

Liberty

September 1992

Vol. 6, No. 1

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Hangman,
Spare that
Murderer!

by J. Neil Schulman

War on Drugs, War on Progress

by James Ostrowski

Property Rights Triumphant?

by William H. Mellor

Environmentalism *versus* the First Amendment

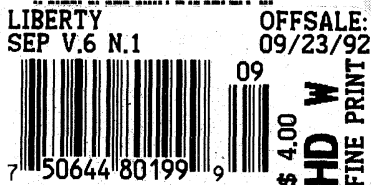
by Robert H. Nelson

Stupid About Schools: The Experts Flunk Out

by Martin Morse Wooster

Also: The non-politics of H. Ross Perot, the "Earth Summit" as nadir, graphing Congress' big spenders, the Supreme Court's spin on abortion, plus other articles and reviews!

5th
Anniversary!



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by Patrick A. Heller

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Letters

The Real Obscenity

Doug Bandow thinks Christians "can demand not to be visually assaulted by pornographic advertising" ("*Libertarians and Christians in a Hostile World*," July 1992). Where does it stop? Am I permitted to demand not to be visually assaulted by "mortography"? Not to be visually assaulted by images of black persons kissing white persons?

My world would be immeasurably enriched if beautiful women were allowed — nay, encouraged — to go about nude in public. It is only my libertarian sensibilities that keep me from demanding that they share their beauty with the rest of us. It would so please these old eyes to see this abundance of naked beauty that I would gladly tolerate the concomitant nudity of men and of not-so-beautiful women.

Bandow speaks of "obscenity" and of "dirty pictures." The meaning of these words has become obscenely twisted. Nakedness and sex are not obscene. Images of murder, mayhem, violence, blood, rent flesh, people and lives destroyed by wars and riots and individual acts of naked aggression — these are the true dirty pictures.

Millard H. Perstein
Sedona, Ariz.

Christianity Through a Glass, Darkly

To judge the degree of reconciliation that is possible between Christians and libertarians, we need an accurate view of Christianity, and Bandow does not provide this.

Bandow says that there are no Biblical mandates for government-funded child care, anti-drugs laws, and anti-pornography laws. As far as I know, he is right. But on the subject of sex, he changes the terms, stating that "God has not appointed them [Christians] to enforce His law on their unwilling neighbors." Possibly true, but if he had put the question in the same terms as the previous ones — whether the Bible mandates laws on sexual behavior — his answer would have had to be an unqualified affirmative. The Mosaic Law provides the death penalty for a whole gamut of deviants.

The history of Christianity is drenched in blood. Moses and Joshua

were mass murderers of children. Catholics and Protestants have murdered one another, as well as members of their own sects who held religiously incorrect beliefs. Christians since Roman times have denied life, liberty, and property to non-Christians.

It is true that some Christian groups, generally when defending themselves against persecution by other Christians, have appealed to the principle of liberty, and that this has created a pro-freedom tradition within Christianity. Some Christians believe in this tradition wholeheartedly. But in doing so, they must part with large portions of the Bible. I would be much more comfortable with a Christian who admits this necessity than with one who selectively forgets those portions.

Gary McGath
Penacook, N.H.

Smash (the Church and) the State!

There are only two approaches to human life on this earth — and only one brings success. The naturalistic approach of realism and its means of production and persuasion, or the religious approach of mysticism and its means of predation and perfidity.

All governments and all churches are fundamentally religious. Indeed, the State would be well defined as the organization of the religious means. Therefore, contrary to Mr Bandow, consistent and principled libertarians should reject Christianity for the exact reason they reject statism: religion is destructive of human life.

Historically Christianity and government have proven themselves reliable, ardent, and murderous allies.

Scorchy Ray Shelton
Chico, Calif.

The Colorful Uniforms, the Crack of the Bat

Invariably, when events of great political moment dominate public debate, the debate itself becomes an Orwellian battlefield of information control, with objective analysis becoming the first casualty for lack of all facts relevant to the case at hand. Sadly, this phenomenon seems to have infected *Liberty's* commentary (July 1992) on the Rodney King verdict.

"The Tape" is not the conclusive evi-

dence so ardently advanced by the media. It omits entirely the following considerations argued in court and deliberated by the jury:

1) Rodney King was not the only occupant of the automobile. There were two other black passengers who peacefully complied with police requests to exit the car, and they were not mistreated in any way. (This is a counterexample to the implicit premise that the police treatment of King was motivated purely by a desire to conduct racial harassment.)

2) When King finally exited the car, he laughed and cavorted in the face of drawn firearms, providing grounds to doubt his mental condition. He acquiesced initially to the command to lie prone, but suddenly rose, struggled with police, and flung several officers from him. It is relevant to bear in mind that King was a convicted felon on parole, drunk, 6'4" tall weighing 240 pounds, and quite capable of committing mayhem with his bare hands. He subsequently proved impervious to the effects of two "taser" shots — electrical shocks ordinarily sufficient to reduce a normal person to supine insensibility. Such behavior was considered possibly consistent with being on PCP.

3) At this point, the videotape began recording the scene. In the first 15 seconds of The Tape, never shown on broadcast television, King is shown rising from the taser shock to attack the police again. Subsequently, the police subdued him with batons as recorded on the remaining 66 seconds of The Tape.

4) The events described above were substantiated by 58 eyewitnesses and over 200 evidentiary exhibits.

It is also pertinent to recall that both King and his attorney stated publicly after the arrest (March 3, 1991) that it was not a racial incident.

Do any of these facts rationalize the jury verdict? I cannot presume to second-guess a verdict when I am not acquainted with all the facts relevant to the case . . . nor should anyone else.

The point is not whether the jury was right or wrong; the point is that a conveniently-truncated presentation of the facts in this case can be used to play upon and amplify libertarian (actually crypto-anarchist) suspicion of law enforcement agencies, their agents, and their practices. It may well be that the Los Angeles Police Department is imperfect, incipiently ra-

Why isn't everybody a libertarian?

Why aren't people breaking down doors to join the Libertarian Movement?

When you explain libertarian ideas, why aren't people dropping to their knees and protesting, "All my life, with open arms, I've waited for you and your message. How do I join? When's the next meeting? Is there a limit to how much money I can give?"

Is Something Wrong With Your Libertarian Ideas?

You be the judge.

Re-examine the political and economic ideas of Rand and Von Mises, Friedman and Rothbard, Hazlitt and Hayek, Bastiat and Heinlein, Jefferson and Paine.

Browse through the catalogues of Laissez Faire Books, Freedom's Forum and Liberty Tree.

Scan the policy reports of the Cato Institute, Heartland Institute and Reason Foundation.

Leaf through *Reason*, *LP News*, *Freedom Network News*, and *The Pragmatist*.

Or this issue of *Liberty*.

Need more proof? Compare your libertarian ideas to the statist ideas you read in the newspapers and magazines. To those you see on television. Liberal and conservative, socialist and fascist, totalitarian and populist.

Not even close, is it? Liberty wins hands down.

"You Libertarians have a 24 carat gold idea—freedom—and you can't even give it away. Ever ask yourself why?"
Congressman Sam Steiger, 1976

In 1976, I was the Arizona Libertarian Party's candidate for the congressional seat held by Morris Udall.

I lectured people who weren't interested. I debated when I should have discussed. I talked when I should have listened. I talked down to everyone.

If there was an offensive, shocking way of presenting a libertarian position—I used it.

Every so often, people would try to agree, but I didn't notice. I

couldn't take 'Yes' for an answer.

My campaign taught me how to lose friends and alienate people.

Finally, it sunk in. My problem wasn't other people. It was the man in the mirror. Me.

Do You Lose Friends And Alienate People?

Some libertarians have a more-rational-than-thou attitude. Or smarter-than-thou. Or more-principled-than-thou. Or more-ethical-than-thou.

Are your 'discussions' really lectures? Do you try to convince by beating the other person into submission? Do you behave like a tormentor, not a mentor?

And when you fail to persuade, do you blame the listener? The other person isn't rational enough, or intelligent enough, or good enough? It's always their fault?

That is the road to permanent failure.

Failure is feedback. It's telling you to do something different.

The people you don't convince are showing you what does not work. Are you paying attention?

The marketplace of ideas works just like the free market. Consumer response is a teacher. Are you learning?

The Art Of Political Persuasion.

I felt stupid and embarrassed by my campaign in 1976. But I was determined to salvage something from my experience. I wanted to learn the art of political persuasion.

I began to read. It's now over 1,000 books on psychology, epistemology, semantics, salesmanship, cybernetics, self-help, hypnosis, communication and creativity.

I interviewed specialists in communications and persuasion. I asked questions and took notes.

I applied the scientific method to everything I learned. I tested every approach, technique and format. I observed and listened.

I began to write up my results. *How To Get Converts Left & Right* and *The Late, Great Libertarian*

Macho Flash were published by Reason.

I followed these with more articles: *The Militant Mentality*, *The Myth Of Mushrooms In The Night*, *Leveraging Liberty With Language* and *Intellectual Judo*.

The libertarian audience wanted more, so I launched a seminar. *The Art Of Political Persuasion Marathon Weekend Workshop* has been offered all over the United States and Canada.

Then, I tested my teachings in the field. I was the organizer and fund-raiser for the 1988 Marrou VP Campaign, Project 51-92 ballot effort and the 1992 Marrou For President Campaign. Between Fall 1987 and Fall 1991 I raised more than \$500,000 for these projects. \$519,344 to be exact (source: FEC).

Now, after 12 years of study, testing and results, I have produced a three hour audio tape learning program: *The Essence of Political Persuasion*.

What You'll Learn In Only Three Hours.

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- > The Late, Great Libertarian Macho Flash: abuses and uses of intellectual shock tactics.

> Leveraging Liberty With Language: the semantics of libertarian persuasion.

> Intellectual Judo: gently win people over without arguing.

> And many more easy, enjoyable and effective ways to make libertarian ideas irresistible.

Does It Really Work?

"The Essence of Political Persuasion is bold, imaginative and brilliant. It is the most innovative and effective program of its kind."

Andre Marrou, 1992 Libertarian Party presidential nominee.

"I've personally listened to Michael Emerling's political persuasion tapes several times. This program is great. It's a necessity, not a luxury, for all libertarians."

Jim Lewis, 1984 Libertarian Party VP nominee and 1992 Marrou For President Campaign Manager.

"Michael Emerling's political persuasion tapes are superb. I have listened to them many times. I continue to be impressed by the power and sophistication of his techniques."

Vince Miller, President of International Society For Individual Liberty (I.S.I.L.).

"I have a set of these political persuasion tapes. I had to learn it before I could teach it. Thank you very much, Michael Emerling."

Marshall Fritz, founder of Advocates For Self-Government

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cist, tainted with corruption, or even tolerant of incompetence and cowardice. . . . but liberty is not hastened by merely indulging our prejudices and disdaining inconvenient pieces of the truth.

Michael J. Dunn
Auburn, Wash.

Reflections in a Glass House

Stuart Reges' half-hearted defense of the Twitchells' clearly negligent acts toward their child ("Serve the Children Well," July 1992) is somewhat less than convincing. Mr Reges feels that the Twitchells' case is analogous to someone who believes in medicine but lives in a predominately Christian Science society. Mr Reges is being a bit too charitable. A more fair comparison would be to imagine that the Twitchells believed that putting their children in front of buses was therapeutic because after a child was run over, he got better! Would Mr Reges run to their defense then? Somehow I think he would.

We, who live in philosophical glass houses, should not throw stones. As a teacher I have read quite extensively in libertarian thought as it pertains to children. I am sad to say that little has been done and the little that has been done is inconsistent and incomplete. Cases like the Twitchells' should be used for libertarians to reflect on their own ethical values. But it has always been easier to criticize than to advance a sound theory.

Tim Yule
Prince George, B.C.

A Sampson and a Pillar

Roy Childs was a pillar in the formative stages of the Libertarian movement. If the movement can survive now that this pillar has been removed, it will only be because of the solid foundation he laid for its support.

It is for me ironic that Douglas Rasmussen's and my book, *Liberty and Nature*, was reviewed in the same issue that paid tribute to Roy Childs, for a number of the intellectual paths Rasmussen and I walk down were first identified for us years ago by Roy Childs. For example, it was Roy who first suggested that I read Henry Veatch.

George Smith ("Remembering Roy Childs," July 1992) was correct to speak of Roy as a "presence." I cannot say I was a close friend of his, since I have not seen him in probably a decade. Nevertheless, he was always a presence to me.

If I became disconcerted about the prospects for liberty, I could turn to a review of his for solace, not just in terms of what it said, but also because I felt again that presence fighting the good fight for liberty. I was sorry to learn he felt abandoned; now it is I who feel such.

Douglas J. Den Uyl
Lexington, Ky.

Flying High

After the nostalgic movie "The Rocketeer" came out last year, Roy Childs told me that he became a libertarian because of the original "Rocketeer" serial. He had seen it as a kid in the 1950s. When the government prohibited private use of jet packs like those sported by The Rocketeer, Roy was outraged. It was the idea of his hero being arbitrarily grounded that first sparked his antipathy to the oppressive state, and his passionate love of liberty.

David M. Brown
New York, N.Y.

If We Can't Beat 'em, Change the Rules!

Richard Kostelanetz's attack on anti-abortion activists (July 1992, "Operation criminal rescue") was rather illogical. His argument is that were abortion to be made illegal again, the principal beneficiaries would be "underworld types predisposed to deliver illegal services . . . gangsters (and) criminals."

Well then, following this logic, let's make extortion legal, and murder-for-hire too, because the principal beneficiaries of the illegality of these activities seem to be underworld types. While we're at it, let's make murder legal, and theft. Aw shucks, let's make everything legal, because right now only criminals are benefiting while they are illegal.

Adrian Day
Annapolis, Md.

Horowitz as Non-Descript

I don't believe that the writings of a self-proclaimed authoritarian like David Horowitz deserve a place in *Liberty*. If there's anything we've learned in this century of socialism, it's that good people are always hurt by association with authoritarians. On a practical level, look at how the use of retread socialists in Buckley's magazine gave lie to the idea that he was interested in human freedom. In the same vein, I've noted with pleasure that you no longer seem to be associated with Murray Rothbard.

Keep up the good work!
John Descript
El Paso, Tex.

It'd Be Simpler Just To Have Him Come Up to the Dais

Publish a few more pieces by David Horowitz, like those in the July issue, and you will lose your reputation as a libertarian publication. Would you hand the podium to Pat Buchanan?

Noel Donner
Los Angeles, Calif.

Georgists Everywhere!

Robert Tideman's letter (May 1992) discussed the libertarian writer, Albert Jay Nock, and Nock's agreement with the land reforms of Henry George. Many well-known libertarians have supported land reforms very similar to those of Henry George: John Stuart Mill, Frank Chodorov, Herbert Spencer, Thomas Paine, Richard Cobden, and Robert Oppenheimer. In fact, nearly all of the most well-known libertarian writers have agreed with the distinction that George made between property that was produced by human effort (such as tables or buildings, which are made by the effort of human labor, investing, and managing), and land, which no person produced.

Many well-known libertarians have endorsed one of two types of land reform: (1) Land reform similar to that of Henry George, where those who own land of above average value (based on the market price of its location and acreage) pay a land user fee; (2) Land reform that prevents overly concentrated land ownership by requiring homesteading.

Land reform is one of the issue which separates libertarians from conservatives since it separates unearned privilege from earned wealth. Modern libertarians would do well to reclaim their heritage of land reform and property rights based on justice.

M.R. O'Mara
Baltimore, M.D.

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

Liege-isation — In May, Congress passed a bill requiring that states allow people who apply for welfare or unemployment benefits to register to vote at the same time. The theory, apparently, is that the tax-consuming class (the people who accept cash from the public treasury) should at least have the good manners to vote for the politicians who extort the loot from the taxpayers in the first place. —RWB

The Gulf War: made in America, or a cheap foreign knockoff? — Well, it turns out Pat Buchanan was wrong. It wasn't only "the Israeli lobby and its amen corner in the U.S. Congress" beating the drums for war in the Gulf. With the recent indictment of Scott Stanley, William Kennedy (both associated with the late, unlamented rag *Conservative Digest*) and ex-Ambassador to Bahrain Sam Zakhem for violating the Foreign Agents Registration Act by accepting \$7.7 million from the Kuwaiti royal family for running pressure groups that lobbied both politicians and the public to enter the Gulf Slaughter, it's clear that the Kuwaitis were beating on the drums as well. A quick "Cui bono?" should have told Pat that, if he weren't blinkered by his peculiar, er, obsession with matters Israeli.

However illegitimate libertarians might consider laws like the Foreign Agents Registration Act, I can't help but think it a crime to advocate indiscriminate mass murder for profit. Darn . . . and here I thought the Gulf War was a War of Americans, by Americans, and for Americans. —BD

In harm's way — The hallowed saying that "sticks and stones may break your bones but words can never hurt you" is obsolete. Now, when the sticks and stones break your bones, in a riot, for instance, it is either your fault directly, or society's, and the bone-breaking is forgiven in the major media. But utter a phrase that *disturbs* someone, and outrage flares against the words that are said to be unbearably hurtful. —KH

Yugoslavia and Czecho-Slovakia, RIP

— The violent breakup of Yugoslavia over the last year and the impending peaceful breakup of Czecho-Slovakia bear witness to the raw power of the Hayekian analysis of natural order. One striking feature common to these two entities is that they should never have existed. In Yugoslavia's case there was an added impetus to forced union arising from the ambitions of Serbia, which from the beginning years of this century dreamed of a Greater Serbia that would arise from the wreckage of the Austro-Hungarian Empire. In fact, during most of the history of what was at first (1918-28) called the Kingdom of the Serbs, Croats, and Slovenes, the politically dominant but economically backward Serbs generally treated

the remaining ethnic republics as if they were mere colonies.

The point is not that the Serbs were at fault; there is plenty of blame in the Yugoslav tragedy to go around. The problem lies in the quixotic semi-Wilsonian idea that these Balkan peoples who had, however unfortunately, hated one another for centuries were in some sense a "nation." One might as well say that Turks, Greeks, and Armenians are a single nation; after all, those peoples, too, live in close proximity.

The same considerations apply to the Federation of the Czechs and the Slovaks, to use the formal designation. Though never as rent by mutual hatred as are the Balkan peoples, the westernized, rather Germanic Czechs (aka Bohemians) and the more eastward-oriented, Russified Slovaks have never really hit it off, as witness their longstanding mutual accusations of domineering intent and parasitism.

There are many lessons to be learned from these mini-imperial breakups, but certainly the most salient, and the one which may be most discomfiting to classical liberals, is that nationhood is really something of substance, that it grows in an organic way out of shared language, customs, religion, and historical experiences. Neither its shattering (e.g. the long and bitter experience of the Jewish Diaspora) nor its forced and artificial imposition from outside forces, are good things. In fact, therein lies the tragedy of whole countries. —WPM

An offer you can't refuse — Those heroic Los Angeles street gangs, having become candidates for the Nobel Peace Prize when they benevolently decided to sign an inter-gang truce after the riots, have decided to go into business. But no one should get the odd idea that they are going to be just ordinary merchants. The secretary of the corporation they have established says, "If you don't help [us] now you may have some problems later." —KH

Pop goes the commonwealth — The public pronouncements of pop stars are instantly granted the status of wisdom, or at least news value, no matter how ignorant or wrongheaded. Jesse Jackson invites Sister Souljah, a solo rapper of little repute and poor sales, to lecture to a meeting of his rapidly refracting Rainbow Coalition; the resulting comments earn the obloquy of candidate Clinton, and a big interview in the *Washington Post*.

However much conservatives may hate her, it's important to point out that erstwhile congressional staffer Lisa Williamson aka Souljah ain't no fucking liberal. She's said some things about how fortunate she was to escape the white man's soul-deadening welfare trap that set *The Wall Street Journal* to smiling. Souljah is a young black woman who thinks her race is at war, a proposition for which there is at least *prima facie* evidence. It's a view she shares with this season's other notorious rap murder advocate, Ice-T, whose song

"Cop Killer" (performed by his mediocre hardcore metal band, Body Count) describes the emotions and thoughts of a black ghetto kid revenging himself for years of harassment and humiliation at the hands of police by going off and shooting a bunch of them with a sawed-off 12-gauge.

While the advocacy/description of murdering lawmen has a long and honored tradition in both pop and folk song — see Johnny Cash, Bruce Springsteen, Eric Clapton by way of Bob Marley — it's usually weighed down with more moral reflection and gravity than "Cop Killer" evinces.

But can anyone doubt that Ice-T is being true to the type of character he is invoking? That there are people out there whose moral sensibilities have been so dulled by years of despair, anger and execrable living conditions that this song is a perfectly apt fantasy? Do you dare to claim that you, you non-ghetto-dwelling, white, never-once-been-in-a-driveby-shooting libertarian, have never felt the same way during an encounter with one of the state's strongarm men?

I've argued in these pages before that pop music's political and social impact on the commonwealth is more reflective than causative, that it's merely one eddy in the whirlpool of social change. Keep in mind that Souljah is by no means anyone's spokesman; the market has its own wisdom, and not even all her free publicity has been able to propel her album to the top of the charts. No one is quoting Souljah's raps (except at the *National Review*, where folks seem to think that beneath her angry veneer beats the heart of a young Midge Decter, without the foreign policy lagniappes). Expecting political wisdom from idiot-savants like pop stars is the height of folly, and the media's obsession with their rantings does a disservice both to their readers and the cause of reasoned discourse.

—BD

Long arm tactics — While Ice-T and Sister Souljah are accused of inciting murder, yet still walk among us, the similarly race-baiting white hard rock singer W. Axl Rose, earthly avatar of Dionysus to some and cheezoid reincarnation of the bad parts of Janis Joplin (which is to say, all of them) to me, was arrested by U.S. Immigration authorities when he landed at Kennedy Airport, charged with a misdemeanor arising out of some mischief at a concert in St. Louis. His bail was set at a mere \$100,000. Now, misdemeanors are at the low end of lawbreaking, so don't casually assume that you can forget that traffic ticket you got while on vacation in St. Louis a couple of years back — they'll get you, wherever you go. —BD

Tried and true — Curious about what concerns government school teachers these days? Could it be education, intelligence, reasoning, literacy? Give me a break! Members of the largest teachers' union, the NEA, polished off their recent national meeting by opposing standardized tests that make invidious comparisons between the progress of students and the status of schools. Tests are not the answer to school problems, the teachers said. Right. More money is the answer. The sort of more-money answer that has bought us one of the world's most costly, least effective school systems. But there was more. The teachers vowed to support the "right" to abortions and to urge stronger laws regulating guns. They also want more literature to help homosexuals "cope" with their sexual orientation. They want history books to cover more extensively the

activities of American Indians, oops, Native Americans. And they want to abolish offensive racial, gender, or religious nicknames for sports teams such as the Washington Redskins, the New Orleans Saints, and, I suppose, the Chicago Bulls. How about the Cincinnati Reds? Is it okay to imply that they might all be Commies? Who the hell knows in this politically correct, crazy world that the teachers inhabit?

—KH

Hate crimes, thought crimes — The recent Supreme Court decision which unanimously struck down a St. Paul, Minnesota law prohibiting a wide variety of expressions deemed to be hurtful to women or "minorities" comes as welcome news to all who truly value freedom of expression and inquiry. Legislation proscribing "hateful" opinions can superficially be viewed as part of the whole "political correctness" package that has been afflicting our civic and academic life for the past decade, and of course this view is correct. More deeply, however, such efforts ought to be seen as a subset of the ongoing efforts to force people into what might profitably be termed a "standard mandated life."

There really isn't much difference, after all, between requiring everyone to eat the same officially sanctioned foods,

There really isn't much difference, after all, between requiring everyone to eat the same officially-sanctioned food, to refrain from smoking, and to landscape one's lawn in the same manner as one's neighbors, on the one hand, and to think the same official thoughts, on the other.

to refrain from smoking, to fasten one's seat belts, to build one's house and landscape one's lawn in the same manner as one's neighbors, on the one hand, and to think or at least express the same official thoughts on the other. In all these cases, experts (often self-styled, though that is not the main problem) are telling people to conform to a standard model of a more-or-less "progressive" design.

Some of those who resist this trend err, I think, in issuing dire warnings of the potential for grotesque and nakedly partisan usages of these proscriptions. In fact, the likelihood of the B-movie mad-dictator type of control in the U.S. is very small. What is much more plausible and insidious is a sort of narrowing of the parameters of respectable opinion by a process of attrition. To some extent, of course, this always happens over periods of time as issues and perspectives change, and the process is not in and of itself sinister. What we are witnessing now, though, is an effort by a significant body of people, especially in the academy and among the media, to short-circuit the normal, organic growth of social consensus by rejecting whole areas of thought and analysis as immoral, disresponsible, and beyond the pale of civilized discourse, if not actually unlawful.

An especially alarming aspect of those speech codes and ordinances which forbid "hate thought" is that this concept is left to be defined almost entirely by the so-called victims. Thus, if a black person or a woman claims to be offended,

hurt, embarrassed or whatever, in most cases the evidentiary process ends at that point. Since any view can offend someone, especially when a person is looking for such offense, in effect only those who are secure in the status conferred by membership in an official victim's group can claim freedom of expression. The potential for abuse scarcely requires comment.

Most of the universities and communities that have enacted these codes are upscale and sophisticated. The incidence of crude and vulgar racism is most likely relatively low in such settings. I doubt, for example, whether there are any large number of students at Harvard or Stanford who refer to blacks by the n-word or who openly dismiss the rights of women to pursue a variety of careers. More likely — and this is borne out by many reported examples, not merely by speculation — what are intended to be proscribed are serious viewpoints regarding matters of race, gender, sexuality, literature, and the role and nature of Western civilization, to recite just a few current red-flag issues. In today's intellectual climate, it does not take long for even dull students and faculty to pick up the fact that if you can brand your opponent as racist, sexist, Eurocentric or homophobic, you've won half of the battle. Hell, in many instances you've won it all. —WPM

Welcome to the jungle — Now and then there is an exception to the rule that working in Hollywood addles people into becoming that most ridiculous of figures, the rich socialist. Director Milos Forman is an exception that has recently made the day for me. Writing in the *Washington Post*, he sees the political tension in his native Czechoslovakia as a struggle between the past in the Communist "zoo" or the future in the capitalist "jungle." Some, he said, have succumbed to the past: "Weren't we better off in the cage . . . remember how safe it felt inside it? Remember how easy you had it in the zoo? Remember how little you had to work and how you got fed every day? . . . The Czechs voted for the jungle while the Slovaks voted for the zoo. . . . So the only chance, if there is still one, to keep this country together would be to convince the Czechs that they have to accept living in a zoo, or explain to the Slovaks that life in the capitalist jungle can be very rewarding, that there is no reason to panic over the prospect, that one can learn to survive and thrive in wild, beautiful nature, if only one is willing to work on it." Wow. Makes you wonder if he'll ever do lunch in Hollywood again. It also makes you wonder why the Slovaks don't realize that so much of the slop they had been fed in the zoo came from a place which is now unable to subsidize them. The jungle is where the food is! —KH

What is a "libertarian"? — Over the years, many jocular definitions have been suggested, all by libertarians, of course, and some by me.

A libertarian is someone who thinks that the solution to any of life's problems can be found in the local library.

A libertarian is someone who thinks that when the economy finally collapses, he will be able to buy any block of Manhattan real estate for a twenty-dollar gold piece.

But the all-encompassing definition is: A libertarian is someone who thinks he can — or wishes he could — do anything. A libertarian is someone who thinks he is Dagny

Taggart.

I'm sure I'm a libertarian by Definition 1. I doubt that I'm a libertarian by Definition 2. But I know I'm not a libertarian by Definition 3.

If the country fell apart, I harbor no delusions about my ability to get together with a few like-minded friends and build its infrastructure up from the ashes.

There are only a few things I suspect I'm good at. To borrow Dorothy Parker's phrase, I run the gamut from A to B. I'm a good college teacher of literature, and I'm a fairly good editor of *Liberty*. (The proof of my goodness in the latter category is that I'm perfectly willing to let readers disagree with me about it.) And I thank God that I live in a society in which the few jobs that I can do are actually available.

If there are people out there who can, unlike me, do just about anything, then they would probably have a much easier time than I would in a collectivist society. Whatever jobs remained, I'm sure they could make something challenging out of them. "Dishwashing? Sure. It's a great opportunity for the right person." "Babysitting in the state child-care center? Why not? I'll teach those kids about money!"

What prompts my confessions and speculations is the recent death of Dame Judith Anderson, the actress. According to her obituary in the *L.A. Times*, Anderson remarked that if she had not been able to become an actress, she "would have starved to death — there is absolutely nothing else I can do."

Maybe libertarians can make more of an impact with the realistic approach than with the appeal to would-be supermen. If you're good at everything, maybe you don't need a free society quite so much as those of us who are good at only one or two things. We — the vast majority of people — need a society that allows the greatest amount of economic diversity, so that there will be a better chance of our actually getting a job we're good at. We really can't live in a society that educates and coerces people into only a few roles.

There are people who would make great tobaccoists but terrible public-health inspectors. Some people have a real flair for erotic art, and absolutely no flair for anything else. And what about the guys who design those plastic flowers that squirt water in people's faces? In Cuba, their talents are totally unappreciated.

This is an argument for laissez-faire capitalism that we seldom hear. But once it's understood, it can make people feel much more like swimming all the way to capitalism's Big



"I've already achieved a certain amount of true serenity —
My wife doesn't know where I am!"

Rock Candy Mountain, to the pleasure of being able to do exactly what they want, with the chance of actually, perhaps, getting paid for it. —SC

Populist delusions and the madness of Americans — These days there's a lot of whining about Japanese companies selling their products in the United States.

It seems that just yesterday the whining was about Japanese companies buying assets in the United States. Maybe a little history of that earlier whining will reveal something about our present concerns.

Consider the most resented of Japanese ventures into the American real estate market: the purchase by the Mitsubishi Estate of the Rockefeller Center (actually, of a controlling, 80% interest in the Rockefeller Group, Inc., owner of the Center) for \$1.4 billion.

Almost by definition, the deal was perceived to be mutually beneficial by the sellers and buyers at the time they concluded it. The sellers wanted the \$1.4 billion more than they wanted to keep the real estate. The buyers wanted the real estate more than they wanted the money. They both walked away from the bargaining table happy. So why was anyone unhappy? Ignorance? Spite? Racism? All of the above?

Now don't tell me about externalities (hidden costs imposed on those innocent bystanders, the public, without being incorporated in the price paid for an asset). We all knew damn well that the Japanese weren't about to turn Rockefeller Center into one big Shinto temple or pack it up and fly it to Tokyo.

And don't tell me the Japanese were going to run home with the profits from their investment, making paupers of us all. If such juicy profits were in the offing, anyone could have paid the same price or more. This means especially American investors, who had the home-court information advantage in bidding and who enjoy lovely, liquid capital markets.

Sure, sometimes foreigners get a good deal, but Japanese real estate acquisitions in general are no example of that; they have probably lost about half a billion dollars on the Rockefeller deal alone. Anyway, so what if foreigners get something for cheap from time to time? Who but the seller is

able to decide if the price is right? The state? Getting the bad end of the stick now and again is a small price for the nation to pay if it enables us to avoid Soviet-style 5-year plans or Brazilian-style exchange controls.

What is it about those Japanese? They pay so much to buy our stuff (in the form of companies and real estate), and they charge so little to sell theirs (in the form of products). They buy our productive assets — that's investment. We buy their goods — that's consumption. In other words, to promote Japanese exports they are subsidizing our consumption both by taking a low return on their investments (selling their stuff for cheap) and by paying high prices for American assets.

Sounds as if the Japanese are giving themselves a bad deal. And yet, Americans complain.

Guest Reflection by Michael Christian

It's hip to be fashionable — It may be possible to assess the irrelevance of a movement by the moment when wearable fashion becomes its principal identification.

Hippydom died when long hair, rather than any particular way of living, became its icon. Hippies, of course, did not vanish, but the brief and joyous notion that they were part of a movement did. There are more construction workers than hippies with long hair these days.

The famed student revolt of the 60s wanted to wage war and was at least raising a little hell until it got a uniform, the Army fatigue jacket and worn blue jeans. When revolting students started spending considerable time in abrading and slashing the field jackets and jeans into fashionable shabbiness, the lurch from movement to fashion was clear.

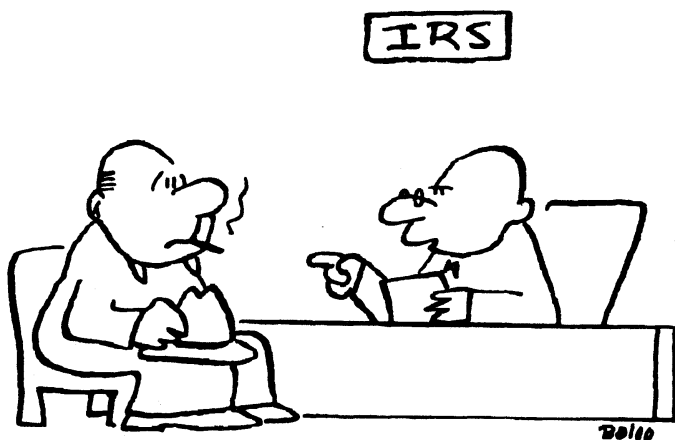
One part of the hate-America movement, the part that worships Yasser Arafat, became a non-movement with non-vitality when wearing the checkered scarf of the PLO became stylish, so that even rich movie stars could act like terrorists without risking anything more than a costume clash.

Now comes the civil rights movement with a new fashion: kente cloth, that brightly colored African, horizontal, linear patterning which now may be seen adorning pill box hats and, most importantly, long scarves reaching around the neck and down each side of a person's body to arm length.

A judge in Washington, D.C. recently forbade an attorney from wearing his kente scarf in the court because of its possible biasing effect on jurors. The aggrieved lawyer said that his religion demanded that he wear it. The religion was not identified but could be assumed: the religion of fashion which intrudes when real faith and real movements wane.

—KH

Ignoramus sighting no. 7429 — The world's foremost Guilty Liberal said on a recent edition of his TV show that "if the majority ruled, we would still have slavery." Phil Donahue's revulsion to majority rule was inspired by a gallery full of students who had organized and held a black prom because the majority of whites at the school would not hire a black disc jockey. (This sensitivity to danger from the majority has never once animated Donahue when considering South Africa.) A particular reason that slavery was abolished in this country was, in fact, an historic majority decision in which the minority was crushed by a small in-



"If you had no income this year, where did you get that cigarette?"



Un- common policy sense.

What Has Government Done to Our Health Care? by Terree P. Wasley. The crisis in health care is the result of a long history of government meddling in the medical marketplace. In a variety of ways the state has limited the supply of and overstimulated demand for medical services. Wasley's prescription for reversing the ills of the system is to give consumers the power to control their own health care spending. 1992/160 pp./\$19.95 cloth/\$10.95 paper

A Search for Enemies: America's Alliances after the Cold War by Ted Galen Carpenter. The passing of the Cold War is the most important development of the late 20th century. Yet Washington clings tenaciously to a host of obsolete, expensive military alliances, including NATO, that have the potential to embroil the United States in conflicts unrelated to its vital interests. Carpenter proposes withdrawal from those entangling alliances and a policy of nonintervention. 1992/212 pp./\$22.95 cloth/\$12.95 paper

Liberating Schools: Education in the Inner City edited by David Boaz. America's most innovative education analysts take a good look at American schools—especially those in the inner city—and offer proposals for major structural reform. The book, which includes the editor's thorough critique of the public school system, presents a compelling case for choice in education. 1991/220 pp./\$25.95 cloth/\$13.95 paper

Quagmire: America in the Middle East by Leon T. Hadar. The author challenges the Washington foreign policy consensus, which demands that the United States remain the dominant power in the Middle East. After examining American policy through the Persian Gulf War and arguing that the United States cannot impose order in the region, Hadar concludes that it is time for America to disengage from the Middle East and adopt a policy of benign neglect. 1992/240 pp./\$23.95 cloth/\$13.95 paper

Patient Power: Solving America's Health Care Crisis by John C. Goodman and Gerald L. Musgrave. The price of health care and insurance is skyrocketing because few people spend their own money on medical services. The authors' innovative solution is to restore power and responsibility to consumers by allowing them to buy their own tax-free medical insurance and to set up tax-free medical savings accounts. The result would be a consumer-directed system of competition and innovation. 1992/550 pp./\$29.95 cloth/\$19.95 paper

Sound and Fury: The Science and Politics of Global Warming by Patrick J. Michaels. The author, an environmental scientist, writes that despite the current hype and science-by-press-release, the greenhouse effect poses no serious threat to the world we know. The most disturbing finding of his study, however, is the willingness of some to distort science to expand the government's control over our lives. 1992/208 pp./\$21.95 cloth/\$11.95 paper

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cident that Donahue must never have considered. Had he done so, he might have been astonished to discover that, in the War of Southern Secession, the majority actually won a rather convincing, if costly, victory. —KH

Oh sensitivity, where is thy sting? — I am weary of the cult of Sensitivity. I grow tired from hearing lectures in all the public fora on the need to approach every imaginable group, not with simple human decency and respect, but with an elaborate psychic and conversational ritual that makes true interaction excruciatingly difficult. I doubt any of us need to be told once again that only "womyn" can understand Jane Austen or that black children need to be taught, falsely, that Cleopatra was black in order to bolster their collective self-esteem, to cite only two absurdities that enjoy fairly wide currency.

And yet; and yet. I cannot bring myself to reject out of hand all calls to be "sensitive," however much the concept has been abused for purposes of ideology and special pleading. This was brought home to me recently in an unusual context. I was listening to a 1939 episode of the radio drama "The Shadow." In his workaday identity as Lamont Cranston, the hero is visiting his alma mater with his "constant companion," Margo Lane. He is reminiscing to Margo about a favorite professor of his college days, one Philip Kolyma. After recalling the pleasant evenings he and other students spent in discussing Oriental philosophy, Cranston proceeds as follows:

C: They'd carry Professor Kolyma in here to this table.

M: Carry him?

C: Yes; his legs are shrivelled.

M: Shrivelled?

C: Yes, utterly useless. His arms are slightly affected, too.

M: How absolutely grotesque!

C: Yes; he's not very pleasant to look at. The only way he could get from place to place was to have a servant carry him . . . I want you to meet him.

M: I'm not sure I'd care to. How could a sinister person like that ever become a professor?

C: . . . [H]e's a brilliant scholar.

Now it later turns out that the prof has pretty much gone bats in the years since Lamont knew him and is festering with megalomaniacal, rule-the-world ideas. But all that is beside the point. At this time in the plot neither our heroes nor the listening audience have any way of knowing that. So what kind of attitudes are being assigned to the fictional Margo (who is, remember, a totally sympathetic character)? Upon hearing her friend describe a man who is crippled with

what sounds to be polio or some other form of infantile paralysis, she characterizes him as "absolutely grotesque" and "sinister" and wonders how he could ever have become a professor.

It is important to remember that "The Shadow" was an ordinary show, in no sense controversial, aimed at the typical middle-class listener. Although the plots were often exotic, the show's viewpoints were totally conventional. In other words, the scriptwriter assigned to Margo Lane what he assumed were typical views concerning the handicapped.

Do I find this passage offensive? Maybe not exactly, but then I'm not handicapped. I do find it bizarre, certainly. I'm not sure if there's all that much difference between the words quoted and a hypothetical passage involving, say, race: "Yes, Margo, Professor Johnson was a colored man." "How absolutely grotesque!" "I admit he wasn't pleasant to look at . . ."

—WPM

Journalistic note — Since it is unlikely that the politically intense keep up-to-date with the Ann Landers advice column, it is advisable for those of us who do to keep them alert. A column in June included a letter from a small business proprietor who described what seems to me to be as burning an indictment of bureaucratic government (pardon the redundancy) as you could find.

The writer and her husband own an electronics firm with 40 employees. In what seems to me a brilliantly innovative and libertarian move, they offered their employees a flexible work-hour plan in which they could work extra-time, whenever they wanted, and pile up those hours as assurance against sick-leave, or personal business, or for any purpose whatsoever. Everyone, she reports, loved the idea.

Now the government, that loathsome slug in everybody's Garden of Eden, has come along and is demanding that the employing couple come up with two years of retroactive overtime pay. The demand has just about put the company out of business, has endangered the jobs of forty hard-working, decent people, and proven once again how filthy and beastly is our enemy, the state. —KH

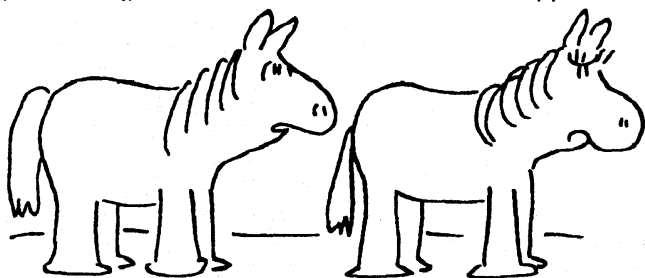
Looking at fetuses — Is a conservative really a liberal who's been mugged? Is a liberal just a conservative who's been arrested? Maybe we'll find out this summer, as Operation Rescue continues its "Just Cause" crusade.

Despite my doubt about the amount of moral courage necessary to harass young pregnant women, and my awareness of the sexism and self-righteousness of many anti-abortionists, I rather enjoy watching good liberals suddenly lose their sympathy for peaceful protest and shriek, "throw the book at 'em!"

And I am sure that some liberals can't repress a secret smile when watching law-and-order conservative protestors become the party of individual rights, and gripe about police brutality.

Protest groups thrive on being underdogs and anti-establishment, as the left has learned well. Picture this: Operation Rescue activists marching through the streets, linking arms and singing "We Shall Overcome" . . . now that's an image to unhinge the jerkiest knee.

The abortion argument is healthy for both sides, as liberals



Baloo

"But dear — Lady Godiva is just part of my job."

and conservatives reverse their usual positions across the law-and-order/freedom-of-expression fence. What is definitely not needed is suppression of debate. Yet some pro-choicers want exactly that.

The latest controversy involved a television campaign ad for a pro-life candidate for Congress. The commercial, which alleged to show aborted fetuses, so angered some pro-choicers (and *TV Guide*) that these former free-speech advocates criticized the policy protecting this political speech. What, exactly, were they afraid of?

Pro-choicers (myself included) should be willing to look at that fetus. To do otherwise is denial. What is the harm of looking at the result of the policy we support? Should we feel bad at all about killing a fetus, if it is, after all, just an "unviable tissue mass"? Why? Do we feel we are doing something wrong? —CHW

All in the Family — The famed American philosopher, Alphonse Capone, is reported to have said that "you can get much further with a gun and a kind word than you can with a kind word alone." *Forbes* magazine, in listing the wealthiest families in the world, bears out the Caponish wisdom. The listing carefully excludes royal families and heads of state. Those folks have historical licenses to steal at gunpoint. And they continue to exercise that license energetically, with the British royal family popularly suspected of being the richest of all except, perhaps, for the theocratic family of the Vatican, whose art work alone probably could, if sold, feed the hungry for years or support break-through research in food genetics.

Oh, yes, who are the wealthiest other families? The Sam Walton family, with almost \$24 billion, heads the list, with two Japanese families, the Mori and the Tsutsumi (\$13 and \$10 billion) in show and place. The DuPonts come in at \$8.6 billion and software whiz Bill Gates and family are put at \$6.4 billion. Sorry, conspiracy buffs, there's not a Rothschild in the top ten; probably a part of the conspiracy. America has 101 billionaires in all. But, in terms of billionaires per thousands of population, Germany and Hong Kong are more richly endowed with rich families. —KH

Pity the child, but not forever — Judges in Florida have made two daring forays into that most forbidden frontier: extending the rights and responsibilities of society to

all of its members.

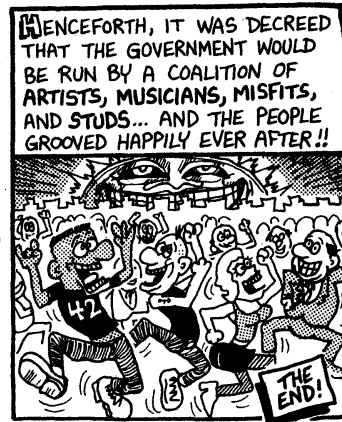
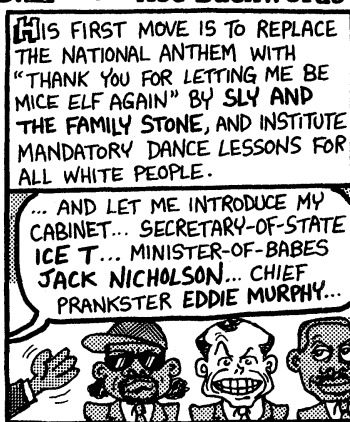
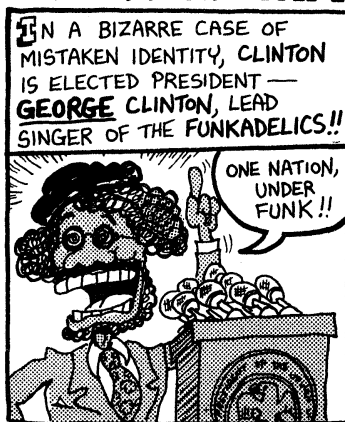
In one case, a judge granted an 11-year old the right to trial in the child's attempt to "divorce" his natural mother and live with his foster parents.

In another, Judge Jerry T. Lockett of Lake County declared Florida's statutory rape laws unconstitutional, based on his reading of Florida's 1980 "privacy" constitutional amendment, which states that a Florida citizen "has the right to be left alone and free from government intrusion into his private life." Using this same logic, the same judge ruled in 1989 that Florida's abortion restrictions for teens is unconstitutional. Lockett wrote in his current ruling: "If this constitutional right to privacy extends to the decision of a minor to have an abortion, it must extend to the decision to engage in sexual intercourse." In practical terms, parents should be forced to deal with their children's disobedience through ways other than attempting to imprison their child's sex partner.

Only those far divorced from their adolescence would doubt that a person between the ages of 13 and 18 is capable of making decisions about whether to have sex. But are these decisions informed, reasonable, wise, you ask? Hell, are *yours*? The biggest problem with denying children rights, especially those "children" between ages 13 and 18, is that all the arguments for such denial cut equally well against individuals from 19 to 90. Teenagers do not lack reason or any of the other attributes which make humans worthy of freedom — all they lack is information and experience. As do we all.

Children's choices are, of course, often circumscribed by parental ukase. Such restraint is usually voiced in the time-honored provisional imperative, "As long as you live under my roof, you'll obey my rules!" This is as it should be. But parental authority has its limits, and the actual rules of the family are the result of bargaining. The underaged usually manage to barter a workable tension between their desire for sexual freedom and their parent's desire to keep them from it (or at least not to know about it). If such an agreement can't be reached, then the option of "divorce" must be available — to both parties. In the current case it was the child who sued the parent for divorce, on the grounds of abandonment of responsibilities. But in many other cases, it is the child who is grossly irresponsible. And when a youth continues to flout parental rules, at some point the parent's responsibilities for the child's upkeep should surely dissolve.

TWISTED IMAGE by Ace Backwords ©1992



Yes, with rights come responsibilities. But it is criminal for the state to enforce upon many of its citizens a life of responsibilities with no rights. Or vice versa. —BD

Who's on first — Texas Republican Senator Phil Gramm, although not too demanding that his colleagues live up to the spending-restrictions bill that bears his name, is conscientious about analyzing the cost of Bill Clinton's supposedly "moderate" taxation and regulatory plan. According to Gramm's figures, which have been ignored in the media generally, the Clinton plan to raise taxes on business and rich individuals, and to mandate a slew of programs including employee retraining, health care, and parental leave, would have cost \$125 billion if in effect in 1991. With business profits totalling \$189 billion in that year, it would have meant that 66 percent of profits would have been taxed away.

The media, generally, are taking Clinton's "moderation" hook-line-and-sinker. His economic plan is called "putting people first."

First in the unemployment lines, perhaps. —KH

Litmus of another color — For years, pro-choicers within the Democratic Party have accused the Reagan and Bush administrations of having a "secret" agenda

of appointing only anti-choice people to federal judgeships, have denounced the notion of judicial "litmus tests," and argued that appointed judges ought to have open minds.

Whether the Republicans ever applied an anti-abortion "litmus test" — as the pro-choice Democrats charged — remains moot. Else why did Justices O'Connor and Souter side with those on the Court who wanted to save *Roe vs Wade*?

Anyway, all this highly principled talk has gone by the wayside. Bill Clinton has promised that he will consider for nomination to the Supreme Court only candidates who swear an oath of fealty to *Roe vs Wade*.

When the subject of abortion came up at the Democratic National Convention, Governor Robert Casey of Pennsylvania asked to speak. So did a group of Republican women. Amazingly, the Democratic bosses refused to allow Casey — a delegate to the convention, a long time Democrat, and governor of the nation's fifth largest state — to speak. But they did allow the women — who hold no office, are not Democrats, let alone delegates to the convention, but who agree with the party platform on this one issue — to speak.

The logic is plain: debate is good, as long as only our side speaks. Litmus testing of judicial candidates is wrong, except when we do it. Democracy is fine, as long as its conclusions agree with ours. —RWB

An Aborted Decision?

Rights wronged — By the logic of their decision in *Planned Parenthood vs Casey*, four members of the court — Scalia, Thomas, Rehnquist and White — would deny constitutional protection for abortion rights based upon a profoundly disturbing view of the fundamental relationship between the individual and the state.

Justice Scalia epitomizes what is wrong with conservatives on the Court: "The permissibility of abortion, and the limitations upon it, are to be resolved like most important questions in our democracy: by citizens trying to persuade one another and then voting." In principle, Scalia endorses social control of vast areas of people's lives.

If democracy means Scalia's unrestrained majoritarianism, how is it any better than authoritarian systems? When important issues affecting the life of an individual are decided by somebody else, it makes no difference to the individual whether that somebody else is a king, a dictator or society at large. Communitarians might argue that participation in the political process is its own reward. But reciprocal slavery — the opportunity to tell others how to live their lives in exchange for being told how to live one's own life — is petty, vile and ultimately debilitating. Untrammelled democracy is no ideal, and the founders of our country knew that.

To avoid the abuses of majority rule, Thomas Jefferson and others recognized the inalienable rights of individuals — rights which cannot be infringed no matter how large the majority seeking to impose its will. Ostensibly out of a desire to protect the rule of law, Scalia and other judicial conservatives

reject a robust interpretation of the Bill of Rights that would secure for individuals a meaningful sphere of personal autonomy. Instead, Scalia and his compatriots turn the Constitution on its head. In their scheme of things, the Constitution serves not as a limiting document for the protection of individual liberties but as a blank check for government. When government intrudes into the lives of individuals, the legitimacy of its action is presumed. Individuals bear a heavy burden proving violations of their rights.

The conservatives' logic in the abortion case offers a prime example of how they scorn any meaningful concept of individual liberty. They claim that government can regulate abortion with impunity because such an act is not Constitutionally defined and secured. Their assumption is that if the Constitution does not specifically mention a particular right, then government can legislate the lives of individuals as if no such right existed. Because the Constitution specifically mentions only a few of our cherished liberties, sole reliance upon enumerated rights fatally undermines basic guarantees of individual freedom.

In stark contrast, the Framers of the Constitution saw the danger in relying upon specific enumerations of rights. Foreshadowing the conservatives' current view of the Constitution, James Wilson argued:

If we attempt an enumeration, everything that is not enumerated is presumed to be given. The consequence is, that an imperfect enumeration would throw all implied power into the scale of government; and the rights of the people

would be rendered incomplete. . . . [E]numerate all the rights of men! I am sure, sirs, that no gentleman in the late Convention would have attempted such a thing.

The Framers realized, as the Court should today, that it is futile to try to formulate an exhaustive list of individual rights. Rights to any particular actions are only specific examples of the overarching principle of self-government that defines a sphere of personal autonomy for every individual. Provided that people stay within their private domain and do not encroach upon the domain of others, individuals have the right to do whatever they please. Consequently, individual rights are limited only by each person's imagination. Certain inconsistencies notwithstanding, this was the Framers' vision of the Constitution. Members of the Supreme Court would do well to re-affirm it. —JT

Extremism in defense of bureaucracy —

The principles that inspired the intransigence of both the anti-choice and pro-abortion activists have become secondary to the bureaucracies of the organizations involved. What we have been hearing in the wake of the Supreme Court's decision are not contending principles, but the effusions of people whose livelihoods are at stake. How else to explain the near hysterical reactions?

Upholding most of the Pennsylvania law might make an abortion a tad less convenient than before. The leaders of pro-abortion organizations claim that the decision will drive women into the back alleys and make them victims of the spectral coat hanger. This is an absurd conclusion, of course. But it is a pronouncement that will no doubt help in membership drives and fund-raising efforts.

Leaders of the anti-abortionist groups claim that the court must be held responsible for the future murder of thousands of innocent victims. For what do they judge the Court guilty of mass murder? For allowing, for the first time in two decades, states to pass restrictions on abortions.

Abortion has not been outlawed. But anything akin to rational debate surely has been. Just look at the professionally organized demonstrations on either side, with their catchy slogans and neatly lettered signs. Listen to the people on both sides saying the world is going to end as a result of the same event. —KH

Don't rush to judgment — Most people acknowledge the wisdom of the adage, "hard cases make bad law." Nevertheless, most people also insist that the hardest case of them all — abortion — be decided decisively by the Supreme Court. This is absurd.

Too many people think of the Supreme Court as the answer to all our problems. But, as far as I can tell, the Court was established chiefly to balance off the worst abuses of elitism and populism inherent in the executive and legislative branches of the federal government. Placing ultimate hope and trust in it is, well, naive. And I suspect that such great expectations would have struck the Founders, those practical idealists, as bizarre.

I am suspicious of anyone who believes he has found the "key" to the Constitution. The chaos of competing theories of jurisprudence should humble all disputants who try to obtain their goals through judicial review. Consider: judicial activism of all political stripes compete with the idea of "judicial

restraint," and the tension between interpretation according to "the plain meaning of the Constitution" and interpretation of "original intent" spoils the simplicity of programs for "strict construction." I am certain of only one thing: that the legacy of the Supreme Court is a mess, and that this mess should be cherished.

Nevertheless, after stripping the Court of its hallowed status, I find abortion not too difficult to address within the Constitutional tradition. Even if one stipulated that the Bill of Rights and later amendments guarantee a right to privacy and a right to liberty to all Americans — and that is a very big stipulation — the right to abortion does not necessarily follow. The pregnant woman is not the only human being that is involved in an abortion. Remember those annoying little fetuses? If they are human (a question whose very meaning is obscure), they would seem to deserve protection as well. Therefore, no solution at all should be foisted on the American public by the Court. Good interpretation almost requires *Roe vs Wade* to be overturned and the issue of whether abortion is (sometimes?) murder worthy of criminal prosecution to be left to the states.

Now, I support the right to abortion. I don't really consider fetuses part of the social world (to borrow a term from the phenomenologists), and look on the issue as a unique instance of *jurisdiction*. Though I can see the logic of the anti-abortionist view, I look on the "pro-life" program as largely illiberal. If I were of a more radical temperament I might wish to make the world over according to the universalist and absolutist moralist specifications of the "anti-choicers." But I try to keep my moralism in check. And furthermore, I am a gradualist, and believe that extending rights to fetuses within the irresponsible culture we now live in would be disastrous.

But we suffer from another disaster, right now. This is the inflexible federally mandated ruling on the subject, a ruling that not only pushes the disputants of the abortion issue into extreme, idiotic corners, but is pushing the country towards a constitutional crisis. (If we are to have a constitutional crisis, let it be over a truly national issue, like the budget and debt mess.) We would be much better off if citizens of the various states experimented with a variety of legal responses to this most intractable of problems. Since it is quite possible for sincere and honorable people to disagree on the issue, it seems reasonable to reflect this diversity of opinion in the various states, each with its (semi-) distinctive culture. As a matter of the simplest (though not simple-minded) theory, Judge Scalia's dissent is right.

Still, the majority ruling in *Planned Parenthood vs Casey* was a responsible one. Judicial restraint may not only mean not cooking up new rights whenever a judge feels so moved, it may also mean not striking down old ones wholesale, even when those rights were the product of judicial activism. Judicial restraint mandates that the Justices restrain themselves even in their crusade against judicial activism.

If the business of the Supreme Court is to put a check on political passions, then Judge Souter's version of judicial restraint is eminently qualified, whereas Scalia's is suspect. *Roe vs Wade* will be overturned in pieces, with one precedent adding weight to the next.

Just as it should be, according to common law. —TWV

Politics

A real bummer of a campaign — H. Ross Perot, who made a fortune off of fat government contracts, attacks bloated government bureaucracy. Bill Clinton, a political insider even in college, claims to be leading the "next American revolution." George Bush, who proposed the biggest deficits in history and was one of the guiding forces behind 1990's misnamed Clean Air Act, is running against budget deficits and intrusive regulation.

Does anyone smell a rat here? Don't answer yet; there's more.

Dan Quayle, on behalf of "the American people," rails against an alleged "cultural elite." Meanwhile, ever since Bill Clinton criticized Sister Souljah for saying it's all right for black gangs to kill so long as their victims are white, he has been congratulating himself for having the courage to say "unpopular" things. Since practically everyone — black and white — agrees with Clinton here, this is actually about as politically courageous as denouncing gang rape.

Perot, Clinton, Bush, Quayle. A plutocrat, a pissant, a president, and a pinhead who all like to play populist when the cameras are rolling. It's in to be out. It's out to be in. Americans everywhere are yelling, "Throw the bums out!" And the bums, bless their crooked little hearts, are yelling back, "We're already here!" —JW

None dare call it egregious — Putting aside all the usual lies, persiflage, nonsense, crocodile tears, pumped-up boasting, and sheer pomposity, there was one moment at the Democratic shindig that was so totally egregious that someone should memorialize it. I accept that task. It was when Ann Richards, governor of the great state of Texas, said that people were just taking power back into their own hands and "taking it away from the White House." Now recall the setting: A convention in which the sole purpose was to take power away from some people and, specifically, to put it in a White House occupied by Bill and Hillary Clinton. —KH

Odd man in — Perot's withdrawal from the race was wonderful news for the Libertarian Party's nominee, Andre Marrou. And he needed good news terribly badly. Marrou had mismanaged his campaign to the point where the national LP had repossessed it. Despite the best efforts of the Marrou camp and the LP public relations folks, Marrou's problems of personal credibility have had an effect on donations to his campaign. So the opportunity to become the vessel of protest votes that would otherwise have gone to Perot was more than welcome.

Perot's exit gives the Marrou campaign a fighting chance to avoid embarrassing the LP with a near-invisible showing. Discontent is so widespread that a well-managed LP campaign might even surpass Ed Clark's record of 920,000 votes

in 1980. Whether Marrou's managers can make the right moves remains to be seen. And of course, a lot depends on events not under the control of the campaign. If the Clinton-Bush race is perceived to be close, the old why-waste-your-vote argument will cost the LP dearly.

Meanwhile, a prominent Libertarian Party activist is quietly recruiting a blue-ribbon committee to try to find an attractive candidate for the LP in 1996. The early money is on Vice Presidential candidate Nancy Lord, who has proven herself to be attractive, intelligent, articulate, and hard-working. If there were still a simple way to dump Andre Marrou and give Lord the nomination, many Libertarian Party veterans would jump for it in a minute. —CAA

The right stuff — What recent presidential candidate:

- defended "the vibrant and vital system of free enterprise," "individual rights," "freedom," and "the entrepreneurial economy"?
- praised "the forgotten Americans who make up our forgotten middle class," "the family," "faith," and "hard work"?
- criticized the incumbent for "raising taxes," "pouring billions of dollars down the drain" of failed government programs, of "taking the richest country in the world and bringing it down," and failing to balance the budget? ("He promised to balance the budget, but he hasn't even tried. In fact, the budget he has submitted to Congress nearly doubled the debt.")
- warned Americans that "there is not a program in government for every problem"?
- promised to "streamline the federal government" and "cut 100,000 bureaucrats, and put 100,000 new police officers on the streets of American cities," to make government "leaner," to expand "opportunity, not bureaucracy"?
- pledged to "help people on the frontlines to wage the war on drugs and crime"?
- called his campaign "an army of patriots," and promised that if he is elected, America will have "the world's strongest defense" and be "ready and willing to use force when necessary" and that "the rest of the world will look up to us with respect again"?

No, it wasn't Barry Goldwater railing against LBJ's Great Society, or Ronald Reagan attacking Jimmy Carter's peanuttty policies. It was Bill Clinton making his case against George Bush. Every word quoted above comes from Clinton's acceptance speech. And Clinton has continued his move to the right. In his first campaign swing, he dumped on "liberals" and argued that welfare recipients be limited to two years on the dole.

Clinton's strategy is plain. By obscuring any political differences between himself and Bush, he hopes the election will

be decided on the basis of personality. He figures he can win a personality contest hands down. Whom do you want? Tired, old, bumbling, incoherent George Bush? Or young, vigorous, intelligent, outgoing Bill Clinton?

This presents a tough choice for those few voters who genuinely care about the issues. But I suppose a perspicacious voter would make his decision on the basis of which interest groups are allied with each candidate. Do you want a president beholden to big business, the military-industrial complex, and the religious right? Or one beholden to labor unions, government employees, feminists, and welfare advocates?

Happily, it now appears that the Libertarian Party may be on the ballot in all fifty states, presenting a genuine alternative to the moderate conservative banalities of Bush and Clinton.

—RWB

Post-Perot politics — Ross Perot quit the presidential race on July 16. Oops, no, he decided *not to enter* the race. He had promised the American people that if they put his name on the ballots of all 50 states he would put up \$100 million of his own cash to run his campaign, and later promised to increase his cash commitment to \$300 million.

At first, the media loved him, or at any rate were anxious to promote his candidacy as a way to goose interest in a presidential race that seemed to have degenerated into a contest between a bumbling incompetent (George Bush) and a sleazy, lying power monger (Bill Clinton).

Eventually, the media tired of Perot's homilies, evasions and just plain lies and began to subject him to critical analysis. Folks who didn't like Perot's goofy ideas began to show up at his campaign appearances toting critical signs. Worst of all, Perot's high-powered advertising executives were asking ol' Ross for \$80,000 to produce a 5-minute commercial and wondering when Ross would start buying air time. It just wasn't fun any more, and it was starting to cost money. So Ross quit. "When the going gets tough, the tough turn tail." Not surprisingly, Perot's campaign workers, virtually all of whom had made substantial personal sacrifices for their hero, were shocked and angry.

So was I. I had been writing an analysis of Perot, his record, and his political philosophy when he absconded.

Liberty's editors had encouraged me to write a character assassination for the last issue, but I had resisted on the theory that it would be more fun to wait until the election was near. Now my efforts were wasted.

Dumb George and Slick Willie, both of whom had been gunning for Perot, suddenly remembered what a great guy Perot was and started salivating over the expected banquet of Ross' fans. George interrupted his fishing trip, unrolled a carpet on a flat stretch of Wyoming, put on a necktie, stuck in his contact lenses, and explained to television cameras why he deserved the support of Perot fans. But the media were focused on the Democratic convention that had just anointed Slick Willie, and Willie used his acceptance speech to praise Perot, admire his followers, and invite them into his revival tent.

How does Perot's exit affect the presidential race? At first glance, it seemed to help Clinton, as I am sure Perot was hoping, when he made his announcement the morning of the day

Clinton chose Gore to balance the ticket: Clinton smoked marijuana but didn't inhale, while Gore smoked marijuana and did inhale. Clinton's wife is a slim feminist with a leftist political agenda, while Gore's wife is a chubby traditionalist who protects "family values" by campaigning for censorship of song lyrics.

when Clinton was to make his acceptance speech, and when the Arkansan was enjoying the traditional large jump in popularity of nominees at convention time.

The press didn't report whether the fish in Wyoming were biting George's bait. But they did report that Perot's erstwhile fans — as well as most other Americans — were snapping at Clinton's flashy lures. One day after Perot's withdrawal and Clinton's acceptance speech, Slick Willie had a 30 point lead in the polls.

Of course, the short-term impact and the long-term impact are two different things. It was pretty plain that Perot's popularity was the reason Slick Willie chose Al Gore as his running mate. By adding another young Southern Democrat to his ticket, Clinton hoped to sweep the South. He would add a fair number of moderate votes to the black and left-liberal votes he already had in his pocket, while the conservative majority in the South would split its vote between Perot and Bush. With Perot out of the picture, this will be a much tougher task. And with the Republican convention weeks away, Bush still has time to adjust his campaign (and his choice of running mate) to the new reality of a two-man race.

Traditionally, nominees choose as their running mates men who "balance" the ticket. Most pundits couldn't see much balance between Gore and Clinton: both Southern "moderate" Democrats, both in their mid-40s, both career politicians, both married to bleach-blondes. They overlooked the obvious complements: Clinton smoked marijuana but didn't inhale, while Gore smoked marijuana and did inhale. Clinton's wife is a slim feminist with a leftist political agenda,



"Gad, I *love* public service!"

while Gore's wife is a chubby traditionalist famous for protecting "family values" by campaigning for censorship of the lyrics of rock music. Clinton encourages pollution in Arkansas to bring in industry, while Gore favors wiping out industry world-wide to protect the environment.

Still, the selection of Gore may work out pretty well for Clinton. Unlike Dumb George's vice president, Gore is not a complete idiot, though anyone who has read his book, *Earth in the Balance*, might wonder. (In that book, Gore calls for "completely eliminating the internal combustion engine over, say, twenty-five years"; he describes this as a "truly conservative approach.")

It is pretty plain that Slick Willie is the front-runner, and I suspect he will stay in front until election day and be duly in-

The only fly in Clinton's ointment is his personal character: he is a devious man, willing to do practically anything to gain power. But this is a remarkably minor problem for politicians in America.

augured as the nation's 42nd President next January 20. He is a genuinely skilled politician and has a real love for campaigning. He is intelligent and crafty to boot.

Working very strongly in Clinton's favor is the fact that the economy just isn't going anywhere, despite all the efforts of Bush to stimulate it with cheap credit and monetary expansion. Unless the economy recovers, George Bush's goose is cooked.

The only fly in Clinton's ointment is his personal character: he is a devious man, willing to do practically anything to gain power. But this is a remarkably minor problem for politicians in America, mainly because of the American will to believe that whoever leads them is a good person. This belief transcends any sort of rational analysis and infects practically all Americans. How else can one explain the love Americans showered on such ruthless and degenerate men as John F. Kennedy or Lyndon Johnson?

Of course, a lot can happen between now and election day. Dumb George might have the good sense to dump Dan Quayle. He might come up with an idea or two that appeal to the American voter. He might, for example, campaign against the Congress of career politicians by making the election a referendum on term-limitation and the balanced budget amendment. He might get Peggy Noonan to write some speeches for him. He might start another war against some pitifully impotent country. Or he might benefit from further revelations of Slick Willie's loathsome character.

But as things stand right now, the country is tired of the Bush presidency and tired of the boring old Republicans, just as they were in 1960, when another refreshing, young Democrat who positioned himself as a conservative knocked off a Republican. —CAA

Biting the hand— I was proud to be one of nearly a million Americans who voted for the Libertarian Party ticket of Ed Clark and David Koch in 1980, and grateful that Koch

made substantial contributions of both time and money to the race.

So I was interested in former libertarian guru Murray Rothbard's comparison of Koch (for whose candidacy Rothbard worked in 1980) to Perot (for whom Rothbard hoped to work in 1992):

"The People's Billionaire is willing to spend over \$100 million of his own money . . . Libertarians should *note* the contrast of the guts of Perot, of his willingness to spend what it takes to make him President; with the miserly contribution of only a million dollars to his own Vice-Presidential campaign of oil billionaire David Koch in the LP campaign of 1980." (emphasis and punctuation in original)

Wow! One million dollars is "miserly." Apparently Rothbard is now moving in some pretty wealthy circles!

The comparison of Perot to Koch is an apt one, though not in the way Rothbard proposes. Both Perot and Koch are wealthy men. Koch may not have Perot's billions, or Perot's willingness to promise money to his own campaign. But in contrast to Perot, Koch actually gave the money he promised.

—CAA

The politics of despair — Perot was in, now he's out, and we can look forward to a "normal" (i.e. hopeless) campaign again. Not that Perot himself held any promise for the cause of liberty, but didn't the idea of the two-party structure collapsing put a little smile to the corners of your lips?

But the fun of a constitutional crisis will pass us by this season, alas, so now I can't imagine *any* reason for a truly civilized, cultured lover of liberty to pay any mind to, or evince any support for, either or any of our choices. You may think a Marrou presidency would be a good thing — I don't — but he won't win. Clinton or Bush will win. And neither result is worth cheering, or even tolerating. The only civilized response to this horrid and depraved circus of passing the reins of the bandit state from one poltroon to another is studied indifference, and a dedication to pursuing the makings of a decent life — learning, literature, music, friendship and romance — as divorced from the State and its depredations as possible. Even following politics as a hobby seems corrupt and sickening these days, as politics is nothing more than idiocy, theft, murder and abysmally ignorant tinkering with the free movement of people's lives, interests and properties. We look askance at one whose hobby is, say, the intimate details of the lives of Mansons, Specks and Bundys. We should treat the aficionados of the muttering and meanderings of the Bushes, Bakers, Quayles, Clintons and Gores no differently. The demands of civilization dictate no less. —BD

Will to frivolity — In early July, conservative columnist George Will used his public forum to take judicial notice of the Libertarian Party. Any publicity is good publicity, especially for the LP, which often seems to operate hidden from all but political junkies who watch C-Span and LP members and prospects subjected to direct-mail pleas for cash and telephone pitches from fund-raisers hungry for commissions.

But Will doesn't have much good to say about the LP and its chosen standard bearer, Andre Marrou: "Marrou says the Libertarian Party 'certainly' will become the next major party,

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Property Rights Before and After the "Lucas" Decision

by William H. Mellor III

The Supreme Court decision affirming property rights in the *Lucas* case is welcome news for those who value human liberty and property rights. But don't break out the bubbly yet.

Last September, when Supreme Court nominee Clarence Thomas appeared before the Senate Judiciary Committee, Senator Joseph Biden dramatically waved aloft a copy of Richard Epstein's *Takings* and demanded that Judge Thomas disavow this manifesto for property rights.

Epstein's book had made the case that when the government restricts the use of land its actions constitute a "taking" of that land for which the owner must be compensated under the Fifth Amendment, which provides that "nor shall private property be taken for public use without just compensation." Biden was worried: he knew that in the coming years, issues concerning property rights would be coming to the Court in increasing numbers, and that if the Court accepted Epstein's argument and ordered the government to pay for what it takes from landowners, the public would be reluctant to support (or to tolerate) the sort of broad control that Biden favors.

The Supreme Court term that followed Thomas' confirmation had the greatest potential in years to reshape property rights jurisprudence in fundamental ways. Rent control, tax limitation, substantive due process and environmentally-motivated land use planning were all before the Court. One by one these cases were decided without launching the property rights revolution that many observers had anticipated. So interest was high on the last day of the term, when the most

significant of the cases, *Lucas vs South Carolina Coastal Council*, was to be released.

The case began several years ago, when David Lucas paid nearly one million dollars for two ocean-front lots. He planned to develop one for sale and to build his home on the other. At the time of purchase, Lucas' lots were not subject to South Carolina's coastal zone building permit requirements. But before building could begin, the South Carolina state legislature passed the Beachfront Management Act, which prevented Lucas from erecting any permanent habitable structure on his land.

Lucas went to court seeking compensation: the land for which he had paid nearly \$2 million was now virtually worthless thanks to the South Carolina law. The state, citing its general police power authority, refused to compensate Lucas.

Lucas won the first round. The trial court found that a taking had occurred and ordered payment of compensation. But the state would not relent and appealed to the South Carolina Supreme

Court. That court declared that no "taking" had occurred and thus no compensation was due. The rationale for its decision was the court's unquestioning acceptance of the legislature's unsubstantiated allegation that new construction on private property threatened the public beach. Such a threat to public beaches fully authorized the state to prevent "serious public harm" and halt such "noxious" uses of property viewed as akin to public nuisances.

On June 29, the United States Supreme Court reversed the South Carolina decision by a vote of 6 to 3. In an opinion written by Justice Antonin Scalia, the Court ruled that when government deprives a landowner of all "economically viable use of his land," compensation must be paid, with one exception: If the state is acting to curtail a nuisance under common law, recompense is not necessary.

As constitutional scholar Roger Pilon of the Cato Institute noted, in failing to address the fact that there is no principled distinction between a 100% diminution in value and a 95% reduction, the Court left intact a very

confused and ad hoc body of law. Nevertheless, the *Lucas* opinion is an important evolutionary step towards greater constitutional protection for property rights.

That a ruling as fair and limited as this could create as much disagreement on the Court as it did speaks volumes about the woeful state of property law

Although at first glance the impact of Lucas seems very limited, its implications go much further.

today. Although the specific ruling addressed only the rare instances of total taking, portions of both the majority and dissenting opinions deal with important presumptions that will guide future takings law. Under pre-*Lucas* practices, courts frequently rubber-stamped legislative land-use restrictions based on the flimsiest of legislative rationales. Sometimes courts would even uphold such acts based upon conjecture about conceivable rationales when none were offered by the legislature. In a refreshing departure from the prevailing practice of deferring to legislatures, Scalia put government on notice that no longer would courts accept without question any purported justification for land use restriction.

In one of numerous pointed ex-

changes between the majority opinion and the dissents, Scalia states:

In Justice Blackmun's view, even with respect to regulations that deprive an owner of all developmental or economically beneficial land uses, the test for required compensation is whether the legislature has recited a harm-preventing justification for its action. . . . Since such a justification can be formulated in practically every case, this amounts to a test of whether the legislature has a stupid staff. We think the Takings Clause requires courts to do more than insist upon artful harm-preventing characterizations.

Anyone who thinks the *Lucas* decision is unimportant should spend time reading the impassioned dissents of Justices Harry Blackmun and John Paul Stevens. These dissents would practically release the state from constraints in confiscating property, and they also reveal the profoundly different assumptions about individual property rights and State power that split the current Court. Blackmun cites the notorious *U.S. v. Carolene Products Co.* for the proposition that "the existence of facts supporting the legislative judgment is to be presumed." He goes on to argue that the legislature's judgment should be "well-nigh conclusive." Blackmun's view — which was the prevalent view in land use law prior to *Lucas* — allows sweeping restrictions on property rights supported by the baldest assertions of public harm.

A second key part of *Lucas* addressed the standard the court applies when it does look at the legislative rea-

sons for impairing the use of property. In saying that the legislature must do more than proffer an assertion that a prohibited use is inconsistent with the public interest, the court adopts Epstein's argument that the state must apply common law principles of nuisance to justify a non-compensated taking. A nuisance standard reins in unbridled state authority. As Epstein notes in his brief for the Institute for Justice, "[T]he objective of the law is to resolve conflicts in ways that maximize the joint value of all resources owned by the parties to the dispute. And the rules of common law nuisance do that better than any alternate set of rules."

The Court's modest and reasonable-sounding decision seemed anticlimactic. It failed to provide the unified theory of property rights for which many had hoped. Although at first glance, the impact of *Lucas* seems very limited — after all, most land use regulation does not prohibit virtually all uses — the implications of *Lucas* go much further. They touch upon the subtle, but crucial, defining of the assumptions that will guide future interaction between the individual and the state in land use disputes. The tragic erosion of property rights has paused with the *Lucas* case. But the recent Supreme Court term demonstrates that there is little likelihood of a sea change in the law. Those who advocate private property and human liberty must now use the positive points of *Lucas* in the house-to-house fighting that will be necessary to reinvigorate property rights as one of the pillars of our society. □

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and that a Libertarian president and Congress is [sic] 'inevitable.' He has the future figured out, as fanatics generally do. He is balding and bearded and has been called a 'cheerful Lenin.' He isn't. Cheerful, that is. There is, in fact, some Lenin in the clanking rhetoric by which he expresses his encompassing ideology — his life in the familiar 20th-century abode, the well-lit prison of one idea."

Will's basic problem with the LP, it seems, is that while he agrees that the idea of liberty is pretty good, "there is [sic] also, justice, domestic tranquility

and a good 5-cent cigar."

Having denounced the LP, Will takes a shot at the Republicans (they quadrupled the national debt and failed to stem the growth of government) and at the Democrats (they campaign for more spending by rechristening their spending programs as "investment" programs). Then he concludes:

"All of which makes the Libertarians' frivolousness especially regrettable. Once upon a time there were politically serious third parties — Bob La Follette's Progressives, Norman

Thomas' Socialists — which, by working at the margins, expanded first the nation's political discussion and then the nation's agenda. No more."

Of course, Will's conclusion doesn't make much sense. The LP has already "expanded the nation's political discussion" and its "political agenda" by "working at the margins," and it has done so in precisely the way in which the Socialists and Progressives did. Tax limitation and the balanced budget amendment, for example, have moved from the libertarian agenda to the

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Virulent Green Growth

by Fred L. Smith

Welcome to Rio, once a garden spot, now a dumpsite for toxic theories and politics hazardous to your health and well-being.

It did not take long for the agenda of the environmental leaders running the "Earth Summit" in Rio de Janeiro to become manifest. On June 3rd, when the United Nations Conference on Environment and Development (UNCED) officially opened, former oil magnate and Law of the

Sea guru Maurice Strong declared that the human race is "a species out of control" and that the Earth Summit represents "not an end in itself, but a new beginning" — a new beginning in bringing about transformations "rooted in our deepest spiritual, moral and ethical values." UNCED's Secretary-General told those assembled in the air-conditioned auditorium that there must be a widespread recognition of the ecological sympathies of the world's primitive peoples ("indigenous" peoples for the PC), because "they are repositories of much of the traditional knowledge and wisdom from which modernization has separated most of us." This would be a recurring theme for the week — the creation of the New Ecological Man, at peace with the planet, and bereft of modern civilization.

It was ironic that the ring-leaders of the Rio circus were so insistent in their talk of peace. There was hardly a street corner that was not occupied by military personnel and armored vehicles. Clad in green uniforms, they made one wonder whether the eco-police had already arrived, prepared to gun down those who would violate the sanctity of Mother Earth. In fact, some of those attending were pleased to announce that the na-

tion of India had already taken the first step in this direction, establishing "Green Brigades" to act as "ecological vigilantes" in all of India's 450 districts. Maurice Strong had already dreamed up all sorts of green-guerrilla fantasies, including the plot of a novel he has long hoped to write. In it, he describes an elite, environmentally concerned cabal of world leaders which decides that the primary risk to nature is the existence of industrialized nations. In Strong's words, "In order to save the planet, the group decides: isn't the only hope for the planet that the industrialized civilizations collapse? Isn't it our responsibility to bring that about? This group of world leaders form a secret society to bring about an economic collapse."

Of course, Strong, the pied piper of the international environmental establishment, was not alone in his assessments or policy prescriptions. Steven Schmidheiny was pleased that "environmental regulations are getting tougher." Schmidheiny is the founder and leader of the Business Council on Sustainable Development, an international coalition of business leaders that

promotes government intervention to keep profit-hoarding corporations from poisoning consumers and despoiling the earth. Schmidheiny communicates the startling supposition that levying increased taxes on consumption and the use of energy can actually spark economic growth. After all, he notes, the resulting gains in efficiency result in long-term saving in expenditures on energy. In a similar vein, it must be noted, hunger strikers rarely need to spend much money on food.

Then there was Gro Harlem Brundtland, the Prime Minister of Norway and Chairman of the World Commission on Environment and Development. The author of *Our Common Future*, she was one of the first to espouse the principles of sustainable development. Only through working together in a "democratic" fashion, she cried, could the people of the world solve the coming environmental crisis, apparently unaware that few of the leaders assembled there had been actually elected to their high offices.

"Narrowly focused national priorities," she warned, "will only hamper progress and stand in the way." Does

this mean that Norway is about to join the international community in banning the harvest of whales and seals? No, no, she answered. These species, she claimed, can be harvested without threatening the survival of those sea mammals, the eco-system, or Norway's important sealing industry. Apparently, beneath even the greenest of socialist breasts can beat the steely heart of a

"They talk about sustainable development," the Zimbabwean representative told me. "We developed a means of sustaining wildlife, and they have stopped it."

politician. The environment is important, but perhaps not *that* important.

Given the press reports before I left for the conference, I should have known what was in store. In preparation for the conference the Brazilian government spent \$37 million building a highway and a new conference center — a sum greater than Brazil's budget for rainforest conservation. Moreover, both were built upon wetlands, and the need for rapid construction of the highway induced Brazil to wave the requirement of an environmental impact statement. Then there was the World Conference of Indigenous People, held just outside of town at an insane asylum. As the *Financial Times* reported, "the inmates were amused." Were anything else on the Rio conference agenda but the end of Western civilization, I might also have cracked a smile.

Once the conference began, the insanity only increased. Brazil's President, Fernando Collor de Mello, was accused of corruption by his brother, who later recanted, claiming the accusation was triggered by a nervous breakdown. There were charges that Paulinho Paiacan, an Indian chieftain of the Caiapo nation (celebrated by rock star Sting and recipient of the Global 500 award for environmental citizenship), had raped an 18-year old girl and had done business with companies engaged in logging the rainforests. No one seemed particularly upset over the first charge, but the second prompted several environmental organizations to sever their ties with the native leader. Finally, several foreign journalists were horrified that they would be forced to suffer through the indignity of being assigned rooms with a view of Rochina, Brazil's largest slum. Heaven forbid that they be reminded of the world's more pressing human concerns.

The Bush administration's response to this grotesque carnival has been true to form: it ceded the moral high ground and intellectual premises to the opposition. EPA administrator William Reilly proclaimed at the Earth Summit's opening, "The United States embraces enthusiastically the goals of this conference," beaming that "the United States strongly supports the climate change agreement." This despite continuing scientific uncertainty, confirmed by polls of scientists conducted by Gallup, and even Greenpeace, concerning the potential impact — and even the very existence — of global warming.

Although the United States has long experienced net forest growth, chiefly because of the efforts of the private sector, Reilly declared that "a top

priority" of American policy was to reach an international agreement on forest conservation. It took a great deal of effort for the environmental establishment to misrepresent the American record on energy and the environment, but "ambassador" Reilly made no attempt to set the record straight. Allowing William Reilly to set the terms of America's environmental agenda has been an unmitigated disaster. Sending him to Rio to moderate the green agenda is akin to appointing W.C. Fields to curb the use of alcohol.

It was quickly apparent that nothing new was in the offing at the convention. So I went to the Global Forum, home to the plethora of non-government organizations (NGOs) attending the conference. If the Rio conference was a circus, then the Global Forum was Mardi Gras in full swing. Half ecological Woodstock and half New Age extravaganza, complete with Shirley MacLaine, the Dalai Lama, and a star-studded "Concert for Life," this was the holistic leftist's dream. Here, among booths set up by every conceivable

The threat posed by humans to the environment is nothing compared to the threat to humans posed by global environmental policy.

able group to hawk wares and antique ideologies, one could find every angle on the environment, from the "essential role of women" in pursuing sustainable development, to the need to give animals complete dominion over the Earth. There was even a selection of homoerotic art on display. I suppose this was one community's attempt to address the purported problem of overpopulation.

The overriding concern with birth rates might have kept some Catholics away, but other religious ministries were out in force. Indeed, the Baptists had two dozen people in attendance. Environmentalists may worship at a green pagan altar, but that did not dampen the enthusiasm of the Christian theologians in attendance.

If you agree with Robert Hutchins...

"... knowledge without wisdom has brought us to the edge of destruction and may at any time push us over the brink."

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Despairing that there was not one glimmer of rationality present in all of Rio, I happened upon some representatives of Western corporations. I was certain that American capitalists, at least, would be mortified at the agenda at Rio. Certainly not all of the corporate representatives would have the same distorted view of markets espoused by Schmidheiny's BCSD, and certainly some would enjoy encountering a fellow defender of the free market. I was sorely mistaken.

Among the overly apologetic and guilt-ridden businessmen that I encountered was a gentleman representing the Chlorine Institute, a trade association of corporations that provide water chlorination, thereby ensuring safe drinking water for people the world over. Blissfully ignorant of the industry he represented, he fretted, "I really worry about the amount of chlorine on the earth." That chlorine is a chemical element, neither created nor destroyed by man, never seemed to cross his mind. He was far more concerned about his product's potential effect on stratospheric ozone than was the average Brazilian citizen, particularly those lounging on the beach in such "textile efficient" apparel as thong bikinis. Never mind that the chlorination of water plays no role at all in the theory of the ozone hole so beloved by Al Gore and NASA. If the Chlorine Institute and Business Council on Sustainable Development are the best Western industry has to offer, capitalism is certainly in trouble.

I observed a similar fundamental lack of understanding in the delegate from Mauritius. He insisted that all na-

tions implement a carbon dioxide tax to prevent coastal flooding in his nation as a result of global warming. In fact, he'd been convinced by the "scientific community" that such greenhouse-induced flooding had already occurred. Given the dearth of scientists in his native country, this lack of understanding was not surprising. Interestingly enough, although sugar cane is Mauritius' largest industry, he was more

The Bush administration's response to this grotesque carnival has been true to form: it ceded the moral high ground to the opposition.

worried about the effect of global warming than trade barriers and foreign sugar subsidies on the development of his nation. (Mauritius was once home to the Dodo.)

Just when I thought that the inmates at the asylum were the sanest men in Rio, I encountered a delegate who made sense. Sam Moyo, the Executive Secretary for the Regional Network of Environmental Experts of Zimbabwe, was indignant over the environmental establishment. They had repeatedly refused to accept successful "sustainable development" programs, such as his nation's successful program of elephant "conservation through use."

"They talk about sustainable development," he told me. "We developed a means of sustaining wildlife, and they

have stopped it." Although Zimbabwe has one of the few African elephant populations that has increased in the past few years, the recent Convention on International Trade in Endangered Species (CITES) ruled that trade in ivory, even though it provides an economic incentive to preserve elephants and their habitat, was not an acceptable program of conservation. Instead the environmentalists talk about "eco-tourism," which Moyo realizes could never be sufficiently profitable to sustain an economy, and which other third world representatives view as nothing less than ecological imperialism.

Despite the intransigence of the environmental community, Moyo was optimistic that they would eventually learn the error of their ways. Indeed, he saw the possibility of a reversal of the CITES position as soon as 1994. I was not so optimistic. By this point UNCED had devolved into a near-orgy of lobbying and pleading for finance and technology transfers, reminiscent of Washington, D.C. In such an atmosphere, as one of my lobbyist friends often reminds me, anyone who does not have his hand out will not be given the time of day; "If you don't ask for something, you won't be taken seriously."

The environmental circus at Rio proclaimed that Man is the enemy. But I saw the enemy in Rio, and it is UNCED. The threat posed by humans to the natural environment is nothing compared to the threat to humans posed by global environmental policy. The road to serfdom, against which the late economist and philosopher F.A. Hayek warned, need not be paved with bricks of red — green bricks will do just fine. □

Reflections, continued from page 20

nation's agenda. On a more mundane level, the legalization of gold ownership in 1974 was almost solely the result of libertarian political activists.

Will's hostility to the LP seems more the product of his failure to understand and appreciate the critical importance of human liberty in the body politic. Libertarians value domestic tranquility, justice, and good cheap cigars as much as the next person. It is just that libertarians believe that peace, justice and stable prices are

products of human liberty, rather than the designs or plans of either left-liberals or of conservatives.

But Will has stumbled onto something. The plain fact is that, unlike LP nominees in the past, Marrou's articulation of libertarian ideas consists almost entirely of repeating slogans. His contempt for "those bookworm libertarians" is legendary among his friends; campaign staffers have long tried to get him to read a book or two. But he resists, confident that his sloga-

neering is sufficient.

It is not enough to have a fair command of the LP platform and an ability to regurgitate the official LP position on almost any issue. When Andre Marrou runs across a reasonably intelligent journalist (or voter) he is immediately perceived as what he is: a small-town real estate salesman who has learned a few bromides and repeats them with gusto. Marrou has somehow gotten the idea that libertarian

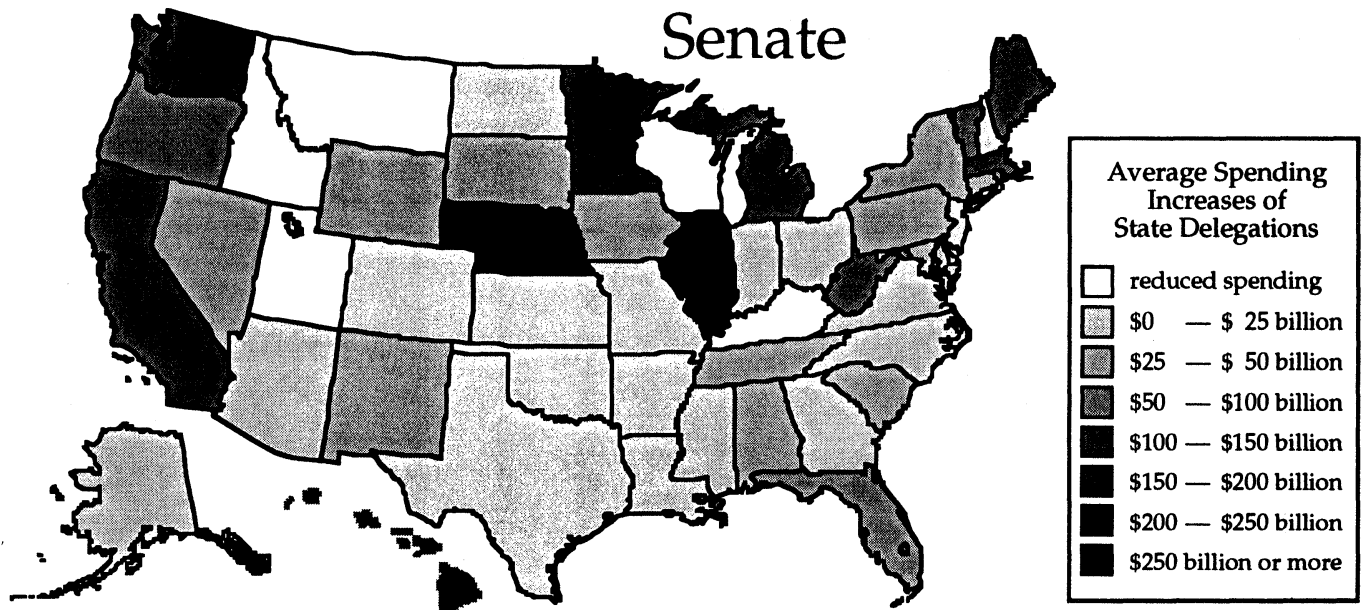
continued on page 77

Political Geography

Who the Spenders Are

The last balanced budget occurred before many Americans were born. Every year, members of the Congress blame each other and the President for the burgeoning National Debt.

A new study shows who is responsible, and where they come from.



R*	Name	Party	State	Increase	R*	Name	Party	State	Increase	R*	Name	Party	State	Increase	R*	Name	Party	State	Increase
73	Murkowski	R	AK	5,247	81	Nunn	D	GA	2,102	42	Mikulski	D	MD	14,156	21	Metzenbaum	D	OH	21,715
40	Stevens	R	AK	15,264	10	Akaka	D	HI	126,429	25	Sarbanes	D	MD	20,556	82	Boren	D	OK	1,813
32	Heflin	D	AL	18,669	9	Inouye	D	HI	126,503	66	Cohen	R	ME	7,424	77	Nickles	R	OK	4,410
17	Shelby	D	AL	23,958	75	Grassley	R	IA	4,977	12	Mitchell	D	ME	121,527	52	Hatfield	R	OR	12,056
53	Bumpers	D	AR	11,314	24	Harkin	D	IA	20,963	63	Levin	D	MI	8,662	14	Packwood	R	OR	47,434
92	Pryor	D	AR	-4,370	99	Craig	R	ID	-20,340	11	Riegle	D	MI	121,660	27	Specter	R	PA	19,956
37	DeConcini	D	AZ	15,927	100	Symms	R	ID	-25,657	56	Durenberger	R	MN	9,936	33	Wofford	D	PA	18,219
70	McCain	R	AZ	5,865	5	Dixon A.	D	IL	133,241	13	Wellstone	D	MN	90,933	22	Chafee	R	RI	21,652
4	Cranston	D	CA	136,280	2	Simon	D	IL	201,323	78	Bond	R	MO	4,275	16	Pell	D	RI	29,463
90	Seymour	R	CA	-3,562	93	Coats	R	IN	-5,539	76	Danforth	R	MO	4,847	50	Hollings	D	SC	12,532
72	Brown H.	R	CO	5,322	43	Lugar	R	IN	14,129	49	Cochran	R	MS	12,584	46	Thurmond	R	SC	13,499
41	Wirth	D	CO	14,173	38	Dole	R	KS	15,678	69	Lott	R	MS	6,118	39	Daschle	D	SD	15,329
29	Dodd	D	CT	19,372	79	Kassenbaum	R	KS	2,734	94	Baucus	D	MT	-5,770	34	Pressler	R	SD	18,185
65	Lieberman	D	CT	8,248	84	Ford	D	KY	528	83	Burns	R	MT	615	35	Gore	D	TN	17,804
57	Biden	D	DE	9,648	89	McConnell	R	KY	-3,127	96	Helms	R	NC	-11,662	59	Sasser	D	TN	9,089
95	Roth	R	DE	-9,958	87	Breaux	D	LA	134	31	Sanford	D	NC	18,756	88	Bentsen	D	TX	-2,782
15	Graham	D	FL	44,358	58	Johnston	D	LA	9,639	54	Burdick	D	ND	10,755	62	Gramm	R	TX	8,710
45	Mack	R	FL	13,557	3	Kennedy	D	MA	138,280	47	Conrad	D	ND	13,311	86	Garn	R	UT	188
60	Fowler	D	GA	8,976	23	Kerry J.	D	MA	21,636	64	Exon	D	NE	8,339	98	Hatch	R	UT	-16,074

About the Study . . .

The Congressional Budget Tracking System (CBTS) tracks and cross-indexes the cost of virtually all spending legislation with the sponsorship records of each member of the House and Senate. The figures above reflect the net effect on total federal spending if legislation sponsored or co-sponsored by each congressperson were enacted.

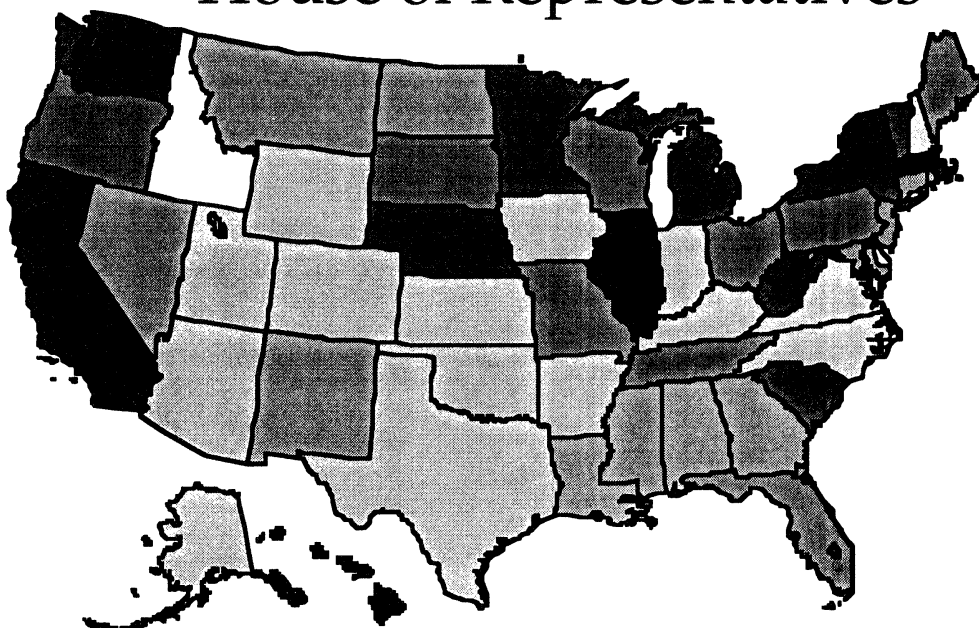
CBTS is a project of the National Taxpayers Union Foundation. All figures cited are in millions of dollars of increased spending for the period January 5, 1991 through April 5, 1992.

1	Kerrey R.	D	NE	245,111	67	Robb	D	VA	6,961
85	Rudman	R	NH	526	51	Warner	R	VA	12,467
55	Smith, R.C.	R	NH	10,573	30	Jeffords	R	VT	19,312
91	Bradley	D	NJ	-4,348	8	Leahy	D	VT	130,411
44	Lautenberg	D	NJ	13,839	6	Adams	D	WA	131,432
26	Bingaman	D	NM	20,106	28	Gorton	R	WA	19,572
74	Domenici	R	NM	5,139	97	Kasten	R	WI	-14,444
20	Bryan	D	NV	21,881	68	Kohl	D	WI	6,448
18	Reid	D	NV	23,653	71	Byrd	D	WV	5,360
48	D'Amato	R	NY	13,212	7	Rockefeller	D	WV	130,756
19	Moynihan	D	NY	23,485	36	Simpson	R	WY	16,879
80	Glenn	D	OH	2,729	61	Wallop	R	WY	8,942

* Rank

R* Name	Party	State	Increase
212 Young, D.	R	AK	15,363
163 Beville	D	AL	20,686
281 Browder	D	AL	11,318
228 Callahan	R	AL	14,351
341 Cramer	D	AL	7,691
284 Dickinson	R	AL	11,287
198 Erdreich	D	AL	16,176
333 Harris	D	AL	8,655
185 Alexander	D	AR	18,112
363 Anthony	D	AR	6,458
318 Hammerschmidt	R	AR	9,564
293 Thornton	D	AR	10,812
351 Kolbe	R	AZ	7,116
426 Kyl	R	AZ	-223
407 Pastor	D	AZ	2,934
411 Rhodes	R	AZ	2,027
391 Stump	R	AZ	4,872
280 Anderson	D	CA	11,346
66 Beilenson	D	CA	260,812
45 Berman	D	CA	277,594
1 Boxer	D	CA	404,879
33 Brown, G.	D	CA	287,004
195 Campbell, T.	R	CA	16,667
197 Condit	D	CA	16,481
291 Cox, C.	R	CA	10,865
309 Cunningham	R	CA	10,073
432 Dannemeyer	R	CA	-2,073
16 Dellums	D	CA	315,791
104 Dixon, J.	D	CA	37,494
192 Dooley	D	CA	17,143
117 Doolittle	R	CA	32,576
413 Dornan, R.	R	CA	1,895
149 Dreier	R	CA	22,980
9 Dymally	D	CA	336,511
54 Edwards, D.	D	CA	271,722
109 Fazio	D	CA	35,307
365 Gallegly	R	CA	6,401
367 Herger	R	CA	6,312
340 Hunter	R	CA	7,841
186 Lagomarsino	R	CA	17,888
132 Lantos	D	CA	27,327
401 Lehman, R.	D	CA	3,976
176 Levine, M.	D	CA	18,744
343 Lewis, Jerry	R	CA	7,429
338 Lowery	R	CA	8,135
5 Martinez	D	CA	342,542
184 Matsui	D	CA	18,278
422 McCandless	R	CA	674
47 Miller, G.	D	CA	277,274
153 Mineta	D	CA	21,981
370 Moorhead	R	CA	6,237
421 Packard	R	CA	700
307 Panetta	D	CA	10,318
25 Pelosi	D	CA	299,162
243 Riggs	R	CA	13,221
433 Rohrabacher	R	CA	-2,675
128 Roybal	D	CA	28,084
70 Stark	D	CA	217,757
418 Thomas, W.	R	CA	1,027
75 Torres	D	CA	153,484
179 Waters	D	CA	18,713
95 Waxman	D	CA	42,583
388 Allard	R	CO	4,969
259 Campbell, B.	D	CO	12,546
412 Hefley	R	CO	1,986
232 Schaefer	R	CO	14,201
166 Schroeder	D	CO	20,259
382 Skaggs	D	CO	5,453
113 DeLauro	D	CT	33,771
245 Franks, G.	R	CT	13,182
63 Gejdenson	D	CT	265,119
304 Johnson, N.	R	CT	10,428
216 Kennelly	D	CT	15,294
258 Shays	R	CT	12,550
403 Carper	D	DE	3,606
223 Bacchus	D	FL	14,950
134 Bennett	D	FL	25,681
241 Bilirakis	R	FL	13,518
230 Fascell	D	FL	14,314

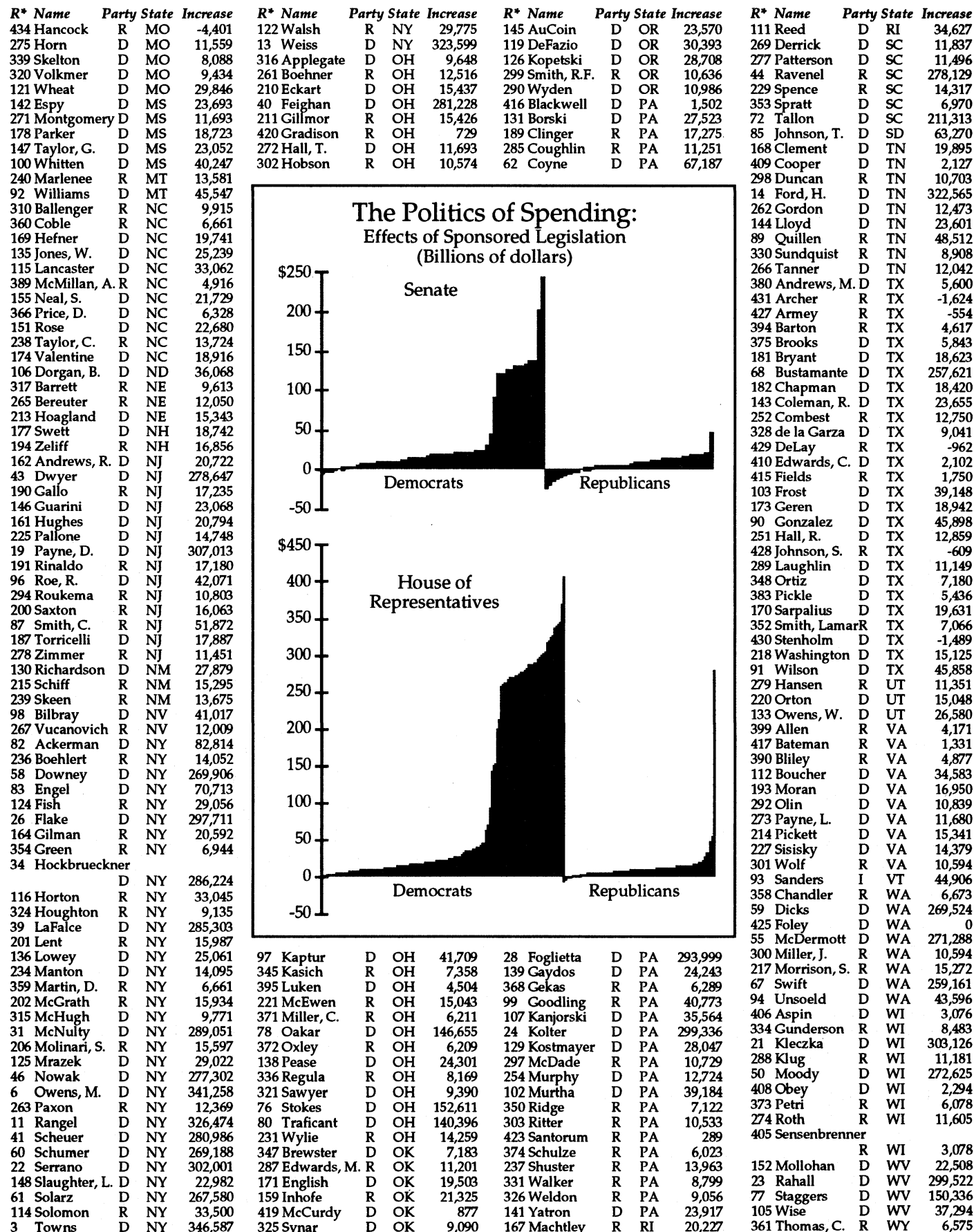
House of Representatives



R* Name	Party	State	Increase
73 Gibbons	D	FL	200,778
205 Goss	R	FL	15,607
327 Hutto	D	FL	9,053
369 Ireland	R	FL	6,265
335 James	R	FL	8,409
2 Johnston	D	FL	369,578
74 Lehman, W.	D	FL	187,078
346 Lewis, T.	R	FL	7,211
349 McCollum	R	FL	7,136
71 Peterson, P.	D	FL	211,814
175 Ros-Lehtinen	R	FL	18,873
283 Shaw	R	FL	11,307
120 Smith, Larry	D	FL	30,012
355 Stearns	R	FL	6,833
250 Young, C.	R	FL	12,883
342 Barnard	D	GA	7,679
246 Darden	D	GA	13,123
286 Gingrich	R	GA	11,249
180 Hatcher	D	GA	18,686
257 Jenkins	D	GA	12,565
165 Jones, B.	D	GA	20,545
48 Lewis, John	D	GA	276,211
384 Ray	D	GA	5,289
314 Rowland, J.R.	D	GA	9,799
308 Thomas, R.	D	GA	10,255
27 Abercrombie	D	HI	297,488
20 Mink	D	HI	303,133
260 Grandy	R	IA	12,525
208 Leach	R	IA	15,545
253 Lightfoot	R	IA	12,727
249 Nagle	D	IA	12,963
337 Nussle	R	IA	8,161
385 Smith, N.	D	IA	5,221
414 LaRocco	D	ID	1,844
183 Stallings	D	ID	18,359
42 Annunzio	D	IL	279,101
222 Bruce	D	IL	14,989
17 Collins, C.	D	IL	315,311
233 Costello	D	IL	14,190
295 Cox, J.	D	IL	10,739
404 Crane	R	IL	3,196
311 Durbin	D	IL	9,864
36 Evans	D	IL	285,696
305 Ewing	R	IL	10,378
435 Fawell	R	IL	-7,603

R* Name	Party	State	Increase
378 Hastert	R	IL	5,694
4 Hayes, C.	D	IL	343,915
203 Hyde	R	IL	15,679
37 Lipinski	D	IL	285,679
400 Michel	R	IL	4,000
329 Porter	R	IL	8,921
32 Poshard	D	IL	288,675
118 Rostenkowski	D	IL	31,805
64 Russo	D	IL	263,093
57 Sangmeister	D	IL	270,158
7 Savage	D	IL	338,939
38 Yates	D	IL	285,544
282 Burton, D.	R	IN	11,310
379 Hamilton	D	IN	5,674
313 Jacobs	D	IN	9,824
150 Jontz	D	IN	22,954
402 Long	D	IN	3,647
156 McCloskey	D	IN	21,608
364 Myers	R	IN	6,446
224 Roemer, T.	D	IN	14,786
381 Sharp	D	IN	5,514
356 Visclousky	D	IN	6,792
332 Glickman	D	KS	8,751
397 Meyers	R	KS	4,355
387 Nichols	R	KS	4,995
376 Roberts	R	KS	5,821
393 Slattery	D	KS	4,655
398 Bunning	R	KY	4,272
362 Hopkins	R	KY	6,516
207 Hubbard	D	KY	15,589
127 Mazzoli	D	KY	28,170
392 Natcher	D	KY	4,834
101 Perkins	D	KY	40,219
204 Rogers	R	KY	15,673
244 Baker	R	LA	13,184
157 Hayes, J.	D	LA	21,452
226 Holloway	R	LA	14,742
196 Huckaby	D	LA	16,649
81 Jefferson	D	LA	92,676
377 Livingston	R	LA	5,766
306 McCrery	R	LA	10,327
276 Tauzin	D	LA	11,542
69 Atkins	D	MA	256,540
396 Donnelly	D	MA	4,441
424 Early	D	MA	0
8 Frank, B.	D	MA	338,649

R* Name	Party	State	Increase
65 Kennedy	D	MA	262,553
30 Markey	D	MA	289,565
49 Mavroules	D	MA	273,174
296 Moakley	D	MA	10,735
137 Neal, R.	D	MA	24,605
53 Olver	D	MA	271,756
51 Studds	D	MA	272,588
319 Bentley	R	MD	9,516
323 Byron	D	MD	9,198
357 Cardin	D	MD	6,761
154 Gilchrist	R	MD	21,860
386 Hoyer	D	MD	5,038
188 McMillen, T.	D	MD	17,476
18 Mfume	D	MD	308,995
123 Morella	R	MD	29,152
255 Andrews, T.	D	ME	12,684
268 Snowe	R	ME	11,946
79 Bonior	D	MI	142,263
248 Broomfield	R	MI	12,966
209 Camp, D.	R	MI	15,544
312 Carr	D	MI	9,839
12 Collins, B.R.	D	MI	324,017
10 Conyers	D	MI	326,543
158 Davis, R.	R	MI	21,346
88 Dingell	D	MI	51,774
247 Ford, W.	D	MI	13,056
199 Henry	R	MI	16,077
108 Hertel	D	MI	35,331
29 Kildee	D	MI	290,931
256 Levin, S.	D	MI	12,602
344 Pursell	R	MI	7,417
52 Traxler	D	MI	272,096
235 Upton	R	MI	14,063
264 VanderJagt	R	MI	12,234
140 Wolpe	D	MI	24,162
35 Oberstar	D	MN	285,973
270 Penny	D	MN	11,745
110 Peterson, C.	D	MN	35,210
219 Ramstad	R	MN	15,074
172 Sabo	D	MN	19,354
160 Sikorski	D	MN	20,965
56 Vento	D	MN	270,394
242 Weber	R	MN	13,471
15 Clay	D	MO	318,446
322 Coleman, E.	R	MO	9,368
86 Emerson	R	MO	56,629
84 Gephardt	D	MO	69,450



Contention

War on Drugs, War on Progress

by James Ostrowski

Nothing stands between humanity and a new frontier of technological progress — except for Luddite reactionaries and their War on Drugs.

The prospects for drug legalization today are very much like the prospects for ending communism in 1975, or witch-hunts in 1600: terrible in the short run, inevitable in the long run. If that long-run victory is to come as soon as possible, libertarians must learn why it is we are losing the fight for legalization now, and why our final success is inevitable — and adjust our strategy accordingly.

When I started working for legalization in 1984, my primary goal was to use the issue as a lever to advance the entire libertarian agenda. Drug prohibition, involving the government's claim to own our very minds, was the perfect symbol of statist tyranny. The issue was also a classic entrepreneurial opportunity for libertarians, since no other political groups were working on it. Besides, if the public could be persuaded to change their minds so abruptly about such a once highly unpopular proposal as drug legalization, we could

accomplish anything. If we could end the war on drugs, we might even deregulate taxis someday.

But the leading libertarian power and money brokers were afraid of the drug issue in the mid-eighties. Only after such nonlibertarians as William F. Buckley, Jr. started talking about the issue did the Cato Institute commission a report from me. By the time the report came out in May 1989, various nonlibertarian groups and individuals had already taken the lead in pushing this uniquely libertarian issue.

In late 1989, I was approached by

Cato President Ed Crane to set up the organization Citizens Against Prohibition (CAP). Then came the Gulf War, nipping the renewed interest in the bud. CAP would have been the first truly pro-legalization citizens' organization in the country, but it lost its funding, in part because of concern over the Iraq crisis. The political operatives in and around the Cato Institute who asked me to set up the organization decided to abandon the project and instead organize an anti-Gulf War effort. (CAP's death was also hastened by the turf-protecting liberal leaders of the



Drug Policy Foundation, who apparently convinced philanthropist Richard Dennis to not support our effort.)

Since that time, drug legalization has dropped off the media agenda. My phone is no longer ringing for interviews. I see little coverage of the issue on television or in the establishment press. A computer search through the nation's leading newspapers confirms this. In the 19 months prior to August 1990 (when Desert Shield began), there

Let's be clear about this, even in an atmosphere of social hysteria: the drug warriors are enemies of science, reason, freedom, peace, technology, and evolution. They are enemies of the future of humanity.

were 72 articles about drug legalization. In the 18 months thereafter, only six articles appeared.

When an all-time murder record was set in 1990, there was no talk at all that drug legalization would help solve the problem; instead, a Senate committee headed by Joe Biden regurgitated the usual pro-gun control gibberish. Though the Drug Policy Foundation continues to hold its annual academic conferences, these mostly involve preaching to the converted. To my knowledge, no major figures have endorsed legalization since George Schultz did in 1989.

Because the drug reformers of the late 1980s failed to close the deal while they had the chance, intervening events stole the public eye and left them floundering. The drug legalization movement that began around 1985 ended in August 1990. It's history. The hope of short-term victory proved to be a delusion.

A Religious War

Since the pressure is off to present the legalization argument in politically palatable terms, it is time to delve into the reasons for legalization more deeply. As Thomas Szasz has observed, the war on drugs is basically a religious

war. Though initially skeptical about this assertion, I have seen it demonstrated empirically many times in the course of the legalization debate. Drug warriors systematically lie, distort, and ignore the truth. They are impervious to any facts, evidence, or logic demonstrating the practical failure of their policy. Just as cost-benefit studies and body counts would not have persuaded Khomeini to end a Holy War against a demonized enemy, the drug warriors cannot be persuaded by such methods to end their Holy War against drugs. When the New York City health commissioner said that *no* amount of evidence could change his mind about legalizing needles to fight AIDS, he echoed the sentiments of hard-core prohibitionists everywhere. And his was nothing if not a religious statement.

The drug issue is religious in the sense that it involves a conflict over ultimate moral values, values that cannot be proven true or false through generally accepted methods. One's views on drug policy reflect one's basic judgment of how human life is to be lived. On one side are those who believe it morally imperative that human beings pass through life with their "natural" consciousness more or less intact. On the other are those who believe that the pharmacological manipulation of consciousness, while potentially dangerous, is morally unobjectionable.

Those who believe that our consciousness must remain unaltered by drug technology are the theological and ideological descendants of those who held, in the Middle Ages, that our physique must remain unaltered by medical technology. The medievalists believed that life in this world is not our ultimate destiny; rather, our destiny was a spiritual world to be entered after death. They rejected the notion that worldly human success is the highest moral value and did not hesitate to oppose technological advances they believed threatened their spiritual values. Likewise, their contemporary cousins — the drug warriors — do not hesitate to forcefully stop us from exploring all the possibilities drug technology can offer. In the process, they trample over the principle of freedom of religion by forcing on others their

own vision of the good. Notice the asymmetrical relationship between drug warriors and drug legalizers. Prohibitionists impose their vision of the good on legalizers, while legalizers would not force prohibitionists to use drugs, or deprive them of religious freedom in any other way.

Those who think it is straining to classify psychoactive drugs as technology should ponder the phenomenon of "virtual reality," an electronic consciousness-altering technology that works by bombarding the senses with electronic visual, auditory, and tactile stimuli. Its ability to alter consciousness and take you "out of yourself" is powerful. Virtual reality is basically a non-chemical drug.

The most fundamental moral arguments prohibitionists make against pharmacological drugs can also be made against virtual reality: it allows people to gain satisfaction without engaging in traditional life-enhancing activities; it alienates people from society by allowing them to engage in solitary

Arguing with drug warriors about individual liberty is as useless as having the same argument with a Nazi or an Inquisitor.

pleasure-seeking, thereby eroding the moral sensibilities that make social life possible; and so on. In the near future, as the technology of virtual reality becomes more sophisticated, drug warriors will be forced to seek its prohibition because virtual reality will likely be able to produce sensations similar to — even more intense than — those produced by drugs. At that time, the thesis that the war on drugs is a war on technological progress will be conclusively proved.

The Evolutionary Factor

There is another factor in this discussion: evolution. Evolution and change seem to be built into the very structure of the universe; they are certainly built into the structure of living things. Life on earth evolved from non-

living matter. Single-celled organisms evolved into more complex ones. Human beings evolved from lower primates. Humanity is still evolving and the pace of its evolution is faster than ever — and is being mediated through technology.

It is arguably our evolutionary destiny to have complete command of our environment down to the molecular level. Molecular engineering, or nanotechnology, seems inevitable. Although it may be frightening to some, the molecules that make our very consciousness possible will likely be subject to our control. There is built into human beings a desire to improve themselves. Mencken described how this force made the Renaissance possible:

In the course of time, humanity's strong inborn curiosity — the most familiar manifestation of its basic instinct to preserve life by constant adaption to its environment — became overpowering, and brave men with the lust for knowledge raging within them defied the church and its inquisitors.

To paraphrase Aristotle, the aim of life is first to live well and next to live still better.

If life on earth evolved from single-celled organisms and is destined to evolve to the level of beings who engineer their very selves at the molecular level, what must we make of the war on drugs?

In their pure form, potent mind-altering drugs were discovered only in the 19th century. The technologies used then were crude and sometimes even dangerous, the most rudimentary and elementary stage of engineering consciousness. No final resting place by any means, they are analogous to the wheel in the history of transportation. What will come in the future will make them seem trivial. And the future will come, as it came with the Renaissance. Humanity's desire to gain ever greater control of its environment cannot be suppressed; it can only be channelled — we hope — in positive directions.*

In this historical context, the war on drugs is a counterrevolutionary and counter-evolutionary movement doomed to failure by the overriding human desire for self-perfection.

The war on drugs is a religious war fought by those who oppose the use of technology to alter or engineer consciousness. The engineering of human consciousness is simply the present stage of human evolution. First, we engineered matter; that is, we made matter conform to the thoughts in our minds. Then, quite recently, we started engineering our physical selves through medical science. We began to conquer the very natural process of disease, decay, and death by making our bodies conform to our own mental desires. Now, we have begun to achieve the capacity to make our minds conform to our own choices and desires.

Those who do not want anyone to move along to this next stage of technological evolution are now leading the war on drugs. Their philosophical ancestors led fights against reason, science, technology, and medical progress throughout the ages. As Ayn Rand once wrote, the man who discovered how to make fire was probably burned at the stake.

The war on drugs can be viewed as the opening salvo in a war between futurists and reactionaries that will rage throughout the next century, along such battle fronts as drugs, virtual reality, bioengineering, and nanotechnology. The reactionaries cannot win this war. They can only postpone the moment of their defeat and thereby rob generations of their potential.

A Strategy for Victory

Like similar mass hysterias — witch-burnings, Holocausts, Communisms — the war on drugs is a popular endeavor. Indeed, those who oppose such hysterias are considered odd or crazy. Anticommunists in Russia were put in insane asylums, and opponents of witch-burnings in the Middle Ages

were probably denounced as witches themselves and burned at the stake. Here and now, advocates of legalization are regularly denounced as crazy, pro-addiction, or anti-children.

But let's be clear about this, even in an atmosphere of social hysteria: the drug warriors are enemies of science, reason, freedom, peace, technology, and evolution. They are enemies of the future of humanity.

What can we do about them? Policy tinkering won't work. Cost-benefit

*If we are to legalize drugs,
we must abolish the FDA; if we
don't, we can't legalize drugs.*

analyses won't work. Rather, the war on drugs must be exposed and challenged at its philosophical roots.

We can no longer accept our opponents' premise that any and all present and potential psychoactive substances are evil. We can no longer yield the moral high ground to the opposition — as most liberal and conservative legalizers do — and simply plead with them not to use force to achieve their goal. The drug warriors' minds are not subtle enough to grasp the distinction between morality and law, between persuasion and force, between allowing allegedly immoral acts to occur and condoning them. Furthermore, since the war on drugs is a religious war, they simply don't care about the secular rights established by Enlightenment thinkers. They consider their goal of a drug-free society to be more important than protecting rights. Arguing with drug warriors about individual liberty is as useless as having the same argument with a Nazi or an Inquisitor.

The main reason we drug legalizers have a tough time winning debates is that the public views us as advocates for the kinds of drug use now associated with illegal drugs. The war on drugs has prevented rational and responsible people from developing a drug industry and instead placed it in the hands of violent street hoods. When people associate drug legalization, not with shooting galleries, but with a modern,

* The modern nation-state — with its philosophy that good things come from the use of aggressive force, and even better things come from the use of massive aggressive force — is the single greatest obstacle to the use of technology for peaceful and positive purposes. The nation-state's proudest achievement and most appropriate symbol — the nuclear bomb — is also the greatest perversion of technology.

scientific, life-enhancing, life-extending movement, we will win. Modernity will vanquish neo-medievalism exposed as such.

We need to discard the image of the illegal drug culture by conjoining the drug legalization movement with a drug deregulation movement that embraces all existing drugs. We can sell this concept by emphasizing the benefits of the life extension philosophy: increased intelligence and vitality, better health and longer life. We need to propose the abolition of the DEA and the FDA, as well as an end to the prescription system, which gives doctors and the state monopoly power over drug use. We can even co-opt some of the movement for national health insurance by urging a different path: people taking control of their own health in a free market where deregulated drugs will sell for vastly lower prices. We can attack the FDA for withholding needed drugs from AIDS patients as well as cardiac and cancer patients. The unifying theme will be Thomas Szasz's concept of the right of self-medication.

There is another advantage to this strategy. The liberals who seized the drug issue from libertarians by peddling murky and moderate regulatory schemes of drug-dispensing will not be able to co-opt this approach. Their paternalistic instincts will not allow them

The war on drugs is a counter-revolutionary and counter-evolutionary movement doomed to failure.

to utter the nasty word "deregulation," and they will never — and I mean *never* — call for the abolition of one of their favorite agencies, the FDA.

But it is precisely on this issue that the liberal legalizers will become hopelessly ensnared in the contradictions of their paternalistic philosophy. A recent article in *American Pharmacy* magazine by two anti-legalization writers argues persuasively that the liberal vision of

legalization living side-by-side with an FDA is impossible. The authors argue that legalized drugs would come under the jurisdiction of the FDA, in which case the FDA's insistence that drugs be "safe and effective" would sabotage the distribution of drugs. Alternatively, if the FDA's jurisdiction over psychoactive drugs was removed, this would cause conceptual and practical chaos in the existing regulatory system which no side would tolerate for very long. Why should cold medicine be regulated and heroin not? In short, if we are to legalize drugs, we must abolish the FDA; if we don't, we can't legalize drugs.

Combining drug legalization with drug deregulation is not just good strategy for libertarians. It is a practical and legal necessity for anyone serious about ending drug prohibition. With this approach, carried out by an effective organization, libertarians in the 1990s can recapture the leadership of the drug legalization movement they lost in the late 1980s. Then, on to victory! □



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The Non-Politics of H. Ross Perot

by Stephen Cox

The problem with Perot is that he was not enough of what he claimed not to be. And that's the problem with some of the rest of them, too . . .

The sudden withdrawal of H. Ross Perot from the presidential race, at a time when thousands of enthusiastic volunteers were triumphantly petitioning him onto the ballot in virtually every state, apparently occasioned no surprise to Perot himself.

In the July 16 press conference in which he announced his withdrawal—no, sorry, his decision “not to run”—Perot maintained his normal smirking, self-righteous aplomb. He explained that he had decided not to run because he was a patriotic American who simply wanted the best for his country. He attacked the intelligence of anyone who might look deeper for a motive.

But what if you still can't bring yourself to believe that Perot's patriotism was excited, as he explained it, by the spectacle of the two major parties' finally beginning to “focus themselves” on the issues that he had brought up? What if you can't bring yourself to believe that Perot was assailed by a sudden fear that the “political process” might be “disrupted” by his candidacy?

If you can't believe these things, other explanations are available:

Perhaps Perot's drop in the polls convinced him that he could not, in fact, *continue* to disrupt the political process.

Perhaps the signs of distress in President Bush's campaign indicated to Perot that he had succeeded in wounding Bush, whom he greatly dislikes.

Perhaps Perot had reached the point at which he might have had to start spending some serious amounts of his own time and money, instead of relying primarily on his followers. As it is, they have generated mailing lists of millions of names that Perot can exploit on later occasions. If he can't win this year, he may think, maybe he can win some other year — or at least continue to threaten the Democrats and Republicans with the possibility of another such intervention as we have seen.

Perot's motives, therefore, need not remain mysterious. Neither is Perot himself a mystery. You know him well.

He's the guy who sits beside you on the airplane and won't let you sleep. He's got to tell you just one more anecdote about his clever business deals.

He's the next-door neighbor who calls the cops on those teenagers who skateboard through the back alley. “I don't know what to do about these kids,” he says, shaking his head and, for some reason, grinning from ear to ear. “I'm just so concerned about their safety.”

He's the lawyer who somehow gets himself elected to the board of your condo association, where he entertains his captive audience with expert opinions on roofing, weather cycles, and the secret life of decorative plants, meanwhile fending off all legal questions by declaring that “these issues require more study.”

If the opinion polls are right, a plurality of our countrymen believed that a man like this is well qualified for the job of President of the United States.

They believed this, apparently, because Perot is not a politician. He is a businessman, and a successful one. He was supported even by people who look forward to every election as an opportunity to vote against “big business.”

This widespread popularity may be the only mysterious thing about Perot.

But perhaps there's an explanation for that, too. One possibility is that people see Mr. PEE-row (as his Texas friends used to call him) as the country boy who *got* rich, thus validating every American's belief that he or she has the ability to rise to the top despite the exploitative schemes of those bastards

who are rich.

Another possibility is that people simply hate all politicians and preserve a lingering faith in the unpolitical virtues of industry, efficiency, and decisiveness that they think are possessed by good businessmen, whatever else they may think of businessmen.

The error in this thinking, the enormous error, is that the presidency is a political office, and its proper qualifications are political. It is a job for someone who understands politics — real politics, which goes beyond ad hoc speculations about the “political pro-

People hate politicians and preserve a lingering faith in the unpolitical virtues of industry, efficiency, and decisiveness. The enormous error in this thinking is that the presidency is a political office, and its proper qualifications are political.

cess,” and far beyond the the “politics” of vote-getting, “consultation,” and “consensus-building.” (This thing called “consensus-building,” frequently lauded by Perot, was also a favorite enterprise of Lyndon Johnson and other great “politicians” of the recent past.)

The role of the President of the United States is not to make money for his firm by competing with rival firms. It is not to arrange funding for bold investment schemes. It is not to seek out and hire the best planners and engineers. It is not to develop and market new computer equipment.

Although what is good for business may also be good for America, America is not a business. America's government, at its best, is a political structure designed to secure to individual people the freedom to engage in business, or anything else they want to engage in. The writers of our constitution never imagined that government officials were supposed to do the people's business for them; they imagined

only that such officials might be able to understand and maintain a political structure of balanced and limited powers.

That, they imagined, was the proper role of politicians.

Now, a businessman may also be a politician; so may a teacher, a nurse, an engineer, or a soul singer. But what the politician needs to have, in his or her role as politician, is a knowledge of the structure of American constitutional government, the reasons for its establishment as a limited government, the effects of government intervention in social and economic life, and the political causes, effects, and remedies of such intervention.

In short, an American politician needs to know better than to play the same part in government that he or she might play in business. One thing more: a real politician needs to know how to explain political principles to his or her constituents, so that they will understand what may justifiably be expected from the political process.

I have just outlined the kind of knowledge that Mr Perot and his ilk conspicuously lack.

On June 29, Perot was interviewed on ABC by Peter Jennings and the usual collection of citizens chosen to represent a variety of interests. He was interviewed at great length — at excruciating length, as it turned out, because he had nothing whatever to say, at least nothing that might have anything to do with qualifying him for the position he sought.

As a candidate for a political job, he was asked a number of questions that merited political answers. He was asked about standards for the appointment of government officials. He was asked about the government's alleged right to prevent or delay people from having abortions. He was asked about the government's involvement in warfare overseas. He was asked about the government's role in respect to welfare, trade, and industry.

To all of these questions he responded at length. None of them he answered.

His responses were social, personal, “moral,” and “business,” never political. His favorite re-

sponse was to indicate that opinions about this or that government policy might vary, but that such differences of opinion would not be permitted to “distract” him from his major purpose, which was “putting America back to work.” That is what he, as presidential businessman, intended to do. (That is also what the major-party presidential candidates intend to do.)

Of course, putting people to work may be a worthy personal ambition, depending on what the people are put to work doing. It may be a worthy purpose for a businessman. But one would like to know precisely what the presidency has to do with this ambition.

How should the President put people to work? What powers of his office should he use to do that? Should he try to raise taxes, or reduce them? Should he try to make tariffs higher, or lower? People on welfare, Perot has said, should be assisted to get jobs, or even forced to work. But what political means should the President use to accomplish these purposes? Whose responsibility is the welfare enterprise, and why? How does this or that use of political power affect the economy, or the political structure itself?

Oh, Perot often said, when pressed for that bizarre and incredible thing, an answer: That's a matter for study and consultation. We'll all have to work together on that.

In other words, let's not be distracted by the political means; let's remember the social ends.

It is not surprising that Perot recently remarked, in an off-hand way, that (1) the Constitution is out of date,



“I said I'd face up to the issues and I did!”

because (2) the Constitution was written before the industrial age. What political reasoning connects those two statements? I have no idea — and neither did Perot.

In his long, long interview on ABC, Perot did not explain how he proposed to reduce or even to restructure the welfare system. He didn't say how he proposed, if he did propose, to reduce the deficit. He did not reveal his position on the use of military force, except to complain that President Bush had consorted with the Iraqi dictatorship before its invasion of Kuwait, and to declare in no uncertain terms that oil is never worth fighting for. He did not expand the list of militarily worthless commodities beyond that point, or supply reasons for his statement.

Perot referred several times to America's once having been on top but now needing to have someone make it number one again by — once more — "putting it back to work." But what were the political reasons for America's former triumph? What were the political reasons for its current slump? What political means did Perot have in mind for its restoration?

Perot wasn't telling.

Asked whether he would appoint homosexuals to high government posts, he said — he who had made

A real politician needs to know how to explain political principles to his or her constituents. This is precisely the kind of knowledge that Perot conspicuously lacks.

sure not to hire homosexuals in his business and who had fired employees who committed adultery — that his difficulty in appointing homosexuals was his tenderness of heart. He couldn't bear to appoint homosexuals if they would be treated by the Senate in the awful way in which poor Anita Hill was treated when she tried to stop the appointment of her former boss, Clarence Thomas, because, years be-

fore, he had allegedly asked her out on dates. "I have," said Perot, without evident embarrassment, "a great love and concern for people."

Does Perot think that the President or the Senate should be concerned with the sexual preferences or conduct of government appointees, and if so, why? Does Perot think that the homosexual issue and the Thomas-Hill issue are somehow the same? Perhaps these questions need not be asked of someone who has "a great love and concern for people."

Perot, you understand, doesn't just love people in general. As he testified in his interview, he has a great love and concern for black people, white people, female people, all kinds of people.

It's no wonder that the people who rose from Perot's audience to question him grew slack-jawed, listless, and disoriented by the end of his "answers." They weren't making much headway.

But Perot was doing swell. That was far from the low point of his campaign. His inability to specify even one political principle or useful method of arriving at a political goal didn't disturb him in the slightest. Every wandering, condescendingly nebulous "answer" was declaimed in a tone of sublime self-confidence, Perot's little eyes glistening relentlessly above his brisk little mouth and pointy little cocksure smile.

Need we wonder why the ultraliberal community of Hollywood was reported to be shifting its allegiance away from Clinton and toward Perot? Need we wonder why Perot was fawned over by the press? These are the elements in our society that are most worshipful of "success" and "power," most impatient with attempts to understand any kind of principles, most titillated by "love and concern for people," least afraid of warm-hearted tyrants, least capable of knowing clichés when they hear them.

"Cliches"? Yes, because this kind of thing has happened before.

Sixty years ago, in the last days of Herbert Hoover, Isabel Paterson, who has as good a claim as anybody to be regarded as the intellectual founder of the American libertarian movement, identified America's political problem

as its inability to think in political terms. "This country," she said,

started on sound working principles. The main idea was that the Federal government was to be political, not economic. It was to protect human rights from the pressure of group interests and interferences, not to legislate people into either piety or prosperity or private morality. . . . The highest consideration was personal liberty, and therefore the highest power of government must be dedicated to that.

Paterson complained that people voted for Great Engineers and Great Business-

Need we wonder why the ultraliberal community of Hollywood was reported to be shifting its allegiance away from Clinton and toward Perot? Need we wonder why Perot is fawned over by the press?

men and Great Moral Leaders, as if the government ought to be run in the same way as an engineering firm, a factory, or a church. The result was that the government was run that way, right into the ground. What the country needed was politicians who knew politics, who understood the "republican-libertarian principles" on the basis of which prosperity and morality, which can never be decreed, can be allowed to flourish.

Paterson was startled at the low level to which American political discussion was reduced during the regimes of Hoover and Roosevelt. I hate to think what she would say of the present.

Consider, for a moment, the horrors of the Democrats' New York nominating convention, a rhetorical circus designed, apparently, to tickle the fancy of retired teachers who most enjoy MTV, Unitarian church services, and the sticking of pins into George Bush dolls. Consider the noises emerging from the Republican convention on the issue of, say, "health care."

continued on page 44

Wilderness, Church, and State

by Robert H. Nelson

The Constitution of the United States forbids the federal government from sanctioning a national church. But what about churches without walls?

Many environmentalists, as well as their critics, acknowledge the religious roots of environmentalism. And for the environmental movement nothing is more sacred than wilderness. As environmentalists commonly say, wilderness areas are the "churches" of environmentalism. The broader public as well tends to tolerate this characterization, perhaps reflecting a general sense that wilderness areas are indeed very special places.

Few seem willing to address the difficult political question that inevitably follows: If the creation of a wilderness area has a genuinely religious meaning, how can it be reconciled with the longstanding constitutional principle of separating church and state?

If wilderness areas are truly churches of an environmental religion, it follows that when government preserves or protects them, it is engaged in the creation and the management of a national system of churches. It is unacceptable — indeed, unconstitutional — for government to create or manage churches for Christians or Jews. Why, then, should it be acceptable for an environmental religion?

Founding the One True Church

But is it fair to call wildernesses churches?

Wilderness areas can serve as a museum of the biological and geological history of the United States, especially important for a nation that otherwise lacks a long history to record. They

also perform several utilitarian functions: recreation, watershed protection, scientific research, etc. However, most of these are also served by many other areas of the national parks, national forests and other public lands that are neither designated nor protected as wilderness. Plainly, serving these human needs is not what specifically characterizes land designated as wilderness.

The distinguishing character of wilderness is defined in the Wilderness Act of 1964: a wilderness must be "an area where the earth and its community of life are untrammelled by man," and should still exhibit a "primeval character and influence." As envisioned by Congress, a wilderness area thus constitutes a place for contemplating the condition of the earth as it was originally created — or at least as it existed before human activities transformed its character. As the *Los Angeles Times* explained on the 25th anniversary of the Wilderness Act, "Americans need places where they can wander off at their own pace to experience the grandeur and sublimity of nature that is unaffected by man. They

can look in the waters of a mountain lake and see themselves in new ways." In a wilderness area it is possible to "witness the world anew. . . . Their thoughts can soar with the eagles."¹

Solitary contemplation, learning about creation, deep spiritual feeling, and emotional replenishment are generally experienced in a church. And, as historian William Dennis has written, many early advocates of wilderness protection explicitly identified their church: "Wilderness was to be the Temple and the Cathedral for ages to come."² One early wilderness enthusiast stated that "my God is in the wilderness. . . . My church is the church of the forest."³

The writings of John Muir in particular are filled with references to the religious character of wilderness. He describes primitive areas as "temples" and trees as "psalm-singing." Of the wilderness he wrote that "everything in it seems equally divine — one smooth, pure, wild glow of heaven's love."⁴ Roderick Nash, the leading historian of American environmentalism, explains that for Muir the experience of the wilderness was one in which

"life's inner harmonies, fundamental truths of existence, stood out in bold relief."⁵

More recently, the Wilderness Society explained that it was necessary to preserve wilderness areas because, "Destroy them and we destroy our spirit . . . destroy them and we destroy our sense of values."⁶ Sierra Club chair Michael McCloskey writes that the most important reason for the government to create wilderness areas is that they provide "beacons of hope for all those whose lives are oppressed by lines of traffic, layers of smog, piles of trash, and the menace of toxics. At last, perhaps, we can understand what Thoreau meant when he said: 'In wildness is the preservation of the world.'"⁷

Nash finds that the "recent concern for nature" is characterized by a "quasi-religious fervor." Contemporary "eco-theologians" preach the message of a new "gospel of ecology."⁸ A strong advocate for reducing the human presence in the national parks, Joseph Sax, describes himself and fellow preservationists as "secular prophets, preaching a message of secular salvation." In his much noted recent book, *The End of Nature*, Bill McKibben states that a pervasive "crisis of belief" exists in our time which has led "many people, including me . . . [to] overcome it to a greater or lesser degree by locating God in nature."⁹

The Message of Environmental Theology

Many of the environmental faithful ground their convictions in a theology that offers a story of the creation, the fall of man into sin, the possibility of redemption, the character of good and evil, and other traditional religious messages. Indeed, it is its continuity with the western religious heritage that seems to best explain the great public appeal that environmentalism has demonstrated in recent years.

In the message of environmental theology, the earth as originally created was a harmonious and innocent

place. At first, mankind did not disrupt this harmony, because people were so few and so dispersed. But this condition did not last. Like the Biblical fall in the Garden of Eden, the rise of human knowledge provoked a fall

empire."¹⁰ Foreman summarizes the new environmentalist rendition of the familiar story:

Before agriculture was midwived in the Middle East, humans were in the wilderness. We had no concept of "wilderness" because everything was wilderness and we were a part of it. But with irrigation ditches, crop surpluses, and permanent villages, we became apart from the natural world and substituted our fields, habitations, temples and storehouses. Between the wilderness that created us and the civilization created by us, grew an ever-widening rift.¹¹

Christian theology has long taught that salvation can be achieved, and the human soul cleansed, only by reversing the effects of the fall, by resisting the temptations of evil, renouncing worldly values, and accepting the harmony ordained by God. In environmental theology, humanity must reject the temptations found in modern scientific and economic knowledge and turn back to the original harmony and innocence of the natural world. This requires a cleansing of the "artificial" impacts of man from the Earth and a recovery of the "natural" existence that existed before the earth was corrupted by pervasive human activity.

Western religion has been characterized by the idea of transcendence — that there is a path by which current pervasive evils can be escaped and the world transformed to reach

a new heaven, whether on Earth or in the hereafter. Environmental theology falls within this tradition. It sees the path of salvation as following along a return to a far better time in the past, a return to the environmental Garden of Eden.

A church is a place where the presence of God is felt most intensely and where evil is excluded, to the extent that that is possible. In the same way, the church of environmental faith should be a place where human impact is minimized. John Muir and subsequent envi-



from grace. Scientific and economic knowledge made possible cities, advanced technology, and, eventually, all of the other sinful products of modern civilization. Thus, Dave Foreman, a founder of the radical environmental organization Earth First!, identifies the "nascency of agriculture" about 10,000 years ago as the beginning of the fall. Agriculture began the process by which human beings became alienated from nature, from themselves. Soon people were corrupted by the evils of "city, bureaucracy, patriarchy, war and

environmentalists put this theological logic into practice when they sought measures to preserve sacred wilderness sites. This theological notion was enacted into law in the Wilderness Act of 1964, which characterized wilderness as a place where the signs of human impact were as few as possible.

Environmental theology resembles Judeo-Christian theology in a number of other ways. Just as Christians believe that human sinfulness once caused God to bring on the great flood, and He instructed Noah that each species must be saved, practitioners of environmental religion believe that man's sinfulness (in the form of agriculture, industry, and the growth of civilization) has caused (or is causing) a great calamity, which can be survived only by the saving of every species by means of the Endangered Species Act.

The apocalyptic tradition in Christianity sees ever greater sinfulness that will ultimately culminate in fire and destruction descending from the heavens. Many contemporary environmentalists hold that ever greater pollution, exhaustion of natural resources, mass starvation, and many other disasters loom before humanity unless it stops its sinful agriculture and industry

One early wilderness enthusiast stated, "my God is in the wilderness. . . . My church is the church of the forest."

and the spread of its evil civilization. Just as some Christian preachers made the mistake of giving specific dates, enviro-preacher Paul Ehrlich in 1968 prophesied that overpopulation, food shortages, and other problems would yield worldwide catastrophes by 1980.¹² Just as some Christians preach that a new era of peace and harmony will arise from the ashes of civilization after heaven takes its revenge on sinful man, so some radical environmentalists also preach the possibility of redemption in the moment of disaster; by cleansing the earth of human contamination, ecological devastation could

even prove to be the dawn of a new and better world.

Christian martyrs once willingly faced lions and gladiators; environmentalists today place their bodies before whaling ships and timber harvest bulldozers. Early monks such as Simon Stylites perched on Middle East columns to show their devotion to God; today, environmentalists perch in redwood trees to show their devotion to the environment. The language of environmentalism is infused with a terminology of moral approval that is derived from the Judeo-Christian heritage. Thus, the Sierra Club recently wrote to prospective members that men must be "called to action" in order to save the Earth.¹³ Environmental literature is filled with stories of the "assault," "murder," and "ravaging" of nature, these moral offenses associated with activities to develop resources and thus to sin against the innocence of the natural world. Oil companies are a particular target, said to "rape" the earth by drilling in "virgin" environments.

Environmentalists often preach that men fell into sin by renouncing an original unity with the natural world and by seeking instead to exercise domination over nature.¹⁴ However, the natural world is frequently not an idyllic place of peace and harmony. It is instead a Darwinian world of survival of the fittest. By this standard, the human conquest of the earth, culminating in the great material advances of the modern age, is an act fully in accord with the laws of nature. If the lion is not to be condemned for wanton acts of cruelty, why should humanity be judged "unnatural" for its subjugation of nature?

Thus, the environmental movement is actually pursuing a goal that many environmentalists have failed to recognize. Environmentalism is not working towards greater unification of man with the natural world but, instead, the adoption of a moral standard that lies *outside* the natural world. No other species, for example, accepts the obligation to protect the existence of different plant and animal species. The message of humanity apart from and with special responsibilities for the world is in fact a message found in the Bible, where man alone among the creatures of the earth is created in the divine image, and man alone is obligated to be a good steward for all

the earth.¹⁵ Thus, in yet another way, environmentalism follows closely the Judeo-Christian heritage.

There is a long tradition in Christianity that sees the pursuit of self-interest and the desire for riches as the work of the devil, one of the sinful consequences of the fall of man. In the Garden of Eden all property was communally held; so it will be for the saved in heaven as well. It is only because men

The recent concern for nature is characterized by a quasi-religious fervor. Contemporary "eco-theologians" preach the message of a new "gospel of ecology."

in their current earthly state are so depraved that private property rights are justified and that acquisitive activities are permissible.¹⁶ Theologians as central to western religious history as Augustine and Martin Luther have preached a message in which economic pursuits belong to the dark side of life — the evils of the "earthly city" as opposed to the glories of the "heavenly city."¹⁷

Some environmentalists have picked up this sort of thinking. They see the relentless pursuit of profits, especially by large and impersonal corporations, as a destroyer of the environment which will ultimately result in ecological catastrophe if not suppressed. The forces of greed still run rampant in the world today, undermining the prospect of men living in true harmony with nature. The Wilderness Society recently lamented that "wilderness and the environment have become today's scapegoat, sacrificed on the altar of economic expediency."¹⁸ In a secular age, it seems that environmentalism is for many people a more acceptable outlet for themes earlier expressed in more orthodox forms of western religion.

The influence of the view that wilderness is sacred — a holy site, a place worthy of reverence — is becoming ever greater in shaping government policies for wilderness. The former

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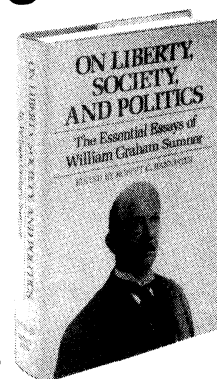
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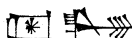
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chairman of the House Interior Committee, Representative Morris Udall, thus declared that the Arctic National Wildlife Refuge was "a sacred place" and it was for this reason that oil drilling must be ruled out in such an unusually wild area.¹⁹ A language of moral affirmation and theological symbolism is today found throughout national discussions of wilderness (and many other environmental) issues.

The Logic of Separating Church and State

Government has the unique power to regulate, tax, and coerce. The framers of the American Constitution were greatly concerned to protect the citizenry against the improper exercise of this power. The Bill of Rights was one product of this concern, designed to assure freedom of assembly, speech, and religion, among other rights. Americans have long held that government's coercive power should not be used to impose or to support particular religious groups; hence the First Amendment's prohibition against the establishment of religion.

This attitude grew partly out of an awareness of the disastrous consequences of religious conflict in Europe. In the 17th century the Thirty Years War between Roman Catholicism and Protestantism resulted in the death of about one-third of the German population. In some respects it might seem that the potential for religious conflict is greater in America because of the diversity of religions within its borders.

But the presence of many religions in the U.S. actually diminished this danger by creating a system of checks

and balances. Moreover, the awareness of the threat of religious conflict proved in itself to have a powerful corrective influence. Americans have gone out of their way to avoid circumstances that might lead to religious clashes. The principle of separating church and state

In a secular age, it seems that environmentalism is for many people a more acceptable outlet for themes earlier expressed in more orthodox forms of western religion.

has played a much greater role in the American constitutional scheme than in Europe. Indeed, in Europe governments have commonly supported an official state church.

As the violent and destructive history of the 20th century shows, conflicts among religions — whether traditional or secular — can be just as destructive today as in the 17th century. The potential for violence makes no sharp distinction between faiths of traditional and of secular kinds. Indeed, Americans already observe a secular form of separation of church and state in the prohibition against government support for particular political parties. It is no more appropriate for the government to support, say, the American Communist Party — a religious organization of a secular kind — than it is to support the Methodist Church.

Among the issues raised by the religious character of environmentalism are fundamental constitutional questions: Does the First Amendment prohibit government support of environmental religion? Does the creation of government-owned wildernesses violate the principle of separation of church and state?

At first glance these questions might seem a bit silly. After all, environmentalism doesn't seem to be a religion in the sense that Catholicism, Lutheranism, Judaism, and Methodism are religions. Environmentalism does not have the traditional institutional arrangements that characterize these churches. But to define religion for constitutional purposes as requiring a specific form of institutional arrangement is not reasonable. To do so would imply that the state could actively support the religious institutions of such non-traditional or non-Western religions as Buddhism, Confucianism, and Native American faiths. Such an interpretation defies our understanding of the meaning of religion, by excluding from it the faiths of billions of people around the world that lack the institutional arrangements commonly associated with western religions.

There is a great diversity within the Judeo-Christian tradition in the understanding of the character of God, the divine role in human affairs, the path to salvation, and all manner of other basic questions.²⁰ Partly reflecting this diversity, the distinction between a secular faith and a traditional religion is fraught with ambiguity. The deists of the 18th century saw God as having created the world, but then having left it to operate according to the laws of nature and without further divine interference — a view that secularists can fairly easily accept.

In the late 19th century the "social gospel" movement offered a message of "social salvation" — the salvation of mankind by the achievement of social and economic progress on earth.²¹ Preached from many leading pulpits of American Protestantism, this message was not very much different from the secular salvation preached at the time by socialist thinkers of various types.

Marxism in the first half of the 20th century aroused in many followers a dedication, willingness to sacrifice, and



"Buddha never said *not* to wear a scarf, either!"

zeal that might well have been the envy of proselytizers of traditional faiths. Joseph Schumpeter wrote of "Marx the Prophet," arguing that "Marxism is a religion. . . . Marxist socialism belongs to that subgroup which promises paradise on this side of the grave."²²

The 19th century was a breeding ground not only for Marxism and socialism but for many other secular faiths as well. The intellectual origins of American environmentalism can be traced to Ralph Waldo Emerson, Henry David Thoreau, and the New England transcendentalists of the mid-19th century. John Muir, the founder of the Sierra Club, was a follower of Emerson.²³ Intellectual historian Arthur Ekirch observes that "transcendentalism was not a formal philosophy but was rather a faith — one might almost say a religious faith." It was "in the study of nature" that Emerson "sought substitutes for the teaching of the church." Indeed, standing as an "intermediary between God and man, nature also carried a portion of the divinity to each individual." It could in fact be said that "nature was the connecting link between God and man" and that

As envisioned by Congress, a wilderness area constitutes a place for contemplating the condition of the earth as it was originally created — or at least as it existed before human activities transformed its character.

"God spoke to man through nature and his conscience."²⁴ To go into a wilderness, therefore, was to be able to hear the voice of God.

Some leading current theologians agree that religion can come in many forms and that a secular faith can constitute a religion in a genuine sense. Richard Neuhaus has observed that many secular systems of belief offer "salvation" and that "our secular contemporaries . . . give other names to their sacred world: western civilization, rationality, liberal values and the such. But for all of us there is a sacredness to

the ordered world of meaning. On the other side of order — political, economic, intellectual and emotional — is death and damnation."²⁵ Another American theologian, Willis Glover, writes that to describe a secular set of beliefs as a religion "is no mere figure of speech. One's religion is whatever serves as one's ultimate source of meaning."²⁶

When religion is understood broadly in these terms, government policies necessarily will often have a religious basis. Merely to pursue social and economic progress can itself be a religious act, because many secular religions find in social progress their road to salvation. Hence, it would make no sense to argue that a constitutional separation of church and state means that government decisions must always be free of religious content. Government actions with respect to slavery, civil rights, help for the poor, and many other matters have long been closely linked to the expression of American religious beliefs and values.

However, when the U.S. government creates and financially supports a place of worship for the benefit of a religion, it has plainly violated its own constitution. In establishing the national wilderness system, government has literally undertaken to manage a system of churches of a secular faith. Other faiths — Judeo-Christian, Marxist, Buddhist, or whatever — have not been so bold as to expect that government should provide their places of worship. One means of rectifying this discriminatory policy would be to privatize the natural wilderness system, giving wilderness churches the same status as the churches of other traditional and secular faiths.

One Public Good, Among Many

Admittedly, there are social benefits of wilderness that go well beyond the existence of a holy place of environmental religion. Many Americans (myself included) visit wilderness areas simply for the pleasure of hiking and other outdoor recreation without subscribing to the environmental faith, just as there are many people who benefit from the activities of traditional church organizations and yet do not subscribe to church beliefs. The beneficial im-

pacts of church assistance for the poor, church educational systems, and other religious endeavors go well beyond the actual membership. The existence of these broader benefits of wilderness preservation no more justifies government support for it than the broader benefits of traditional religions justify government support for them.

Some argue that Americans have never really adhered to the constitutional requirement to separate church

If the creation of a wilderness area has a genuinely religious meaning, how can it be reconciled with the longstanding constitutional principle of separating church and state?

and state. Indeed, the American national community has been often portrayed as grounded in the beliefs of a "civil faith."²⁷ This faith was derived from the Enlightenment, affirmed in the Declaration of Independence, and embodied in the Constitution.²⁸ With respect to this secular religion there could be no separation of church and state because in effect the American state has itself been the embodiment of this religion. The public schools, for example, were part of the American national church, assigned the task of spreading the message of the civil faith of America. In short, the principle of separating church and state may have been an American myth, useful as a way of keeping traditional religions from potentially dangerous clashes, but ignored when it came to the tenets of the American national religion.

Whatever success the "civil faith" has achieved in American public life arises from the existence of a true national consensus in America. As long as virtually all Americans more or less agreed with the tenets of the American "civil religion," the American state could become the embodiment of this religion without much risk of religious conflict. To the extent the American government has followed the prescriptions of this civil faith, it has been following the nearly universal wishes of

the American people.

The same cannot be said, however, about environmental religion and the establishment of wilderness areas. Government creation of wilderness churches is an affront to those faithful who believe that the route to salvation is to be discovered in the Bible alone, not in listening to the voice of God as found in nature. In a secular context, the creation of a wilderness is regarded by many as a symbolic statement against the redeeming influence of economic progress, technological advance, and the modern industrial system.

Contrary to popular belief, it is not necessary that government be involved in the preservation of wilderness. Indeed, large land areas are preserved in England by private organizations. To a lesser extent private organizations already play this role in the United States. The environmental movement has shown the capacity to raise large sums of money; some estimates indicate that the leading environmental organizations are now receiving collectively more than \$250 million per year. If a substantial portion of these funds were used for the acquisition and maintenance of wilderness — rather than lobbying government for subsidy of wilderness — a large private system of wilderness could be established.

As a government system, wilderness is subject to the uncertainties of politics. Some future war or other crisis could threaten the survival of the system. Public opinion could simply swing in another direction. A private wilderness system would not be exposed to these hazards. Indeed, the very act of raising necessary funds and enlisting volunteers might strengthen public support for the values reflected in the wilderness system. Dennis reports that in early America the spread of stricter separations of church and state did not weaken the churches, but resulted instead in a stronger commitment from the faithful. The turn away from politics released new energies for building the churches themselves.²⁹

In a 1961 U.S. Supreme Court decision, *Torasco vs. Watkins*, Justice Hugo Black wrote that government must not "support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion." Justice Black

explained that no distinction could be drawn in this regard between "religions based on a belief in the existence of God as against those religions founded on different beliefs." In the latter category the Justice included "Buddhism, Taoism, Ethical Culture, Secular Humanism, and others" as valid if unconventional religions. Among these "others," there would seem little choice but to include the beliefs of many current members of the environmental movement. And while Justice Black did not have this specific conclusion in mind, a straightforward extension of his line of reasoning would seem clearly to prohibit the government from operating a system of wilderness churches of an environmental religion.

The continued use of public resources to sustain the churches of our contemporary environmental faith can

only prove divisive. Instead of government ownership and management, the national wilderness system should be put in private hands, where it could be sustained by voluntary private contributions — as the churches of institutional religion are today sustained and as the natural areas preserved by private organizations such as the Nature Conservancy are today maintained.

The environmentalists' cathedrals should be supported in the same way that the man-made cathedrals of the Roman Catholic Church and other religious bodies are sustained. Existing wilderness areas should be transferred to appropriate private owners. New wilderness areas should be created by means of contributions from individual and corporate donors, fees charged for wilderness visitation, and other non-governmental sources. □

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Satire

Nutrition Is Too Important To Be Left to the Free Market

by Dan Endsley

In the old days, some people thought the production and distribution of food could be left in private hands. Happily, those days are over.

The year is 2092, and finally, public grocery shopping is available to all who need it. For years, reactionary and cantankerous anti-social elements had argued that the free marketplace was adequate to provide all the groceries that people need. But the continued popularity of unnutritious "junk food," fad diets, home growing, and even, in some cases, outright fasting, finally convinced people that grocery shopping was too important to be left to private enterprise—any more than, say, delivery of the mail, the nation's defense, or the education of the nation's youth could be left to the marketplace.

Shopping at grocery stores owned and operated by the government is now mandatory for people 16 or older, and is optional for children and youths. Suburban and rural shoppers are required to shop at a selected store near their homes, while most inner-city shoppers must ride buses across town to insure equal access to all grocery products. Government stores are open only on weekdays from 8:00 a.m. to 3:00 p.m.

Shoppers are categorized by age and required to shop in groups of 25 to 50 people. Each group is assigned to a state-licensed and certified grocer. This person shepherds them up and down the aisles, telling them which foods are desirable and which aren't. Shoppers are required to spend a certain amount of time in each department; say, 15 minutes in the deli, 25 in grocery, 10 in the bakery, 5 in the

video section. Dawdling in one section for too long is not permitted, nor are shoppers allowed to skip sections that aren't suited to their taste, even if they have no taste for, say, cottage cheese or pork rinds.

Shoppers are rewarded on how well they shop — or, more precisely, on how well they follow the instructions of their particular grocer. In some cases their performance is measured by tests, in others by the evaluation of the grocer to whom they are assigned, and very often by a combination of those two methods.

Those with the highest test scores are labelled "honor shoppers" and given bumper stickers to place on the rears of their cars. Those who score lowest are labelled "at risk shoppers," or "shopping disabled," and forced to shop in special, remedial stores, or in the regular stores but at special hours, with specially-trained cashiers, baggers, etc. The grocers and store managers are elated to identify "shopping disabled" people. They receive additional state funding to treat this affliction. "Smart shoppers," who at times know their way around the grocery store better than the certified grocers,

pose more of a challenge to them, and are blamed for fostering elitist attitudes of "shopping meritocracy" and lowering the self-esteem of less gifted shoppers.

Stores are closed during June, July, and August, except as necessary to accommodate those shoppers who failed to shop adequately during the other nine months. The government, at the urging of the grocers, store managers, bus drivers, and others in the shopping system, discourages and restricts the growing of food at home. These special-interest groups argue that only mass-produced, store-bought foods are healthy and beneficial. In most states, the "grow-at-home" movement has been restricted by laws that require "home-growers" to be fully certified grocers, but in a few states a modest level of home-growing is tolerated.

Some shoppers prefer to shop at private stores. These stores, in many cases operated by churches, are widely acknowledged to offer more variety, higher quality and lower prices than government stores, despite extensive regulations requiring them to offer goods and services nearly identical to those offered by government stores.

However, those who prefer to patronize private or church stores must pay the government grocery stores just as if they were buying all their groceries there, so relatively few can afford to shop at such establishments. The grocers at the public grocery stores often resent the private shoppers for not shopping at the public stores, although a high percentage of grocers send their own children to shop at private stores.

At first, political conservatives opposed federal aid to grocery stores, arguing that it diminished local and state control of eating.

This practice is strongly discouraged by the local grocery boards.

These boards, which are elected at regular intervals, hire the managers of the stores, oversee their budgets, and set the prices that all who live in the area must pay at the government stores. In most states, the local grocery boards are overseen by the State Department of Groceries. Because the system of public grocery stores is so expensive to run, in recent years an increasing share of funding has come from federal aid to groceries. At first, political conservatives opposed federal aid to grocery stores, arguing that it diminished local and state control of eating. However, with the election of a

conservative President in 2080 and his appointment of a "grocery czar" the following year, they came to appreciate the value of encouraging proper nutrition on a nationwide basis, especially in areas where conservatives are out of power.

All government stores carry virtually the same products, though there has in recent years been a trend toward "mandatory grocery diversification," requiring stores to offer oriental food, soul food, and Mexican food. This came about after a presidential commission examined the problem of grocery store dropouts — young people from cultural minorities who quit shopping, complaining that the government-mandated groceries were insensitive to their culinary needs. But attempts to lure them back — ranging from public service advertisements, to sermons from authorities, to the enactment of mandatory shopping laws and the hiring of special police officers to arrest truants and special counselors to convince them to stick with the government-mandated foods — failed.

A more "liberal" element has argued for a requirement that all Americans purchase a mandated variety of different ethnic foods, in the interest of what came to be known as "multicuisinism." Conservatives reminisced about the good old days, when grocery stores were clean, polite, and quiet places to shop, a time when shoppers appreciated the privileges of shopping. They declared, "if white bread was good enough for our parents and grandparents, it's good enough for everyone."

Known as "white-breaders," this group managed to take over some local grocery boards and the departments of education in a few states.

In recent years, there has been a well-financed campaign in favor of "choice in shopping," a system in which shoppers would receive "grocery vouchers," which could be spent

at any public grocery store or at any of a handful of government-licensed "private" stores. The administrators and employees of the government stores argue that enactment of this policy would mark the end of grocery shopping for all but the rich, a vast increase in poor eating habits, and untold misery. Those who advocated the idea of vouchers were accused of being in the pay of private grocers. So far, advocates of government stores have prevailed with the argument that nutrition is too important to be left to the vulgar allures of the loudest hawker.

The public shopping system isn't working perfectly, but it is certainly better than the old days, when people shopped wherever and whenever they wanted. And experts in Washington have announced a shopping reform that will remedy many of the problems

There has been a well-financed campaign in favor of "choice in shopping." Against this, administrators and employees at the government stores argue that enactment of this policy would mark the end of grocery shopping for all but the rich.

with the current public grocery system. "Shopping 2100" is designed to make our shoppers the best in the world.

After "Shopping 2100" is implemented, nationally recognized authorities on groceries will design the grocery stores of the future and provide for national shopping tests so that each state will know where its shoppers rank. Top-performing states will be given more money as a reward. The lowest-performing states will be more closely regulated to help them become top states. This program will be carried out until every state's shoppers are designated "above average." At that stage, according to the program's backers, the nation's public grocery system will have achieved total dominance over "the commanding heights of the food chain." □



"'Lethal injection'? — Boy, you lawyers take the fun out of everything!"

Argument

If Execution Is Just, What is Justice?

by J. Neil Schulman

According to a current television program, "Justice may be blind, but it can see in the dark." The current practice of capital punishment may make about as much sense.

Democracy has no more sensitive gauge than the public opinion poll, and the recent Los Angeles *Times* poll reporting that four out of five Californians favored the execution of murderer Robert Alton Harris tells us everything we need to know about the political will of the people on this subject at this time.

But while the voice of the people may be the final word regarding our political decisions, moral questions aren't settled by popular opinion. Nor is the political will of the people eternal and unchanging. At various times in human history, the voice of the people has favored slavery, the execution of blasphemers, and the Divine Right of Kings. Today's cherished principle is tomorrow's outmoded precept. The public's moral sense changes as time passes.

The most common single reason given by those who favor execution is the traditional notion of Biblical justice: "an eye for an eye." I find it both refreshing and comforting that moral, rather than merely utilitarian, considerations are at the forefront of most people's consciousness. Still, the question remains: on what basis does one believe that retribution — "an eye for an eye" — is a valid principle of moral justice?

Is retribution primarily an emotional rather than intellectual reaction, based on empathy with the victims? What, then, of the revulsion felt by others to the execution itself, the pre-

meditated killing of a manacled man?

Is retribution justified because of its age, because it was codified four millennia ago in the Code of Hammurabi? What, then, of that Code's call for putting out eyes and cutting off hands?

Is retribution right because God told us so in The Book of Exodus? Then why are we not also executing witches, or people who curse their parents, or those who commit bestiality, or those who make sacrifices to other deities? And what business does a secular state have enforcing a code which is specifically religious in nature?

For those of us unable to justify retribution on the basis of direct revelation, tradition, or mere emotion, there remains only one other way to derive such justification: human reason.

A rational inquiry on this issue should begin by asking why it is right for the state — a secular organization acting as agent for ordinary individuals — to do that which is universally condemned when done by any of those individuals? Does the state act

from practical, utilitarian considerations alone — in which case such utility must first be subjected to moral limitations — or can it justify its killings on the basis of moral premises which can be derived without reference to sectarian religious arguments?

The State of California finds it fairly simple to define justifiable homicide for the private individual. According to the California Department of Justice's booklet *California Firearms Laws 1991*, "The killing of one person by another may be justifiable when necessary to resist the attempt to commit a forcible and life-threatening crime, provided that a reasonable person in the same situation would believe that: (a) the person killed intended to commit a forcible and life-threatening crime; (b) there was imminent danger of such crime being accomplished; and, (c) the person acted under the belief that such force was necessary to save himself or herself or another from death or a forcible and life-threatening crime. Murder, mayhem, rape, and robbery are examples of forcible and life-threatening

crimes."

For the private person — or even the police officer — the instant the threat ends, the grounds for justifiable homicide end.

Strictly speaking, the state is no more than a group of individuals acting for a common purpose. It is hard to imagine how the sum total of what the state may do adds up to more than the sum of the rights of the individuals comprising that group. How does this transformation occur? Does group involvement sanctify killing? If so, how many individuals must be in a group before it earns a license to kill? What *moral* premise distinguishes the state criminal justice system from the lynch mob?

The obvious answer is that in the absence of a Divine or at least transcendental foundation for state authority, there is no moral basis for the state to do anything which it is not right for the private individual or group to do. Logic dictates that if it is morally justifiable for the state to kill in just retribution, then it must likewise be morally justifiable for other individuals or groups to do so as well — the Mafia, the Crips, and the Bloods included.

If it seems obviously wrong to you that private individuals have a right to retaliate — if California's restrictions on justifiable homicide seem to you to be based on a valid moral premise —

then you must come up with a moral justification for the state to do that which none of its principals may do.

I believe that such a justification is impossible. There is no good reason to hold a double standard; the same standard — justice — must be applied to both the individual and to any group of individuals. Furthermore, I hold that the standard of justice precludes

There is no moral basis for the state to do anything which it is not right for the private individual or group to do.

punishing murderers with death, as this far exceeds the scope of human justice. Human justice is based on the concept of seeking repair rather than further destruction. The religious concept of just retribution — punishment, by another name — is underivable from principles of reparative equity and is therefore thoroughly irrelevant to such justice or moral behavior as may be enforced by a legal system.

If we have learned anything in four millennia of limiting the role of government, it is that if civil justice is to exist in a secular society, the cycle of

vengeance must be broken and retaliation for wrongful harms must be limited to reparation.

But it does not logically follow that murderers should continue to enjoy a pleasant life at the expense of their victims (which is pretty much the present system). The principle of reparation logically requires that murderers labor hard to the end of their days, with all that they produce beyond mere subsistence channelled to their victim's heirs. There is no reasonable moral justification for murderers spending their days as privileged wards of the state. This false humanitarianism is gravely offensive to the memory of the murderer's victims. Such offense is possibly the basis for much of the emotion behind calls for state executions. Many people would oppose the death penalty if they could be sure that criminals serve the full measure of their sentences, and if the debts for their crimes were paid in full.

It is quite enough for the institutions of society to place impenetrable walls between murderers and the rest of us, and extract what value can be obtained for their victims' benefit. That is all safety and equity require. That is all that we're entitled to. Beyond that lies moral territory where imperfect human institutions should fear to tread. □

Cox, "The Non-Politics of H. Ross Perot," *continued from page 33*

Leaders of both major parties are now free to compete with one another to produce the smarmiest, most self-righteously Perotist demonstrations that they are patriotic Americans because they have the most effective plan to use government to control society — "to change this country," as Perot and Clinton and so forth always say.

But maybe, one fine afternoon, it will occur to some bright party activist that the best way to compete in American politics is to practice American politics: to talk sense about the difference between big government and limited government.

If a major-party candidate wants to distinguish himself, perhaps he could explain, briefly and clearly, why we have a gigantic deficit, or what happens

to employment when the government increases taxes on corporations that provide jobs in order to "create jobs" somewhere else, or what happens to food prices when the government decides to guarantee that people who produce food also make a lot of money, or what the probable results might be of the government's declaring an armistice in the war on drugs, or what the proven results have been of the government's willingness to guarantee all the deposits in every bank or savings and loan in the country, no matter how badly those institutions are run.

In short, now that Mr Perot, the business candidate, is out of the running, perhaps someone else can step forward and become the *political* candidate. □

Errata

Terree P. Wasley failed to acknowledge John Semmens' groundbreaking work in privatizing infrastructure, particularly his work on the material covered on pp 43-4 of her article in the July 1992 *Liberty*. Ms Wasley apologizes to readers and to Dr Semmens for this error.

James Taggart's review of Richard Epstein's *Forbidden Ground* ("Just Discrimination," July 1992, pp 51-53), erroneously attributed to Epstein a short passage at its conclusion. The proper source was Allan Bloom, "Western Civ — and Me," (*Commentary*, August 1990), not Prof Epstein.

The equation in J. Orlin Grabbe's short story on page 54 of the May 1992 *Liberty* should have read:

$$\dot{k} = g(k) \left[1 - \frac{k}{N} \right] - f(L)$$

rather than

$$k = g(k) \left[1 - \frac{k}{N} \right] - f(L)$$

Thanks to the dozens of readers who pointed out this error. How our proofreaders missed this egregious error we do not know.

Reviews

Environmental Science, by G. Tyler Miller, Jr.
Wadsworth Publishing Company, 3rd ed., 1991.

Nonsense and Non-science: A Textbook Case

Jane S. Shaw

"We face a complex mix of interlocking problems that are reaching crisis levels on the beautiful blue and green planet that is the only home for us and a rich diversity of other life forms. One is population growth . . .

"Each year more of the world's forests, grasslands, and wetlands disappear, and deserts grow in size as people increase their use of the earth's surface . . .

"... we are living in ways that are unsustainable. According to environmentalists, the increasing number of fishless lakes and streams, dying forests, eroded lands, extinct species, and millions of environmental refugees, whose homelands can no longer keep them alive, are clear signals that nature's bill for over-exploitation of the earth's resource base is coming due and that we must drastically change our ways now. . . ."

This is not an excerpt from Paul Ehrlich's latest book or a collection of direct-mail appeals from the Sierra Club or Zero Population Growth. It is from a textbook called *Environmental Science*,¹ by G. Tyler Miller, Jr.

I am told this book is one of the most widely-read environmental science texts, used both in high schools and college. This claim is supported by the fact that it is in four colors (publishers go to that expense only with books

they expect to sell very well); is in its third edition (a more in-depth companion volume is in its seventh edition!); and is published by Wadsworth Publishing Co., a reputable firm. And it was developed in connection with a public television series (designed also to be a college course) called "Race to Save the Planet," so you can buy a study guide that integrates the course and this text.

I have never seen a textbook that is more beautifully illustrated or one that is less scientific.

Under titles such as "Achieving a Sustainable-Earth Society," "Principles for Understanding and Sustaining the Earth," and "What You Can Do to Help Sustain the Earth's Land Ecosystems," the book is riddled with advice for improving the environment of the earth. This is Earth Day writ large, with hundreds of recommendations ranging from changing one's personal habits to lobbying for all kinds of tough regulations and greater

government funding.

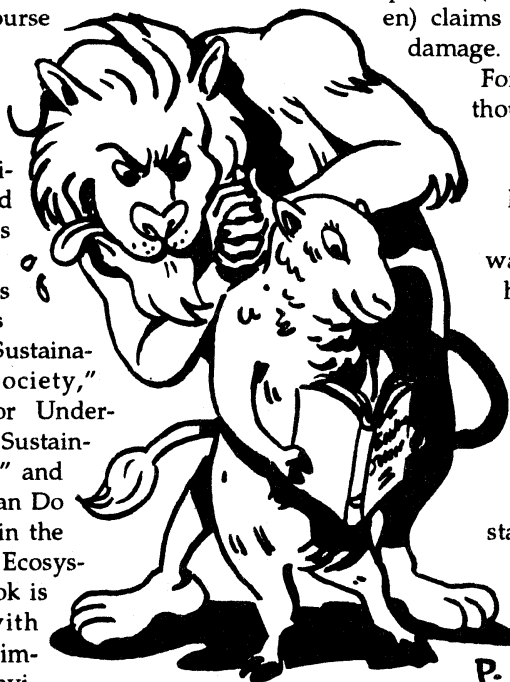
Here is a small sampling of Miller's recommendations:

- plant trees
- recycle paper
- avoid "throwaway plastic"
- switch to reusable containers
- eat less beef
- use baking soda instead of deodorant
- begin "raising public awareness and building political support for far-reaching changes by challenging existing political and economic systems."

Miller makes no attempt to justify these recommended practices in the light of economic or biological knowledge, even though the title of the book suggests there ought to be some scientific justification. And he makes no effort to support his extraordinary and unproven (in some cases disproven) claims about environmental damage.

For example, even though the author notes that some scientists don't think that we have enough information about global warming to take action, he claims that this attitude "misrepresents the results of science."² Science, he explains, is based on "mostly circumstantial and incomplete evidence and statistical probabilities," and "many climate experts" think that there is "already enough circumstantial evidence for us

to act now . . ." And then he leaps onto his favorite hobbyhorse, alternative energy, by saying: "Besides, since fossil fuels (especially oil) are running out and are the major causes of air pollu-



P.

tion, water pollution, and land disruption, we need to drastically improve energy efficiency and shift to other energy sources as fast as possible, even if there were no threat from global warming."

Here Miller's command of both logic and facts is poor. What circumstantial evidence is he talking about? The main reason some people fear global warming is that computer models, which are extremely limited in their forecasting ability, predict large temperature increases if CO₂ continues to increase. When these computers are

This is Earth Day writ large, with hundreds of recommendations ranging from changing one's personal habits to lobbying for all kinds of tough regulations and greater government funding.

fed the increases in carbon dioxide that the world has already experienced, they indicate that we should have had about twice as much warming in the past 100 years as we have had!³ In other words, they aren't accurate about the past, so why should we expect them to be accurate about the future?

There are many other reasons why a number of prominent scientists doubt that the predictions of global warming are accurate. These include the fact that the major increases in temperature during the 20th century preceded the major increases in carbon dioxide! According to computer predictions, the Northern Hemisphere should have warmed more than the Southern Hemisphere, but what actual warming has occurred has been concentrated in the Southern Hemisphere.⁴

The blame Miller places on fossil fuels ("the major causes of air pollution, water pollution, and land disruption") seems excessive, too. According to a recent study by the World Bank, particulate air pollution has declined by 60% in industrialized countries since 1970⁵ (and a Brookings Institu-

tion economist says that it fell faster during the 1960s).⁶ If by water pollution he refers to oil spills, as he seems to, he should know that the Congressional Research Service in 1990 found no long-term impacts from all the major world oil spills up to that time (it didn't survey the results of the *Exxon Valdez* spill because it was too recent, but it was smaller than many that were studied by the CRS).⁷ As for land disruption, the actual effect on land from oil drilling is often minimal and only temporary; a drilling pad for an oil well can be as small as an acre.⁸ Studies of oil development in Prudhoe Bay, Alaska, and along the Alaska pipeline indicate that there has been no decrease in caribou populations; in fact, caribou populations have increased.⁹

Miller's views on acid rain, the value of recycling, the connection between ozone depletion and melanoma, and the problem of overpopulation are similarly slanted to reflect his personal biases rather than scientific knowledge. *Environmental Science* is a catchall of popular diagnoses and nostrums that you might read in a daily newspaper, many of which have been long since discredited.

When he isn't writing homilies on what you can do to improve the earth, Miller makes broad unsupported claims about how close to depletion our resources are and blames the Western "throwaway" society for this problem. Even most of the problems of the LDCs (less developed countries) are laid at our doorstep. "In effect, LDCs are being coerced into depleting their resources to help support the wasteful, earth-degrading lifestyles of people in MDCs [more developed countries] and the rich in their own countries," he says.¹⁰

The West is at fault for overpopulation, as well, even though (as he notes) the U.S. fertility rate has been at or below replacement level since 1972. The problem is that people in the Western countries use too many resources. In the LDCs, the problem is "people overpopulation"; in the MDCs it is "consumption overpopulation."¹¹ Miller tells his readers that "during your lifetime, the 9 million babies added to the population of MDCs in 1990 may do at

least as much damage to the earth's life support systems as the 86 million babies added in LDCs."¹² So a two-pronged attack is needed: control of people population in the less developed nations and control of consumption (especially of energy) in the more developed nations.

What do these claims amount to? I've written before that "expert" views about population have changed in recent years. There is little empirical support for the view that excessive population growth is the cause of economic problems such as slow income growth and poor agricultural production. In fact, a comprehensive review of economic literature on the subject in *The Journal of Economic Literature* observes: "While several models predict a negative net impact of population growth on economic development, it is intriguing that the empirical evidence documenting this outcome is weak or nonexistent."¹³ Not a lot of empirical work has been done on the relationship between population growth (or density) and environmental impact, in spite of frequent claims that population is harming natural resources, but population figures themselves undermine such accusations. For example, Brazil

The book is a construct built entirely out of romantic concepts, popular myths and pointless aphorisms.

(known to be a place where there is environmental degradation) has a population density of only 47 people per square mile; Ethiopia, 101 per square mile. But France has a population density of 252 people per square mile; Great Britain, 601; and The Netherlands, 931.¹⁴

It is true that poor people who use a commonly-owned or open-access forest for firewood eventually deplete that forest, and will deplete it faster when their numbers increase. But the depletion is a result of the fact that the forest has no owner to husband it. This environmental problem is caused by the

lack of private property rights and by the poverty of the people, which prevents them from using other alternatives, not by the growth of population.

Miller's claim that overconsumption by the West causes resource depletion in LDCs also fails. Some forests (as in Malaysia) may be diminishing, but the

Miller's obliviousness to actions he takes in his own self-interest reflects the arrogance that is typical of environmentalists today.

total forest resources are not, or else there would be significant, continuing price increases for the dwindling wood. And where deforestation is a real problem — in poor Third World countries, not those charged with "overconsumption" — it is often the result of government failure. A study of deforestation by Robert Repetto of the World Resources Institute states: "Despite official endorsements of conservation goals, government policies contribute significantly to the rapid deforestation now underway."¹⁵ Such policies include those in Brazil that promote cattle-raising and land-clearing by homesteaders. Furthermore, trade with the West spurs economic growth in developing countries, and a growing literature indicates that economic growth will enable the people to begin to demand environmental protection and have the wealth to achieve it.¹⁶

Ignoring these facts, Miller wants the people in the West to move toward what he calls a "low-waste sustainable-earth system." While he advises his readers to consider recycling as a first step, his real goal is a sharp reduction in the amount of waste we produce through bans on "throwaway" products and taxes on cars that last less than 15 years. "Ultimately," he says, "a sustainable-earth system is based on the principle: 'If you can't recycle or reuse something, don't make it.'"¹⁷ In sum, the book revels enthusiastically in gimmicks that are sup-

posed to save the planet, with enthusiasm bolstered by the cozy idea that if we work hard enough we can coerce everyone else into adopting them, too.

This Is a Textbook?

Those of us who espouse market perspectives on environmental issues don't expect textbooks to reflect our views. We expect most books that reach a large public to have a "tilt" or bias that reflects a poor understanding of the market process. Unfortunately, *Environmental Science* isn't just a "tilt." It is a construct built entirely out of romantic concepts, popular myths and point-less aphorisms. It makes no pretense of objectivity. Miller has made no visible effort to include the growing body of literature that challenges his assumptions. He does admit to some debate over global warming and he's incorporated some of the recent findings showing acid rain to be an extremely small problem. But while he uses the latest acid rain figures, he maintains the rhetoric implying that acid rain is one of the severe problems of the Western world.

To give him the credit due, Miller is serious about changing personal habits and, in fact, devotes a feature to describing his own quite extensive effort to create a living and working environment compatible with nature.¹⁸

He tells how his rural home is built from an old school bus; it's largely solar heated, and it's cooled in the summer by earth tubes. He and his wife compost kitchen wastes and take paper and bottles to a recycling center. They use a four-wheel-drive vehicle because they live on a dirt road, and thus consume more gasoline than they would like, but they hope eventually to purchase a vehicle that runs on hydrogen gas produced by solar photovoltaic cells. In the meanwhile, they do little driving (he conveniently works at home).

Miller seems a little uncomfortable with the fact that his 465-page book is a glossy, modern, and expensive (\$36.00) product of the high-technology printing business. He makes a point of noting that he donates money to organizations to plant at least ten trees for each tree used in printing his books. That doesn't do much for the energy in-

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volved in producing and disseminating the book or the colored (sometimes toxic) inks that are used in it, but it does show some sensitivity.

But it is human nature to be blind to one's own self-interest and Miller is human. His overarching devotion to the principle of "less is more" does not stretch to reuse of textbooks. In his preface¹⁹ he explicitly discourages the reader from reselling the book to a used bookstore. Those familiar with the textbook trade know that used textbooks are the worst hazard to an author's profits — by the second year, the majority of the initial books sold are back in use again, severely cutting into sales of new books. Miller doesn't explain it that way; he says that learning is a "lifelong process, and you will have to deal with the vital issues discussed here for the rest of your life." (He does offer an alternative to keeping the book — passing it on free to someone else.)

I don't think that Miller is cynically trying to keep his sales up by discouraging the used-book market (although I'm not sure). Rather, I think he simply treats his own source of income as something exempt from the message of his mountainous columns of sustainable-society advice. Some goods simply are more valuable saved than recycled, and his elegant textbook is one of them.

Here he is simply reflecting one of the hallmarks of left-liberal thinking: failure to respect the driving power of self-interest, including his own. His obliviousness to actions he takes in his own self-interest reflects the arrogance that is typical of environmentalists today. This arrogance is what leads him to think that population experts should ride roughshod over the wishes of people who want to have more than 2.1 children. It leads him to assume that people should want to recycle products, but to contend that if they don't want to, government officials should force them to. And it leads him to ignore the fact that his chosen lifestyle (four-wheel-drive vehicle and all) is only possible because of the technology of the "throwaway" society that he so disparages. (In what Third World country is a vehicle fueled by hydrogen gas produced by solar photovolta-

ic cells even contemplated?)

Ignoring the benefits of Western culture, he has decided that we are a wasteful, sinful society. Because he is an enthusiast for alternative energy forms and other ecological gimcrackery, he thinks everyone else should be, too. He doesn't consider the fact that others do not receive substantial royalties from writing about such things, as he does.

Myths Not To Live By

The hubris of environmentalists troubles and shocks me, but it's hard to figure out what to do about it. In this book, and in the talk of environmentalists in general, the arrogance is so wrapped up in "caring" rhetoric ("Care about wild plants, wild animals, wild places. Care about people — young, old, black, white, brown — in this generation and generations to come"²⁰) that it's hard to make the elitist label stick. His readers, too, are affluent (at least by world standards) and thus quite possibly elitist as well. It would take another volume to show that the way Miller would carry out this "caring" is more likely to lead to destruction of life, not to preservation.

So I am reduced to railing at the utterly unscientific nature of what he is

saying and to questioning what education is all about. Indeed, the arrival of this book made me wonder where I've been. My first thought was that the decline of respect for knowledge on campus was greater than I had suspected.

Upon reflection, I surmised that perhaps there is a section of the so-called educational system that is not really education, just myth-making and myth-perpetuation. Environmental Studies may be part of that ghetto. The editor at Wadsworth explained that while this is an introductory text, there's no agreement on what an environmental curriculum is. The text is often used, he explained, in a "general" course for non-majors. So, this book enforces and spreads around information that these students probably would pick up anyway from the daily newspapers if they didn't go to college.

The most optimistic way to look at this book is to conclude that by reading this pabulum, students may not be any worse off than if they didn't, since it merely perpetuates conventional (and mostly wrong) opinion on these matters. Trouble is, students who take courses with books like this will think that they understand environmental issues. They don't. Neither does G. Tyler Miller, Jr. □

Notes

1. Miller, *Environmental Science*, p. 2.
2. *ibid*, p. 216.
3. See Stephen Schneider, "The Greenhouse Effect: Science and Policy," *Science*, February 10, 1989, p. 775, and Andrew Solow, "Is There A Global Warming Problem?" in *Global Warming: Economic Policy Responses*, edited by Rudiger Dornbusch and James M. Poterba (Cambridge, Mass.: The MIT Press, 1991), pp. 21–22.
4. See Solow, *op cit*.
5. Reported in "A Greener Bank," *The Economist*, May 32, 1992, p.79.
6. Robert Crandall, *Controlling Industrial Pollution: The Economics and Politics of Clean Air* (Washington DC: The Brookings Institution, 1983), p. 19.
7. James E. Mielke, "Oil in the Ocean: The Short- and Long-term Impacts of a Spill," *CRS Report #90-356 SPR*, Library of Congress, July 24, 1990.
8. Terry L. Anderson and Donald R. Leal, *Free Market Environmentalism* (San Francisco: Pacific Research Institute for Public Policy and Boulder, Colo.: Westview Press, 1991), p. 88.
9. Anderson and Leal, *op. cit*.
10. Miller, *op. cit.*, p. 159.
11. *ibid*, pp. 13–14..
12. *ibid*, p. 14.
13. Allen C. Kelley, "Economic Consequences of Population Change," *Journal of Economic Literature*, Vol. XXVI (December 1988), pp.1685–1728.
14. From *The World Almanac and Book of Facts 1990* (New York: Pharos Books, 1990).
15. Robert Repetto, *The Forest For the Trees? Government Policies and the Misuse of Forest Resources* (Washington, DC: World Resources Institute, May 1988), p. 13.
16. See, for example, Marian Radetzki, *Economic Growth and Environment* (Paper prepared for a Symposium on International Trade and the Environment for The World Bank, 1991).
17. Miller, *op. cit.*, p. 460.
18. *ibid*, pp. 404–406.
19. *ibid*, p. xi.
20. *ibid*, p. 465.

The Culture of Contentment, by John Kenneth Galbraith.
Houghton Mifflin, 1992, ix + 195 pp., \$22.95.

He's Said It Before and No Doubt Will Say It Again

William P. Moulton

John Kenneth Galbraith made his reputation in the 1950s and '60s with the publication of *The Affluent Society* and other widely-lauded popular books. But during the past two decades, he has allowed whatever real economic writing and scholarship of which he is capable to peter out, and has treated us with a long series of books whose theme can fairly be characterized as "What it's like to be a brilliant and famous economist who just isn't given enough power to really set things right."

In the latest in this genre, *The Culture of Contentment*, Galbraith explains that the policies of the civilized left, what we might term social democrats, have been so successful that they have, in effect, made impossible the fulfillment of their original purpose. He transcends the fairly standard claim of the New Deal/organized labor wing of the Democratic Party. In that form, it is usually rendered as, "Roosevelt and the unions got the workers all the benefits that allowed them to rise into the middle class, and now the ungrateful wretches are forgetting their friends and their roots and voting Republican."

Galbraith's version is more presumptive. He takes for granted that the goal of the whole panoply of programs that make up our welfare/regulatory/special-interest state is the movement of the political and economic fabric of our society in an *ever more* statist direction. Any loss of momentum, or even time taken for reflection, is interpreted as at minimum a failure of the will and at limit outright treason.

Given these premises, it is not unnatural that our author sees "content-

ment" as something vaguely sinister. To him the word conjures up images of the idle rich, of indifference to any issues beyond those of one's immediate peers, of a sort of heartless ferocity toward the poor. He also views contentment as part of a great manipulative web that those in charge of "the system" use to ensnare those who in actual fact require a radical restructuring of society if their problems are to be solved. To Galbraith, modern capitalists are simply more clever aristocrats. They have been able to co-opt much greater numbers of people into a consoling penumbra of belief than the landed gentry of the old order dreamed of, or would have desired.

And that, sad to say, is really about all there is to this book. I mentioned that it is easy to characterize. Unfortunately, it seems to have been easy to write also. We're not talking depth of thought here. Inevitably, the perennial JKG themes pop up. We are told, in regard to farm subsidies and Medicare, that "No one would dream of attacking them, even marginally," and furthermore, "That the economy needs public guidance

is wholly agreed." (Apparently, Galbraith remains unfamiliar with the writings of F.A. Hayek, Milton Friedman, Theodore Schultz, George Stigler, James

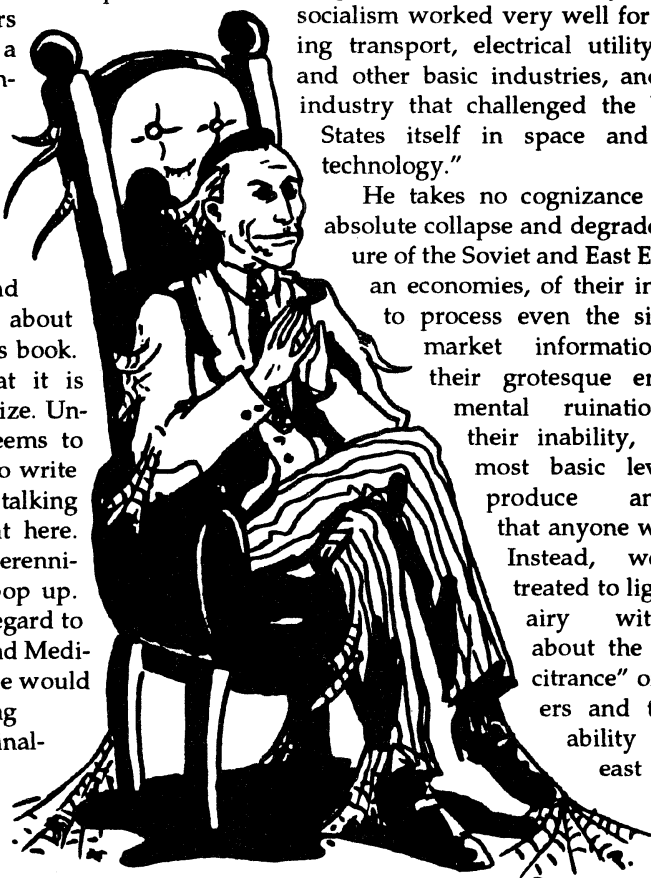
Buchanan, and Ronald Coase, all Nobel Prize winners in his field.) There is blather, old enough to grow moss, about a free society granting the same right to sleep under a bridge to . . . well, you can finish it yourself. His recommendations for reconstituting our economic system are the usual laundry list of democratic socialism — hardly worth enumerating here. Characteristically, he cites little or no evidence in support of any of these theses.

When it comes to foreign affairs, and especially to the tumultuous events in the once-Communist world, Galbraith's vision still remains in lock-step with his tired statist leftism. He tells the reader that Communism failed because it did not work well with agriculture, "that recalcitrant industry," and because it did not provide the "often frivolous and dispensable consumer artifacts and entertainments" which the masses desire. On the other hand, "The planning and command system of socialism worked very well for building transport, electrical utility, steel and other basic industries, and [the] industry that challenged the United States itself in space and other technology."

He takes no cognizance of the absolute collapse and degraded failure of the Soviet and East European economies, of their inability to process even the simplest market information, of their grotesque environmental ruination, of their inability, at the most basic level, to produce anything that anyone wanted. Instead, we are treated to light and airy witticisms about the "recalcitrance" of farmers and the inability of the east bloc planners to

provide adequate levels of frivolity.

Galbraith is a man of some ability with a considerable talent for self-promotion whose mind-set remains



rooted in the antediluvian economic perspectives of Thorstein Veblen, as nurtured in the culture of Keynesianism.

On the whole, his books and his ideas have grown old with him, in a way not nearly as graceful as his prose. □

Smart Schools, Smart Kids: Why Do Some Schools Work?, by Edward Fiske, with Sally Reed and R. Craig Sautter. Simon and Schuster, 277 pp., \$21.95.

Savage Inequalities: Children in America's Schools, by Jonathan Kozol. Crown, 233 pp., \$20.00.

Stupid About Schools

Martin Morse Wooster

The debate over reforming American education has now entered its second decade. By now most of the players in the debate are well known, and their positions are well defined. Both Edward Fiske's and Jonathan Kozol's books crystallize and summarize the views of major players in the game.

Fiske, who for many years was the education writer of the *New York Times*, is a centrist, and the positions advocated in *Smart Schools, Smart Kids* are ones that are likely to be held by the members of the business establishment, the American Federation of Teachers, or Secretary of Education Lamar Alexander. The blurbers of Fiske's book include the presidents of both teachers' unions, the CEO of RJR Nabisco, former Secretary of Education Terrel Bell, and Arkansas Governor Bill Clinton. Fiske rejects most of the reforms proposed during the 1983-85 period, the NEA's efforts to boost federal, state and local spending, and private-school choice. He supports school-based management, national testing (with reservations), public school choice, and more money for computers and other high-tech appurtenances.

Kozol's *Savage Inequalities* provides a critique of American education from the left. He advocates a substantial increase in school funding at the federal level, and elimination of most local and state control over school spending. In an interview with *Publishers Weekly*,

Kozol, in an argument not included in his book, called for a system in which 75% of the monies spent on American education would come from the federal government and the remaining 25% from the states. Such an arrangement would increase the U.S. Department of Education's budget from \$32 billion to approximately \$129 billion.

Neither Kozol nor Fiske is persuasive, but their arguments do serve to illuminate the advantages and flaws of the positions of the major education debaters.

Fiske's principal flaw is his definition of a "smart" school. The schools Fiske admires have freed themselves from the red-tape-generating central office, have lots of computers and high-tech devices, administer "authentic" tests (problem-solving and essays rather than multiple-choice exams), and provide space for welfare caseworkers, day care staffers, and other social workers supplying entitlements to low-income families.

About all these reforms have in common is that Fiske likes them. He does not explain why these reforms are necessary, or even show that the changes he proposes would not cancel each other out. As Syracuse sociologist Gerald Grant explained in *What We Learned At Hamilton High*, federally funded programs vastly increase red tape and bureaucracy and provide positions for staff who are free to ignore principals, since their salaries come from Washington or the state capital, not from the board of education. Fiske

fails to show how a school can reduce bureaucracy by creating programs that increase the complexity of a school's corporate culture.

Like too many newspaper reporters, Fiske routinely fails to provide such basic facts as the title of a study or the name of an author. In many cases, it is hard to decipher what book Fiske is quoting from or where the report or article was published. Occasionally, Fiske (or his collaborators) mentions a piece of information without giving any evidence that the information is accurate or even supportable. "Researchers calculate that for each dollar spent on high-quality preschool programs," Fiske writes, "society gains \$7 down the road in higher tax contributions and lower expenditures on remedial education, welfare, and the criminal justice system."

Who are these researchers? How did they come up with this calculation? Where did they publish their findings? Fiske doesn't give us a clue. Fiske is also a bad writer. Nearly every page of *Smart Schools, Smart Kids* has a cliché, solecism, or phrase that a prudent editor would have changed. For example, is it really necessary, in the discussion of a reform called "the Copernican plan," to tell the reader that "the plan takes its name from Nicolaus Copernicus, the sixteenth-century astronomer who revolutionized our conception of the universe"?

Some of the accounts in *Smart Schools, Smart Kids* are informative; readers who want to know about Miami's school-based management reforms or East Harlem's programs of public-school choice will find the information they need here. But *Smart Schools, Smart Kids* reads as if it were a series of newspaper articles stitched together rather than a sustained argument.

Jonathan Kozol, like Edward Fiske, has been a long-time observer of American education; *Death at an Early Age*, Kozol's first book on public schools, was published in 1967. *Savage Inequalities*, Kozol's eighth book, is a national bestseller, and a recipient of an extraordinary amount of publicity. *Publishers Weekly*, for example, filled the front page of its September 27, 1991 issue (normally used for glossy advertising) with a letter to President Bush urging

him to read Kozol's book, in order to understand the true problems of American schools. Kozol made a "clear and compelling" case, *Publishers Weekly* opined, that "'choice' and 'competition' [are] market terms that have no place in a debate on the needs of poor children."

Despite its publicity, *Savage Inequalities* is a bad book, not because of Kozol's conclusions, but because his analysis of American schools is seriously misleading.

Savage Inequalities describes a series of visits that Kozol makes to East St. Louis, Illinois, New York, Chicago, Washington, D.C., Camden, San Antonio, and Cincinnati. (Why those cities? "I went where I was welcomed or knew teachers or school principals or ministers of churches.") In each city, Kozol visited urban schools lacking in resources and suburban schools rolling in wealth. He concludes that if schools in major cities had per capita funding equal to what suburban schools spend,

Kozol may be the only education writer of the past 25 years who does not mention the American Federation of Teachers or the National Education Association.

American schools would be unrivalled.

Inequality in school spending is Kozol's blazing sun; readers of *Savage Inequalities* will find that Kozol's obsession with spending blots out many familiar aspects of the American education landscape. Kozol's schools appear not to have any teachers' union — or any other unions, for that matter. Kozol may be the only education writer of the past 25 years who does not mention the AFT or the NEA. Central offices only appear in his book in a passing reference. The parents, teachers, and principals Kozol vividly describes don't complain about the bureaucrats on Livingston Street or Pershing Road; all they do is plead for more money.

This leads to some curious conversations. In Chicago, for example, the principal of the inner-city Du Sable High complains that his teachers make \$40,000 a year, while the wealthy suburbs can pay teachers \$60,000 annually. "Competing against the suburbs," says the principal, "makes it very hard to keep young teachers."

But the \$40,000 a year salary is not only higher than the national average, but has been obtained by Chicago taking money away from maintenance and repairs and adding it to teachers' salaries. And if Du Sable's teachers are like other teachers, they are more concerned with safer and more pleasant working conditions than with salary. Teachers in inner-city Catholic schools, for example, make far less money than their public-sector counterparts, but stay where they are because they have a good deal of control over their work and know that students will be polite and eager to learn.

As Harvard education professor Nathan Glazer observes in the *Winter Public Interest*, spending is no measure of performance. Utah has the highest percentage of high school graduates of any state, but spends far less on each student than New York, which ranks in the bottom third of high school graduation rates. It is also misleading to compare the amount suburbs and cities spend on schools, Glazer says, because cities spend far more Federal and state aid on welfare than wealthier suburbs with fewer poor people, and spending on social services reduces the amount that can be spent on the schools. "Schools may take up one-half of a suburban city budget, but only one-quarter of a central-city budget," Glazer observes.

Suppose that Kozol's wishes came true and school spending was equalized. Such a system, *Sacramento Bee* editorial page editor Peter Schrag argues in the December 16, 1991 *New Republic*, might ensure that American schools nationally would resemble California schools, where equalization between districts has been in place ever since the California Supreme Court required it in a 1976 decision. Since voters have no say in how much money is spent on California schools, local school board elections tend to be dominated by teachers' unions, who give fat campaign contributions in return for huge salary

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increases. The result, says Schrag, is that California schools spend a good deal of money on teacher salaries and very little on anything else. "We also have leaky roofs and rotting buildings" in California, says Schrag, "but we have them in the suburbs as well as in the inner cities."

Kozol has one answer to these arguments: the schools in the inner cities are so decrepit and close to collapse that it would be heartless to deny poor children what rich children routinely have. While he admits that more spending cannot, by itself, repair broken families or cure the problems of the ghetto, "schools, on the other hand, could make dramatic changes almost overnight if fiscal equity were a reality."

In promoting equality in spending as a cure-all for America's schools, Kozol ignores three decades of research by economists, political scientists, and sociologists that suggest that the way schools are run matters much more than how much money is spent on them. Money can buy bigger libraries and hire

more counselors, but cannot ensure that the books will be read, the building won't be vandalized, or that the counselors will have anything to say.

Certainly we should grieve for children forced to attend inner-city schools, and Kozol is most persuasive when he describes the sad state of the schools in the Bronx or in the North Lawndale section of Chicago. But the fundamental lesson the Great Society taught us is that outside agencies can do very little to pull people out of poverty; the key to ensuring successful reforms is to devolve institutional control. School choice that gives parents decisive power to control schools would do far more good than a budget increase, which would simply allow the system to grow in its present state, without changing. But reformers have learned little from the failure of the Great Society programs of the 1960s. Misplaced compassion towards the poor, as expressed in *Savage Inequalities*, does little good and a great deal of harm. □

Booknotes

Among the Thugs — There is another and even more disturbing explanation of mob violence than racism or feelings of social oppression. After eight years of being part of a British soccer mob, and rioting and being arrested with them, Bill Buford describes it in a chilling book entitled *Among the Thugs* (Norton, 317 pp., \$22.95). "This bored, empty, decadent generation consists of nothing more than what it appears to be. It is a lad culture without mystery, so deadened that it uses violence to wake itself up. It pricks itself so that it has feeling, burns its flesh so that it has smell." Does that sound like anyone you know? Someone in a government school, perhaps? —Karl Hess

William Morris Redux — The middle ages may have had squalor, disease and feudalism, but at least the peasants had free time. This is the conclusion of Harvard economist Juliet Schor in her recent book, *The Overworked American: The Unexpected Decline of Leisure* (Basic Books, 1991, 247 pp.). Contrary to the classic capitalist argument that the advent of the industrial age liberated humanity from drudgery and freed up more time for humans to enjoy a rising standard of living, Schor asserts that today's worker has less leisure than at most times in the past millennium. Capitalism did bring modern conveniences, but people now work longer and harder to maintain them. What once were luxuries are now necessities; people feel obliged to pursue the latest in an endless sequence of modern gadgets and status symbols. Even the home-worker cannot escape — the microwave oven has not saved time for relaxation but only "freed" time for other chores, soaring ratings for *Oprah* and *All My Children* notwithstanding. All capitalism has produced has been a change of sentiment, fostering rampant consumerism and acquisitiveness.

The medieval peasant, by contrast, knew just how much work he had to do to fulfill his basic desires, and was then

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satisfied. As evidence Schor points to the late 14th century, when wages rose dramatically but worker contract tenure dropped, indicating to her that the peasant was motivated only to meet his annual wage needs as quickly as possible then drop the hoe for mead and Chaucer. What Schor fails to mention is the Black Death wiping out half the population (what an economist might call a "labor force anomaly"), which not only caused the wage increase but also put peasants in a position in which they could bargain for shorter work tenure to exploit the volatile wage market by moving on to the next town where the rate of pay might be ten times higher. The serfs didn't need Ricardo, Adam Smith or even Aristotle to know when they had the upper hand.

Dr Schor's answer to the problem of declining leisure is to suggest that people slow down, need less, and impose voluntary restraints on their material appetites. Of course if everyone followed her advice the country would go into permanent recession, which isn't so bad if the medieval world is your model. Take Schor's advice, and we'd relive that proud and squalid history soon enough. —James S. Robbins

Conservative Anti-Climactics

— In *The Conservative Crack-Up* (Simon & Schuster, 1992, 320 pp., \$23.00), R. Emmett Tyrrell attempts one contribution to the political lexicon: *Kultur-smog*. That's his term for the dominant "liberal" media culture, that compassionate voice cooing in our ear, urging us to take our glasses off and give our moral backbone a rest — encouraging a sort of feel-good politics that's blind to reason and lazy in the face of intellectual dishonesty.

The Clarence Thomas nomination was a prime example. When facts failed to dislodge him, his opponents resorted to character lynching, certain that their ends justified their means. Tyrrell scourges conservatives for refusing to play this game with the same passion as the left. What's wrong with the right, according to Tyrrell, is that it's made up of basically retiring folk who lack the political impulse that seems to be the birthright of "compassionate" liberals.

Yet Tyrrell's analysis of conserva-

tism's failure to gain an intellectual foothold during the Reagan years also seems lacking in political passion. After spending the bulk of the book flourishing the conservative dilemma in purplish prose, his conclusion — that "sober liberals" of the 90's retrace the path of 70's neo-liberals into the conservative camp — seems anti-climactic.

Tyrrell does offer some long-due denunciations of lefties-in-denial. He takes on Garry Wills, whose intellectual response to Ronald Reagan was to speak the name and roll his eyes, like an obsessive-compulsive whose analyst is on vacation. He reveals *Crossfire's* Michael Kinsley, who generally puts the best face on the big-government argument, to be just as petty, money-grubbing, and culturally bereft as Kinsley portrays conservatives to be. There is juiciness here. Yet the book remains curiously unlovable.

I don't mean to be uncharitable in my obfuscation (that's Tyrrell's job), but the flinty audacity favored by *The American Spectator's* founder functions best in column form, where pithiness and attitude can carry the day. Taken book-length, the extended metaphors sound precious and the big words start to chase their tails around. All and all, this is a sour lemon of a book. Count on the mistresses of the *Kultur-smog* to pucker up.

Maybe it's my own fault that I'm not enthralled with *Crackup*. I've been the token conservative on a couple of university newspapers. It's lonely work. Sometimes I need a hug. When P.J. O'Rourke strikes blows against the empire, you want to high-five him; Tyrrell's brittle, Mencken-goes-to-college style, though sometimes devilishly entertaining, merits something more like a handshake and a stiff smile.

—Clay Hunter Waters

Blueprint for Secession

Those who believe in the sovereignty of the individual tend to find the idea of secession fascinating. As advocates of the maximum devolution of power, libertarians favor the notion of secession by the smallest feasible political or social units (some would advocate extension of this principle all the way down to the individual.)

In the American context, the whole question may seem rather academic.

This is definitely not the case among our northern neighbors. As Scott Reid's recent book — cleverly and eye-catchingly titled *Canada Remapped* (Arsenal Pulp Press, 1992, xi + 184pp, C\$14.95) — demonstrates, matters such as partition, separation, and political enclaves are very much living issues up north.

This is not actually a book about *whether* Canada should split apart, but about *how* it can do so in a peaceful fashion. It is a survey of how other countries have been rendered asunder, and a speculation about how governments can devolve in an amicable fashion.

Reid's command of history and use of appropriate analogy and parallel are impressive. He examines the experiences of Switzerland, Ireland, and Yugoslavia, deriving from these national experiences his contention that a country need not be geographically contiguous. Before I read his chapter "The Problem of Enclaves," I had no idea just how many perfectly functional ethno-political enclaves exist in the world.

For those who want to dismantle, reorganize, or dissolve existing states, this book contains a wealth of information. The dismal failure of the Irish Partition, the essential unworkability of the Yugoslavian approach, and the success of Switzerland are analyzed in order to find a solution for Canada.

Reid's solution gives as many people as possible the right to live in the country of their choice. He analyzes both voting patterns and demographics in Quebec to determine the scope and boundaries of likely divisions. Several problem areas would exist, so the author proceeds to a discussion of the merits and drawbacks of existent enclaves. He cites a Spanish city, Llivia, surrounded by France, and a Belgian town, Baerle-Duc, which actually takes the form of 22 enclaves, each completely surrounded by The Netherlands (where some of the enclaves are so small, a house won't fit in them).

Though outsiders can read this book for the rather prurient interest in the maneuverings to establish political borders, Reid's more vital purpose is to save his country the suffering of Ireland or Yugoslavia. If enough people read his book, he may even succeed.

—Kathleen Bradford

5th Anniversary retrospective

*The inside story: Who we are and
what we did, and how we did it.*

How We Started "Liberty"

by R.W. Bradford

The first issue of *Liberty* was published on July 5, 1987. The tiny staff of the new periodical, consisting of Steve Cox, Timothy Virkkala, Kathy Bradford, and me (Bill Bradford), spent over a month editing and laying out the issue. But the business of launching *Liberty* took far longer and involved far more work.

In a very real sense, *Liberty* started in July of 1985, when I began in earnest to develop a detailed business plan for the publication. I had been making plans for *Liberty* since about 1975, but I hadn't had the resources and the time to do anything about it, so the plans had stayed pretty much in the bullshit stage.

I had been infected by the libertarian virus since 1963, when I encountered *New Individualist Review*. It was in its pages that I learned of the tension on the American Right between classical liberals (or libertarians) and traditionalists. Prior to that time, I took myself to be a conservative, in some sense. Now I knew exactly in what sense. In 1965, like so many of my generation, I fell under the spell of Ayn Rand. This infatuation opened me to genuinely radical thinking. Following the logic of Rand's political thinking, more consistently than did Rand herself, I was an anarchist a year later. I led a Young Americans for Freedom chapter in rebellion against that conservative organization in 1966, and had published a weekly libertarian magazine briefly in early 1967.

But I was growing impatient with what I took to be the libertarian movement's denseness. By the middle of 1967, it was the inability of libertarians

to realize that the principle of inalienable rights led inexorably to anarchism that annoyed me. By 1968, as other libertarians were becoming anarchists, I had rejected the notion of inalienable rights, replacing it with the notion that rights are valuable social constructs, but not absolute imperatives. I had embraced a libertarianism based on a rather complicated praxeological analysis of coercive action. I remain convinced of this approach to this day. Then as now, my approach had little appeal to other libertarians. I was also afflicted with the enthusiasm, cocksureness, and intellectual impatience of young libertarians. Given my rather striking disagreement with the fundamental libertarian theory then prevailing, it is not surprising that I felt somewhat alienated from the movement at large.

So I turned my energy away from the organized libertarian movement, and concentrated my attention on living my life. I fell in love, got married, and started a small business. During the 1970s, my energy was almost entirely devoted to these endeavors, but I continued to be involved on the periphery of the libertarian movement. I read virtually all libertarian periodicals and was involved with the Libertarian Party

from its founding.

But most of my energy was consumed in operating my business. My efforts paid off: by the mid-1970s, I was financially comfortable. By then I had grown increasingly convinced that there ought to be a publication in which libertarians could discuss serious intellectual issues without the need to explain the fundamentals of libertarian thinking (unless, of course, challenging them) or any need to apologize for libertarian views. It seemed to me that most libertarian publications were oriented toward explaining their ideas to non-libertarians. They were outreach publications. I wanted an inreach publication.

I began brainstorming and making notes for a business plan for such a publication about 1975. In 1981, I retired from active participation in my business and moved to the West Coast. The move and the process of tying up some loose ends from my business occupied me for the next few years, though I continued to work in a leisurely fashion on what by then I thought of as my "new publication plan." By 1985, my other interests had been regularized to the point where I could pursue the business plan in earnest.

It was plain to me that the periodical I envisaged would require the contributions of a great many people. I consulted individuals who had experience in publishing and approached individuals whom I hoped would contribute their literary and editorial talents to the project.

The first person I approached was Steve Cox, an old friend from college who was by now an associate professor of literature at the University of California. Steve was the best writer and editor that I knew, and his early enthusiasm and contributions were critical. The second person I approached was Murray Rothbard, long-term libertarian philosopher, economist, and polemicist. Murray also was immediately interested and encouraging.

As I continued work on my business plan and solicited advice from more experienced hands, I learned of another project very similar to what I had in mind. A group of libertarian activists in San Francisco had their own business plan and had enlisted several talented people in their effort.

They contacted me and invited my participation. I went to San Francisco to meet with them to explore the possibility of joining their effort. I was not impressed with what I learned: their business plan included numerous unrealistic assumptions, projections based more on hope than on reason, and even (to my surprise) errors in arithmetic. I decided not to cast my lot with them. I also decided that the libertarian market was not large enough for the simultaneous launch of two new magazines of similar aspiration, so I put my plans on the back burner.

They published their first issue of *Libertarian Option* in August 1985, and distributed it free at the Libertarian Party national convention. Like many libertarians, I subscribed, and they promised that they would soon publish additional issues. But when no further issues appeared by the middle of 1986, it was evident that the operation was dead in the water, so I again turned my attention back to the project I had put on hold, working out details in its business plan, finding a printer, arranging for typesetting, learning about direct mail. It was a tough job, but I was determined that my still-unnamed publication would avoid the fate of so many other still-born liber-

tarian magazines.

I got valuable advice from Robert Kephart, who had launched *Libertarian Review* a decade earlier; Robert Poole, who had been involved in *Reason* since its early days; Howard Rich of Laissez-Faire Books, who had explored the possibility of a similar publication in the mid-1980s but abandoned the project; and many others. Slowly, the plan began to take shape.

The new journal would be different from other libertarian publications. It would be neither an outreach publication, a house organ, nor a scholarly journal. It was not that we had anything against such publications — we wanted to avoid these functions because we thought other publications were doing a good job at them. As the business plan explained, "We seek a periodical that will discuss whatever interests the intelligent, thoughtful libertarian, without feeling any need to apologize for our beliefs or to placate non-libertarians." (Much of the business plan was later incorporated into "Why Liberty?," an editorial that appeared in our first issue. See page 58.)

I had observed that a certain grandiosity of ambition characterized many other attempts at publishing a libertarian magazine, and I was determined to keep the new publication down to a manageable scale:

It will be produced inexpensively enough that it can survive on relatively limited circulation. It will consist of 16 to 48 pages, 8.5" x 11", attractively but not expensively printed. Circulation of 1,000 can be attained within one year, and placement of advertisements and additional direct mail campaigns can build its circulation to 2,000 within a year or so. By setting the circulation goal at such a modest level, keeping expenses to a minimum, and budgeting expenditures to meet those expenses, such a publication can be viable.

Up to Bat

By early 1987, we were ready to launch. By this time, I had recruited Doug Casey, Ross Overbeek and Timothy Virkkala as editors, bringing our total to six. Casey is an author and journalist who had written the best-selling investment advice book of all time; Overbeek is a leading computer scientist; Virkkala is an enthusiastic

amateur philosopher and economist.

We settled on *Liberty* for the name of the magazine, mostly by default. The other names we considered seemed too cute or insufficiently descriptive. I began writing advertisements and a direct mail solicitation of subscriptions. I had read some of the standard literature on how to write such advertising copy, and talked to professionals. But it was Bob Kephart's absolutely brutal criticisms of my first pathetic attempts that enabled us to come up with a successful sales effort. Among his suggestions was that we offer a "bonus" for subscribers. He even had an idea: "The Sociology of the Ayn Rand Cult," an essay Murray Rothbard

We settled on "Liberty" for the name of the magazine, mostly by default. The other names we considered seemed too cute or insufficiently descriptive.

had written more than 20 years earlier, but had never been published because of its "controversial" nature. Murray graciously granted us permission to print up to 5,000 copies for use as premiums. I have no doubt that it was an important factor in goosing the response to our advertising; we continue to use it from time to time, and it still pulls.

In May, Ruth Bennett became *Liberty's* first subscriber when she handed me a check along with a subscription form I had distributed at an LP function in Seattle. Later in May, we began to run advertisements and sent out a test mailing of the direct mail package that I had written. The test was successful, and in August we mailed over 30,000 pieces of direct mail.

Also in May, we began to put together the first issue of *Liberty*.

I was convinced that it was critical that the premier issue should have at least one article that nearly all libertarians would consider to be "must reading." Ayn Rand was, by a wide margin, the most influential thinker for most libertarians, but at this time substantial portions of her life and work remained mysterious, so the thought naturally

enough occurred to me that an article illuminating part of the Rand enigma would have very wide appeal.

Most libertarians had seen the 1948 film of *The Fountainhead*, Rand's best-selling 1943 novel. In her 1962 biographical essay, Barbara Branden had mentioned that Rand had written the screenplays for other films; she did not specify the quantity. In her biography of Rand, Branden mentioned two other films for which Rand had written the screenplay. Few libertarians had ever seen them. I had tracked down videotapes of each. Why not a review of these films?

Steve Cox agreed to write an essay on them that would headline our inaugural issue. Cox did a magnificent job, going far beyond the films themselves, examining the novels on which they were based, the role of others involved in the films, as well as Rand's contribution to them. This was the first of many important articles and critical essays on the life and thought of Ayn Rand that were to appear in *Liberty*. It also marked the start of a *Liberty* tradition: publication of important critical essays from leading academic authorities, often reflecting new research, written in a read-

A certain grandiosity of ambition characterized many other attempts at publishing a libertarian magazine. I was determined to keep the new publication down to a manageable scale.

able style for the non-specialized reader.

In addition, Murray Rothbard had promised us a provocative article on a current subject. Because Murray was the best known of those involved in *Liberty*, we believed his article would be of special importance.

In keeping with my hope that *Liberty* would stimulate interest in the history of the modern libertarian movement, I wrote a brief essay on the life of Tom Marshall, the eccentric libertarian pio-

neer who had founded and published *Innovator*, the pioneer libertarian publication, but had grown so convinced that statist society was heading for disaster that he had retreated to a solitary life deep in the forests of southern Oregon, where he had disappeared. Benjamin Best, the last person known to have seen Marshall, added a first-person report of a visit with Marshall in his secret forest home. In addition, we reprinted an article Marshall had written on libertarian theory some 20 years earlier. We added a lecture from Butler Shaffer on the role of institutions in creating social conflict and a libertarian-feminist-science fiction short story by Jo McIntyre, an essay on the poverty of conservative thinking by Bill Moulton, and book reviews by Ross Overbeek, Ida Walters, and Timothy Virkkala.

I had written a brief editorial explaining why we were publishing *Liberty*, and circulated it to *Liberty*'s other editors for their signatures. The editorial, partially adapted from our business plan, stated our intentions in launching *Liberty* and told readers what to expect. In a very real sense, it explained *Liberty*'s *raison d'être*. To date, it is the only editorial ever to appear in our pages.

As lagniappe, I put together a page of eccentric and absurd news items, done in the style of H. L. Mencken's "Americana," a popular feature in *Smart Set* and *American Mercury*. Rex May, the very fine cartoonist whose work had long been featured in *The Wall Street Journal*, had responded to our initial advertising by subscribing and volunteering his cartoons.

We had somewhere in the neighborhood of 35-40 pages of material ready to publish, as we awaited Murray Rothbard's contribution. Less than a week prior to publication date, it arrived. It was a rousing defense of Ron Paul's bid for the LP's presidential nomination and an attack on the candidacy of Russell Means: "If the Libertarian Party selects Ron Paul, it votes for growth, for prosperity, for life itself, and for setting out on the road to victory for liberty. If it chooses Russell Means, it commits *hara-kiri* in full public view . . . the choice between Paul and Means is a choice between life and death." It was hot stuff, lively prose with a nasty edge.

But Rothbard's polemic alarmed me. Most readers' perception of *Liberty*

would be based on its first issue, and if our only discussion of politics were Rothbard's, readers would likely see *Liberty* as a vehicle for Rothbard's right-wing factionalism. While an essay of this sort would be entirely appropriate for *Liberty* once it had established itself, its publication in our inaugural issue might prevent our establishing *Liberty* as a journal of diverse libertarian opinion.

Rothbard's polemic alarmed me. Most readers' perception of Liberty would be based on its first issue, and if our only discussion of politics were Rothbard's, readers would likely see Liberty as a vehicle for Rothbard's right-wing factionalism.

Happily, two of *Liberty*'s editors came to the rescue by writing analyses of the contest for the LP presidential nomination written from different perspectives from Rothbard's. "Chester Alan Arthur" wrote a rather balanced survey of the race, and "David Sheldon" wrote a curious "defense" of Russell Means. To lessen the impact of the political articles, we decided to publish them unobtrusively toward the back of the magazine.

On June 4, we sent the magazine to the printer. We had sold over 1,000 subscriptions and had put together a credible first issue of 48 pages.

Liberty was in business.

Safe at First

But the major focus of our attention was the second issue. Unfortunately, our printer was just about the world's slowest, offering a lumbering turnaround of some 30 days. During the month while we awaited the first issue, we continued to work on circulation, writing advertising copy, and doing another direct mail campaign. By the time the first issue was printed, the deadline for the second had already passed.

I knew that we had done the right thing with our political coverage when Murray Rothbard told me that he hated Arthur's and Sheldon's pieces so much

that he had thrown his copy of *Liberty* across the room upon reading them, and another editor told me that Russell Means' campaign manager had found Rothbard, Arthur, and Sheldon so offensive that she had similarly launched *Liberty's* inaugural issue.

We got two articles for our second issue that we thought might arouse considerable controversy: a sociological survey of libertarians by two non-libertarian sociologists and Bill Moulton's essay attempting to put the Libertarian Party in historic perspective. (Moulton's essay concluded with a prophetic prognosis: "Factionalism and exhaustion, with an actual split [in the party] probably after the 1988 election." Less than a year after the election, long-time LP ideological leader Murray Rothbard left the LP and the libertarian movement, inviting other "paleo-libertarians" to join him in the conservative wing of the Republican Party.)

But there is no doubt that neither of these aroused the interest of our readers as much as an essay on Robert Nozick by Ethan O. Waters. Nozick, a prominent Harvard philosopher who had become perhaps the most famous academic libertarian with the publication of his *Anarchy, State and Utopia*, had used rent control regulations to force his landlord to refund thousands of dollars in rent that Nozick had voluntarily agreed to pay. Most libertarians were aghast. But Waters' "Reflections on the Apostasy of Robert Nozick" presented a rather sophisticated "defense" of Nozick's action: he argued that the logic that heaps moral condemnation on Nozick leads ultimately to condemnation of *any* use of any government service or product, including the use of government roads.

He also argued that it was perfectly possible for there to develop a private, voluntary community encompassing the entire continent with rules and laws — including rent control — identical to the United States in general and Cambridge (Nozick's home) in particular. Would libertarians defend Nozick's actions in such a context? Under such circumstances, would they defend pervasive government control? Waters concluded by suggesting that the narrow moralism that led libertarians to such views was ill-conceived, and urged further consideration of the sort of libertarian thinking rooted in the util-

ity of libertarian traditions and values.

This proved to be the most controversial article ever published in *Liberty*, eliciting dozens of letters and responses and our first hate mail. Thanks to the fact that we were still using the world's slowest printer and mailing by third class, the only response that arrived in time for our December 1987 issue was from Murray Rothbard, who attacked Waters for dispensing with morality and Nozick for actively taking advantage of Cambridge's rent control laws, while defending his own (Rothbard's) passive exploitation of New York's rent control laws.

By the time the December 1987 issue, with Rothbard's article, was at the printer, we were receiving stacks of mail criticizing Waters. We published a substantial selection from those letters in our March 1988 issue, along with a brief reply from Waters. For our May issue, Waters wrote an essay entitled "The Two Libertarianisms," which elaborated his thinking about the tension between moralistic libertarianism and consequentialist libertarianism, concluding that some sort of synthesis of the two might be worked out. Not surprisingly, this essay brought another torrent of letters.

But Waters was not the only source of controversy that first year. John Dentinger and Murray Rothbard squared off in our March issue on the question of whether libertarianism was too closely identified with the political right. David Ramsay Steele's essay on Ayn Rand in our May issue painted an extremely unflattering portrait of the libertarian demigod; Ross Overbeek came to Rand's defense in the following issue. Gary Alexander argued for support of the Nicaraguan *contras*, Bill Kelsey argued for neutrality.

The July 1988 issue — the final issue of our first year — included one of our most controversial features ever: *The Liberty Poll*, the first survey ever conducted of what libertarians actually think. Many were surprised to learn that almost 50% of self-identified libertarians believe in an interventionist foreign policy, that over 30% favor immigration controls, that 13% believe abortion should be outlawed, that less than a third advocate the abolition of government, and that over 10% would refuse to intervene to prevent a parent from starving his child to death for the par-

ent's perverse entertainment.

But there was more to *Liberty* than controversy. We had also published articles on subjects ranging from the American Civil Liberties Union to the Jehovah's Witnesses, from the stock market crash to the liberating effects of the cybernetic revolution, from the impeachment of Arizona Gov. Evan Mecham to avoiding taxes by living in the Bahamas. We had published critical reviews of more than 50 books and reviewed more than a dozen films. We had published Benjamin Best's delightful report on touring Communist eastern Europe and his interrogation by the East German *volkspolezi*, Franklin Sanders' memorable "I Go To Jail," and Murray Rothbard's delightful memoir "Me and the Eiger." Not to mention four short stories and a poem.

Hit and Run

We were a happy crew when we marked our first anniversary in July 1988. But things weren't going exactly to plan. Our first two issues — each 48 pages — fell within the range of 16 to 48 pages that we had planned. But we expanded to 56 pages for the next issue

As our first year ended, "Liberty" contained twice as many pages as we had planned and its circulation was twice our target.

and to 64 for the following issue. Before the year was over, we had published an 80-page issue, and in the four years since, *Liberty* has not failed to publish at least 72 pages.

This expansion was substantially a result of our ability to attract first-rate writing. By our third issue, Karl Hess, Mike Holmes, Bill Moulton and Ethan Waters had contributed and become editors, and we had published writing by such luminaries as Mark Skousen, Tibor Machan, and Walter Block. Before our first year ended, we had also published such notables as Sheldon Richman (who soon became an editor), Jeffrey Rogers Hummel, Jerome Tuccille, and Nathaniel Branden.

More people subscribed than we had anticipated. We mailed our sixth issue to 2,397 subscribers. We were surprised to discover that there was substantial demand for *Liberty* on the newsstand. "Why would general readers be interested?" we wondered. But we couldn't argue with the fact that our single newsstand was selling about 250 copies of each issue.

In December 1987, we surveyed our readers. We learned that they were overwhelmingly enthusiastic about our efforts, a fact soon verified when over 80% of charter subscribers renewed their subscriptions. On average, any given article in *Liberty* is read by an astonishing average of 87% of our readers. About the only feature they didn't like was poetry. We also discovered that among the most popular types of articles in *Liberty* were those on "public policy" and "analysis of current events." Curiously, at that time, we hadn't published a single article on public policy or current events (unless you stretched your definition of "current events" to include our coverage of the Libertarian Party national convention). It had been our intention to avoid these types of articles, leaving them to outreach periodicals.

We took our readers' advice and scuttled our policy. In the very next issue we published articles on the ACLU and Nicaragua. In the final issue of that first year, we began a new feature, "Reflections," in which our editors commented pungently on the passing scene.

The launch of *Liberty* and its first year of publication was an adventure for all of us who participated. The adventure continues. Our readership has more than doubled in the four years since, and our newsstand sales have risen well past the 1,000 level. Several prestigious libraries (e.g. New York Public, University of Michigan, University of California) subscribe. Writers whose work has appeared in *Liberty* constitute a virtual "Who's Who" of the libertarian movement, but we continue to publish obscure and unknown writers as well. We have upgraded our typesetting and printing and refined our design. Above all, we have striven to maintain the highest editorial quality, still holding as our highest goal the publication of good writing that "interests the intelligent, thoughtful libertarian." □

Why Liberty?

Does the world really need another libertarian magazine?

There already exists a variety of libertarian periodicals, ranging from local newsletters to national magazines, from personal "zines" to scholarly journals. Given the limited resources of the libertarian movement, the number of libertarian publications is impressive, and the quality of most is remarkably good.

Yet it seems to us that nearly all libertarian periodicals fit into one of three categories: outreach periodicals, house organs or scholarly journals.

In efforts to gain influence or convince others of the correctness of their positions, a considerable amount of libertarian intellectual energy is aimed outside the movement via outreach periodicals. While converting others may be an important and worthwhile activity, outreach periodicals are sometimes rather boring to the intelligent libertarian. Who needs another article on free market garbage collection?

Other libertarian periodicals attempt to expound a certain vision of liberty to the exclusion of other libertarian visions. These house organs usually do a good job as standard bearers of their particular faction, but they often suffer from their narrow scope and perspective. They generally discuss only issues of particular interest to their faction; to the extent they discuss other issues, they do so from a very narrow perspective.

Libertarian scholarly journals offer a wider scope and broader perspectives; they often explore the frontiers of libertarian thinking. But the strictures of scholarly writing limit their content both in scope and style.

Neither outreach periodicals nor house organs nor scholarly journals can offer the kind of lively, provocative analysis that the intelligent libertarian craves.

The Nature of Liberty

We propose to publish *Liberty* as a journal produced by libertarians for libertarians, a journal with the space and inclination to discuss issues that interest libertarians, written from an unapologetically libertarian perspective.

We propose to publish lively discussions of these sorts of issues:

- the intellectual and psychological roots of libertarianism and of the hostility to liberty.
- the sort of society that libertarianism entails.
- cultural, social and historical matters from a libertarian perspective.
- the tactics and strategies of those libertar-

ians seeking to libertarianize the world, as well as the strategy and tactics of those who believe in allowing the world to go its own way.

- the origin and history of the libertarian movement.

We seek to publish uninhibited discussions of these issues, without feeling any need to soft pedal libertarianism or to outline or defend the precepts of libertarianism (except for challenges from within).

We seek a periodical that will discuss whatever interests the intelligent, thoughtful libertarian, without feeling any need to apologize for our beliefs or to placate non-libertarians.

We seek a periodical that does not soft pedal libertarianism one whit.

Who We Are

The editors of *Liberty* are a diverse lot.

Two of us (Rothbard and Cox) are professional academics; two of us (Bradford and Casey) are entrepreneurs and financial advisory writers; one of us (Overbeek) is an academic-researcher, scientist-entrepreneur.

One of us (Rothbard) has long been intimately involved in the Libertarian Party; two of us (Cox and Bradford) have supported the LP since its inception but only recently joined the party; another (Overbeek) has refused to join the Party because of his disagreement over its loyalty oath requirement; one of us (Casey) eschews political activity altogether, refusing even to register to vote.

The bases of our libertarianisms vary as well: One of us (Rothbard) is a leading advocate of Natural Rights philosophy, three of us (Cox, Overbeek and Bradford) are Classical Liberals more or less in the utilitarian tradition, and one of us (Casey) is an anarchist in the neo-Objectivist tradition of the Tannehills.

We acknowledge our differences of experience, of orientation, of approach. In the pages of *Liberty* we expect we will often disagree, and sometimes disagree with vigor.

But all of us agree on two points:

1) We believe that the role of government in people's lives should be radically reduced or eliminated altogether (thus we are libertarians);

2) We believe that libertarians need an "in-reach" journal—a periodical in which to sort out their differences, share their thinking, etc.

That is why we publish *Liberty*.

R. W. Rothbard
Douglas Casey
Stephen Cox
Ross Overbeek
Murray Rothbard

Reprinted from the first issue

Ayn Rand translated her best novel into a powerful, if flawed film. From our first issue.

"The Fountainhead" as Film

by Stephen Cox

Rand liked expressionist film, and in her novels she found plenty of uses for the mythic and the mythological. *The Fountainhead* comes as close to mythic expressionism as a film about a rationalist architect could ever come. The mythic atmosphere is partly a matter of the directness and "ur-

gency" of Rand's script, which was required to reduce a very long book to its stark fundamentals. Rand was always good with an aphorism, even in her late, tedious years, and the aphoristic style helps her here: "I don't build in order to have clients; I have clients in order to build," Roark declares — succinctly establishing himself as the archetypal creator.

But myth can never be achieved simply by collecting aphorisms. The mythic is a matter of universal problems, essential conflicts, and symbolic acts of sudden, intense significance. It is Henry Cameron (played by Henry Hull) seizing a stack of copies of the *New York Banner* — "the foulest newspaper on earth" — and ripping them to shreds; around him, a crowd gathers and, somewhere above, the camera inspects the scene, as if from a judgment seat. It is Dominique Francon (Patricia Neal) holding a desperate Gail Wynand (Raymond Massey) in her arms and begging him, at his hour of climactic decision, "Don't give in to them, don't give in"; there is a dissolve to his boardroom, where his directors tell him, "You'd better give in" — and he gives in. And of course it is Vidor's close-up of Roark working in the quarry, seeming to express all the creative and destructive energy in the Randian

world in the way in which he holds his drill.

The mythic quality of the movie depends as much on what is left out as on what is put in. We never see Roark cooking a meal or riding a subway or going swimming. In this respect, the movie is much starker than the novel.

Until the last shot, Roark is never shown working at a construction site; after he gets out of the quarry and achieves his proper station, his work is presented as if it were entirely intellectual, a triumph of mind over matter. The sets are usually stripped of everything that lacks symbolic significance. Roark's offices and the buildings that he designs seem to consist of unnaturally large, unnaturally empty rooms, as if a mythic space were being created by the clearance of all messy, mundane detail. Roark's spaces are in sharp contrast to those of villainous or equivocal people. Ellsworth Toohey's office has plenty of furniture and is well decorated with eighteenth-century portrait prints and a picture of Greek ruins; the boardroom in which Roark is denied a commission displays "decadent," Hubert Robert-like architectural paintings; Dominique's bedroom, a pre-Roark structure, is elaborately baroque; Wy-

nand's pre-Roark dining room is decorated in a heavy neoclassical style and overshadowed by an immense baroque picture; on the facade of the *Banner* building, a metal sign hangs from Corinthian columns — the architectural banner of decadence and equivocation.

One would like to say that all aspects of script and production were adequate to the goal of mythic expressionism. Regrettably, they are not. Rand's dialogue is sometimes much too "urgent" for its own good. It's not mythic but gratingly obvious for the board of directors of the Security Bank to try to make Roark compromise by telling him, "You realize, of course, your whole future is at stake. This may be your last chance." And the expressionist sets are often not mythically stark but vacant or dull or shockingly bad. Rand failed to get Frank Lloyd Wright as designer of Roark's buildings; he wanted too much money and too much control. The studio's designer, Edward Carrere, took over, with fear-inspiring results. The film does well at showing the various ways in which bad architects can ruin buildings; the Cortlandt project that Roark blows up richly deserves to be blown

up, as discontented mutterings from the audience normally testify. But the Cortlandt that Roark designs looks like nothing more than a typical government project. The house he builds for Wynand is even worse; it's a hard, ugly, moronic lump — something like a square space-ship filled with cement. Its principal interior embellishment is a lamp with goldfish swimming inside it, lovingly placed in the foreground by King Vidor. In general, Roark's build-ups go out of their way to deny his doctrine that "form must follow function."

The film's musical decoration is slightly more successful than its architectural decoration. The score is by Max

ter of Dominique all too well and exaggerates the movie's expressionist style to the point of absurdity. She constantly appears to be posing for some slightly deranged portrait-painter residing in the Berlin of 1925. Her interpretation of Dominique merely deepens the mystery of why Dominique is considered a heroine.

Another mystery is Rand's curious idea that Gary Cooper was Howard Roark: "From the time she had begun writing *The Fountainhead*, when she had first considered the possibility that it might one day be made into a movie, Gary Cooper was the one actor she wanted for the role of Howard Roark. His physical appearance strongly suggested Roark to her; she saw him as the archetype of the American hero." Like other people who have gotten their wishes, Rand lived to regret it. Cooper wasn't entirely up to the role, though not being up to it allowed him to mold Roark a little in his own attractive image, "humanizing" him, as many people have said. For examples of good acting, one should look at Cooper's sensitive treatment of Roark's shifting feelings in his scenes with Massey, or in his fine little scene or two with Ray Collins, who plays Roger Enright. (Collins, who had performed as Boss Jim W. Gettys in *Citizen Kane*, is himself an excellent actor, as is Jerome Cowan, perfect in the role of Alvah Scarret.) The crucial objection to Cooper is his age; he is much too old to play Roark the beginner — just as Kent Smith is much too old to play the neophyte Keating. It is very surprising that Rand thought of Smith (who does turn in a memorable performance of Keating the has-been) as the right "physical type" for his part. Is this the "pale, dark-haired, and beautiful" Keating of the novel, the Keating who has a "classical perfection" in his looks, whose eyes are "dark, alert, intelligent?" Not exactly.

Surprising also is Rand's judgment that Robert Douglas, playing Toohey, "was too forceful," not "slippery and snide" enough. The splendidly developed Toohey of the novel is powerful as well as conniving. He is both a small, twisted figure and an immensely forceful presence. And who wrote the script in which Toohey says to Keating with disgust, "Of course I'm your friend. I'm

everybody's friend. I'm a friend of humanity. Now, why did you come here? What do you want?" Rand herself made Toohey forceful, as he should be if he is to enact his prominent part in the myth. Perhaps no actor could capture Toohey's complexity, but Douglas does a striking, more-than-naturalistic job with one side of him. The fact that Rand wanted the other side to be emphasized probably reflects her embarrassment at having created a splendid villain who acts as more than a "foil" or "contrast" to the good people — the role in which her later aesthetic theory would cast a villain.

The Authorized, Abridged Version

The major problem in *The Fountainhead*, however, lies not in its cast, its direction, or its production; it lies in a conflict of media. Rand's great difficulty was that of transforming a complex philosophical novel into a series of mythic scenes, scenes that nevertheless depend on a certain amount of philosophical elaboration if they are to be understood. The process of condensation that helps to bring the mythic elements into sharp focus also helps to deprive them of meaning. Rand was thinking of

The mythic quality of the movie depends as much on what is left out as on what is put in. We never see Roark cooking a meal or riding a subway or going swimming.

the conflict of media when she told Barbara Branden that she was "certain that it couldn't be made into a really good movie"; she had already "told the story in the proper form in the book."

The Fountainhead is not an intellectually challenging film, though it is certainly better in this respect than Rand's other efforts in the medium. Neither individualists nor anti-individualists are likely to be set thinking by an evening spent with *The Fountainhead* cooking in the VCR. Further, knowledge of the movie's intention to be intellectually chal-

Rand was always good with an aphorism, even in her late, tedious years.

Steiner, usually regarded as one of the best Hollywood composers; he provided music for *Gone with the Wind* and *Casablanca*. Steiner's *Fountainhead* music tries to be romantic and sparsely modern at the same time; it ends up being overstylized and repetitive, a theme without real variation. It's simple enough to avoid serious embarrassment, however, and the final few bars provide a climax of what must be called religious feeling.

The cast, of course, is more than decoration; its members are, perhaps, Rand's most important collaborators, and it has to be said that as a group they fail to attain mythic status. One can hardly object to the presence of actors as talented as Gary Cooper, Raymond Massey, and Patricia Neal, but their talents are not necessarily in Rand's line. Only Massey is capable of realizing the compelling strangeness, the uncanniness of myth, and Massey seriously mars his performance by overacting, as Rand recognized. His arresting voice and manner make him, potentially, the right man for the part, and he skillfully captures the sardonic quality of Wynand's personality. But he is too often on stilts; he neglects Wynand's toughness in favor of his self-conscious theatricality. Neal overacts much more flagrantly; she plays her part with an hysterical intensity that fits the charac-

lenging, and of its failure to achieve this purpose, detracts even from a purely aesthetic appreciation of its technique. If easy sentiment is one danger to the art of film, unrealizable philosophic ambition is another. But at least *The Fountainhead* has ambition, and its ambition involves not just an attempt to present iconoclastic ideas but an attempt to af-

fect its audience's perceptions in daring and distinctive ways. As Stuart Kamin-sky says, its anti-naturalistic method makes it "one of the most noteworthy of American films . . . a strange and courageous effort, rather like a building by Howard Roark." Rand's courageous strangeness deserves a large share of the credit. □

The Fountainhead

Warner Brothers, 1949

Producer: Henry Blanke

Director: King Vidor

Musical Score: Max Steiner

Cast: Gary Cooper, Raymond Massey, Patricia Neal, Kent Smith, Henry Hull, Robert Douglas, Ray Collins, Jerome Cowan.

Available on VHS from MGM/UA Home Video, \$29.95.

5th Anniversary retrospective

A discovery by a noted traveler in the realm of ideas. If you think human nature can be mapped on an indifference curve, this economist says no. From our fourth issue.

Me and the Eiger

by Murray N. Rothbard

There are ethnocultural gaps between people that go far beyond ideology. I was forcibly reminded of this truth when I recently attended a scholarly conference at a beautiful rural spot. The twenty or so conferees were all intelligent, amiable, and scholarly, but I soon realized that there was an unbridgeable gulf between them and me. I'm not talking about the content of the conference, which was . . . a conference. I'm talking about the conversation that permeated the place outside of the formal sessions, over meals and over drinks. I soon realized, to my chagrin, that none of their conversation held the slightest interest for me. Not a word, not a thought, did they devote to human culture—to ideas, books, movies, politics, gossip. Nothing. Instead, they only talked about nature. They talked about the contents of the local soil, about the winds, about why it is that the grass freezes overnight more quickly if the climate is dry (or is it when humid?), about the ozone layer, and the eco-system. Yecch!

At one point, I perked up. Two of my colleagues were talking about the

"Eiger Sanction." At last! I piped up: "Yes, that was a great Clint Eastwood movie." They looked at me as if I were crazy, and I realized, with mounting horror, that they were talking about the real Eiger, and how they had each lost several friends and relatives in their attempt to climb the dread south face (or is it the north face?) of the Eiger.

Let's face it: the difference is ethnic. I am willing to assert that there is not a single Jew who has ever climbed the Eiger, of whatever face, or had the slightest inclination to do so. Any Jew worth his salt regards any yen to climb the Eiger as *mashuggah* (crazy) and the famous answer of Sir Edmund Hillary to why he climbed mountains, "because they are there," as scarcely compelling. So why not swallow a big dose of cyanide because "it is there"? Climbing the Eiger is a striking example of what a friend of mine calls *goyim-nachas* (gentile-happiness). Note what I am not saying: I am not saying that every single WASP talks about nothing but winds and the soil and the ozone layer, and is about to set out to challenge the Eiger. But I am saying that in a gathering of Jewish

scholars, everyone would be conversing about ideas, books, movies, politics and gossip. And not a single one would have any friends or relatives who died on the Eiger.

If one were needed, empirical confirmation of this great truth was provided at this conference by the one other urban Jew in this gathering of WASPs. While in other contexts we might have been at swords' point, here we were comrades-in-arms. During breaks between sessions, the WASPs, all thin and hardy, climbed neighboring mountains. I happily reclined in my plush hotel room, watching the baseball playoffs (there is nothing more soul-satisfying than watching other people engage in strenuous sport), while my fellow Jewish-ethnic, fat and wheezing at forty, ate double meals and fell into a snooze. God bless him; he's the sort of person who made America great.

For those who have lived on another planet and have never been introduced to this form of ethno-cultural analysis, read Philip Roth and watch Woody Allen movies. That's what they are all about. □

This article upset more readers than any published in Liberty before or since. It told them they didn't know what libertarianism was all about. From our fourth and fifth issues.

The Two Libertarianisms, One Time More

by Ethan O. Waters

My essay "Reflections on the Apostasy of Robert Nozick" (*Liberty*, October 1987) has touched off considerable controversy: it has provoked a record number of letters-to-the-editor and has drawn the attention of such leading libertarian moral philosophers as Murray Rothbard and Tibor Machan.

Nearly all of the responses, as I make them out, missed the point of the essay: namely, that the moralistic libertarianism position implies two silly and untenable propositions. By "moralistic libertarianism," I mean the notion that the proper basis of social theory is the "nonaggression axiom," the proposition that "no man has the right to initiate the use of physical force against another." First, the nonaggression axiom implies that any action, no matter how contrary to liberty, must be sanctioned if it is the consequence of a voluntary contract. Secondly, the sort of logic based on the absolutism of the nonaggression axiom that condemns an individual like Nozick who uses the power of the state to gain at the expense of others, also condemns the individual who uses other state services. For these reasons (among others) I believe libertarians must either reformulate or abandon the moral theory implied by the nonaggression axiom.

My essay was, admittedly, journalistic rather than scholarly. My starting point for this discussion of moral theory was Robert Nozick's use of local rent control laws to extort a substantial sum of money from his landlord. I argued that for the moralistic libertarian, the case is not so simple as it first seems.

My argument was mistaken by many as a defense of Nozick's action rather than a criticism of moralistic libertarianism.

My criticism of moralistic libertarianism is one that I think should be addressed by all libertarians.

A Problem with the Nonaggression Axiom

The moralistic libertarian attack on Robert Nozick's legal harassment of his landlord is based in part on the proposition that the origin of the laws employed by Nozick lies in coercion (by which I mean *initiated force*). If individuals living in an area ever agreed to such idiotic rules of conduct as rent or land control laws, even if that agreement laid in the distant past, then the moralistic libertarian would have to defend Nozick's actions (and any others sanctioned by the statist status quo).

All who have read Spooner are certainly aware that the Constitution of the United States is not a contract among free people. It was imposed by coercion upon many individuals who never agreed to it. From the perspective of the moralistic libertarian, the Constitution is certainly not a valid contract.

But what if a valid contract had been made? Suppose that some two hundred years ago, every single person in the ge-

ographical area that is now the United States agreed to vest control of all his own real property to the corporation created by their voluntary contract, in exchange for the right to lease the same land back in exchange for annual fees. Suppose also that they agree that the administration of the land and rules over the conduct of those who inhabit the land can be changed by certain methods prescribed by the contract. Suppose further that they called this contract the U.S. Constitution, and the corporation it created the United States of America.

Suppose that since the Constitution had been agreed to, the course of history had followed exactly the same path as it in fact did follow: that the system had developed in every other way identical to our current political system, arriving at the same situation that we have today—the only difference being that the system had its origin in contract rather than coercion.

The individuals who live under the jurisdiction of the Constitution live there by choice, and agree to subject themselves to the rules and regulations of this government made pursuant to the contract, just as those who live in an apartment complex live there by

choice, and agree to subject themselves to the rules and regulations of the landlord made pursuant to their lease.

When this government takes a man who has failed to obey one of its rules or regulations and punishes him it is not initiating force. Just as a church has the right to prohibit a visitor from standing up during the administration of a sacrament and screaming anti-religious obscenities, and a cinema has the right to prohibit a visitor from standing up and screaming "Fire!" so the government has the right to prohibit violation of its rules, and to subject the violator to the agreed-upon consequences of his violating its rules, contractually agreed to. The person punished by the government is simply getting his just deserts.

What does the moralistic libertarian who is born into such a situation do? He knows (from his reading of Mises, Hayek, Rothbard, and Rand) that the system destroys human initiative, fails to satisfy human needs, encourages strife among its constituents, destroys wealth, and ultimately works toward the destruction of human life itself. On the other hand, his criterion for evaluating human behavior is whether it ini-

To the question, "When is it legitimate to initiate the use of force against others?" the libertarian moralist answers, "Never! Unless, of course, you really need to initiate force..."

tiates the use of force, and this institution certainly does not.

Indeed, by the logic of the moralistic libertarian position, every good man should actively defend the government he lives under, no matter how perfidious its nature, provided its origin lies in contract.

Consider another hypothetical society, identical to the government of the Soviet Union in every way but one: in 1917, all those who owned land in the part of the world previously known as the Russian Empire vested ownership of

their land into a single corporation, which they called the Soviet Union. They granted this corporation the right to make whatever rules governing them and their relationships with one another by whatever rules those initially appointed prefer.

This corporation proceeds to centralize ownership of all property; it denies the inhabitants of the land it owns what most libertarians see as fundamental rights: to own property, to speak freely, to refuse service in the armed forces, as well as other commonly accepted rights like the right to vote for one's rulers. The corporation creates a system that not only insures its subjects' lives are tightly monitored and controlled, but that they will be relatively poor materially as well; it murders millions of people who disagree with it and millions more for no discernible reason at all. In short, it acts in precisely the same manner as the actual, historic Soviet government, with one exception: it allows those born after its inception and who wish to leave its jurisdiction to go, provided they can find the means of leaving while still obeying all its rules and regulations.

Like our hypothetical U.S. government, this hypothetical Soviet government is not initiating force when it takes its horrible actions, since those who signed a contract granting those powers to the government did so voluntarily. And just as the moralistic libertarian must defend the relatively benign U.S. government from charges against it, so must he defend the monstrous Soviet government.

Another Problem

The moralistic libertarian must condemn the individual who uses a service like arbitration of rental disputes if the arbitration has its origin in coercion, but praises the individual if the arbitration has its origin in contract. What of the individual who uses other government services whose origin is in coercion?

What about the person who uses the governmental postal monopoly? government roads? government schools? Who buys food whose production is subsidized by tax money? What of the person who does virtually anything in our statist world? Aren't all these individuals (i.e., practically every person in the world) just as guilty as the person who

uses an arbitration service whose origin is coercive?

It can be argued that the use of rent control regulations is inherently coercive, but that the act of walking on a governmental sidewalk is not. After all, when one turns to the bureaucracy of his local rent control board, he is requesting the state to unleash its police power against his landlord. Certainly walking on a sidewalk is only accidentally involved with government: if the

It is ridiculous to base one's view of any government on its origin. The actual actions taken by a government are far more relevant in evaluating it.

sidewalk were privately owned, then government would not be involved at all.

The problem with this argument is that no act is inherently coercive. An act becomes coercive only in a particular context. Shooting a man is coercive if it is unprovoked; shooting a man who is attempting to murder you is not coercive. And using an arbitration service to settle a rental dispute is not coercive, unless one party is subjected to the process against his will. If both parties agreed to accept the decision of the arbiter, or inherited their rights as landlord or tenant from individuals who agreed to binding arbitration, then no coercion is involved.

Using an arbitration service can be coercive in some circumstances; in others it is not. Using a government sidewalk can be coercive in some circumstances; in others it is not.

But because the moralistic libertarian holds the nonaggression axiom absolutely, if he wishes to condemn the individual (like Nozick) who uses a government arbitration service to resolve his rental dispute, by the same logic he must condemn the individual who uses other government services.

Implications for Libertarians

I posed my hypothetical contract, not out of any desire to defend Nozick's action or to argue that anyone who walks

on a public road is evil, but to argue that a social philosophy based on the absolutism of the nonaggression axiom is seriously flawed.

Condemning Nozick's action on grounds that it violates the "no-man-has-the-right-to-initiate-force" principle is foolishly puerile. The libertarian who accepts the absolutism of the nonaggression axiom as a standard for judging the actions of others is logically required to defend political institutions and laws that he knows are destructive to human prosperity and liberty provided that such institutions and laws had their origin in contract. Further, he is logically compelled to condemn anyone who uses any government service. Worst of all, he must make his acquiescence or opposition to any invasive law or institution contingent on the origin of that law, rather than on the content of the law or the nature of the institution themselves.

To me, it is ridiculous to base one's view of any government on its origin. I think the actual actions taken by a government are far more relevant in evaluating it. I favor a society in which individuals respect each other's person and property, whether that society's government (if any) had its origin in coercion or in contract; I oppose a society in which certain people systematically rob, enslave, torture or murder other people, even if the robbery, slavery, torture or murder is the result of a voluntary contract.

While I am not completely convinced that anyone has discovered a perfectly satisfactory alternative to the nonaggression axiom as a standard of value, I am convinced that it is inadequate. I suspect the more appropriate standard of value can be found in another variety of libertarianism: the consequentialism of classical liberals like Mises and Hazlitt, who value the way of life of free men in a free society over the way of life of slaves in a slave society.

The Two Libertarianisms

There are two varieties of libertarian theory current today. The difference between the two libertarianisms lies in their reasons for advocating liberty. The libertarian moralist advocates liberty because he believes liberty is the condition that results from men acting under the moral law of nonaggression. The libertarian consequentialist advocates liberty

because he believes liberty is the optimal arrangement for human society, a way of life under which human beings thrive.

It is my belief that although these two approaches to liberty have different philosophical roots, they are actually quite compatible; indeed, they co-exist in the psyches of most libertarians.

Libertarian moralism is typified by Ayn Rand: "There is only one fundamental right (all the others are its consequences or corollaries): a man's right to his own life. Life is a process of self-sustaining and self-generated action; the right to life means the right to engage in self-sustaining and self-generated action—which means: the freedom to take all the actions required by the nature of a rational being for the support, the furtherance, the fulfillment and the enjoyment of his own life."

To the moralist, recognition of others' property is inherent to recognition of their right to life: "The right to life is the source of all rights—and the right to property its only implementation. Without property rights, no other rights are possible. Since man has to sustain his life by his own effort, the man who has no right to the product of his effort has no means to sustain his life," Rand wrote.

The leading advocate of this moralistic theory of liberty today is Murray Rothbard, whose defense of natural rights in *For a New Liberty* seems almost to be cribbed from Rand: "The nature of man is such that each individual person must, in order to act, choose his own ends and employ his own means in order to attain them . . . Since men can think, feel, evaluate, and act only as individuals, it becomes vitally necessary for each man's survival and prosperity that he be free to learn, choose, develop his faculties, and act upon his knowledge of value. This is the necessary path of human nature; to interfere with and cripple this process by using violence goes profoundly against what is necessary by man's nature for his life and prosperity. Violent interference with a man's learning and choices is therefore profoundly 'antihuman'; it violates the natural law of man's needs."

Ludwig von Mises, on the other hand, typifies the consequentialist libertarianism. For him, liberty is valued because it enables men to optimize their

wealth and happiness. He described his political philosophy thus: "Liberalism is a doctrine directed entirely towards the conduct of men in this world. In the last analysis, it has nothing else in view than the advancement of their outward, material welfare."

Property is just as important to Mises as it is to Rand. "The program of liberalism . . . if condensed to a single word, would have to read: property." But Mises values property for its consequences: "In seeking to demonstrate the social function and necessity of private ownership of the means of production and of the concomitant inequality in the distribution of income and wealth, we are at the same time providing proof of the moral justification of private property."

For the consequentialist, property is good because it maximizes human well-being. For the moralist, property is good because it is in harmony with fundamental moral principles.

Nonsense on Stilts?

As developed by Rand, Rothbard and others, moralistic libertarianism claims to provide its adherents with a logically compelling, objective moral theory. This morality has implications for all men in their social behavior.

Libertarian moralism can be understood as the belief that it is always wrong to initiate the use of physical force against another human being. When Rand first states this moral imperative she writes it in ALL CAPITAL letters, and for good reason. Rothbard concurs, "The central axiom of the libertarian creed is nonaggression against anyone's person or property."

The ultimate meaning of the nonaggression axiom is: All men have an obligation to refrain from using force or fraud against the life or property of another. This obligation cannot have its origin in contract, for the validity of contract depends on the validity of the nonaggression axiom itself. From what else can an obligation be derived?

For the libertarian moralist, the nonaggression axiom is a consequence of the position that men possess inalienable rights. It was Rand who first formulated the nonaggression axiom, and she formulated it as a corollary to the right to life: "A right cannot be violated except by physical force. One man cannot de-

prive another of his life, nor enslave him, nor forbid him to pursue his happiness, except by using force against him . . . Therefore we can draw a clear-cut division between the rights of one man and those of another. It is an objective decision—not subject to differences of opinion, nor to majority decision, nor to the arbitrary decree of society. NO MAN HAS THE RIGHT TO INITIATE THE USE OF PHYSICAL FORCE AGAINST ANOTHER MAN."

The first problem with this theory is the derivation of the nonaggression axi-

The various arguments for absolute natural rights seem to most people to be a bit like the actions of a three-card-monte artist.

om from the notion of inalienable rights. Even if one grants that nature or objective morality confers certain inalienable rights on all men, one can argue that the nonaggression axiom does not follow. For example, nature or objective morality could sanction two individuals to try to possess the same piece of property, in which case one or the other would either have to initiate the use of force or simply abandon the property whose pursuit has been sanctioned.

In response to this sort of thinking, the libertarian moralist has generally proposed that objective morality can never sanction such a conflict because, as Rand argues, "there are no conflicts of interest among rational men." This universal has not satisfied the critics, who have spent considerable energy contriving hypothetical situations, some realistic, others fanciful, in which the interests of rational men conflict. These critics generally argue along the following lines: "Suppose you are on a ship which sinks. You and another rational man come upon a lifeboat, which only has room for one person. Both of you are on the verge of exhaustion. Is this not a genuine conflict of interest between rational men?"

Rand's response to the better-contrived of these situations is that they

are emergencies, and that normal rules do not apply, and men should act appropriately for the emergency: "An emergency is an unchosen, unexpected event, limited in time, that creates conditions under which human survival is impossible . . . In an emergency situation, men's primary goal is to combat the disaster, escape the danger and restore normal conditions. . . . By 'normal' conditions, I mean metaphysically normal, normal in the nature of things, and appropriate to human existence . . . The fact is that we do not live in lifeboats—and that a lifeboat is not the place on which to base one's metaphysics."

The problem with this definition is that it destroys the universality of the nonaggression axiom. To the question, "When is it legitimate to initiate the use of force against others?" the libertarian moralist answers, "Never! Unless, of course, you really need to initiate force . . ."

In challenging the sensibleness and universality of the nonaggression axiom, the critics are not getting to the heart of the matter. For practically every libertarian moralist, the nonaggression axiom is the logical consequence of the inalienable rights of the individual. Whether or not the nonaggression axiom can be formulated in a reasonable and universal way is clearly secondary to the issue of whether inalienable rights exist; if the concept of inalienable rights is not rational, the formulation and defense of the nonaggression axiom is an irrelevant intellectual exercise.

Just what are these "natural rights" or "moral rights" upon which the nonaggression axiom is based? Perhaps natural rights can be understood in the same way as legal rights: just as one's legal rights are those rights conferred by law, so natural rights are rights conferred by nature or by objective morality.

At first inspection, there is much to be said for this understanding of rights. The notion of legal rights is widely understood and makes perfect sense. We all speak fluently of legal rights in a variety of contexts: rights to manufacture a certain item, rights to use exclusively a certain piece of property, rights to produce a certain play, etc. Legal rights are the products of declarations by the state that it will defend an individual's taking certain actions against other individuals who might interfere. When one says, "I

have a legal right to do this," one means "the state will defend me against anyone's preventing my doing this."

Can we understand natural or moral rights in this same fashion? Perhaps we can understand natural rights to be rights conferred by nature, rather than the state; and "moral rights" to be rights conferred by morality. Just as it is meaningful to say that a trespasser is violating one's legal rights (i.e. is invading the property that the state guarantees one's exclusive control of), so we can argue that the trespassor violates moral law or natural law.

But neither natural rights nor moral rights can be understood by this analogy. When we talk about legal rights we necessarily talk about the ability of the state to enforce them. When we talk about natural or moral right, do we imagine that nature or morality mobilizes some kind of police power to enforce these rights? Of course not.

The concept of rights makes perfect sense in a legal context. But legal rights are always alienable: they are enjoyed as a product of the state, and cease to exist when the state defining them ceases to exist. In the end, inalienable rights theory fails because it appears entirely chimerical.

The curious thing about libertarian consequentialism is that even libertarian moralists grant the truth of its arguments.

Somehow, the various arguments for absolute natural rights seem to most people to be a bit like the actions of a three-card-monte artist: it is impressive to watch, and you seem to be following it, but you know the artist is a skilled manipulator and in the end you aren't really surprised that you have been fooled.

It is this chimerical nature of natural rights theory that causes it to lead to the absurd consequences that I mentioned at the beginning of this essay. If natural rights theory makes no sense at its foundation, should we be surprised that it

leads to silly consequences? If the concept of inalienable rights is nonsense, then the consequences are indeed, to use Bentham's delightful phrase, nonsense on stilts.

In my previous essays in *Liberty* I demonstrated that the libertarian moralist must logically defend political institutions and laws that he knows are destructive to human prosperity, liberty and life provided that such institutions and laws have their origin in contract, and that libertarian moralism ultimately implies either that (a) a good person cannot use any government services whatsoever, including such benign services as the post office or government roads; or that (b) a good person can use virtually any government service whatever, including the use of the police to take the property of his neighbors for his own benefit.

These are, of course, patently absurd propositions. The fact that these propositions are the logical consequences of libertarian moralist theory is not an argument against that theory. If the theory is objectively true, then the fault lies in our notion of absurdity. Any valid attack on it must challenge its logical antecedents: either the propositions that underlie it or the specific argument by which it is defended.

I have discussed some of the problems that exist in the development of that theory, but I have not systematically attacked it. Such an attack is beyond the scope of this paper, for I would be required to address each variation of the derivation of the moralistic libertarian position. I have, however, indicated the problems exhibited by most formulations of this position.

The Road to Slavery?

Consequentialist libertarianism provides its adherents with a cohesive, rational approach to political theory. As developed by its leading theorists (e.g. Mises, Hayek, Donisthorpe) it provides the intellectual tools to understand human action. Because the consequentialist libertarian has developed a systematic way to study human interaction, he can make public policy recommendations, even in the context of the real world.

The curious thing about libertarian consequentialism is that even libertarian moralists grant the truth of its arguments. Indeed, one of the leading liber-

tarian moralists, Murray Rothbard, by training an economist, is happy to defend the truth of the core belief of consequentialist libertarianism — that a free society is far more productive and conducive to human happiness than an unfree society.

The moralist critics take two lines of attack against consequentialism. On a theoretical level, they argue that consequentialism is wrong because it denies the propriety of an objective moral theory, inalienable rights and the universal prohibition against aggression. The other moralist criticism of the consequentialist position has nothing to do with its truth or falsity. It is that consequentialism fails to inspire moral fervor. This criticism grows out of its ability and willingness to make policy recommendations within the context of a non-libertarian society; somehow this requires that the consequentialist abandon the moral high ground. "The utilitarian . . . will rarely adopt a principle as an absolute and consistent yardstick to apply to the varied concrete situations of the real world," writes Murray Rothbard. "To say that a utilitarian cannot be 'trusted' to maintain libertarian principle in every specific application may sound harsh, but it puts the case fairly."

Even if one concedes that consequentialism's theory is rational, logical, and scientifically sound, it does a poor job of advancing liberty. "Who in hell would join a radical minority movement, and commit him or herself for life to social obloquy and a marginal existence, for the sake of 20% more bathtubs or 15% more candy bars? Who will man the barricades, either physically or spiritually, for more peanuts or Pepsi?" asks Murray Rothbard. "Look at all the radical or revolutionary movements of the 20th century, whether they be Communist or fascist or Khomeinist. Did they struggle and move mountains for a few more goods and services, for what we used to call 'bathtub economics'? Hell no, they moved mountains and made history out of a deep moral passion and would not be denied. What moves men and women and changes history is ideology, moral values, deep beliefs and principles." This criticism is clearly *ad hominem*: it portrays the consequentialist as coldly making calculations in exclusively material terms, assuming that consequentialists do not ever consider valuing

anything outside the money nexus.

Is Synthesis Possible?

Given the theoretical divergences between libertarian moralists and consequentialists, it is surprising that the two groups get along so well. Most radical political or religious groups fragment over matters of far less importance to their central beliefs. Given the fervor of many advocates of both moralism and consequentialism, one might expect the libertarian movement to be split into irreconcilably bitter, hostile factions over the matter.

In actual fact, aside from an occasional argument in an academic journal or other obscure place, the issue is hardly noticeable. What accounts for this peculiar phenomenon?

One might be tempted to think that the absence of acrimony over the issue is the product of people's rationality and good manners. But libertarians have long shown a willingness to argue over points far less significant. Battles over the presidential nominations of the Libertarian Party, for example, often move members to tears; the nomination of David Bergland in 1984 touched off a mass exodus of many longtime party activists, including most of those who had managed the 1980 presidential campaign.

A more cynical hypothesis is that libertarians are aware of the theoretical weakness of their position and are anxious to hide it from the light of day. There may be some truth to this, I suppose, though most libertarians' willingness to consider and accept so radical and unpopular a view as libertarianism indicates that they are open to peculiar ideas and willing to stand on their own judgment.

There is, I believe, a better explanation for the remarkable lack of controversy on the issue. I am convinced that most libertarians have little interest in the controversy because they find elements of both beliefs within themselves.

This hypothesis first occurred to me almost a decade ago after a conversation with a friend, a fairly prominent libertarian. On a lark, I asked him if he would consent to my interviewing him about his beliefs as though I was a non-libertarian journalist. He consented and the game was on.

"Why do you advocate freedom?" I asked.

"Because men have moral rights to life, liberty and property," he replied.

He was confident, almost brash.

As I questioned him further, leading him along the same critical lines of thought about rights theory that I summarized above, his demeanor gradually changed. His air of certainty receded; he grew defensive. After an hour or so, he admitted with a little exasperation that he was quite aware of the problems in rights theory. In fact, he went on, he did not believe that rights theory was defensible. "It's just that I think everyone should be free. The world would be a far better place if all men were free."

He had admitted that rights theory is wrong, and that consequentialism is right. What an extraordinary turn of events, I thought. My friend advocated moralism only because he thought it more rigorous, more respectable, more defensible. His advocacy of libertarianism was moralistic; his defense of libertarianism was consequentialist. Perhaps other advocates of rights are actually closet consequentialists.

A few days later, I was involved in a similar discussion with another natural rights advocate. But he could see where my line of thinking was leading. He cut me short and took the lead. Before long he was asking me questions like the following: Would you violate another man's rights if doing so had little risk and would likely mean substantial wealth for you?

I shall not bore you with details . . . suffice it to say that within a few minutes I admitted I would not steal under such circumstances, and that in an important sense, I was a libertarian because libertarianism seemed morally right, though I could not rigorously defend that morality.

It occurred to me that I wasn't much different from my moralist friend. Just as he had a moralist ideological offense but a consequentialist defense, I had a consequentialist offense, but could not dispense with my own moral sensibilities. Both of us had psychologically synthesized our beliefs.

We agreed that the consequentialist position made good sense and neither of us could dispense with our own moral views. He considered the moralist element of his thinking to be more acceptable to others, so his offense was moralist, but deep in his secret heart, he realized

that the moralist argument was lacking.

I remain convinced that the moralism of inalienable rights and the nonaggression axiom is just plain wrong; its derivation is fallacious and its logical consequences sometimes silly. But I have not dispensed with morality altogether.

So I suggest before we conclude that the two libertarianisms are mutually ex-

clusive that we reflect on their psychological compatibility and consider the possibility of philosophical synthesis. Perhaps we should consider the two libertarianisms to be two aspects of the same belief, or different emphases of the same basic belief. If libertarianism is a proper theory there is no reason to doubt that it is both morally right and eminently practical. □

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positions are popular enough to sweep the LP to victory. He said as much last year in his campaign for the LP nomination: we'll get the NRA vote by taking a hard-core position on gun rights, we'll get the women's vote with a hard-core advocacy of abortion rights, we'll get the home-school vote with a hard-core position on home-schooling . . .

For a major-party candidate, a play for interest groups may be sufficient. After all, major parties are alliances of such. Unfortunately, the same is not true for the LP, whose purpose is to advance a political philosophy, a vision of how society should function. On a practical level, trying to appeal widely to interest groups doesn't work very well for Libertarians. LP policies often clash with one another, at least as far as voters are concerned: How many gun nuts are feminists? How many home-schoolers are pro-abortion?

Besides, the LP is not a party of interest groups. It is a party intent on promoting the notion that political liberty is a good idea. It lives or dies on how people react to its ideas. It needs a spokesman who can articulate those ideas, who can grapple with wide-ranging questions. It needs a candidate like John Hospers, Roger MacBride, Ed Clark, David Bergland, or Ron Paul.

A prominent non-LP libertarian told me that George Will called him before he wrote his column to talk about Marrou. Will had met Marrou for lunch, presumably hoping for background, useful for a column on the kind of fresh ideas that past Libertarian candidates have provided. Instead he got dour sloganeering and probably some of Marrou's tasteless and unfunny "jokes." Will wondered, is there any substance to Marrou? The prominent libertarian responded non-committally; I think he was embarrassed. Curiously, Marrou and his handlers, I am told, thought the meeting with Will went very well.

Anyway, I suppose LP members will soon be quoting one line from Will's column: his suggestion that "a million people may pull the Libertarian lever to endorse dismantling government."

—CAA

Notes on Contributors

Chester Alan Arthur is *Liberty's* political correspondent.

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Martin Morse Wooster is a journalist in Silver Spring, Maryland, currently working on a book on reforming public high schools.

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- "The First Time" — *John Hospers* remembers his campaign for the Presidency as the Libertarian Party's first standard-bearer.
- "The Mystery of the Missing Detectives" — Someone has kidnapped the Hardy Boys, and put insipid substitutes in their place. *David Justin Ross* solves the case.
- "Racism and the Invisible Hand" — *Leland Yeager* takes a dispassionate, evolutionary look at this provocative subject.
- "The Case Against Free Immigration" — *R.K. Lamb* challenges the conventional libertarian position on immigration.
- "Crying for Argentina" — *Paul Terhorst* explains how Argentina went from wealthy First World nation to economic basket case.

Terra Incognita

Moscow, Russia

Disturbing consequence of the new press freedom, according to *ETA News (Moscow)*, April 15, 1992:

A government directory in the Confederation of Independent States lists names, positions and bribe levels for select officials.

Sacramento, California

Parliamentary procedure in the pure air of Green politics, as observed by the *California Republic* magazine:

Under the California Green Party's rules, decisions on everything must be unanimous. At its recent convention, Green Party delegates debated a motion for more than an hour before defeating it. The motion would have extended debate on another motion for ten minutes.

Reedley, California

Touching concern for the well-being of the underclass, as reported by the *Wisconsin State Journal*:

California farmers have been ordered to destroy millions of pounds of peaches and nectarines because the fruit was smaller than federal standard and could undermine profits from larger fruit. The Department of Agriculture has threatened to bring some growers to court if they continue selling the undersize fruit cheaply to stores in the inner city area of Los Angeles.

Washington, D.C.

Labor legislation that protects the public from unscrupulous quacks, reported in the Fort Lauderdale *Sun-Sentinel*:

The U.S. Department of Labor's 1991 Dictionary of Occupational Titles describes the duties of 12,741 different occupations, including "Easter Bunny."

Cow Road Village, China

Progressive education is finally displacing traditional education in the Socialist Paradise, as reported by the Associated Press:

A teacher at Cow Road Village Elementary School has been given a jail sentence for forcing his students to eat cow dung when they handed in assignments late, didn't pay attention in class, or were rowdy.

Israel

Hygienic advice reported in the Chicago *Tribune*:

People should keep U.S. currency in their pockets when using a restroom, opined Israel's chief Rabbi, Mordechai Eliahu, in a recent ruling. Because the bills carry the motto "In God We Trust," the decision stated, they should be regarded as holy documents and not exposed to unclean material.

Saskatoon, Saskatchewan

The U.S. Immigration authorities protect American workers from unfair foreign competition, according to the Vancouver *Sun*:

Saskatoon resident Khai Tran was recently about to board a plane to San Francisco to spend a vacation with his sister. He planned to spend part of his visit helping his sibling fix her cupboards. A U.S. Immigration officer noticed his small tool box, however, and, upon discovering Mr. Tran's purpose, stated that his entry was forbidden because he would be taking a job, however minuscule, from American labor. When Tran offered to leave his tools behind, the officer said that there was a danger he'd find some way to perform the work, anyway, and denied him entry to the U.S.

Los Angeles

An indication that the dictates of logic are race-specific, as reported by the *Washington Times*:

A study by the Los Angeles chapter of the NAACP discovered examples of racism in each one of 20 movies which were screened. The author of the report, Serita Coffee, explained "I would never say all movies are racist. However, I have yet to find one that isn't." The film *Bugsy*, for example, employed ethnic color codes in the depiction of taxi cabs as yellow and the engines of trains as black.

Rio de Janeiro

Disturbing report from the Earth Summit, from the Associated Press:

The Earth Summit produced approximately 30 million pieces of standard-size paper documents, almost all of which were quickly disposed of. Liz Barratt-Brown of the Natural Resources Defense Council observed, "They ought to call this the Earth Dump, not an ecology summit."

Hamilton, Ontario

Innovative monetary policy from the progressive nation to the north, courtesy of the *Hamilton Spectator*:

Hamilton-area Member of Parliament Cid Samson, of the New Democratic Party, has come up with a "new" way to pay the government's bills: print more money. "When we borrow money, that money has to be repaid — we're chasing in circles. . . . Instead of borrowing the money, we [should] create it. We don't have to pay it back." Samson went on to tell supporters that his idea needed to be "examined in depth," and that there were potential pitfalls.

California

The civic spirit that has made Los Angeles famous, as reported by the Associated Press:

Fred Patterson was struck by a hit-and-run driver as he crossed the street in the Los Angeles suburb of Lynwood. A passerby who saw the accident helped him onto a curb.

As the passerby was calling for help, he looked back to see Patterson get up and fall forward into the street, where he was run down by three more cars, none of whose drivers stopped.

Amsterdam

Regulating taxicabs in the public interest in The Netherlands, as reported by the Associated Press:

A Dutch court has thrown out a case against a "Dial-a-Joint" taxi firm, ruling it could continue its home delivery of marijuana, provided that it does not sell to children, advertise, or make money from doing so.

California (where else?)

A new victims group gets its act in gear, as reported by the *Detroit Free Press*:

Karlyn Straganana, a self-proclaimed Golden State witch, is lobbying to have "Hansel and Gretel" banned from schools because it promotes negative attitudes towards those of her avocation. As she points out, "This story teaches that it is all right to burn witches."

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

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There is a world of good reading in **Liberty**! Whether you want to catch up on what you missed, provide intellectual relief to your friends (or enemies!), or complete your collection, now is a good time to buy. Enjoy!

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- "Liberty and Ecology," by John Hospers
- "The Ultimate Justification of the Private Property Ethic," by Hans-Hermann Hoppe

Plus reviews and articles by Douglas Casey, David Friedman, Karl Hess, Douglas Rasmussen, Murray Rothbard, L. Neil Smith and others; and a short story by Erika Holzer. (80 pages)

November 1988

- "Taking Over the Roads," by John Semmens
- "The Search for *We The Living*," by R.W. Bradford
- "Private Property: Hope for the Environment," by Jane S. Shaw

Plus articles and reviews by Walter Block, Stephen Cox, John Dentinger, James Robbins and others. (80 pages)

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- "AIDS and the FDA," by Sandy Shaw
- "Property, Population and the Environment" by John Hospers
- "Ronald Reagan's 'Revolution'," by William Niskanen

Plus articles and reviews by Karen Shabetai, Jane Shaw, Jeffrey Tucker, Leland Yeager, William Wingo and others; and a short story by Jeffrey Olson. (72 pages)

March 1989

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- "What if Everything We Know About Safety Is Wrong?" by John Semmens and Dianne Kresich
- "What Do You Do When Your Mother Asks You to Kill Her?" by Michael Endres

Plus articles and reviews by Stephen Cox, Jeffrey Friedman, David Ramsay Steele, Sheldon Richman and others. (72 pages)

May 1989

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- "The Media's Election-Night 'Coverage' Policy," by Margaret M. Fries
- "The End of the Secular Century," by Murray N. Rothbard

Plus articles and reviews by Stephen Cox, David Gordon, Justin Raimondo, and other. (72 pages)

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 - "Capitalism Comes to Poland?" by Krzysztof Ostaszewski
 - "Fear and Loathing in New York City," by Murray N. Rothbard
 - "The New Racial Orthodoxy," by William P. Moulton
- Plus articles and reviews by Loren Lomasky, Michael Christian, Richard Kostelanetz, R.W. Bradford and others; and an interview with Russell Means. (72 pages)

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