

Liberty

December 2002

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All Power
to the
President?

Environmentalism in Flames

by Robert H. Nelson

Deutschland Unter Alles

by Oliver Becker

The Use and Misuse of Cultural Relativism

by William H. Tonso

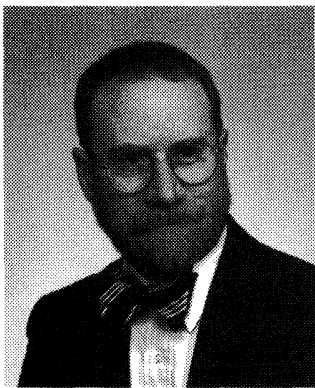
Reports of My Death

by Stephen Cox

Also: *Timothy Sandefur* reignites the flames of the Civil War, *J. C. Lester* and *Kyle Swan* rekindle the debate about anarchism, *Richard Kostelanetz* learns the importance of making the right enemies . . . plus other articles, reviews & humor.



"By the sword we seek peace, but peace only under liberty." — motto of Massachusetts



Fiscal Force by Sheldon Richman

"I know ev'rybody's income and what ev'rybody earns; And I carefully compare it with the income-tax returns."

— W.S. Gilbert, *Princess Ida*

April is the cruelest month, for reasons other than what T.S. Eliot had in mind. This is the month in which you must account for yourself to Caesar. The authorities, having relieved you of a goodly portion of your earnings before you even caressed the bank-notes, now demand you show cause why you should not remit still more.

And in further demonstration of the principle that the citizen in this beloved democracy is the master and the government the mere servant, you are requested to affix your signature 'neath these calming words: "Under penalties of perjury, I declare that I have examined this return and

accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete."

Those who find such threats — sorry, I mean words — unduly harsh have clearly not visited the friendly IRS website. There you will find much useful information, including the "truth about frivolous tax arguments." These are the sundry claims that no American citizen is legally obliged to pay the income tax. The IRS apparently feels it is necessary to educate any American who labors under the delusion that he may not be deprived of his property against his will.

The first "frivolous argument" is that filing an income tax return is voluntary: "Proponents point to the fact that the IRS itself tells taxpayers in the Form 1040 instruction book that the tax system is voluntary." Considering the source of the argument, it might seem something more than frivolous. But, alas, the government subscribes to the Humpty-Dumptyan philosophy of language found in Lewis Carroll's *Through the Looking-Glass*: "When I

use a word,' Humpty Dumpty said, in a rather scornful tone, 'it means just what I choose it to mean — neither more nor less.'"

As the IRS explains, "The word 'voluntary,' as used in *Flora* [v. United States] and in IRS publications, refers to our system of allowing taxpayers to determine the correct amount of tax and complete the appropriate returns, rather than have the government determine tax for them."

That, I submit, is a most peculiar definition of "voluntary." My *American Heritage Dictionary* has a rather different take on the word. Its primary definition is: "Arising from or acting on one's own free will." The second definition includes the words "done willingly." But that's not what the IRS means at all. By "voluntary" it means: Volunteer or else!

If filing is not voluntary, how about actually paying the tax? No dice. According to the IRS, the two go together like love and marriage. "The requirement to pay taxes is not voluntary," the website states.

Let us pause. The IRS has established, at least to

its own satisfaction, that we have no choice about filing returns and paying taxes. Failure to comply can bring fines and imprisonment. What does this prove? It proves what libertarians have been saying for eons — that taxation is theft. Here it is right from the taxman's mouth: taxation is not the price we pay for civilization; it is not dues for country-club privileges; it is not a sacred rite of democracy. It's theft — unalloyed and unabashed.

I can accept the government's theft. I don't like it, but I can live with it if I must. (What choice have I?) What I can't accept are insults to my intelligence. Memo to the IRS commissioner: Drop the word "voluntary" from your literature. We're not idiots.

But I risk frivolity, don't I? And we all know the penalty for that.

*Sheldon Richman is senior fellow at The Future of Freedom Foundation (www.fff.org) in Fairfax, Va., author of *Tethered Citizens: Time to Repeal the Welfare State*, and editor of *Ideas on Liberty* magazine.*

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Letters

A Waste of Energy

After reading the articles about all the political squabbling at the Libertarian Party convention (September), I only have this to say: too many libertarians waste their time and energy on endless debate and petty personal battles that could be better spent advancing the cause of freedom. I prefer to fight the fascists and not my fellow libertarians.

Paul Talbott
Minneapolis, Minn.

Rudy the Good

R.W. Bradford wrote in the September issue (Reflections) that, "Giuliani is simply the very worst sort of person America's political system has to offer." During Rudy Giuliani's eight years as mayor of New York City:

- The 8.25% sales tax on clothing costing less than \$110 was eliminated. New Yorkers now shop for clothes in New York City instead of New Jersey, Westchester, or Long Island.
- The 6% commercial rent tax in the Bronx, Queens, Brooklyn, Staten Island, and Manhattan north of 96th Street was eliminated. It was lowered to 3.6% for businesses below 96th Street.

• Metrocards were introduced for mass transit riders (unlimited rides for 1-day, 7-days, 30-days) saving bus and subway riders hundreds of dollars annually.

• The number of murders was lowered to less than 700 each year from more than 2000 each year.

• New York became the city with the lowest crime rate out of nine cities with populations of more than 1 million.

• A law was passed restricting XXX-strip clubs and movie theaters to more than 500 feet away from residences and houses of worship. This has cleaned up Times Square, which has had a building boom and a vacancy rate of less than 1%.

• People who urinated in the street or squeegeed your car window without

your permission were given summonses.

• The number of tourists and theatergoers to Broadway plays has increased steadily and has broken all records.

• The garbage dump on Staten Island (where I live) was closed.

It is obvious that Bradford does not live in New York City.

Joseph McNiesh
Staten Island, N.Y.

Freedom and Value

As a Christian, I believe that abortion is (almost always) morally wrong, but as a libertarian I believe that a woman should (almost always) have "the right to choose." I believe that prostitution is wrong because of the harm it brings to both buyers and sellers, but also believe that it should be legal. Am I being inconsistent?

No.

Thank you, Todd Seavey ("Freedom of Choice, Cigarettes, and Thomas Szasz," October), for the reminder that liberty is more about the rules of the game than it is about viewpoint.

John G. Cartledge
Allentown, Penn.

Johnny Jihad

If the intention of George W.C. McCarter's piece on "The Case of Johnny Jihad," (October) was meant to make me feel sorry for John Walker Lindh he failed miserably.

According to McCarter, "Lindh went to Pakistan, and then Afghanistan, for entirely idealistic reasons." So what? That somehow makes it okay — "Sorry, I was just an idealist, please forgive me." How many communists, National Socialists, fascists, and fundamentalists of all religious faiths could say the same thing? Does that make them guilt free? There is a big difference between writing pamphlets for an unpopular cause and joining an armed group of thugs who openly demand the deaths of Americans in service to Allah! Lindh

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was not some innocent victim, simply trying to do the right thing as he saw it, he was or is a traitor. To use a standard dictionary definition, "treason" is, "the offense of attempting to overthrow the government of one's country or of assisting its enemies in war."

McCarter conveniently forgets that bin Laden declared war on the U.S. years ago. That Lindh met with bin Laden, on friendly terms, and willingly chose to take up arms with bin Laden's allies. You can argue about his "idealistic" motives till he gets out of prison, but why should anyone care? Maybe he only went to Afghanistan because he wanted to live in a society where he could beat women freely, who's to say, what we do know is that he was hanging out with people whose stated goal was the destruction of the U.S. (with a rifle and grenades in hand!). So what if "John Walker Lindh never attacked the United States"? It is ridiculous to say that, "the United States and its surrogate, the Northern Alliance, attacked him." The kid didn't trip one day in California and stumble into the Taliban on the other side of the globe! The U.S. military, and our local help, attacked the terrorists and the regime that supported them. How is it unreasonable to hold Lindh responsible for being a part of that regime? McCarter rhetorically asks, "What was Lindh suppose to do at that point, resign?" as if the answer was an obvious "no." Let's see, if you joined a group of fanatic collectivists who hate the U.S. and you just learned that they have attacked the U.S., targeting civilians, the correct thing to do would be: a) Stay true to your ideals and stand with your new friends, or b) Come to your senses and refuse to support these barbarians any longer? McCarter seems to be making a case for the old "I was only following orders" defense, in slightly new packaging. Unfortunately for him, such a plea is never valid.

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.

Mail to: Liberty Letters, P.O. Box 1181, Port Townsend, WA 98368. Or email to: letterstoeditor@libertysoft.com.

From the Editor . . .

I have received a fair number of emails wondering why *Liberty* hasn't been more critical of the post-Sept. 11 war on terrorism, the U.S. invasion and occupation of Afghanistan, and the war that the president promises us in Iraq. I see similar criticisms of *Liberty* in discussions on the Internet. My first thought was that our critics are simply mistaken, that some of the most trenchant criticism of these wars has appeared in our pages. But I don't think the critics mean to denigrate the anti-war writing that has appeared in these pages. I think what they find troubling is the fact that we've also published a fair amount of writing that generally supports, or is at least sympathetic to, the war on terror and the invasion of Afghanistan. And I have to say that I share some of the critics' concerns.

I have passionately opposed the invasion of Afghanistan and practically every measure purported to fight terrorism at home, not to mention the all-but-undeclared war against Iraq. And it troubles me that, at least in the case of the first two of these, a good many libertarians are not in opposition. It troubles me more that this applies to some of the people whose intelligence and judgment I respect the most. I wish they'd agree with me and write stuff for *Liberty* that agrees with me.

I have, however, continued to publish their writing. From its get-go, *Liberty* has sought to publish good writing of particular interest to libertarians, and this most certainly means that we try to publish as wide a variety of intelligent libertarian opinion as we can. I am committed to maintaining that policy.

It hasn't been easy in this case. The reason, I think, is that this is the only time I can recall that a good number of intelligent libertarians have disagreed with me about an important current issue on which I believe the proper libertarian vision (by which I mean, of course, my opinion) is so manifestly obvious. There have been moments when I have been tempted to put *Liberty* on an anti-war crusade. Why in the world, I wonder, should I publish anything on the subject that doesn't blast the insanity of the wars, the perniciousness of the Bush administration, and the growth of state power in the name of protecting us from terrorists?

A couple weeks ago, I read Christopher Hitchens' column in the Oct. 22 issue of *The Nation*. It was his swan song. He announced that he was quitting *The Nation*, because it would not tolerate his support for Bush's coming invasion of Iraq. When he had begun his column more than 20 years ago, he explained, *The Nation's* publisher had described the magazine as "a debating ground between liberals and radicals," but now that "the magazine itself takes a side in the argument, and is becoming the voice and the echo chamber of those who truly believe that John Ashcroft is a greater menace than Osama bin Laden" it seemed "false" to continue his column in its pages.

After reading that, I was thankful I hadn't surrendered to my temptation. Hitchens was the very best writer in *The Nation*, one of the few reasons to read that generally tediously leftist magazine. His loss to *The Nation* is tremendous.

It's not that I think that writers like Steve Cox and Sally McCarthy would quit writing for *Liberty* if *Liberty* were to go on a anti-war crusade. It's that their writing is some of the very best that has ever graced our pages. And that includes their writing that sympathizes with or defends the wars. And, despite the fact that they arrived at different conclusions than mine, their writing remained infused with the love of liberty and of life that lies at the heart of this enterprise.

That would not keep me from being pleased if no one submitted any defenses of the Bush's theory that he should be able to initiate a war against any country that he believes may be planning to harm the U.S., without even explaining to anyone why he believes that country is up to no good.

R. W. Bradford

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Lindh was not an innocent victim of the system. He did not get railroaded by the Man and he is certainly not a "political prisoner." If joining the army of a totalitarian state that harbors and supports terrorists who have declared war on the U.S. is not an act of treason, what is? Just because he wasn't caught firing upon his fellow Americans, just because he didn't make it back to America with a bomb or some chemical weapons under his coat to carry out more slaughter does not mean that there was a lack of "*mens rea*, or guilty intent." Lindh did not make the choices he made because he supported the principles of "life, liberty and the pursuit of happiness," and he doesn't deserve to walk no matter how you spin the facts. The bottom line is: He got off light!

Jamie Lambert
Denton, Tex.

McCarter responds: The writer mentions "spinning the facts," which is precisely what he has done, and quite ably from his point of view. He believes that "the friend of my enemy is my enemy," and he declines to consider the facts pre-Sept. 11, when Lindh joined the Taliban. Lindh went to Afghanistan, not to injure the United States, but to support the Taliban's fundamentalist regime against domestic opponents. Naive and irrational as that decision may have been, it was not criminal in any moral sense. Had Lindh been apprehended on Sept. 10, I doubt even John Ashcroft or the writer would have demanded a sentence of 20 years.

We Didn't Start the Fires

Randal O'Toole ("Living With Fire," October) appears to have targeted Political Economy Research Center (among others) when he wrote that "a number of free-market think tanks have joined the fray on the side of the timber industry, effectively but ironically going on record in favor of giving the Forest Service more money and power." If this is directed at PERC, it is an error. The Forest Service has proven to be a poor land steward at great fiscal cost. In numerous articles, I have recommended that the Forest Service "and all federal land agencies" decentralize land management and harness market forces to pay expenses. PERC board member (and Nobel Prize winner) Vernon Smith and PERC executive director Terry Anderson have gone even further, rec-

ommending privatization of the nation's public lands.

O'Toole seems to be arguing against what he calls the "excess-fuels" theory, the view that a major cause of the vast fires that have plagued the West in recent years is a build-up of fuel because fires have been suppressed. However, he never explains what is wrong with this theory. In fact, he states that this is exactly what happened in the South in the 1920s. Forest Service policies led to "a huge accumulation of fuels that resulted in catastrophic wildfires in the 1930s."

This is surely the case in the West. Fire suppression has changed the ecological structure of many forest environments. Forests have become densely choked with spindly trees that compete for moisture, nutrients, and sunlight. In these forests, fire quickly burns the lower bark and climbs the ladder of fuels to the tree crowns. The accumulation of fuels has come about both because of natural growth in the face of fire suppression and also through past logging practices, which left piles of wood after harvest. In times of drought, these accumulated fuels have increased the risk of hot, stand-replacing fire.

What seems to bother O'Toole is that the Forest Service is using the "excess fuels" theory as a budget-enhancing ploy to obtain more money for fighting fires. This may be true. However, the Forest Service's bureaucratic preferences do not invalidate the claim, supported by strong evidence, that the way to control the fires is to remove excess fuels, thin forests, and conduct prescribed burns, at least in certain forest types. If the government does not do this, then nature will take its course. O'Toole seems content to let that happen. He says approvingly that "many fire ecologists think that the best

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Errata

Mark Skousen became president of the Foundation for Economic Education on Sept. 1, 2001, not on Dec. 5, as reported on p. 18 of *Liberty's* November issue. And Ron Paul attended the 1991 Libertarian Party convention, contrary to what was reported on p. 10 of *Liberty's* July issue. Thanks to readers who pointed these errors out.

Reflections

Open and shut case — I'm glad the D.C. Park police (of Vince Foster fame) didn't investigate the D.C.-area sniper deaths. If they did, they might just have concluded they were all suicides.

— Chris Henderson

Maximizing political profits first — New York's Republican governor George Pataki may have authorized the most cynical and misleading political advertisement of any modern campaign. The voiceover in a Pataki radio ad announces that his Democratic opponent, State Comptroller Carl McCall, has the power to vote proxies for stock held in state pension funds. The announcer goes on to report that on hundreds of occasions McCall voted against making companies accountable for pollution and other alleged forms of corporate wrongdoing. "Carl McCall puts corporate profits first. George Pataki puts you first," the announcer concludes. Of course, what McCall actually did was exercise his fiduciary responsibility to oppose crank shareholder proposals that are routinely voted down at annual meetings. Pataki never criticized those votes when McCall made them, and there is no doubt that Pataki would have voted the same way himself had he been comptroller. But the ad makes no false statement of fact, so Pataki can probably get away with it.

— Bill McCarter

Good news for Dildos "R" Us — Among constitutional guarantees is now the right to sell vibrators or dildos. U.S. District Judge Lynwood Smith Jr. of Alabama has declared in a 78-page ruling on a case that has dragged on since 1998 that a state law banning the sale of sex toys violates a constitutional right to privacy. One wonders whether defense attorneys argued about the Founding Fathers' true intentions toward sex toys when they penned the document.

— Wendy McElroy

My Montgomery mama — Here in Alabama, our governor is so compassionate (his admirers call him "the Montgomery Mama") that the blanket of his compassion is intraspecies. I mean his zeal for diversity transcends mere humanity. This is no idle claim. I have the documents to prove it: just yesterday the governor sent Queenie — that's my cat — a letter full of threatening legalisms. The point was that she had to pony up 25 bucks and get a rabies shot. I read it to her slowly so she could grasp the Latinized legal language. "It's the law," I explained to her. She meowed back something ugly (a literal translation would be embarrassing) about the governor and the contents of her litter box. Then she tried to explain in her limited vocabulary that cats rarely get rabies.

But I think what really bugged her was the suspicion that the great benevolent lover of all species in Montgomery didn't give a damn about her. He was only afraid she'd bite

some member of *his* species and pass on her affliction. But being a human being with the ability to read, collect, and analyze information, I know the odds of contracting rabies from a cat are about the same as the odds of a Muslim winning the Republican gubernatorial primary, even if he carries 90% of the feline vote. I think the Montgomery Mama of all species just covets that 25 bucks.

— Ted Roberts

All power to the president! — In 1789, the U.S. Constitution gave Congress the power to declare war. In 2002, Congress gave that power away, to George W. Bush.

Congress succumbed to the president's theory that it is appropriate for the United States to mount a military attack on the government of another country, provided only that the president believes that country is a threat to the United States, and that the president need not explain to the American people, to Congress, or to anyone at all why he believes the nation faces a foreign threat. In the process, Congress also ceded to the president the power to take away the inalienable rights of Americans, guaranteed by the

George W. Bush now has greater personal power than any other president, including Wilson and Roosevelt, who presided during world wars, and even Abraham Lincoln, who presided during the Civil War.

Constitution, provided, again, that the president believes the country is threatened.

On the face of it, George W. Bush is the most powerful president in American history, with greater personal power than any other president, including Woodrow Wilson and Franklin Roosevelt, who presided during world wars, and even Abraham Lincoln, who presided over the Civil War, the nation's most horrible calamity by a wide margin.

He managed to get this power despite the fact that the United States faces no serious military challenge from any other nation — in fact, when the United States is by a wide margin the most powerful government in the world. No other government can even challenge U.S. military superiority. The U.S. has fought several "small" wars in the past two decades with hardly a casualty, imposing a new government in Haiti, deposing a government in Yugoslavia, expelling an occupying military force in Kuwait, working its will on most of Iraq, destroying a government in Afghanistan and installing in its place a puppet state, kept in power by an occupying U.S. military force. It has even invaded

another nation and kidnapped its head of state, hauling him to the United States and charging him with breaking an American law while outside U.S. jurisdiction, then convicting him and sentencing him to a long prison term.

George Bush has managed to do all this because a tiny handful of Islamic terrorists discovered what sensible people have always known: that people who are willing to give up their lives can kill other people. This has always been the case and it always will be. The fact has been forgotten that the government, through its inattention to airline security, its construction of a building particularly susceptible to attack by air, and its fostering an ethic of giving in to the demands of hijackers rather than challenging them, enabled this attack to succeed.

And add to the list of forgotten facts the following: that attacks like those on Sept. 11 could not succeed again because passengers and crews will not again surrender control of an aircraft to a small number of lightly armed men, that there is no evidence of any relationship between the Sept. 11 terrorists and the three nations that comprise Bush's "axis of evil" and the fact that the three nations are in no way an "axis" of anything.

All most Americans can think about, it seems, is that a handful of Muslim men killed nearly 3,000 people on Sept. 11, 2001. The threat of sudden, violent death is mesmerizing. Any response seems reasonable.

If the president needs to do away with our constitutional rights . . . well, that's a small price to pay. And if the president wants to attack another country because he says he believes it is a credible threat to us . . . well, what the hell, he ought to be allowed to do so, even if he won't tell us, or even the people we've elected to Congress, what evidence he has for doing so. After all, war isn't such a bad thing. Practically no Americans die in wars, and those that do mostly die in accidents.

It's easy to see why Congress abandoned its responsibilities and converted the president into an emperor. Most members of Congress are spineless people who are concerned mainly

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Science • Mark Skousen unearths a dramatic tale — starring everyone from Karl Menger to Karl Marx — behind the history of the much-maligned dismal science. (audio: A501; video: V501)

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 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; V506)

Who's Afraid of the Anti-Christ? • Douglas Casey takes an provocative look at the tenets of radical Islam in the wake of the Sept. 11 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 offers a single reform that will end terrorism in America forever. (audio: A508; video: V508)

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The War On Terror (Part I) • Durk Pearson, Justice Richard Sanders, David Friedman, R.W. Bradford, and Fred L. Smith, Jr. discuss how the attacks on the World Trade Center and the Pentagon will change our nation and the world. (audio: A509; video: V509)

The War on Terror (Part II) • Douglas Casey, Jeff Rigenbach, Randal O'Toole, Alan Bock, and R.W. Bradford discuss how the attacks on the World Trade Center and the Pentagon will change our nation and the world. (audio: A510; video: V510)

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)

Grassroots Organizing for Liberty • Randal O'Toole asks, Why has environmental activism been a rousing success and libertarian activism an unrelenting failure? (audio: A513; video: V513)

A Short Introduction to Libertarian Anthropology • William Merritt takes a hilarious look at differences between the sexes, how they got that way, and how the Libertarian Party has failed to exploit this valuable information. (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 non-judicial 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 intransigence in complying with their landmark legal victory. (audio: A517; video: V517)

Stalking Garet Garet • 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)

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with being re-elected. And they can all read the polls.

But I do not think the American Republic is dead. It is only sleeping. The president's support is a mile wide but an inch deep. Congress can stop the war any time it pleases, simply by refusing to appropriate the funds needed to prosecute it. The courts can declare the president's usurpations unconstitutional anytime they please. Of course, neither Congress nor the courts will intervene until people change their views, and this will probably not happen until the costs of the war become higher.

The most likely way that the American Empire will come undone is the way in which other empires have come undone: it will grow so corrupt that it cannot sustain itself.

The French and British tolerated their governments' wars of empire, which included some of the most brutal and hideous acts of terrorism in the history of the world, so long as the costs were low, so long as the wars were fought by professional soldiers and adventurers eager for spoils, so long as the people subjugated could be robbed and exploited to pay for the cost of subjugating them. Citizens of the Soviet Union tolerated their government's wars against their neighbors until the costs began to include their sons and they began to realize that their government was making their lives poor, nasty, brutish, and short. Americans were happy to prosecute the war in Vietnam until the costs got out of control, until the war began to cost them their sons, conscripted into the killing fields of southeast Asia, and began to cost them their money, through a ten percent income tax surcharge.

One thing that governments do very well is obscure the relationship between cause and effect. Like any magician, however amateur, governments are adept at misdirection. Right now few Americans have any real idea of what the preparations for war are costing them, either directly (through the taxes they pay and the depreciation of their dollar-denominated assets) or indirectly (though the

depressing effect that higher taxes have on economic activity). Americans have wasted hundreds of billions of dollars in their reaction to the events of Sept. 11, in millions of ways great and small, through taxes, through greater regulation, through malinvestment of time and money.

Sadly, the most likely way that the American Empire will come undone and the Republic restored will be the way in which other empires have come undone: it will grow so corrupt that it cannot sustain itself. Power corrupts, as Lord Acton observed, and absolute power corrupts absolutely.

America has been a singularly fortunate land, thanks to the cussedness of its people and its republican tradition. When its government has gotten out of control, the traditions of republican government and individual rights have reasserted themselves, in the wholesale dismantling of the state in the Gilded Age that followed the Civil War, the tax cuts and inactivist government of Harding and Coolidge after the Great War, the GOP's resurgence after the depression-and-war imperialism of Franklin Roosevelt, and a similar resurgence after the despotism of Lyndon Johnson's Vietnam War and "Great Society."

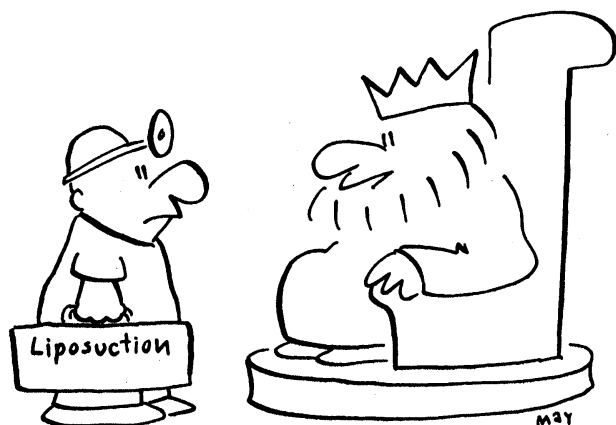
The question is when the next resurgence will happen, and how much will we suffer before it does. — R.W. Bradford

Libertarian #100019497 — The day I received my first issue of *Virginia Liberty*, the official newsletter of the Virginia Libertarian Party, I received a phone call from Marianne Volpe, the LP state chairwoman, asking me why, as I stated in my Sept. 2002 *Liberty* article, I "reluctantly joined" the Libertarian Party.

If you recall, I went to the LP convention as a reporter for *Liberty*, only to be denied a press pass by the LP's lame-duck director of communications Bill Winters, in an attempt to keep *Liberty* from covering the convention. Winters even instructed George Getz, the LP's press secretary, to make sure that I didn't somehow slip into the convention. I spoke about this with the party's chair Jim Lark, and its national director Steve Dasbach. Both said they disagreed with Winters' goofy decision, but would not overrule it. Winters suggested I join the party and purchase a convention "package." This seemed like an odd way to treat the press, and I wasn't about to be bullied into paying the party several hundreds of dollars on a "package" in order to do my job. The party's by-laws authorize any member to attend its conventions without charge, so I coughed up \$25 and joined the party.

Ms. Volpe told me that she had been under the impression that I was not reluctant about joining the party. She was aghast that my membership was not as enthusiastic as she would prefer. She could not appreciate that I was reluctant to fork over \$25 to cover an event to which I should have been admitted at no charge, reluctant to turn around and go home since I was locked into a hotel arrangement. She made it plain that she considered my reluctance to amount to fraud by misrepresentation, and refunded my dues with a stern lecture.

This raises an interesting question: if they are so worried about my joining the party to cover the event why didn't Jim Lark, or Steve Dasbach, or George Getz, all of whom



"Get over to the Bureau of the Budget and see what you can do."

were aware of my strange experience, say anything about it when I interviewed them during the convention? George Getz even shook my hand and congratulated me for joining.

At any rate, I got my \$25 back. — James Barnett

The postmaster general builds a new fortress

— There are whole universities full of economists who devote their intellectual talents to the question of how government policies affect our private lives. Marriage, parenting, housing, and occupation, they say, are all subject to monetary incentives or disincentives embodied in tax, welfare, and medical policies. Could be. I know the minute I discovered mortgage interest was deductible, I went out and bought a house, any house. And as soon as I discovered that Medicare wouldn't pay for a tummy tuck, a derriere diminution, and a reforestation of my balding skull, I canceled my appointment with Dr. Newbod and learned to love the dumpy stack of flesh and bone that holds my soul. And when I figured out that the Social Security program penalized me for earning too much money, I learned to nap in the afternoons.

But let me tell you, no government policy has so positively affected my behavior as the shiny new post office building in my town. I was there last week for a simple postal transaction and instead took a lesson in forbearance. Guess why? Because for some reason only understood by the postmaster general in faraway Washington, this new building provides poorer service than the old building.

What can we do about the postal budget except pray that the postmaster general spends our money for postal delivery trucks instead of Dom Perignon for the annual party celebrating the traditional postage rate hike?

There's not another post office next door or down the street, you know. And if you think you've spotted a marketing niche — like Henry Ford saw horseless carriages, like Bill Gates found Windows, like Hugh Hefner latched onto T&A — forget it! It's illegal. You cannot compete — first-class letterwise that is — with the U.S. Postal Service. They'll mail you 3rd-class to a federal pen with no return address in a poorly wrapped cardboard box, which they'll drop from trains, planes, and trucks every chance they get.

The U.S. government is the only monopoly that has a monopoly on the prosecution of monopolies. If Microsoft is a coercive competitor, the post office is a robber baron.

Like I say, I've learned patience and the joys of fellowship at our new post office. There's nothing you can do except stand there and chat about the ever increasing price of stamps.

Even worse there's one common line

— unlike the grocery that's incentivized to take your payment — for all three windows. You can't even have a little fun trying to guess which line gets you to the window the quickest. You're at the random mercy of chance. We're talking roulette, not blackjack. Line strategy — a concept based on scientific observation and subsequent judgment in choosing a line — is unavailable to you.

Here's a lady with a big box marked with red letters that say, "Python inside — handle with care." Okay, you can figure this out. She's returning her pet to its native Peru. Don't get behind her. This thing is gonna have to be defanged, and it's gonna take a while for the reptile orthodontist to arrive from the Lincoln Park Zoo in Chicago. Besides, with my luck this beast will wrap himself around the clerk a couple of times and they'll have to unroll him. Another lengthy transaction.

If there were multiple lines, one for each window, you would line up behind the guy holding a single white envelope without a stamp. But that common line takes all the challenges out of waiting. No alternatives, no tactical judgments; just waiting and talking about the exciting new world of commemoratives.

Besides the commemorative theme, there's a lot of complaining about the service; and angry muttering about where the post office can put its profit. Nobody's suggesting Fort Knox.

"They're raising rates again, too," says one of my line-mates. "What am I gonna do, go next door?"

But we all agree; it couldn't be the personnel. They're

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decent guys. Friendly — helpful to a fault. They've worked these windows for many years and not once have I caught them sleeping.

"It's the system, stupid," says my heart. — Ted Roberts

From gadfly to faction — The last couple of months would have been a profitable time to have a handful of publicly identified libertarians in Congress to oppose a war on Iraq. We have one, Ron Paul; and it is good we have him. But one makes a gadfly. Ten would have made a faction.

The peace party almost had Dick Armey, a former economics professor and free marketeer. Actually, we had him and lost him; and while we had him, he made a greater splash than Paul, because the majority leader is a big fish. But apparently Dick Cheney got to him.

Admittedly, libertarians are not unanimous on the question of a preventive war against Iraq. Still, probably a majority of libertarian opinion is against it, and though avowed libertarians are a small fraction of the electorate, they ought to claim at least a handful of House members.

Well, take a look. The Republican Liberty Caucus (RLC), which is trying to foment a libertarian faction in that party, ranks candidates according to the familiar Nolan chart, a two-dimensional ranking for economic and political freedom. In recent years, Paul has ranked highest of any in the House, but right behind him have been such Republicans as Jeff Flake (Ariz.), Dana Rohrabacher (Calif.), Zach Wamp (Tenn.), Steve Chabot (Ohio), Donald Manzullo (Ill.), Bob Schaffer (Colo.), and J.D. Hayworth (Ariz.).

All of them voted for war.

Six Republicans voted against war. The RLC had rated three of them as libertarian-leaning in 2001: Ron Paul, John Hostettler of Indiana, and John Duncan of Tennessee. The other three are non-libertarians: Jim Leach of Iowa, Connie Morella of Maryland, and Amo Houghton of New York.

I had never even heard of Hostettler or Duncan. I don't know whether they call themselves libertarians. But libertarians ought to be whooping them up, and sending them fat checks. They might send a few Valentines to the others, too, because it took courage to oppose their president and party leader.

They might also rethink the Nolan chart. It doesn't have foreign policy on it. Perhaps it should measure not economic liberty and political liberty, but liberty and peace.

Finally, they might also rethink their dalliance with the Libertarian Party. The larger reason why so few Republicans reflect their ideas is that so few libertarians vote with the major party whose ideas are closest to theirs.

— Bruce Ramsey

Aborting the obvious — A study recently released by the Alan Guttmacher Institute found that the national abortion rate fell by eleven percent between 1994 and 2000. However, the study also noted that for women below the poverty level, the rate of abortion actually increased by a whopping 25% over the same time period. "Researchers were surprised" by this split in the data trend according to media reports, and could offer no real explanation. The Guttmacher press release on the study said only

that "high levels of abortion among economically disadvantaged women reflect that these women have high pregnancy rates, as well as a greater likelihood . . . of ending a pregnancy in abortion." This tells us nothing about why the rate for low-income women suddenly shot upward compared to the average during the period measured.

One Kathryn Kolbert, "legal expert on reproductive rights" at the Annenberg Public Policy Center, offered this explanation: "There have been more and more restrictions on funding for abortions and in some instances, family planning and contraception services." So less funding would explain why wealthier women started having fewer abortions and poorer women more? Try again.

Of course, there is one possible explanation for this seeming anomaly. Shortly after the Republican landslide of 1994, word got out on the street that the government was no longer going to pay poor women to keep having children indefinitely. The Welfare Reform Act of 1996 transformed

Welfare reform is such an unholy thing in left-leaning intellectual circles that most are loathe to acknowledge it at all — unless they have some cause to condemn it.

the notorious "Aid to Families with Dependent Children" (AFDC) into "Temporary Assistance to Needy Families" (TANF), which was not only temporary, but included such mean-spirited features as a requirement that recipients must work to get the maximum of amount of temporary benefits. Just maybe this new input into the equation started having an impact on pregnancy outcomes?

Since I've never worked for one of those esteemed institutes where "policy analysts" do their thinking, I could be wrong here. But I suspect our friends at the Guttmacher Institute and Annenberg Public Policy Center know exactly why low-income women's abortions have shifted dramatically upward in recent years.

But welfare reform is such an unholy thing in left-leaning intellectual circles that most are loathe to acknowledge it at all — unless they have some cause to condemn it. By the same token, some pro-life conservatives are probably just as reluctant to attribute rising abortions in the underclass to their beloved welfare reform. I think in the end the numbers from this study plainly tell the story — even if the authors won't.

— Michael Drew

The milkman cometh — A protest by the People for the Ethical Treatment of Animals turned ugly in October, when over a hundred schoolchildren pelted the protesters with their lunch milk. One PETA activist, dressed as a cow, was held down and drenched in moo juice for ten minutes, before being rescued by police. "This is a stupid idea," one child told scotsman.com. "We should be encouraged to drink milk and I certainly won't stop drinking milk just because a man has dressed up as a cow outside my school."

When the pain in my sides finally stopped my laughing at this story, two things occurred to me. First, while engaged in their delightful counterprotest, the schoolchildren were chanting "Milk for the masses!" — understanding what so many American college students do not: that the alleged compassion of the anti-technology left is really a cover for a philosophy that seeks to deprive real people of real nutrition. The vandalism and protest against "globalization" is really vandalism and protest against the only means of actually feeding people around the world. Yet the leftists who destroy golden rice and sabotage years of genetics research are portrayed as heroes who care deeply about the spiritual values of life. In fact, they are pro-death. Second, PETA's recent media campaign encouraging college-age girls to strip down to their panties and hold signs reading "We Don't Wear Fur" would probably be a much more popular protest outside of high schools.

— Timothy Sandefur

Whatever gets you through the weekend

— I abhor urban street crime as much as the next guy — more than the next guy, in fact. Yet I've never quite been able to understand the point of those neighborhood marches against violence that have sprung up recently in crime-ridden areas of San Francisco and Oakland. Let's break it down: we know the marchers are against violence. We know the authorities (despised as they may be by some of the marchers) are against violence. People who read about the marches in the paper are against violence; it's not like they need to be converted to some radical cause as would be the case with, say, anti-war or anti-fur marches. The only people currently in favor of violence are the violent criminals themselves, the very element of society least likely to be moved by these love-in style gatherings.

In a typically supportive media account of a recent weekend "Cry for Peace" march in Oakland, one passer-by stood "waving at marchers, cheering them and offering the occasional hug." He declared: "I really believe they may save a few lives just by showing they care."

Many on the left — the usual inhabitants of such demonstrations — seem to be under a permanent spell of this kind of "magical thinking." If you try hard enough to feel something, especially in a big group, others are sure to feel it too. And if they don't, well, at least you and your friends feel better. One participant in the Saturday march in Oakland put it this way: "We need all these marchers to pick a corner and talk to these dope fiends."

— Michael Drew

Candy corn, society, and me — When I was a kid, I loved candy corn. You know, those tri-colored, syrupy-flavored little triangles. Well one day I ate an unusually audacious amount of those little suckers and, Mom was right, I got sicker than a dog.

After that, the mere smell of candy corn made me queasy, and to this day I find them disgusting.

From time to time certain phrases or words seem to be tossed about by everyone. Soon, they lose their original impact or their meaning becomes distorted. Either way, it becomes tiring to hear them. Recently, a certain word has become so prevalent that it has come to the point that it

makes me nauseated every time I see or hear it. Just like candy corn. I often have to put down what I'm reading and walk away.

What word could rival the effect of those sickeningly sugary little candies?

Social.

Now I'm not saying that writers who use "social" make me sick, and therefore I can't stand them. On the contrary, I am often dismayed that some otherwise brilliant discourse gets muddled with candy corn, er, I mean, social this, or social that. As for example:

In last month's *Liberty*, Stephen Cox reflected that "strange and untoward alteration in words is the shadow of some strange and untoward activity of human thought." He gives examples of "verbal disturbance" and winds up on advocate, and people "advocating for." I was with him all the way on this, but then he writes, "Tell me what, precisely, you're advocating, and then I'll tell you whether you merit any *social recognition* for advocating it" (my emphasis, barf).

What is "social recognition"? Why not simply "recognition"? Why does Cox think I'm concerned with social recognition, simply because I advocate something? And how is Cox able to determine whether I merit it, whatever it is?

Elsewhere in the October *Liberty*, Kyle Swan wrote, in his review of J.C. Lester's *Escape From Leviathan*: "Why do we see so much poverty, homelessness, environmental catastrophe, unemployment, and so many other *social* ills?" (my emphasis, barf again). If I lose my job that's a *social* ill? If subsequently I lose my home and am homeless, that too is a *social* ill? How so?

Since "social" is a term usually associated with humans (and certain other insects), I advocate that writers who wish to use it first read *Human Action* by Ludwig von Mises. Mises points out that "Society is the outcome of conscious and purposeful behavior . . . an outcome of human action." He further states, "It is a delusion to search for it outside of individuals. To speak of a society's autonomous and independent existence, of its life, its soul, and its actions is a metaphor which can easily lead to crass errors."

Delusion and crass errors indeed. Can society recognize? Have ills? Take its medicine? Does it get hungry? Can it get sick on candy corn? Of course not, only individuals can do those things. Society is mindless. It is only individuals who can think and act.

Society is an abstraction. An idea that cannot lead to any



practical result. Society is the sum of individual actions. Individuals cooperate with others for their own personal welfare, and the result is society.

Pass the candy corn. I wish to make a social statement.

— Joe Dabulskis

Lots of room for expansion — The government of Egypt is attempting to rebuild the famous Library of Alexandria. The project has been over a decade in the making, and, thanks to help from Iraq, Britain, and the United Nations, Egypt has finished construction of a building with room for 8 million books. But it currently only has 200,000 volumes, because, as the London *Guardian* reported in October, "Egypt's fondness for censorship has meant that rows have already erupted over its book collection policy. Critics accuse the government of President Hosni Mubarak of failing to stand up to Islamist pressure. One Alexandrian Greek writer, who asked not to be named, said: 'My latest book can't even be published in Egypt because it questions God.'"

— Timothy Sandefur

A woman's place is on the sidelines? —

Andy Rooney is in hot water again, this time for complaining about "those damn women they have down on the sidelines [of football games] who don't know what the hell they're talking about." I'm no fan of the *60 Minutes* commentator, but I think Rooney's current sentiment resonates with many more people than are willing to admit it publicly. Judging from the latest feminist storm of media abuse heaped on the octogenarian blubbermouth, it'll probably be awhile before anyone of note stands up to speak about the subject again. (Fortunately we not-of-note people are still here to carry on.)

I remember a column by a former female sportswriter ridiculing the archetypal male "sports nut," pointing out that "for women, sports is just another interesting slice of life." She couldn't have been more right, and for that reason alone probably shouldn't have been hired as a sportswriter in the first place. Why should any game played, coached, and watched by fanatics be analyzed or presided over by a dilettante? Many of these people are "doing sports" to shine up their résumés for future career advancement; I've heard them say so openly. Hard to say the same about a John Madden or a Terry Bradshaw.

But Rooney misses the larger point behind his own emo-

tion, one reason his critics are having a field day. Maybe some of these women really are knowledgeable; maybe some really are football fanatics. Maybe some men (like Rooney) aren't very knowledgeable themselves. I really don't care. For me and millions of others, men's sports is like a blue collar "men's meeting." Just as the typical women's support group or business club doesn't want a male voice presiding over it (God forbid), I do not want to hear a female voice disrupting the male bonding of my men's meeting. It's too trite to say that I like, love, and yes, respect women as people, but at the same time I really do.

As for genuine female sports fans, most of those I've known have no particular desire to hear a female voice cov-

Why should any game played, coached, and watched by fanatics be analyzed or presided over by a dilettante?

ering men's sports anyway. Many women were among those who complained about former San Francisco Giants announcer Sherry Davis (the first woman to hold the job in the majors) making fans at the ballpark feel like they were in a second-grade classroom.

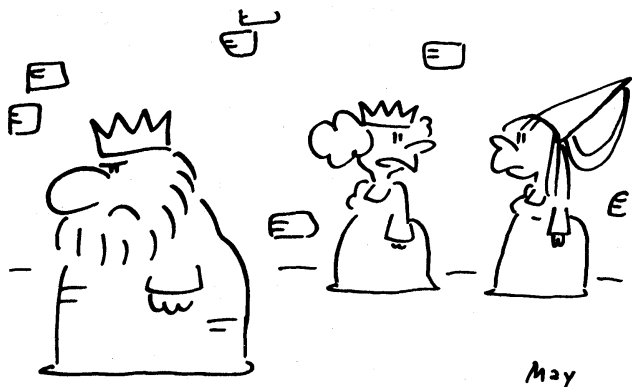
All of this is very personal and subjective, of course. Then again, men might take a cue from women on the point that sometimes the personal, subjective answer happens to be the right one.

— Michael Drew

Wail of the war wimps — In recent weeks, as the debate over an impending U.S. invasion of Iraq intensifies, some in the anti-war camp have taken to referring to those members (almost all of them) of the War Party who are innocent of military experience as "chicken hawks," "war wimps," and other similar terms. U.S. Senator and Vietnam veteran Chuck Hagel recently tarred Richard Perle with the feathers of a chicken hawk by suggesting that "Maybe [he] would like to be in the first wave of those who go into Baghdad." Justin Raimondo published a column titled, "Attack of the Chicken-Hawks" at antiwar.com. In *Liberty*, David Hackworth excoriated war advocates who never had put themselves in harm's way. Naturally, members of the War Party are not amused.

Eliot Cohen (whose byline indicates that he is a former Army officer) in the *Washington Post* and David Harsanyi at frontpagemagazine.com have both entered the fray to try to discredit these attacks, but both seem determined to miss the point. They point to the supposedly wise decision making of non-veteran FDR and bad decisions made by military leaders.

But the point is not (or it shouldn't be) that only veterans are qualified to make the decision to go to war, or that, as Cohen imputes, "a former airborne ranger get[s] twice as loud a voice as a former ICBM crew chief." The point, at least as far as I'm concerned, is that those politicians and pundits and intellectuals who think the U.S. should attack dozens, if not hundreds, of countries, yet failed to serve



"Oh, he's just sulking because I didn't sustain his veto."

when they had the chance, are hypocrites. Their failure to serve indicates a lack of seriousness about their values, and members of the political class attack each other on this basis all of the time. When the Clintons, who denounced the "decade of greed" in their 1992 campaign, were exposed as unscrupulous money grubbers, their opponents did not remain silent. Likewise, any number of spokespersons for "family values" have paid the price for their divorces and marital infidelity. So it is only natural that those warmongers who passed on their own opportunity to fight in a war, or just to experience the tedium of military life, should have it thrown up in their faces.

In the 1939 film *The Four Feathers*, the main character resigns his commission in the British Army just before he is about to be sent to war in the Sudan. For this, he receives four white feathers — symbols of cowardice — from three army comrades and his fiancée. He heroically redeems himself and forces his friends to take the feathers back.

Members of the Bush administration and the staffs of the *Weekly Standard*, *National Review*, etc. have accumulated enough feathers by now to stuff a mattress.

— Clark Stooksbury

A socialist enclave — Last month while attending the Mont Pelerin Society meetings in London, I came across the Socialist Bookshop housed, fittingly, in the Bloomsbury district where Virginia Woolf, John Maynard Keynes, and other non-conformists used to meet. The store was well-organized and numerous customers browsed the stacks. A couple walked in with two children in tow, future socialists, no doubt. I talked with the proprietor, a friendly and intelligent woman who wore red clothing and red lipstick — just a coincidence, I'm sure. She told me that the Socialist Bookshop has been in business for 30 years, catering to people of all ages, especially students attending the nearby University of London. Following the fall of the Berlin Wall, sales of books on socialism dropped significantly. But she reported that in the past five years, the bookstore has seen a recovery. The anti-capitalist mentality seems to be back in vogue, although with a fresh new face and moniker. None of the titles on display used the word "socialism," but instead incorporated the new watchwords of socialists: "environmentalism," "globalization," "greed," and "capitalism." Their latest bestseller is *Anti-Capitalism: A Rough Guide to the Movement*. I was surprised to see several titles by authors traditionally claimed by libertarians, including writing by Thomas Paine and George Orwell.

There used to be a free-market bookstore in Covent Garden in

London, called the Alternative Bookshop, but it closed in the mid-1980s. Does that mean only socialists know how to make a profit?

— Mark Skousen

A libertarian failure — I was in high school when Hitler's army invaded the Rhineland in 1936. One blow from France, or probably just an ultimatum, would have defeated him — he was operating on sheer bluff. But his gamble paid off: as Hitler himself later described it, "If the French had then marched into the Rhineland, we would have had to withdraw with our tails between our legs, for the military resources at our disposal would have been wholly inadequate for even a moderate resistance."

Why did he take such a gamble? He was convinced that France and Britain, ill-prepared and still reeling from the horrible losses of World War I, did not have the will to act. They lacked the will even at Munich in 1938, and the result was millions of dead in 1939–45, and a war that was almost lost.

Will the Allies wait too long this time? If the congressional Demothugs have anything to say about it, they will. If the "libertarians for peace" movement has its way, they will. Do these groups really believe there will be no second strike, or that Saddam's forces will be no stronger than the first time when they make it? Or is it, as after World War I, fear, dread, wishful thinking (if we don't think about it, it will just go away)?

"Imagine," writes historian Paul Johnson in the current (Oct. 14) issue of the *National Review*, "a world in which the United States was stricken by a successful series of nuclear,

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biological, and chemical attacks. Putting aside the appalling loss of American lives this would involve, the global consequences would be horrifying. The world would be plunged into the deepest recession in its history. There would be no power-of-last-resort to uphold international order. Wolf and jackal states would quickly emerge to prey on their neighbors. It would be a world as described by Thomas Hobbes in his *Leviathan* (1651) in which . . . civilization would break down, and life, for most of mankind, would be 'nasty, brutish and short.'

How this situation should be dealt with is a matter of great controversy and enormous urgency. But libertarian laissez faire is surely not the answer. Self-defense, even preemptive strikes, as in Israel's war on Egypt in 1967, are not yet ruled out in libertarian theory — perhaps only in practice?

— John Hospers

If this is "inside," then would "outside" be? —

It is against federal law to buy or sell stock on the basis of "inside information," that is, on non-public information that would have a substantial effect on the value of a company's stock. The problem with criminalizing this behavior is that investors almost *always* base their decisions to buy or sell a stock on some sort of information which is not known to every other investor.

So the law has generally been construed only to apply to information that is available exclusively to a company's employees or officers and that will unequivocally affect its stock price. Typically, this has meant information about

Prosecuting Sam Waksal might get them headlines in The Wall Street Journal, but it wouldn't garner much space in the New York Post or much airtime on Inside Edition. So why not prosecute Martha Stewart, a genuine celebrity, and one easy to ridicule?

pending mergers or acquisitions. A company agrees to be acquired by another firm at a stock price higher than the current price on the stock exchange. If an insider knows that in a few hours or a few days the stock of Company XYZ will be acquired by ABC Corp. for \$100 per share, he is not investing when he buys stock at the market rate of \$85. He is shooting fish in a barrel, and reducing the profits of the people who sold the stock in ignorance. This seems unfair.

In November of last year, Sam Waksal, the president of ImClone, a company developing a new cancer drug, was given a "heads up" by the Food and Drug Administration that it would not approve ImClone's new drug. When this news became public, the value of the stock would surely fall. Sam Waksal sold his stock before its price fell, and he told other members of his family to sell theirs as well. Meta-homemaker Martha Stewart, a friend of Waksal's, also sold her ImClone stock. Many people suspected that Stewart

decided to sell because of "inside information" she had received from Waksal.

Whether Waksal's sale of his own stock was illegal was open to question. No one had ever before been prosecuted for selling stock based on information from a regulatory agency before. But the story made the front pages because of its connection to Martha Stewart.

Not surprisingly, the Securities and Exchange Commission decided to prosecute Waksal: after all, successful prosecution of Waksal would extend the definition of insider trading, thereby giving the SEC greater power — and the anti-corporate climate that resulted from the stock market's dive and the revelations of high-level fraud at some corporations would provide an excellent climate for such a dubious prosecution.

But the SEC smelled more blood. Prosecuting Waksal might get them headlines in *The Wall Street Journal*, but it wouldn't garner much space in the *New York Post* or much airtime on *Inside Edition*. So why not prosecute Martha Stewart, a genuine celebrity, and one easy to ridicule — the object, quite frankly, of a great deal of envy?

On Oct. 22, *The Wall Street Journal* reported that in September, the SEC had notified Stewart that it intended to recommend charging her with securities fraud. Sure, there was a problem: insider trading law had previously been applied only against insiders, not against people who had, or thought they had, insider information.

The *Journal* mentioned in passing that the SEC does not believe Stewart actually had obtained any information about the FDA's revelation to Waksal that it was going to reject his firm's cancer drug. You might think this would be a serious roadblock to prosecution. Here the imaginative prosecutors at the SEC came up with a novel theory: in their investigation of Waksal's sale, a plea-bargaining employee of his stockbroker claimed to have informed Stewart that Waksal had sold some stock, and that, after hearing this, Stewart had decided to sell her stock.

Now that's extending the definition of "insider"!

The SEC is going further. According to the *Journal*, the SEC is also "considering bringing charges for Ms. Stewart's public statement about her arrangement with her broker," attempting to mitigate the unfavorable effects that the SEC's jihad was having on the value of stock in Stewart's own firm, not to mention her own reputation, when she claimed she had a pre-existing order to sell the stock, when in fact she did not.

Meanwhile, Sam Waksal copped a plea with the SEC, apparently because he feared that the SEC would extend its prosecution to include his elderly father and because the huge amount of publicity would make it difficult for him to be acquitted.

The charges against Stewart have no merit. But I suspect the SEC is hoping that Stewart will cop a plea to its first charge in exchange for its dropping the second, thereby extending its power and grabbing more headlines. Just to be safe, they plan to prosecute her on a civil basis, which means she will not be accorded the constitutional rights guaranteed to those prosecuted for criminal offenses.

This little exercise in prosecutorial abuse brings to mind

a conversation I had with a relative 30 years ago. He liked to play the horses, and had taken a job at the pari-mutuel window at a local track. One of the job's advantages, he told me, was that it enabled him to see how the guys "with shit on their shoes" were betting. These guys, he said, worked in the stables and had inside information that was of considerable interest to a guy like him.

I never knew whether he made money at the races, though I always doubted that he did. — R.W. Bradford

Do what to the chief? — R.W. Bradford said in the October issue of *Liberty* that many Americans tend to equate government with God. This makes perfect sense. Far too many people actually capitalize the "g" in government

the same way they capitalize the "G" in God. And, of course, is it more than coincidence that Monica Lewinsky picked the sexual position that most closely resembled a person on their knees praying and, in this case, worshipping that age-old religious icon: a phallic symbol? — Chris Henderson

Tails I win, heads you lose — Six years ago, David Williams got a coupon good for \$20 in gambling chips at Casino Aztar, a riverboat casino docked on the banks of the Ohio River in Evansville, Ind. Within a year, he had lost about \$5,000 at the casino. Then he had a lucky night, winning back his losses and more. But within two months, he had a losing streak that cost him nearly \$40,000. By the time another year had passed, his losses were over \$170,000.

A "friend," *The Wall Street Journal* reports, "persuaded a state judge to hospitalize him involuntarily" to treat his "addiction" to gambling. The institution forwarded news of his addiction and his photo to the casino, which banned him from entering the casino and put his photo in a book of banned patrons. About a year later, he managed to get in without any of the security guards noticing. Some months later, by which time he had lost more money, a security guard caught him at the door.

He hasn't gotten into the casino since. But now he's trying to get back at it. He has sued Casino Aztar for millions of dollars for allowing him to gamble there. Legal experts think he has an excellent chance of winning his suit.

Early in the last century, a middle-

aged couple would arrive in a small town and take the finest room in the town's finest hotel, often claiming to be British nobility. The husband would visit local stores and explain to the manager that his wife suffered from kleptomania, but was otherwise harmless. Could the stores simply keep track of what she stole, and he would gladly pay for it? The stores were happy to oblige, not wanting to cause pain to a refined visitor suffering from a sad disease. The dutiful husband would settle up for his wife's pilferage, and a few weeks later the couple would leave town.

Weeks later, after an inventory revealed extraordinary losses from the mysterious disappearance of expensive merchandise, a particularly prescient manager might suspect that his sales people may not have noticed some of the items

R. W. Bradford

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taken by the noblewoman. But by then, the couple would be long gone, staying at another hotel in another small town.

If Williams wins his case, we may see this old con game revived. All that anyone has to do is claim an addiction to gambling, fool a psychiatrist, inform a casino of the alleged problem, then sneak back in after a few months. If he wins at the tables, he has a nice profit. And if he loses, he wins bigger ones — not only will his losses be refunded, but he will be rewarded with “punitive” damages as well.

America — what a great country! — R.W. Bradford

Word watch, part IV — In the words of the old gospel song,

I have good news to bring,
And this is why I sing;
All my joy with you I'll share.

Progress is being made; we are moving forward. A formidable set of cliches has suffered serious damage to its reputation.

It happened on Oct. 17, when Montgomery County, Md., Police Chief Charles Moose was giving his daily press conference on the progress, or lack of progress, in the search for the I-95 sniper. Mr. Moose is not the nation's best rhetorician. He alternates between spasms of verbosity and jut-jawed refusals to communicate. His verbal quirks have been irritating people since the sniper thing began. On that day he faced his severest test. He had to admit that the alleged eyewitness on whose testimony he and other lawmen had been pinning their hopes had actually faked his eyewitnessing. Moose had an awful time admitting that. Finally a reporter asked if what he was saying was that the purported witness might have lied.

Moose responded, “I’m moving forward.”

Yes, that’s what he said. “I’m moving forward.”

After outraged reporters pestered him some more, he finally answered the question with a simple “Yes.” But the damage had already been done. “I’m moving forward” had been disgraced and discredited before a nationwide television audience. It will never be the same — and neither, I hope, will any of its near relations, such as “Let’s just try to move the discussion forward, shall we?” “I think we should

move beyond all these divisive discussions,” “I think our campaign has moved beyond that now,” and all the other means that have become popular, during the past decade or so, for dismissing any question of responsibility for anything that occurred in the immediate past.

It’s easy to see how such cliches gained popularity. The careers of Mr. and Mrs. Clinton were constructed almost entirely of those materials, and although very few people have any respect for Mr. and Mrs. Clinton, if prominent personalities say anything enough times, it has a tendency to stick. Look at Lyndon Johnson, whom everybody hated, but who bequeathed us the lasting legacy of both “escalation” and “my fellow Americans.”

But the Clintons were only a subsidiary cause of the popularity of the “moving forward” cliché. The self-help movement was much more important. “One day at a time.” “I’m in recovery.” “I’ve moved on with my life.” And deeper

If prominent personalities say anything enough times, it has a tendency to stick. Look at Lyndon Johnson, whom everybody hated, but who bequeathed us the lasting legacy of both “escalation” and “my fellow Americans.”

even than self-help, there is the dominant metaphor of capitalist, Judeo-Christian, post-Darwinian society, the idea of life as motion, progress, transformation, evolution, a continual exodus from Ur of the Chaldees and a continual journey toward the City of God, or Science, or the Ability to Get Up in the Morning Without Reaching for a Bloody Mary. This is all to the good — or at least some of it is. Americans demand progress. What is more, they expect it. And once you’ve progressed . . . Hey! That was then; this is now.

Have you noticed that the clerk in the department store can’t simply ring up your purchases — he’s got to say, “I’ll go ahead and ring up your purchases”? (Or the truly abominable, “I’ll go ahead and ring you up,” which introduces a lot of other issues, none of which I can face right now.) That’s another verbal symptom of the national vice and virtue. Americans can’t exist for longer than 30 seconds without specifying that we are, indeed, moving forward.

There was a time when “go ahead” was reserved for situations in which there was some doubt about whether anyone was really going to go ahead: “Should I go ahead and do that now?” “Yes, for God’s sake, go ahead!” The steady creep of “go ahead” into otherwise normal contexts suggests a positive, and, if you will, a progressive addiction to the metaphor of progress.

Harmless? Perhaps. Charming? Occasionally. There is some charm — insidious though it be — even in Franklin Roosevelt’s inspired choice for the title of his book about how he was blundering through the Great Depression. The book is titled *On Our Way*. It’s a fecklessly engaging picture: America packing its collective picnic basket and collectively jamming itself into the old flivver, embarked on one more jaunty romp to somewhere.



As a guide to conduct, however, the “moving forward” metaphor has always left a lot to be desired. Three years after *On Our Way* was published, the nation was still no closer to getting out of the Great Depression, but Roosevelt was still looking ahead, yet *farther* down the road. He asked in his second inaugural address: “Shall we pause now and turn our back upon the road that lies ahead? Shall we call this the promised land? Or, shall we continue on our way?”

In answer to these ever-pregnant questions, the president pledged to build “the new order of things,” an order to be constructed with “the new materials of social justice.” Yes, and look at the damned thing now. No, just look at the Social Security system, and you won’t need to look any farther.

Believe it or not, though, there are worse things than Franklin Delano Roosevelt. When you consider the current usage of the “moving forward” metaphor — its employment as a tool of blank denial, of a total lack of interest in anything that may have happened a moment before — you see something even more outrageous to the intellect than the methods of Roosevelt’s second inaugural.

That the metaphor has finally achieved its *reductio ad absurdum* is reason for profound and lasting gratitude. Thank you, Chief Moose, for everything! — Stephen Cox

Mises for the masses — Ludwig von Mises and Friedrich Hayek, the famous 20th-century Austrian economists, are coming up in the strangest places — how about *The Economist* magazine, and the Harvard and Columbia schools of business! A few weeks ago, *The Economist*, the world’s premier news magazine, ran a cover story, “Doldrums: The World Economy and How to Rescue It,” and highlighted the Austrian “malinvestment” theory of the business cycle as the “best” explanation for the high-tech boom-bust cycle. I recently met with Kim Clark, dean of the Harvard Business School, who cites the Austrians in his latest book, *Design Rules: The Power of Modularity*. He’s fascinated by Hayek’s theory of dispersed knowledge. Then there’s John O. Whitney, which *Business Week* named “most outstanding professor” at Columbia Business School. Professor Whitney’s course, “Managing in a Market Economy,” starts with Mises’ classic article, “Profit and Loss,” and four chapters from Hayek’s *Law, Legislation and Liberty*. Tyler Cowen of George Mason University and I were guest lecturers this fall semester. After my lecture, one of the students said, “Austrian economics is completely different than anything we’ve been taught at Columbia.” Prof. Whitney even mentions Hayek in his latest book, *Power Plays: Shakespeare’s Lessons in Leadership and Management*. Only \$5.99 in hardback from Amazon! — Mark Skousen

An ancient plague — When I was an ephebe, I was much impressed by one of Mary Renault’s historical novels about ancient Greece. Lately I felt an urge to read another one, *The Mask of Apollo* (1966), a story about the ancient theater. Renault knew all the ancient sources and knew exactly how to use them. For instance, here is her protagonist’s approach by sea to the great fortifications of the city of Syracuse: “All this was the work of [the tyrant] Dionysius. The cost hardly bore thinking of; but then his rapacity was famous all over Greece; it was said, and I

started now to believe it, that he taxed his subjects’ incomes as high as twenty percent. I asked the captain how they bore it.” — Stephen Cox

The Times, they aren’t a-changin’ — I recently had an experience that you’ve probably had too. It happened at a dinner party given by friends. Hosts and guests were all charming, intelligent, sensible people. Their politics were moderately conservative, with a libertarian streak: during a discussion of the drug laws, I found that everyone favored repeal, and I didn’t even have to bring that topic up. One other generalization can be made about these people, however. They appeared to get all their news and public debate from just two sources: Public Broadcasting and the *New York Times*.

The mind’s resiliency is miraculous. Just as most smokers survive, decade after decade, their daily doses of poison, so, as I found, my friends had survived, with their sanity at least partially intact, decades of relentless exposure to the ignorance, folly, and outright lies of the nation’s two major molders of elite opinion.

Other people have not been so lucky. As sociologists long ago discovered, the association of one’s opinions with a purportedly elite source provides a guarantee of one’s identity and significance, but dependence on the source can also produce a mortal fear of dissent. That is why even the most preposterously illiberal views — the advocacy of a radical program of affirmative action, for instance, even when it hurts oneself or one’s children — are generally safe from criticism in America’s intellectual and professional circles. Hesitate about affirmative action, and people start looking at you as if you were opposed to welfare, abortion, or the Darwinian account of the origin of species. You’re just not saying what people say on *All Things Considered*.

Everyone knows this. The mystery is the degree to which the purveyors of modern-liberal opinion actually believe the opinions they purvey. Of course, they don’t believe what they always say about the modern-liberalness of their news coverage: “Oh no, it’s not ‘liberal’ at all; we bend over backwards not to take sides.” I know they don’t believe that,

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because nobody could believe it. But do they believe the rest of their guff?

I recently discovered a partial answer to the question of the liberal media's alleged sincerity. It came to me in a *New York Times* editorial about the University of North Carolina's love affair with the Koran.

As you know, UNC administrators decided to require that all new freshmen read a laundered (none of that kill-the-non-Muslims stuff) edition of the Koran and participate in "discussions" of the book. The only way out of the requirement was to write an essay explaining why you wanted out of it. Now, this reading assignment was not made in the context of some introductory great books course in which a variety of religious and philosophical views were to be entertained. The assignment had one simple, palpable purpose: the aim of indoctrinating students in the idea that Islam, which is currently a major non-issue in U.S. politics ("non" because no respectable source is permitted to question the moral standing of Islam, although everyone, it seems, is encouraged to question the moral standing of Christianity), is merely a sweet, inoffensive, alternative lifestyle that could not possibly have had anything to do with the events of Sept. 11, 2001.

That's bunk, of course. No major religion, no major philosophical or political tendency, is ever merely sweet and inoffensive and without unfavorable as well as favorable effects. This is an obscure truth, known to few among us, but it is of some importance in the interpretation of human life. What's obvious, however, is that UNC was attempting to indoctrinate its students in certain religious and political views.

Every civil libertarian should have been outraged by this attempt, in the same way in which such people would be outraged if the East Overshoe School District required kids who didn't want to recite the pledge of allegiance to write an essay about why they wanted to be so weird and different, or if the book that UNC forced on incoming frosh was the Roman Catholic catechism. After all, the Roman Catholic Church has been under attack lately, so perhaps we should all just learn a little bit more about it. . . . Yeah, sure. That wouldn't get anywhere with the *New York Times*. But the Koran assignment did. In fact, it was a hit.

For the *Times*, you see, nothing is more important than what might be called reverse identity politics — the solidification of a political identity derived from not being something. For the *Times*, the thing you should not-be is "conservative." The fact that conservative groups protested UNC's policy and took UNC to court over it was enough for the *Times* to decide that UNC must be right, and very right indeed.

This judgment could not be stated honestly, of course. The *Times* will never publish an editorial that starts, "Conservatism is a wicked thing." Nevertheless, that judgment must at all times be communicated, even in connection with the UNC episode, which was clearly a fiasco of modern liberalism. Picture, then, the *Times* editorialist as he went about ransacking the paper's enormous storehouse of logical fallacies to find useful weapons of hate — and finding quite a lot of them, such as . . .

Baseless psychologizing. The *Times*, or its Ouija board,

knows all about the secret motives of people who are so eccentric as to criticize the University of North Carolina. "What they really oppose," the *Times* avers, "is the effort to study Islam objectively, without presuming at the outset that it is inherently evil." If you are staggered, as I was, by the effrontery of that statement, you may pause and contemplate it for a while, before proceeding to the next fallacious strategy, which is . . .

Pious self-congratulation, closely followed by demonization of one's adversaries: "Let's hope for the sake of the students and the state as a whole that their despicable efforts fail." Why despicable? Because we say so. And who are we? The people who are not despicable. The funny part, of course, is the image of the *New York Times* portraying itself as the guardian angel of . . . North Carolina! It's hard to keep that mask on, though. A few sentences later, there's a withering reference to the days when the benighted southern state persecuted "Communists." If you are a modern-liberal editorial writer, you must never forget that your

I hope that if Arkansas ever passes a law requiring motel keepers to place a Gideon Bible in every room, the Times will congratulate Arkansans on the preservation of their freedom to read the Bible.

audience derives an important part of its political identity from its self-righteous anti-anti-communism. But we have still not reached the core of the *Times'* argument.

Remember, please, that we are talking about a University requirement. We are not talking about the University's permission for the Koran to be read and studied. We are talking about the University's requirement that all entering freshmen bone up on the sacred scriptures of a certain religion. Even the *Times* has not forgotten this; its editorial is coyly entitled "Required Reading."

So the *Times* knows what it's up to when it proceeds to congratulate itself on the fact that the conservative adversaries of UNC's forced immersion in the Koran did not prevail in court. Here is the *Times'* way of summarizing this history: "A federal court last week refused to bar the students from reading and discussing the book."

In other words, to protest against the requirement that something be read is to deny people the freedom to read it on their own. I hope that if Arkansas ever passes a law requiring motel keepers to place a Gideon Bible in every room, and the courts somehow refuse to annul that law, the *Times* will congratulate Arkansans on the preservation of their freedom to read the Bible.

An idle daydream. Let's return to the original question: do people who argue like this believe their own arguments? I cannot imagine that they do. I cannot imagine that of anyone. Here is ignorance and folly, but it is not the ignorance and folly that people try to escape, and fail. It is ignorance and folly that is desired and sought and at last created.

I'd hate to tell the *New York Times* what the Koran has to say about conduct like that.

— Stephen Cox

Taking Economics Into the Lab

by Alan Bock

In 1956, Vernon Smith applied something from his training as an electrical engineer to economics: experimentation. In 2002, this pioneering work was awarded the Nobel Prize.

When I met Vernon Smith last year I had no idea I was talking to a future Nobel Prize-winning economist, nor did I have any particular understanding of what experimental economics was. I just thought the gray-haired, ponytailed professor was the most interesting speaker at a Hoover Institution conference on the quiescent but still unresolved California energy crisis — he was obviously intelligent, delightfully irreverent, and had an impish twinkle in his eye as he explained that California hadn't experienced an energy crisis but a market-design crisis caused by the politicized 1996 reorganization (all the speakers agreed it wasn't really deregulation) of the California energy market.

After his talk I approached him to say how much I had enjoyed it and we chatted for a few minutes. I liked him even better, but didn't think it likely we would run into one another again since he was heading an institute at George Mason University on the other side of the country.

The Nobel committee announced on Oct. 10 that Smith was a co-winner of the Nobel Prize in economics with Princeton psychology professor Daniel Kahneman. Smith's name sounded familiar but I hadn't placed it yet. Then I remembered. Smith had written a delightful article for *Liberty* back in 1992. Titled, "The Economics of the Emergence of Humankind," it began with these words: "This is about who we were in prehistory, and how we were shaped by economic principles. It is an exciting story, perhaps humanity's most important story; it may even be true!"

Vernon Smith is one of us. A freedom guy.

And his contribution to economics is important. To some extent economics as it is traditionally taught, depends on certain assumptions that might be viewed as shaky — that

participants in markets are "rational calculators," or *homines economici*, driven almost solely by self-interest. To be sure, most classical economists have a more nuanced approach. But as understood by most college freshmen, the discipline can be criticized with some justice for assuming that human beings act in ways that a few years' experience in the real world will tell you they really don't.

Daniel Kahneman put some scientific flesh on common sense, studying (along with his colleague Amos Tversky, who died in 1996) human judgment and decision making. He showed that most people use intellectual shortcuts and sometimes decide on the basis of their biases rather than a rational weighing of the evidence.

Deborah Prentice, chair of Princeton's psychology department, claimed in a university press release that this affirmation of the obvious (at least to a non-academic) "challenged the microfoundations of economics. If people are not always capable of making rational decisions, then a lot of what economists had inferred on the basis of those assumptions really needed to be re-examined."

Maybe, maybe not. The "rational calculator" assumption was always a convenient way to construct economic models rather than an assertion about actual human behavior. For the purposes of economic models, assuming that most peo-

ple most of the time will act in their economic self-interest is serviceable enough, though it does carry dangers. And the Austrian school decades ago moved beyond it.

Then there are the experiments Vernon Smith started doing back in the 1950s when he was teaching at Purdue. "I began doing them largely as a teaching tool," he told me the day after the award was announced. He did acknowledge that with his background in the hard sciences — he got a bachelor's degree in electrical engineering at Cal Tech before getting an M.A. from Kansas and a Ph.D. from Harvard in economics — he hoped that his little experiments using students equipped with hard cash in market-like situations with differing pricing mechanisms might lead to something important.

They not only helped students understand, they surprised even Smith at showing the efficiency of free markets,

The experiments surprised even Smith at showing the efficiency of free markets, "disabusing me of most of the ideas I received as a graduate student at Harvard."

"disabusing me of most of the ideas I received as a graduate student at Harvard," he told me. Before Smith most economists assumed markets were efficient only with large numbers of buyers and sellers. But the experiments "demonstrated the power of free choice right before my

eyes," Smith told me. "With only a few students as participants I hadn't expected such quick convergence into a competitive supply-demand equilibrium. But there it was. And it happened again and again."

Originally derided as something economists don't do, lab-style experiments in economic behavior proved their value and developed into a field itself, of which Smith is widely acknowledged as the pioneer. In addition to demonstrating economic principles to sometimes hard-to-reach students, these experiments demonstrate that differing "rules of the game" in markets can make huge differences in outcomes. Experiments also can give policy proposals what the Nobel committee called "wind-tunnel tests," so ideas can be refined before they're sprung on an unsuspecting public.

The fact that proposals can be tested, of course, doesn't guarantee or even make likely that politicians will pay attention. We're still more likely to get proposals that benefit re-election chances or enhance bureaucracies than those that actually benefit the general public. But the means to test political promises are increasingly available.

Dr. Smith plans to donate his share of the Nobel money — about half a million dollars — to a non-profit he and some colleagues started in 1997 called the International Foundation for Research into Experimental Economics (IFREE, of course). It will not only fund more research and help students, but Dr. Smith says it should be possible to keep most of the loot from the tax man, "which I consider a highly moral activity."

My kind of guy. □

Inside Vernon Smith's Lab

I learned about Vernon Smith's economic experiments while taking a course in mathematical economics and money and banking. A grad assistant passed out a sign-up sheet with instructions that we were to fill it out if we were interested in participating. We were all economics majors and there were payments for participating, so most of us signed up.

The experiments were held in the computer lab. In the beginning there were few attendees, sometimes not enough to conduct an experiment. When I arrived, I was asked to show an ID and proof that I had volunteered for that specific time and date, and then told to sit behind a designated computer. On the days when too many people arrived, names were picked randomly; those people were given a \$5 show-up fee and guaranteed a spot at the next experiment. Each person was then assigned a code that matched up with their respective computer. First we did a point-and-click computer tutorial, to make sure that we understood the computer program. We were told to not talk or leave the room for any reason, lest we lose our show-up fee.

Then the experiment would begin, typically with each participant given either a quantity of merchandise to sell or a quantity of money with which to buy the merchandise offered by others. Those with merchandise were instructed to sell it for as much money as possible and those with money were instructed to buy the merchandise for as little money as

possible. Participants were shown how to place and take bids. Then each participant holding merchandise posted his selling price and each participant holding money posted the price he was willing to pay. Any seller could accept any bid, at the same time withdrawing his sell price; and any bidder could accept any offer to sell and simultaneously withdraw his bid. All this was executed very quickly by the computer, which also calculated the profit of each player. After 10 or 15 rounds, total profits were calculated and the winners received their profits in cash.

It was best to do your transaction as fast as possible. After the first or second round, I usually got the idea of the scenario. Sometimes the cost of my merchandise was so high I couldn't sell it and sometimes I made a healthy profit from my trade. On my first game, I walked away with a measly \$8, while others walked away with over \$30 that same game. It was rumored that one man made over \$40 in one game.

The games would vary every time too. Sometimes, I was allowed to bid directly with another contestant under a time limit. But most variations were pretty straightforward supply and demand games. The notional merchandise trading wasn't as fun as Monopoly, but then again Parker Bros. doesn't reward you for building Baltic Avenue hotels.

— James Barnett

Of Storerooms and Significance

by Stephen Cox

Little things in life *do* add up when one is faced with a life-altering event . . . such as cancer.

Early in the morning of July 9 I entered the hospital to undergo an operation for the kind of condition that newspapers call “a life-threatening illness.” It was kidney cancer, and the operation consisted of the removal of part of my kidney and a rib that had the misfortune to be standing in the way. The operation appears to have been successful. I’m still feeling the aftereffects, and will for some time, but I believe that the operation saved my life.

It’s ordinary to talk about “what you learned” from such experiences, and I’m going to do some of that. Another purpose of this reflection, however, is to talk about a problem that I encountered at the hospital and have been thinking about ever since.

But first, What I Learned.

I learned that, for me, there are many worse experiences than discovering that one has a potentially fatal disease. Any number of failed romances, anxiously anticipated tests, and transitory professional disappointments have troubled me more than knowing that I had cancer. I can’t say whether this demonstrates how wise I am, or how stupid. I assume that I wouldn’t have felt quite the same way if I’d received a diagnosis of an irremediably terminal condition. But I can’t claim much sympathy for my preoperative hardship and distress. On the assumption that I might not survive the operation, I cleaned up some stuff that I wouldn’t want my executor to be plagued with, and I completed a couple of literary projects that I would be disappointed to leave in an unpublishable condition. Then, on the more likely assumption that I would survive, I stocked my refrigerator with a lot of easy-prep food, and I was ready to go to the hospital.

Contrary to my expectation, almost everyone I met there was intelligent, efficient, kind, and thoughtful. My physician and his team conducted a long and difficult operation with

confidence before the fact and modesty after it. My insurance paid for everything except the first \$250.

Needless to say, I was happy about all that. But to me the most impressive aspect was my friends. They are a very diverse lot. What had always interested me, in thinking about them as a group, was their difference from one another. What I noticed now was their similarity. They all turned out to be aggressive, determined, take-charge personalities. They wanted the best for me, and they made sure that I got it, whether that meant taking care of me themselves or making sure that somebody else was doing it, and doing it right. After my operation, they fed me, clothed me, cooked for me, cleaned for me, anointed my wounds, and managed my moods. They entertained me, advised me, listened to me, and even left me alone when I needed to be alone.

Just before I went to the hospital, I asked three friends (the legally stipulated number) to exercise my “power of attorney for health care,” which means being willing to decide, if necessary, the point at which my life would not be worth continuing. Two of these people are straight and one is gay. Two are libertarians and one is a modern liberal. One is an atheist, one is a devout Christian, and one is waiting for all the evidence to come in. But I never had to think about discussing “my wishes” with any of them. I knew without asking that on questions of life and death we would all make the same decisions.

Because of my friends I can make the ridiculous, but perfectly true, statement that the weeks I spent killing cancer were far from the unhappiest weeks of my life. Some, indeed, were among the happiest.

As I indicated, however, there is one part of my experience that I've had trouble coming to terms with. It has nothing to do with problems of religion or politics or ethics or my ideas about the health-care system. My ideas about those topics didn't change in the least, although some of the tonalities deepened in ways that I don't think I can evoke very clearly. What I can discuss is the place I was put in just before I went into the operating room.

The weeks I spent killing cancer were far from the unhappiest weeks of my life. Some, indeed, were among the happiest.

Like most other non-medical personnel, I'm always surprised by the way that the insides of a hospital look. The rooms always look much nicer or uglier, much more efficient or less efficient than I would have expected. The pre-op room presented more than the usual surprise. It looked like a storeroom. There were two or three hospital beds scattered about, but the other furnishings consisted of some tall metal cabinets with the doors ajar and some little metal chairs and tables with a lot of amorphous stuff sitting around on them. In short, the place was utterly lacking in the dignity to be expected of the Last Place I Might Ever See on Earth.

They wheeled me in there, and I lay on my bed while a nurse asked me for the 40th time whether I was allergic to latex. Then a young anesthesiologist leaned over me and formally reviewed the dangers of the operation. "There is a small chance that your teeth may be broken or your mouth otherwise injured by tubes injected into your oral cavity..." He concluded by mentioning the danger of cardiac arrest. "In other words," I said, "you mean I may die." "Yes, that's what I mean." "I understand," I said. We were both laughing, although the chance that I might die on the table undoubtedly loomed a lot larger in my mind than it did in his. It was, in truth, very small.

Those conversations didn't bother me. What bothered me was the wait that followed. It took about 20 minutes for the anesthetic he administered to exit the IV tube and work its way into my brain. During its journey, I was left alone. My primary concern, at that august moment, was the possibility that, somehow, while I was waiting to pass out, I might develop a raging need to piss. I could picture myself rising from my bed, festooned with IVs, to demand that the operating team go cool their heels until I returned from the restroom. I knew it was one more humorous proof that embarrassment is generally more frightful than death, but the thought failed to cheer me.

My secondary concern was a trifle less silly. I was not, after all, entirely alone. There was one other person in the room, and she was becoming a bother. She was a busy little woman, and she was apparently a nurse, but she was not there to attend to me. She was wandering back and forth from one storage cabinet to another, counting things, arrang-

ing things, and chattering to herself, or perhaps to me, about the difficulty of keeping all these things in order. The mundane quality of her conversation cannot easily be exaggerated. "Oh my," she kept saying, in her little sing-song voice, "oh my. I just don't know. I thought they were all right here, but now I don't know where they are. I don't know where they went. I need to count them all again. One, two, three... no, no... One, two, three, four... I need to count them all again now..." Despite her struggles, she seemed quite complacent.

This will be my ultimate experience of life, I thought — not the wise words of loving friends, not even the ghastly testimony of my own fears, but a stranger's trivial monologue about pure trivia. I couldn't even say that I was saddened or insulted. No, no: I would go to my death in a state of mild irritation, nothing more. I was thinking in this way when a posse of young men took hold of my bed and pushed it through the big double doors of whatever lay beyond. It was then that I lost consciousness.

I often recur to that episode, and when I do, I find that it's associated in my mind with many things. It brings to remembrance the scenes from my childhood in which I first encountered death. I remember a little frame house with tarpaper brick on the outside and overheated rooms on the inside; a strangely transformed neighbor sprawled on a hospital bed that overshadowed the cheap, familiar furnishings; the patient lying silent while the television continued its intrepid round of sitcoms and the assembled relatives shouted to one another over the blasts of laughter, diligently discussing the latest baseball news. Was it all a brave attempt to reassure the dying man with a pretense of normalcy? Or was it

I still do not want to die in a storeroom, no matter how zen that prospect might seem to some more purely spiritual being.

merely a crass announcement of the insignificance of human life? "Oh my, oh my. I just don't know."

I can't entertain those memories for very long, however, before I recall, by contrast, the many scenes of my own life that have been distorted and embittered by my demand that every moment be charged with significance. If the reality was insignificant, I wanted at least the symbol. If you don't really love me, at least you can act like it. I needed the first two-thirds of my life to learn that I should stop ruining the ordinary and the pleasant with my demands for the extraordinary and the dramatic. But now, thanks to the little nurse in the hospital and her insupportable chatter, I've discovered that I can only be satisfied with the end of my life if something of intense symbolic significance is arranged to happen at that end. Apparently, I'd be happy to exchange the ordinary nurse for a demon from hell, dispatched with special orders to summon me to the wrong side of that painting in the Sistine Chapel.

That seems absurd enough. Yet what is either life or

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Environmentalism in Flames

by Robert H. Nelson

The fires of 2002 burned more than trees.

The forest fires that raged this summer across the West threatened more than homes. The environmental movement's 30-year claim to the moral high ground in American policymaking may have ended in the tinderbox forests of the western United States.

As the fires were burning, we witnessed the astonishing spectacle of prominent environmentalists denying that they had strongly opposed the mechanical thinning of western forests — the most effective means to reduce fire hazards. The truth is more nearly the opposite. For the past ten years, environmental groups have waged a total war on forest thinning.

Several years ago, the Sierra Club began to oppose all further commercial removal of wood from the national forests, thinning or otherwise. In northern California, the "Quincy Library" agreement was blessed by an act of Congress, despite fierce opposition from national environmental groups. The main purpose of the agreement among local environmentalists, government officials, and timber representatives was to reduce fire hazards resulting from excess fuel loads in nearby national forests. The agreement finally collapsed in the face of the unrelenting hostility of leading environmental organizations.

Throughout the West, environmental court suits, administrative appeals, and other opposition has been so fierce that in most areas a sensible forest planner would never even bother to propose a thinning project in the first place. Environmentalists argue that prescribed burning should instead be used to accomplish the necessary fuels reductions. Yet, prescribed burning is often impossible where

physical structures are located or where existing fuels build-ups are already too combustible. In many areas the actual choice is between mechanical thinning and the acceptance of periodic (if unpredictable) conflagrations such as seen in the Colorado and Arizona fires this past summer.

Environmentalists have in effect opted for the latter. However, they cannot say so officially. When pressed by critics, their only escape has been to lie about past actions. How has this demoralizing turn of events come about?

The fierce passions aroused by the environmental movement often reflect an underlying religious inspiration. It is the flawed "theology" of the environmental movement that has led to the current impasse. The core value of the environmental movement is to protect and, where possible, to restore "nature." The Wilderness Act declared the purpose to set aside areas that are "untrammeled by man." Even when it is not explicitly invoked, this ideal of naturalness is in the background of most environmental policy thinking.

The basic problem is that it is often literally impossible to do anything that is "natural." Like other past utopianisms, the pursuit of an impossible naturalness is bound to yield confusion and policy failure, as seen now in the national forests of the West.

When Europeans arrived, many of these forests had already been manipulated for thousands of years by Native Americans, mainly through the setting of fires. If "untramed by man" recognizes Native Americans as human beings, the goal of "natural" means the restoration of the forest conditions of at least 10,000 years ago. The alternative is to yield to implicit racism, putting Native Americans in the same category as wolves and grizzly bears. Europeans may have lived fallen lives of sin since the transgression of Eve but environmental theology now seemingly says that Native Americans were left behind in the Garden.

In the early Massachusetts colony, Cotton Mather saw Indians as the heathen agents of the devil; current environ-

It is the flawed theology of the environmental movement that has led to the current impasse.

mentalism inverts this thinking but is no less discriminatory. As the historian of forest fire, Stephen Pyne, writes, current environmental thinking amounts to "stripping American Indians of the power to shape their environment"; it is an act that "is tantamount to dismissing their humanity."

In their current stressed condition, a "restoration" of even Native American patterns of forest management can be accomplished only through heroic management actions. The historic norm for the widespread ponderosa pine forests of the interior West is 30 to 60 large trees per acre; today, many of these same forests contain 300 to 600 small ("kindling") trees per acre. Setting a torch to these forests is like lighting a torch to a bonfire. The result would be historically unprecedented and environmentally damaging in many ways; it would be no more "natural" than the all-out harvesting of timber through clear-cutting.

Indeed, the only way to restore a Native American fire regime is to mechanically cut down most of the small trees now present on the forests, thus negating the consequences of a century of Forest Service fire suppression and more recent non-management policies. Once the excess wood loads have been removed, it might then be possible to re-establish a long-term regime of frequent prescribed burns at low intensities — mimicking the historic lightning and Native American fires that existed before the modern era of suppression.

However, it is still a fantasy to suggest that such an outcome would be "natural." If an original Rembrandt painting is destroyed, it is lost forever. Even a perfect replica — indistinguishable to anyone but the most accomplished art historian — is not the real thing. To pretend otherwise is to perpetrate a fraud. Yet, environmentalists are now engaged in something very similar. Any future shape imposed on the national forests will have been created by human action. So long as the Forest Service manages the forests, they cannot be "wild." They are special type of "garden," a colonial Williamsburg of original nature. Nothing can change this, however much some people might wish otherwise.

The national forests have today become grist for the scriptwriters of environmental fantasies. A cynic might say that this "Disneyland management" of our national forests is their actual highest and best use. Fantasy sells and there are millions of people in New York, Los Angeles, and other urban centers who enjoy images of the Garden of Eden of the national forests. By contrast, the rural people in the West who are directly affected by the livestock grazing, hiking, hunting, timber harvesting, and so forth on these forests constitute a small (and less moneyed) minority.

However, the downside to Hollywood management of the national forests became apparent in the summer of 2002. Even many distant urban dwellers were upset at the spectacle of Western homes burning to the ground on their TV sets. The residents of Denver found "natural" management less attractive when it meant choking in the smoke of nearby forest fires.

The ultimate problem with the use of the national forests as a fantasy playland is the potential for contrary images to arise. When Hollywood filmed the life of John Nash in *A Beautiful Mind*, it took large dramatic license. This is fine for a movie. But no such license can be granted for the environmental scriptwriters for our national forests. If the current Hollywood management is exposed as such, the viewers' pleasure will be undermined as well. Large sums of federal money — and other large costs borne by the local people who live in close proximity to the national forests — will simply go down the drain. Indeed, that is what was happening this summer in the raging forest fires of the West.

As a religion, modern environmentalism has been a form of fundamentalism, in part a protest — like other fundamentalisms — against the uglier elements of "the modern project." Environmentalism seeks to defend "nature" in the face

Like other past utopianisms, the pursuit of an impossible naturalness is bound to yield confusion and policy failure, as seen now in the national forests of the West.

of scientific and economic assaults. But no modern Thomas Aquinas has carefully worked out the intellectual logic and defended the theological coherence of the environmental value system. Indeed, like other fundamentalisms, the environmental version may work as a popular religion (it has in fact succeeded spectacularly in the past quarter-century) but it is weaker on scientific and historical grounds — and thus is also a poor basis for public policy.

That is the dilemma faced today by the environmental movement. It is caught between inspiring the faithful with a popular faith versus maintaining its theological coherence and policy effectiveness. The fires raging across the West this summer may finally require environmentalists to opt for more careful thinking. If that means the end of environmental religion, or the shift to a brand new phase, so be it.

□

The Plausibility of Anarchism

by J. C. Lester and Kyle Swan

Is the state dispensable, even in theory? Is anarchy possible?

In November's Liberty, Kyle Swan denied that anarchism is a plausible political alternative.

J. C. Lester now defends the anarchist position. Swan responds, and Lester gets the final word, at least for now.

The Trouble With Swan

by J. C. Lester

Kyle Swan's review is, for the most part, refreshingly accurate and it offers pertinent criticism to which I am happy to respond.

The extreme classical liberal or libertarian compatibility thesis that *Escape From Leviathan* defends is that there is no long-term, practical, systematic conflict among economic rationality, interpersonal liberty, human welfare, and private-property anarchy. Swan thinks this extreme version is probably false and suggests that perhaps even I would agree. I do not, though I am open to argument. But what I happen to believe at any moment is a piece of fleeting autobiography that is irrelevant to the truth of the thesis or the soundness of the arguments in *Escape From Leviathan*.

As Swan explains, I use Popper's critical rationalist epistemology of seeking tests for my conjectures instead of trying to support them. Swan doubts that this "is the best we can do." He says, "I don't see why there can't be a transfer of justification between two propositions, one of which is grounded in the other." But how is the first one grounded? Swan observes that Loren Lomasky sees libertarianism as having "its foundation in a particular theory of practical reason." I cannot usefully deal with this brief suggestion here beyond noting that deeper levels of theory are not thereby a foundation in any epistemologically justified sense. They are merely more basic conjectures. It is conjectures all the way down. Hence there is no ultimate support.

It is true that, as Swan notes, making "ideas logically compatible with each other doesn't have to be especially difficult." But in *Escape From Leviathan* I am engaged in making ideas coherent that also withstand independent criticism. I am not defining my terms so that they are merely consistent but defending theories of each conception (particularly rationality, liberty, welfare, and anarchy) as in itself capturing a relevant notion in a way that withstands criticism and solves various problems.

Swan goes on to say that "the conception that a free will is one that is not determined by anything external to the agent isn't compatible

with determinism." But a free will that is not determined by anything external to the agent is compatible with determinism — unless Swan views an "agent" as involving only an abstract mind (so even every part of the brain is "external") rather than a kind of biological entity (as I would view it).

Swan then offers a conception of free will that is clearly along the lines defended in *Escape From Leviathan* and (also) compatible with determinism: "one's will is free so long as it isn't interfered with, or compelled, by others." He states that "it may be very easy to make a set of terms logically compatible with each other simply by defining the terms in such a way that they don't conflict." But I do not do that, as Swan seems to suggest. I defend a particular theory of free will from criticism and argue that other theories are false. One cannot validly reject pro and con arguments, as Swan effectively does here, on the assumption that the mere fact that someone has consistent theories just shows that he might have fiddled the definitions. I might also counter that "it may be very easy to make a set of terms logically incompatible with each other simply by redefining the terms in such a way that they do conflict." (However, I ought to note that the truth or falsity of my theory of free will is not crucial to the compatibility thesis — metaphysical free will could do the job too — but I did need to give some coherent account of this that fitted with my theory of rationality.)

In addition to this implicit criticism, Swan offers two explicit criticisms of my thesis: "First, I think that either the four ideas are not strictly compatible, or, if they are, the compatible thesis becomes somewhat trivial. Secondly, I disagree flat-out with one of Lester's definitions."

Swan cites "the issue raised by David Friedman that 'turning on a light or striking a match can send photons onto the property of others, so, given absolute property rights, one cannot even do such trivial things without the permission of everyone affected' (page 73)." He says that "a theorist seems forced to choose between an individual's absolute

claim of the compatibility thesis. I do not in any way "retreat" from my conception of liberty as "people not having a subjective cost initiated and imposed on them by other people" (or the absence of proactive impositions, for short). Liberty is maximized where welfare is maximized and private property is maximized. Hence these things do not conflict. I do not say that we can have perfect liberty, perfect welfare, and perfect private property (though I can make some sense of each of these).

Swan asks "What will determine in these cases the extent to which impositions will be permitted?" The answer is that overall impositions should be minimized by whatever means does this best. Swan supposes that "where the perceived con-

Libertarians would not be libertarians if they were not for liberty — though perhaps only for as much liberty as is possible.

lict is between individual liberty and private property, it will be just those impositions that are compatible with protecting another's property." No, it will be whatever maximizes liberty (i.e., minimizes overall proactive impositions). Has he forgotten that *Escape From Leviathan* deduces property rights, including self-ownership, by applying the theory of interpersonal liberty? Liberty is not defined in terms of property (except as a useful rule of thumb).

On my perpetual copyrights, Swan suggests that this will sometimes impose costs on those who do not own them. How? There is no explanation or argument given. He then suggests that costs might be imposed on "even those who, for example, won the race to the idea, but lost the race to the copyright office, or arrived at the idea later than, but independently of, the copyright holder." This seems to be confusing copyrights and patents. At the extreme, copyrightable innovations are not likely to be thought of independently ("I wrote an identical *Hamlet* before I knew of Shakespeare's play"?). It is also conflating criticism of the abstract theory with criticism concerning a possible practical difficulty. In *Escape From Leviathan* I discuss various problems and solutions with respect to each. Strictly, I do not recognize distinct categories of intellectual property but envision a spectrum of intellectual innovations ranging from those that might, otherwise, be independently created very soon afterwards (e.g., some mechanical inventions and pharmaceuticals, also maps and mathematical tables) to those that are unlikely ever to be independently created (e.g., books, symphonies). I cannot see what Swan finds problematic with this so I cannot usefully say more.

Of my compatibility thesis, Swan asserts that the "bold conjecture . . . is weakened to the more judicious claim that liberty must be compromised in order to secure strong property rights." I cannot understand why Swan thinks this. It is wrong in two crucial ways. 1) Liberty is never compromised. Libertarians, qua libertarians, must opt for the maximum liberty possible (and perfect liberty might not be possible). And 2) In *Escape From Leviathan* I clearly take the position that simple private property as normally conceived does have to

How does the protection of private property limit liberty when private property is derived from liberty?

control of property and perfect liberty. The choice Lester apparently prefers is to give up perfect liberty."

Here Swan is simply mistaken. I argue that neither of these is possible. Libertarians would not be libertarians if they were not for liberty — though perhaps only for as much liberty as is possible. Swan asserts that "Lester admits the possibility of cases where his definition of liberty conflicts with his definition of private property." But there is no clash of "definitions." Because of inescapable clashes in proactive impositions, perfect liberty is not always possible (in fact private property itself is a way of minimizing such clashes). That is all.

Swan continues that "it would not be difficult to imagine cases in which liberty would also conflict with people's having their unimposed wants satisfied." Of course. But mere imagined possibilities are not a problem for the practical

be modified when it clashes with liberty (for example, contra Rothbard, I argue that the person who finds himself surrounded by someone else's property must be allowed reasonable easements, though perhaps with some compensation payable, as that is a lesser imposition on the other owner than allowing his imprisonment is on him).

Swan asks, "Who would deny that private property is compatible with as much individual liberty as is attainable when perfect liberty (as Lester defines it) is unattainable?" If Swan means "generally compatible," then just about everyone who is not a libertarian would deny that private property is compatible with as much individual liberty as is attainable. I do not mean only to argue with libertarians. Swan says that my choice is for "allowing the protection of private property to condition the 'amount' of individual liberty." I cannot understand this. This sounds like the thinking of someone with a non-libertarian conception of liberty. How does the protection of private property limit liberty when private property is derived from liberty? Patents are then put forward as an example of my doing the opposite, and "right," thing. But I explain how patents are different from copyrights in applying my theory of liberty. What is wrong with my explanation? How is only this putting liberty first?

My aprioristic "definition" (theory) of rationality is "implausible": that "agents always attempt to achieve what they most want under the perceived circumstances." Swan thinks this implausible because of the possibility of false beliefs. If I mistake a glass of gasoline for a glass of juice, I do not have an "objective reason" to drink it "[b]ut I would have been attempting to achieve what I most wanted under the perceived circumstances."

So what? I am defending a theory of subjective rationality. Why should I be defending an objective (perfect?) theory instead? I do not object to objective theories, as such; they are simply peripheral, at best, to explaining the real values, choices and actions of agents (and Swan's version looks more like unattainably perfect prudence). Does Swan think my subjective theory will somehow lead to mistaken gasoline drinking in practice? I do also argue that it is overall welfare-enhancing — so also objectively rational? — to allow people to learn from their own mistakes and I refer the reader to the literature on what happens when "experts" are empowered to choose for them. Is there something faulty with that? □

You Can't Have It Both Ways

by Kyle Swan

I won't say anything here about the structure of epistemic justification. When Lester asks about two propositions, one of which is justified in terms of the other, how the other is ultimately justified, it isn't that he's unaware of the variety of internalist and externalist versions of foundationalism. He's just not convinced by any of them. However, I'm surprised that in his response to my review he fails to understand what he seemed to in his book. The critical rationalist method seems to suggest that Lester's extreme compatibility thesis is probably false (even if I wasn't able to refute it). In

his response to my review he claims he doesn't think the thesis is probably false. But he had written that "such bold universal theories might be false, and probably are: in an infinite universe it is statistically unlikely that we have stumbled on the truth" (page 5). I had understood Lester here to be recognizing at least one consequence of the critical rationalist approach. But perhaps he regards his extreme compatibility thesis as one of these statistical anomalies.

I also won't say anything about freedom of the will. Firstly, because this is a topic upon which we seem to agree. Secondly, we also agree that this discussion isn't central to the compatibility thesis. But I hadn't brought it up to criticize it. Rather, it seemed an instructive example of the fact that questions regarding the logical compatibility of ideas depend upon one's definitions of those ideas.

Lester is right that it would be mistaken to assume that the fact that someone has a consistent set of ideas shows that he might have fiddled with the definitions. But I didn't base

Liberty, as Lester defines it, simply isn't always compatible with absolute private property rights.

any of my arguments against the compatibility thesis upon any such assumption. Rather, I tried to show that, in order to deal with certain practical problems, Lester must fiddle with them. This was the point of my first criticism that liberty, as Lester defines it, isn't always compatible with absolute private property rights. Friedman's example is but one case. The way Lester says he disagrees with Rothbard is another (107). The liberty Lester defines as the absence of proactive impositions isn't possible here unless the property rights of the others are compromised or "modified" in some way. But alternatively, the others' absolute control of their property isn't possible here unless the individual liberty of the first person is compromised.

As I suggested, this is a function of Lester's definition of liberty as the absence of proactive impositions. In practice, it is not generally possible to secure for someone the absence of proactive impositions. This is so just because others exercise their property rights, and/or act so as to improve their welfare. Their doing so ultimately has the effect of imposing some subjective costs on somebody or other. Recognizing this, Lester opts for social arrangements that "yield the maximum liberty that is practically feasible" (74).

Therefore, Lester is wrong to say, as he did in his response, "liberty is never compromised." He does not typically recommend the absence of proactive impositions. Typically it's practically impossible to secure this. Instead he recommends minimizing proactive impositions. This does constitute a retreat from the compatibility thesis as he initially formulated it. It amounts to an admission that liberty as absence of proactive impositions is not "in practice and in the long term" compatible with general welfare and private property.

I think it's a sensible retreat. The compatibility thesis is now not as obviously false. But it's also not quite as bold.

Non-anarchists, non-libertarians, even political liberals agree with Lester that proactive impositions should be minimized and that this minimal level of proactive impositions is compatible with other values in the political realm. The disagreement amongst them concerns just what that minimal level needs to be in order to secure those other values. It is an important debate, but also a familiar one, that Lester is contributing to. It's misleading for him to claim that he's offering an account of the objective compatibility of all these values.

Lester also misunderstands my discussion of his position on intellectual property. I neither argued against nor endorsed either of his policy recommendations here. I didn't say that the way he deals with copyrights is a mistake and the way he deals with patents is the "right" way. I merely described his positions wanting to illustrate one aspect of my

In very specific matters of practical policy, absolute control of private property is possible so long as liberty, as the absence of proactive impositions, is compromised. This would be the case if copyrights were perpetual, as Lester thinks they should be.

first critique. With respect to the compatibility of liberty as the absence of proactive impositions with absolute control of private property, Lester says he argues that "neither of these is possible." I think he's wrong about this.

The idea is that sometimes, in very specific matters of practical policy, absolute control of private property is possible so long as liberty, as the absence of proactive impositions, is compromised. This would be the case if copyrights were perpetual, as Lester thinks they should be. If someone had an idea that someone else later secured a copyright to (let's say, having arrived at the idea independently of the other), the latter person retains absolute control of the material. However, the liberty as absence of proactive impositions of the former person is compromised. On the other hand, in the case of patents, the liberty of others as Lester defines it is expanded as the patent holder's control of his property is compromised. It would also be easy to think of actual cases where the same would be true about liberty and welfare. In some of these cases, it might be good policy for the former to condition the latter. In other cases, the opposite is true.

Lester responds to my second criticism by declaring that he is defending "a theory of subjective rationality." Well, I knew that and noted it in my review. The problem is that, given his definition of what rationality is and its purported connection to welfare as want-satisfaction, he is committed to the implausible claim that the person I imagined has enhanced his welfare by drinking the gasoline. Lest anyone should be confused in the way Lester apparently was, this is a complaint about Lester's account of rationality and so the compatibility thesis. It is not an argument for empowering anyone to interfere with anyone else. □

No Need to Retreat From Liberty

by J.C. Lester

One theory I believe is that many of the theories I believe must be false. And they are more likely to be false the bolder they are. But that does not entail that I cannot consistently believe any particular, even bold, theory. I need a more specific reason seriously to doubt it than that I am confident that many of my theories must be false. Otherwise I could never believe anything, perhaps including the original (meta-) theory. Off hand, I think that is the correct answer to an apparent paradox about beliefs that Swan effectively raises. It is keener with critical rationalism, perhaps, rather than unique to it. Though, as I said in my previous reply, my beliefs at any moment are mere aspects of fleeting autobiography. They have little or nothing to do with the truth of objective theories and the soundness of objective arguments.

Swan reasserts that "questions regarding the logical compatibility of ideas depend upon one's definitions of those ideas." So I reassert that I was defending the conceptual and practical compatibility and plausibility of certain theories. This cannot be reduced to whether certain definitions are logically consistent.

Swan asserts that "in order to deal with certain practical problems, Lester must fiddle" his "definitions." It was not a "fiddle" with "definitions" but various arguments that showed that the libertarian conception of liberty, as I theorize and defend it (I am not doing lexicography, even of the stipulative variety), "isn't always compatible with absolute private property rights" as these are normally understood. I cannot see why Swan sees my answer to David Friedman's apparent paradox of absolute property rights as not a serious philosophical answer (in short, that it is a genuine and explicable error to think that libertarian liberty conceptually requires such absolute rights) but mere definition fiddling. On my response to Rothbard on this issue Swan thinks that my conception of liberty "isn't possible here unless the prop-

Swan seems to mean that liberty cannot be applied perfectly. That is right. So what?

erty rights of the others are compromised or modified in some way." Presumably he means that liberty cannot be applied perfectly. That is right. So what? When there are inevitable clashes of liberty, as I explain will happen, normal understandings of property rights have to be modified to maximize liberty (strictly, libertarian property rights can only be respected in this way). He goes on, "But alternatively, the other's absolute control of their property isn't possible here unless the individual liberty of the first person is compromised." Why should he have such so-called absolute control if it clashes with liberty? Swan seems to think that

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Deutschland Unter Alles

by Oliver Becker

Germany's economy made a spectacular recovery after World War II. Now it is slowing dying.

When you think of Germany, you might think of the *wirtschaftswunder*, the economic miracle by which the nation regained its prosperity in just a few years after the devastation of World War II under the free-market policies of Ludwig Erhard.

Times have changed since then, and not for the better.

In nine out of the last ten years, the German economy's growth rate was among the lowest in Western Europe. It was a meager 0.7% last year, and this year it will be around 0.5%. The government's budget deficit is 3% of gross domestic product, barely below the maximum allowed by the Treaty of Maastricht, to which the countries adopting the euro as their common currency agreed in order to ensure fiscal stability.

The German state gobbles up 48% of its country's GDP, and uses the money to pay for such worthwhile expenses as counselors for homosexual couples, airports in the eastern German countryside that never see a traveler, and the subsidy of failing industries. The last use seems to be a favorite of Chancellor Schroeder's, who has wasted hundreds of millions of euros on a giant construction company that went bankrupt about a year after receiving taxpayer dough, and 350 million euros this year on a insolvent phone company, whose plight will certainly not improve soon, as Germany is Europe's most overcrowded telecommunications market. Quite luckily, this summer he was unable to save the industrial conglomerate Babcock because he could not find a bank to go along with his rescue plans. Quite a few German taxpayers celebrated this failure with champagne.

Today, the country has 4 million unemployed. In some

areas of the former East Germany, as much as 23% of the work force cannot find a job. At the same time, Germans labor under one of the most complicated tax codes in the world. Seventy percent of all the tax literature in the world is produced in this country. While large corporations can use loopholes to reduce substantially their tax bills, especially after the half-hearted attempt at tax reform in 1999, Germany's once-vaunted *mittelstand*, its small and medium enterprises, chafe under an ever-increasing tax bill. Approximately 40,000 companies will declare bankruptcy this year.

With a population increasingly consisting of imbeciles it would be hard to repeat the long-forgotten economic boom, anyway. The so-called Pisa study, which compared the abilities and knowledge of schoolchildren in the major industrialized countries of the world, ranked German kids near the bottom of the heap, far behind the United States. But the education bureaucrats believe that it is cruel not to let a kid graduate from high school, to keep him from entering college, or, heaven forbid, to force him to actually learn something.

This was the situation when Germans went to the polls on Sept. 22. What did the people do?

Well, they chose to ignore it.

The Social Democrats, whom 38.5% of voters preferred, are so closely allied to the unions that it would be impossible for them to espouse any legislation that organized labor does not approve. For them, it is paramount to secure high wages and benefits and job security for their clientele, ignoring the unemployed or feeding them on empty promises. That a moribund economy will, in the long run, secure the livelihood of no one, seems to either not matter or be completely lost on them. Under socialists, Germany's already overregulated labor market has been deprived of its last vestiges of flexibility. A freelancer who works for only one company over an extended period of time can now sue to be

Instead of having to learn how to survive in a free market, East Germans rapidly came to appreciate the new Santa Claus with deep pockets from the West.

employed permanently. Social benefits run at 40% of wages, which basically amounts to a complete ban on low-wage labor. Employing the same person on a temporary contract and renewing this contract after it expires is possible for only a limited amount of time, thus endangering businesses with strong seasonal demand. Chancellor Schroeder made much of his plan to restructure the government-run unemployment office and add incentives for long-time unemployed to work.

This plan mixed quite reasonable steps like redirecting more of the employees of the government employment office towards finding new jobs for jobless people (only 10% of them do that currently), denying unemployed people who reject certain job offers any more benefits to an unspecified extent and giving tax credits to jobless who start work-

ing as freelancers (so-called "me-corporations") with "not-so-brilliant" ideas like giving special rate credits to companies who create jobs or letting the government employment office set up a temp agency, thus competing with private companies in this industry (and thus most likely destroying this nascent service in Germany). Whatever the merits and shortcomings of the plan may be, it seems clear that though it may slightly improve the efficiency of the labor market, it will not change the significant shortage of economic growth and thus of jobs that the German economy suffers from.

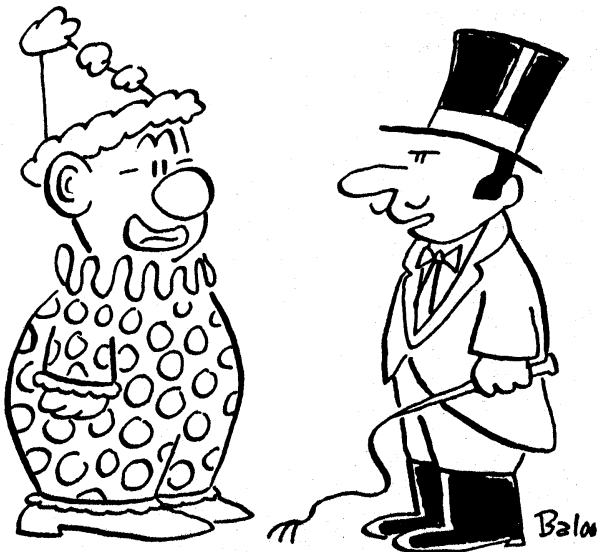
Notwithstanding the official line that 2 million jobs could be thus created, the announcement by a think tank that these plans would at most help to bring some 200,000 people into work was ignored by all parties. Social Democrats toed the line that there was not much anyone could do about the country's paltry economic growth, since the United States, Germany's biggest trading partner, was doing so badly. In one of the few highlights of the campaign, a speaker for the Communist Party said that since we were unable to act by ourselves anyway, maybe we should ask to vote in the U.S. presidential election next time, instead of wasting time and money on a federal chancellor.

The Green Party, the Social Democrats' junior partner in government, scored its best result ever in a federal election, winning 8.6% of the vote. The Greens were mainly responsible for the sharp increase in the tax on gasoline, raising the price in Germany to about 4 euros (about \$3.90) per gallon. The proceeds were meant to help subsidize social security and health benefits, thus cutting labor costs and unemployment, but it did not work out this way. The health care system, which offers full coverage for almost any treatment, offers no incentives to either patients or doctors to save money. Not surprisingly, its cost has almost tripled in the last 20 years. With an ever-aging population, and companies sending older employees into early retirement in droves in order to get them off the payroll, pension contributions also continue their inexorable way upward.

The Greens' other big reform project is to stop the use of nuclear energy within the next ten years. This basically ensures continuous use of heavily subsidized German coal, which is among the most expensive in the world. Generous government grants for the use of environmentally friendly energy, such as wind, has meanwhile led to the mushrooming of completely unproductive producers, more intent on living on subsidies than providing energy. Wind energy prices in Germany are among the highest in the world now.

For the next four years, the Green Party wants to cut labor costs by increasing taxes on wealth and estates and giving the money to the state-run health insurers and pension board, thus making it almost impossible and pointless to save and invest money. They have no idea of the effect of their policies on labor productivity in a country with capital-intensive industries.

Far from offering an alternative, the opposition Christian Democrats promised nothing but more of the same — though a bit more efficiently run. Having been overwhelmingly rejected by the voters four years ago after instituting some minor reforms to the labor market, the party was keen on appearing just as socialistic as the ruling coalition.



"You want the afternoon off? — Are you trying to be funny?"

Edmund Stoiber, the allegedly conservative Christian Democrat's candidate for chancellor, used "social security" more than any other words during his speeches, and the slightest hint at possible reforms was accompanied by the emphasis that, of course, he did not want to see any "U.S.-American conditions" in German cities. He attempted to convince people that nothing would change but everything would be better if he were only chancellor. When the government postponed a tax reform planned for next year because of the need to have funds for disaster relief after catastrophic floods in the country's eastern part, Stoiber hastened to say that corporate taxes had to be raised to maintain the so-called social "balance." The ruling socialists were only too happy to comply. Challenged to expound his views on health-care reform, all his shadow health minister could come up with was the shifting of some expenses from one government program to another, and the introduction of some regulations apparently no socialist had yet thought of. Not surprisingly, the Christian Democrats got only 38.5% of the vote.

But Germany has a party of classical liberals, doesn't it? Aren't the Free Democrats the party of individual rights, the free market, and lean government? So how did they fare? Their result of 7.4% was slight improvement compared to their dismal result of 6.2% four years ago. But even they made no serious effort to develop an alternative plan for solving current problems. The party dished out plans for a wide-ranging tax reform, but when asked where he wanted to cut government expenses, Free Democrat boss Guido Westerwelle could not name one item or program to cut. Apparently in despair, some weeks before the election, one of the Free Democrats top people began to publicly insult the Israeli prime minister and a German talk-show host of Jewish descent, obviously attempting to fish in the sea of far-right voters. For the rest of the campaign, the party busied itself with internal bickering, not wasting time on convincing voters of the merits of freedom. With friends like these, freedom really does not need opponents.

To find out how Germany got itself in this sorry situation, one needs to go back to the country's past. After the horrors of World War II, achieving a maximum social consensus became the paramount objective, ostracizing everyone who held views outside the mainstream. The early thinkers of the Republic, trying to combine socialism with capitalism, thus creating the so-called "social market economy" tried to eliminate the extremes on the left and right. When, with increasing prosperity, the '60s and '70s saw a steep growth of government expenses, the country seemed to be easily able to afford this. After all, even the Social Democrats of the 1970s were not as far left as Lyndon B. Johnson, Jimmy Carter, or Harold Wilson.

But having not fully participated in the West's swing to the left, the conservative government of the 1980s and 1990s saw no need to reform on the scale done at the same time in the United Kingdom and the United States. All that can be said for Helmut Kohl, the chancellor of 16 years, is that during his regime socialism advanced less quickly than under his predecessors.

With reunification, the nation added 16 million people

brought up under communist influence and in no way familiar with the capitalist system. Problems in bringing its socialist economy into West Germany's market economy were answered with clamor for the state to step in, and Kohl, always eyeing the next election, was all too ready to comply. Instead of having to learn how to survive in a free market, East Germans rapidly came to appreciate the new Santa Claus with deep pockets from the West. One hundred billion Deutschemarks flowed from West to East each year, money that was wasted on public baths with no visitors, roads with no destination, and hospitals with no patients.

When the conservatives were finally removed from power in 1998, leaving a decrepit economy and an empty treasury, the Social Democrats found a nation all too receptive for their basic tenet that as long as there is someone left to fleece, the state has the right and goddamn duty to pour down money on everyone who seemed to be doing worse than he thought he deserved. It was not hard work and flourishing capitalism that was to bring Germany back from the brink, but "social cohesion," government-sponsored innovations, and an industrial policy which conserves existing industries at the expense of newcomers. Four years, a couple of hundred billion Deutschemarks in public debt, a couple of hundred thousand bankruptcies, and a stock mar-

All that can be said for Helmut Kohl, the chancellor of 16 years, is that during his regime socialism advanced less quickly than under his predecessors.

ket crash later, Germany has turned from the *wunderkind* to the "sick man of Europe," as British papers enjoy pointing out.

Germans seem to have come to enjoy life in a country of splendid decline. Since most still have jobs and enjoy high wages and the world's most lavish social safety net, it is easy to ignore the problems the nation faces. And since people have been brought up on the notion that one man's need is the right to another man's fortune, they will go on to clamor for redistribution and the fruit of their betters' labor. The welfare state, no doubt, will procure it for them, for whatever the cost, thus ensuring an occupation for the huge workforce in government pay. People will be bereft of their last vestiges of independence, diligence, and creativity, turning to their masters and licking the hands that feed them, until one day — and since this is a rich nation, this day is far-off — nothing will be left to plunder. Maybe, just maybe, Germans will learn that it does not pay to trade one's economic or any other freedom for the comely, warm, and limpid security the state has to offer.

But for this generation, it will be too late. The current discourse in the country — or the sheer lack of it — proves only one thing: for the foreseeable future, Germany is lost without redemption. □

Anarchism, from page 30

such control is somehow libertarian. I explain — not “define” — why it isn’t.

As Swan observes, it is indeed not possible to secure perfect liberty in the sense of the complete absence of proactive impositions, and so we can only maximize liberty (minimize proactive impositions) as far as is practical (if I were really trying to fiddle my definitions why would I make it so hard for myself by coming up with a definition of liberty that cannot be perfectly implemented?). Swan insists that this shows that liberty is “compromised.” It is true that we have to make “compromises” in terms of absolute individual liberties (I cannot have perfect liberty without interfering with your perfect liberty) in order to maximize overall liberty. But as perfect liberty for all at all times was simply not an option I simply cannot understand why Swan thinks liberty as a goal to be aimed at has been “compromised.” What other aim has compromised it?

Now Swan also thinks that minimizing proactive impositions (maximizing liberty) is “a retreat from the compatibility thesis as [I] initially formulated it. It amounts to an admission that liberty as absence of proactive impositions is not in practice and in the long term compatible with general welfare and private property.” Why assume that I am committed to perfect liberty here? Or why not also assume that I am committed to perfect welfare (having all of your unimposed wants satisfied) and perfect private property (with no criminal interference whatsoever) — both of which are also not practical — and then complain that I retreat from them too? The compatibility thesis is that liberty, welfare and private property do not clash. More of any one means more of the other two. It is not that we can have perfect liberty. That is a perverse interpretation, as well as one that inconsistently ignores perfecting the other two. Why does Swan think I would put forward a thesis involving the perfection of liberty when I knew that such perfection is not possible?

So there is no “retreat.” Swan’s perfectionist interpretation of the theory was not so much “bold” as stillborn. My maximalist theory is bolder, many would say too bold, than any other version I know of among libertarians. It is misleading

to say that “[n]on-anarchists, non-libertarians, even political liberals agree with Lester that proactive impositions should be minimized.” The latter two, at least, are prepared to allow proactive impositions in order to achieve “other values in the political realm.” They are not aiming at a “minimal level” and they are often even reckless or oblivious concerning liberty. Swan states that it is “misleading for [Lester] to claim that he’s offering an account of the objective compatibility of all these values.” My reconciliation concerns only certain conceptions of liberty, welfare and anarchy. Why is it not objective?

When I wrote that the absence of proactive impositions was incompatible with absolute control of private property, as normally understood, I meant in Friedman’s and Rothbard’s examples — not in every possible instance. I still do not see what this has to do with Swan’s discussion of intellectual property. When Swan supposes that if the independent later inventor of an “idea” can have the “copyright” and “absolute control” I agree that then “the liberty as absence of proactive impositions of the former person is compromised.” Does Swan think my system entails this scenario? I do not. Swan then asserts that “in the case of patents, the liberty of others as Lester defines it is expanded as the patent holder’s control of his property is compromised.” Why is this liberty rather than license (doing something at someone else’s proactively imposed expense)? Swan is appealing to some kind of common sense view of liberty rather than addressing the arguments in *Escape from Leviathan*. As I cannot see what his point is supposed to be, I do not know what sense to make of his assertion that “[i]t would also be easy to think of actual cases where the same would be true about liberty and welfare.”

Swan thinks “given [my] definition of what rationality is and its purported connection to welfare as want-satisfaction, [I am] committed to the implausible claim that the person [he] imagined has enhanced his welfare by drinking the gasoline.” I am not committed to any such view just because the theory of welfare, and the compatibility thesis, is concerned with people’s overall want-satisfaction. Drinking the gasoline will obviously decrease this. So I still cannot see a problem. □

Cancer, from page 24

death without the desire for significance and intensity? And what, after all, is my chattering little nurse, if not a symbol — for me, a pretty intense symbol — of the problem of life’s significance, and of how we confront that problem? Symbolism is hard to get away from, once you start to wonder about it. I could not get away from that woman in the pre-op room, and I cannot get away from her now. What emphasis I give to her — that’s another question.

After all my meditations on the issue, I still do not want to die in a storeroom, no matter how zen that prospect might seem to some more purely spiritual being. And yet, I do not want to be the kind of person who dies with a disappointed craving to die in some other, more intensity-fraught location, all for the sake of its symbolic significance.

A great poet (in a poem I have never really liked) spoke of “the one life, within us and abroad.” I think I’m begin-

ning to understand what he meant. He meant, among other things, that the world of poetry, symbolism, dramatic intensity is not separate from the world that seems to lack those things.

A world without the symbol-making, symbol-demanding power, a world in which poets never spoke and readers never liked or disliked, would not be a world worth thinking about. It would be a paltry, insignificant world. Yet, at least in sober moments, I thank God that there are people who spend their time counting medical supplies, and chattering about it too; because they are as much a part of this amazing world as I am, and they contribute to its amazing life. Another great poet, writing of death, said that “ripeness is all.” I may be as far away as ever from understanding exactly what *he* meant, but I know that every extraordinary statement consists, in the end, of common words. □

Not So Continental

by Stephen Berry

The United Kingdom is not so united when it comes to joining the rest of Europe.

In January 2002, most countries of the European Union (E.U.) moved to a common currency called the euro, the only exceptions being Denmark, Sweden, and the United Kingdom. This is only the latest move in an attempt by the European political elites to form an integrated European superstate. Members of the E.U. already share a common tariff policy and the pressure is on to harmonize taxes, regulate conditions of employment Europe-wide, and construct a common defense policy. The institutions of the E.U. are undoubtedly skewed in favor of the creation of a centralized European federal state: the European Commission is staffed by full-time bureaucrats who are also part of the legislative process, the European Parliament simply reinforces the Commission's centralizing tendencies, the European Court of Justice is a powerful device for integration, and the Council of Ministers (political representatives of the 15 E.U. members) behaves as if it were a European cartel of politicians.

As a political entity, the European federal superstate would be quite formidable. In the year 2001 the population of the 15 members of the E.U. totalled some 380 million souls, about 95 million more than in the United States, and the gross domestic product amounted to \$8 trillion U.S. per annum (about \$2 trillion less than that of the United States'). In the year 2004, it is planned to add further new members to the E.U. The short list of candidates is Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia. This further expansion would add another 75 million people to the E.U. but, because many of the new members belonged to the old

Eastern bloc, the actual increase in the E.U. economy would only be an additional five percent. It comes as no surprise to libertarians that the guys at the top are looking for a chance to create a new political Leviathan and wield the big stick. But how do people as a whole in the United Kingdom regard the prospect of becoming part of a new European superstate, and can the European political elites overcome the considerable opposition on the ground and actually bring their grand project to fruition?

The decisive event in British history took place a mere 40,000 years ago, when a narrow strip of water (later referred to by English speakers as the "English Channel") was formed. It has divided the European mainland from the islands off its northwest corner and ensured that in many respects Britain would develop differently from Continental Europe. A further result of this division has been the "To what extent is Britain part of Europe?" debate. This debate has been acrimonious, entertaining, of at least 1,500 years duration and still shows no signs of abating.

Although England was occupied by the Romans for 400 years, little permanent impression was left. Roman law became the norm in Continental Europe but successive invasions by Angles, Saxons, Danes, and Vikings meant that it

was the Anglo-Saxon legal system which took root in the U.K. After the 1066 Norman Conquest there has been no further successful invasion from Continental Europe for almost 1,000 years, but the descendants of the Norman Kings did pursue endless, damaging quarrels in Europe. For instance, the disastrous Hundred Years War between the royal houses of Plantagenet and Valois was a dynastic squabble over who could claim legitimate rights to this or that piece of land in what is now known as France.

In the middle of the 16th century, contemporaneous with the first European settlements in North America, the split

The decisive event in British history took place a mere 40,000 years ago, when a narrow strip of water (later referred to by English speakers as the "English Channel") was formed.

with Rome and the fall of Calais (the last English possession on the continent of Europe) to the French, a policy of keeping Europe at arms length was inaugurated. It would be wrong to call this policy totally noninterventionist with respect to mainland Europe, but it was considerably less interventionist than what went before or came after. Alliances were made with European powers, but British intervention was of an ad hoc nature and even in wartime typically consisted of a small expeditionary force or of paying other powers to do the fighting. It was essentially a reactive policy aimed at preventing one power, whether it was the Spain of Philip II, the France of Napoleon, or the Germany of the Kaiser, from dominating mainland Europe. Above all, with one exception, Britain made no European territorial acquisitions — and therefore no European territorial commitments — as a result of these wars. This policy lasted for almost 400 years and can be seen to have paralleled the rise and fall of the British Empire.

Perhaps it was the result of anxiety about an overextended empire, perhaps it was the decline of classical liberal thinking in the U.K., but whatever the reason, this policy changed in the first decade of the 20th century. British governments made permanent alliances in peacetime with two European powers (France and Russia) and full scale intervention in World War I was the result. One million dead, massive debts, and a commitment to maintain the European order created by the Peace of Versailles in 1919 was a further consequence. The interventionist trend was taken to its limit when Neville Chamberlain offered guarantees to Poland and Romania — countries which the U.K. was unable to defend — in March 1939. Hitler's invasion of Poland prompted the declaration of war on Germany in Sept. 1939 and the most disastrous conflict in British history.

In the second half of the 20th century the decline in British power has not generated a more modest foreign policy — rather the opposite. The U.K. has pursued a twin-track foreign policy during this period. I have the general impression that, first and foremost, British politicians want

to be part of U.S.-sponsored interventions in dim, distant lands and that getting on with European integration normally takes second place. Occasionally however, the policy changes. European integration takes first spot and intervention in obscure areas of the globe momentarily comes second. Anyone who suggested a third option for the U.K. of minding its own business would be regarded as having outraged the canons of Foreign Office decorum, someone hopelessly out of touch with the real world.

But, if the views of the political elite have changed toward Europe, the views of the man in the street remain obdurately the same. Hundreds of years of history are not to be shaken off so easily and the typical British citizen feels a closer affinity to the English-speaking nations of North America and Australasia than those pesky, unintelligible foreigners on the other side of the water. In 1975, the European Union was sold to the population as the "European Economic Community," an opportunity for increased trade, and was popular as such. But as the integrationist project wore on, so has the unpopularity of the E.U. increased with the U.K. population. Indeed, this feeling is not confined to the U.K. Whenever people have a chance to vote on further integrationist measures, whether the vote is in the U.K., Ireland, or Denmark, the people give them the thumbs down. There has to be a referendum when the U.K. government finally proposes adoption of the euro but the opinion polls remain firmly set against it. How Blair must envy the German government, which was able to exchange the Deutschmark (the most successful currency of the last 50 years) for the euro without having to obtain the consent of the German people — which it knew would not be forthcoming.

After World War II the United States encouraged the political and economic integration of Western Europe as a

Now that the Soviet system has collapsed, the growth of a competitor in Europe will not be regarded so benignly by the ruling circles in Washington.

bulwark against the Soviet system. Now that the Soviet system has collapsed, the possible growth of a competitor in Europe will not be regarded so benignly by the ruling circles in Washington. It's bad enough that those Europeans feel powerful enough to indulge in a tit for tat trade war with the Bush administration. But it was unconscionable that a German chancellor should have the barefaced cheek recently to condemn the proposed invasion of Iraq as a "military adventure" in which the Germans would take no part — and he duly had his knuckles rapped. I might add that the French president Chirac would also have condemned the Bush Iraq policy if he were not so cynical and corrupt and intent on ensuring that French companies got their share of any pickings which might be going after an inva-

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Why Secession Was Wrong

by Timothy Sandefur

The time has come for all good men to agree that it was Lincoln's Union that defended and extended freedom in the Civil War.

The libertarian position on the Civil War — that the South had a right to secede, and that Lincoln wrongfully forced the South to remain in the Union — has been so prevalent for so long, that when I challenged it in “Liberty and Union, Now and Forever” (July), I expected there to be many objections. A decent respect for the opinions of mankind requires that I address a few of them here.

First, Ken Braun of Lansing, Mich., (Letters, August) wrote that I purposely ignored two vital facts in my analysis: that the states ratifying the Constitution did so while reserving to themselves the power to secede; and second, that the Tenth Amendment reserves all power to the states which is not expressly delegated to the federal government — therefore, the right to secede is reserved to the states. In an essay of over 6,000 words, I should be forgiven for failing to address some points — this was not an attempt to evade the issues presented by these points. But neither of them undercuts my thesis.

We might note at the outset that even if such “reservations” were relevant and binding, Virginia was the only such state which did end up seceding. But in fact, such “reservations” are neither binding nor relevant. There can be no conditional assent to the Constitution, just as (at common law) there can be no new terms in agreeing to a contract. Either the people of a state ratify the Constitution — and accept that it is the supreme law of the land — or they do not.

But even granting that conditional ratification could occur, consider the wording of some of these supposed reservation clauses. Virginia's Act of Ratification (June 26,

1788) declared that “The powers granted under the Constitution being derived from the People of the United States may be resumed by them whensoever the same shall be perverted to their injury or oppression.” New York and Rhode Island likewise declared that “the powers of government may be reassumed by the people whenever it shall become necessary to their happiness.” These “reservations” contain no reference to a power of unilateral secession, and do not contradict my assertion that no such power exists. The wording makes clear that these “reservations” actually refer to the right of revolution, not the right of secession. But neither I, nor James Madison, nor Abraham Lincoln ever denied that the people of the United States (or of any state, or of any county, etc.) reserve — as all people always reserve — the right to revolution. That right, as the Declaration of Independence explains, is inalienable. What we deny is that there *was any such injury or oppression*.

This must be very clear to understand the argument against the Confederacy. The question of the Civil War is really two questions: first, is there a constitutional right to secede? If the answer to the first question is no (and it is), then the second question is, was the South engaging in a legitimate act of revolution? The failure to separate these

two questions lies at the heart of the misapprehension among many libertarians that the South was right in the Civil War. Jeffrey Rogers Hummel, for example, writes that "as a revolutionary right, the legitimacy of secession is universal and unconditional. That at least is how the Declaration of Independence reads." But what the Declaration *actually* says is that revolution is a form of self-defense; only when "a long train of abuses has evinced a design to reduce [the people] under absolute despotism, it is their right, it is their duty, to throw off such government." This should be familiar to libertarians — it is the principle that one may not initiate force, but may use force to prevent

I make no attempt to defend the particular actions Lincoln undertook in prosecuting the war; they are irrelevant to the question of whether states can secede.

or punish such an initiation. The South was subjected to no such train of abuses. They asserted that their rights had been violated by Lincoln's intent to ban slavery from spreading west into the Federal Territories, but in fact, Lincoln was right about that: the Constitution does give the federal government that power. As for the "Tariff of Abominations," it was terrible economic policy, but it was not unconstitutional. If there is no constitutional right to secede, then the people of the South could justify their secession only if it was an act of self-defense. But it was not; in fact, it was the North that acted in self-defense after the firing on Fort Sumter.

But doesn't the Tenth Amendment reserve a right to secede? The Tenth Amendment reads, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The Amendment therefore *reserves* powers to the states — it does not create them. Only if the state had that right in the first place can it be retained. To assert that the right to secession is supported by the Tenth Amendment is therefore to beg the question — we still must show that the states had the right to secede in the first place.

Braun also states that the Ninth Amendment reserved a right to secede. That Amendment, however, is irrelevant. It says that the enumeration of rights in the Constitution should not be construed so as to limit other rights retained by the *people*. It reserves nothing to the states. Thus, at most, the Ninth Amendment reserves to the people a right of revolution — which, again, nobody denies. But it does not reserve a right in *states* to secede. Likewise, the Tenth Amendment reserves to the states only those powers which they had to begin with. Other powers are reserved in *the people*. But this returns us to our beginning point — who is this "people"?

States have no constitutional authority to secede because the states are not parties to the Constitution — only *the peo-*

ple are. The Constitution was created by we the *people*, not by we the states.

This is the central issue at the heart of the Civil War controversy, so it bears some emphasis. Stephan Kinsella has written that my original article was wrong because Article VII provides that "The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution *between the States so ratifying the same.*" Thus, writes Kinsella,

the Constitution was established "between" the first nine states to ratify . . . the classic language employed in treaties, which provide that the treaty becomes effective, among the states ratifying, when a certain threshold number of states have ratified it. Such treaties are clearly among and between the member states and bind only those who voluntarily adhere to it. Likewise, the American states were the original parties to the Constitutional compact. This is also made clear from the *Federalist* papers and the ratification documents, which say over and over again that the states were the ones ratifying, and joining, the Constitution and the new Union; not the people as a whole.

But in *Federalist* 43, Madison directly addressed the "delicate question" of how the federal government might treat states which refused to ratify. "The express authority of *the people alone* could give due validity to the Constitution," he wrote (emphasis added). This he contrasted with the Confederation, which "stands in the solemn form of a *compact among the States.* . . ."

It has been heretofore noted among the defects of the [Articles of] Confederation, that in many of the States it had received no higher sanction than a mere legislative ratification. The principle of reciprocity seems to require that its obligation on the other States should be reduced to the same standard. A compact between independent sovereigns, founded on ordinary acts of legislative authority, can pretend to no higher validity than a league or treaty between the parties.

Note the contrast between a Constitution and a treaty — the Articles of Confederation were a treaty; the Constitution is not. Madison went on to explain that were there only nine states to ratify the Constitution, "no political relation can subsist between the assenting and dissenting States." But this does not contradict the fact that where the Constitution *was* ratified, the people of the United States became *one people* for particular purposes — that the Constitution was ratified by *the people* and not the states. At the Constitutional Convention, Madison explained to the delegates that the "difference between a system founded on the Legislatures only, and one founded on the people, [was] the true difference between a *league* or *treaty*, and a *Constitution.* . . . A law violating a treaty ratified by a pre-existing law, might be respected by the Judges as a law, though an unwise or perfidious one. A law violating the constitution established by the people themselves, would be considered by the Judges as null & void."

On this issue, the *Federalist* is not even equivocal. *Federalist* 15, for instance, announced the theme of the entire work: "The great and radical vice in the construction of the existing Confederation is in the principle of *legislation* for

states or governments, in their corporate or collective capacities, and as contradistinguished from the individuals of which they consist." Likewise, in *Federalist* 16, Hamilton explained that the Constitution "must carry its agency to the persons of the citizens. It must stand in need of no intermediate legislations. . . ." He continues in number 23, that "we must abandon the vain project of legislating upon the States in their collective capacities; we must extend the laws of the federal government to the individual citizens of America." In number 33, Hamilton explained that were the Constitution to legislate for the states in their collective capacities, "it would . . . be a mere treaty, dependent on the good faith of the parties, and not a government, which is only another word for *political power and supremacy*." In number 40, Madison explained that the Constitutional Convention, "instead of reporting a plan requiring the confirmation of the legislatures of all the States . . . have reported a plan which is to be confirmed by the people. . . ."

Madison never wavered on this principle, either. At the Virginia Ratification Convention in Richmond, Patrick Henry challenged Madison to explain these words. "[W]ho authorised [the Constitutional Convention] to speak the language of, *We the People*, instead of *We, the States*? States are the characteristics, and the soul of a confederation." Madison replied that the authority of the Articles of Confederation had been "derived from the dependent derivative authority of the legislatures of the states; whereas this [Constitution] is derived from the superior power of the people." The Constitution did not consolidate the states entirely, Madison held — the Constitution was partly national, partly federal — but "[s]hould all the States adopt it, it will be then a government established by the thirteen States of America, not through the intervention of the Legislatures, but by the people at large."

In my earlier article, I quoted James Wilson, who explained that the Constitution "sets out with a declaration,

The Constitution was created by we the people, not by we the states.

that its existence depends upon the supreme authority of the people alone," as well as James Madison's explanation, 50 years after ratification, that he still held as he always had: the Constitution was formed "by the people in each of the States, acting in their highest sovereign capacity . . . the same source as the Constitutions of the States [so that] it has within each State, the same authority as the Constitution of the State . . . and constitute[s] the people thereof one people for certain purposes, [so] it cannot be altered or annulled at the will of the States individually, as the Constitution of a State may be at its individual will." Even when drafting the Virginia Resolutions — the act which gave birth to the secession movement, Madison noted that there was a distinction "between the power of the *State*, & that of the *Legislature*, on questions relating to the federal pact. On the supposition that the former is clearly the ultimate Judge of infractions, it

does not follow that the latter is the legitimate organ especially as a convention was the organ by which the Compact was made."

Even the opponents of the Constitution recognized that it would be binding on the people and not on the several states. We have seen Patrick Henry's remarks. Robert Yates, in *Brutus* 12, likewise admitted that "this Constitution, if it is ratified, will not be a compact entered into by the States, in their corporate capacities, but an agreement of the people of the United States, as one great body politic. . . . It is to be observed, it is not an union of states or bodies corporate; had this been the case the existence of the state governments, might have been secured. But it is a union of the people of the United States considered as one body, who are to ratify this constitution, if it is adopted."

Wayne Holman of Glen Ellyn, Ill. (Letters, September) complains that in my insistence that the Constitution was

There can be no conditional assent to the Constitution, just as there can be no new terms in agreeing to a contract.

formed by the people and not by the states, I rely on the Preamble. It is true that the Preamble states "*We the people* . . . do ordain and establish this Constitution." (This marks a sharp contrast from the Articles of Confederation, which declared that they were "Articles of Confederation and perpetual Union *between the states* . . .") But it should be clear from the authorities I have cited — and there are many more — that the Constitution was always understood as binding on the people of the United States — not on the states as in a treaty.

Holman makes an insightful distinction between Madison and those, like Daniel Webster, who insisted that the Constitution was a "consolidation" of the states. Madison did indeed maintain that the Constitution was binding on the people *in states* but not *as states*, and was therefore not a "consolidationist" strictly speaking. This, though, does not change the fact that for the specified, limited purposes of the Constitution, it is binding on the people, and not on the states, and cannot be dissolved by a unilateral act of a state, within the law. (The right to *revolution* still exists, as discussed above.) The Constitution is not a *consolidation*. As explained in *Federalist* 39, it is partly national, and partly federal. But as far as the specified powers are concerned, the Constitution does turn the people of the states into the people of the United States. Which "people" ratified the Constitution? The people of the United States. This is the same "people" for whom the Tenth Amendment makes its reservation. (Incidentally, if "the people" in the Tenth Amendment meant the people *as states*, then the phrase "or to the people" would have been redundant. Such a reading therefore violates the rule that one should construe the Constitution to give force to all provisions.)

Finally, Holman writes that "The central government

was never given the power to coerce a state that wanted to secede." In this he echoes Kinsella, who writes that "The Constitution nowhere authorizes or empowers any branch of the federal government to prevent a state from seceding." This, again, begs the question. The Constitution — among other things — 1) is the Supreme Law of the Land; 2) guarantees to every state a republican form of government; 3) requires the president to see that the laws are faithfully executed; 4) guarantees the privileges and immunities of citizens when they travel interstate; 5) prohibits states from entering into any compact with another state absent congressional permission; 6) prohibits states from entering into any confederation at all; 7) preserves every state's right to two senators. These powers would all be rendered meaningless, were a state able to secede unilaterally, within the framework of the Constitution. In any case, the states are not parties to the compact; they have no right to secede, therefore, and such a right cannot be retained to begin with. The right to *revolution* may be, and is, retained. But that

The states' "reservations" at ratification contain no reference to a power of unilateral secession; no such power exists.

right, as the Declaration of Independence makes clear, cannot be used to justify the secession of the Confederacy.

On this point, it's pertinent to note one point on which Ken Braun may be correct, and I may have been in error. I argued in "Liberty and Union" that states can leave the Union if the people of the United States agree to allow a state to leave — doing so through their representatives in Congress. Although I believe I am still correct on this point, I must admit that the Constitution only gives Congress the power to *add* new states, not to allow states out of the Union. Holman points to the legal maxim of *expressio unius est exclusio alterius*, and under such a reading, the Constitution would *absolutely prohibit* a state from leaving the Union. In any case, this argument only strengthens my position that there is no constitutional right to secession.

In the end, we can answer the constitutional questions posed by the Civil War: is there a constitutional right for states to secede? No, because the states are not parties to the compact, because the Constitution implicitly prohibits it in many instances, and — an issue I have not had space to discuss thoroughly — because the union of the states was not created by the Constitution, but by the Declaration of Independence. Secondly, since the people retain the right of revolution, does that right justify the secession of the Confederacy? The answer to this is also no, because the South suffered no aggression; its firing on Fort Sumter was therefore an initiation of force. The president being constitutionally required to see that the laws — including the supreme law of the land — be enforced, Lincoln was therefore right to enforce the Constitution, at point of arms, if necessary.

This is not to justify everything that Lincoln did. I have

not attempted to defend the particular actions Lincoln undertook in prosecuting the war: suspending the writ of *habeas corpus*, instituting a draft, and other such war measures. War measures are frequently harsh and unjust, and may safely be condemned from the comfortable vantage point of retrospection. They are nevertheless irrelevant to the question of whether states have the constitutional authority to secede. That question goes to the heart of the Constitution of 1787. It is a complicated question, but an important one. Unfortunately, almost a century and a half after the war, it is still difficult for many people to discuss the subject dispassionately. The recent vituperative exchanges between Thomas DiLorenzo and Thomas Krannawitter have tended to inflame the passions rather than to address the technicalities of the constitutional issues. I am glad to see readers of *Liberty*, like Edwin Krampitz Jr., David Mayer, and William Holman, being more thoughtful; I hope at least this will lead libertarians to question the prevailing libertarian interpretation of the war. If, as the Virginia Declaration of Rights observed, "no free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue and by frequent recurrence to fundamental principles," then nothing could be more rewarding than discussing this subject thoughtfully and dispassionately, and with a firm adherence to individual liberty as our primary concern. □

In Response to Timothy Sandefur

by William E. Merritt

Timothy Sandefur makes a thorough, scholarly, and compelling case that the South had no constitutional right to secede from the Union. But I don't think breaking up the Union had much to do with adhering to guidelines laid down in the Constitution. Breaking up the Union was about getting rid of the Constitution.

Gorbachev made similar arguments in the late 1980s when he tried to convince the Baltic States that it was against the law to secede from the Soviet Union. Gorbachev was at least as persuasive as Sandefur, but arguments based on Soviet legal theory missed the point. The Balts weren't asking Soviet judges to give them legal cover for secession. The Balts were through with the Soviet legal apparatus.

Parsing words from previous generations for no better reason than to thwart actions by living people reflects the worst kind of discredited 20th-century thinking. Real people get to throw off real governments for whatever reasons seem real to the people at the time.

No board can bind a future board. No legislature can bind a future legislature. And no generation can peaceably bind its children to any form of government whatsoever — no matter what words they use, or fail to use — if their children do not wish to be so bound. □

The Use and Misuse of Cultural Relativism

by William R. Tonso

Cultural relativism is indispensable as an analytical tool — and downright dangerous as a worldview.

Two years ago, the *Los Angeles Times* reported a survey saying, “Even more striking, while 57 percent of respondents say they consider abortion to be murder, more than half of that group agree that a woman should have the right to choose an abortion.” Huh?! Are there actually lots of people out there who believe that women have the right to commit murder? Maybe, maybe not.

Having taught sociology at the college level for 29 years, I found long ago that many, if not most, of my students considered killing, even understandable and positively sanctioned killing in war or in self-defense, to be synonymous with murder. So maybe these respondents were using the word “murder” in this way, as synonymous with killing, and therefore, were simply acknowledging that some killings, or “murders,” abortion being one kind, are acceptable. Maybe, but nowadays there is another very real possibility.

Earlier in the article, “a senior research associate who studies abortion at the Center for American Women and Politics at Rutgers University” was quoted saying: “Americans, in terms of their own code of morality may view abortion as murder and may be comfortable with it being illegal, but most Americans don’t want to impose that on other people It’s kind of a live-and-let-live approach Most Americans are in favor of letting people make their own individual choices.” Apparently missing the black humor of her reference to “live-and-let-live” in the abortion context, this researcher may not have a way with words, but she was on to something.

A year or so before I retired, I started asking my students whether they would remain friends with anyone who they found out was involved in something, *whatever that might be*, that they not only disapproved of, like, say, smoking or nose picking, but that they considered to be immoral. What seemed to be a straightforward question gave many of my students problems. Their responses were often in line with the “live-and-let-live” philosophy cited by the Rutgers “researcher.” During one such discussion, a student admitted that, even though he considered abortion to be immoral, he once had given a female friend a ride to a clinic for an abortion. He was not responsible for the pregnancy.

On another occasion, an articulate student whom I always enjoyed having in class because she could be relied on to keep discussions going, approached me after a sociology of deviance class to ask on what grounds, if any, one could personally judge behavior to be moral or immoral. Ironically, this young woman held strong Christian beliefs, while I’m a third-generation nonbeliever and a sociological relativist, yet she was confused about this issue and I wasn’t. I pointed out to her, without intending any sarcasm, that if she was the serious Christian that she often professed

to be, her religious beliefs should provide her with a framework for judging morality.

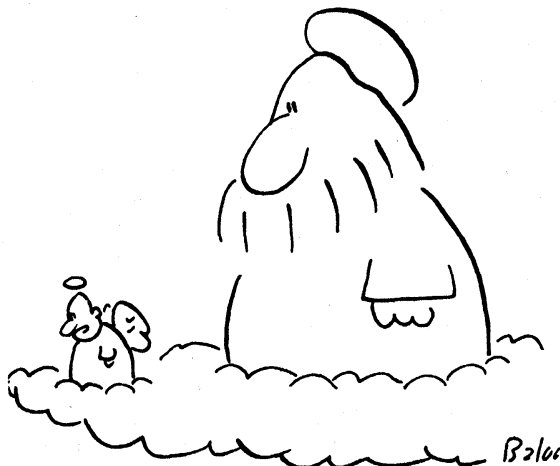
Yet I could understand her predicament. Somewhere along the way, probably with help from the social sciences, and even with my help, her religious beliefs had been relativized. Christianity in its various forms had simply become a system of beliefs that some people accepted and others did not, so while her faith could guide her behavior, she was uneasy about imposing her beliefs on those who didn't share them.

When I started teaching sociology at the Methodist-affiliated University of Evansville in 1969, it didn't take me long to become uncomfortable with the way sociology text-

Conflict may be unpleasant, but short of social engineering to the point of a Skinnerian Walden II, I suspect that it will remain part of the human condition.

books regularly defined and explained "cultural relativism." The last introductory text I used, *Sociology: Cultural Diversity in a Changing World*, by George J. Bryjak and Michael P. Soroka (the 3rd edition), stated that "cultural relativism is the belief that there is no universal standard of good and bad or right and wrong and that an aspect of any given culture can be judged only within its own context." Bryjak and Soroka went on to note: "The problem with cultural relativism is that any behavior can be accepted, rationalized, and justified." And after mentioning the genocides committed in Cambodia, Uganda, and Rwanda in recent decades, they state: "Few individuals would condone this behavior or accept cultural relativism as a justification for torture and murder. The question, therefore, is how far can we push the cultural of [sic] relativism perspective?"

At least Bryjak and Soroka see a dilemma here. But the



"Adam's got that Garden of Eden in a real mess — he needs a maid or something!"

dilemma they see, which seems to be responsible for the live-and-let-live reluctance of Americans nowadays to pass judgment on behaviors that were widely considered abhorrent not too many years ago, is the creation of "social scientists" who, like them, have blurred the distinction between their roles as scientists, on the one hand, and as private citizens on the other.

Social scientists, as I long noted in a handout to my students, are called upon to *analyze, explain, and/or understand* social phenomena, not to *judge* them. Therefore, a social scientist studying the Nazi movement, for example, had better take into consideration that exterminating Jews was a moral act to dedicated Nazis. As private persons, social scientists may, and I hope do, strongly disapprove of this Nazi position, but unless they keep their personal views under control while they study Nazis, they'll be doing propaganda rather than social science.

Cultural relativism, as I always told my students, is an indispensable analytical tool to the social scientist, not a principle to live by. If as social scientists we're going to try to *analyze, explain, and/or understand* why people behave in ways that we find strange or wrong, we're going to have to relate to them by getting into their worlds. We can't afford to ethnocentrically assume that our ways are the only right ways. But to *analyze, explain, and/or understand* them social-scientifically doesn't mean that we must personally *condone* what they do. As a sociologist I think that I have some

During one such discussion, a student admitted that, even though he considered abortion to be immoral, he once had given a female friend a ride to a clinic for an abortion.

understanding of what Nazis, Ku Klux Klansmen, and others of their kind believe and why they believe it, but my *understanding* of them wouldn't keep the private citizen me from violently opposing them.

There's no reason for anyone to allow important culturally rooted values to which he subscribe to be undermined simply to accommodate people perceived to be culturally different. If standing up for the core of our ways results in conflict, so be it. Conflict may be unpleasant, but short of social engineering to the point of a Skinnerian Walden II, I suspect that it will remain part of the human condition. Personally, I have no faith in social engineering and I'm leery of those who have a cultural vested interest in encouraging it. We think we're right, they think they're right, and understanding the basis of our disagreement isn't necessarily going to bring us together. One or both sides have to change, and both sides might consider the costs of change too great. Politically, a recognition of the relativity of culture need not encourage tolerance, unless as the multiculturalists inconsistently assume, our culture is inferior to others and we're expected to give in to those others. □

A Literary Life and Its Discontents

by Richard Kostelanetz

Making the right enemies is important.

The nastiest review I ever received came in 1973 in the *New York Times Book Review*, traditionally a repository of puffs. The reviewer was L.J. Davis, a novelist about my age whom I'd not heard of before. His review was vulgar, personal, ugly, and tasteless, to put it mildly. I remember writing an appropriately blistering reply, contrary to the common advice for authors to ignore negative notices. A few weeks later, when a mutual friend brought us together at a party, we got on reasonably well. Davis later invited me to participate in a summer writing conference he was running.

Perhaps a decade later, when I was looking to purchase a studio in his marginal Brooklyn neighborhood, he recommended the best real estate agent, who treated me well as a friend of L.J.'s. For one pair of buildings I needed a partner to take the one I did not need. L.J. wanted it and so we agreed to buy them together. Unfortunately, someone purchased the property a few days before we could make a bid. I almost became an immediate neighbor of someone whom I'd met through such inauspicious beginnings.

A year or so ago, I introduced him to a girlfriend to whom he, something of a compulsive talker, began to repeat his review. I had to remind him that I thought him a good guy who was an idiot about art. Fortunately for him, as well as our friendship, he long ago retired not only from fiction writing but fiction reviewing, becoming instead one of America's best investigative business journalists.

After three decades writing about colleagues and editing books that often included the works of contemporaries, I've learned that fellow writers are like women — you can't win them all. Some I directly offended with a negative notice,

much as L.J. Davis initially offended me — intentional enemies from whom I could scarcely expect love. Some are poets with overinflated reputations; others are publishers with excessive designs; some are critics with holes in their pants or heads up their sleeves. I can testify that very few, if any, of these enemies do I regret making.

I recall hearing in my 20s the composer Milton Babbitt telling me, "When I was a young man, I had the good fortune of making all the right enemies." More recently, I asked him whom he had in mind when he gave me that advice. Babbitt's answer was Randall Thompson, who held the chair in composition at Harvard in the 1940s and is now forgotten. Perhaps I've been as fortunate. One advantage of making the right enemies is that they often bring you friends — and even lovers — on the principle that one's enemy's enemy merits one's friendship. I suppose it is fair to characterize some of these guys as true chumps in my professional game.

Aside from enemies, I have detractors who were not directly offended but have disliked things I've written. Sometimes they have shared their dislike with others, just as I've shared my dislike of things that other people have done. Bad-mouthing is inevitable in every art world. Someone lacking detractors isn't universally loved, which is

impossible, but inconsequential.

Adversaries are those who hold distinctly contrary positions. In contrast to me, they like traditional art rather than avant-garde; they prefer highfalutin prose to my plain style; they prefer exclusions both professional and aesthetic to my sense of openness. They are Marxists or conservatives, while my politics are anarchist and libertarian. Since adversaries are necessary to confirm the integrity of one's own posi-

One advantage of making the right enemies is that they often bring you friends — and even lovers — on the principle that one's enemy's enemy merits one's friendship.

tions, I need these guys as much as they need me. Conversely, were former adversaries to agree with me on crucial issues, I would have reason to doubt myself. I suppose it could be said that I've had the good fortune of making many of the right adversaries.

Wounded egos are yet another class, including, for instance, those who expected me to mention them in a critical survey or include them in an anthology. Some of these I regret, because they are people I like but could not fit into one or another project. Or needlessly forgot about. Others are narcissists who take any slight to heart. Usually, I'll never know who such people are, because they'd sooner expose their wounds to others than tell me.

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I'm more likely to know those who expected their asses to be kissed and, disappointed, resort to devious rhetoric to aggrandize themselves. One deceit typical of the latter is to speak of those who don't appreciate them as having "difficult personalities," generally popular though they may be, because wounded egos measure everyone else exclusively in terms of responses to themselves. I consider slights from them to be, in Harry Smith's felicitous phrase, "the mere consequences of not playing the game."

This last sort of antagonist expresses *ressentiment*, which is a psycho-sociological term for the virulent jealousies of the underclass. In my experience, it is found not in failed writers, who generally conclude something is lacking in their work, but in power people, such as editors and professors, who suffer daily nuisance in exchange for presence and thus resent any presence gained without power — just professional successes, but with friends and lovers.

Socioculturally, they represent an underclass elevated temporarily into an institutionally ensconced upper class. What they fear for themselves, not unreasonably, is the loss

In my experience, resentment is found not in failed writers, who generally conclude something is lacking in their work, but in power people, such as editors and professors, who suffer daily nuisance in exchange for presence and thus resent any presence gained without power

of visibility when their power is relinquished. The result is the need to drag superior colleagues down to their own level.

Ressentiment also infects those who owe their visibility to only one powerhouse, whether a single individual, a single group, or a single institution, out of the anxiety that such support might be lost — the institution might disintegrate, they might be dropped — leaving them nowhere.

As someone who has received awards while having little power and support from many sources, I find these victims of *ressentiment* to be the hidden gremlins of my existence. Often they do their dirty work under the table, as when they persuade a publisher not to do something of mine or are jurors on a grants panel, undermining me behind my back. They operate less out of distaste for me per se than out of both an inability to accept independent achievement and an insecurity about themselves. Precisely because such *ressentiment* comes from people currently holding professional power, few attack it when its ugliness is displayed, though it is remembered once the malefactor loses power.

I can't claim to have made any other good friends, let alone potential real estate partners, through negative reviews, as L.J. and I befriended each other, but he and I might be different from most of our colleagues in this respect. □

Reviews

The Identity of Man, by Jacob Bronowski. Prometheus Books, 2002, 120 pages.

Rediscovering Jacob Bronowski

Timothy Sandefur

Too few libertarians are familiar with Jacob Bronowski, and it is gratifying to see that they will have a new opportunity with the republication of *The Identity of Man* by Prometheus Books. One of his many collections of lectures, *Identity* was first published in 1965 and revised a year later to include "The Logic of the Mind," a lengthy synopsis of the topic of the book — namely, whether a machine can ever "think" in the way that a human being does. He answers no. This is an endlessly fascinating debate, and although Bronowski's treatment of it is not as persuasive as those of Daniel Dennett or Douglas Hofstadter (who answer yes), Bronowski's path is strewn with uniquely fruitful insights.

This isn't surprising, however; he was a unique man. Born in Lodz, Poland in 1908, Bronowski and his family escaped the simmering revolutions of Eastern Europe by fleeing to Germany, just in time to be trapped by World War I. After the war, when Bronowski was twelve, the family moved to England. He arrived, he later said, speaking "rather badly, two

words of English I had learnt on the channel boat," but was soon enrolled in a school in London's East End. He loved English, but he was equally adept at mathematics, and he often noted his good fortune in learning these two languages, as he thought of them, simultaneously. He was skilled enough at math that he qualified for a scholarship to King's College, Cambridge in 1927. There he met some of the brilliant minds of the early 20th century; in fact, Bronowski seems to have been everywhere and known everyone in the prominent intellectual movements of the era. As an undergraduate, he co-founded a literary magazine called *Experiment*, in which he published some of the first works by William Empson and Kathleen Raine, as well as his own poetry, deeply influenced by imagist and surrealist schools. He wrote extensively, and in 1932 made the first English translation of an essay by Salvador Dali. Bronowski, whose mathematical specialty was geometry, was already profoundly interested in the connections between art and science.

Bronowski (or "Bruno," as nearly everyone called him) had hoped to receive a fellowship upon graduation,

but he discovered that, being a Jew, that avenue was almost certainly closed to him. He was disappointed: he had always admired English toleration, and would denounce Nazism as early as 1933, when he wrote in *Granta* that it "marks the ascendancy of all that is worst in academicism and university dogmatism. With it learning and education die, and bigotry stalks the land." Upset at finding anti-Semitism so strong in England, Bronowski moved to Paris, where he took up residence with the then-unknown Irish poet Samuel Beckett. The two edited a book of poetry, *European Caravan* (now a rare book, because it was Beckett's first). A short time later, Bronowski returned to England where he became a lecturer in mathematics, but he remained interested in poetry, and began writing a book, *The Poet's Defence*. He became acquainted with the writer Robert Graves, whose *I, Claudius* was corrected by Bronowski's girlfriend Eirlys Roberts. Bronowski and Roberts became summer guests on the island of Majorca, where Graves and his mistress, the American poet Laura Riding, had taken up residence. But the friendship did not last long; Bronowski, Graves, and Riding all had vast egos, and when the unknown Bronowski challenged the world-famous Graves to a poetry-writing contest, they had a falling out.

In the 1930s, Bronowski had another sort of falling out. Although communism had had a profound influence on him — it was said he inherited Marxism from his mother, who was an active union organizer — he was profoundly disappointed by the Spanish Civil War. Like many intellectuals of that time, he had seen the war as a conflict between fascism, which was traditional, dogmatic, and conservative, and socialism, which was open, liberal, and tolerant. The era's intellectuals bought into social-

ism, not because they were anti-individualists, but precisely for the opposite reason: as John Dewey put it, modern liberalism "knows that social conditions may restrict, distort, and almost prevent the development of individuality," and thus it sought to create a welfare state as a means of helping individuals to reach their full potential: a goal close to the heart of scientists. But the conclusion of the war caused many leftists to feel let down, not so much by the victory of Franco and fascism as by the tactics of the Soviets, who were more concerned with protecting and expanding the Communist Party than with defeating Franco. The atrocities committed on both sides, and the staggering death toll, all for a futile conflict between dictatorships, struck Bronowski deeply enough that he published a book of poetry about it. But if Bronowski had ever been a socialist, he would never call himself that again, and his criticisms of Marx would become stronger over the years.

After his break with Graves, Bronowski returned to England to teach, and was recruited to work on

Bronowski's project was to defend the principles of the Enlightenment in an age in which science was beginning to be seen as the enemy of freedom.

secret war research by the notorious scientist (and Stalinist) J.D. Bernal, whose work on protein crystallography later paved the way to the discovery of the double helix. As a mathematician, Bronowski was in charge of calculating more efficient bombing methods, but in his spare time he was writing a book on the mystical poet William Blake. *Man Without a Mask* (later retitled *William Blake and the Age of Revolution*) would become one of the most influential works on a poet whom previous generations had seen as practically a lunatic. In Bronowski's eyes, however, Blake was a social commentator, railing against evils which

he ascribed to the Industrial Revolution. Bronowski sympathized with Blake, but he did not concur in his rejection of modernity and science. In fact, he believed that science was a profoundly humane discipline, and that the Industrial Revolution was in fact the very source of our concern for suffering: "We today are scandalized that boys went on climbing chimneys for nearly eighty years after the heart rending poems which Blake wrote about them," he wrote. "But boys had been climbing for a hundred years before Blake without a line of protest from Addison or Gay or Dr. Johnson. . . . It was the engine, it was the horsepower which created consideration for the horse; and the Industrial Revolution which created our sensibility."

In Bronowski's eyes, Blake represented the 18th century's emerging understanding of human needs, an understanding made possible only by science and industrialization. Technology not only liberated man, it was also a profound statement about the pointlessness of human suffering. But that revealed a deeper connection: science itself was a statement about man's nature, and the key to his survival and happiness. This became the central theme of his career after 1945, when he was sent as the head of the English team investigating the effects of the atomic bombs at Hiroshima and Nagasaki. What he saw there horrified him so much that he switched his scientific interest to biology, and encouraged others to do the same. But while the effects of the bomb were horrible, Bronowski was even more disturbed by the reaction among intellectuals, many of whom blamed science itself, and began arguing for a return to faith and social stratification. These critics, like F.R. Leavis or Russell Kirk, saw liberalism as an effect of the Enlightenment's abandonment of faith, and the cause of evils such as reason, skepticism, and anti-authoritarianism, which had culminated in messianic ideologies and war. It had done so by revealing that man had no essential nature, and thus could be made to serve the dogmas of madmen. Liberal defenders of science found themselves backed into a cor-

ner, and many, like Bernal, threw their weight behind communism, arguing that science had, indeed, proven that man had no nature; that he really could be transformed by the proper application of scientific methodology. But to Bronowski, both of these positions were wrong: science did liberate man, but it did so only by discovering that he did have a nature, to which social institutions must conform. His project was to defend the principles of the Enlightenment in an age in which science was beginning to be seen as the enemy of freedom.

In 1950, Bronowski published his first book on the subject, *The Common Sense of Science*. Anticipating C.P.

Bronowski had much in common with Ayn Rand, although when Theodore Roszak noted this similarity, Bronowski is said to have been outraged.

Snow's more famous *Two Cultures* (1959), as well as Virginia Postrel's recent *The Future and Its Enemies*, Bronowski argued that the academy was being split by those who, frightened by Frankenstein monsters, rejected science and reason as damnable attributes of modernity, and embraced instead romanticized visions of ages past — and those who embraced science, or rather, a sham version of it, which proposed to apply itself solely to verifiable technicalities rather than the needs of the soul — art, ethics, or politics, which such scientists saw as purely emotive, nonrational qualities — pursuing efficiency, but unable to say what to be efficient about. Bronowski returned to this argument in his 1956 *Science and Human Values*, among his best books, comprising three lectures he delivered at MIT. Here he began to combine the themes that had dominated his career: the first essay focused on the process of creativity, the second on the moral character of science, and the third on the connections between art and science. A second edition added "The Abacus and the Rose," a radio pro-

gram he wrote which elaborated on all these themes. Bronowski's artistic interests had never left him; his 1951 play *The Face of Violence* had won the Italia Prize as the best radio show of the year.

Radio, and later television, made Bronowski a household name (and even got him a mention in a *Monty Python* skit). During the 1950s and '60s, he became a celebrity through a radio program called *The Brains Trust*, on which he served as a scientific expert alongside Julian Huxley. Listeners were impressed by the breadth of his knowledge, and he soon jumped to television, making a number of specials about modern scientific breakthroughs. His ability to communicate to audiences, and his unique literary style made him a popular expositor of science, but among the scientific and philosophical community, he sometimes found himself an outcast, alongside his friend Karl Popper. Philosophers regarded them as superficial and outdated; scientists thought Bronowski a "mere popularizer."

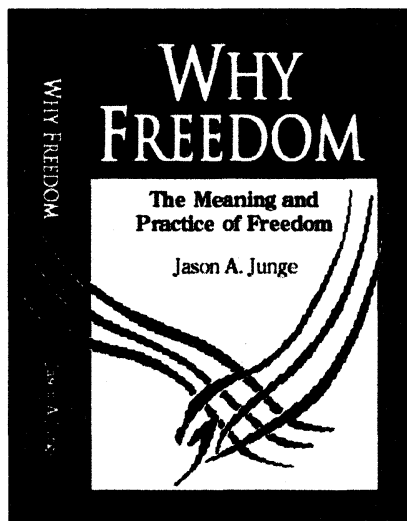
(Many continue to regard him as superficial: Richard Dawkins took a few unnecessary swipes at him in *Climbing Mount Improbable*.) But Bronowski continued to defend Enlightenment values, including limited government. In one remarkable essay, published in the posthumous *A Sense of the Future*, Bronowski even argued for a separation of government and science, including avoiding government funding, which he saw as a source of intellectual corruption.

For Bronowski, science provided an example of a community not based on a shared mythology of Marxism, or the "noble lie" that conservatives embraced. Nor did science necessitate value neutrality. "'Value free,'" he said, "is a particularly comic phrase since the least valuable freedom in the world, and the greatest slavery, is 'value freedom.'" Instead, the scientific community was a community centered around the search for truth. That search inherently required a moral structure, or as Bronowski put it, "there is a social nexus which alone

makes verification [and therefore discovery] possible. This nexus is held together by the obligation to tell the truth. Thus it follows that there is a social injunction implied in the positivist and analyst methods. That social axiom is that *We ought to act in such a way that what is true can be verified to be so.*"

Unfortunately, Bronowski did not address the implications of this principle on economic behavior. If dissent and toleration in the marketplace of ideas are justified by the overriding social principle of a search for truth, it would seem to follow that, in the actual marketplace as well, new services, new inventions, and new management procedures are a means of addressing other human needs. (Indeed, one necessarily implies the other, since economic liberties such as property rights are an essential protection for dissent and free debate.) A scientist proposes a new theory and seeks to have it published in a book; he should be free to sell that book as well as propound the theories embod-

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ied in it. Engineers inspired by his theory should be free to put it into practice in the form of a new invention. Investors should be free to offer that new invention to the public in the form of a new product. And, just as in the marketplace of ideas, consumers may accept or reject it as they choose — and to deal with the consequences of those decisions. It is regrettable that Bronowski, who eagerly sought to create "a philosophy which shall be of a piece," failed to explore these principles.

Nevertheless, his work clearly rejects anti-Enlightenment conservatism, like that espoused today by Robert Bork — but also modern liberalism, like that espoused by Richard Rorty. In fact, here and elsewhere, Bronowski had much more in common with Ayn Rand, although when Theodore Roszak noted this similarity in his book *The Making of a Counterculture*, Bronowski is said to have been outraged. But Roszak was right. Consider this passage from *Sense of the Future*: "it is precisely the doctrines of the Dark Ages which treat man as fixed and dead, a sinful exhibit who can seek virtue only in self-denial. These ascetic virtues are equally the marks of the dead societies of the Middle Ages which we still perpetuate — societies constantly on the brink of famine, in which the greatest virtue of man was to achieve the heroics of an insect in a colony, and sacrifice himself for the hive. We are somewhat past those famine days, and we should be past those famine virtues."

In the end, Bronowski defended science as the only method of knowing that was proper to man. "And I am infinitely saddened," he said in 1974, "to find myself suddenly surrounded in the west by a sense of a terrible loss of nerve, a retreat into — into what? Into Zen Buddhism; into falsely profound questions about, Are we not really just animals at bottom; into extra-sensory perception and mystery." Science had got us into the mess of the 20th century, but he believed that science — or rather, the virtues of which it was the culmination — would get us out.

Near the end of his life, Bronowski went to the site of a Nazi concentra-

tion camp to film part of the television series that became his masterpiece, *The Ascent of Man*. The series was unscripted, and Bronowski spoke to the camera extemporaneously. On this occasion, he surprised the cameraman by wading into a mud puddle, where the ashes of murdered Jews had been flushed, saying:

It is said that science will dehumanize people and turn them into numbers. That is false, tragically false. Look for yourself. This is the concentration camp and crematorium at Auschwitz. This is where people were turned into numbers. And it was not done by gas. It was done by arrogance. It was done by dogma. It was done by ignorance. When people believe that they have absolute knowledge, with no test in reality, this is how they behave. This is what men do when they aspire to the knowledge of gods. Science is a very human form of knowledge. We are always at the brink of the known, we always feel forward for what is to be hoped. Every judgment in science stands on the edge of error, and is personal. Science is a tribute to what we can know although we are fallible.

The Identity of Man was presented as a series of lectures to the American Museum of Natural History in 1964, shortly before he and Jonas Salk moved to San Diego to found the Institute that bears Salk's name. In the lectures, Bronowski touched on one of his favorite themes: the role of imagination in epistemology. The human mind, he believed, did not work in an orderly progression, but in a series of leaps, by making likenesses between things and then testing those likenesses. Thus the process of discovery was not an axiomatic or deductive system, but a series of guesses and conjectures which became working theories when they revealed an underlying natural structure. All knowledge, in this sense, is analogy. But a computer, proceeding mathematically from premises to deduction, could make no such guesses. Bronowski illustrated this by reference to "a man with an electrode in his brain who found that it inhibited him from saying the word *butterfly* when he was shown one. He snapped his fingers in frustration, and when the current was switched off, he explained why; he had tried to say

moth as a way out, and could not find that word either. The search within ourselves for such likenesses is the creative gift by which man commands the hidden potential in nature and in himself."

Bronowski's argument does not make much headway against the more thorough arguments of Daniel Dennett, who argues not only that robots can think, but that "your great-great-grandmother was a robot!" Since rocks don't think, and minds do, many thinkers have insisted that there is a qualitative distinction between matter and mind. Dennett rejects this, and

Bronowski believed that while evolution required us to modify our notion of human nature, it did not require us to abandon it. There is, at bottom, some reason that, as he put it, we milk the cows and the cows do not milk us.

seeks to connect the mind to physical properties. If mind is an algorithmic process, it can (in principle) be reproduced in a computer. And in fact, the process of imagination does seem to be understandable in this way. Imagination seems to be a sort of double-consciousness, in which one part of the mind conjectures a likeness between two perceptions, and another rejects it analytically, like a game of I Spy. Teach a computer to guess, based on likenesses, for example in a facial-recognition program; then apply selection pressure by rejecting the wrong guesses and accepting the right ones. Repeat the process ten thousand times a day for a billion years, and the result is the human brain. Thus the mind — or rather, the illusory unity produced by a spontaneous order in a brain in which many operations are going on simultaneously — convinces itself that it has conjured up an idea, when in reality the idea is the product of algorithm.

But although Bronowski was probably wrong that computers cannot be

taught to think, he was more interested (as is Dennett, in his book *Elbow Room*) in why it is that such a possibility makes us so uncomfortable. Of course, we fear that we will lose our freedom. But here, Bronowski argued, we need not worry — we are not capable of knowing enough information in enough detail to put us into such a prison. According to the old canard, a person knowing the position and velocity of every particle in the universe can predict with absolute certainty every event that will ever take place in the future. But the fact is, we not only cannot live long enough to acquire such knowledge, but such knowledge cannot be discovered in the first place. Man is not a god, able to stand outside nature and manipulate or understand it all *in absentia*; he is a part of it, and simultaneously affects, and is affected by it.

The question of whether man has a unique nature is the unique philosophical problem created by the Darwinian revolution. If man is not *essentially* different than the animals, but only different in *degree*, then the propositions of natural rights would seem to fall apart: man could be made to fit any political environment, if only he is trained, or even bred, for it correctly. If the mind is only a computer program, a new version of that program could make a man a better proletarian. To many theorists, for example Oliver Wendell Holmes Jr., politics did indeed become an expression of, and a tool for, man's further evolution, based not on any objective right or wrong, but upon survival strategies and experiences, each with an equal claim to legitimacy. If stoning women for removing their veils "works" in Saudi Arabia, and no-fault divorce "works" in California, there would be no objective reason to choose between these two, because there is no universal standard of political legitimacy, only subjective preferences. In fact, natural rights theory has been abandoned by most intellectuals, precisely because its defenders have, by and large, failed to meet this challenge. (There are some excellent exceptions, for instance Larry Arnhart's book *Darwinian Natural Right*.) Nor is political philosophy the only field where

this challenge must be met. In *The Meme Machine*, Susan Blackmore argues that since the concept of a unified "self" within the mind is, as I have said, an illusion covering over the many operations going on at once in the brain, the very idea of the *self* should be rejected in favor of a new form of Zen Buddhism. You will, she hopes, finally abandon the illusion and embrace the fact that your mind is out of your control — since there's no you to begin with.

But Bronowski believed that while evolution required us to greatly modify our notion of human nature, it did not require us to abandon it. There is, at bottom, some reason that, as he put it, we milk the cows and the cows do not milk us. That uniqueness, which Bronowski called "human specificity," is indeed the product of an evolutionary process, just as the unified mind may be. But the fact that it is a product of evolution does not mean it is artificial or worthless. The ability to grasp things through words, or rather, symbols, was the key to human uniqueness, even if it is the product of evolution. In *Ascent of Man* he referred to:

[s]ome beautiful experiments . . . first done by Walter Hunter round about 1910. . . . [H]e would take some reward, and he would show it to an animal and then hide it. . . . If you take a rat and, having shown it the reward, you let it go at once, the rat of course goes to the hidden reward immediately. But if you keep the rat waiting for some minutes, then it is no longer able to identify where it ought to go for its reward. Of course, children are quite different. Hunter did the same experiments with children, and you can keep children five or six waiting for half an hour, perhaps an hour. Hunter had a little girl whom he was trying to keep amused while keeping her waiting, and he talked to her. Finally she said to him, "You know, I think you're just trying to make me forget." The ability to plan actions for which the reward is a long way off is an elaboration of the delayed response. . . . It is a central gift that the human brain has to which there is no rudimentary match . . .

Darwin does not entail nihilism; just the opposite. It can be the key to understanding our past, and thus

planning for the future.

Bronowski died suddenly of a heart attack in 1974, and legal complexities have kept *The Ascent of Man* from being as widely distributed as other great documentaries (like Kenneth Clark's *Civilisation*, which inspired it). But libertarians would be well served to examine Bronowski's work as an insight into their unique heritage: alone among political philosophies, libertarianism and science are concerned with the truth about man and nature. What Bronowski found in the sociology of science is what liber-

tarianism seeks to find in political society in general: a tolerant society which, to paraphrase Milton, closes up truth to truth as we find it. Science has "mastered nature; but it has been able to do so only because its values, which derive from its method, have formed those who practice it into a living, stable, and incorruptible society. Here is a community where everyone is free to enter, to speak his mind, to be heard and contradicted. . . . Science [has] survived," Bronowski concluded, "because it is less brittle than the rage of tyrants." □

Hillsdale: Greek Tragedy in America's Heartland, by Roger Rapoport. RDR Books, 2000, 206 pages.

The Hillsdale Mystery

Stephen Cox

Michigan's Hillsdale College, founded in 1844, was originally a stronghold of abolitionism. Today it is a stronghold of conservative-libertarian values. To be more precise, it is a stronghold of conservative mores and libertarian political and economic theories. Hillsdale is one of the very few academic institutions in America in which Friedrich Hayek and Ludwig von Mises have achieved the status of saints.

It is the libertarian aspect of Hillsdale that has made it famous. In an attempt to avoid interference from the federal government, Hillsdale refuses federal funding. You can count on the fingers of one hand the other institutions of higher education that

have had the guts to do that, or even the concept of doing it. During the 28-year administration of George Roche, who came to Hillsdale from the libertarian Foundation for Economic Education, the small college used its free-market principles as the basis for an aggressive national fundraising campaign that raised hundreds of millions of dollars, more money "than George W. Bush and Al Gore combined" (page 124).

The campaign displayed the good side of George Roche. The bad side was the cult of personality fostered by his dynamic leadership, a cult that he appears to have done nothing to discourage. There is room for a lot of different opinions about the merits and demerits of the Roche administration. One thing is certain: it ended badly, very badly.

On Oct. 17, 1999, Lissa Roche, President Roche's daughter-in-law, distressed by his recent second marriage, announced to horrified family members that she had been carrying on a long-term sexual affair with him. On the same day, Lissa Roche was found dead, an apparent suicide, in the college arboretum. General acceptance of her accusation against her father-in-law quickly led the college trustees to procure George Roche's resignation. Although he continued to avow his innocence, the scandalous story remains the orthodox explanation of events.

Roger Rapoport, a professional writer with no apparent ideological or other ax to grind, has reopened the case and determined that there is considerable reason to doubt that story.

Leaving aside the mystery story, however, there is much to recommend his book. Its account of Roche's rise to fame is a significant chapter of Americana.

The police investigation was shoddy; important testimony is uncorroborated or implausible; it is not proven that Lissa's claims were true, or even that she killed herself after making them. Rapoport is a clear and intelligent writer; his analysis cannot lightly be dismissed.

Leaving aside the mystery story, however, there is much to recommend his book. Its account of Roche's rise to fame is a significant chapter of Americana. Its account of Roche's relationship with his daughter-in-law, interpret it however you decide to interpret it, is of great psychological interest. The subtitle's references to "Greek tragedy" and "America's heartland" should not deter the reader; the book is not a melodrama.

This is one of those books that deserves to be widely distributed but probably isn't. For that reason, I'll let you in on the fact that if you can't find it in your local bookstore, www.rdrbooks.com will help you. □

Life at the Bottom, by Theodore Dalrymple. Ivan R. Dee, 2002, 263 pages.

Living and Dying in Socialist Britain

John Clark

Ronald Reagan once said that socialism works in only two places: heaven, where they don't need it, and hell, where they've already got it. In his day the world's socialist exemplar was the Soviet Union, founded on the principle of abolishing private property by all means, at any cost. This experiment was a fair success according to its own purpose. Whether Soviet citizens got a decent life out of it is another question, and not a difficult one to answer. When that regime collapsed in about its 74th year, there was nothing of value to show for such continuous, massive poverty, pollution, famine, torture, and death.

British socialism had the less extreme and nobler-sounding goal of providing for the bodily needs of all its subjects. In this ideal society, no one would have to worry about going hungry or homeless or untended. According to Theodore Dalrymple, in *Life at the Bottom*, this socialism has been quite a success according to its purpose. There is today, he notes, almost nothing that a British resident can do to relieve the state of its obligation to feed, house, entertain, and care for him.

As a physician in a British inner-city hospital and prison, Dr. Dalrymple has observed as much of the socialist reality as any person can — not just at his workplaces but also in many homes, streets, public areas, and from interviewing some 10,000

patients over the years. What is this reality like? When the state provides for everyone's needs regardless of effort or conduct on their part, far too many people see no need to learn about the past, use their time well in the present, or plan for the future. "A system of welfare that makes no moral judgments in allocating economic rewards promotes anti-social egotism." This is what we see — an ignorant, coarse, slovenly, filthy, lawless caste of socialist "beneficiaries" and others who suffer their abuse and harm.

There is always a danger that a policy of insurance will promote the behavior or condition that it insures against; this is what economists call "moral hazard." It is much in evidence in all aspects of British society today. Those socialists either were blind to the moral hazard or regarded themselves as exempt from, or even the authors of, the law of nature. Egotism begets egotism and, per Dalrymple, "misery increases to meet the means available for its alleviation."

The more health care is viewed as a "right," to be consumed by oneself and paid for by others, the more widespread, inevitably, become smoking, gorging, boozing, doping, snorting, and other unhealthy behaviors. Typically, several patients a day are admitted to Dr. Dalrymple's hospital having "attempted" suicide by sublethal overdose for, among other reasons, the benefit of a free hospital stay. Far from appreciating this care, many

such patients are abusive and threatening to the physicians, nurses, and staff who provide it. Visiting physicians from India and the Philippines who at first admire the socialist ideal are soon appalled by the reality. "On the whole," says one, "life is preferable in the slums of Manila."

A less obvious result of the moral hazard of health care as a "right" is increased violence in general. Why should one refrain from punching, clubbing, stabbing, or shooting another person when the system is always there to put the damage right? Combined with other incentives to lawlessness such as the dole, a worthless school system, and lax policing,

There is today, he notes, almost nothing that a British resident can do to relieve the state of its obligation to feed, house, entertain, and care for him.

Britain has some of the world's highest rates of theft, robbery, and assault — and even the highest rates of such crimes with firearms, despite ("despite") strict gun-control laws.

In a recent column, April 8, Molly Ivins denounced America's health-care system as "stupid" and "falling apart." Her solution, of course, is to replace it with a socialized system like Britain's. Fine — Dalrymple gives her and like-minded people a chance, if they'll be so honest with themselves, to learn how their ideal functions in reality. Americans have no experience with socialized medicine, so they are mostly pretty ignorant about it. Its advocates are ignorant even of their ignorance.

Britain's knowledge dates from the founding of their National Health Service in 1948. Thirty years later, economist Milton Friedman noted that while the population had grown since then, the total number of hospital beds had declined. Health-care bureaucrats have said at times that the lost capacity for treating the sick and injured was not needed anyway. Yet it's hard to believe that growing numbers of

elderly require less health care year by year, while on the other hand so much is expended on drunks, junkies, and brawlers who regard hospital care as their "right."

As sure as any natural law, this incentive to neglect and abuse one's own health will lead many people to do so, in every way possible. Inevitably these derelicts will require income support and subsidized housing and jail and prison cells as well. That is one lesson of Dalrymple's book. Why, in America, suppose that our bumbling amateurs can avoid all of the experts' mistakes?

We have better options than to grant power over our lives to amateurs, experts, or whomever. One is to take primary charge of our own health. This means following the rules

of nutrition, fitness, and hygiene that any 6th grader or the surgeon general can learn. It may mean paying directly for routine services that we want and buying our own insurance policies for services that we hope we'll never need (e.g., surgeries and hospital stays). And instead of relying on the government to tax us to pay for our health care, we can offer to share our own wealth with the poor and those who serve them.

The more we can learn from others' experience, the less time and money we will waste and the less misery we will suffer. Dalrymple has done an invaluable service by telling the stark truth about socialized medicine. So compelling is *Life at the Bottom* that I read it cover to cover in a day's time — and later reread it twice. □

Notes on Contributors

Baloo is a nom de plume of Rex F. May.

James Barnett is *Liberty's* editorial intern.

Oliver Becker is a consultant with Price, Waterhouse in Europe.

Stephen Berry has written numerous articles for libertarian and chess magazines.

Alan Bock is a senior columnist for the *Orange County Register* and the author of *Waiting to Inhale: The Politics of Medical Marijuana*.

R.W. Bradford is editor of *Liberty*.

Scott Chambers is a cartoonist living in Arizona.

John Clark is a title insurance specialist living in Seattle, Wash.

Stephen Cox is a professor of literature at the University of California San Diego and the author of *The Titanic Story*.

Joe Dabulskis is a small businessman in rural northeastern Oregon.

Michael Drew is a writer living in Berkeley, Calif.

Chris Henderson is a writer living in Avon, Ind.

John Hospers is a philosopher, author of *Libertarianism*, and was the Libertarian Party's first presidential candidate.

Richard Kostelanetz has published books of poetry, fiction, criticism, and cultural history.

J.C. Lester is author of *Escape From Leviathan*.

George W. C. McCarter practices law in New Jersey.

Wendy McElroy is editor of *ifeminists.com* and is the author of *The Reasonable Woman: A Guide to Intellectual Survival*.

William E. Merritt is a senior fellow at the Burr Institute in Portland, Ore.

Robert H. Nelson's most recent book is *Economics as Religion: From Samuelson to Chicago*.

Bruce Ramsey is a journalist in Seattle.

Ted Roberts is a freelance humorist living in Huntsville, Ala.

Timothy Sandefur is (slowly) working on a biography of Jacob Bronowski.

Mark Skousen is author of *The Making of Modern Economics*.

Clark Stooksbury is a freelance writer living in Knoxville, Tenn.

Kyle Swan is a visiting assistant professor of philosophy at the College of Charleston in Charleston, S.C.

William R. Tonso is a professor emeritus of sociology at the University of Evansville, Ind.

Letters, from page 6

thing the Forest Service can do is to just let more fires burn."

Yes, fire is part of the natural forest process. It is a condition that the people of the West must learn to live with. But to allow fires to burn freely, wiping out valuable landscapes, is myopic. Uncontrolled fires put individuals and homes at risk, reduce property values, emit mass quantities of carbon dioxide, degrade water quality, and subject water flow to immense variability, among other things. It is true that there are benefits that come in the form of soil nutrients, diversity, and forest regeneration, and that is why prescribed burns should be a part of forest management.

In spite of our differences, O'Toole and I agree that a self-sufficient Forest Service would be a better Forest Service. Allowing markets to play their role would encourage managers to seek out the highest valued forest uses. I predict that these uses would vary from place to place and would include timber harvest as well as various forms of recreation, habitat enhancement, and watershed protection. Actions to reduce fire risk where appropriate would be a result of these choices. But if we let it all burn, there will be little value left.

Holly Lippke Fretwell
Political Economy Research Ctr.
Bozeman, Mont.

O'Toole responds: What is true in the South is not surely true in the West. In fact, 80% of the forests in the South are ecologically adapted to frequent, light fires. Fire suppression would be expected to lead to a build-up of fuels that could result in catastrophic fire.

In contrast, only about a third of the

forests in the West are ecologically adapted to frequent, light fires. Even on that third, there is no evidence in published fire records that a build up of fuels has led to more severe fires. In fact, for the past five decades the number of acres burned each decade almost exactly correlates with the severity of summer droughts.

In any case, proposals to give the Forest Service more power to cut trees without environmental oversight and to give it more money to thin or otherwise treat supposedly fuel-laden forests will simply not reduce fire hazards. Yet a number of free-market groups have explicitly or implicitly endorsed these proposals. They should focus instead on decentralization.

Treachery!

James Barnett failed to give your readers a complete explanation of how he came to "reluctantly" join the Libertarian Party ("Crossroads in Indianapolis," September). He left out how he approached me, as Libertarian Party of Virginia Chair, and told me that he wanted to join the LP. I was delighted that he wanted to join, and explained that he could buy a basic membership and attend the business sessions, like any other regular LP member.

Barnett left out his real reason: to attend the convention so that he could complete his assignment to write a story for *Liberty* magazine. He made no mention that he was a reporter and that he was only in St. Louis (sic) that week to write a story.

I learned in mid-August that Barnett was a reporter for *Liberty*, and that he

had not intended to join the party, but did so because it seemed to be the only way for him to complete his reporting assignment.

I told him directly that he was not truthful with me. He asked if I wanted to revoke his membership. I explained that I would return his \$25 to him, but I did not consider this "revoking" a membership since he did not join in good faith. His money has been returned to him.

Marianne Volpe
Alexandria, Va.

Mr. Barnett has a reflection on this incident elsewhere in this issue. — Editor

The Infamy of Whichery

In speaking of shibboleths, Stephen Cox ("Word watch," November) notes the correct pronunciation of "erred" and quotes FDR's correct usage of the word "infamy," but does not mention that FDR erred by saying "a date 'which' will live in infamy" rather than "a date 'that' will live in infamy" (for once in his life erring on the side of the non-restrictive).

Doc Daniels
Tempe, Ariz.

The View From Cassadaga

Your review of *Princess Navina Visits Voluntaria* (September) is so chock-full of subtle truths that not many intellectuals should be expected to be able to grasp it. As you might suspect, I managed to escape every blasted state-run university in the world for 75 years.

Out with the intellectuals. In with common sense.

Jacob Lapp
Cassadaga, N.Y.

Britain, from page 38

sion. If the European Union becomes stronger and if the U.S. government does embark on a policy of bringing democracy to the Middle East at the point of a gun, I would expect the tensions between the U.S. and the E.U. to grow as their interests increasingly diverge. Which way the U.K. would jump in those fraught and unfortunate circumstances is anybody's guess.

But whether the situation will develop along these lines remains questionable. Milton Friedman and a few other significant economists think that the euro will fail within ten years. At the moment the German economy is struggling and lower interest rates would be the standard recipe. But the control of interest rates has now passed to the European

Central Bank. Although this institution may have its offices in Frankfurt, it has to set interest for eleven countries other than Germany and many of these do not want lower interest rates. Hard cheese for the Germans. But if one of the major European economies were in dire straits and decided to leave the euro in order to be able to set its own interest rates, the grand European project would take a major hit from which it would be difficult to recover. As a libertarian who does not much care for states — let alone superstates — I would pop open a bottle of my very best French champagne to celebrate. And I would wager my entire collection of Schubert songs that I would by no means be the only person in the U.K. celebrating in this fashion. □

Blacksburg, Va.

Taxonomic note in *Virginia Tech Magazine*:

From working with kids on reading programs to seatbelt promotion programs to sponsoring recycling programs, everything the HokieBird does represents good things.

Recklinghausen, Germany

A sad day for children, from Reuters:

Two zookeepers have been suspended and put under police investigation for slaughtering and barbecuing five Tibetan mountain chickens and two Cameroonian sheep from the zoo's petting area.

Seattle

Innovative one-stop shopping concept in the Emerald City, from an advertisement in *Seattle Weekly*:

Experience Henna
Tattooing, Massages &
Facial Plastering. 2 for 1 dinner specials.

Russia

Evidence of the return of high culture to the former Eastern bloc. Reported in the *Seattle Post-Intelligencer*:

A new hit pop song, *I Want Someone Like Putin*, has teenagers swooning over the president's strength and reliability.

West Hartford, Conn.

Proof that crime doesn't pay, from the *Hartford Courant*:

Hartford police officer Gregory DePietro has ruined his chances of joining the West Hartford police force after taking a lie-detector test during his job interview, during which he admitted that in his previous position he had falsified police reports, slept on the job, stolen police property, fixed parking tickets, destroyed drugs taken as evidence, and stolen from suspects under arrest.

Coldwater, Mich.

Advance in law enforcement, from the *Battle Creek Enquirer*:

In a four-paragraph release sent to area news organizations Tuesday, the Branch County sheriff's department reported the investigation of several complaints of possible telemarketing fraud in the area, especially targeted at the elderly.

"In the course of this investigation, it was learned that this is going on throughout the United States and some of these telemarketing programs are believed to be operated by Al-Qaeda. The CIA has announced that they acquired a videotape showing Al-Qaeda members making phone solicitations for vacation home rentals, long distance telephone service, magazine subscriptions and other products."

The reports were apparently taken from a Sept. 18 edition of *The Onion* headlined "Report: Al-Qaeda Allegedly Engaging in Telemarketing."

Fort Myers, Fla.

Curious Halloween rites in the Sunshine State, from a report in the *Naples Daily News*:

This year's haunted house, sponsored by the Naples Jaycees, gives children the choice of executing either Osama bin Laden, Saddam Hussein, or Fidel Castro. After they make their choice, strobe lights reflect off tinfoil-covered walks and the floors vibrate to make the experience of an execution as real as possible.

La Porte, Tex.

Another consequence of schools' tragic failure to give pupils a solid background in botany, reported in the *Houston Chronicle*:

Police on Aug. 14 served a warrant at the home of 88-year-old Irene Gilliam Hensley, in the 200 block of North Nugent Street.

The department received a warrant after an officer — following a tip from a family member of Hensley's — identified marijuana plants growing in the backyard after he peeked over Hensley's fence.

Mrs. Hensley was released after an analysis revealed the plants to be okra.

Sydney, Australia

There are strange things done in the Down-Under sun, from a dispatch to the *Miami Herald*:

Troy Michael Bowron, 25, won \$33,600 from the Jannali Inn in southern Sydney for negligence after he slipped and broke his arm on a greasy bar floor. The floor was made dangerous by patron Ross Lucock, who had taped pork chops to his feet after being told he would not be served more alcohol because he was barefoot. Lucock had won the pork chops in a meat raffle at the bar earlier that night.

Louisiana

Notes from the sporting life, reported in *U.S.A. Today*:

The state prison at Angola is getting a nine-hole golf course, and the one in Avoyelles Parish is getting four holes. Both will be outside prison fences, and only prison employees will play. Wardens say inmate trustees can learn new trades as groundskeepers and caddies.

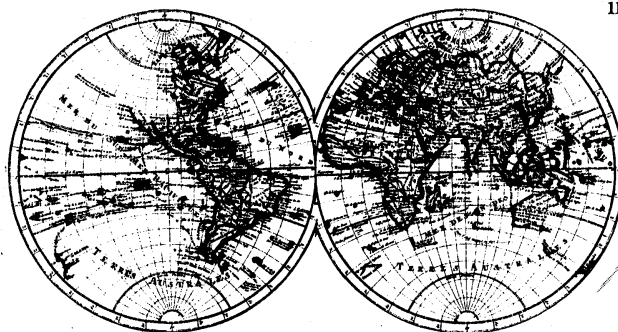
Pullman, Wash.

The state of the art of editing at the estimable house organ of Washington State University:

The Daily Evergreen would like to sincerely apologize for an injustice served to the Filipino-American, Spanish-speaking, and Catholic communities on the front page of Thursday's *Evergreen*.

The story "Filipino-American History Recognized" stated that the *Nuestra Señora de Buena Esperanza*, the galleon on which the first Filipinos landed at Morro Bay, Calif., loosely translates to "The Big Ass Spanish Boat." It actually translates to "Our Lady of Good Peace."

Terra Incognita

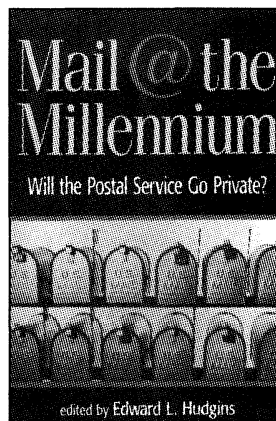
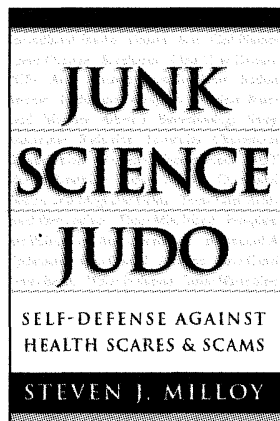


Special thanks to Russell Garrard and Robert Service for contributions to Terra Incognita.

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

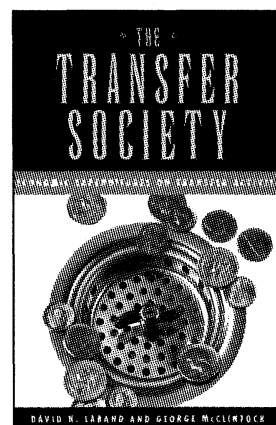
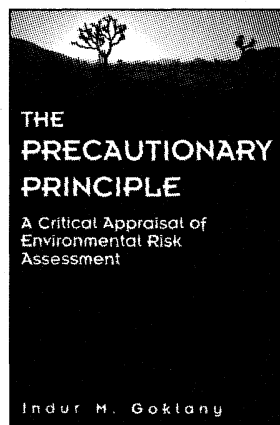
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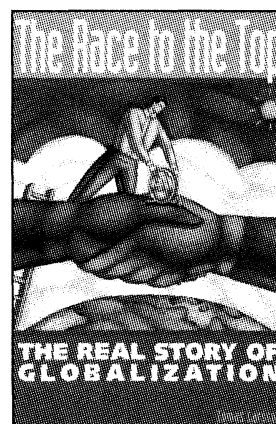
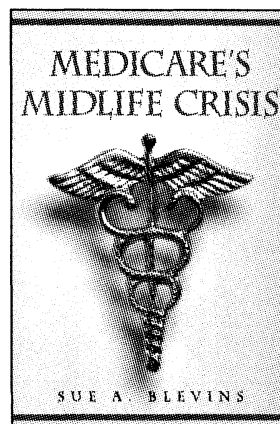
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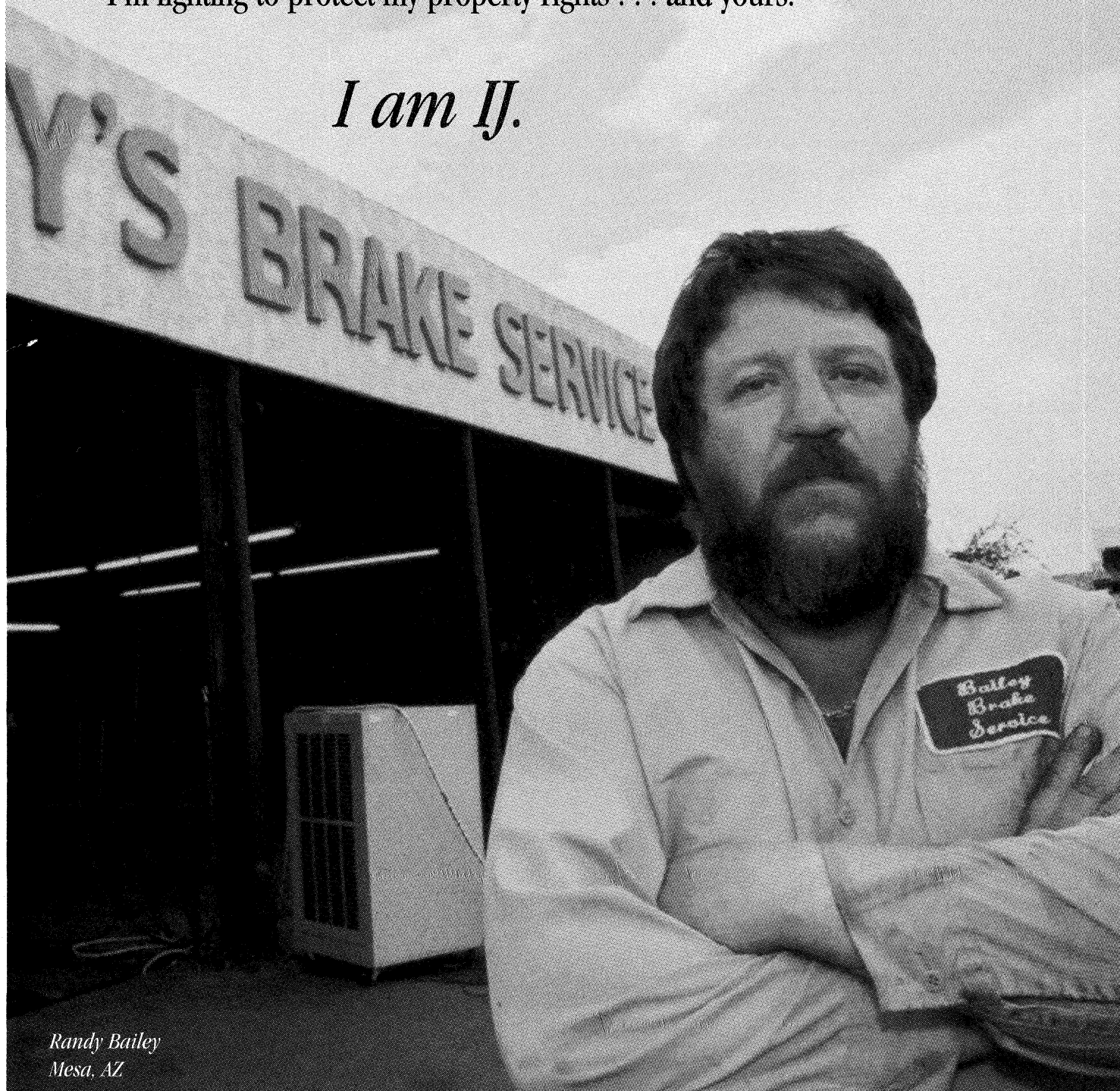
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Randy Bailey
Mesa, AZ

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