with anyone other than a monogamous mate. On another side, a press respectful of gay aims would like the public to believe the disease affects more than homosexuals and IV-druggies, if only to justify appeals for government-funded research and care. The cynical assumption is that the general public and its politicians would be less inclined to do this if the disease did not threaten straight males. On yet another side is an anti-male "feminist" press that, for one or another reason, would simply like to discourage sex with men.

I personally felt that sanity had disappeared from the world when the editor of a midwestern university quarterly returned to me a wholly risk-free erotic fiction he had previously accepted (and which has since appeared elsewhere). "We are in the age of AIDS, not the age of 'Paradise Now,'" he wrote me. "And I have two children nineteen and twenty-two, for whom I worry. I'm not going to pretend the age of license runs on and on. I can't believe it does." Believe me, nothing portrayed in that blithely wholesome story would get anyone AIDS. (A buddy of mine suggests that anyone who retires from heterosexual for fear of AIDS is, as he puts it, "an idiot who believes everything he or she reads in newspapers.")

Even though New Yorkers hear about AIDS every day, it is remarkable how few of us personally know anyone with AIDS. My accountant, a Chinese-

American who manages a float for an international bank, told me recently that he knows of no one, while another friend, a pharmacology professor at a city medical school, told me recently of a colleague he identified as the first he knew to die of AIDS. The assumption that AIDS was confined to a sleazier element of the gay population than most of us would know—unstable, self-destructive people whose notions of pleasure were beyond my imagination, many of whom were also involved in IV drugs—seems reasonable. (As I observed two decades ago, drug-use appeared to separate the social life of my New York City contemporaries more definitely than class, race, religion, politics or anything else. Just as no one I knew well was heavily involved with heroin or even cocaine, so none would have AIDS.)

Since for me, as for others, even in New York City, AIDS existed largely in the media, I began to assume a few years ago that, even though several colleagues are gay, no one I knew would die of it.

Then in 1988, a young lover of a fellow artist succumbed suddenly; he had told only his closest friends and, indeed, looked reasonably well only a few months before. I also received a call from a college friend, an unmarried small-city stockbroker who never told me he was gay, though the possibility occurred to me. Calling me from a hospital from which, he said, he would not emerge, he related a history of illnesses, beginning with recurring pneumonia, that I had been aware of individually, without putting the details together. It was an embarrassing conversation. He was forced to tell me what I should have figured out myself—that he had AIDS and would soon die. When I mentioned my ignorance of AIDS, in part to excuse my own insensitivity, he replied that most homosexuals my age, in their late forties, were no longer promiscuous. What I learned is that my friend contracted it, so he thought, from his housemate for the 1980s, an attractive young man who presumably got it from a "rougher crowd" in Washington DC, at the beginning of the decade.

So distressed have I become by the literature on AIDS that I no longer read it. The only sensible articles I've seen

were in, of all places, *Spin*, a *Rolling Stone*-competitor founded by Bob Guccione, Jr. The writers there showed why AIDS had not devastated healthy male heterosexuals. Quite simply, if the disease is communicated from blood to blood or sperm to blood, a male could contract AIDS through a contaminated needle or through anal intercourse (which appears to be how most non-IV-using gays get it) or through the kind of penile lesions that, apart from risk, would make sex painful. For a woman to get it from an AIDS-infected male, she would need to have vaginal lesions; for a male to get it from an AIDS-infected woman, he would need to have lesions as well for any exchange of blood to take place. All this is to say that even without condoms it would be very difficult for a healthy heterosexual male to contract AIDS and, it follows, even less possible for him to give it to a woman.

In short, the journalistic myth that in sleeping with new people "you're sleeping with all the others they have slept with in the past decade [or whatever]" is truer in the spiritual sense than the physical. A second factor in contracting AIDS, especially among

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*The conservative press would like to scare the straight population out of having any sex at all, especially with anyone other than a monogamous mate. The anti-male "feminist" press, on the other hand, would simply like to discourage sex with men.*

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gays, appears to be bad health, especially bad health caused by excessive promiscuity ("I stopped counting at three thousand," a friend told me), the excessive use of poppers or other speeds, or "excess, in general," as I heard a gay spokesman say. Immune deficiency exploits general bodily weakness.

These observations reminded me of a wisdom learned early in my adult sex life: there are certain people, who, no matter how available and attractive

they appear to be, are best avoided, if not for one self-protective reason then another.

Since reading Paul Goodman three decades ago, I have been an anarchist. I've always treasured the anarchist ability to reverse the issues radically. Instead of thinking in terms of "full employment," why not consider total unemployment, or a society where nobody needed to work? Instead of advocating "compulsory education," why not consider how much better public schools might be if the kids who didn't want to be there were set free, and how much better off society would be if they could be given jobs, even at standard wages? And so forth. So I eagerly turned to a reprint from *Anarchy* magazine, *Misinformation and Manipulation: An Anarchist Critique of the Politics of AIDS*. Its author, Joe Peacott (previously unknown to me), opens sensibly by noticing that "while a serious problem, AIDS is not the plague that the mainstream press, government and AIDS organizations say it is":

In the U.S., breast cancer kills 42,000 a year; 94,000 die in accidents, 46,000 in car accidents; 466,000 die of cancer; and almost 1,000,000 die of heart disease. AIDS has killed 49,976 (as of 2/28/89) since the outbreak began; 11,000 died of AIDS in 1987. The point is not that AIDS is not a problem, but simply that it is one of the many diseases and dangers people are at risk of, and significantly less dangerous for most people than many other things. Many more gay men will die of AIDS, but I have yet to see an article in the gay press advising homosexual men to avoid high-risk eating activities, such as eating meat and dairy products, while we are constantly told to avoid any remotely risky sex.

The second truth of Peacott's article is how few straight men have AIDS, in spite of the repeated statistic of 4% of non-drug using AIDS victims. "A study in Denver of approximately 1,000 persons seen in a VD clinic [already a self-selected minority] showed zero [his emphasis] cases of HIV infection in low-risk individuals, i.e., non-IV drug using heterosexuals who did not have sex with IV drug users. A similar study in Seattle of 343 people showed no infections in persons who were not homo-

sexual men." None.

Peacott then cites an article in the *Journal of the American Medical Association* that estimated that "the risk of acquiring HIV infection during a rubber-free penis-vagina sex with a low-risk person is approximately 1 in 5 million for one encounter, and 1 in 16,000 for 500 encounters. The researchers stated that 'the risk of AIDS from a low-risk encounter is about the same as the risk of being killed in a traffic accident while driving ten miles on the way to that encounter.'" Peacott concludes: "unprotected sex with a low-

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*A buddy of mine suggests that anyone retired from heterosex for fear of AIDS is "an idiot who believes everything he or she reads in newspapers."*

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risk person is safer than sex with a condom with someone in a high-risk group. But most AIDS 'experts' and activists seem unwilling to discuss this view, and prefer to spread the myth that 'we're all at risk.'"

Very much an anarchist, Peacott concludes:

While driving without a seatbelt is arguably more risky than wearing one, I find driving more comfortable without one. The risk of injury while driving, whether strapped in or not, is small, and I'm willing to accept the possibility of increased, but still small, risk of driving without a seatbelt in order to make driving more enjoyable. . . . Providing people with honest information about relative risks associated with different sexual activities, instead of unsubstantiated anti-sex warnings, would enable individuals to make informed decisions about their behavior and what level of risk is acceptable to them. A risk-free life would also be a pleasure-free life, and the total elimination of risk from their sex lives, even at the cost of eliminating sexual pleasure, as the AIDS educators recommend, is an attempt to narrow people's options and manipulate their behavior under the pretext of concern for their health.

What annoys Peacott most is the liberal myth responsible for so many of the lies about AIDS. This myth holds that only by getting the general public alarmed, hysterically alarmed, can we expect to get the government involved. This is the same logic that informed the "war on poverty" and now informs the publicity about homelessness. Peacott's theme is that government intervention "causes more problems than it 'solves.'"

First, the FDA restricts the release of drugs that have benefitted AIDS victims, such as ganciclovir or aerosolized pentamidine. I remember my late friend desperately enlisting his father, a lawyer, to get a drug available only in Japan because my friend thought it might benefit him more than AZT (whose dubious origins have been acknowledged by other gay anarchists, such as Ian Young, in *AIDS & the Fate of Gay Liberation* [1985]). As the medically diagnosed victim of terminal illness, he had the right, in my opinion as well as his, to test whatever he wanted on himself. On human grounds, he had an implicit license to test whatever he wanted on himself.

More dangerously, the FDA has set up such a complicated obstacle course for the approval for any new drug that a research company finds development worth doing only in exchange for a monopoly of its sale. Thus, if the drug is successful, it exacts a price well in excess of costs.

Deregulation of drug research and manufacture would also result in the production of many new drugs to fight AIDS. Abolishing the system of drug patents would bring down drug prices dramatically and allow new manufacturers to more easily enter the market. These two developments would result in more varied and cheaper drugs to use against AIDS (and other diseases as well).

All this is obvious to me, and would have seemed obvious to my late friend (who voted for Reagan), even though the less-government option never occurs to such prominent gay writers as, say, the best-selling Randy Shilts.

However, as a true libertarian, Peacott takes a more radical step by advocating the elimination of the prescription system that, as he puts it,

"prohibits people [even terminally ill people] from making their own choices about what drugs they wish to take, and forces them to go along with the dictates of government-certified physicians if they wish to get any drugs at all." Paul Goodman would have noticed such unnecessary obstacles; after all, he objected to marriage licenses on the ground that "the government has no right to license sexual relations."

The rationale for Peacott's proposal is that ill people would consult one an-

other, or "consumers' guides," much as they do now in the purchase of, say, a new car or a new television set. Therefore, the advice of a physician (who doesn't sell drugs) or your local pharmacist would be only one of several sources of information. It seems to me that the current AIDS crisis, if approached with libertarian wisdom, should provide the leverage for thinking intelligently about risk in loving relationships, and then for getting the government out of the disease-business altogether. □

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### *In Defense of Ayn Rand,*

by Virginia L. L. Hamel. New Beacon Publications, 1990. 84 pp., \$14.00.

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## Holier than Rand

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James S. Robbins

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The most recent contribution to the battle over Rand's reputation is unusually frank in its advertising: what other self-published work is described in its ads as a "booklet"? It is reasonably well-produced, though inflicted with typographical errors and dense typesetting.

*In Defense of Ayn Rand* is a compilation of three essays by Virginia L.L. Hamel, each responding to a recent work on Ayn Rand: Barbara Branden's *The Passion of Ayn Rand*, Murray Rothbard's "The Sociology of the Ayn Rand Cult," and Nathaniel Branden's *Judgment Day*. These are extremely detailed essays which appeal especially to those to whom minutiae are important.

Although Hamel defends Rand, her work is neither endorsed nor promoted by the official post-Rand Objectivist inner-circle, whom Hamel describes as "human scavengers [who] have descended to feed on her commercial name. . . ." (v)

According to Hamel, Barbara Branden used "dishonest methods to arrive at invalid, negative conclusions"

about Rand (8-9). Among her blunders are *ad hominem* attacks, false assumptions, psychologizing, and mistaking perception as fact. In the course of this 12-page essay, Hamel gives an extremely detailed defense of the Rand/Branden romance, portraying Nate as a self-serving seducer and Rand as the idealistic romantic. She admits that there are some things that cannot be answered, and looks to the publication of Rand's journals for the final word on some questions. Hamel seems overly optimistic here: considering the fact that those who own Rand's journals also have vested interests in what they might reveal, any published version would not be credible.

In the course of her critique of *Passion*, Hamel offers a stunning defense of Rand's practice of excommunicating longtime friends and associates from her life, a fate that befell virtually *all* her colleagues:

Just as one constantly cleans one's house of dirt, worthless and harmful objects, so too one should clean one's life of dirty, unreliable, unethical people. This is not a sign of neurosis but objectivity and reason applied to human relationships.

The second essay, also 12 pages, is a bit weaker than the first. In response to Rothbard's charge that the Rand movement was a cult, Hamel argues that this could not be so because Rand herself opposed cultism, and Randism, as the embodiment of reason, could not give rise to a cult of anti-reason. But Hamel admits that some Randists were of the cult type, and one suspects that reason as an ideal may be worshipped in an irrational way. Surprisingly, Hamel did not argue that the cultist aspects were the result of the scheming of those beneath Rand (i.e., the Brandens), although she brings this possibility up in the third essay. She may have been motivated by a desire not to affirm anything written by Rothbard, whom she describes as "the living example of Ellsworth Toohey" (29). She calls for a boycott of *Liberty*, by the way, on grounds of Rothbard's affiliation with it: "Since dueling has been outlawed, perhaps letters to the publisher of *Liberty*, followed by cancellation of sub-

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*Hamel's booklet provides a grim testimony on intellectual life. I felt like a Reformation-era Lutheran reading the commentaries of the Catholic Church. Like a Lutheran, I can consult the holy scriptures without having to deal with acolytes and other self-appointed intermediaries to explain their meaning.*

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scriptions would stop this public defamation of a great woman. If not, perhaps a John Wayne Galt is needed." (Bill Bradford, publisher of *The Sociology of the Ayn Rand Cult and Liberty*, is quite willing to duel, he told me; his choice of weapons is invective at 20 paces.)

The third essay, the longest (36 pages) and most interesting of the three, is a criticism of *Judgment Day*, Nathaniel Branden's version of *Life with Ayn*. Like the first two essays, it meets every charge with a response. But this time, Hamel includes information from pre-

viously unpublished sources.

Hamel managed to get a copy of the coroner's report on the death of Nathan's second wife, Patrecia, which contradicts in a couple insignificant details part of his story of her death. For example, in *Judgment Day*, Branden says Patrecia was taking the prescription drug Dilantin to control her epilepsy; according to the coroner's report she was taking Phenobarbital. If you enjoy clinical descriptions of corpses of drowning victims, you'll love this part.

Hamel also obtained material from court records on the Branden divorce

and subsequent monetary wranglings. The details of the Brandens' wrangling has precious little to do with Ayn Rand, the ostensible subject of the booklet, and isn't really very interesting. And it's apparently not very accurate either. She claims that the litigation between the Brandens revealed that they had earlier agreed with Rand that in exchange for their copyrights to articles from *The Objectivist*, both promised never to make derogatory references to Rand. Alas, Hamel has misconstrued the court records beyond recognition: according to Barbara Branden, Rand

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proposed such a settlement, but it was refused out of hand by the Brandens, and Nathaniel ultimately used his own writing from *The Objectivist* without Rand's permission.

Hamel is on firmer ground when she question's Nate's version of an encounter between his third wife, Devers, and Rand herself. According to Nate, Rand was polite and even complimentary to Devers, who tracked Ayn down at her apartment—something about as believable as John Galt volunteering at a homeless shelter. Other sources state that Ayn found Devers a pest. Hamel also claims that

Devers rearranges the furniture in her home in an attempt to communicate with aliens. (I am not making this up!)

What *In Defense of Ayn Rand* added up to for me was a grim testimony on intellectual life. I felt like a Reformation-era Lutheran reading the commentaries of the Catholic Church. Like a Lutheran, I can consult the holy scriptures without having to deal with acolytes and other self-appointed intermediaries to explain their meaning. But if you want to get a picture of just how silly some of these cultists can be, pick up a copy of this book and enjoy. □

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*The Mencken controversy has blown over, but not before the lowest blow of all . . .*

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## Mencken Agonistes, Part 2

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R. W. Bradford

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The publisher of *The Diary of H. L. Mencken* shamefully decided to publicize the book by spreading the canard that the *Diary* proved Mencken to be anti-Semitic and anti-black. A fair number of newspaper writers took the bait, and within weeks a campaign to destroy Mencken's reputation was on. As article after article appeared in the *New York Times* and the *Washington Post*, it began to look as if Mencken's reputation might be permanently sullied.

Libertarians with a taste for Mencken's delightful writing and curmudgeonish old-fashioned liberal values came to his defense. Murray Rothbard defended Mencken in the pages of *Chronicles* and I used the controversy as an excuse to write about Mencken in *Liberty*. Murray and I took on fairly easy tasks: few of the conservative readers of *Chronicles* or the libertarian readers of *Liberty* fell for the smear.

Sheldon Richman took on a tougher challenge: defending Mencken with incisive letters-to-the-editors of newspapers who had published attacks. One of his letters came to the attention of the editor of *The American Scholar*, and

Sheldon was invited to defend Mencken in its pages, where Sheldon did a brilliant job of refuting the slander.

William Manchester wrote a lengthy letter to the *New York Times* of Feb 4 that virtually demolished the case against Mencken. It wasn't even a fair fight: unlike Mencken's attackers, Manchester had known Mencken both as a person and as a scholar. He concluded his letter: "Mencken has been silent for 34 years now. His work stands, and it towers. He was a master polemicist; he always gave better than he got, and he really needs no defense. But as one who cherishes accuracy in literary history, I am appalled by the distortions of his considerable role in it. And I am deeply offended by the smearing of my old friend by ignorant liberal bigots."

The war of words over H.L. Mencken's alleged bigotry is over, and the good guys won. As evidence, I note that John Kenneth Galbraith and Arthur Schlesinger, Jr. have risen to defend Mencken. The leftist attack on Mencken could not even convince leftists as credulous as Galbraith and Schlesinger!

In the entire recent campaign of vilification, the most peculiar attack came

from Garry Wills in *The New Republic*. Like many critics who don't care for Mencken's politics, Wills trumps up a charge of bigotry from the very thin evidence in Mencken's diary.

What distinguishes Wills's attack, however, is its nasty personal flavor. Not content to portray Mencken as a bigot and to denounce his political views, Wills insists that he was cold, unloving, and anti-sexual.

To support the view that Mencken was sexually puritanical, Wills cites a passage from the *Diary* about Mencken's "repugnant memory of the bold teenager that 'seduced' him: 'I was seduced at fourteen by a girl of my own age, and she had thrown off the pall of virginity before I tackled her.'"

Having read the *Diary*, I didn't share Wills's impression of Mencken as puritanically anti-sexual, so I hunted up the passage Wills cited. Here it is in its entirety:

"I was seduced at fourteen by a girl of my own age, and she had thrown off the pall of virginity before I tackled her. The girl renounced fornication soon afterward, settled down to rectitude, married well, and at last accounts was a much respected grandmother. Such experiences at an early age probably do not harm: Havelock Ellis once argued that they were most likely beneficial."

Is this a "repugnant memory"? Or was it cynically yanked from context to support an absurd misinterpretation?

Wills explains how Mencken's marriage was a cold and distant relationship of unequals. For one thing, he notes, "She [Mencken's wife] ended her letters, as his mother might have, 'I worship you.'"

I recently had read the letters between Mencken and Sara Haardt and I didn't remember any of hers closing with "I worship you." Opening the book at random, I read through the first half dozen of her letters I encountered. Here are the closings:

"All my love"

"You've been so precious, and I love you . . . love you . . . beyond everything."

"I miss you so."

"Darling, I love you . . . love you . . ."

"Darling, I love you so."

"I am so happy I am dizzy. You're the most perfect person in the world. I adore you."

These didn't seem to support Wills's view, so I turned to the beginning of the

book and began reading the closing of every letter from Sara. I eventually found the letter that closed with "I worship you." It really didn't stand out in the context of 86 other letters, most of which closed quite affectionately, even passionately. Hardly the way one's mother would close a letter.

At the same time, I scanned the closings of Mencken's letters to Sara. Here are a few samples:

"I am now a week nearer to seeing you! And thinking of you all the time. I love you."

"I miss you dreadfully, and love you completely."

"My dear, I love you beyond everything. I am horribly homesick for you."

"I'll love you forever."

"I love you."

"You will receive such a hug

when I reach Baltimore that you'll yell for the police. What a long siege it has been! And I love you more and more."

Are these the words of the cold and

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*It's hard to believe that much harm will come of Wills's literary McCarthyism. critical readers of Wills's review will observe its hysterical tone and do something radical: actually read Mencken's Diary.*

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unloving husband as Wills portrays Mencken? I dare say that Mencken's closings are neither more worshipful nor less worshipful than his wife's. Nor do I find a hint of the status relationship that

Wills espies.

The meat of Wills's character assassination follows, and uses the same technique: he snatches a brief passage from context, embroiders it with unsupported assertions and characterizations, and sneers at the ridiculous caricature that he has thus created.

Even so it's hard to believe that much harm will come of Wills's exercise in literary McCarthyism. Certainly a few momes who get their opinions exclusively from *The New Republic* will hate Mencken even more than they did before, if they had ever heard of him. But more critical readers of Wills's review will observe its hysterical tone and do something radical: actually read Mencken's *Diary*. And those who do will learn a lot about Mencken and his times, and about Garry Wills's small-mindedness. □

## Letters, continued from 4

### Seduced by "Ought"

In his zeal to defend moralistic libertarianism, Sheldon Richman begs the very question he advances in his critique of Bart Kosko ("Bart Kosko and the close of his system," July 1990). Richman tries to demonstrate the cognitive value of at least certain ethical statements by pointing out that "One ought to accept as true a conclusion reasoned properly from true premises."

Richman is right when he says that this sentence is almost certainly both meaningful and true. But is it not an ethical statement, despite the seductive presence of the verb "ought" within it. More precisely, it is true only insofar that the sentence can be interpreted in non-ethical terms (for example, as a statement about probable outcomes of action based on experience) that it offers meaning and truth.

Richman has obfuscated two distinct senses of the word "ought," or fervently hopes that we will do so. If we read his

sentence as an ethical statement, then it actually says "It is morally preferable (more virtuous) to accept as true a conclusion reasoned properly from true premises." I question how true or meaningful this construction is: After all, does this statement not assume a link between congruence with perceived reality and moral worth that has not yet been proven?

It is only when we construe the sentence in a non-ethical way—that is, construing "ought" as a word that pertains to our likelihood of achieving desired outcomes—that cognitive value can be seen. "It is operationally preferable (more prudent) to accept as true a conclusion reasoned properly from true premises" makes sense.

The strongest proofs of libertarian ideas lie in the real world of human performance. Facts speak louder than ideals. We weaken our cause when we insist on appealing to moral arguments; while one may walk away from Rand's arguments for the sanctity of the individual because one disagrees with her moral arguments, it is tougher to dismiss Mises, Hayek or Friedman when they argue from facts.

Kosko raised an important point. Libertarianism is harder when it stands on its pragmatic merits rather than its moral ones.

Tom Flynn  
Buffalo, N.Y.

### Ends and Means of Freedom

Mark Schaffer (Letters, July 1990) demonstrates that libertarianism and ethics can be mutually exclusive. "So what if a judicial decision can be construed as activist," he asks, "if it is in a libertarian direction?" Since this translates to the end justifying the means, why not just stuff the ballot boxes to elect libertarian candidates?

Not every law we oppose is forbidden by the Constitution, regardless of our wishes. Too many people, including Supreme Court justices, fail to separate their policy preferences from their reading of the Constitution. They begin with a particular policy preference and then chisel a constitutional interpretation to justify overturning any law that runs counter to that preference. Perhaps the best example is *Roe v. Wade*. Pro-choicers defend Roe as a bulwark against legislated restrictions on an inherently personal decision; pro-lifers attack it as sanctioning murder. Neither side much cares whether or not the decision is constitutionally sound.

Certainly, it is important to reduce the power of the state but at what price? The notion of abandoning democratic principles to achieve a libertarian utopia sounds to me like the basis of a movie script depicting an Orwellian nightmare.

Phillip Goldstein  
Brooklyn, N.Y.

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Ethan O. Waters lives and reads between the lines far away from the Madding Crowd.

## Coming in *Liberty*

- **In Search of the Historic Gorbys** — Is Mikhail Gorbachev an *apparatchik* or an idealist? Is he a heroic figure trying to bring democracy and free institutions to the Soviet Union? Or is he trying enhance his own power and save the Soviet State? James Robbins investigates Gorbachev's long career in search of answers.
- **You Too Can Be a Junior G-Man** — David Hudson explains how the government has bent over backward to help bank tellers, businessmen, and ordinary citizens fulfil the dream of becoming operatives of U.S. law enforcement . . . even if they don't have that particular dream.

**Plus:** Richard Kostelanetz on Glenn Gould, drug addict; Karl Hess on the true hope of civilization, teachers; Alex Tabarrok on the master expositor of free markets and weird metaphysics, George Gilder; Chris Sciabarra on the critics of Rothbard, some of them quite astute.

# Terra Incognita

## *Birmingham, Mich.*

Progress at last in the battle against unauthorized Arbor Day activities, as reported in the *Detroit News*:

Police have accused a resident of this wealthy white suburb of Detroit of planting a red oak tree in his yard. The "city tree and shrub regulations" require that only locust trees be planted on his block.

## *Berlin*

The trauma that consumers face in an unregulated economy, as reported in *The Wall St Journal*:

"I've always known that salt packages are white and sugar packages are blue," said Baerbel Bohley, a member of East Berlin's city council. "Now, we have to read the labels of many different packages we don't recognize. This feeds a more general uncertainty."

## *San Diego*

Evidence of the burden that the public imposes on television stars, as reported in the *Los Angeles Times*:

Dr. Michael Resnick, who appears regularly on the ABC television show "Home" and is the star of "Staying Healthy," a syndicated television news feature, failed to respond to a subpoena in a rape case. (He had examined the victim—an 18-year-old retarded woman—shortly after the trauma.)

When defense attorney Robert Boyce contacted him, he angrily refused to testify. "He told me that he would make sure my client was convicted," Boyce said, and threatened, "I'm going to rip your face off."

When contacted by Deputy District Attorney Laura Rogers, he said that the victim "was so stupid she wouldn't be able to communicate," and refused to testify because he was "too busy with his television career in San Diego, Los Angeles and New York."

## *St Paul, Minn.*

New tactic in the War on Drugs, as reported by *Associated Press*:

The local telephone company, U S West, announced that in an effort to thwart drug purchasers who use push-button telephones to place orders for drugs, it is replacing push-button pay telephones with dial telephones at various locations in the Twin Cities.

## *Manton, Mich.*

Commentary on small-town life, as reported in the *Detroit News*:

Sheriff's officers arrested David Goward, 22, and Scot Reid, 19, on charges of arson, after the two men allegedly set fire to a vacation cabin in the woods northeast of town. According to the investigator the two men started the fire "for the excitement." Both men are members of the Manton Fire Department.

## *White Plains, N.Y.*

The spread of humane values in the suburbs of New York City, as reported in *The Enterprise* (Westchester County):

County legislator Paul Feiner denounced "the erosion of acceptance and tolerance for our fellow man," which contrasts sharply with "the concept of diversity on which America was built." Feiner also proposed that cigarette machines be banned in Westchester County so that "people would have to buy cigarettes over the counter."

## *South Butler, N. Y.*

Advance in forensic logic, as reported by the *Detroit News*:

Dr. C. Dupha Reeves, Wayne County coroner, explained why he identified the remains of a rabbit as those of a human baby. "It was the body of something. Because I was told a mother and child died in the fire, I assumed it was the body of the child."

## *Washington, D.C.*

Advance in political logic, as reported in the *Washington Post*:

"If it doesn't get any worse, I don't see any real justification for throwing out the baby with the bath water," said Rep. Stan Parris (R-Va), commenting on the issue of home rule for the District of Columbia.

## *New York*

Challenging new college text, published by Continuum Publishing:

*The Sexual Politics of Meat: A Feminist-Vegetarian Critical Theory*, by Carol J. Adams.

## *Lansing, Mich.*

The wheels of government grind slowly, but they grind exceedingly fine, as reported in the *Detroit News*:

The State of Michigan is considering abolishing two regulatory boards: the Board of Massage and the Board of Horology. The Board of Massage was established in 1974 to "police and license the scientific art of body massage," but has not met since 1979. The Board of Horology was established in the mid-1960s to protect the public from "incompetent watchmakers," and has not met since 1980.

## *Rangoon*

Observations on human liberty from Burma's head of state, the Hon. Gen. Saw Maung, as reported in *The Wall St Journal*:

In explaining why opposition political parties cannot be allowed to express their views via radio or television, the Burmese leader said, "We cannot allow a party to do something freely if it affects the freedom of the public."

## *Saginaw, Mich.*

Ethics, aesthetics and jurisprudence converge, as revealed by the *Grand Rapids Press*:

For the past 12 years, as long as he has lived at his Saginaw home, Gene L. Graham has parked his cars on his front lawn. But on Nov. 10 he got a ticket for parking on the grass.

The law is intended to keep Saginaw clean, said Rod Dixon, Saginaw zoning coordinator. "If you allow parking on the front lawn, you have cars right up by the house," Dixon said. "That doesn't look right."

## *San Francisco, Calif.*

Interesting aesthetic development, as reported by the *Detroit News*:

Visitors to the Phoenix Inn in San Francisco who think the 45-foot egg-shaped pool of water in the motel courtyard is a swimming pool had better think again. It's art.

It was a pool before the owner of the newly refurbished hotel commissioned New York artist Francis Forlenza to paint a mural on the pool bottom. Then the owner learned that a California law requires all pool bottoms to be painted white for safety reasons.

Pending a requested exemption from the state law, a sign posted before the pool says: "This Is Not a Swimming Pool. This Is Art."

(Readers are encouraged to forward newspaper clippings or other documents for publication in *Terra Incognita*.)



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"Discrimination" by F.A. Harper

### NOVEMBER 1990 FREEDOM DAILY

"The Vietnam War" by Jacob G. Hornberger

"Foreign Policy and Foreign Wars"

by Richard M. Ebeling

"Conscription" by Daniel Webster

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Jacob G. Hornberger, Founder and President, Future of Freedom Foundation,  
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**"JESSE JACKSON CONSTANTLY REFERS TO THE 'ECONOMIC VIOLENCE' OF A MARKET ECONOMY.** What is the nature of the 'economic violence'? The market, it seems, manifests its 'violence' by not providing everyone with a guaranteed job where and when they want it, at the wage they would prefer to have. And the market does not provide free of charge either food, lodging, health care or retirement insurance. 'Economic peace' can only be assured, it seems, through the welfare state, government management of trade and industry, and government-guaranteed work and wages. Benevolent slavery all over again. . . ."

Richard M. Ebeling, Ludwig von Mises Professor of Economics, Hillsdale College,  
and Academic Vice-President, Future of Freedom Foundation  
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**"WHEN DISCRIMINATION IS NOT ALLOWED ACCORDING TO ONE'S WISDOM AND CONSCIENCE, BOTH DISCRIMINATION AND CONSCIENCE WILL ATROPHY** in the same manner as an unused muscle. Since man was given these faculties, it necessarily follows that he should use them and be personally responsible for the consequences of his choices. . . . Man must be left free to discriminate and to exercise his freedom of choice. This freedom is a virtue and not a vice. . . ."

F.A. Harper (1905-1973), Founder of The Institute for Humane Studies,  
George Mason University, Fairfax, Virginia  
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# Un- common policy sense.

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***The Excluded Americans*** by William Tucker. Tucker examines the problem of homelessness as a true investigative reporter should—both by camping out with the homeless in Grand Central Station and by analyzing the data of the social scientists. He concludes that homelessness is largely the result of rent control and zoning policies. A Regnery Gateway book. 1990/256 pp./\$17.95 cloth

***The Politics of Plunder*** by Doug Bandow. In this collection of columns on policy issues ranging from agricultural subsidies to gay rights, Bandow shows how politicians and bureaucrats have failed to respect the Founding Fathers' intent to create a government of limited powers. 1990/507 pp./\$34.95 cloth

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