

# Liberty

August 2002

\$4.00

Ayn Rand  
and the  
Curse of  
Kant

## The Trouble with Thomas Szasz

*by Ralph Slovenko*

## Planning for Congestion: What's a City to Do?

*by Randal O'Toole*

## The "White Man's Burden"

*by Clark Stooksbury*

## Stopping Police Shakedowns

*by Ari Armstrong*

15th  
Anniversary!



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**carla howell**

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# Inside Liberty

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Volume 16, Number 8

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## Letters

### The Pagan Perspective

Several times I have seen the word "pagan" used in a derogatory manner in *Liberty*. I take exception to this, and here's why.

Pagans are a large and growing number of people who already believe in the same fundamental views of liberty that libertarians do. The ethical core of most pagan religions is summed up in one sentence: if it harms none, do what you will. In fact, I am a libertarian *because* I'm a pagan. Libertarianism is the only political philosophy that coincides well with my spiritual beliefs.

It's true that many pagans are involved in the environmental movement. That's not surprising, considering that they are involved in a nature-oriented spiritual path. It's also true that many pagans don't currently subscribe to the libertarian view politically, but this is more the result of their not yet understanding about how things actually work. Pagans are people that libertarians should be courting, not alienating.

Steven Olson  
Alexander, N.C.

### What Color Is the Kettle?

In his Reflections item "The vanity Web" (June), Sheldon Richman writes about Web logs ("blogs"), calling their authors a "collection of pompous wannabe pundits" who write on "every possible public issue" along with the time and date of their various postings.

Hmmm, the lack of date and time notwithstanding, doesn't that sound remarkably like the Reflections section of *Liberty* itself?

William Bacon  
Manassas, Va.

### Nobody's Bloody Business

Stephen Baskerville's "The Myth of 'Deadbeat Dads'" (June) was like a breath of sweet, fresh spring air. But I have serious reservations about his unkind words on "no-fault divorce." He writes as if it were a legitimate function of government to assign guilt in the failure of a marriage. It's nobody's bloody business, particularly

the government's, whose fault your divorce was!

Fred Bluestone  
Pembroke Pines, Fla.

### F.Y.I.

Kudos to Timothy Sandefur for his exposure of the illegality of Southern secession and the misguided and misinformed nature of the criticism by modern libertarians of Lincoln, one of the greatest apostles of human freedom in history ("Liberty and Union, Now and Forever," July).

Sandefur's article might have been even more persuasive had he refuted more of the superficially problematic facts used by the secessionists and their supporters to claim a constitutional right to dissolve the Union. For example, it must be admitted that the text of the Constitution is inconclusive as to secession — Article VII provides that ratification by nine states would establish the Constitution "between the States so ratifying the Same." Moreover, as a matter of logic, if the people in convention in states can accede to the Constitution, they might likewise secede from it in the same manner and by the same authority — which is what the Confederacy in fact attempted through secession conventions.

Fortunately for defenders of freedom and Lincoln, Harry Jaffa demolishes these and other states' rights arguments in his 2000 masterpiece, *A New Birth of Freedom*, which not only is among the very best of Lincoln biographies but is also an outstanding treatise on natural law, political theory, and the American form of government, all under one cover. Jaffa grounds his defense of Lincoln's prosecution of the Civil War in the natural-law heritage of freedom and equality that gave rise to our nation's founding, which is explicit in the Declaration of Independence and enshrined in the Constitution as well. Jaffa, with Lincoln before him, argues that the American Union was established by the Declaration and precedes the Union of the Constitution. The states were therefore created by the Union, not the opposite. "We the People" speaking in the Preamble

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are, of course, the same "one People" who by the Declaration dissolved their union with England to secure individual natural rights of freedom and equality — the very rights that the South was resolved to deny. The United States was formed by the Declaration in 1776, not upon ratification of the Constitution more than a decade later, as declared by the framers of the Constitution in Article VII, which recites that the Constitution was adopted in the twelfth year "of the Independence of the United States of America . . ." To paraphrase Jaffa, when the people ratified the Constitution, they committed to accepting the results of elections conducted pursuant to its rules. Breaking up the Union because of dissatisfaction with the results of such elections is the antithesis of self-government. There is no point to elections if minorities can accomplish by bullets what they cannot by ballots.

Joseph S. Sisca  
Pittsburgh, Penna.

## The Wrong Slogan

I am a little tired of libertarians who insist that the "Glorious Lost Cause" of the Confederacy was a libertarian cause.

I just can't buy into the idea that a government founded primarily for the purpose of preserving and extending human slavery was "libertarian." Yes, I know the "neo-Confederates" will insist that the Confederate cause didn't really have anything to do with slavery. I think they are fooling themselves. I've done considerable study of American politics before and during the Civil War, including the writings of Southerners and secessionists, and I'm convinced that slavery was the real issue behind Southern secession, a far more important issue than tariffs, other economic issues, or abstract "states' rights." When Southerners got down to specifics about what "states' rights" were being violated, almost invariably the issue had something to do with slavery.

Many Unionists of the time feared that if the South won, the result would not have been "two big governments," rather, successful secession would have bred more secessions, from both Union and Confederacy, resulting in a balkanized North America of small, squabbling states. What if they were right?

Some libertarians find this a delightful prospect, on the theory that small states are likely to be more friendly to liberty than big ones. I'm not so sure. If nothing else, a unified United States has meant freedom of movement and trade across a wide geographical area. And though it has

often abused liberty, the federal government has also on some occasions been a recourse for people oppressed by local elites and entrenched, anti-liberty local laws and customs. Would we be more free as individuals if a hodgepodge of small states were free to erect trade and immigration barriers, fight frequent wars, and impose what libertarian civil rights activist Clint Bolick has called "grassroots tyranny"? I doubt it.

The victory of the Union in the Civil War was not a total victory for freedom, but I believe it was better than the alternative.

William Henley  
Cleveland, Ohio

## Bad Case to Bad Law

Attempting to rehabilitate Lincoln in the opinion of libertarians, Timothy Sandefur offers one insupportable constitutional point and then conveniently ignores two historical facts that undercut his position.

To begin with, his assertion that secessionist efforts must first pass through Congress is not supported at all by the text of the Constitution, which is completely silent on the matter of states seceding. The example of Philippino independence is not relevant, because territories are not states, and do not have the same legal status as states, a fact which Sandefur himself recognized elsewhere in his article.

To understand why this is so, we need look no further than the Ninth and Tenth Amendments, which are conspicuous by their absence from Sandefur's essay. They grant states all powers not explicitly reserved for the federal government by the Constitution. The right to secede, or a corresponding right of the federal government to prevent secession, appears nowhere in the Constitution. Leaving the Union is a right reserved to the states or the people, respectively, but not to Congress.

*continued on page 24*

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

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# Reflections

**The furry face of evil** — On April 24, Congress gave us an instructive little display on how seriously they take your liberty and your money:

Washington (CNN) — In what may be the first appearance of a Muppet before a congressional committee, "Sesame Street" favorite Elmo donned his best suit and tie and took his cause to Capitol Hill.

The red, furry friend to toddlers everywhere gave evidence before the Education Appropriations Subcommittee to urge more spending on music research and musical instruments for school programs.

The *Washington Times* gave this account of Elmo's testimony:

"Please Congress, help Elmo's friends find the music in them," Elmo pleaded. He added, "I love you, Congress." "And my grandchildren love you too, Elmo," said Rep. Ralph Regula, Ohio Republican and the panel's chairman.

A grown man talking to a goddamned puppet is bad enough. But a grown man who's a congressman talking to a puppet while he's trying to decide how much of our money to spend? Thomas Jefferson would gouge his own eyes out and wander Pennsylvania Avenue gibbering like a madman if he could see what we've sunk to. It's hard to keep your sense of humor about it when our political culture goes far beyond satire.

— Gene Healy

**The new consensus** — The other night, Tom Hazlitt and I were musing over the state of the world, and Tom shared a major insight into the current American political scene. The Democrats are determined to get to the right of the president on the war. The administration is determined to get to the left of the Democrats on domestic spending. I think he's on to something. Now we can look forward to a bipartisan expansion of government at home and abroad.

— Fred Smith

**Nomenclatural note** — If naming sports teams after Indian tribes is an unacceptable insult, shouldn't we also change the names of other things named after Indians? Like Utah, Arkansas, Idaho, Illinois, Indiana, Kansas, North

and South Dakota, Oklahoma, Tennessee, Texas, and Wyoming...

— Dave Kopel

**Making the world safe for hypocrisy** —

Hillary Clinton famously observed that the 1980s was "the decade of greed," epitomized by former President Reagan's accepting fees totaling \$2 million for public speaking after he left office. Now it turns out that Sen. Clinton's husband Bill, who entertained us as president in the non-greedy 1990s, has accepted some \$9.2 million in speaker's fees in his first year out of office.

Lest you think that the first family emeritus is being hypocritical, Julia Payne, the former president's spokeswoman, explained the fees in these words: "The paid speaking engagements by the former president are not instances where he goes in and out and makes this kind of money. He

delivers a very thoughtful and compelling speech on globalization and he will also take questions from the audiences."

Oh, now I see.

— R.W. Bradford

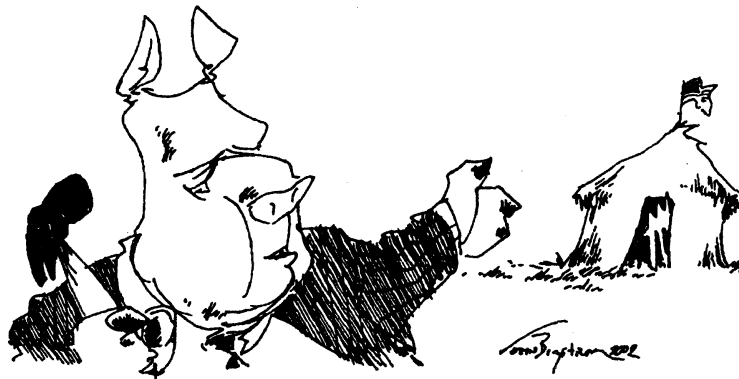
**Kennedys 387, Justice 1** — One of the few charming things about the murder trial of Kennedy kinsman Michael Skakel was the statements made immediately after the trial by the murderer's defenders. Skakel's attorney

denied that there was any evidence against him, even circumstantial. (Skakel had confessed to the murder on a number of occasions.) And a Skakel brother (Kennedys of any description are never capable of having just one child or, indeed, of being alone at any time) emerged to characterize the trial as "a witch hunt." It's like *Citizen Kane*. On election night, Kane's toadies have two headlines prepared, one saying that he was victorious, the other saying "fraud at polls."

Less charming was the remark that the public mind will always associate with this trial. It is a statement by Michael Skakel: "I am going to get away with murder. I am a Kennedy."

The statement came perilously close to being true. Twenty-seven years were required to bring Skakel to justice. But justice was sweet when it came. No, I'll be honest. Vengeance was sweet. Vengeance for Martha Moxley, the

AND THEN THE LITTLE PIG WHO BUILT HIS HOUSE OF STRAW  
DECIDED TO BUILD AN OFFICE OF HOMELAND SECURITY  
OUT OF STRAW.



murdered girl, and vengeance for the nation, which has watched generations of Kennedys escape with impunity — no, with honor — from their disgraceful and stupid deeds.

"I am going to get away with murder." No wonder he said that. They didn't get Joseph Kennedy, the founder of the "dynasty," for making a fortune out of bootlegging and manipulating the price of stocks. They didn't get Joseph Kennedy for being an anti-Semite and a fascist sympathizer. They didn't get Joseph Kennedy for publishing a book, *I'm for Roosevelt*, in which he asked, "What matters a vote to a hungry man?" They didn't get Joseph Kennedy for having gangsters pass out money to local officials so that his son, John Kennedy, could win the West Virginia primary.

They didn't get John Kennedy for permitting things like that to happen in his campaign. They didn't get John Kennedy for the fakery surrounding his health condition and his drug use. They didn't get John Kennedy for falsely claiming that the Republican administration had permitted a "missile gap" to develop between the U.S. and the U.S.S.R. and that he ought to be elected president so he could close the nonexistent gap. They didn't get John Kennedy for accepting the Pulitzer Prize for a book he didn't write. They didn't get John Kennedy, who said that he ran for office so he could make the presidency "the center of moral leadership," for sleeping with an East German spy, a gangster's moll, and hundreds of less politically suspect women.

They didn't get Robert Kennedy, standard-bearer of left-liberalism, for having served as assistant counsel for the investigative committee of Sen. Joseph McCarthy. They didn't get the Kennedys for claiming, in the midst of campaign propaganda proceeding from the assumption that they were divinely commissioned to rule America because they were one, united, brilliant family, that John and Robert's sister Rosemary was "a schoolteacher in Wisconsin," when said sister had actually been lobotomized for being mildly retarded. They didn't get Teddy Kennedy for killing a simple-minded secretary by driving

# Liberty

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**Romancing the Dismal Science • Mark Skousen** unearths a dramatic tale — starring everyone from Carl Menger to Karl Marx — behind the history of the much-maligned dismal science. (audio: A501; video not available)

**Future Imperfect • David Friedman** leads a thrilling exploration of coming developments in biotechnology, and how they'll radically change the way we think about law and each other in the coming decades. (audio: A503; video: V503)

**The End of the World As We Know It •** Is globalization the disease or the cure? **Fred L. Smith Jr.** explains how expanding markets cripple intrusive government and make liberty that much easier to find. (audio: A504; video: V504)

**Prisons for the Innocent •** Washington state Supreme Court Justice **Richard Sanders** exposes America's mental health gestapo, and shows how thousands have been locked up for life without ever committing a crime. (audio: A505; video: V505)

**All the Lies That Are Fit to Print • Jeff Rigenbach** chronicles media coverage of illegal drugs — from early 20th century "Negro cocaine fiends" to "crack babies" of the 1980s — uncovering a legacy of shoddy coverage and botched reporting. (audio: A506; video: V506)

**Who's Afraid of the Antichrist? • Douglas Casey** takes a provocative look at the tenets of radical Islam and how they inspired the recent terrorist attacks. Does God hate America? (audio: A507; video: V507)

**Terrorism on Drugs • Alan Bock** probes the link between terrorism and America's drug war — and proposes a single



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**The War on Terrorism (Part I) • Durk Pearson, Richard Sanders, David Friedman, R.W. Bradford, and Fred L. Smith Jr.** discuss what will happen to our civil liberties in light of the recent terrorist attacks. (audio: A509; video: V509)

**The War on Terrorism (Part II) • Douglas Casey, Jeff Rigenbach, Randal O'Toole, Alan Bock, and R.W. Bradford** ask how terrorism will change our lives; for the better or for the worse.  
(audio: A510; video: V510)

reform that will end terrorism in America forever.  
(audio: A508; video: V508)

**Central Planning on Main Street • Randal O'Toole** makes the case against the cult of “smart growth” — and demolishes the plan to cram the world’s population into an area the size of Kentucky. (audio: A511; video: V511)

## How Libertarianism Must Change to Succeed • R.W. Bradford

looks over the Libertarian Party's successes and failures and comes to a surprising conclusion: It's time for the LP to give itself a chance. (audio: A512; video: V512)

## Grass-roots Organizing for Liberty • Rand O'Toole

**A Short Introduction to Libertarian Anthropology** • William Merritt takes a hilarious look at differences between the sexes and how they got that way. (audio: A514; video: V514)

**Abandon the LP? • Bruce Ramsey and R.W. Bradford** discuss whether the Libertarian Party has failed in its mission — or whether that mission hasn't even been tried. (audio: A515; video: V515)

**Law in Cyberspace • David Friedman**  
explores how anonymity on the Internet can actually lead to a world of nonjudicial justice. (audio: A516; video: V516)

**Kicking the FDA's Ass • Durk Pearson and Sandy Shaw** recall their success over the Food and Drug Administration, and document the

state's continued refusal to comply with their landmark legal victory. (audio: A517; video: V517)

**Stalking Gareth Garrett • Bruce Ramsey**  
paints a picture of a paleo-libertarian from the *Saturday Evening Post* and his battle against the New Deal. (audio: A518; video: V518)

**The Comedy of Tim Slagle • Tim Slagle**  
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the car in which he intended to have sex with her off a bridge, leaving her to die rather than summon aid and reveal his involvement. They didn't get Teddy Kennedy when he made a senatorial career out of his saintlike advocacy of the rights of women and the poor.

They didn't get Joseph P. Kennedy II, son of Robert Kennedy and founder of Citizens Energy, the "nonprofit energy company" that employed Michael Skakel as "director of international programs," who after twelve years of marriage and the birth of two children obtained an annulment on the ground that he lacked "due discretion" when he wedded at the age of 27. They didn't get William Jefferson Blythe Clinton for authorizing millions of dollars of naval expenditures to provide a burial at sea for the body of John F. Kennedy Jr., a private citizen whose airplane

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*Twenty-seven years were required to bring Skakel to justice. But justice was sweet when it came. No, I'll be honest. Vengeance was sweet.*

---

went down at sea either because (A) he was an incompetent pilot, or because (B) his wife was throwing a fit, as she was, apparently, wont to do, while he was attempting to control the plane.

But they did get Michael Skakel.

— Stephen Cox

**Making a list, checking it twice** — Last evening, I attended the Mission Neighborhood Zoning Meeting in San Francisco. It didn't take long for a consensus to emerge. First, they compiled a wish list for the neighborhood: no traffic, no unemployment, no crowding, low-cost attractive housing, an aesthetic layout with no tall buildings blocking the panorama, inexpensive and well-functioning transit, thriving neighborhood businesses serving everyone's needs, lots of parks and open space, and free childcare. Next, they asked the government to grant their wish.

No concern about unintended harmful consequences, no worry about the morals of robbing from others to finance it, no concern about special interest groups siphoning off funds or the harassment of innocent individuals or the trampling of rights or the inevitable bloated bureaucracies to implement it or the police brutality needed to enforce it.

Any downside? Perhaps one sleepless night waiting by the chimney.

— Michael R. Edelstein

**Don't placard on me!** — Vietnamese Communist Party General Secretary Nong Duc Manh is upset at protests near government buildings. Citizens should be content with filing grievances with local government agencies, he thinks, and "the fact that people gather with placards is abnormal. Other countries would not allow that. Our democracy is in many cases excessive."

If he thinks a few placards is a sign of "excessive" democracy, wait until somebody tries to introduce the concept of actual personal freedom.

— Alan W. Bock

**Frisking Al Gore** — Here is the true index of the dominance of modern liberalism. Al Gore tries to get onto

an airplane, and he gets searched. To determine whether he's a terrorist. Al Gore. Late Democratic nominee for president. He is searched, to determine whether he is an Islamic terrorist. Well, why is he being searched? Because, according to the foundational doctrine of modern liberal political correctness, everyone must be treated precisely the same, even or especially when there is no reason to do so. As a result, if you are in line to board a flight to Kansas City, and there's Al Gore in the line, and there's also a Saudi Arabian citizen, male, age 27, sweating and twitching and grabbing his balls like it's the last time he'll ever touch them, he and Al Gore have the same chance of being searched.

Of course, this is grossly offensive to 99% of Americans of every age, ethnicity, and political perspective. But it's the practice of the government — which, by the way, is allegedly conservative. You've heard the old expression, "We are all Marxists now." How about, "We are all modern liberal idiots now?"

As for Al Gore, I take it back. I hope he gets searched every time he gets on a plane. And I hope they find the evidence: the idiotic ideas that produced these idiotic policies.

— Stephen Cox

**Trading with the enemy** — Once again, an American president has denied trade liberalization to Cuba. Trade liberalization will await political liberalization. But, certainly, this allows the tail to wag the dog. If America opened the door to trade with Cuba, then thousands, probably hundreds of thousands, of Cubans would engage in dialogue with their American counterparts. That dialogue and the resulting broadening of perspectives on the possible would do more to liberalize the Cuban political system than any liberalization Castro could ever do. Individual Cubans would exercise an increasing array of choices and would garner wealth. It's not easy to enslave a numerous and wealthy populace. Castro knows this well.

Will George Bush ever figure this out?

— Fred Smith

**Spreading the love** — A "secret" Pentagon war game, some of whose results made it to the front page of the *New York Times*, concluded that war with Iraq would cause big strains on U.S. military capacity. We show no signs of reducing our commitments in Bosnia, Kosovo, or western Europe, and are ratcheting up the commitment in Afghanistan.

Meanwhile, the Bush administration thinks it is time to "resume military contacts with Indonesia" — that is, start giving 'em more ammo and weapons paid for by American taxpayers — now that the country with the largest Muslim population in the world has granted independence to East Timor and supposedly cleaned up its human rights act.

Is this prudent? Is there no limit to U.S. capacity to spend on military endeavors?

— Alan W. Bock

**A special dispensation** — On June 20, the Supreme Court ruled that it is unconstitutional to execute the retarded. This is another affirmation of America's willingness to discriminate against the able. It's not enough that the retarded get to go to specialized public schools on a private bus, and have their own Olympics where they can win medals without even crossing the finish line. Now they can

plan and execute a heinous murder and escape their just reward. Seems to me that somewhere in between change counting and microwave oven operation, someone ought to teach these exceptional individuals that it is wrong to take the life of another.

— Tim Slagle

**Defining racism down** — “A black person cannot be racist.” Or so said Michael Moore in his May *Newsweek* website interview. He was promoting his new book *Stupid White Men*.

It is possible that Moore was trying to be funny. I wonder what Reginald Denny would say if he were asked to tell us which aspect of Moore’s quip he found to be the most amusing. Joking or not, Moore, who happens to be white, went on to explain his statement this way: “Racism means that you have the political power to back up your prejudice, and to enforce and to make certain that your prejudices become either law or the way your society functions.”

Oh, now I get it. This newspeak definition has been circulating on campuses for years, though no reputable dictionary has joined the campaign to help hijack English by publishing this tortured definition. On a still night by the glow of the tube, however, one can hear the tom-toms of political correctness growing louder and sense the spines of the publishers growing weaker.

Consider the now-defunct South African system of apartheid. Many of its proponents probably fulfilled the requirements of Moore’s definition. When the proponents of apartheid lost political power, however, they also lost the ability to translate their beliefs into law. Michael Moore may not like it, but by his truncated definition, in South Africa today a Boer person cannot be racist.

Don’t blame me; it’s not my definition.

— Scott Chambers

**Pocus hocus** — The U.S. Department of Commerce has officially designated Russia as a “market economy.” It’s a little like a magic trick. Poof, you’re capitalists. Pay no attention to that man behind the screen.

On the other hand, maybe there’s something to the designation. With a twelve percent flat tax and its regulatory system in serious disrepair, Russia, for all its massive corruption, may have more of a market economy than the United States.

— Alan W. Bock

**Patient, heal thyself** — A recent study found that Prozac was effective in treating depression in only 25% of the cases studied, while sugar pills were effective 32% of the time. Such numbers seem to indicate that medication actually perpetuates depression, as sugar pills seem to be more effective.

It also suggests that belief in pills actually cures the depression, regardless of what the pills contain. Such is the amazing power of faith. A study of this sort could account for the effectiveness of prayer against the same ailments. People who are deeply religious say they get great joy and peace from their religion, and it has helped them out of the darkest states of despair. This is probably why AA requires its members to submit to a higher power, to relieve the bout of depression that the alcoholic is sure to get when he sobers up and realizes he will never be able to sit in a bar

again.

There seems to be a biological human need for faith, religious or otherwise. Perhaps this is why a lot of atheists become politically active. It could even explain the existence of the Libertarian Party.

— Tim Slagle

**Judicial hyperactivism** — More chicanery in the courts: in a case currently under consideration in the Ninth Circuit, Judge Stephen Reinhardt has ordered liberal law professor Erwin Chemerinsky to write an amicus (friend of the court) brief addressing the constitutionality of the tax deductions given to church leaders who receive certain housing benefits. The case arose when a pastor in Orange County deducted the “reasonable value” of his housing costs instead of the “actual value.” The IRS took him to court, and he won — the only question in the case was whether the law permitted the deduction of actual or reasonable housing costs; neither party argued that the deduction was a violation of the separation of church and state. Nevertheless Judge Reinhardt has taken it upon himself to appoint Chemerinsky — whose views on the subject are already well known in the legal community — to address an issue which nobody in court is arguing to begin with.

Nobody can seriously doubt that Reinhardt already knows his answer, and intends to rule the deduction unconstitutional, despite the fact that nobody in the case has asked him to do so — a clear violation of legal rules. What is particularly upsetting is that Reinhardt and his pet amicus are right — the deduction is a flagrant violation of the First Amendment. But using sneaky tactics like this is dangerous for two reasons: future courts can use the same tactic to create far-ranging decisions on their own accord, with lit-



“To prevent such abuse in the future, priests will be allowed to marry — but *only* to other priests.”

tle or no accountability; and secondly, using such tactics undermines the legitimacy of the argument itself, as future generations will associate the (correct) argument that such deductions are unconstitutional with the underhanded tactics used in this case. That lends a pretext to the martyr aspirations of the religious right, which wishes to portray itself as the oppressed victims of elite atheist conspiracies.

— Timothy Sandefur

### *The era of "the era of big government is over" is over*

— Let's see, Republicans are supposed to be the frugal party and President Bush ran on a platform of — well, not actually reducing the size of government, but of keeping spending in check. But the war on terror has changed all that. Not only is President Bush seeking the biggest military spending increase in two decades, he seeks increases in almost all areas of domestic spending. And the Republicans in the House are upping the ante, wanting twice what he proposed for Medicare, for example. Bush asked for a "supplemental" appropriation of \$27 billion over the year's planned budget; the House came back with \$29 billion. Discretionary spending — the programs Congress votes on each year — will be up from \$657 billion last year to \$740 billion this year, and Bush is seeking \$773 billion for next year. And they get away with most of it by claiming it's related to the war on terrorism or "homeland security."

Truly, war is the health of the state. — Alan W. Bock

**Better sorry than safe** — This attempt to hang Sept. 11 foreknowledge on Dubya is dishonest and silly. So he got briefed in August that al Qaeda may have been planning to hijack airplanes. What steps was he supposed to take to secure our nation's airplanes? Stormin' Norman Mineta's nailclipper ban and full-body-patdown-and-random-search policy? Three-hour waits at airports would have gone over real well politically last summer. How about arming pilots? Unlike the intrusive and ineffectual searches currently being conducted, that actually would

have stopped Sept. 11. But do you imagine for a second the Democrats would have let him get away with it? Can you picture the 30-second attack ads?

A free society is vulnerable at an almost incalculable number of points. I guarantee there's a piece of paper in a briefing book somewhere right now that says al Qaeda may adopt Palestinian tactics and use suicide bombers to blow up crowded buses. When it happens, is it going to be the president's fault?

— Gene Healy

**The morality of the schoolyard** — A boy at school pushed my son. It would have been no big deal, except that my son was wearing a splint to protect his broken wrist and the kid had pushed him on the splint. The kid, who was one of my son's friends, is an impulsive 11-year-old boy and has a temper.

When a kid attacks my son, I want an "I'm sorry," from the parents. That's No. 1. Secondly, I want to see that the parents have impressed on the kid that he was wrong, and ought not to do it again; and that there is some responsibility by the parents to see to that. I know they cannot guarantee it, but they can state a moral position.

With these parents, we didn't get a moral position. They don't take moral positions, I guess.

First off, they go along with their kid's story. In this case, the pushing was done on the playfield, in front of a lot of other kids. No teacher saw it, but the office manager saw my son crying, asked him what had happened, and called over the kid identified as the perpetrator. He said he hadn't pushed my son. My son had pushed him.

In the office he changed his story and said my son had fallen into him. From his manner, and the changed story, the office assistant concluded he was lying and said, "You're going to the principal." The boy insisted to the principal that my son had fallen into him. The principal said he would have to call witnesses — whereupon the boy changed his story a second time and admitted, crying, that he had done the pushing.

His parents complained the next day that the principal had been too coercive. Then they said my son must have done something to cause their boy to push him; perhaps my son had been too sarcastic. Then they said my son was too sensitive. Then, when my son went over to their boy the next day and talked to him, his parents said my son was too forgiving.

They never said their son had been wrong — either to push or to lie about it. Here was a couple, both of them, I believe, with advanced degrees, who could discuss their son without passing judgment. We talked morality, they talked psychology.

I don't know what they thought of us — narrow-minded and judgmental, I suppose. I began to think of them as dangerous.

— Bruce Ramsey

**Death of a hero?** — What are we to make of a society that makes John Gotti a celebrity whose death was front-page news? I'm not sure, but it certainly isn't a good sign.

— Alan W. Bock

**See no evil** — Amidst all the political bickering and blame tossing over the Phoenix Memo comes one clear fact:



"Your first visit, Dr. Chomsky?"



FBI agent Kenneth Williams suggested in July of 2001 that Middle Easterners in flight schools across America should be interviewed, and have their visas checked, but the FBI didn't want to commit the manpower to perform those interviews. I wonder how many agents were tied up on marijuana cases that month?

— Tim Slagle

**Medianote** — A summary of Fox News June 1 report on terrorism:

Sen. Bayh (D-Ind.): We need to give more powers to the FBI and CIA.

Sen. Sessions (R-Ala.): We need to give more powers to the CIA and FBI.

Moderator: We'll be back for more of the Great Debate after this message.

— Ross Lavatter

**Fly the defenseless skies** — The Federal Aviation Administration opposes the proposal from airline pilots that they be allowed to carry hand guns on aircraft — one policy that could have prevented the Sept. 11 terrorist attacks. I hope pilots start making the following announcement at the beginning of each flight:

"Ladies and gentlemen, this is your captain speaking. I hope you enjoyed standing in line for two hours while a minimum wage grunt poked and prodded and felt you up. All this special treatment is courtesy of the FAA, which refuses to allow us trained, military professionals the ability to defend our ships from terrorists. If we were trusted to defend this aircraft, just as much as we are trusted to bring you home safe, most of the security precautions such as taking off your shoes and intrusive x-ray machines would have been irrelevant. Finally, I would like to remind you that in the unlikely event of a hostile takeover of this airplane, the United States Air Force has been instructed to shoot us out of the sky; at which point you will all be free to smoke during our very final descent. Thank you for flying Defenseless Air."

— Tim Slagle

**Alfred E. Bush** — As a rule, I do not watch presidential speeches. Experience has taught me that they only disgust me and thereby spoil my day. In a lapse of concentration, however, I watched King George's brief speech pitching the establishment of a Department of Homeland Security. As I passed those twelve bizarre minutes, facing the TV, standing as if in a trance, I could not escape an overwhelming sense that the orator, in all his mock gravity, was none other than the *Mad* magazine mascot Alfred E. Newman.

Yes, the physical resemblance, complete with the protruding ears, was undeniable. Yes, the blank-moronic, faintly amused gaze was identical to Alfred's. And, yes, the quality of the rhetoric suggested the same level of understanding of the world that veteran *Mad* readers have come to expect from the magazine's signature figure. (To give credit where it's due, however, one ought to recognize that Alfred did say, "Crime does not pay . . . as well as politics.")

Perhaps some of my fellow citizens took this buffoonish presidential performance seriously — it never pays to estimate the public's intelligence too highly — but I hope I will be forgiven if I could but shake my head in melancholy and incredulity. Here we have the political head and military

commander in chief of the world's most powerful empire, an emperor who has declared war against all those anywhere on the planet who fail to knuckle under to his plans for them, and this comic king cannot even pronounce the word "nuclear." (Look on the bright side: if someday he orders a "nucular" attack, maybe nothing will happen.)

Some will say, of course, that the Shrub is only the front man for the evil geniuses who actually make all the decisions, but I find little reassurance in that hypothesis. Just how smart can those true movers and shakers be if they cannot come up with a more plausible figurehead?

— Robert Higgs

**Following a Newfie lead** — In May 1948, when David Ben-Gurion proclaimed the State of Israel, I expressed (naïve) satisfaction, in a conversation at Columbia University, that the Jewish people at last had a homeland of their own. A history graduate student disagreed, warning of grievous trouble ahead. If only the British mandate over Palestine could have continued! A similar thought applies to most countries of Africa nowadays: the states — meaning the politicians or tyrants who control them — are freer than under colonialism, but the opposite is true of the individual inhabitants, who suffer increased insecurity of person and property.

What brings these thoughts to mind is the current condition of Argentina. The country is suffering its fourth year of severe and apparently worsening recession. The narrowly focused diagnosis is a familiar one: a deficiency of demand for goods and labor backed by willingness and ability to spend money. The available monetarist lesson should not be thrown away merely because the current (or recent) monetary deflation will indeed prove to be an exceptional, mere blip in Argentina's long and soon-to-be-resumed history of money and price inflation. The one-to-one peg of the peso to the dollar in 1991 was a sensible move at the time, but deflationary side-effects emerged. Although the federal government could no longer simply print money, it and the provincial governments continued their reckless spending,

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covering their deficits by sales of government property and by heavy borrowing at home and abroad. Confidence flagged, spurring capital flight that worsened the monetary deflation; and the impact of recession on tax revenues worsened the fiscal situation. Late in 2001, trying to save the banks from runs and the exchange rate from flights into dollars, the government violated contracts and property rights by partially freezing bank deposits. This freeze, still not lifted, further worsens the deficiency of spending and the vicious-circle aspects of recession. So does the increasing reluctance of businesses to accept credit cards (in view of uncertainties and high interest costs). The sharp depreciation of the peso since abandonment of the dollar peg in January brings almost mechanical markups of many prices in Argentina, and justified fears of renewed inflation also spur price increases running ahead of actual money expansion. In purchasing-power terms, then, the shortage of spendable money worsens (temporarily).

The more fundamental diagnosis of the situation is deep-seated fiscal irresponsibility at the federal and provincial levels. In a TV interview in early June, apparently thinking that the cameras had been turned off, the president of neighboring Uruguay opined that all Argentine politicians, from first to last, are "a pack of thieves." An economic-information service (INFOBAE.com) polled its readers about the proper Argentine response. A clear majority answered: "Recognize that he is right."

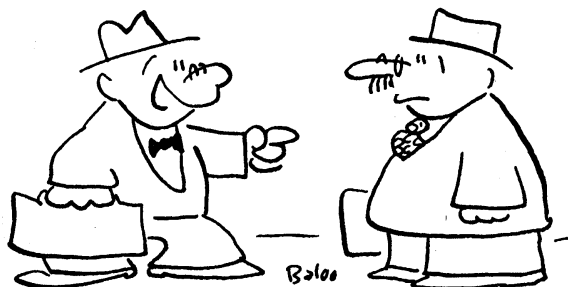
Those readers are probably more realistic and sophisticated than the average Argentine man or woman. Still, I recall what Newfoundland did in 1933–34, when political irresponsibility had contributed to an unmanageable problem of public debt. Newfoundland voluntarily gave up self-government and reverted to being a British colony. Would anyone dare recommend a similar way out for Argentina?

— Leland Yeager

### ***Drugs shorten FBI's attention span? —***

The reorganization of the Federal Bureau of Investigation announced by FBI Director Robert Mueller hardly lives up to his promise "to fundamentally change the way we do business." But it includes an interesting implicit admission that deserves a closer look.

Congress



"I know what! — We could offer to forgo a pay raise in exchange for tenure!"

By announcing that 400 FBI agents would be shifted immediately from drug law enforcement to anti-terrorism units, Mr. Mueller acknowledged, without saying so, that continuing to try to fight the "drug war" is a distraction from the FBI's main mission of preventing terrorism. It is too bad that he didn't acknowledge this explicitly — or take the next logical step and acknowledge that a policy of prohibition, by increasing the profits available to the most ruthless of traffickers, helps to fund international terrorism — but his actions had a certain quiet eloquence. — Alan W. Bock

***Economy down, government up*** — There is an old adage, "Government is the employer of last resort." Yet the economic downturn that began last March confirms another widely held libertarian belief: government layoffs are rare even when the private sector sheds jobs in response to a recession.

The U.S. Bureau of Labor Statistics ([www.bls.org](http://www.bls.org)) maintains employment data on eight private industry sectors. They are mining; manufacturing (durable and non-durable goods); construction; wholesale trade; retail trade; transportation and public utilities; services; and finance, insurance, and real estate, or FIRE for short. The BLS also maintains data on government employment (federal, state, local) and subcomponents such as education.

The layoffs prior to this recession started in capital intensive private sectors when employment peaked in mining

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*What, then? I think what distinguishes libertarians in this culture is the principle of self-responsibility.*

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(February 1998) and manufacturing (April 1998). These were followed by wholesale trade (November 2000), construction (March 2001), transportation and FIRE (May 2001), retail trade (July 2001), and services (September 2001). In all of these sectors, workers who produce goods and provide services for consumers were laid-off in response to changing market demand.

And government employment? No such adjustment process has occurred. Government employment has yet to peak, BLS data shows, increasing from 20,711,000 in March 2001 to 21,083,000 (preliminary) in February 2002. Total government employment increased every month since the recession began except last September when it fell by 24,000. The decline was attributable to seasonal factors, primarily the end of local government summer jobs.

The increase in government employment is sweeping and encompassed every component (federal, state, local) and subcomponent (education) between March and December 2001. These included:

Federal government employment: 2,613,000 to 2,615,000

State government: 4,836,000 to 4,928,000

State education: 2,055,000 to 2,112,000

Local government: 13,262,000 to 13,518,000

Local education: 7,492,000 to 7,642,000

The government sector's failure to shed its own employ-

ees in the recession is part of a postwar trend. Total government employment failed to peak in seven of ten postwar recessions, BLS data shows. The exceptions were the 1948–49, 1981–82, and 1990–91 recessions.

Layoffs are even rarer in recession in the government education sector. State education employment peaked in only one recession (1981–82) since the BLS first began compiling data on the sector in the mid-1950s while local education peaked only twice (1981–82 and the January–July, 1980 recession).

Government does not create jobs. It taxes entrepreneurs, redistributes wealth, and pads its own employment rolls. That this is occurring while millions of private American workers are being laid-off shows how far removed government is from the people.

— Greg Kaza

**Defining liberty** — A perennial argument of libertarians is over how to define themselves to the public. Over time, the favorite has been the non-coercion principle. This unfortunately spawns a swarm of questions — about national survival in a war, or in an AIDS epidemic, or how to deal with lead pollution from gasoline, or the labeling of food and drugs, how to build roads, or how to pay for police, courts, and national defense. The main problem with the non-coercion principle is that it leads directly to a position that must obviously be compromised.

To focus on specific issues is to become too radical in another respect. Libertarians become the champions of gambling, prostitution, pornography, racial discrimination, usury, greed, hate, abortion, cigarettes, drugs, guns, and riding motorcycles without helmets. Well, we are opposed to prohibiting those things, or most of them, but that does not mean we are *for* them, and want proudly to wear them as badges.

What, then? I think what distinguishes libertarians in this culture is the principle of self-responsibility. It is the idea that each able person has to provide for himself, his spouse, and his children; that the risks of disease and old age are an individual and family problem, and that the very least, food, housing, and medical care should not be given away by the government to able adults. It is that to shield an able person from the risks and obstacles of life is to bore them and weaken them, and to make life trivial.

That idea distinguishes all libertarians, radical and not-so-radical, from the mainstream. It focuses attention not on the battles they have mostly won, such as free speech or the free market, but issues they continue to lose, such as free medicine. It gives libertarians common cause with some conservatives, a group that often says it's for self-responsibility but often isn't. And most of all, it gives them an ideal that is personal as well as political.

The writer who has come closest to this idea is Charles Murray, who, not incidentally, has made a name for himself outside the libertarian ghetto. Perhaps one reason is that his message is the right one.

— Bruce Ramsey

**The statute of limitations and you** — You've heard the expression, "the tragedy of the commons." The "tragedy" is what happens when there's property that's "publicly" or "commonly" owned, and everybody takes advantage of it, biting off little pieces for

themselves, until there's nothing left.

Now, it's a bit of a stretch, but I thought of that phrase when I heard Michael Medved on Chris Matthews' show the other night. The topic of discussion was the video of news correspondent Daniel Pearl being decapitated by his sadistic captors. Should people be able to see that? No, Michael said. It shouldn't be shown. Showing it would have "no constructive purpose."

Michael Medved is one of the most intelligent conservatives I can think of, and one of the most sophisticated. So he should know better than to say something like that. If things are judged by their "constructive purpose," then no Democratic regime will allow discussion of so disgusting a thing as the stains on Miss Lewinsky's dress, and no

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*You see your neighbor smoking pot. Who the hell cares? you think. Then you think, If anybody else sees this, and reports on me for not reporting it, I will be sent to jail.*

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Republican regime will allow us to discuss the past self-indulgences of our current president. No, Michael didn't call for laws against discussing these things, but you know how it goes. First we have community standards, then we have appropriate licensing of electronic media, then we have . . . what we had only two short decades ago, a nation in which you never got to see anything that wasn't "constructive" to see.

That's the way our common heritage of liberty is eaten away, by good-natured people, each of whom just wants to take a tiny bite of it.

Here's another example — the current campaign against the Catholic church over the child molestation issue. Please! I'm not in favor of child molestation. And I'm not a Catholic. But listen: there's a libertarian purpose in statutes of limitation, in criminal charges that are clearly and accu-



"Attempted bribery, eh? — That ought to just about cover the fine."

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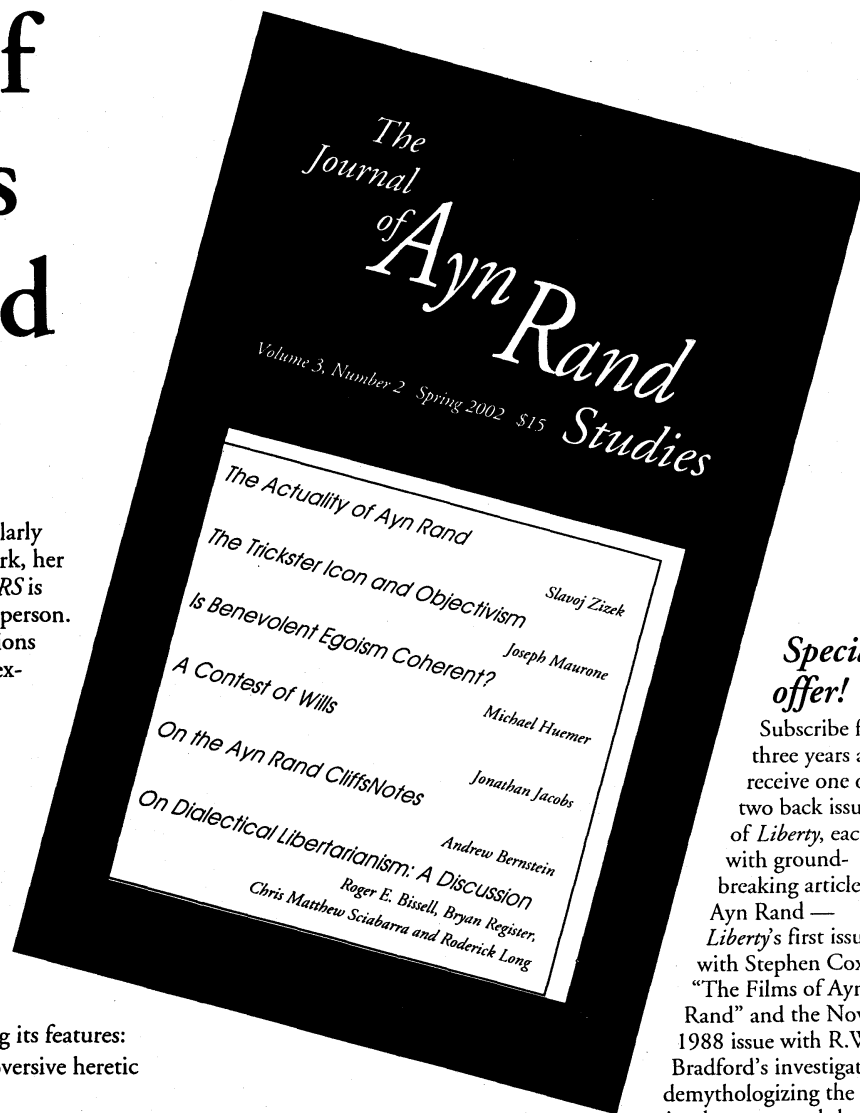
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rately defined, and in the immunity of law-abiding people from prosecution or legal harassment.

Everybody will agree, at least in principle, to the last two on that list, so I'll say a word in favor of the first, which is statutes of limitation. If there's no limitation on the time when charges are filed for a criminal offense, we'll have witnesses suddenly "remembering" the fact that John Doe smoked pot with them 50 years ago, and John Doe, now 90 years old, will be subjected to some Uniform Sentencing Law that gives everyone five to ten for drug violations.

Today, in the virtuous cause of stopping child molestation, we have people "speaking out" 20 or 30 years after they were allegedly molested, and being given as much credence as if the offense had allegedly occurred last week. We also have priests accused of one, all-inclusive offense, "child molestation," whether they raped a boy of eight or "inappropriately touched" a boy of 17. And we have calls, and more than calls, for people who knew or heard something about molestations or "molestations" to be prosecuted because these people *failed to inform the police*.

Look. If you see someone assaulting someone else, you have a moral duty to report it. If you know that your neighbor is molesting a child, you have a moral duty to report it. If you are a pastor or a bishop, and one of your subordinates is doing things like that, you have a duty to *stop* it. If, for some reason, you do not do these things, and you are summoned to court and asked to give your evidence, you have a legal duty to tell the truth about it. But this is a long way from saying that private citizens should be prosecuted or sued for not turning other private citizens in for violating the law. I invite you to consider the immediate consequence of accepting that proposition. You see your neighbor smoking pot. Who the hell cares? you think. Then you think, if anybody else sees this, and reports on *me* for not reporting it, I will be sent to jail. So I guess I'll have to report that guy.

Is that a stretch? No, it's not. Keep after the church in this way, and that's where you'll end up.

Actually, there is no "common" property. Every individual's rights are his or her own property. It's up to you to guard them. Don't let child molesters, opponents of child molesters, or the best-intentioned people in the world take your property away from you.

— Stephen Cox

### ***Francis Fukuyama and the end of liberty***

— Francis Fukuyama tells us that libertarianism is a dead ideology in a poorly cobbled-together piece in the May 2 *Wall Street Journal*. Fukuyama, you may recall, was the guy who proclaimed "The End of History" back in the early 1990s. My guess is this prediction will work out about as well as that one.

Most of the piece is an attack on pro-cloning libertarians. But the part that interests me is the little aside on libertarianism and foreign policy. It says:

The hostility of libertarians to big government extended to U.S. involvement in the world. The Cato Institute propounded isolationism in the '90s, on the ground that global leadership was too expensive. At the time of the Gulf War, Cato produced an analysis that argued it would be cheaper to let Saddam keep Kuwait than to pay for a military intervention to expel him — a

fine cost-benefit analysis, if you only abstracted from the problem of weapons of mass destruction in the hands of a megalomaniac. Contrary to Mr. Reagan's vision of the U.S. as a "shining city on a hill," libertarians saw no larger meaning in America's global role, no reason to promote democracy and freedom abroad.

Sept. 11 ended this line of argument. It was a reminder to Americans of why government exists, and why it has to tax citizens and spend money to promote collective interests. It was only the government, and not the market or individuals, that could be depended on to send firemen into buildings, or to fight terrorists, or to screen passengers at airports. The terrorists were not attacking Americans as individuals, but symbols of American power like the World Trade Center and Pentagon. So it is not surprising that Americans met this challenge collectively with flags and patriotism, rather than the yellow ribbons of individual victimization.

Sept. 11 did not end the argument for foreign-policy restraint. It underscored it, in a particularly horrific way. The destruction of the Trade Towers was Gulf War blowback. Pardon me for taking a simplistic view of the matter, but in 1989, Osama bin Laden had left Afghanistan and was

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*In 1989, Osama bin Laden had left Afghanistan and was back running the family construction business. It was U.S. troops in Saudi Arabia in 1991 that motivated him to get back in the business of killing infidels.*

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back running the family construction business. It was U.S. troops in Saudi Arabia in 1991 that motivated him to get back in the business of killing infidels.

Who knows, maybe he or others would have found some other rationale to do it. Maybe in an alternative world, where the U.S. dismantled the Cold War alliances after the fall of the Berlin Wall and pursued a foreign policy of non-interventionism, Muslim fanatics would have attacked us anyway simply because, as the *National Review* phrased it, "we are rich, and powerful, and good." But in the history we actually lived through (the one that didn't "End"), there's a pretty direct link between U.S. foreign policy and the attack on N.Y.C.

— Gene Healy

***Joining the Islamonazis*** — Just in case you were wondering who's who in the Don't Resist Terrorism movement, a group of prominent left and far-left Americans has released a "Not in Our Name" joint letter denouncing the U.S. war against terrorists, as well as resistance to terrorists in Israel and elsewhere. (<http://www.guardian.co.uk/comment/story/0,3604,737060,00.html>). Signers include Edward Asner, Noam Chomsky, disc jockey Casey Kasem, Martin Luther King III (president, Southern Christian Leadership Conference), Barbara Kingsolver, Michael Lerner, E. Randall Osburn (executive vice president,

Southern Christian Leadership Conference), Michael Ratner (president of the misnamed Center for Constitutional Rights), faux Palestinian postmodernist Edward Said, Gloria Steinem, Alice Walker, and historian Howard Zinn. Not all of these people believe that "nothing is worth fighting for," since some of them celebrate the Palestinian fight to destroy Israel, but it seems apparent that these signers believe that protecting American civilians from murder by Islamonazis is not worth fighting for. — Dave Kopel

**Searching for an excuse** — Early in June the War on Terror came to the Washington State Ferries. The driver of every 15th vehicle waiting in line was asked to sign a paper consenting to a search by the Washington State Patrol, and to agree that any evidence found might be used against him. It was entirely voluntary, the government said. If the driver signed, he would be asked to leave his vehicle while police searched his cargo compartments and under his seats. If he did not sign, that was all right, but the captain of the ferry might choose not to let him board. The police, however, would not be responsible for his not boarding. That was up to the captain.

By what authority did the state do this? The American Civil Liberties Union asked the elected state attorney general, Christine Gregoire, Democrat. Her office made two replies. First, this was about the War on Terror, and that was not a topic subject to public disclosures. Second, it was a matter of attorney-client privilege, she being the attorney and the Washington State Ferries being her client.

In other words, the state was advising itself, and the content of its advice was a secret.

Well, the ACLU, bless them, was of the opinion that that was horse manure, and insisted on a copy of the attorney general's advice. A few days later, the ACLU received a seven-page memo from one of Gregoire's division heads. And here is what it said:

No law authorized anti-terror searches, random or otherwise, which were unprecedented in Washington state. Random searches were anathema to the Fourth Amendment and even more anathema to the Washington constitution. The only random search of cars that any Washington court had ever permitted was the search on one ferry where it was believed a felon had hidden himself in a car trunk. Still, the state might get away with the searches by citing a special needs exception if there were an immediate safety and security issue like a bomb threat.

Had there been such a threat? No.

Who had authorized the searches? It was a committee that included the state attorney general, the head of the state ferries and the U.S. Coast Guard. The Coast Guard had suggested the state order the searches, but had not ordered them itself.

The first press comment, from the morning *Seattle Post-Intelligencer*, was positive. The searches were justified, the *Post-Intelligencer* said. But a *Post-Intelligencer* editorial columnist who rides the ferry every day wrote a signed column denouncing the searches.

Two days later a *Seattle Times* columnist did the same, quoting from the memo. *The Seattle Weekly*, an alternative

paper that leans left, ran a column that denounced the searches. It ran with a drawing of a ferry, John Ashcroft, and a hammer and sickle.

A powerful state legislator — a Democrat — stated that the State Patrol was paying for the searches with money that was never intended for such a thing.

The state ferries then announced that it was suspending the searches of cars because the terrorist threat had subsided. — Bruce Ramsey

**A natural citizen, at least 35 years of age . . .** — On June 3 the EPA released the 2002 U.S. Climate Action Report to the United Nations, and many were shocked to learn that the administration has changed its position on human-induced global warming. I suspect this shift was precipitated by the left's continual haranguing about George Bush's intelligence. Now that he agrees with the left on CO<sub>2</sub> emissions, it's going to be really hard to call him an idiot, especially when he's talking about protecting the en-*varn*-mint.

I don't know whether intelligence is really important for a president. I certainly want intelligent judges, and I guess that smart legislators might be good too. But I believe the constitutional duties of president only require the skills of a really good poker player. — Tim Slagle

**This body don't run** — A politician seldom looks better than when he is leaving the grubby game, especially when it's at an age when he can return to some relatively honest occupation. So it's especially pleasant to contemplate Minnesota Gov. Jesse Ventura's decision not to run for another term, even though the game will be less interesting without him.

Jesse, of course, was one of the few recent politicians who looked like a welcome breeze when he blew into poltown. It was refreshing that 37% of the voters preferred him to the virtually interchangeable Republocrat and Demican candidates in 1998. It was charming to hear him promise to return \$4 billion in "excess" taxes the establishment politicians had enacted. And it was potentially instructive to note that he criticized the drug war and got elected, suggesting once again that the conventional wisdom that questioning the drug war is the current "third rail" of American politics is as untrue as most conventional wisdom.

Sadly, "The Body" became all too politic once he got in office. He did deliver a modest tax rebate, but then fell in love with taxpayer-subsidized transit. When the boom subsided and government revenues suffered, he proposed \$2 billion in tax increases rather than spending cuts. The state budget grew 33% during his tenure. Minnesota voters caught on to the fact that while his style was more colorful than the average politician's, his substance was depressingly familiar. Recent polls showed him still competitive but in trouble in a three-way race, so he recrossed that thin and sometimes imaginary line between politician and entertainer.

May he stay on the marginally more honest side of it. — Alan W. Bock

# Liberty at Fifteen

*by R. W. Bradford*

Fifteen years ago, *Liberty* published its first issue. Things don't always work out the way you plan them.

There is a tendency for libertarian enterprises to engage in self-congratulation — witness the gala celebrations staged this year by Laissez-Faire Books for its 30th anniversary and by the Cato Institute for its 25th anniversary, not to mention the festivities arranged by *Reason* magazine for its various anniversaries. *Liberty* has never done much of this: it's not that we think there's anything wrong with such celebrations, we've simply been too busy editing and publishing a magazine — that is, doing what we like to do. We do notice our anniversaries. But we celebrated pretty much only in print. On our fifth anniversary we published a brief account of how we started *Liberty*, reprinting a couple of past articles, and publishing a complete index. Our tenth anniversary was marked by an account of the magazine's history. We also billed our 1997 editors' conference as our "10th Anniversary Celebration," but aside from some brief remarks by David Friedman and me at our customary Saturday night banquet, it wasn't any different from our usual editors' conference.

Still, 15 years is a milestone for any magazine, and it seems appropriate to look back at how the magazine was founded, how it has grown, and how it has changed. Fifteen years is a long time, long enough for international communism to change from an enormous organized threat to human liberty to a bad joke, long enough for George W. Bush to change from a party-loving businessman prospering on government subsidy to the head of the government itself, long enough for Bill Clinton to grow from being governor of a small state to president of the United States to the most embarrassing ex-president in our nation's history, long enough for the Libertarian Party to change from a party that had lost four presidential elections by large mar-

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gins to one that has lost eight by even larger margins, long enough for me to change from a vigorous dark-haired 30-something to a gray-haired 50-something, long enough for Elizabeth Merritt to grow from a precocious 6-year-old girl to a precocious 21-year-old managing editor.

It's also long enough for a magazine to grow from a fledgling bimonthly with a circulation of barely 1,000 to a well-established monthly read by tens of thousands. That's what I'm writing about here: what we were trying to do, where we succeeded and where we failed, and where things turned out differently from what we had expected.

## A Gleam in the Eye

Sometime in the mid-1970s, I began to think that the world needed a magazine that offered analysis of the political and economic situation from an unapologetically libertarian perspective, discussion of serious intellectual issues — including political philosophy, economic theory, political strategy — and commentary and reviews of a broader cultural nature than any libertarian or libertarian-oriented magazine had ever offered. I was, at the time, mired in the world of business, working over 80 hours each week, so the magazine I was thinking about remained nothing more than a gleam in my eye for the next several years.

By 1980, my success as an entrepreneur had enabled me to retire and turn my energy to ends other than making

money and I naturally began to think more seriously about *Liberty*. But it took me several years to extricate myself sufficiently from the business enterprise I had started, and there were personal matters to attend to as well. I continued to develop a business plan for the hypothetical journal, but it was 1985 before I felt ready to try to complete the plan and begin to implement it.

From the very beginning, I discussed my proposal with two people who are still intimately involved with *Liberty*: Stephen Cox, whom had been a close friend since my undergraduate days and was by now a professor of English literature at the University of California, and my wife Kathleen. It is not the slightest exaggeration to say that *Liberty* would never have existed, much less blossomed into the magazine you hold in your hands today, if both hadn't provided their formidable critical intelligence and just plain hard work to our effort. For more than 15 years, Kathy, Steve, and I have been the bedrock of the enterprise, people who could count on each other to do what needed to be done.

The next person I recruited was Murray Rothbard. At the time, Rothbard was perhaps the most influential living participant in the libertarian movement. He was a first-rate writer who devoted incredible energy to shaping libertarian opinion. He had formerly been associated with both *Reason* and the Cato Institute, but his querulousness had resulted in his being cut adrift. I thought he might be looking for an outlet for his writing: I sent him a letter outlining my plan, and he quickly agreed to come on board.

The next person to join our effort was Timothy Virkkala,

## Liberty's Mission Statement

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 libertarians 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 nonlibertarians.

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

a young Oregon "book junkie" and libertarian, at the time an obviously underemployed gas station attendant. I hired him as my personal assistant, and soon he was helping with *Liberty's* development.

The next two people I recruited were prominent figures in two very different fields. Doug Casey was (and remains) a prominent investment analyst, who had recently published the best-selling financial advice book in history. Ross Overbeek was a leading computer scientist, though a few years later, he turned his considerable intellectual energy to genetics. *Liberty* had never been thought of as a strictly

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*Liberty's first and only editorial, titled "Why Liberty?" was mostly the portion of Liberty's business plan that today might be called its "mission statement."*

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political magazine, and Casey and Overbeek brought a wider perspective and expertise.

The first issue of *Liberty* appeared on July 5, 1987. Today's reader would have no trouble recognizing it. Its cover featured a larger logo and less color than today's, but it was still basically the same. Its masthead listed the names of eight individuals, six of whom are still there for this issue. It was enlivened by wonderful cartoons by Rex F. May, whose work continues to delight our readers. It concluded with a page of "Terra Incognita," the absurd news clips that still remind us that life is real, and not entirely earnest.

## The best laid schemes o' mice and men . . .

On page 4, there appeared *Liberty's* first and only editorial, titled "Why Liberty?" It was mostly the portion of *Liberty's* business plan that today might be called its "mission statement." It began by asking "Does the world really need another libertarian magazine?" and surveying existing libertarian publications. It concluded that all were either outreach publications, house organs, or scholarly journals, and that none of them "offer[ed] the kind of lively, provocative analysis that the intelligent libertarian craves." It went on to spell out our intentions (see "*Liberty's* Mission Statement" at left.) It was signed by all five editors.

The first few issues of *Liberty* pretty much reflected this agenda. We published, for example, important original research on Ayn Rand, at the time the most powerful influence on libertarian thinking. We looked back at the origin of the contemporary libertarian movement and at a pioneer leader who moved underground, literally, to avoid the state. We challenged the fundamentals of libertarian ethical thinking in a controversial essay parodically supporting Robert Nozick's using rent controls to extort money from his landlord. We looked at the libertarian implications of the then-nascent micro-computer revolution. We offered independent analysis and commentary about the Libertarian Party, something which virtually no other publication was doing.

But things didn't work out as we planned for long.



### . . . gang aft agley

The first major change in editorial policy occurred quickly. Shortly after publishing our second issue, we did a reader survey. We asked our readers to rate how well they liked various kinds of articles we'd published. The highest ranked kind of article was "analysis of current events." Second was "articles that analyze public policy." This was a huge surprise to us because at this point we had *never* published any articles analyzing public policy and the only thing we'd ever published about current events was our analysis of what was going on within the Libertarian Party.

We discussed this at some length, and hypothesized that many of our readers were telling us that what they'd like to see in *Liberty* was analysis of current events and public policy. Our original business plan specifically called for *Liberty* to refrain from publishing anything on public policy, on the theory that other libertarian publications, notably *Reason* (whose editor called it a "policy magazine") and the Cato Institute's publications were doing plenty of good work in this area. But it was plain that our readers wanted public policy analysis, and we decided to provide it, though we also insisted on publishing only the most interesting and best-written policy analysis we could find. This remains our standard to this day.

The same was true with commentary on current events. We had originally planned to limit our commentary to topics of special interest to libertarians — that is, to subjects about which our libertarian readers would have trouble finding commentary published elsewhere. Plainly our readers wanted more, and we intended to give them what they wanted.

We quickly found that such commentary often could not be expressed in article-length features. So in the final issue of our first year, we inaugurated Reflections as a front-of-

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*We originally figured that the number of libertarians who would subscribe to a genuinely intellectual magazine was around 2,000, so we set a circulation target at that level. It turned out that demand for Liberty was much greater.*

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the-book feature, consisting of commentaries long and short. It immediately became the most popular and widely read portion of the magazine, a position it has never lost.

There was another important development that motivated us to publish more commentary about current events. In late 1987, I met Bill Kelsey, a magazine distributor, at a conference. He told me that he thought *Liberty* would sell just fine on newsstands. This dumbfounded me: I had assumed that a magazine of such radical libertarian sentiment would have little appeal to general readers. But I figured he knew his market better than I did, so I went along with his suggestion that we print an extra 500 copies of our third issue and ship them to him. To my further surprise, he sold over 90% of those copies.

We didn't have any idea what it was about *Liberty* that appealed to newsstand browsers, but we figured that they were probably more interested in current events or public policy than in say, the arcana of libertarian theory or the goings-on inside the Libertarian Party. Consequently, we have tended to feature more current events and public policy material on our cover and early in the magazine while putting inside-the-beltway libertarian material later, in the features section.

### Overshooting our targets

Our failure to anticipate the excellent newsstand sales that *Liberty* has enjoyed was far from the only non-editorial aspect of our original plan that altered our perspective. We originally figured that the number of libertarians who would subscribe to a genuinely intellectual magazine was around 2,000, so we set a circulation target at that level. It

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*One day in 1987, I asked Reason's editor how he spent a typical day. To my surprise, he told me that he spent most of his time applying for grants and dealing with donors. This didn't seem like much fun to me.*

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turned out that demand for *Liberty* was much greater: we exceeded this target before our sixth issue was published. We revised our business plan accordingly, and have expanded our subscription base.

Alas, the increased revenue from increased circulation did not show up on our bottom line, because our costs also rose. One factor was inflation. The cost of everything — especially postage, printing, and the salaries paid to our small staff — escalated, and we were reluctant to raise the magazine's price. *Liberty's* cover price of \$4.00 has never changed, and during our first twelve years as a bimonthly, our subscription price rose only once and by a very small amount. When we converted to monthly publication, we raised the subscription rate from \$19.50 to \$29.50 — which had the effect of lowering the per copy cost from \$3.25 to \$2.45. We also found it necessary to add to our staff, simply because the amount of labor needed to handle our burgeoning circulation increased.

But another major factor was that we underestimated how much quality writing we could find. Our original plan called for publishing six issues of averaging 40 pages each per year. Our first two issues had 48 pages, our third had 56 pages, our fourth and fifth had 64 pages, and our sixth had 80 pages. During the next few years we averaged more than 72 pages per issue. Printing and mailing longer issues costs more money.

### Resisting temptation

If we are to believe what is published in trade journals about magazine publishing, the past decade and a half have been terrible for magazine publishing, with both subscriber and newsstand sales declining and advertising revenues down. The advice most often given to magazine publishers

to fight this trend is simple: attract more readers with shorter articles, more pictures, glossier look, and more color. The theory is that in this age of remote controls for changing channels, people just don't have the attention spans they once had. The poster child for this formula is *USA Today*.

Anyone who compares *Reason* magazine as published in 2001 to *Reason* as published in 1987 can plainly see the change, which has become even more evident since *Reason's* most recent makeover. And the trend continues: *Rolling Stone* just announced an editorial change that *The New York Times* describes as signalling "the end of *Rolling Stone's* history as a publisher of epic narratives and literary journalism." No longer will it publish the work of writers like P.J. O'Rourke, Tom Wolfe, and Hunter S. Thompson. "Many editors have concluded," the *Times* reports, "that words in magazines are often beside the point." Now what's in are "funny charts, outrageous photos and articles that are little more than captions on pictures." *Rolling Stone's* publisher thinks this is the result of the explosion of new media: "Back when *Rolling Stone* was publishing these 7,000 word stories, there was no CNN, no Internet. And now you can travel instantaneously around the globe, and you don't need those long stories to get up to speed."

I disagree. While the number of people who read may very well be declining, we at *Liberty* think that there remains a very substantial market for the kind of good writing that we publish. And we aim to serve that market.

I think the fact that we continue to provide quality writing may explain our success in newsstand sales, which are

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*"Many editors have concluded," the New York Times reports, "that words in magazines are often beside the point." Now what's in are "funny charts, outrageous photos and articles that are little more than captions on pictures." We disagree.*

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generally evaluated in terms of their "sell-through," that is, the percentage of copies distributed to newsstands that actually sell at retail. So far as we are able to determine, *Liberty* has the highest sell-through of any magazine of its kind. Until 1998, every publication mailed in the U.S. was required to make a public report that included data from which one can easily calculate sell-through, and in every year for which we have found data, *Liberty's* sell-through has been higher than that of *any* magazine. For years, our sell-through was over 80%, while none of our competitors even managed to reach 50%. As is the case with other periodicals, our sell-through has fallen off in recent years, in what is generally considered a very bad market for newsstand sales. Even so, as far as we can determine our sell-through remains much higher than that of any competitor.

### A fundamental policy

One other aspect of *Liberty* has never changed, and I hope never will. *Liberty* is an independent publication,

unaffiliated with any other organization or institution. We feel free to publish opinions that are unpopular with any other libertarian entity. Our editorial standard remains the same as it was on the day we began: *Liberty* publishes good writing of interest to intelligent libertarians. We do not care whom we offend. More than once I've taken angry phone calls from the heads of other libertarian organizations. I always try to be polite and understanding, but I never apologize or promise to tone down future articles. Among those offended by this open policy is me: *Liberty* frequently publishes writing that I strongly disagree with.

This is not necessarily the policy with other libertarian periodicals. One of *Liberty's* contributing editors once told

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*While the number of people who read may very well be declining, we at Liberty think that there remains a very substantial market for the kind of good writing that we publish. And we aim to serve that market.*

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me that when he worked for another libertarian magazine, staffers discussed among themselves whether a particular submission followed the "KL," which was an abbreviation for the "korrekt line." The editor of another libertarian publication once told me that he considered himself the libertarian movement's biggest expert on foreign policy, and would never publish anything on foreign policy that did not agree with his beliefs. This sort of policy impoverishes any magazine.

Our open editorial policy was the reason that our "Why *Liberty*?" editorial concluded with a description of each of its editors. We wanted to make it plain that we not only brought very different life experiences to *Liberty* — we also brought different fundamental political beliefs:

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 "inreach" journal — a periodical in which to sort out their differences, share their thinking, etc.

That is why we publish *Liberty*.

### The business of *Liberty*

*Liberty* has undergone one important change that I haven't mentioned yet. When *Liberty* was launched, it was

operated as part of an existing business wholly owned by me. I realized that most intellectual magazines and virtually all libertarian magazines were operated as nonprofits, but operating it as part of my business made it possible for me to write off any losses against the profits made by the other business activities, and it just seemed simpler to operate it that way.

My opinion was reinforced by a conversation I had with Bob Poole shortly after we started publishing, when he was still the editor and publisher of *Reason*. We were at a convention and there wasn't much going on and we got to chatting. I asked him how he spent a typical day. To my surprise, he told me that he spent most of his time applying for grants and dealing with donors. This didn't seem like

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*More than once I've taken angry phone calls from the heads of other libertarian organizations. I always try to be polite and understanding, but I never apologize or promise to tone down future articles.*

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much fun to me. And I figured that I really didn't want to edit or publish a magazine that was dependent on donors — I valued *Liberty's* editorial independence so highly that I didn't even want to be tempted to allow donors to influence it.

And these threats are real. More than one head of a libertarian nonprofit has told me of attempts — some successful — by major donors to get him to change what the nonprofit publishes. I'd like to think that I would have the backbone to stand up against such pressure, even if it means a substantial loss of revenue. But I don't think that anyone can ever know how he'd react in such a situation, and I really don't want even to face such a quandary myself.

Suggestions that *Liberty* go nonprofit continued — and there were many, including one from the head of a libertarian nonprofit who told me that I could earn a six-figure salary if I'd go nonprofit and seek funding from the sources that fund other libertarian nonprofits.

I resisted whatever temptation this might have been. But in 1993, I donated the magazine to a nonprofit corporation because I was tired of paying outrageously high postage rates. Postage is a magazine's single biggest expense, and the lower rates offered to nonprofits would enable us to expand our circulation substantially. (In fact, our circulation nearly doubled in the following two years.)

Since then we have done a single annual solicitation of donations from our readers, and three individuals have at one time or another made substantial donations. Because we believe our editorial independence should not be endangered by donations, we have used these generous gifts to finance non-core activities, such giving *Liberty* subscriptions to libraries or to young libertarian scholars, or improving our website. (I am happy to say that no donor has ever

hinted at an attempt to influence any editorial matter. I think donors understand our inflexibility on this point.)

This helps make *Liberty* unique among political publications. Indeed, there is a certain sense in which *Liberty* is extraordinary among all publications.

### A different kind of magazine

In the magazine business, publications are generally divided into two categories: circulation-driven and adver-

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## How It Was and How It Is

*Liberty* started 15 years ago. What a world that was! Suffice it to say that the Berlin wall had two more years to go, and I submitted my first articles to *Liberty* in typescript, on a primitive fax machine. No email. When *Liberty* HQ got the fax, it was retyped into magazine copy. No scanner.

Let me go back a little farther. It's late 1966. Bill Bradford and I are both denizens of an obscure state college, lost on the plains of western Michigan. He's the assistant editor of the college newspaper. I'm nobody. I write a letter to the editor, opposing conscription. Bill prints it, and seeks my further acquaintance. The rest is history. Both of us had a lust to write and publish. During the next 21 years, we talked our inclinations over, and in 1987, Bill started *Liberty*.

When some libertarians get successful, they start wearing coats and ties. Not us. It's still T-shirts and jeans at *Liberty*. And when some libertarians get successful, they start getting serious about everything. Again, that's not us. We're still as silly as we ever were, although we've learned a lot more stuff. I'm not sure that Bill needs to learn any more. One of his favorite sentence openings is, "I'm sure you know . . ." which he follows with some astonishingly obscure fact that he, in the innocence of his heart, actually imagines you've heard of.

Whether either of us is right about what we deduce from what we know — that's another question. Indeed, "we" couldn't ever be right, because nobody at *Liberty* ever agrees with anybody else. Bill works about 15 hours a day, but he's still able to call me up and fight with me.

What has *Liberty* accomplished? It wasn't *Liberty* that brought down the Berlin Wall. It wasn't *Liberty* that invented the Internet. But it's *Liberty* that provides the only really free forum for radical advocates of freedom in America.

I don't mean that other libertarian journals are filled with the voices of slaves agitating for slavery. On the contrary: I value all of them, and all of them have their place, just as *Liberty* has its place. What I mean by "free," in this context, is "independent," "nonaligned," and "nonpartisan." People who write for *Liberty* can be as partisan as they want to be, but *Liberty* has no party line. It is not the voice of any libertarian party, tendency, institute, lobby, or cause. It exists only to publish the best libertarian writing we can find.

Maybe that's not much. But it's a lot of fun.

— Stephen Cox

divided into two categories: circulation-driven and advertising-driven. Circulation-driven magazines are those whose primary source of revenue is sale of the magazine — for example, supermarket tabloids and most newsletters. Advertising-driven magazines are those whose primary source of income is advertising; examples include virtually all daily newspapers, consumer magazines, and trade publications.

But there is another category, one into which nearly all political and intellectual magazines fit: donor-driven magazines — that is, magazines whose primary source of revenue is donations, sometimes from a broad number of

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*Our editorial standard remains the same as it was on the day we began: Liberty publishes good writing of interest to intelligent libertarians.*

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individuals, sometimes from a single wealthy donor, sometimes from foundations. I cannot think of a single libertarian publication besides *Liberty* that isn't in this category.

So what drives *Liberty*? I think it fits into yet another category, one that it has pretty much to itself. *Liberty* is writer-driven. We manage to publish a good magazine through the generosity of our writers and our contributing

editors, virtually all of whom contribute their efforts without financial remuneration. Indeed, at the present time, *Liberty* has only a single paid employee.

In theory at least, *Liberty* will eventually pay its other staffers. But I have yet to collect a dollar from *Liberty* for the 15 years I've worked here full-time, and while *Liberty* theoretically rents office space from a building I own, so far it hasn't actually got around to paying any rent.

And that's just fine with me. I'd rather be beholden to our writers, whose work graces our pages, and to our readers, who fork over \$29.50 per year, and to those (like me) who make modest donations, than to other nonprofits or to major donors.

Our writers — from intellectual giants like Thomas Szasz to bestselling authors like Doug Casey to subscribers who are inspired to write something extraordinary for us — are happy to be paid in the satisfaction of helping make *Liberty* the kind of magazine it is. So is Steve Cox, who not only contributes a tremendous amount of excellent writing, but also edits (somebody has to be able to reject writing by me!), advises — and helps in a million ways. So is Kathy Bradford, who takes care of the thankless job of seeing that bills are paid, government forms are filled out, proof-reading corrections are entered, and does another million tasks, great and small. So is Jim Switz, who finds time to manage our database. And so am I. □

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## Letters, from page 6

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The original states were careful to note which rights were being surrendered to the new Union. New York, Rhode Island, and Virginia explicitly stated in their ratification documents that the powers of the federal government could be "reassumed" whenever the federal authority began to injure or oppress the rights of the people. Massachusetts, South Carolina, and New Hampshire each incorporated language from the Tenth Amendment into their ratification resolutions, effectively implying, if not explicitly stating, that secession was not a matter under federal oversight. It is absurd to argue that a movement to secede from an oppressive Congress must first gain permission from that same institution.

Sandufer is correct to point out that the South makes a poor poster child for those who support the right to secede. This is not a new revelation. However, effectively eradicating the right to secession because it was first used as a defense for slavery is to take a bad case and make a bad (and unconstitutional) law.

Ken Braun  
Lansing, Mich.

## You Could Look It Up

In the July *Liberty* ("Reflections") Ralph Reiland quotes an ex-priest friend as

asking: "How does he know? How does he know that people aren't born gay? Those urges are natural, for them, as natural as a heterosexual man's urges for a woman." The ex-priest was reacting to Monsignor Clark's statement that "gay men shouldn't be allowed to be priests . . . the idea that people are born gay is simply 'not true.'" But in Leviticus 20:13, the Lord said:

If a man also lie with mankind, as he lieth with a woman, both of them have committed an abomination; they shall surely be put to death; their blood shall be upon them.

John 5:16 states that such capital offenses are not to be forgiven; the sentence must be imposed. Taking all that together says it doesn't matter if some men are born gay. God wants them — if caught in the act — removed from society.

Like they say: if all else fails read the instructions.

James Harrold Sr.  
Springdale, Ark.

## TC, Not PC

Contrary to what Reiland argues, the Roman Catholic Church's real problem is homosexual priests.

The molestations reach back almost 40 years. The 1960s and 1970s were not as "gay friendly" as society is today. Because

of the various "revolutions" among our young people, fewer young men entered the priesthood in the 1960s and 1970s. The easiest way for the church to address this "problem" was to look the other way when young men of "alternate affectional preference" attempted to enter the seminary. The result, numbers of ordained men engaging in sexual activities with young men.

I use the term "young men" since little of the reported activity has occurred with boys of elementary school age. Most of the illicit activity has occurred between the ordained and young men of high school age. To suggest that these activities are "pedophilic" rather than "homosexual" simply attempts to handle the problem in a politically correct manner.

Seminaries have begun to "tighten up" recently as the church's hierarchy is beginning to face the real problem. Unfortunately, the next problem faced by the Church is very likely to be a number of ordained men dying of AIDS.

Speaking in a PC manner may be one of the social graces. Unfortunately, being Theologically Correct is the true task of the Church.

Bill Kelly  
Dundas, Minn.

# The Trouble With Szasz

by Ralph Slovenko

Sometimes, coercion is a good thing.

For about a half-century there has been an outpouring of articles and books by Thomas Szasz. Just to cite them would take a volume. They are known worldwide. A review of a biography of the financier and philanthropist George Soros tells us: "Nobody has ever satisfactorily explained the magical accomplishments of the Hungarian Jews. A persecuted minority in a land whose language is unfathomable to all others, they have been fantastically over-represented among high achievers in almost every field of cultural and scientific endeavor. Emigres from this small community have included John von Neumann, Leo Szilard, Eugene Wigner, Theodore von Karman, and Edward Teller" (Seligman, 2002). Though these are only illustrations, admirers of Szasz, of whom there are countless, would think it remiss to omit Szasz. Everywhere, Szasz is the No. 1 weapon in attacks on psychiatry, or at least a gadfly, always stimulating discussion.

With each successive writing, Szasz has advanced or rewritten his key beliefs about (1) the meaning of mental illness and (2) the "Therapeutic State" and its threat to individual freedom. On these issues his thinking has ossified into an ideology. His libertarianism has no room for communitarianism.

## The Meaning of "Mental Illness"

Perhaps the best known and most controversial of Szasz's books is *The Myth of Mental Illness* (1961). The title is catchy, but what does it mean? Szasz writes with excep-

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tional lucidity, but at the end of the day, the title of the book had more impact than its contents. The title gave rise to the impression, rightly or wrongly, that Szasz was denying reality. Thus, for example, prominent psychoanalyst Glen Gabbard commented, "[Szasz says] that mental illness does not exist" (Goode, 2000).

Szasz says that what he was objecting to in *The Myth of Mental Illness* is the labeling of the phenomenon as "illness" and the use of the medical model, with all its consequences. In *Pharmacracy* (2001), Szasz explains:

When I say that mental illness is not an illness I do not deny the reality of the behaviors to which the term points, or the existence of the people who exhibit them, the suffering the denominated patients may experience, or the problems they create for their families. I merely classify the phenomena people call "mental illnesses" differently than do those who think they are diseases. When a lesion can be demonstrated, physicians speak of bodily illnesses. When none can be demonstrated, perhaps because none exists, but when physicians and others nevertheless want to treat the problem as a disease, they speak of mental illnesses. The term "mental illness"



is a semantic strategy for medicalizing economic, moral, personal, political, and social problems.

Yet what is to be made of subsequent writings where Szasz compares the problem of "schizophrenia" to the "problem of the ether," that is, there is no such problem. Is he protesting the medical model or the reality of the phenomenon? In an article in *Liberty* (March 2002), Szasz says, "[The] message [of my book, *The Myth of Mental Illness*] is stated unambiguously in the title: Mental illness is a fiction, a metaphor, a myth — on a par with fictions such as witch, unicorn, mermaid, sphinx, ghost, or, *horrible dictu*, God." Later in the article he says, "My aim in writing *The Myth of Mental Illness* was to demonstrate the error in the belief that 'mental illness' is a medical disease, and to delegitimize its use as a weapon in the unholy alliance of the war of psychiatry and state against the individual — epitomized in the incarceration of innocent persons justified with mendacious euphemisms of 'hospitalization' and 'treatment.'"

Behaviors are not diseases or illnesses, Szasz proclaims, but behavior is controlled by the mind, and mind and body

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*Szasz writes with exceptional lucidity, but at the end of the day, the title of the book had more impact than its contents.*

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are interrelated. Time and again, Szasz says that what is involved is "problems of living." What is the solution to the "problems"? "Talk therapy" assuredly has not resolved them. What does Szasz suggest by way of solution? Critics wonder what type of problems are resolved by Szasz. Given his objection to the medical model, one must wonder why a department of psychiatry is in a medical school and why psychiatrists get a medical education. Szasz in the byline on his publications tends no longer to use the honorific "Dr." before his name and "M.D." following it, although he did so at one time; he continues to have his office in the medical school. Are people with problems lured by the honorific or the venue?

Does the medical profession — or medication — have any role to play in alleviating the "problems of living"? Does medication or the medical mystique warrant the use of the medical model? Before the advent of psychotropic medication, mental hospitals were populated with demented individuals. Today, with the development of medication, one no longer sees individuals once described as catatonic.

The discipline most effective in dealing with a problem tends to be the way the problem will be classified. It may be called a crime by the police, a social problem by a social worker, a sin by the clergy, or disease by the physician. If treatable, it tends to be called a disease. The question is: which classification is most helpful to one and all?

Over the door of a church-based treatment center in Houston a sign announces, "Drug Addiction Is Not a Disease, It's a Sin." Don Willett, a policy advisor to then-Governor Bush, said "In the view of faith-based providers, addiction is indicative of sinful behavior; it's at root a moral problem that requires a moral solution, as opposed to the therapeutic notion that it's a disease" (Rosin, May 5, 2000).

Willett did not elaborate what would be the moral solution, presumably prayer or exorcism.

Through the years Szasz has railed against categorizing (mis)behaviors as diseases, amenable to treatment through psychiatry. It is a result, he says, of our love affair with medicalizing life and replacing responsibility with therapy. He writes, "Lawyers, politicians and the public embraced this transformation as the progress of science, rather than dismissing it as medical megalomania based on nothing more than the manipulation of language" (Szasz, April 28, 2002). Actually, society turned to psychiatry because of the virtual bankruptcy of the criminal justice system (which seems to elude Szasz), and because psychiatry offered hope of alleviating human conflict and distress.

Pedophilia is the most recent illustration of which he is dismissive of categorization as disease. True to form, he condemns psychiatrists — especially the authors of the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders* — for classifying and treating pedophilia as a disease (Szasz, April 28, 2002). Actually, the term "pedophilia" is a term that covers the waterfront. Some individuals who commit pedophilia are mentally retarded, others are senile, tormented, or lonely, still others are psychopaths. Some pedophiles may limit their activity to undressing the child and looking, exposing themselves, masturbating in the presence of the child, or gentle touching and fondling of the child. Others perform fellatio or cunnilingus on the child or penetrate the child's vagina, mouth, or anus with their fingers, foreign objects, or penis and use varying degrees of force to do so. Are all of these behaviors equally offensive or harmful, all warranting a penal sanction? A prison sentence may be the equivalent of a death sentence, given the abuse of sex offenders that occurs in prison. Should there be special institutions for sex offenders, as there are in a number of states? In some cases is a psychiatric modality effective or appropriate as a treatment? Is Lady Justice wise in lifting her blindfold in order to look closely at both act and actor? Szasz apparently thinks not, but his reasoning, while provocative, is hardly satisfying.

In debunking "mental illness" as a disease, Szasz calls "schizophrenia" a "fake disease" — "the sacred symbol of psychiatry" (Szasz, 1976). Szasz terms schizophrenia a pantheon, that is, a dangerous word that purports to explain everything, but which on the other hand obscures matters. Szasz says, "The problem of schizophrenia which many consider to be the core-problem of psychiatry today, may be truly akin to the 'problem of the ether.' To put it simply: there is no such problem" (Szasz, 1957).

A leading and outspoken critic of Szasz, Dr. E. Fuller Torrey, formerly with the National Institute of Mental Health says:

Szasz has produced more erudite nonsense on the subject of serious mental illness than any writer alive. As a historian Szasz is first class, but as a psychiatrist he never moved beyond a strictly psychoanalytic approach to treating schizophrenia. He argues, for example, that schizophrenia is merely a creation of psychiatry and "if there is no psychiatry there can be no schizophrenia." What wonderful simplicity! One wonders whether he has ever seen a patient with the disease. (Torrey, 2001)

To be a true disease, Szasz claims, "it must somehow be capable of being approached, measured or tested in a scientific fashion," and, he contends, only diseases lend to diagnosis. Yet what is a diagnosis but a category? We cannot do without categories, of one sort or another. We live by categories. In Philosophy 101, one learns that by necessity we divide up the world by categories. We use those categories that best help to deal with the phenomenon. Jose Ortega y Gasset in *The Dehumanization of Art* (1948, p. 15) writes:

[O]ne and the same reality may split up into many diverse realities when it is beheld from different points of view. And we cannot help asking ourselves: Which of all these realities must then be regarded as the real and authentic one? The answer, no matter how we decide, cannot but be arbitrary. Any preference can be founded on caprice only. All these realities are equivalent, each being authentic for its corresponding point of view. All we can do is classify the points of view and to determine which among them seems, in a practical way, most normal or spontaneous. Thus we arrive at a conception of reality that is by no means absolute, but at least practical and normative.

Yet why arbitrary, as Ortega y Gasset suggests? It would seem that at times we can have reasons for our preferences or categories. Figuratively speaking, Plato suggested that a chicken be cut at the joints because that is the most convenient. We adopt that scheme that makes life most orderly, keeping in mind that the categorization we choose has consequences. What one does about something depends on how one categorizes it.

What counts as disease? Disease, or dis-ease, literally means not at ease. In that regard, people are like tightrope walkers, trying to reach a balance and to keep it. Dr. Karl Menninger, the renowned psychiatrist, called it "the vital

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*Given his objection to the medical model, one must wonder why a department of psychiatry is in a medical school and why psychiatrists get a medical education.*

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balance." Like Freud, he proposed a unitary and gradational theory of mental disorder (not one of discrete entities). In his book *The Vital Balance*, shortly before undertaking *The Crime of Punishment* (in which I had a hand), he set forth his view of "mental illness," to wit, the persistent failure to cope with internally or externally induced stresses. Every individual, constantly exchanging with his or her environment, tries to make the best bargain possible with it, considering its threats, demands, opportunities, and danger. To end a crisis from birth trauma to an ingrown toenail, Menninger suggested, one needs an "anticrisis" in order to achieve that vital balance.

No matter what the complex causality of the disorder may be, it is the particular form of functioning (or of operating) with its content that constitutes the predominant and primary (although not exclusive) essence of the disorder and leads to secondary sequels, both organic and functional. The concept of functional disorder is found useful by many,

and therefore continues to be used, but it is certain that the last word has not been said.

To be sure, no matter the causality of a disorder, it is not necessary for treatment to know it. A fire can be extinguished without knowing its cause, but knowing the cause may prevent a recurrence. The cause or causes may be known, or it may be neither known nor knowable. Researchers point to a myriad of causes of schizophrenia, including a virus from a cat (Ewald, 2002). What brought about Andrea Yates's state of mind that resulted in the drowning of her five children? According to the evidence, she was stressed out by a domineering husband, home-schooling five youngsters, living in cramped quarters, and discomforted by medication. At trial on a plea of not guilty by reason of insanity, psychiatrists offered diagnoses of depression and schizophrenia (Begley, March 11, 2002).

Medical science, like all sciences, does not proceed from ignorance to enlightenment in a straight line. In the words

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*Before the advent of psychotropic medication, mental hospitals were populated with demented individuals. Today, with the development of medication, one no longer sees individuals once described as catatonic.*

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of the Spanish philosopher Miguel de Unamuno, it is marked by "a cemetery of dead ideas," with one seeming truth being thrown out for another that fits better with the latest research. Time and again, data are re-examined and reinterpreted (Kolata, Feb. 10, 2002). To explain the physical workings of the body, Benjamin Rush (1745–1813) updated the old theory of four humors with principles drawn from Newtonian physics and organic chemistry. He believed that all disease processes, including insanity, stemmed from disorders of the vascular system. Like most of his medical contemporaries, he recommended restoring the body's internal balance by opening the patient's veins to allow copious bleeding and by administering purging enemas. Rush summed up his diagnoses and treatment for insanity in *Medical Inquiries and Observations Upon the Diseases of the Mind* (1812), the first major American medical treatise on mental illness.

For the most part, contemporary psychiatry has endorsed the nosology suggested by Emil Kraepelin, a German psychiatrist born the same year as Freud (1856). Kraepelin viewed mental illness not as a continuum, as did Freud and Menninger, but as consisting of discrete entities. Kraepelin created a taxonomy of mental illness by studying symptom clusters and final outcomes, and by collecting family histories to trace hereditary traits. Psychiatry today argues, in effect, that psychiatry made a wrong turn by following Freud rather than Kraepelin. The initial work of the neo-Kraepelins came out of Washington University in the 1950s where a group of researchers — notably Eli Robins, Lee Nelken Robins, Samuel Guze, and George Winokur — would describe a disorder and then draft criteria for its diag-

nosis that were clear enough for different observers to give the same diagnosis to the same patient.

Unlike the first two editions of the American Psychiatric Association's *Diagnostic and Statistical Manual* (DSM), the third edition, published in 1980, was Kraepelin. The psychiatrists assembled under the guidance of Dr. Robert Spitzer argued that the "innovation" of DSM-III would be a "defense of the medical model as applied to psychiatric problems." The minutes from the first meeting of the Task Force on Nomenclature and Statistics stated:

The diagnostic manual will be essentially behavioral, with exceptions for conditions of known etiology. . . . It was agreed that "functional" is no longer a suitable designation for a group of conditions — schizophrenias and affective disorders — which are no longer seen as purely psychogenic. (Wilson, 1993)

In other words, diagnosis in psychiatry should matter. When talk therapy was used for everyone, diagnosis was

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*Szasz has been an adamant opponent of efforts to prevent suicide. Those who have been helped by psychiatry to overcome suicidal ideation are grateful that Szasz was not in the vicinity.*

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inconsequential. Now a diagnosis would mean that the diagnosed person was mentally ill, and ill in a way that different psychiatrists could reliably recognize, with treatment in a particular way. The manual listed more than two hundred categories and the number has grown in subsequent DSMs (only a few are commonly used). From the vantage point of DSM-III and the subsequent DSMs, it does not matter how an individual had become ill, but whether he met the necessary number of symptoms for a diagnosis.

The Kraepelin approach connects with insurance and medication. Insurance covers certain entities but not others (to be sure, to achieve coverage, there is manipulation in report writing). Medication has developed which targets specific symptoms. Today, that is the scheme of things. Is it the most orderly or workable arrangement? For Szasz's "problems of living," what problems would be covered by insurance — and would none or all be covered? What medi-

cation, if any?

In daily life overstresses may build beyond ordinary control and threaten to upset internal balances. To reduce the tensions, a person may get assistance from one's family, friends, pastor, or physician. Sometimes the assistance is medication, or acupuncture. It is often purely happenstance what the manifestations of the imbalances are called and what type of help the individual receives — medical, legal, social, or pastoral. The term "biopsychosocial" would indicate a role for various professions in dealing with a disorder.

The mind-body dichotomy is perplexing. The *Oxford English Dictionary* defines "mind" as "The seat of a person's consciousness. . . . The soul as distinguished from the body." The Latin *mens* is defined as including mind, soul, reason, thought, and intention. Are there two separate camps: mind (soul) and body? Is it either/or? More and more it is coming to be realized that what is psychological is also biological and what is biological also has a psychological component. Symptoms correlate with alterations in brain function that produce a disorder. Physiological and biochemical data correlate brain function with mental functions. Considerable progress has been made toward establishing cross-correlations between activity of the mind and activity of the brain (Heath, 1996). In the introduction to DSM-IV it is stated:

Although this volume is titled the *Diagnostic and Statistical Manual of Mental Disorders*, the term mental disorder unfortunately implies a distinction between "mental" disorders and "physical" disorders that is a reductionistic anachronism of mind/body dualism. A compelling literature documents that there is much "physical" in "mental" disorders and much "mental" in "physical" disorders. The problem raised by the term "mental" disorders has been much clearer than its solution, and, unfortunately, the term persists in the title of DSM-IV because we have not found an appropriate substitute.

Moreover, although this manual provides a classification of mental disorders, it must be admitted that no definition adequately specifies precise boundaries for the concept of "mental disorder." The concept of mental disorder, like many other concepts in medicine and science, lacks a consistent operational definition that covers all situations. All medical conditions are defined on various levels of abstraction — for example, structural pathology (e.g., ulcerative colitis), symptom presentation (e.g., migraine), deviance from a physiological norm (e.g., hypertension), and etiology (e.g., pneumococcal pneumonia). Mental disorders have also been defined by a variety of concepts (e.g., distress, discontrol, disadvantage, disability, inflexibility, irrationality, syndromal pattern, etiology, and statistical deviation). Each is a useful indicator for a mental disorder, but none is equivalent to the concept, and different situations call for different definitions.

Despite these caveats, the definition of mental disorder that was included in DSM-III and DSM-III-R is presented here because it is as useful as any other available definition and has helped to guide decisions regarding which conditions on the boundary between normality and pathology should be included in DSM-IV. In DSM-IV, each of the mental disorders is conceptualized as a clinically significant behavioral or psychological syndrome or pattern that occurs in an individual



"Just keep that on, and your identity crisis should clear right up!"

and that is associated with present distress (e.g., a painful symptom) or disability (i.e., impairment in one or more important areas of functioning) or with a significantly increased risk of suffering death, pain, disability, or an important loss of freedom. (American Psychiatric Association, 1994)

What about the practice of defining a disease in terms of treatability? Szasz says only the prescientific physician perceived illness in this way. Disease as "treatable," he says, is a perversion of medicine (Szasz, 2001, p. 141). But why not consider the response to medication as an indicia for a diagnosis? A physician who directs a famous medical center says, "There is nothing organically wrong with 70 percent of the patients who come to us but if a sugar pill helps them to feel better, isn't it really medicine?" In practice, diagnosis is often linked in psychiatry to the efficacy of a medication, but given the variation among individuals, there may be a response to one anti-psychotic medication (e.g., Clozapine) but not to another (e.g., Risperidone). In the book *Of Two Minds*, Tanya M. Luhrmann, an anthropologist, points out:

If a patient doesn't seem to need medication for a particular symptom, he shouldn't be diagnosed with a disorder in

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*In Szasz's view, modern psychiatry has led not to more enlightenment, but only to different victims for persecution.*

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which that symptom is prominent. For example, mood swings are necessary (but not sufficient) for the diagnosis of bipolar disorder. If the supposed manic-depressive does not respond to lithium or to another of the mood stabilizers, a psychiatrist will wonder whether after all he's schizophrenic. If a supposed schizophrenic is managed effectively on anti-anxiety agents or even without medication, a psychiatrist will question whether she is, in fact, schizophrenic. (Luhrmann, 2000)

Should it matter whether psychotherapy or medication can overcome suicidal ideation? Szasz has been an adamant opponent of efforts to prevent suicide. He observes, "Suicide began as a sin, became a crime, then became a mental illness, and now some people propose transferring it into the category called 'treatment,' provided the 'cure' is under the control of doctors" (Szasz, 1999). His view about suicide prevention can best be conveyed by his own words:

Why do we now give psychiatrists special privileges to intervene vis-a-vis suicidal persons? Because, as I have noted, in the psychiatric view, the person who threatens or commits suicide is irrational or mentally ill, allowing the psychiatrist to play doctor and thereby, like other doctors, to save lives. However, there is neither philosophical or empirical support for viewing suicide as different, in principle, from other acts such as getting married or divorced, working on the Sabbath, eating shrimp, or smoking tobacco. These and countless other things people do are the result of personal decision. . . . Psychiatrist and patient are both lost in the existential-legal labyrinth generated by treating suicide as if it constituted a psychiatric problem, indeed a psychiatric emergency. If we refuse, however, to play a part in the drama of coercive suicide prevention, then we shall be sorely tempted to conclude

that the psychiatrist and his suicidal patient richly deserve one another and the torment each is so ready and eager to inflict on the other. (Szasz, 1989)

Is it not simplistic to say that committing suicide is comparable to eating shrimp or working on the Sabbath? Those who have been helped by psychiatry to overcome suicidal ideation are grateful that Szasz was not in the vicinity (Jamison, 1999). In Szasz's view, if a person "wants" to commit suicide, just get out of the way. Reportedly, Szasz does not see patients who are suicidal, which may be an abdication of his training as a psychiatrist. The psychiatrist, having a license to prescribe medication, may be faulted in a lawsuit for not having prescribed it in the event of a patient suicide. If all psychiatrists were to copy Szasz and not treat individuals who are suicidal, where could they turn?

### **The "Therapeutic State" and Its Threat to Individual Freedom**

More than anyone else, Szasz has stirred interest in law and psychiatry. In a passage quoted by libertarian fellow travelers, U.S. Supreme Court Justice Arthur J. Goldberg wrote in a review of Szasz's 1963 book *Law, Liberty, and Psychiatry*, "Dr. Szasz makes a real contribution by alerting us to the abuses — existing and potential — of human rights inherent in enlightened mental health programs and procedures. He points out, with telling examples, shortcomings in commitment procedures, inadequacies in the protections afforded patients in mental institutions and the dangers of over-reliance on psychiatric expert opinion by judges and juries" (Goldberg, 1964).

The verdict "not guilty by reason of insanity" implies a close connection between "insanity" on the one hand and "criminal responsibility" on the other. In *Law, Liberty, and Psychiatry* Szasz urges, "Let us not consider mental illness an excusing condition. By treating offenders as responsible human beings, we offer them the only chance, as I see it, to remain human" (p. 137). The concept of criminal responsi-

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*The Church after 2,000 years of experience with sin has turned to psychotherapy to deal with its pedophile priests.*

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bility, however, has its origin in ethics, philosophy, and canon law, not psychiatry, so it would be more appropriate to call a cleric or a philosopher as the expert witness rather than the psychiatrist, but society now considers their pronouncements too metaphysical. The psychiatrist is summoned by members of the legal profession, and then it is complained that psychiatry is corrupting the administration of criminal justice.

Psychiatrists are also called into the criminal law process over the issue of competency to stand trial. It would appear that the appropriate person to decide whether the defendant is able to assist counsel is the defendant's counsel, or perhaps the judge. Actually, as Szasz points out in *Psychiatric Justice*, published in 1961, the rule on triability is often used for purposes other than that for which it was intended. It is

used by defense counsels to delay a trial until the emotions of the prosecuting witnesses have calmed, or until their memories have faded, and it is used by district attorneys to accomplish the goal of preventive detention or indeterminate confinement. Although the defense counsel or prosecuting attorney may make a point of seeking out a psychiatrist, ostensibly for the professional opinion they can bring to bear on the case, the psychiatrist may find himself used as a virtuous cover, behind which various goals are accomplished.

In the rebellious years of the 1960s, Szasz, along with George Alexander, then law dean at Syracuse University, and Erving Goffman, a sociologist at the University of Pennsylvania, organized an association for the abolition of involuntary hospitalization. In speeches to lawyers, Szasz urged the filing of lawsuits against anyone who would participate in seeking an involuntary hospitalization (Szasz, 1968). In a tribute to Szasz, Dr. A.L. Halpern said, "Szasz is

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*Actually, in every instance in the law-psychiatry intermix, the law, not psychiatry, controls, with psychiatric testimony used mostly for window dressing.*

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responsible for what can be called libertarian transformation of psychiatrists which has resulted in more and more psychiatrists throughout the world (especially the United States) exercising great restraint when faced with the issue of involuntary commitment of non-dangerous mentally ill persons" (personal communication, Feb. 20, 2002). Alexander has called Szasz the "greatest freedom fighter of the 20th century" (personal communication, Jan. 5, 2002).

In the 1960s and 1970s the deranged or demented were portrayed as though they were political dissenters. In the book *Asylums* (1961), Goffman wrote that "chronic schizophrenia" was merely an adaption to the social system of the hospital. Ken Kesey's *One Flew Over the Cuckoo's Nest* (1962) was a fictional version of the ideas promoted by Szasz and Goffman. *Time* magazine called it "a roar of protest against a middlebrow society's Rules and the invisible Rulers who enforce them." Made into a popular movie, *One Flew Over the Cuckoo's Nest* depicted Randle McMurphy mobilizing the patients in the state hospital to challenge Big Nurse Ratchet and the evil psychiatrists who work there. The patients are depicted as oppressed, not sick. Kesey was a guru of psychedelic drugs.

In *The Manufacture of Madness* (1970), Szasz drew a parallel between the persecution of witches from the 13th through the 17th centuries and what he terms our persecution of people labeled mentally ill in the 20th century. In his view, modern psychiatry has led not to more enlightenment, but only to different victims for persecution. His book *Psychiatric Slavery* (1977) has a drawing on the dust jacket of a person in chains. The theme is expanded in 2002 in his book *Liberation by Oppression: A Comparative Study of Slavery and Psychiatry*, where he writes: "During the past few decades. . . . all relationships between psychiatrists and

patients, regardless of the nature of the interaction between them, are now based on actual or potential coercion. This situation is the result of two major 'reforms' that deprive therapist and patient alike of the freedom to contract with one another. Therapists now have a double duty: they must protect all mental patients — involuntary and voluntary, hospitalized or outpatient, incompetent or competent — from themselves. They must also protect the public from the patients."

In the 1960s, a number of lawyers formed the Mental Health Bar and dedicated their careers to bringing lawsuits against states to get mental patients released from state hospitals, making it more difficult to involuntarily hospitalize or treat them, and passing legislation to effectively hasten deinstitutionalization (Slovenko, 2000). In the foreword to ACLU attorney Bruce Ennis's polemic against mental hospitalization, *Prisoners of Psychiatry* (1972), Szasz praised Ennis for recognizing "that individuals incriminated as mentally ill do not need guarantees of 'treatment' but protection against their enemies — the legislators, judges, and psychiatrists who persecute them in the name of mental health." For Ennis, as for Goffman, hospitals were places "where sick people get sicker and sane people go mad."

Ennis and colleagues — aided and abetted by Szasz — accomplished their goals. The numbers of mentally ill in jail or homeless, with freedom to be perpetually psychotic, are a living testimony to their success. Perhaps the opponents of the mental hospital should be given a mattress in a back alley to experience firsthand what they have wrought. A number of the members of the Mental Health Bar have expressed regret (personal communications). Joel Klein, one of them, became counsel for the American Psychiatric

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*A Therapeutic State is not necessarily evil. Indeed, it is preferable to a non-Therapeutic State.*

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Association (and later attorney general challenging Microsoft), and Bruce Ennis went into the employ of the American Psychological Association. The two APAs needed counsel to defend them from attacks, and who better to hire than those who attacked them? Ironically, one might say, these lawyers created their jobs.

The history of mental hospitals is marked by twists and turns. In the early part of the 19th century there prevailed in the United States an era of what was known as moral treatment. Palatial manors to house the mentally ill were built at considerable expense in rustic, attractive (though remote) parts of the states. In 1842 Charles Dickens noted approvingly that American mental hospitals were supported by the state, a fact which made the government, in his view, a merciful and benevolent protector of people in distress. The constitutions of the various states mandated state-sponsored care of the mentally ill. In England, on the other hand, where public charity was minimal, the government offered the mentally ill, as Dickens said, "very little shelter or relief beyond that which is to be found in the workhouse and the



jail." Today those hospitals are being razed and the grounds turned over to private developers of subdivisions.

Ironically, in the 1960s and 1970s, with some notorious exceptions, mental hospitals were at their best in staffing and conditions since the era of moral treatment of the early 1800s. Justice Goldberg's comment about abuses in reviewing Szasz's 1963 book *Law, Liberty and Psychiatry* were not made on the basis of firsthand knowledge. In the 1960s, when the allegations of abuses began to mount, Senator Sam Ervin (later of Watergate fame) held hearings and uncovered no cases of "railroading." The American Bar Foundation also commissioned a field investigation of mental hospitals in six states, and it concluded that railroading is a myth. Professor Gerald Grob, the prize-winning historian of mental hospitals, wrote that during this period the hospitals provided an asylum nowhere else available (Grob, 1973).

In *Pharmacracy* (2001), Szasz writes (p. 97): "If a person guilty of assault or murder is deemed to be mentally ill, he

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*Josef Stalin was a tyrant but he did two good things: he developed an excellent transportation system and he kept the fast-food (aka junk food) franchises out of the Soviet Union. For that, all Russians are grateful.*

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should be sentenced for his crime, imprisoned, and offered treatment for his 'illness'; that is, he should be dealt with just as we deal with the criminal who has diabetes or tuberculosis" (emphasis by Slovenko). "Guilty"? Traditionally, the law says that "guilt" involves *mens rea* and *actus reus*, that is to say, a criminal intent and a volitional act. One or the other lacking, the law would not proclaim a defendant as culpable. Presumably, for guilt, Szasz would call for proof of *mens rea* or *actus reus*, but he does not say what evidence he would allow to establish or negate them, and he does not say what excuses, if any, he would allow. Excuses humanize or individualize the operation of the law. Centuries ago a person was not held responsible if he "doth not know what he was doing, no more than an infant or a wild beast" (*Rex v. Arnold*, 1724). The history of the insanity defense antedates psychiatry.

In *Ceremonial Chemistry* (1976), Szasz argued against any limitations on the use of narcotics, at least until a crime other than drug use is committed. The apathy resulting from addiction is discounted or ignored by Szasz as is any concept of social responsibility. He advocates free access to illicit drugs but makes no mention of the consequences of this proposal, as though we live in a state of nature. His book *Pharmacracy* expands on the theme expressed in *Ceremonial Chemistry* (1976) where he wrote: "Inasmuch as we have words to describe medicine as a healing art, but have none to describe it as a method of social control or political rule, we must first give it a name. I propose that we call it pharmacracy, from the Greek roots *pharmakon*, for 'medicine' or 'drug' and *kratein*, for 'to rule' or 'to control.' . . . As theocracy is rule by God or priests, and democracy is

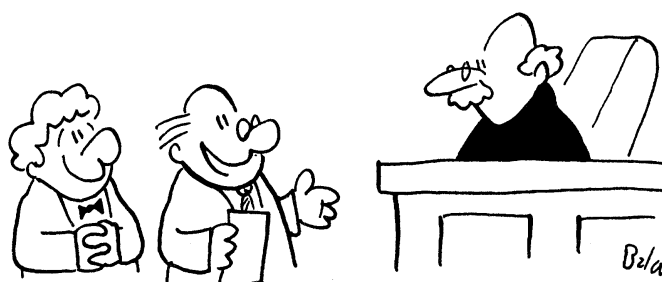
rule by the people or the majority, so pharmacracy is rule by medicine or physicians" (pp. 128–129).

In Szasz's view, the United States has created a contemporary fascist health state. He pronounces psychiatry as "the most insidious and, in the long run, the most dangerous form of statism yet developed by man" (Szasz, Feb. 2002). His bete noir is the Therapeutic State (always capitalized). Time and again, he rails against it, not only in a book by that title (1984). He is oft-quoted. For example, in *The Death of the West* (2002), Patrick Buchanan writes:

Since the 1960s, branding opponents as haters or mentally sick has been the most effective weapon in the arsenal of the Left. Here is the "secret formula" as described by psychologist [sic] and author Thomas Szasz: "If you want to debase what a person is doing . . . call him mentally ill." Behind it all is a political agenda. Our sick society is in need of therapy to heal itself of its innate prejudice. . . . [T]he root of the "therapeutic state" [is] a regime where sin is redefined as sickness, crime becomes antisocial behavior, and the psychiatrist replaces the priest.

To be sure, psychiatric language or psychobabble abounds. Freud's writings left their mark on many endeavors. Without familiarity with Freud, one would fail to appreciate the cartoons of Jules Feiffer, the films of Woody Allen, and the novels of D.M. Thomas or Philip Roth. The ordinary citizen says "paranoid," not "suspicious"; "sociopath," not "son of a bitch." Therapeutic language is substituted for moral language: "well" for "good," "ill" for "evil" (though the concept of "evil" has resurged with Osama bin Laden). Assuredly, though, the explanations of behavior given by psychiatry, however faulty they may be, is an advance over the religious view of demon possession ("the devil made me do it") with exorcism as the remedy. The Church after 2,000 years of experience with sin has turned to psychotherapy to deal with its pedophile priests (Dreher, 2002).

Psychological testing is now pervasive throughout society, including school systems, industry and the military, but what better way is there to identify and classify? As a way to solve problems and change habits, people in countless numbers have turned to psychotherapy. Is that a plus or minus? Socrates urged, "Know thyself!" Next to Argentina, the United States has more therapists (and lawyers) per capita than other countries to resolve "problems of living." Is that a plus? Some say not. In dissenting to the adoption of a psychotherapist-patient testimonial privilege to protect confidentiality, U.S. Supreme Court Justice Antonin Scalia asked (1996), "When is it, one must wonder, that the psycho-



"Your Honor, my client pleads not guilty of bigamy by reason of insanity — who can argue with that?"

therapist came to play such an indispensable role in the maintenance of the citizenry's mental health?" The writer Fay Weldon (1994) claims that while marriage has been a nightmare through the ages, now husbands have psychiatrists to make it worse.

And yet where is the Therapeutic State ruled by psychiatrists? Szasz writes, "[P]sychiatric interventions — in particular, civil commitment and diversions from the criminal justice to the mental health system — are the most common, and most uncritically accepted, methods used by the modern state to deprive individuals of liberty and responsibility" (Szasz, Feb. 2002, p. 23). Actually, in every instance in the law-psychiatry intermix, the law, not psychiatry, controls, with psychiatric testimony used mostly for window dressing. In criminal responsibility, the scope of "mental

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*Szasz advocates free access to illicit drugs but makes no mention of the consequences of this proposal, as though we live in a state of nature.*

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disease or defect" is set by the law, not psychiatry, and it is extraordinarily difficult to establish "not guilty by reason of insanity" (NGRI) (Slovenko, 1995). The law sets the parameters on what it considers relevant. Even when the legal conditions are met, they are usually not accepted by the jury. In the rare case when a defendant is found NGRI, the law, not psychiatry, has control over discharge. In establishing triability ("competency to stand trial"), psychiatric testimony is used mainly as a tactic to postpone a trial. In civil commitment, the law sets the criterion of "dangerousness." In the usual scenario, a family in distress files a petition, a psychiatrist or two certify, but the court commits.

Szasz's feelings about the Therapeutic State apparently derive from his heritage as a Jew growing up in Hungary and forced to flee the Nazis. Delusion, not empirical evidence, prompted the Nazis to view the Jew as a cancer on society that had to be removed at any cost. But even bad regimes can do some good things. Nazi Germany was decades ahead of other countries in promoting health reforms that today are regarded as progressive and socially responsible. Robert Proctor points it out in his book *The Nazi War on Cancer* (1999). Nazi scientists were the first to definitely link lung cancer and cigarette smoking. The Nazis' forward-looking health activism came from the same root as their medical crimes, and so anti-tobacco advocates in the United States, for example, have been labeled "health fascists" and "Nico-Nazis." Proctor points out the logical error of arguing that since the Nazis were purists, purists today must be Nazis. That too is Szasz's logical error when he describes the Therapeutic State as Nazi pharmacracy (Szasz, 2001, p. 141).

A Therapeutic State is not necessarily evil. Indeed, it is preferable to a non-Therapeutic State. Purists need not be fascists to support campaigns against smoking, or to promote nutritional food, education, sports facilities, parks, and walkable and bikeable communities. That would be a truly Therapeutic State. Josef Stalin was a tyrant but he did two good things: he developed an excellent transportation sys-

tem and he kept the fast-food (aka junk food) franchises out of the Soviet Union. For that, all Russians are grateful.

Libertarians, quoting selectively in the defense of Szasz, do not quote the passage from Justice Goldberg's review of Szasz's *Law, Liberty and Psychiatry* where he states, "[B]ecause of the presence or possibility of abuses, [it does not mean that] government should never seek to be beneficent. . . . [T]he mark of a mature society lies in its ability to help its citizens lead full and productive lives without unduly intruding upon their sacred liberties. . . . [I am confident] that our society is endowed with this maturity. Dr. Szasz, like many others, thinks that it is impossible to maintain this delicate balance and that grave dangers lurk in the effort. He believes that a society which attempts to promote the 'welfare' of its citizens will succeed only in enslaving them" (Goldberg, 1964).

Szasz believes that the law has delegated much of its authority to psychiatrists. He urges psychiatry to disavow its aggrandizement of power in the legal system (Szasz, 1957). But, what power? The medical excuse plays an important role in out-of-courtroom situations (for example, excuse from school or work) and the medicals play a vital role in assessment of damages, but the psychiatrist is surely not the decision maker in the legal process. Not only does a psychiatrist have no power in the legal process, but his influence is dubious. The courts — judge or jury — do not pay all that much attention to the psychiatrist (sometimes psychiatric testimony is used as window dressing and is accepted only when, in the words of a famous Bing Crosby song, it is "going my way"). Assuredly, although psychiatric jargon abounds, neither the courtroom nor the country is run by psychiatrists. In fact, more often than not, psychiatry is debunked, as in the oft-quoted proposal in a bill by New Mexico Senator Richard Romero:

When a psychologist or psychiatrist testifies during a defendant's competency hearing, the psychologist or psychiatrist shall wear a cone-shaped hat that is not less than two feet tall. The surface of the hat shall be imprinted with stars and lightning bolts. Additionally, a psychologist or psychiatrist shall be required to don a white beard that is not less than eighteen inches in length, and shall punctuate crucial elements of his testimony by stabbing the air with a wand. Whenever a psychologist or psychiatrist provides expert testimony regarding the defendant's competency, the bailiff shall contemporaneously dim the courtroom lights and administer two strikes to a Chinese gong.

The proposal passed the Senate by voice vote and the House by a vote of 46–13, but Gov. Gary Johnson vetoed it (*San Francisco Chronicle*, Jan. 31, 1996, p. E-8).

For the 120th annual meeting of the American Psychiatric Association, Los Angeles, May 4–8, 1964, I was invited by the APA to respond to an address by Thomas Szasz. For me, it was a memorable event. In attendance were thousands of members of the APA as well as others. The proceedings appear in the *American Journal of Psychiatry* 121 (1964): 521–548. It seemed redux when I was invited to respond to a presentation by Szasz on April 4, 2002, at Oakland University, Michigan, but due to illness, Szasz had to cancel. This paper is based on the response that I had prepared. □

# Coercion and Psychiatry

by Thomas S. Szasz

Coercing people does not cure them, even if done by a medical professional and sanctioned by the state.

Ralph Slovenko — one of the most respected authorities on psychiatry and the law in America — ably defends civil commitment and the insanity defense, procedures that I regard as crimes against humanity — as meritorious medical interventions. My response to his apologia gives me an opportunity to briefly restate — in the context of his comments — my reasons for opposing psychiatric coercions and excuses. The exchange of these opposing views should help libertarians ponder the issues and form their own conclusions about the compatibility, if any, of libertarian principles and coercive psychiatric practices.

The authoritative text, *Mental Health and Law: Research, Policy, and Services*, edited by Bruce D. Sales and Saleem A. Shah, states:

Each year in the United States well over one million persons are civilly committed to hospitals for psychiatric treatment. . . . Approximately two-thirds of these admissions are officially identified as voluntary commitments; and the remaining one-third as involuntary actions. . . . It is difficult to completely separate discussions of voluntary and involuntary commitment because voluntary status can be converted efficiently to involuntary status, once the patient has requested release.

In a paper published in the *New England Journal of Medicine* in 1972, I showed that *all so-called voluntary mental hospitalizations* are, actually or potentially, involuntary incarcerations, instances of an officially “unacknowledged practice of medical fraud.”

For the better part of 50 years, I have argued that civil commitment constitutes the single most important threat to the personal liberty of the American people today; that the use of psychiatric expertise in the courtroom — epitomized

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by the insanity plea and insanity disposition — represents the most important example of replacing the rule of law (determining the innocence, guilt, and punishment by what people do), with the rule of psychiatric opinion (determining the fate of persons accused of crimes by psychiatric interpretations of their mental state); and that, if true, these considerations are, or ought to be, of great interest and concern to libertarians.

In fact, libertarians have shown little interest in psychiatry. Most libertarians accept the common-sense view that psychiatrists are physicians who diagnose and treat mental diseases in much the same way that other physicians diagnose and treat heart diseases, skin diseases, and other diseases of the body.

My motives for engaging in a systematic criticism of psychiatry were, and are, primarily moral and political, and secondarily epistemological and medical. I wanted to expose and combat the psychiatrist’s two paradigmatic procedures — usually called “mental hospitalization” and the “insanity defense” — as grievous moral wrongs and glaring violations of the political principles of the free society based on the rule of law.

A critical examination of psychiatry requires keeping in mind that the language we use to describe psychiatric pro-

cedures prejudices whether we regard them as helpful or harmful to the patient. Sir James Fitzjames Stephen, the great 19th-century English jurist warned: "Men have an all but incurable propensity to prejudice all the great questions which interest them by stamping their prejudices upon their language." This is especially true when we label a behavior a disease, and a procedure treatment, even though it is imposed on the subject against his will and he regards it as torture.

The intervention commonly called "mental hospitalization" or "civil commitment," I call "psychiatric imprisonment."

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*Slovenko does not deny that psychiatrists incarcerate innocent people and excuse criminals.*

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ment" or "depriving innocent persons of liberty under psychiatric auspices." The intervention commonly called the "insanity defense," I call "excusing individuals accused of crimes of responsibility by attributing their action to 'mental illness,'" and imprisoning them in a mental hospital.

Slovenko rejects this view. "Diagnosis in psychiatry," he declares, "should matter. When talk therapy was used for everyone, diagnosis was inconsequential." This is an astonishing falsification of the brutal history of psychiatric slavery. Slovenko knows that *psychiatrists* — as opposed to psychoanalysts and psychotherapists — rarely if ever used "talk therapy." For centuries, psychiatrists had only involuntary patients and treated them with tortures, such as straitjackets, cold baths, insulin shock, electric shock, and lobotomy. These "treatments" were administered against the subjects' explicit protests. Today, psychiatrists drug patients against the patients' will.

Slovenko continues: "Now a diagnosis would mean that the diagnosed person was mentally ill, and ill in a way that different psychiatrists could reliably recognize, with treatment in a particular way." Priests used to be able to "reliably recognize" and "treat" witches, and psychiatrists used to be able to "reliably recognize" and "treat" masturbators and homosexuals.

This is not the place for a point by point refutation of Slovenko's defense of psychiatric slavery. A few more examples of his views and my objections to them must suffice.

There are 1 million commitments per year in the United States. In addition, 5 million children are on Ritalin for a mental illness (hyperactivity attention deficit disorder) and millions more receive counseling or child therapy. Children do not ask to be psychiatrically diagnosed or treated and are, by definition, involuntary subjects. Add to these numbers the millions of prison inmates and old persons, in and outside of nursing homes, routinely tranquilized with psychotropic drugs against their will.

Nevertheless, Slovenko finds it objectionable that I write: "Psychiatric interventions — in particular civil commitment and diversion from the criminal justice to the men-

tal health system — are the most common, and most uncritically accepted, methods used by the modern state to deprive individuals of liberty and responsibility."

Slovenko does not deny that psychiatrists incarcerate innocent people and excuse criminals. Instead, he blames the procedure — of which he approves — on the law: "Actually, in every instance in the law-psychiatry intermix, the law, not psychiatry, controls, with psychiatric testimony used only for window dressing. . . . In the usual scenario, a family in distress files a petition, a psychiatrist or two certify, but the court commits." The truth is that neither law alone nor psychiatry alone could justify what is in effect preventive detention on "therapeutic" grounds. Each needs the other in equal measure. Lawyers and psychiatrists collaborate in implementing the body of law and procedures called "mental health law," in much the same way that lawyers and priests collaborated in implementing the body of law and procedures called the Inquisition.

Slovenko's account of the collusion between law and psychiatry makes it appear as if lawyers command psychiatrists who, in turn, must obey them. This is far from the case. Psychiatrists are free agents. No one has to be a psychiatrist. Psychiatrists are psychiatrists because they believe in and love coercion in the name of mental health. In most states, a single psychiatrist can detain a person in a mental hospital for 24 to 72 hours (or longer), and the patient must *request to be discharged in writing to get a court hearing*, at which the judge rubber-stamps the psychiatrist's recommendation and recommitments the prisoner-patient.

Of course, psychiatrists, like all professionals, operate in a sphere allocated to them by law. The law authorizes pathologists to cut into corpses, surgeons to cut into

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patients, and psychiatrists to deprive innocent persons of liberty. I consider the fact that pathologists and surgeons choose to engage in the acts emblematic of their professional identity as evidence that they view the acts as "good," benefiting science or patients or both. Similarly, psychiatrists don't lock up innocent persons because the law compels them to do so. They lock up innocent persons because they consider psychiatric imprisonment "good," a procedure that benefits the patient or society or both (exemplified by incarcerating people to protect them from killing themselves).

"Force is the best medicine," declares a prominent psychiatrist. "The right to refuse treatment is one right too many," says another. As the psychiatric slaveholder sees it, the psychiatric slave ought never to have a right to self-determination. Slovenko defends that posture.

Let us be clear: we are not debating facts; we are debat-

ing moral values, social policies, and law. So sure are supporters of forced psychiatric “treatment” of the nobility of their cause that they advocate giving false information to the police — a criminal offense — to secure “help” for their “loved ones”:

Sometime, during the course of your loved one’s illness, you may need the police. By preparing now, before you need help, you can make the day you need help go much more smoothly. . . . It is often difficult to get 911 to respond to your calls if you need someone to come & take your MI [mentally ill] relation to a hospital emergency room (ER). They may not believe that you really need help. And if they do send the police, the police are often reluctant to take someone for involuntary commitment. . . . When calling 911, the best way to get quick action is to say, “Violent EDP,” or “Suicidal EDP.” EDP stands for Emotionally Disturbed Person. This shows the operator that you know what you’re talking about. Describe the danger very specifically. “He’s a danger to himself” is not as good as “This morning my son said he was going to jump off the roof.” . . . Also, give past history of violence. *This is especially important if the person is not acting up.* . . . When the police come, they need compelling evidence that the person is a danger to self or others before they can involuntarily take him or her to the ER for evaluation. . . . Realize that you & the cops are at cross purposes. You want them to take someone to the hospital. They don’t want to do it. . . . Say, “Officer, I understand your reluctance. Let me spell out for you the problems & the danger. . . . While AMI / FAMI is not suggesting you do this, the fact is that some families have learned to “turn over the furniture” before calling the police.

Regrettably, Slovenko is not satisfied with presenting his views about psychiatry. Playing psychiatrist, he peers into my mind and diagnoses my motives: “Szasz’s feelings about the Therapeutic State apparently derive from his heritage as a Jew growing up in Hungary and forced to flee the Nazis.” This *ad hominem* comment rests on a historical error and is — probably unintentionally — subtly anti-Semitic. I left Hungary in 1938, when there were no Nazis in Hungary. The nearest Nazis were in Vienna. The real Nazis — as opposed to the Hungarian Arrow Cross — arrived only in 1944. I did not flee from any Nazis. I left because of the threat of Nazism and the imminence of World War II.

Adam Smith’s and Lord Acton’s love of liberty was



“Come, come, Mr. Robertson. We are not barbarians here. Why, the very bullets we shall use to execute you are made from rubber.”

inspired by the lofty motives of liberal humanism and a longing for a just society, composed of responsible individuals whose conduct is regulated by the rule of law and a government of limited powers. My love of liberty Slovenko attributes to the lowly motive of wanting to save my own skin from Nazis, nothing more. Slovenko does not explain why refugee psychiatrists fleeing the Nazis have been the leading promoters and practitioners of the worst kinds of modern psychiatric-“therapeutic” brutalities, such as insulin shock, electric shock, and lobotomy. To the best of my knowledge, not a single American or English psychiatrist who left Europe under circumstances similar to mine shared, or shares, my opposition to psychiatric coercions and excuses.

For the most part, Slovenko and I agree about the facts. We disagree about how we interpret them and about the kinds of social policies we consider desirable. Slovenko rejects my individualistic-libertarian perspective on politics and acknowledges his preference for a collectivistic-socialist system. He writes: “The Therapeutic State is not necessarily evil. Indeed, it is preferable to a non-Therapeutic State.” I have made it clear that I use the term “Therapeutic State” ironically. Such a state provides coercions and prohibitions it defines as “therapeutic,” not services the recipient considers beneficial. Slovenko either

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*In Slovenko’s deck of cards, coercion in the name of health trumps the freedom to choose what food we eat.*

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misunderstands this important point or, because of his own diametrically opposed political perspective, cannot grasp it.

“Josef Stalin” — continues Slovenko — “was a tyrant but he did two good things: he developed an excellent transportation system and he kept the fast-food (aka junk food) franchises out of the Soviet Union. For that, all Russian are grateful.” Slovenko’s last statement is hyperbole, symptomatic of his deep-seated belief that a state that prohibits competent adults from a choice of their own food preference is a benevolent, caring Therapist and deserves our gratitude. In Slovenko’s deck of cards, coercion in the name of health trumps the freedom to choose what food we eat.

Slovenko mentions that Stalin developed a good transportation system, but does not mention that he destroyed tens of millions of his fellow citizens and incarcerated the rest behind the borders of the Soviet Union. He mentions that Stalin barred fast-food franchises, but does not mention that he converted churches into vodka factories. Some “therapy.”

Slovenko’s conclusion is, in fact, his premise. He assumes that psychiatric imprisonment and forced treatment help the person said to be mentally ill by remedying his illness that makes him dangerous to himself, and help society by remedying the “patient’s” dangerousness to others. Some “medicine.” □



# Discovering the Limits of Liberty in Bolivia

*by William E. Merritt*

Any line of thinking can be taken only so far. For some, the outer limits of liberty can be found in a shower stall in La Paz.

Today, Bolivia seems like paradise to a libertarian. In 1981, the junta then in power waved adiós and a 22-party democracy rushed in to fill the vacuum. The surprising thing to a North American is that it seems to be working — or not working, which is a good deal more agreeable to libertarians. My guess is that having 22 political parties in congress, none of which comes close to a majority, is a much more effective check on authoritarian government than anything in our Constitution. At least as far as my two litmus-test questions went, every single *boliviano* had the same answer: “Yes, our votes are fairly counted” and, “no, the whole thing is very inefficient and nothing much gets done.” In other words, by the standards of Thomas Jefferson, Bolivia has a mature democracy that protects the rights of its citizens.

Poverty is still pretty much omnipresent, of course. But it seems to be receding as fast as it can. Bolivia didn’t even get around to land reform until the 1950s, which means only a couple of generations of *bolivianos* have had a stake in their country. To me, it seemed to be paying off, at least if food is any guide. Every woman I saw who was in her forties or fifties — every one — was about five foot, two. Many were stooped and wizened. Childhood nutrition had clearly been an issue for these ladies.

But not for their daughters. The girls — the teenagers and twenty-somethings — are tall, strapping, athletic, dark-haired, dark-eyed beauties. And they aren’t wearing the traditional bowler hats and ankle-length skirts, either. They are in jeans and sweatshirts and, like as not, connected to headphones. To me, it looked like Bolivia was speeding headlong into — well, if not the 21st century, something like the 1970s.

Something about the chaos of its history has left Bolivia with a refreshing lack of nanny laws. In La Paz, which is the most sophisticated, most up-to-date, most worldly metropo-

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lis in the country, it is impossible to spot anything resembling a traffic regulation. Passing on the right is not only accepted, it’s socially mandatory — *not* passing on the right will set loose a cascade of honks at your churlishness for blocking the way.

Seatbelts not only aren’t required, they don’t exist. Neither do child-safety seats — or meddling bureaucrats sticking their heads in your window at intersections to check whether your kids are trussed up and facing backwards in the currently approved manner.

There doesn’t seem to be much in the way of automobile emission standards and, since gasoline engines don’t work very well at 12,000 feet, almost everything on the street is diesel — which makes La Paz smell the way Portland would smell if the mass-transit people ever get their way.

Traffic isn’t controlled by mindless electrical machinery, but by the free flow of countless pedestrians in the street because — in the old districts, anyway — the sidewalks are hardly wide enough for street vendors, let alone somebody wanting to walk somewhere. Another thing Bolivia doesn’t seem to have is vagrancy laws or business licenses to keep people from setting up shop when and where they want. Actually, street vendors are supposed to be licensed, they just don’t bother. So, when the police feel like it, they come around and sell day-use tickets to the vendors. Now I have never had to buy a day-use ticket myself, but I couldn’t shake the impression that this ticket business is a good deal

more straightforward, and a lot cheaper, than being shaken-down by a big-city cop in the U.S.

Where there are sidewalks, things like manhole covers tend to break or get lost. Now, I can't say for sure they never get replaced. For all I know, La Paz may have just passed a bond issue to install new manhole covers. But you don't see evidence of that just walking around. Nor do you see yellow tape cordoning off the holes. What you do see is a lot of people with their eyes open watching where they are going — personal responsibility in full flower.

Soft-core porn is proudly displayed at newsstands. Families and marriages don't seem any the worse for it. And, when a several-hundred-year-old, several-story masonry facade looks like it's about to tumble into a crowded street, the owner does the logical thing. He pulls loose some cobblestones and uses the holes to brace the sticks to prop up his building.

La Paz is in a wet part of the world and has something like 200 rivers channeled beneath the streets. Now "river"

*To me, it looked like Bolivia was speeding headlong into — well, if not the 21st century, something like the 1970s.*

may be an overstatement, but there surely is a lot of water down there. You can hear the gurgling. What you don't hear is so much as a peep about wild and scenic waterways.

Drug regulation doesn't seem to be much of a social priority. Coca leaves are the national snack and, as far as I could tell, there are no prescription-drug laws at all. You just walk into a pharmacy and buy whatever it is you need. In my case, it was some more Cipro — and the pills cost me less than the co-pay I had to cough up at home. I don't think this was a coincidence.

The whole business about coca is a sore spot. And it should be. Bolivians know all about our War on Drugs, and they do not approve. T-shirts are everywhere with the message *Coca no es la cocaína*. Coca is everywhere too, of course. All we *norteamericanos* had it in the morning boiled into tea, and hardly any of us ran crazy through the streets chopping up grandmothers to get the money for our next cup.

Every market has ladies with a set of iron scales plopped down among bags of coca leaves but, even way out on the Altiplano in a village about as isolated as we ever got anywhere on the trip, they wouldn't sell to our Canadian guide because he looked DEA to them.

The fact is, he did look DEA — at least the way Hollywood thinks DEA looks. He was tall, muscular, with open features and a broad smile. I wouldn't have sold coca leaves to him, either. But then, I live in the United States and, in the United States he really would have been DEA. In Bolivia, he was a guest. But a scary enough looking guest that even ladies who make their living selling a legal and traditional agricultural product in their own country — ladies who happened to be surrounded by huge open bags of coca leaves — were so terrified of the long arm of the U.S. government they wouldn't do business with a Canadian.

Dogs are fully and happily dogs without being leashed up or locked away and, sometimes, they pay the price. But not from being hit by cars. I never saw that. One midnight, though, when an annoying barking dog had been carrying on outside my hotel for about half-an-hour, something happened to warm the heart of every North American who has been conditioned never to dare do anything in such a situation. The string of barks was suddenly cut off by a blood-curdling yip. And then . . . nothing. I don't think it was a car that got that pest. I think it was a sleep-deprived *boliviano* and I say *olé for la libertad*.

I've always thought Mexican kids are freer than ours because they get to play with fireworks. But Bolivia goes Mexico one better. In La Paz, if you've got some dynamite, nobody thinks the worse of you if you do what comes naturally. So, if you happen to be marching in a political rally, which somebody happens to be doing almost any time you want to cross the street, and it occurs to you that tossing a stick or two into the onlookers will attract attention to your cause, you are not going to have to argue with Mothers Against Disorderly Dynamiting, or some other gaggle of busybodies telling you what you can and cannot do with your own dynamite. After you have passed by, whoever happens to be left just steers around the unexploded sticks and goes about his business.

Any American who remembers the '60s has a bad feeling about being caught in a political demonstration in Latin America, especially those involving dynamite. But the ones in La Paz looked pleasant and good-natured, and had nothing to do with somebody's opinion of *Yanquis* and whether their cars should be set afire. Mostly, they were about incomprehensible local matters — such as the group stand-

*You just walk into a pharmacy and buy whatever it is you need. In my case, it was some more Cipro — and the pills cost me less than the co-pay I had to cough up at home.*

ing on a traffic island, singing melodic, non-threatening Andean songs along the lines of El Condor Pasa, while holding a Nazi flag. Painted over the swastika was a black circle with a back-slash — the universal sign for Stamp Out. It had something to do with getting the Germans out of the phone company.

Another rally — a parade, really — had a lot of music and dancing and marching bands and flags, and seemed rather festive even though it was in honor of the day Bolivia lost its seacoast 130 years ago in a war with Chile. Bolivians always celebrate Loss-of-the-Seacoast Day with parades and music and dancing.

In a few regards, Bolivia seems to be picking up some of our bad habits. Hunting is strictly forbidden. Boys owe a year of military service in case Chile turns out to have designs on the mountains. The drinking age is 21, and is strictly enforced by scary-looking National Policemen who favor fatigues, body armor, and chrome-plated, sawed-off shotguns when carding fuzz-faced teenagers in discos.

The voting age is 18, and it is strictly enforced, too. But by people much scarier than National Policemen: bankers. If your voter's card isn't stamped, you can't do business at a bank.

But these are small-potato nuisances. To the casual visitor, the place seems like a real-life, successful experiment in a lot of things libertarians hold dear. And, for my money, it was. At least if you don't dwell too long on the National Police.

I'm not sure what to make of those guys. There were a lot of them in La Paz, but they didn't act sinister and nobody seemed afraid of them. Still, it was hard to adjust to the sight of all that government hardware, and the whole thing started me thinking about where freedom really lies.

Surely, a lot of freedom is won and lost at very low levels. And, at the level of day-to-day activity, Bolivia is a lot freer than America.

I loved it. And then, one morning, I was taking a shower in my pretty-good, three-star hotel and ran smack up against the limits to my own tolerance for freedom.

My hair was lathered. Warm, amoeba-friendly water was streaming down my back. The world was good. I turned around . . .

. . . and, built into the shower stall with me . . .

. . . was a 220 switch box . . .

. . . and my thoughts

turned to toast.

TOAST, I thought. *One . . . drop . . . one . . . SINGLE . . . drop . . . goes . . . in . . . that . . . box . . . and . . . I'm . . .*

. . . and the power cut out . . .

. . . and my medulla oblongata kicked in . . .

. . . and I skidded out of the

shower in a stream of bubbles . . .

. . . and, right there in the darkness on the Road to Damascus, I experienced an unexpected political conversion.

I concluded that, in the matter of electrical codes, at least, Bolivia could do with a bit more government intrusion.



Bolivia hasn't always been this way. It has recently emerged from a patch of bad government extending back to . . . well it's hard to put a finger on exactly how far back. Bolivia is a poor country and not much archaeology has been done. My guess would be at least to the Tiwanaku civilization, which began imposing itself on its neighbors around the time of Christ. But this may well be a failure of imagination on my part. Bolivians are ambitious and could have had some form of bad government well into the Early Stone Age.

But, as far as the Late Stone Age goes, we have a pretty good handle on what things were like — at least if you believe Don Pedro Sarmiento de Gamboa. And he was certainly in a position to know.

Just a few years after the final collapse of Inca resistance, he gathered up all the upper-class survivors he could lay his hands on and had each tell him, in private, the history of their own factions — and of their enemies', as well. When he had it written down, he read it to them as a group and made the changes they suggested. In the end, his *History of the Incas* is about as close as any of us is ever going to come to

knowing about life in the Andes before Pizarro and his iron-clad thugs showed up.

It must have been a lot like living in Nazi Germany or the Soviet Union, except without the moderating effects of a decent respect for the opinions of mankind. The Incas weren't good with just stone and agriculture and cloth, they had a genius for anticipating the worst brutalities of the next 500 years of world culture. In fact, it's hard not to read Sarmiento without having the feeling that Stalin and Hitler and Mao and Vito Corleone kept dog-eared copies by their beds.

Every ten citizens had their very own *Curaca* to report on them to the next *Curaca* up the line. *He* reported to the *Curaca* in charge of 500, who reported to the thousands *Curaca*, who reported to the big-deal *Curaca* in charge of 10,000. Students of mid-20th-century Germany will recognize this *Curaca* business for what it is — the *führerprinzip*:

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*Living in the Inca Empire was a lot like living in Nazi Germany or Soviet Russia, except without the moderating effects of a decent respect for the opinions of mankind.*

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Hitler's very own contribution to management theory, translated to a pre-European culture.

The Incas didn't just foreshadow the Nazis. They moved entire populations on a truly Soviet scale, from the Altiplano to the jungles, or from Chile to Ecuador, or the coast to the mountains. And for the same reason — to mess up the ability to revolt.

Like every pharaoh from Cheops to Mao, they consumed human labor on a prodigious scale. Everybody owed three months of work a year to the Inca, three to the local governor, and three to the Sun. Of the three months left, one had to be spent planting, one harvesting, and the remaining month was divided into days for things like mending clothes. It's no wonder nobody ever invented the gunpowder and steel that would have come in handy in 1532.

The Incas were five centuries ahead of Castro in offing successful generals. Like Caesar Augustus, they registered the whole population for taxation. Like loathsome monarchs everywhere, they iced their relatives when they took power. Like the Mafia, they sent out button men to make friends with whomever they wanted to lure to their deaths. And, in a half-hearted sort of way, they trailed along behind the Aztecs in dabbling in human sacrifice when things got scary.

When the Spaniards came, life actually may have improved under the unbroken brigandage of captains, governors, Jesuits, military juntas, death squads, and people with menacing titles like "political chief," "chairman," "supreme protector" calling the shots straight through to the 1980s — unbroken, that is, if you don't count occasional forays of foreign bandits like Butch and Sundance and Che dropping by to stir up things. □

# Immigration and Culture

*by Stephen Browne*

If no one culture is better than another, why would anyone want to come to America?

A few years ago, when I was living and working in Belgrade, colleagues would sometimes joke with me, "Hey Steve, what are you really doing here? You're a spy, right?" I always got a kick out of the look on their faces when I answered, "No, I'm not a spy, I'm a Cultural Imperialist. I'm plotting to make the whole world American."

They didn't know it, but I was totally serious. I want everybody in the world to be free of the fear of arbitrary arrest and imprisonment and of getting the holy shit kicked out of them for speaking their minds. I don't care whether you eat at McDonald's or not, I make a better hamburger anyway.

I know the Red Chinese, among others, have learned enough PC-speak to tell us sternly that they have their own cultural and political traditions, different but not inferior from ours. Yeah, right. I bet some Chinese guy getting the eyeballs knocked out of his head for speaking out of turn gets warm fuzzies thinking, "Gosh. I'm participating in my people's ancient tradition of Getting the Shit Kicked Out of You for Speaking Freely. I feel so Chinese."

Historically, if by chance you did not care to participate in such ancient customs, there was an alternative. If you had the guts to leave what was familiar behind and risk everything on the unknown, you could become an American.

In the January issue of *Liberty*, my friend Ken Schoolland told why he believes we should leave the door open to anybody who makes that choice. In the February issue, Bruce Ramsey told why he believes we no longer have that luxury. Since then, almost all the responses from letter writers have been against Ken Schoolland's position, sometimes hysterically so.

It's interesting that both Schoolland and Ramsey are married to immigrants. I myself am an expatriate American liv-

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ing in Poland and married to a Pole. I must admit that I am a bit uncomfortable with the fact that I can easily come to Poland and stay for indefinite periods of time with little bureaucratic hassle, but Poles cannot do the same in my country. I also find disturbing that, to accompany me back to the States, my wife will have to go through a lot of official bother, answering some nasty intrusive personal questions from immigration bureaucrats, while my son and I can breeze through after merely flashing our passports.

Furthermore, in the (highly unlikely) event of a return of communist despotism, or an invasion of the Tartar hordes (perhaps less unlikely than one might think), I want very much to be able to get my in-laws into America. I don't think any Americans would object to a few more computer experts or good-looking, well-educated ladies with pleasant personalities.

Or maybe some would. I remember meeting in Bulgaria a beautiful young opera singer, who had won international competitions in Europe and had earned a full scholarship to study in America. Her visa was denied by a woman at the American embassy who told her, "Oh you beautiful Bulgarian girls, you just want to go to America and find an American boy to marry, and then what will our poor girls do?" I dunno, maybe re-examine their attitudes? Dear gentlemen of this 80%-male movement, you would weep bitter

tears if you could meet some of the ladies I have known who were denied visas to America.

But what about the hordes of unskilled laborers that pour across our southern border, and even through our ports? Well, I am not an economist, but I do grasp the notion that wealth comes from labor, and there is no economic sophistry that can convince me that a large labor pool willing to work for low wages, under conditions unacceptable to the native-born, can be bad for a country's economy.

What seems to be lacking in the immigration debate is imagination and sufficient tough-mindedness. Hordes of unskilled Chinese and Irish built the transcontinental rail-

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road, and what an appalling lot they were! Brawling, drinking, whoring, dope-smoking scoundrels you wouldn't want near your daughters, many of whom you'd rather have hanged than had for neighbors — and yes that's great-granddad I'm talking about here. But they did assimilate and their descendants are now gravely debating about who is unassimilable and shouldn't be let in.

But we're talking about the worst of all possible immigrants! Not the cultured and well-educated, but the uneducated and unskilled. But often it has been precisely these kinds of people that have been the most willing to assimilate, eager to forget the customs, habits, and even the language of countries that offered them nothing but lives of grinding poverty and a place at the bottom of the "natural order of things." Their children grew up in America proud, cocky, even arrogant — and afraid of nothing under the sun.

Irish writer Walter Bryan spoke of the miraculous change of the feckless and irresponsible Irish immigrants into bold, self-confident Irish-Americans. "A change so total that it can only be ascribed to the action of something previously lacking in their diet. Probably food." The tragedy of our immigration rules is that they keep out people who would make fine Americans. Americans I'd swap for any number of the one's we've already got. As Eric Hoffer said, "Nobody hates America like native Americans. America needs immigrants to love and cherish it."

And yet, I am afraid.

Some time ago, I saw on *60 Minutes* the story of an immigrant Palestinian family, that had a conflict between the father, who wanted his daughter to grow up in a proper Muslim way, and the daughter, who wanted to live like a normal American high-school kid. Because the father was suspected of ties to Hamas, the FBI was bugging the house and thus got it all on tape when the father stabbed his daughter to death. They got the daughter's screams and her mother comforting her, "Hush little one. Hush, and die."

I am afraid that we have lost our nerve. Afraid that as a society we no longer have the self-confidence to tell immigrants, "This is what we believe, this is the way we live and it works for us. You may bring something to offer from your culture, indeed we welcome it, but certain things you must leave behind. Your wars and ancient hatreds have no place here. You must abandon customs which are incompatible with our rights and freedoms. Your loyalty must be to America and your fellow Americans, even those who were hereditary enemies in your homelands. We know this is a great deal to ask, but a great deal is given in return."

Why can't we tell these people that if they try to practice that quaint custom in our country, we will stuff their mouths with pig flesh and hang them in its hide?

I have also heard about a Spanish-language radio station in California that advertises itself as "The Voice of Occupied Aztlan" and openly advocates the colonization and *reconquista* of the formerly Mexican lands in the West. I understand very well that no American remembers what no Mexican ever forgets — that the southwestern quarter of the continental United States was once the northern half of Mexico. American settlers were invited to settle in Texas and other parts of the Southwest because Mexico could not fill the land themselves. Eventually the immigrants preferred to live under the political institutions they were familiar with. Now that it's desirable real estate Mexicans want it back.

So why haven't we told these people that we respect their opinions so much that we have decided that if we catch them in arms against us, we will treat them, not as criminals subject to the rules of criminal justice, but as soldiers subject to the rules of war.

Hell, even a first-generation Mexican-American friend of mine admitted that if Mexico still owned the Southwest it

*The tragedy of our immigration rules is that they keep out people who would make fine Americans.*

would just mean that wetbacks would have another 1,500 miles to hike to sneak across the border.

Once our schools were the means of assimilating countless immigrants who were often amazed and grateful that this land would freely give them education, the privilege of aristocrats in their homelands. Nowadays, schoolchildren are taught that they should never consider anyone else's way of life to be in any way inferior and that we have no right to demand that anyone adopt our way of life, or even our language, when they come to live in our country.

Maybe travel to America has become just too damned easy. In times past, immigrants were to some degree self-selected by the expense and sheer physical difficulty of just getting here. This biased things in favor of the brave and resourceful and limited the number of people willing to risk the voyage. It has been estimated that to immigrate from Europe to America in the 17th and 18th centuries, or to migrate westward across America in the 19th century cost a

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# Losangelesizing Ecotopia

by Randal O'Toole

What happens when people get fed up with bureaucrats forcing their city to increase its population density and congestion? The "Smart Growth" interests fight back by confusing the voters, and densification is slowed, but not stopped.

On May 21, 2002, nearly two out of every three Portland-area voters voted to "prohibit increased density in existing neighborhoods." Opponents and supporters of Smart Growth, the planning fad that calls for increasing urban densities, both claimed victory, leaving many people confused. This is not surprising: land use regulation and the resulting confusion have plagued Oregonians for a long time.

- In 1969, the legislature required every city and county in the state to zone all land in their jurisdictions.

- In 1973, the legislature created a seven-member appointed commission that would write rules with which all city and county plans and zoning would have to comply.

- In the mid-1970s, the rules written by the commission required all cities to identify *urban-growth boundaries*. Outside of the boundaries, most land would have 40-acre minimum lot sizes.

- Planning and zoning was complete by the mid-1980s, when 1.25% of the state was inside of urban-growth boundaries, about 4% was zoned "rural residential" (5- to 20-acre minimum lot sizes), and the rest was zoned "rural" (40-acre minimum lot sizes).

- In the late 1980s, the 40-acre minimum lot size was increased to 160 acres.

- In 1993, a new rule was written requiring owners of farm land to actually earn (depending on land productivity) \$40,000 to \$80,000 a year farming before they could build a house on their own land, no matter how many acres they owned.

Up to this point, all of the impacts of planning had fallen on rural folk. Since rural people make up only 30% of the state, their protests were ignored by the city dwellers who were happy to have the state "protect open space" at the expense of the ruralites. Portland-area residents were so happy with planning, in fact, that in 1992 they voted to create Metro, a regional government with dictatorial planning authority over 24 cities and 3 counties.

Rapid population growth in the late 1980s and early 1990s

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led to the development of most of the available vacant lands inside the growth boundaries of Portland, Eugene, and Oregon's other urban areas. Planners had originally promised to expand the boundaries as the state's population grew. To maintain affordable housing, Oregon law requires that each city compare the amount of vacant land within its boundary with the projected growth rate to ensure that the boundary has 20 years supply of developable land.

Yet, as Peter Drucker reminds us, anytime the government does anything, it almost at once becomes "moral." Instead of being a flexible planning tool, the growth boundary became a sacred line for many. By 1993, a *zero-option* movement was growing that demanded no expansion of the boundaries, especially the boundary around the rapidly growing Portland area. As a result, the state legislature agreed that Metro could meet the 20-year developable land supply requirement by rezoning existing neighborhoods to higher densities.

Metro anticipated an 80% increase in the Portland area's population by 2040. Its plans called for a mere 6% expansion of the urban-growth boundary. The zero-option people have prevented even that.

In 1995, to accommodate growth, Metro gave population targets to each of the cities and counties in its jurisdiction. To meet their targets, the municipalities had to rezone many neighborhoods of single-family homes for apartments and other high-density developments.

Metro insisted that local governments use *minimum-density zoning*, meaning that all new development in that zone be at least 80% of the maximum density of the zone. If you

own a quarter-acre lot in an area zoned for 36-unit-per-acre apartments, you can't build a single-family house: you must build at least nine dwelling units. If your house burns down, you can't replace it with another home; you must build apartments or row houses.

This rezoning provoked enormous controversy in the neighborhoods in which it took place. Despite dozens of meetings crammed with hundreds of angry residents, the cities managed to rezone almost every neighborhood on Metro's target list. City officials told residents that they had no choice: Metro was making them do it.

Today, most Portland-area neighborhoods of single-family homes can point to nearby four- and five-story apartment buildings that have sprung up in response to Metro's

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*If your house burns down, you can't replace it with another home; you must build apartments or row houses.*

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demands for higher densities. These developments contribute to congested streets, crowded schools, and overstressed water, sewer, and other urban services.

Because the demand for apartments was pretty much satisfied in 1995, developers built these high-density complexes only after getting millions of dollars in subsidies from Metro and local governments. Metro often buys land and resells it to developers at half price on the condition that they put in high-density housing. The cities then waive property taxes and development charges. Metro also funnels direct grants to many developers using federal funds that, ironically, are supposed to be used to reduce congestion.

In 1989, a group named Oregonians in Action formed to help defend rural landowners from Oregon's strict land-use laws. Rural groups had previously challenged the laws at the ballot box in 1976, 1978, and 1982. But the city-dwelling majority always outvoted the rural minority.

The politics changed in the 1990s as densification began imposing significant costs on urban residents. So Oregonians in Action put a measure on the November 2000 ballot. Measure 7, as it is known, requires local governments to compensate landowners if any land-use regulations have reduced the value of their land since they purchased it, the measure easily passed. The courts have since held up Measure 7, but its success at the ballot box has left planning proponents worried.

In 2001, Oregonians in Action gathered enough signatures to put a measure on the ballot that would take away Metro's authority to require cities to increase neighborhood densities. Polls showed that most Portland-area voters supported the urban-growth boundaries but opposed densification. This measure should have led to a clear debate over the tradeoffs between density and expansion.

Metro responded by putting its own measure on the ballot. Metro's measure prohibited density increases in selected neighborhoods only, and then only until 2015. But the ballot titles for the two measures were worded almost identically. If both measures passed, the one with the most votes would prevail.

Metro's measure completely changed the nature of the debate. Instead of a debate over density vs. expansion, it was a debate based on demonizing Oregonians in Action. Metro's supporters never mentioned they wanted higher densities. Instead, they claimed that greedy land speculators supported Oregonians in Action's measure. Metro's measure, they claimed, would protect neighborhoods and restore local control without helping evil developers.

Oregonians in Action could have responded in kind, by demonizing Metro. Instead it took the high road: it chose to campaign for the merits of its own measure without impugning the integrity of the other measure. "Our ads were anti-density, theirs were anti-developer and never addressed density," says Oregonians in Action's director, Larry George.

Metro's strategy succeeded. With the support of Oregon's popular governor and other top officials, Metro's measure won 66% of the vote. Oregonians in Action's measure won only 42% of the vote.

Yet in a sense, Oregonians in Action's strategy succeeded, too. "I voted for both," admits George. "We wanted at least one of the anti-density measures to pass overwhelmingly, and that happened." Metro's measure provides at least some protection against density, but if the other measure had passed, George feared that "Metro and friends would have had us tied up in court for years."

The victory of Metro's measure can hardly be construed as a victory for Smart Growth. "During the whole campaign," notes George, "they ran away from density and even argued that Metro does not mandate density increases." Many observers believe that Oregonians in Action's measure would have easily won if Metro hadn't confused the issue by putting its measure on the ballot.

Yet it is clear that Portlanders still place a lot of faith in Metro and government planning. "People are fed up with the

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*Metro's internal documents admit that its plans will quadruple congestion and that its real goal is to "replicate" Los Angeles-style congestion in Portland.*

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increasing traffic problems and other issues brought about by density," one voter told me, "but they are not ready to defang Metro."

Since its creation, Metro built support for its policies by claiming that they would reduce congestion and save Portland from becoming like Los Angeles. In fact, Metro's internal documents admit that its plans will quadruple congestion and that its real goal is to "replicate" Los Angeles-style congestion in Portland.

Multnomah County, which contains Portland, was about the only county in Oregon to vote against Measure 7 in 2000, and it voted overwhelmingly for Metro's measure in 2002. Washington and Clackamas counties, which contain most of Portland's suburbs, also voted against Measure 7 and split nearly 50-50 on the density measures.

So the May election represents a mixed victory for both sides. The planners won; density lost. How much influence the vote will have on Portland's future remains to be seen. □

# Targeting Bob Barr

*by J. Bradley Jansen*

Aside from Ron Paul, Bob Barr is the most libertarian member of Congress. Unfortunately, he supports the Drug War. Is that a good reason for the Libertarian Party to set its sights on him?

The Libertarian Party has targeted drug warriors in the upcoming election as part of a national “spoiler” strategy to defeat leaders of the War on Drugs. The “Incumbent Killer Strategy” targets five federal incumbents — three Republicans and two Democrats. The goal is to scare other House and Senate members into backing away from their support for the War on Drugs.

Among those the LP is targeting is Bob Barr, a former federal prosecutor and four-term incumbent from Georgia’s 7th District. In the redistricting done after the last census, state Democrats put him into the same district as fellow incumbent Republican Congressman John Linder, and Barr is in for a tough primary fight. The LP plans to run ads this summer against Barr in the primary.

The Libertarian Party’s decision is an unmitigated mistake.

If the LP succeeds, it will take out one of the best friends libertarians have in Congress, a man second only to Rep. Ron Paul (R-Tex.), the LP’s 1988 presidential nominee, as a supporter of the libertarian agenda. Except for the War on Drugs, Bob Barr is generally quite libertarian, and his leadership among conservatives has helped advance the libertarian cause on Capitol Hill. American Conservative Union chairman David A. Keene has observed, “Bob Barr is an innovator and a leader. He’s considered partisan by those who don’t like him, but he’s fought for privacy and individual rights alongside folks like Rep. Barney Frank (D-Mass.) to reform our civil asset forfeiture laws and the American Civil Liberties Union in warning about the future dangers lurking in our nation’s response to Osama bin Laden and his buddies.”

Barr was instrumental in the formation of the broad left-right-libertarian coalition, including drug reform groups, that defended civil liberties immediately after Sept. 11. I worked closely with Rep. Barr’s office during the four years I

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worked for Congressman Ron Paul. Barr was on the short list of people on the House banking committee that I could rely on to stand up for limited government, less regulation, and privacy. He was also reasonable and approachable even on drug issues.

When the Federal Reserve System tried to promulgate its infamous “Know Your Customer” regulations, Barr was initially sympathetic to the idea, based on the very limited information he had, which had come mostly from other former prosecutors. But Bob Barr did his homework, and came to realize that the measure destroyed personal privacy and forced banks to spy on their customers for the government. The public campaign against the regulation would not have succeeded without Barr. In this effort, Barr and Paul were joined by the Libertarian Party, whose DefendYourPrivacy.org website enabled people to sign an online petition that was responsible for more than half of the negative comments the Fed received. He even pushed for an amendment that would have also rolled back many existing reporting requirements that undermine individual financial privacy.

Yet the LP is trying to defeat Barr in the GOP primary. How does Barr compare to the incumbent GOP congressman he faces there? I compared Linder’s and Barr’s voting records to each other. In the 107th Congress when Ron Paul stood up for our sovereignty against the United Nations (Roll Call votes 245 and 246), it was Bob Barr who supported

him, not John Linder — just as Barr supported Paul in cutting corporate welfare by limiting funding for the Export-Import Bank (Roll Call vote 261).

If one looks at their willingness to go on the record before forced to show their hand in a vote, it is Bob Barr who again has the better record. Rep. Barr is a co-sponsor of H. Res. 197, "Stop U.N. Gun Ban." Linder is not. Barr supports H.R. 2615 "Stop National Medical ID and the Patient Privacy Protection Act." Linder does not.

Congressman Barr is a leading defender of civil liberties. He introduced legislation that forces the National Security Agency's Project ECHELON to provide a full accounting to the Congress of their covert monitoring of millions of phone calls, faxes, and emails. He led the fight against National ID Card proposals and introduced legislation in 1998 to check the federal government's abuse of wire-tapping laws — including the use of roving wiretaps — and also opposed governmental interception of cellular phone calls. He intro-

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duced legislation to mandate that the federal government issue "Privacy Impact Statements" every time it issues a new rule or regulation.

He was a chief sponsor of a law to limit abuses of the civil asset forfeiture statutes. He fought against OSHA regulations and to limit small business vulnerability to frivolous labor litigation. He is a board member of the National Rifle Association, and a staunch defender of the right of Americans to own and use firearms. He has introduced and sponsored legislation to block litigation against gun manufacturers for the acts of their customers and to limit any background checks and mandate they be conducted "instantly."

Barr has succinctly advocated the principle that while criminals must be punished to the full extent of the law, their civil liberties must be protected with even more vigor. He is a staunch defender of American sovereignty and opposes the executive branch's overzealous use of our military abroad — he even filed suit against President Clinton's war in Kosovo without congressional approval. He is a fierce critic of the

United Nations — and to a lesser degree NATO — and has consistently supported efforts to withdraw U.S. membership from the United Nations. He co-sponsored a committee amendment to withdraw the U.S. from the International Monetary Fund and the World Bank.

Since his first day in Congress back in 1995, Barr has tirelessly fought to eliminate the Internal Revenue Code, supported the "flat tax" proposal, and consistently supported passage of a constitutional amendment requiring a two-thirds supermajority of Congress to raise taxes. He was an early supporter of lowering the capital gains tax and recently he introduced legislation to provide tax credits for educators: public, private, and homeschool! More than any other member of the Georgia delegation, Congressman Barr has parted with the Republican majority to vote against bloated "pork barrel" spending.

He has continually fought the unconstitutional "campaign finance reforms." Defending our fundamental rights, he has filed a lawsuit to prevent implementation of the recently passed legislation. Linder personally introduced legislation to ban so-called "soft money" to political campaigns. Barr was a very visible leader of the impeachment of President Clinton.

John Zogby, a pollster for Linder's campaign, admits that the race at this point is tight but thinks his client has the edge. He was surprised to learn the Libertarian Party was targeting Bob Barr. In fact, only two pollsters I reached were familiar with the LP's project. Amy Walter who covers the House races for the *Cook Political Report* was only vaguely aware of the effort and thinks it offered evidence that Bob Barr is "a leader in Washington," adding that the LP opposition is "sure going to backfire."

Whit Ayers, who is polling for the Barr campaign, echoed Walter's analysis. He could not understand why the LP would target his candidate since "Bob Barr has more libertarian instincts than all of my other Republican clients put together." This observation actually made him a bit uncomfortable since, according to his polls, national security and economic insecurity were the issues that matter most to likely Republican primary voters. He doesn't believe that the LP's plan to target Barr on the drug war will work because the drug war is "way, way down the list" of issues Republican primary voters care about.

I think my friends at the LP should act like a political party and not like a PAC. We are not a single-issue party — except for the issue of liberty. We have an historic opportunity to present ourselves as a viable alternative if we can take the mantle as the party of smaller government from the Republicans and the party who defends constitutional liberties from the party of Bill Clinton, Janet Reno et al.

The LP effort to defeat Bob Barr in the primary is, at best, a waste of precious resources sorely needed for LP candidates in the general election. At worst, it will contribute to the defeat of one of the most libertarian-minded congressmen we have, while failing to gain any allies. The LP has a historic opportunity to present itself as a viable alternative to the big parties, instead of spending its money and energy trying to defeat one of libertarianism's few friends in Congress just because they disagree with him on one issue.

□

## Congress



"Those two are a riot — they keep introducing legislation to regulate each other!"

# Reforming Asset Forfeiture

*by Ari Armstrong*

A new alliance of libertarians, conservatives, and liberals has enacted important restraints on the ability of police to seize the property of people merely accused of crimes.

This year Colorado's legislature passed HB 1404, making it the most recent state to significantly reform its asset forfeiture laws, following New Mexico, Utah, Oregon, and Missouri.

Thanks to the new law, Colorado cannot seize the property of people who haven't been convicted of crimes, with a few exceptions. Seized property no longer is simply turned over to the police or prosecutors, thus reducing their incentives to seize property from innocent people. Instead, the property is sold, with the proceeds first going to pay off lien holders, innocent co-owners, and victims of the crime. Half of what's left goes to drug treatment, and the other half must be budgeted by a city council, county commission, or state agency.

The bill passed the house April 16 by a vote of 51-11, with all the negative votes coming from Democrats. On May 3, it passed the senate 23-10, with each major party providing half the "no" votes. Gov. Bill Owens signed 1404 on May 31.

The key to getting the bill passed was the large and diverse coalition that rallied behind it. Republican Shawn Mitchell championed the bill in the house. A lawyer who is somewhat libertarian in his thinking, Mitchell worked hard behind the scenes and defended the bill point by point in committee and on the floor. He got help from Democrat Alice Madden. In the state senate, which has a one-person Democratic majority, Majority Leader Bill Thiebaut took over.

Christie Donner, head of the Colorado Criminal Justice Reform Coalition, did most of the heavy lifting. She researched the possibilities for reform, studying forfeiture reports from police agencies and examining a number of legal cases involving forfeitures. Donner, who also leads the

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Rocky Mountain Peace and Justice Center, approaches politics from a left liberal perspective.

Donner was able to help secure a lobbyist, Melanie Layton of Colorado Legislative Services, to work the bill. Free-market types rarely have kind words to say about lobbyists, but having a good one on your side makes an enormous difference.

Another advantage was a poll funded by Donner's organization in September 2001 that showed strong public support for reform. The pollsters asked, "If there was a ballot initiative which would require a person to be convicted of a crime before their property could be confiscated, would you vote yes, in favor of the initiative or no, against the initiative?" 83% said yes. Another question asked if the proceeds of forfeiture should be "spent to fund drug treatment programs." 78% said yes.

While researching the forfeiture reports from police agencies, Donner found that many agencies hadn't even been reporting forfeitures, as required under existing law. Some of the reports were apparently lost by the state agency that handles them, but many were never sent in, and those that were filed were often vague.

Dave Kopel, research director for the Independence Institute and contributing editor to *Liberty*, also played an

important role in promoting the bill. Kopel is a libertarian Democrat, but the think tank where he works appeals mostly to Republicans. Kopel is a lawyer and a prolific writer, and his testimony in the house committee was powerful.

Then there was me, a libertarian activist. I talked with legislators, helped with the media work, and generated political action from libertarians and conservatives.

Support for the measure came from across the political spectrum. Many conservatives don't like runaway forfeiture laws because they violate property rights, and leftists oppose them because they strike at civil liberties and open the door to police abuses. Of course, loose forfeiture laws have long been detested by libertarians.

A leader from the American Constitution Party spoke in favor of the bill. Support also came from Douglas Bruce,

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*One DA lamented that under the new law, "The burden of proof is shifted to us."*

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author of the Taxpayer's Bill of Rights. Fliers supporting 1404 circulated at gun shows. At the same time, Terrence Carroll of the Colorado Progressive Coalition endorsed it and spoke eloquently on its behalf. The Colorado ACLU released a statement supporting the bill.

With two exceptions, Colorado's district attorneys, sheriffs, and chiefs of police strongly opposed the measure. Sheriff Bill Masters, a libertarian from Telluride (San Miguel County) who has long been critical of the drug war, saw the reform measure as a way to help the law enforcement community. "The public needs to be able to trust law enforcement, and clear forfeiture rules that protect the innocent and reduce monetary incentives will help to restore some of that lost trust," he argued. "This legislation goes a long way toward assuring the citizens that there will be integrity in the process of seizing persons' property when necessary and that this tactic will be directed only at the true proceeds of criminal activity." Sheriff Bob Braudis of Pitkin County was equally vocal, telling the *Aspen Daily News*, "To continue to finance the war on drugs with seizures from people who are never convicted of a crime is not only counterintuitive, but unfair."

The proponents of forfeiture reform found a champion in Vincent Carroll, who edits the editorial pages of the *Rocky Mountain News*. The *News* put out two lead editorials and at least one bylined column in favor of the bill. The *Denver Post*, Grand Junction's *Daily Sentinel*, the *Colorado Springs Gazette*, and other papers also endorsed the reform, with the *Post* adding two or three more bylined columns.

The district attorneys, who comprise one of the more powerful lobbies at the capital, were indignant and furious. But they had been their own worst enemies. One DA reminded the legislature that even if you're found "not guilty" by a jury, that still "does not mean you're innocent of criminal activity." Another lamented that under the bill, "The burden of proof is shifted to us."

Denver DA Bill Ritter defended the "rebuttable pre-

sumption" that any cash found over \$1,000 was connected to a crime. He argued people should provide "evidence of legitimacy" if they carry that much cash. He complained that sometimes there is a "person on the jury who frustrates our attempts to get a conviction."

The Colorado Criminal Justice Reform Coalition, which opposed the reform, offered a much milder reform — toughening reporting requirements — in hopes of sidetracking the measure. The state's district attorneys tried to gut the bill by offering amendments to remove most of the reforms. They came within a few votes on the floor of the house of removing the requirement for a criminal conviction. On the senate side, the Republican opposition attempted to kill the bill by pushing it into appropriations. This was at the tail end of the session, so the bill would likely have died there if they had succeeded.

The new law provides a few exceptions to the criminal conviction requirement. If the defendant dies or flees from justice, the forfeiture may proceed. The most significant exception is for non-criminal owners. The bill allows for forfeiture if the non-resident owner of the property is notified of criminal activity and fails to take action. Libertarians opposed this exception because it put the burden of law-enforcement on private citizens, but the bill probably wouldn't have passed without this exception. Even so, non-criminal property owners got some relief, since the new law requires that the state must show that it is connected to the crime by "clear and convincing" evidence, rather than merely a "preponderance of the evidence."

While the bill does not accomplish everything libertarians might want, it goes a long way toward restoring fairness to the forfeiture process. It helps protect property rights and

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*The key to getting the bill passed was the large and diverse coalition that rallied behind it.*

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civil liberties. It discourages "forfeiture seeking" by police. It also encouraged a public discussion about forfeiture and the proper role of police and prosecutors. That alone was worth the effort.

What's most encouraging to me is the way civil libertarians from the left and right joined together to pass pro-freedom legislation even in — especially in — the post-Sept. 11 environment. I believe we will see more interesting alliances emerge as time goes on. Hopefully, conservatives will become more accepting of the left's concerns about privacy and police abuses, while those on the left will tolerate property rights and the right of self-defense. I think the left-right spectrum will continue to fold in upon itself, and that policy issues will increasingly become battles between civil libertarians of all stripes and statists of both the left and right.

Of course, federal agents in Colorado can still seize property as usual. Even local police agents can join federal teams and get a cut of the loot. And law enforcement may end run 1404 by sending more forfeitures through federal agencies or "home rule" cities.

The work of civil libertarians is never done. □



# Bitten Tongues and White Knuckles

by Ron Capshaw

"The sharp aside and the witty nuance are the consolation of the losers and are the one thing that pomp and power can do nothing about." — Czeslaw Milosz

Once at a seminar in graduate school, I had one of those rare moments of solidarity with my fellow students, people I ordinarily thought of as ruthless competitors. The professor presiding over this class was typically pompous and egotistical and as he droned on I decided, for once, to see how the other students were reacting. What I saw on their faces was the usual rapt expressions of the sycophant. But their white-knuckled hands contrasted sharply with their eager expressions. I looked down at my own knuckles and saw the same color.

We sat in silence, with no outlet for our anger, because free speech does not exist for students in graduate school. Students know, or learn through a series of painful encounters, that to speak out of turn — that is, to offer an original point to the professor's discussion — is to invite social death in graduate school. But take them out of earshot of the professors and a dam of power fantasies burst forth. Psychiatrists who view power fantasies as evidence of incipient fascism would have a conniption over these dream fantasies. Some samples:

"I want to force Professor Nudge [not his real name] to watch *Rambo*."

"I want to tie her up and make her watch me burn a picture of Stalin."

"I want to defecate in one of his books, close it, put it back on the shelf, and then leave a note reporting the deed. . . . then the bastard will frantically check every book on his 500-book shelf."

One can learn much about the nature of academia by examining the above examples. The elaborateness of these fantasies is more striking even than the hatred behind them.

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They are the dreams of people who have brooded long and hard. The torment these students wish to inflict is psychological, not physical: They want the victim to live with the pain.

What fuels this anger and cruelty?

Consider the average length of graduate school in the humanities: eight years. Eight long years of servility, of repressed free speech. "The classroom is no longer a place for the free exchange of ideas," one New York student told me. "I had a class with a professor I admired and when I questioned one of her arguments, she suggested I leave her class permanently." A frequent complaint of students is that professors do not want original arguments in papers, but merely a written version of the professor's own arguments. "I was repeatedly graded down for my arguments," a UCLA student told me, "then I got it through my head that I should take the professor's lectures and put them in essay form. When I did that, my grades improved." Students with different politics are not allowed to express these opinions in class. "My parents were refugees from Stalin," one New York student reports, "when I criticized his policies in class, I was told to leave the class by the professor." It doesn't take long for students to learn that graduate school is not the life of an intellectual, but the life of a sycophant: "I have learned to

shut up and nod my head vigorously to what the professor says," according to a Texas student. She throws up her hands: "I need a job." One student, off the record, complained, "my professor gets all weepy-eyed about the blacklist. But he enforces his own blacklist." A New York professor, a noted defender of the blacklisted, circulated a petition to keep conservative scholar Ronald Radosh from obtaining a job.

Surely there have been dictatorial professors in the past who could not countenance dissent, contradiction, or even a display of intelligence by their students. And these figures are not unique to academia; one finds autocratic know-it-alls

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in every branch of working life — from the bank president who wants "yes-men" to the Sears maintenance manager who demands agreement on every matter from the "staff." One sheds very early in life the idea that one gets ahead by talent and learns that a certain measure of sycophancy is par for the course.

The operative words here are "get ahead." In the past, students endured their professors knowing that one day they would be in their place. But that place is no longer waiting for them. According to the latest figures, over two thirds of students receiving their Ph.D.s in English will never receive a full-time teaching job. It's even worse for history Ph.D.s; fewer than 50% will get a full-time teaching job. Why?

The practices of the corporate head, who will do anything to cut costs, have filtered down to academia. Rather than hire a Ph.D. full time, departments, to avoid providing health insurance, hire adjuncts — part-time professors. These adjuncts log full-time hours though, teaching on average four classes a semester — the average load of a full-time, tenured professor. Now academic heads are mere goalies, presiding over and directing a staff of part-time teachers. Sixty percent of the teaching departments of the City University of

New York branches are adjuncts. The history departments in three different colleges and universities in one city have only a single full-time professor each — and he, as you guessed, is the department head.

It is maddening for students to see these policies in action; it is another to see them practiced by people whose professed principles are socialist. "My professor calls himself a Marxist-Leninist," a student reported to me, "and yet he refuses to hire full-time Ph.D.s because he doesn't want to have to provide health insurance." There is something sickening about the hypocrisy of radicals acting like Reagan Republicans. According to a professor from the 1950s generation, it is the '60s radicals, those who once "protested the corporate 'beast', who have originated these extremely exploitive practices." A glance at statistics confirms his point. Before 1974, the year the first Ph.D.s from the 1960s generation were hired, 20% of faculties in New York were adjuncts. By 1990, when these hires had probably climbed the academic ladder, 67% of New York faculties were composed of adjuncts.

What is equally maddening for students is the policy of affirmative action based on politics that is at work in full-time hiring. For '60s radicals have hired their own non-degreed kind. Angela Davis, a former Black Panther, holds a chair at Harvard. Bernadine Dorn, a Weathermen/girl, is a Law Professor (!) at the University of Chicago. It seems the best way to receive a Ph.D. these days is not to work for the

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*"My parents were refugees from Stalin," one New York student reports, "when I criticized his policies in class, I was told to leave the class by the professor."*

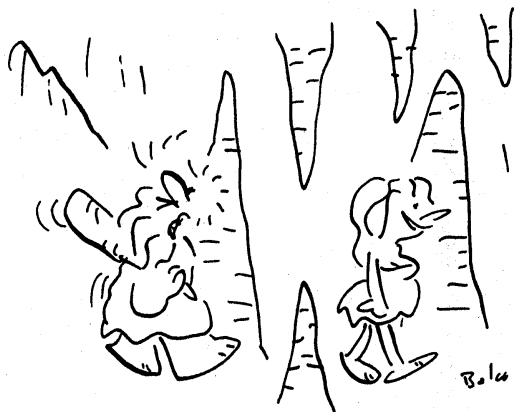
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degree, but to have conspired to blow up a government building in 1969.

But the generation that tried and failed to take over Columbia as students in the 1960s has now succeeded as tenured professors in the 21st century. And their '60s-era goal — destroying the university system, that pillar of Western Civilization — is being accomplished through multicultural studies dwarfing out courses on Adam Smith and Plato. But they have become the "corporate beast" they attacked in the 1960s; they just have hipper rhetoric.

So what is the solution? George Orwell characterized Charles Dickens' solution to societal ills as the ruling class experiencing a change of heart. There is not much chance for those currently in power to have this change. But those lucky few Ph.D.s who do get a job need to take Dickens' solution to heart. Revenge upon like-minded students of their former bosses will not solve anything. It merely perpetuates the problem of exploitive, dictatorial professors — and of helpless, repressed students. Those who do get a full-time position need to return classes to what they used to be: a place for the free exchange of ideas, for perfecting debating skills, for original arguments.

Otherwise, there will be more decades of white knuckles. □



"Watch your step, dear — I rearranged the cave today."

# Reviews

*The Contested Legacy of Ayn Rand: Truth and Toleration in Objectivism*, by David Kelley. Objectivist Center/Transaction, 2000, 128 pages.

## Ayn Rand and the Curse of Kant

David Ramsay Steele

Libertarians generally disagree on issues of metaphysics, epistemology, and ethics — not to mention whether there is a God and whether Jennifer Lopez can act. There are several competing candidates for “the” libertarian worldview but so far none of them has managed to acquire dominance or even to attract a majority of libertarians. Is this philosophical disunity a weakness?

Anyone who assumes that it simply *must* be a decisive advantage for all those engaged in a common task to first agree upon their philosophical principles should consider the example of science. The growth of scientific knowledge involves the cooperation of thousands of individuals with diverse philosophical outlooks. Great physicists, for example, have included theists and atheists, determinists and indeterminists, materialists and idealists. This heterogeneity does not seem to have hurt physics, and may have helped it. If science can get along perfectly well without agreement on philosophical matters, why should we suppose that libertarianism requires philosophical unanimity?

Objectivists, however, say that there is something wrong with the libertarian movement because it combines people with different philosophical views. David Kelley, who was booted out of the “official” Objectivist movement headed by Leonard Peikoff, because he gave a lecture to a not exclusively Objectivist libertarian audience, has become head of the broader and more tolerant Randist tendency embodied in The Objectivist Center, an alternative to Peikoff’s Ayn Rand Institute. Kelleyism has now replaced Rothbardism as the main transit camp for refugees from official Objectivism. In basic political and economic policy, both the Peikoff and the Kelley organizations espouse the liberalism of Herbert Spencer and Ludwig von Mises, that is, they are unmistakably libertarian. For liturgical purposes, both decline to label themselves “libertarian.”

Kelley agrees with Peikoff that there is something wrong with the libertarian movement because it is an untidy assemblage of individuals who differ with one another over philosophical issues. But if libertarians were all to agree on a single monolithic non-Objectivist philosophy, Peikoff and

Kelley would be even more irritated with us. Although it may sound as though Kelley and Peikoff don’t like the libertarian movement’s heterogeneity, what they really object to is something different: the fact that we don’t all swallow *their* philosophical opinions.

Kelley’s pamphlet, *The Contested Legacy of Ayn Rand*, is a revision of the work published as *Truth and Toleration* ten years earlier. It’s aimed at the Peikoff crowd and therefore devotes quite a number of pages to arguing for positions which are pretty obvious, against positions which are pretty idiotic. It has its droll moments. Kelley was excommunicated by Peikoff because he spoke at a libertarian supper club associated with Laissez Faire Books. The ARI’s Peter Schwartz denounced Kelley by likening libertarians to the Soviet and Iranian regimes. Kelley observes, in poker-faced prose:

“Laissez Faire Books does not run a Gulag Archipelago of concentration camps, nor does it advocate a medieval fundamentalist theocracy. It has not issued a murder contract on an author it doesn’t like. Schwartz regards these differences as superficial” (p. 36).

### From Error to Hell and Back

Shoved screaming into the world, we humans jump to conclusions about it and become tenaciously attached to these conclusions. It’s natural for each of us to suppose that everyone else will share our beliefs, and when we find to our dismay that they don’t, the most plausible hypothesis is that they are possessed by the Devil. Peikoff believes that if someone advocates opinions which deviate from his own, then, with a few negligible exceptions such as the mentally retarded, that person must be a rotter. The same conviction possesses two-year-olds on their crabbiest days.

While Peikoff thinks that people with evil ideas have to be evil them-

selves, Kelley believes that bad ideas sometimes happen to good people. Like Abraham talking back to Yahweh about his modest proposal to incinerate the citizens of Sodom and Gomorrah, Kelley insists that not all non-Objectivists are terribly wicked, even though the great majority admittedly are. Kelley opines, for instance, that "few Marxists are innocently mistaken" (106). If we were to read all of *Contested Legacy* except for page 55, we might conclude that Kelley believes "honest error" to be extremely rare. On that page he explicitly states that it is not so rare, but the overall impression remains that it is not as common as dishonest error, whatever that may be.

Against Peikoff, Kelley insists on a distinction between evil ideas (opinions with which he disagrees) held for evil motives and evil ideas held because of "honest error." Yet Kelley's distinction is far from clear. We would know what he meant, of course, if Objectivists said that evilly motivated persons not prone to "honest error" were concealing what they really

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*We fall in love with our opinions; we are attached to them and feel loyalty to them. It's therefore painful to abandon our beliefs, and we are often reluctant to do so. Having a belief pulled is indeed more painful than having a tooth pulled.*

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believed. But neither Peikoff nor Kelley seem to be claiming that evil convictions maintained for evil motives are not sincerely held — that the Marxist who preaches the labor theory of value is at heart convinced of marginal productivity and is artfully concealing that fact, or that the musician who stubbornly maintains that Mozart is better than Rachmaninov actually prefers Rachmaninov but won't cough up to it. I get the impression that, to the Objectivist way of thinking, it's precisely because these despicable scoundrels sincerely

believe the loathsome ideas they propound that they must be steeped to the marrow in wickedness.

Peikoff offers the theory that there are "inherently dishonest ideas," by which he means ideas so vile that they could not possibly be held for honest or innocent motives. I don't think he means that the persons holding these ideas are cold-blooded con artists who pretend to believe something they know to be false. Rather, he thinks that they do sincerely believe these ideas because of some nastiness deep in their souls. This nastiness infects their brains with something called "irrationality," whereupon they quite spontaneously arrive at the nauseating non-Objectivist conclusions.

Kelley takes a more moderate position, but one essentially akin to Peikoff's. For Peikoff, once you know that someone espouses evil ideas you shouldn't attempt to communicate with that person, whereas, for Kelley, you might give him the benefit of the doubt for a while and permit him to listen to your expositions of Objectivism. Just how it can be admirable for Rand to appear on *Donahue* and fence coyly with its socialist host, telling him what a fine fellow he is, while it is unconscionable for Kelley to lecture a libertarian audience on why they ought to become Objectivists, is a riddle I will leave to the adepts of the most arcane rites.

This entire dispute about evil and error is puzzling. What I don't see is how Objectivism can come up with a concept of evil as something distinct from error. Why isn't any departure from Objectivism considered a kind of mistake? If morality is rational pursuit of self-interest, why isn't all immorality a matter of miscalculation? The Objectivists have taken over from the Judaic tradition the notion that capable people in possession of all the facts can willfully commit sin, not noticing that this makes little sense in their new framework of rational egoism.

Rand says that we have a choice to think or not. Yet, aside from shutting down our thinking by cutting our throats, we cannot choose not to think. Thinking itself is involuntary and incapable, though we can to a limited extent direct our thoughts. As the lugubrious Sartre might have put it,

we're condemned to think. Kelley seems to hold that the basic choice is whether to "evade" or not — maybe "not thinking" is a picturesque expression for thinking evasively. But if someone evades, which can be diagnosed from the tell-tale symptom that he does not give as much weight to Objectivist arguments as Objectivists do, why isn't *that* just a mistake?

Kelley talks a lot about "honest error" but the adjective is redundant. Error is always necessarily honest. A

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*It's natural for each of us to suppose that everyone else will share our beliefs, and when we find to our dismay that they don't, the most plausible hypothesis is that they are possessed by the Devil.*

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person can pretend to be making a mistake, when he's really getting what he wants. Or a person may make a "deliberate mistake," like adding some numbers and arriving at a wrong answer, because he has an intention which overrides the normal one of getting the right answer. Either of these may, according to context, be dishonest, but they are not genuine examples of error.

We could try to retrieve a coherent position from the squishy Objectivist catchphrases by saying something along the following lines: To live your life to the full requires the investment of a lot of effort, training yourself to think rationally. Some folks shirk this unpleasant work, just as some who set out to learn the piano can't be bothered to practice their arpeggios. In thus failing to invest for the future, by learning the most effective ways to think, these people are acting contrary to their self-interest, and this constitutes "evil."

Thus reconstructed, the Objectivist notion becomes perfectly coherent and very traditional, but the "moral failure" here is still nothing more than a type of mistake, and insofar as it's a mistake like that of the person who can't bring himself to saw his leg off when this is the most promising way

to escape from a deadly trap, it's the kind of mistake which arouses our sympathy.

### Why People Argue Badly

Rather surprisingly, Kelley claims that we can discern the presence of the irrationality and dishonesty Objectivists are concerned with by witnessing examples of inappropriate behavior in argument. "One may observe whether a person gets angry when his position is challenged, or relies on the cruder sorts of fallacies such as *ad hominem* or appeal to emotion, or dodges from one issue to another in response to objections" (56).

People often argue in these defective ways, and there are many books on logical fallacies and critical thinking designed to expose and correct such faulty discourse. The fact that people behave like this says nothing about the correctness or incorrectness of the views they propound: if this is what is meant by dishonest error, then there can just as easily be dishonest truth.

Why do people often argue "dishonestly" or "irrationally"? Here Kelley gestures towards an Objectivist psychoanalysis: "The way in which a person defends relativism in ethics, for example, may reveal that he is moved by hostility toward the very idea of objective standards . . ." (56). But then, if someone argues "irrationally" and "dishonestly" in support of ethical objectivism, what does that reveal?

There are at least three causes of bad arguments:

1. Most people are unfamiliar with the canons of logic and relevance. When Rand tries to argue for a position by vilifying the character of anyone who disagrees with her, there is no need to suppose that this reveals something shameful about her innermost soul. It is simply that she does not know any better.

2. The arguer may be more interested in effectiveness than in soundness. When George Orwell contended during World War II that intellectuals who opposed the war were homosexuals and therefore cowards, he clearly understood that this was not the strongest of arguments for fighting the Germans, but thought it might nonetheless have persuasive force.

3. We fall in love with our opinions; we are attached to them and feel loyalty to them. It's therefore painful to abandon our beliefs, and we are often reluctant to do so. Having a belief pulled is indeed more painful than having a tooth pulled.

### Kritik to Gulag in Necessary Steps

The main reason most libertarians are not Objectivists is because Objectivist arguments are so feeble, and Kelley's pamphlet illustrates this

fact very nicely. While defending his own position against Peikoff's, Kelley restates Objectivism in outline, with some added refinements. I will here criticize only one example of the familiar Objectivist claims he reiterates.

Objectivism maintains that the ideas of evil genius Immanuel Kant (1724–1804) gave rise to modern collectivism, notably the regimes of Stalin and Hitler. This theory of historical causation seems to be crucial to Objectivism. As is clear from Kelley's

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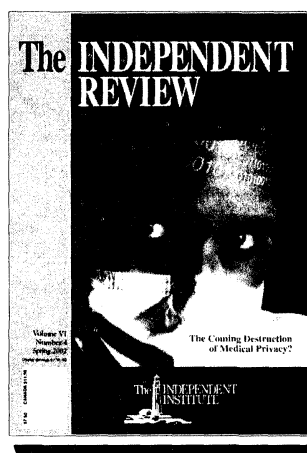
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pamphlet, Objectivism is committed to two propositions:

- that there is (as a matter of historical fact) a tight fit between general philosophical views and political programs, and

- that this tight fit is enforced by politics coming into conformity with philosophy, and not vice versa. It follows that if philosophical views change, politics will change in a determinate direction. It is true that Kelley makes some statements which go against this theory as I have summarized it, but these statements seem to be ad hoc abandonments of the Objectivist theory, reminiscent of the ad hoc abandonments of historical materialism you get when you talk to Marxists.

The Objectivists' chief example of this historical process is their contention that the philosophical ideas of Kant led to the Gulag and to Auschwitz. And this is why they are so convinced that libertarianism must founder unless it adopts Objectivist views on metaphysics, epistemology, and ethics.

The Objectivist historical theory as summarized by Kelley (40–41) states that ideas originating in philosophy spread to other disciplines, and then into the culture at large, where they influence the actions of politicians. In one paragraph, Kelley asserts that this process unfolds "through a sequence of necessary steps" (40). In the very next paragraph he challenges Peikoff's claim that the process is "inexorable" (41). I cannot see the difference between proceeding by necessary steps and being inexorable. For Kelley, the process must proceed by necessary steps, or Kant's ideas *needn't* have had such terrible consequences, and most libertarians' rejection of Objectivism *needn't* ensure the triumph of statism. And yet the process cannot proceed "inexorably," because, as Kelley politely puts it, "these are very strong claims about historical causation."

Just how did Kant's ideas give rise to collectivism? Kelley points out (44) that Kant was a classical liberal, that is, his political views were the same as Rand's, Peikoff's, and Kelley's. As a proponent of limited government and individual rights, Kant was not simply falling in with fashion: he was a pas-

sionate individualist who gave a prominent place in his ethics to a man's obligations to himself, who held that one ought always to view other persons as ends in themselves, who welcomed the American revolution, and who (in Part I of his *Metaphysics of Morals*) developed a rigorous defense of private property.

Kelley also points out that "There have in fact been very few orthodox Kantians" (74). This fact is manifestly a problem for the Objectivist theory that Kant fathered collectivism, and so Kelley immediately adds: "Most people use this term [Kantian] to refer to ideas that share Kant's basic epistemo-

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*For Peikoff, once you know that someone espouses evil ideas you shouldn't attempt to communicate with that person, whereas, for Kelley, you might give him the benefit of the doubt for a while and permit him to listen to your expositions of Objectivism.*

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logical view about the relation of mind to reality, or his ethical view about the relation between values and duty." Not all Kelley's readers will be aware that people who are Kantians in *this* broader sense have also been quite few, except for Germany in the late 19th century. In the English-speaking world, adherence to Kant's distinctive views on these matters has generally been negligible. Furthermore, the few Kantians have not been in the forefront of the growth of collectivism. Kantians and Neo-Kantians have tended to be associated with classical liberalism.

Kant is acknowledged to be a great and influential philosopher, yet his influence has not primarily taken the form of having a lot of philosophers agree with his distinctive positions. That one rates a philosopher as outstanding does not mean that one buys his conclusions: many philosophers have admired Kant's arguments without accepting any distinctively Kantian tenets. This is the preponder-

ant take on Kant: that he was a brilliant thinker whose system's fundamental postulates cannot survive critical scrutiny.<sup>1</sup> Kant has stimulated many philosophers to work on issues he raised and arrive at un-Kantian results. His writings have been influential, but only a small part of that influence has been to convert philosophers to his distinctive views.

By "Kant's distinctive views" I mean specific philosophical positions which are well-known as Kant's, whose attribution to Kant is not controversial, and which were not held by anyone before Kant. The most prominent is Kant's "Transcendental Aesthetic," his view that we can experience the world only by imposing certain categories on it, and that these categories, such as space, time, number, and causality, are not in the world independently of our experience, but are indispensable ordering principles we bring to the world. The vast majority of philosophers since Kant have been impressed by the way Kant argues for this somewhat startling contention, but have found it unconvincing.

### The Curse of Kant

In order to defend the Objectivist claim about the dire spell cast by Kant, we have to accept that almost all the "necessary steps" must have occurred chiefly by way of thinkers who rejected everything distinctively Kantian. One way to pursue this line is to say that some people after Kant took up positions which were admittedly opposed to Kant's, but which they would not have embraced if they had not been reacting to Kant. However, this does not look credible: it is difficult, for instance, to think of any view maintained by Russell or Moore (after the 1890s, when they rejected Idealism) that they might not easily have come to if Kant had never existed. And if Kant is to be blamed for the thinking of subsequent writers who reacted against him, then we ought to blame him for Objectivism.

According to Kelley, Kant "thought the source of our duties was not society but a higher 'noumenal' self residing within every individual. . . . It was because there is no such thing as the noumenal self that later thinkers such



as Hegel, who wanted to preserve the ethics of duty, turned to society as its source and object. Kant's philosophy, then, did contribute to collectivism, but the effect was indirect" (44).<sup>2</sup> Here we have an attempt to save the Objectivist theory that Kant is responsible for the rise of collectivism by arguing that, for all Kant's individualism and libertarianism, his ethical theory contained a weakness which could only have led his successors to replace this ethical theory with a more collectivist one.

Notice that Kelley is not consciously backing away from Rand, but trying to defend her. As he volunteers, "Most Objectivists, myself included, would say that collectivism is the political expression of Kantianism" (74). He accepts Rand's and Peikoff's view that "the results" of Kant were "mass death in some countries, a welfare state in others" (47). Kelley's reconstruction is that because there is no noumenal self, Hegel was bound to see this — though not to see anything

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*Just how it can be admirable for Rand to appear on Donahue and fence coyly with its socialist host while it is unconscionable for Kelley to lecture a libertarian audience on why they ought to become Objectivists, is a riddle I will leave to the adepts of the most arcane rites.*

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else that was wrong with Kant — and was therefore bound to substitute society for the noumenal self.

Kelley here falls in with a widespread supposition: that Hegel was somehow the natural or likely next step after Kant. This facile assumption is called into question by the fact that, in his major impact on German philosophy, *Kant came after Hegel*. The heyday of Kant's influence arrived when German philosophy had become disenchanted with Hegel. There was, inside German philosophy, a major "Back to Kant" movement, beginning

after 1850. This "Neo-Kantianism" was a diverse but almost entirely German intellectual movement which is known only patchily in the English-speaking world. Kant's following in Germany was vastly higher in 1880, and Hegel's considerably lower, than had been the case in 1830. The Neo-Kantians went "back to Kant" mainly because, like Kant, they wanted to understand the philosophical implications of modern science. They found the idealism of Fichte, Schelling, and Hegel inadequate for this purpose.<sup>3</sup>

Since the Neo-Kantian domination of German philosophy coincided with the upsurge of socialism throughout the world, some Neo-Kantians were socialists and some leading socialists looked to Kantian ethics.<sup>4</sup> However, Kantian influences were generally prominent in that wing of Social Democracy which became Revisionist, maintaining the liberal values of tolerance and rational debate, and effectively accepting the continuation of capitalism. The wing of Social Democracy which led to Bolshevism stamped out Kantian influences in favor of Marxian materialism, with its striking similarity, in metaphysics, to Objectivism.

### Presuppositions of Collectivism

If, then, we trace what happened historically to Kant's ideas, we are unable to find anything which looks like a step-by-step progression from Kant to collectivism. There is also another way to test the Objectivist theory: we can read the utterances of those who did espouse collectivism, and try to discern what were the arguments which made them do this. Although this is a big and complex subject, a few generalizations can be made by anyone who has read a lot of the relevant historical material and tried to grasp what was going on in people's minds at the time.

A list of the main propositions acceptance of which favored collectivism would certainly include the following: free competition always destroys itself by turning into monopoly; the

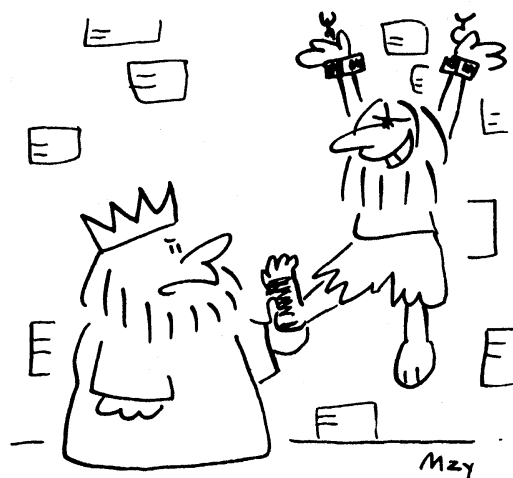
commercial requirement to show a profit needlessly restricts the technical development of industry; poverty will not be reduced without government action (and then in retrospect: material progress for the poorest has been largely accomplished by government action); the free market left to itself will impoverish a large section of the population, because the market's inherent tendency is for wages to fall to subsistence; intelligently planned organization must be more efficient than leaving things to the interplay of

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*If Kant is to be blamed for the thinking of subsequent writers who reacted against him, then we ought to blame him for Objectivism.*

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market forces coordinated only by automatic and "unconscious" feedback; capitalism is a very recent invention and most of human history has gone on without it; and even in exceptional cases where laissez faire does lead to prosperity, it destroys the vital human sense of community solidarity, and thus fosters mental insecurity and anxiety.<sup>5</sup> We can easily comprehend how these propositions might appeal to people one or two centuries ago, and we can see that anyone believing them would find it natural to conclude that collectivism would be an improvement over capitalism. As far



"I promise I won't get mad — just tell me how you get the bottoms of your feet so dirty!"

as I can see, they owe precisely nothing to Kant or to Kantian ways of thinking.

In response to the above objections, some Objectivists may respond that modern thinkers, though overwhelmingly non-Kantian, have all advocated views which are inimical to Objectivism and are therefore just as pernicious as Kant's. Russell, for example, though decidedly anti-Kantian, held (in his most influential "logical atomist" period) that there were sense-data (that is, he maintained

that the content of the experience of perceiving an object is not identical with the perceived object), and this contradicts Rand's remarks on perception and is therefore proof of Russell's pathological mental and moral condition.

It's true that Objectivists denounce all modern philosophy without exception: they have no time for the pre-Kantian metaphysical or epistemological views of Galileo, Leibniz, Spinoza, Descartes, Hobbes, Locke, or Hume. To mindless mystics like myself, these

writings constitute a glorious adventure of the human intellect, but to Objectivists they are nothing but foul-smelling garbage, from which "rational men" recoil like Count Dracula from a crucifix. And Russell's approach, for example, is undeniably similar to Hume's.

However, any such response would surrender the Objectivist claim that Kant is peculiarly responsible for Soviet and Nazi mass murder. To say that all philosophy since 1274 has been leading by necessary steps to collectivism would not suit the Objectivists' case at all. It would have the embarrassing consequence that precisely those philosophers who prepared the way for classical liberalism and the acceptance of modern science would be the progenitors of collectivism.<sup>6</sup> For this reason I repeatedly referred above to Kant's "distinctive" views. Positions Kant shared with earlier thinkers, however much Objectivists may gag on them, cannot be examples of Kant's uniquely diabolical influence.

### Explaining Collectivism's Retreat

Another difficulty for the Objectivist theory (as Kelley is uneasily aware) is the shift away from collectivism over the past 40 years. While we may argue about the magnitude of this shift, it has certainly happened. Deregulation, denationalization, and the abandonment of "economic planning" have been perceptible in almost every country of the world. There are certainly horrors in today's world, but there is currently nothing to equal the extraordinary organized brutality of the KGB or the Gestapo. Kelley quotes Peikoff as saying that Kant "unleashed" Lenin, Stalin, Hitler, "and all the other disasters of our disastrous age" (41). Who put the leash on them again?

During the last 40 years, distinctively Kantian ideas have not become less influential: they have been uniformly uninfluential throughout. While broadly libertarian social and political ideas have gained some ground, specifically Objectivist philosophical ideas have had no influence on the discipline of philosophy. Is there, perhaps, a lag in the influence of philosophy on politics? There was, it is true, a steep decline in Neo-Kantian

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following in Germany in the first three decades of the 20th century, but I hardly think Objectivists would want to attribute the retreat of collectivism in the 1980s to the advance of phenomenology and logical empiricism in the 1920s<sup>7</sup> (these were the movements which supplanted Neo-Kantianism and they are both movements which nauseate Objectivists).

Kelley argues that people's experience of the reality of collectivism led to the downfall of the totalitarian regimes (47). If this kind of ad hoc adjustment is accepted, the whole Objectivist theory of historical causation has to be rejected. Kelley cannot have it both ways. Either political programs always arise by necessary steps from the dominant philosophical ideas or they don't.

Furthermore it is not true that the death of socialism was a practical adjustment independent of theory. It was the result of an ideological sea-change. What we have witnessed since the "Crisis of Marxism" in the 1890s is the rebirth of libertarianism following its eclipse in the second half of the 19th century. Objectivism is a footnote to this rebirth. Neo-Kantians like Mises and Hayek and empiricists like Milton Friedman overthrew the ideological hegemony of collectivism. They did not require any help from Objectivist philosophy and they did not get any.

What may seem baffling to Objectivists is that this intellectual movement largely bypassed the discipline of philosophy. Inasmuch as philosophy has been involved, it appears to have made adaptations to the change in political direction "after the fact." But the idea that philosophy is bound to determine thinking in other scholarly disciplines is just one more honest Objectivist error. Philosophy does not occupy any such queenly station.

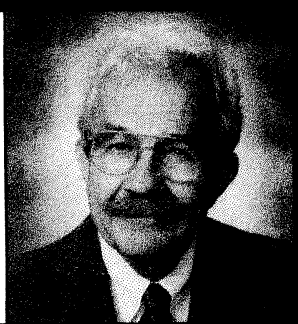
## Philosophers No Longer the Leaders

The Objectivist theory as summarized by Kelley claims that intellectuals in disciplines other than philosophy take their direction from philosophy. Against the Objectivist theory, I want to make four assertions, the first two very general, the third and fourth

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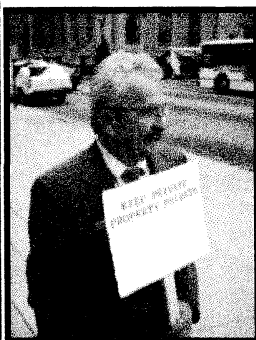
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more narrow:

1. Among the many factors affecting the evolution of ideas about culture, politics, and society, the influence of general philosophical ideas is not always of great weight.

2. There is no tight fit between metaphysics or ethics and politics or economics. Any metaphysical theory, for instance, is (as a matter of historical fact) compatible with any political viewpoint.

3. While ideas originating in philosophy sometimes affect thinking outside philosophy, it's also true that ideas originating outside philosophy frequently affect thinking inside philosophy.

4. Until about 200 years ago the leading philosophers were intellectual leaders of society in a way that is no longer possible.

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*To mindless mystics like myself, the writings of Galileo, Leibniz, Spinoza, Descartes, Hobbes, Locke, or Hume constitute a glorious adventure of the human intellect, but to Objectivists they are nothing but foul-smelling garbage, from which "rational men" recoil like Count Dracula from a crucifix.*

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Philosophy has always responded to developments in other intellectual areas. Kelley points out that Kant's philosophy would have been found unintelligible two centuries before Kant, because it was prompted by philosophical developments during that period (46). Of course this is true, but, even more to the point, nothing like Kant's metaphysics would have made much sense but for the revolution in physical theory wrought by Copernicus, Galileo, Kepler, and Newton.<sup>8</sup> *The Critique of Pure Reason* is an attempt to address urgent conceptual problems posed by the success of Newtonian physics.

Not only does philosophy adapt to influences from other areas, but when

there is a link between a philosophical idea and a cultural or policy idea, we often notice, at least in our own day, that some very minor philosophical ripples make big waves outside philosophy. This shows non-philosophers picking somewhat obscure philosophical tendencies to suit their theoretical preferences, rather than adapting to whatever the philosophical consensus turns out. Consider the major influence the ideas of French post-modernists and deconstructionists or of T.S. Kuhn have recently had upon American academics in humanities disciplines other than philosophy. Within philosophy itself, Anglo-American or even French, these ideas are very minor fringe events.

In days gone by, the leading philosophers were indeed the leading thinkers who often set society's intellectual agenda. Leibniz invented differential calculus. Descartes devised coordinate geometry. Hume was the greatest historian of England prior to Macaulay. Kant came up with a theory of the formation of galaxies and solar systems — the theory now accepted by all astrophysicists. These really were the leaders of thought in their time. Since then, ineluctable specialization has taken its toll, and philosophers today are in no sense the intellectual leaders of the world. Nor is it likely that they ever will be again.

### **The Objectivist Theory Is Wrong in Principle**

It doesn't look, then, as if Kant's ideas could have led by necessary steps to collectivism, and we can see that people have actually become collectivists — and then ceased to be collectivists — for reasons having nothing to do with Kant. But suppose that the historical facts were different. Suppose, contrary to fact, that people who accepted Kant's distinctive metaphysical, epistemological, and ethical views did show some tendency to become collectivists, and that the turning of the tide against collectivism had been accomplished by people who had some proximity to Objectivist metaphysics and ethics. The Objectivist theory of historical causation would still be unacceptable, for reasons touched upon but not consistently thought through by Kelley (41–42, 46–49).

What is meant by saying that Kant begat collectivism? It is clear what is meant by saying that thinker X fathered policy y, if in fact X advocated y, and the people who implemented y were influenced by reading X and claimed the authority of X. Even in such cases, some skepticism is in order about the putative historical causation.<sup>9</sup> With Kant and collectivism, however, X was implacably opposed to y, and the people who implemented y persecuted the followers of X. An attempt might be made to fix responsibility on X by saying that X's ideas, after adjustments that were

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*The main reason most libertarians are not Objectivists is because Objectivist arguments are so feeble, and Kelley's pamphlet illustrates this fact very nicely.*

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bound to be made by successors, would lead to y. This seems to be Kelley's approach, in his remark about Kant and Hegel. Here the obvious questions are: Were *those* adjustments (as opposed to others or none) *bound* to be made? And would those adjustments *have* to lead to y?

I have pointed out that the actual historical events do not corroborate the Objectivist theory. Now I'm looking at the principle of the thing: could any such theory be true? What Hegel meant is often debatable: let us accept for the sake of argument that Hegel did exactly what Kelley said he did. Was it necessary that a successor to Kant would adapt Kant in just the way Kelley describes? A fairly obvious alternative would have been to drop any reference to the noumena, postulating a "higher" self within the phenomenal individual. Anyone who reads Kant on ethics can see that bringing in the noumena is a bit of a makeshift: the ethical system makes sense without this move.<sup>10</sup> Another alternative would have been to scrap Kant's approach and replace it with a different one such as some version of utilitarianism or contractarianism.

Hegel's adaptation of Kant, then,

could not have been necessary. But even if we assume that it was necessary, must it then necessarily have led to collectivism, as Kelley claims? And there's no reason why someone who views "society" as the "source and object" of ethics has to be politically collectivist: those are distinct issues. (After all, Hegel was no socialist.<sup>11</sup>) So to get from Hegel's ethics to collectivism must rely upon several further steps, none of which could have been necessary.<sup>12</sup> Furthermore, this method of historical explanation is caught in a paradox. If we say that B was *bound* to take A's thought in a particular direction, then we must be at a loss to explain why A himself did not take it in that direction.

In terms of historical causation, then, any system of ideas could have

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*The wing of Social Democracy which led to Bolshevism stamped out Kantian influences in favor of Marxian materialism, with its striking similarity, in metaphysics, to Objectivism.*

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been developed in many alternative ways,<sup>13</sup> and it is always wrong to claim that a system of ideas which found adherents at one historical period was bound to lead "by necessary steps" to a different system of ideas which was able to win adherents at a later period. A historical claim of this sort is not just mistaken in a particular case: it can never be correct in any instance.

The Objectivist theory that the courageous 18th-century libertarian thinker Immanuel Kant was the father of 20th-century collectivism does not look promising. □

### Notes

- 1) The same consensus view applies to a number of other philosophers, notably Plato and George Berkeley.
- 2) Kant distinguishes between "phenomena" (things insofar as they can be perceived) and "noumena" (things insofar as they are beyond sensory experience).
- 3) Kelley says that Kant's system "was modified extensively by a long line of thinkers:

Hegel, Marx, Schopenhauer, Nietzsche, and others" (46). This falsely implies a cumulative and widening Kantian influence.

Marx's metaphysics and epistemology are a development of Feuerbachian materialism, closer to Objectivism than to Kantianism. Marx's ethics is peculiar and elusive but at any rate alien to Kant's. Schopenhauer and Nietzsche were both provocative essayists and superb prose stylists who had a high regard for Kant and a fine contempt for Hegel, and who profoundly influenced political and artistic culture. Within philosophy they are both dead ends. And Nietzsche was mainly celebrated for precisely those egoistic, anti-Christian views which were taken over from him by Rand.

- 4) See Thomas E. Willey, *Back to Kant: The Revival of Kantianism in German Social and Historical Thought, 1860-1914* (Detroit: Wayne State University Press, 1978).
- 5) These are all false propositions, but we could add many true ones, for example that Malthus's population principle is unsound (in the 19th-century English-speaking world, Malthus was the chief argument against socialism), that there is progress in human history, or that traditional institutions can be changed by the application of rational analysis, with beneficial results.
- 6) Objectivists already have the challenging task of explaining how Aquinas, doctor of the medieval Church, was the father of individualism, despite the fact that 20th-century neo-Thomists like Jacques Maritain have been men of the left, or of explaining how David Hume, second only to Kant in the Objectivist pantheon of demons, came to be the chief ideological inspiration of the U.S. Constitution.
- 7) The Davos disputation of 1929, involving Martin Heidegger, Rudolf Carnap, and Ernst Cassirer, marked a watershed in 20th-century philosophy. See Michael Friedman, *A Parting of the Ways* (Chicago: Open Court, 2000). Heidegger was a phenomenologist who later gave support to the Third Reich. Carnap, one of the founders of logical empiricism, was a revolutionary socialist. Cassirer, the last of the great Neo-Kantians, was a classical liberal and author of the superb anti-totalitarian work, *The Myth of the State*.
- 8) Among other non-philosophical influences which have deeply impacted philosophical thought, an obvious example is the Protestant Reformation.
- 9) Nothing is more easily demonstrable than the overt and acknowledged influence of William James on the origins of Fascist thought. But it would be

a leap to suggest that Pragmatism helped to bring about the political phenomenon of Fascism. I don't say it would be false, but it would be a leap, and anyone who wanted to advance it as a serious thesis would be wise to spend a few years examining the historical evidence.

- 10) Kant (like Descartes and like Objectivism) accepted both physical determinism and human free will. Attempting to reconcile these, and holding that physical determinism applied only to phenomena, he supposed that individuals somehow directly apprehend the moral law in the noumenal world. This seems to be his main motive for bringing the noumena into ethics.
- 11) It is a commonplace that Hegel, though he would have furiously opposed anything like Communism or National Socialism, inadvertently helped along these totalitarian movements by his glorification of the state. In no sense was this statolatry implicit in Kantianism. Nor does it arise from any special emphasis on "society." Quite the opposite: Hegel oddly departs from the liberal tradition that society exists independently of the state.
- 12) Kelley also mentions but does not elaborate what he may hold as an independent historical path by which Kant's thought generated collectivism: Kant supposed that "reason is inefficacious" (74). This is a bizarrely misleading characterization. Presumably it refers to Kant's view that a certain class of metaphysical puzzles are insoluble because they lie outside any possible experience. Just why the view that some metaphysical questions ought to be abandoned as futile might lead to collectivist politics is mysterious. Kant's is not a standpoint which recommended itself to Marx or Lenin or Stalin (who on such matters essentially agreed with Rand and Kelley), and I am not aware of any attempt to connect the historical dots between Kant and collectivism in this way.
- 13) Kelley seems to acknowledge this fact in some of his remarks but, as I have pointed out, this amounts to ad hoc abandonment of his main thesis.



"The computer thinks you're malingering."

*The Savage Wars of Peace: Small Wars and the Rise of American Power*, by Max Boot. Basic Books, 2002, 428+XX pages.

# Kipling for Moderns

Clark Stooksbury

In *The Savage Wars of Peace*, Max Boot makes perhaps the clearest-cut call for American imperialism since Rudyard Kipling, from whose poem, "The White Man's Burden," he takes his title. Boot examines U.S. military encounters from the Barbary wars in the early 19th century to the bombing of Yugoslavia in 1999 and includes a small-war analysis of our disastrous big war in Vietnam. Anyone who had American history in high school has at least heard of the Barbary wars, the Spanish-American War, and the Boxer Rebellion, but probably knows little about them. Boot fills in the blanks and dredges up numerous U.S. interventions that your high school teacher never heard of.

He begins his story in 1804 with a raid to recapture a ship taken by the pasha of Tripoli and liberate its crew, imprisoned by the same.

After winning independence, the United States followed the policy European powers used in the Mediterranean: it paid off the Barbary states along the northern coast of Africa. But Americans were not comfortable paying tribute ("Millions for Defense, but not one Cent for Tribute!" was the rallying cry) and when the pasha of Tripoli abrogated its 1796 treaty with the United States (which, the pasha decided, did not include enough money) and declared war on the United States in 1801, President Jefferson decided to respond militarily. Boot details the exchanges between the Navy and the Barbary states and exam-

ines the people involved, most notably Stephen Decatur. Boot however, feels the need to stretch the exploits of Decatur and the U.S. Navy to meet his needs, claiming that the naval hero had helped set America on the path to becoming the "world's policeman, the protector of commercial shipping, and upholder of international laws against piracy and other transgressions," when Decatur was actually involved in protecting American shipping and interests in one particular area. Policing the world was still a few decades down the road.

## The White Man's Burden

The heart of *Savage Wars* covers the period from 1898 to 1941, which was the golden age of America's small wars. The major event of 1898 was the Spanish-American War. Look at the typical Spanish-American War monument and you see the dates 1898-1902. Actually, the U.S. defeated Spain rather handily in a few months. The monuments should be amended to read "Spanish-American War 1898-1898." The war that occurred from 1899 to 1902 was to conquer the Philippines, whose people weren't any happier as part of the American empire than as part of the Spanish empire. After defeating Spain, the United States took control of Cuba, Puerto Rico, and the Philippines. The decision to annex the Philippines was hotly controversial. President McKinley decided to pursue annexation after prayerful reflection led him to conclude that it was his duty to "uplift [the Filipinos] and civilize and Christianize" the Roman Catholic

country. This crusade was the costliest, and the largest of the small wars that Boot describes. American military personnel lost 4,234 dead and 2,818 wounded. The cost to the Filipinos was much higher. They lost some 16,000 soldiers and 200,000 civilians out of a population of 7 million. Boot rationalizes this slaughter by stating that, "it is not surprising that in such stressful circumstances U.S. soldiers did not always observe the Marquis of Queensberry rules," and brings up allied atrocities in World War II. But he misses the point. The U.S. was the aggressor in the Philippines, and no amount of road building and hospital construction can change that. At least the allies in the Second World War could say that the war crimes they committed were to *repel* aggression.

Boot is also concerned about applying modern standards of morality to the actions of the past. "Then too it is not entirely fair to apply twenty-first century morality to the actions of nineteenth-century soldiers." Fair enough. Let's see what some contemporary commentators had to say. Boot quotes Mark Twain commenting on the war in the Philippines by suggesting that the

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*Boot doesn't consider the possibility that democracy won't grow everywhere the U.S. plants its seeds, or that Marines might not be its best cultivators.*

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American flag be redesigned with "the white stripes painted black and the stars replaced by the skull and crossbones." Republican senator George F. Hoar of Massachusetts criticized the war in the Philippines in these terms:

We crushed the only republic in Asia. We made war on the only Christian people in the East. We converted a war of glory to a war of shame. We vulgarized the American flag. We introduced perfidy into the practice of war. We inflicted torture on unarmed men to extort confession. We put children to death. We established reconcentrado camps. We devastated provinces. We baffled the aspirations of a people for liberty.



(Sen. Hoar was not mentioned by Boot.)

### A Savage Warrior . . .

If there is a central figure in *Savage Wars*, it is Smedley Butler. Butler joined the Marine Corps as an officer in 1898 when he was 16. He participated in most every small war that Boot chronicles from the turn of the century until he retired in 1931, including the Philippines war, China (twice), Nicaragua, Honduras, Mexico, and Haiti.

Perhaps the most notorious of these invasions began in Haiti in 1915. The U.S. sent troops to restore order, hold off European influence and protect U.S. business interests. They stayed until 1934. The fighting was not particularly intense and the U.S. Marines put more effort in what we might now call nation building. Smedley Butler helped establish a joint Marine and Haitian police force called the Gendarmerie d'Haiti. He was also instrumental in having Haiti adopt a new constitution that allowed for foreign ownership of land and endorsed U.S. occupation. The assembly that was elected in American-supervised elections balked at endorsing the constitution so Butler forced the American-installed president to dissolve the legislature. When the constitution was submitted to a plebiscite, the overwhelmingly illiterate Haitian electorate approved it with near unanimity.

The only problem Max Boot sees in our Haitian adventure was that it did not go far enough. He credits the operation with keeping European influence out, but acknowledges that efforts at uplifting the Haitians ultimately failed because we didn't stay long enough. The occupation lasted 19 years — whether we should have stayed 38, 57, or 76 years he does not say. He doesn't consider the possibility that democracy won't grow everywhere the U.S. plants its seeds, or that Marines might not be its best cultivators.

A similar result occurred after two separate occupations of Nicaragua between 1910 and 1912 and then again from 1926 to 1933. The Marines built infrastructure and established a National Guard and supervised elections that Boot characterizes as fair, although the concept "fair elections" is

dubious in a country that is occupied by a foreign power. When the Marines left, Anastasio Somoza took over the National Guard and the rest of the country a few years later. Once again, the only problem that Boot sees in U.S. intervention was in a failure to go far enough.

### . . . For Peace

To oversimplify a little, Boot's purpose is to glorify small wars and to get the U.S. into more of them. Yet his hero, Smedley Butler, denounced mili-

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*Savage Wars is as enjoyable and entertaining as an apology for imperialism can be. Boot never met an intervention that he didn't like and he wants the U.S. to get into ever more of them.*

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tarism and U.S. imperialism after his retirement from the Marine Corps and called himself a "military isolationist." Boot devotes a few paragraphs to the anti-war Butler after devoting dozens of pages to the warrior. He cut the heart out of what is perhaps Smedley Butler's most famous statement about his military career, so I will flesh it out a little. The former Marine wrote in a socialist magazine called *Common Sense* in 1935:

I helped make Mexico and especially Tampico safe for American interests in 1914. I helped make Haiti and Cuba a decent place for the National City Bank boys to collect revenues in. . . . The record of racketeering is long. I helped purify Nicaragua for the international house of the Brown Brothers in 1909-1912. I brought light to the Dominican Republic for American sugar interests in 1916. I helped make Honduras "right" for American fruit companies in 1903. In China in 1927 I helped see to it that Standard went its way unmolested. . . . Looking back on it, I feel I might have given Al Capone a few hints. The best he could do was to operate his racket in three city districts. We Marines operated on three continents.

Boot makes several references to business interests playing a role in

driving U.S. interventions. He states that U.S. "government officials did not view [intervening abroad to protect American and European business interests] as a subsidy for profiteering. They saw it as a protection of property rights, the cornerstone of civilization." But this explanation doesn't fly. Sending the Marines to a banana republic to serve the interests of United Fruit amounts to a taxpayer-funded insurance policy. Also, there is no record of the military intervening to stop U.S. business interests from violating the rights of the natives. In fact, as Boot reports, the U.S. Supreme Court ruled during the Philippine War "that the Constitution doesn't follow the flag and that the U.S. could govern foreign peoples without giving them citizenship and all of its attendant rights."

Boot dismisses Butler's 1935 book, *War Is a Racket* as a "very short, very crude exposition of an economic determinist viewpoint which held that all wars, whether the occupation of Haiti or World War I, were launched by capitalist cabals for their own benefit." There is some merit to this characterization — Butler named names and gave facts and figures to justify his thesis — but he fails even to consider the benefits of war to the political class. What president ever achieved "greatness" without a war? In Butler's era, American intervention was often motivated by high sounding notions such as McKinley's desire to "Christianize" the Philippines or Woodrow Wilson's desire to "teach the South American Republics to elect good men."



"Not even coveting? — No offense, but we're going to end up as a really neurotic ethnic group!"

Boot concludes that Butler's pacifist Quaker roots reemerged in his retirement. Butler, however, had these concerns fairly early in his military career as is evident in a 1910 letter to his parents from Nicaragua in which he states "that the whole revolution is inspired and financed by Americans who have wildcat investments down here and want to make them good by putting in a Government which will declare a monopoly in their favor."

### Lay Down the White Man's Burden

*Savage Wars* is as enjoyable and entertaining as an apology for imperialism can be. Boot never met an intervention that he didn't like and he

wants the U.S. to get into ever more open-ended, low-intensity conflicts. One has to wonder why he bothers to go to all this effort. Isolationism is unthinkable among the political-bureaucratic-journalistic elite that establishes the boundaries of acceptable thought in this country.

There is no sign that the U.S. will slow its rate of foreign intervention, even assuming we ever win the "War on Terror." For more than a century our country has heeded the words of Rudyard Kipling:

Take up the White Man's Burden  
Send forth the best ye breed  
Go, bind your sons to exile  
To serve your captive's need. □

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*What Government Can Do*, by Benjamin I. Page and James R. Simmons. University of Chicago Press, 2000, 409 pages.

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# The Miracle of Government

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Barry Loberfeld

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"Those who do not know their opponent's arguments do not completely understand their own." There's a lot of truth in that adage, and free-marketeers looking to test their grasp of the case for laissez faire won't find a better place to find such arguments than in *What Government Can Do*, by Benjamin I. Page and James R. Simmons (University of Chicago Press, 2000, 409 pages). This articulate compendium of political and economic arguments for state intervention is the work of not one but two professors of political science, Benjamin I. Page of Northwestern and James R. Simmons of the University of Wisconsin, Oshkosh (b'gosh!).

My personal favorite is a political argument: "It would be rather peculiar to attack the legitimacy of any and all government 'interference' with the private economy when government action makes such an economy possible"

(page 36). Using this reasoning, we would be remiss to protest government interference with the free exercise of religion since "government action" protecting freedom of religion is what makes such free exercise possible in the first place.

For a taste of the authors' economic argumentation, sample their discussion of the minimum wage. Both are aware of the economic objections to the minimum wage — that it increases unemployment — and of nothing more. So they cite the now-infamous 1994 Card-Krueger study ("[u]sing careful econometric techniques") successfully refutes the "conventional wisdom." That study did no such thing.

For one thing, its methodology was flawed. For a study to gauge accurately the effect that an increase in the minimum wage has on employment, all other factors that affect the employment rate have to remain constant. This just doesn't happen in the real world. The fact that the increase

pushes the employment rate down doesn't mean that there isn't at the same time other, possibly stronger, economic forces pushing upward. The Card-Krueger study made no effort to examine these other factors. Not surprisingly, better-conducted research arrived at conclusions opposite to Card and Krueger's.

*What Government Can Do* is in its way the inverse doppelgänger of *Beyond Politics: Markets, Welfare and the Failure of Bureaucracy* by William C. Mitchell and Randy T. Simmons. Mitchell and (this) Simmons are also political science professors, but ones who had their views of the relationship between market and state radically changed by the insights of the Public Choice school of economics. But Buchanan and Tullock don't make an appearance in *What Government Can Do*, and neither do Mises and Hayek (except for a spare footnote). However, the authors do find it to their advantage to quote Milton Friedman. "We may want government to do something to help the poor or to reduce inequality. Even Milton Friedman has taken this point. *Capitalism and Freedom* ... expressed openness to an extensive income-redistribution program in the form of a 'negative income tax'" (43). And, later, they write: "Choice-based

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*Using the authors' reasoning, we would be remiss to protest government interference with the free exercise of religion since "government action" protecting freedom of religion is what makes such free exercise possible in the first place.*

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policy alternatives might conceivably include completely abolishing public schools and letting private markets do the job, but that idea has been rejected as too extreme (or at least not politically feasible) even by Milton Friedman" (185).

The lesson couldn't be clearer: any concession to statism in part is a concession to statism in principle. □

## Immigration, from page 40

family about seven years' income, not to mention the travel time and the dangers of the trip. It's easier these days.

Deng Xiaoping famously remarked to Jimmy Carter that America is still at least a sea voyage or an air trip from the largest mass of population on earth. Where I live, it's an overland trip of a week on the Trans-Siberian railroad. When Chinese first started to come to Hungary in large numbers about ten years ago, the government reacted by making each family from China sign an agreement to have only one child while they are living in the country. Poland and other countries in the region have similarly limited entry from China.

Is this an unconscionable violation of their rights? Poland is the size of New Mexico and has a population of about 38 million. How many people could China send here in a year? A decade? Is it wrong for Hungary or Poland to try to keep their country for themselves? Is it wrong for us? Are the questions equivalent?

The Kingdom of Hawaii allowed (or could not prevent) unlimited immigration of laborers to do the plantation work the native population was not willing to do. There is no Kingdom of Hawaii anymore. Good for us, but the native Hawaiians may not see it that way.

Some of our friends in Lithuania are concerned about the presence of a large Russian population in their newly independent country, and are not very comfortable with a fair-sized population of ethnic Poles either. After regaining their long-desired independence, they wonder whether their fate is to become a political appendage of a resurgent Russian Empire or a new dynamic Poland.

Sometimes I despair of the short-sightedness of the policy of keeping so many visitors out of our country. We have a chance to gain cultural hegemony over the world without firing a shot, by exposing as many foreigners as possible to our way of life. Yet, in this age of cheap mass transportation we could possibly be swamped by invaders too numerous to assimilate. And the fact is that any conceivable measures we could take may only slow down the process.

Experience has shown that people overwhelmingly prefer to live their lives in the environment they grew up in when the conditions are at least bearable. I have noticed over the past ten years that Poles are no longer anxious to leave Poland in large numbers

now that the country has become a much more pleasant place to live. Those that do leave for professional reasons have a much greater likelihood of returning. Our future may be a race to Americanize the world before the world descends en masse on America. □

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### Portland, Ore.

A breakthrough in international misunderstanding, from the Associated Press:

Muggins the Clown is going to Afghanistan on a goodwill mission. Muggins, executive director of Clown Interactive Programs, said, "My research has shown that it's very possible that Afghanistan's culture is beginning to lose its connection with humor. We want to reconnect and reintroduce humor."

Muggins plans to tone down his act. "Instead of going into the reds and yellows and chartreuse greens that make you look like a neon sign, I'll wear blues and softer colors," he said.

### Surrey, U.K.

An avicultural note in the *Daily Mail*:

The oldest bird in England is Charlie, a 103-year-old macaw belonging to Peter Oram. Charlie was once owned by Winston Churchill, who taught him to swear.

### Grand Rapids, Mich.

Aneisha Howard, a 27-year-old Toyota sales consultant and mother of three, explains how she made friends by mail with John Gotti, as reported in *The New York Times*:

The act of revealing her most sacred thoughts to a stranger, who also happened to be a convicted murderer and Mafia boss, never spooked her, Mrs. Howard said. People told her she was crazy. She told them that Mr. Gotti never pulled the trigger; he just arranged the killings. "I never focused on the fact that he was this mass-murderer guy," she said.

### Lithuania

Easing highway safety standards in Eastern Europe, as reported by *The New York Times*:

As part of Lithuania's bid to join the European Union, the health ministry has dropped requirements that women undergo a gynecological examination before being issued a driver's license.

### Berlin

A great setback in the freedom of press, from the *Washington Post*:

A German court yesterday banned the media from suggesting that Chancellor Gerhard Schroeder dyes his hair

### New Zealand

Antipodean cultural note, from the *New Zealand Herald*:

The New Zealand film awards have been canceled because of a lack of films.

### Bolton, U.K.

Dispatch from the war against job discrimination, from the *Bolton Evening News*:

A government job agency has asked firms to rewrite ads asking for "friendly" applicants because they are discriminatory.

### Leon, N.Y.

Juvenile delinquency rears its ugly head in Amish country, from *The Buffalo News*:

Three young Amish men have been charged in a late-night race that left a buggy smashed and a horse dead.

### Frontenac, Mo.

Tough law enforcement in the Show Me State, reported by *The Saint Louis Post-Dispatch*:

Pez candy dispenser collectors moved their annual convention from Frontenac after an undercover police officer busted a teen who sold a \$3 "Star Wars" pez dispenser without a merchant's license.

### Slidell, La.

Taking a bite out of crime, as reported in the *Times-Picayune*:

A man accused of stealing a Krispy Kreme delivery truck and leading police on a 15-mile chase as doughnuts tumbled out the back was arrested Monday after he tried to ram a patrol car while fleeing sheriff's deputies. Said police spokesman Lt. Rob Callahan, "this is a sobering reminder that police officers put their lives on the line whenever they initiate a pursuit."

### Kalikavu, India

Soccer hooliganism strikes in the home of non-violence, from *Sify News*:

A protest march by people in Kalikavu, Malappuram, turned violent when soccer fans stormed the Kerala State Electricity Board offices in protest of frequent power failures during the World Cup.

### Opa Locka, Fla.

A federal judge recognizes a defendant's constitutional rights for once, as reported in the *Miami Herald*:

Accused drug dealer Roderick B. Carter won a new trial because the jury pool in his original trial contained too many people whose last names start with the letter "G," including six Garcias, two Gomezes, two Gonzalezes, and two Guerras.

Quoting William Shakespeare and the telephone book, defense attorney David O. Markus persuaded a federal judge that the panel violated Carter's Sixth Amendment right to a jury comprised of his peers.

### Ocean City, Md.

The high cost of sexism to our economy, from the *Baltimore Sun*:

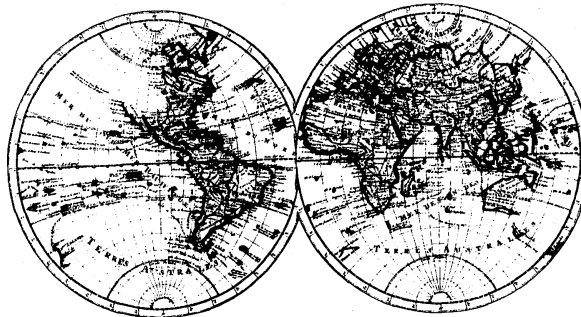
Frank J. Lula Jr. has filed a \$500,000 lawsuit against Maryland State Police alleging that he was wrongfully arrested during a traffic stop because he called a female trooper "Hon."

### Beijing

A setback in the progress of aromatherapy, as reported by the *South China Morning Post*:

A Chinese state company has given up its plan to perfume Beijing's streets with air freshener.

## Terra Incognita



Special thanks to Bruce Ramsey, Russell Garrard, Jacob Lapp, and Owen Hatteras for contributions to Terra Incognita.

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



# Military Tribunal Rules Violate the Rule of Law

by Sheldon Richman

The government giveth and the government taketh away. Sometimes it does so simultaneously.

When the Bush administration announced it would hold military tribunals for captured Taliban and al-Qaeda members, concern about the un-America nature of the proceedings were so loud the Pentagon was forced to go back to the drawing board to fine-tune the plan. When the modified rules were released recently, some critics breathed a sigh of relief. Even congressional critics were muted.

The *Los Angeles Times* editorialized that the new rules "moved the adjudication of the cases closer to this nation's ideals, including the rule of law." The *Wall Street Journal* gloated that the critics should have waited, thus avoiding the egg now on their faces: "With the Pentagon's release yesterday of the tribunal

regulations, the critics look more out of touch than ever."

Well, not so fast. The same day that the *Journal* ran that editorial, the papers were carrying the latest news from the administration. The *New York Times* reported that the detainees may be held indefinitely — even if they are released in a military tribunal.

Let that sink in: acquittal would not mean release. Why? Because these are "dangerous" people, Pentagon lawyer William J. Haynes II says. How's that for a commitment to "this nation's ideals, including the rule of law." It appears the critics of military tribunals were not premature in voicing their concerns.

All this makes Defense Secretary Donald Rumsfeld look a little silly when he says, "If one steps back from examining the procedures provision by provision and instead drops a plumb line down through the center of them all, we believe that most people will find that, taken together, they are fair and balanced and that justice will be served in their application."

Government spokesmen

intone about incarcerating violent people for the "duration of the conflict." The trouble, of course, is that "the conflict" refers to an open-ended war against a nebulous abstraction: terrorism. The government is thus claiming the authority to hold acquitted persons until they die and are therefore no longer dangerous. This is not something I identify with the American Way.

Very little about this war would satisfy the nation's Founders. It's either checks and balances or blank checks. We can't have it both ways.

Ah, but we want it both ways — the ways of empire and the ways of constitutional republic. Sorry, it can't be done. Bush acknowledged that implicitly when he refused to ask Congress for a formal declaration of war. Majority Leader Tom Daschle did the same when he said Bush would not need congressional authorization to attack Iraq.

And the president left no doubt when he announced in his state of the Union address that what began as a narrowly defined effort to stop terrorism aimed at the American peo-

ple had mutated into a campaign to rid the world of all evil no matter where. The "axis of evil" figment, ridiculed from so many quarters, is correctly interpreted as an imperial program pure and simple. Without evidence that Iraq, Iran, and North Korea had anything to do with the September 11 attacks, they are now on the list of "next targets." Why? Because they may be trying to develop weapons of mass destruction. And what of those nations that already have such weapons — India, Pakistan, China, Russia, Israel? And those authoritarian allies that oppress their own people? Morocco, Egypt, Saudi Arabia, Turkey, ad infinitum? We overlook that.

By now you might have the impression that foreign policy is cynicism writ large. You'd be right.

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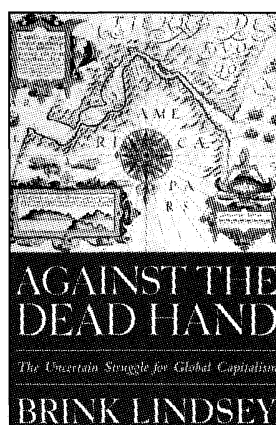
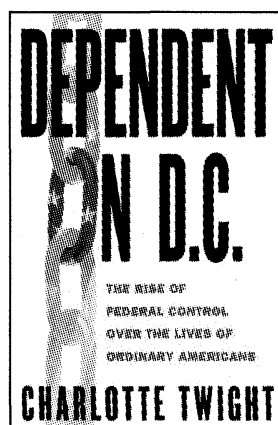
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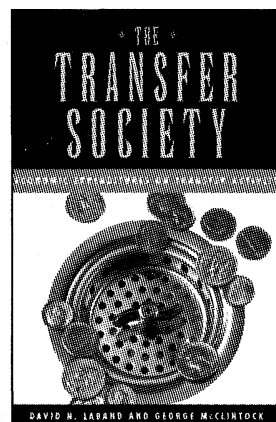
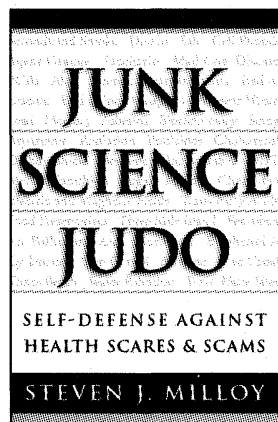
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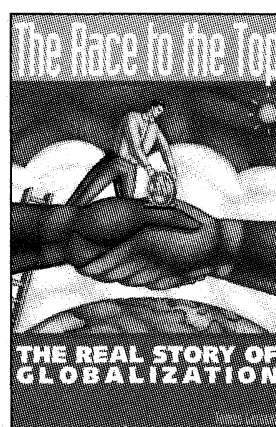
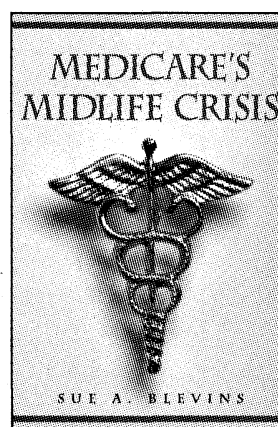
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