

# Liberty

Talking With  
Ayn Rand

*by John Hospers*

July 1990

Vol 3, No 6

\$4.00

## The Orwellian University: The War on Free Speech on Campus

*by Charles Thorne*

## The State Against the Family

*by Terree P. Wasley*

## Why Public Enemy is No. 1

It's not Anti-Semitism

*by Brian Doherty*

## Socialism and the Politics of Resentment

*by Robert A. Sheaffer*

Also: *John Baden* on the strange subcultures of the Right;  
*Richard Kostelanetz* on dealing with hostages;  
*Sheldon Richman & David Friedman* disagree on principle;  
and other articles and reviews

*"Liberty is the doctrine, harmony the way of life." –Sebastian Faure*

# Letters

## Why Freedom Works

I have a nagging feeling that Bart Kosko ("Libertarianism Without Romance," May) is just pulling our legs. As I understand his argument, it runs:

- (1) All ethical statements are unprovable.
- (2) Therefore, ethics is a mirage.
- (3) We must therefore choose political systems on a basis other than ethics.
- (4) I choose capitalism, because it works.

The obvious question is: without ethics, why should we judge systems that "work" to be superior to systems that do not?

More fundamentally, ethical judgments are made with reference to living beings. A statement like "freedom is good" is conversational shorthand for "freedom is good for man," or, if your debating opponent's devices require that everything be spelled out, "freedom is good for the rational man in a society."

Bryan Loofbourrow  
Seattle, Wash.

## On the Outside, Looking In

I am amused at the debate between the paleolibertarians and the "luftmenschen" being conducted in your magazine. I had a brief but informative encounter with the Libertarian Party of Michigan in 1988, largely because of Ron Paul's campaign. I had been interested in libertarian ideas for many years, but had never become involved in the movement until then.

I can attest from personal experience that there are two distinctly different groups of people involved with the Libertarian Party—the "outsiders" and the "insiders." The "outsiders" are largely middle and upper middle class business people who support the Libertarian Party with money and votes. The "insiders," who actually control the party apparatus, seem to be mainly comprised of the type of individuals that Llewellyn H. Rockwell Jr identified in his article.

I met many people who worked in menial jobs and others that didn't have any visible means of income. I also encountered several members that, quite obviously, must not have been able to af-

ford a bathtub in their place of residence. Amazingly, these people are the ones who are actually in charge of the Libertarian Party! They are the ones that go to the conventions and vote for the officers of the Party. However, if these individuals can't even run their own lives successfully, how can they possibly have the skills necessary to build a successful political movement? Perhaps this is one reason that the Libertarian Party has remained an irrelevant club of social protesters.

Although I favor legalizing drugs and prostitution, as do all libertarians and a growing number of conservatives, I do not feel comfortable being represented in the political process by addicts and hookers. Unfortunately for the Libertarian Party, most Americans feel the same way.

Eric P. Blankenburg  
Everett, Wash.

## What Makes Us Tick?

Every good libertarian ought to see conservatism ("Conservatism in its Latter Days" by William P. Moulton, May 1990) in all its manifestations as the enemy of the most basic principle libertarianism stands for—ownership of one's self and body—but some run after the conservative hyena like fleas after a dog. If libertarianism is really going to get anywhere it has to cut a clean break with the conservative hyena and not hang on like a blood-engorged tick.

Craig Alfred Hanson  
Bonsall, Cal.

## Non-Interventionism Disproved Irrefutably !!!

I was glad to see Stephen Cox's "Isolating the Error of Isolationism" (March 1990), for he recapitulates elegantly what I have been arguing for the past decade: the case for "isolationism" (or "non-interventionism") is *prudential*, not principled.

A case can be made that intervention is indeed the *only* principled interpretation of libertarian foreign policy. I made this point in a syllogism presented at the 1983 New York LP convention, a syllogism that has not yet been challenged or refuted. It goes as follows:

A: The right of self-defense is

unalienable.

B: The right of contractual delegation is unalienable; therefore

C: Any person may delegate and invoke protective services from any agency, wherever that person may be; the corollary being

D: Protective agencies (i.e., governments) may be obliged to defend their clients (or citizens) anywhere in the world.

Any other conclusion requires the concession that either the right of self-defense is alienable (and that its existence is a function of national frontiers), or that it cannot be delegated—either of which would contradict libertarian principle. This syllogism is especially applicable to anarchists, who typically advocate the notion of "defense agencies" whose behavior is constrained only by market dynamics, rather than by the constitutional strictures favored by limited-government advocates.

Thus, as Cox demonstrates, there can be no principled objection to "intervention" against aggressors, only a prudent appreciation of practical issues.

Michael J. Dunn  
Auburn, Wash.

## Don't Follow the Abbey Road

Bill Kauffman's misty paean to the fractious Edward Abbey ("Novelist, Naturalist, Anarchist," May 1990) almost made me retch. Just because Mr. Kauffman has a hard-on (I'm attempting to imitate Kauffman's quaint writing style) for anarcho-granola heads doesn't mean that *Liberty* readers need to be subjected to such sophomoric prose. His article veered from New Age/hippie pabulum to motorcycle gang ethics elevated to the sublime and patriotic.

The point is that Edward Abbey and the Earth First! eco-brats are wrong. Violence against property, especially against private property, is always wrong. If one wants to stop trees from being cut down, buy them. Else, shut up! Mr Kauffman feels that folk hero status can be sufficiently attained by being an anti-government, beer-drinking Luddite. But contumacy and ecology are not enough on which to base a social movement. It is intellectual consistency and an understanding of natural rights which defines the difference between a true philosophical thinker and a petulant dilettante.

Daniel J. O'Rourke  
Braintree, Mass.

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# Liberty

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# Inside Liberty

July 1990

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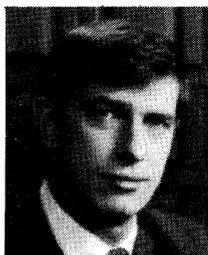
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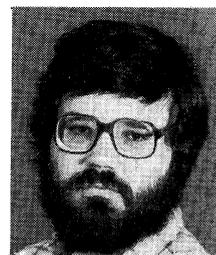
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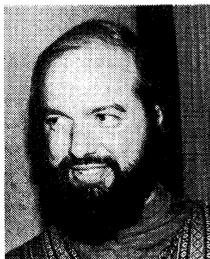


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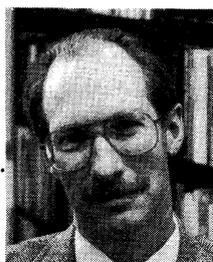
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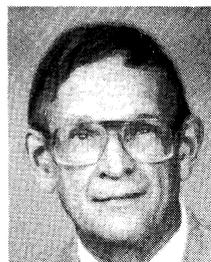
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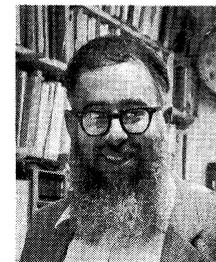
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**John Hospers**  
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**Loren E. Lomasky**  
Philosopher specializing in rights theory, author of *Persons, Rights and the Moral Community*.

good food and drink.

### A Unique Experience!

The Conference will differ from other libertarian conferences in three important ways:

- Programs will be conducted as seminars, not as lectures; participants will be encouraged to engage in substantial reparté with speakers.
- There will be an opportunity for participants to conduct seminars on the topic of their choice.

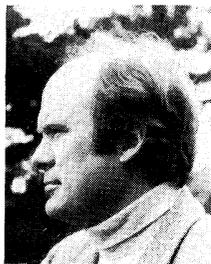
The Conference will have a fascinating lineup of speakers, beginning with *Liberty's* editors. What an accomplished group of individuals!

Among them, they have written and edited nearly 200 books, on subjects ranging from political theory to the arts, from history to psychology, from philosophy to computer science, from foreign policy to investments. They have written thousands of articles, for many of the nation's most prestigious magazines. But most importantly, they are on the cutting edge of libertarian theory and advances in our understanding of the world.

Here are the topics of some of the exciting seminars and discussions that will take place at the Conference:



**David Friedman** economist, philosopher, leading anarcho-capitalist theorist, author of *The Machinery of Freedom*.



**Ross Overbeek** Computer scientist at Argonne National Laboratories, specializing in artificial intelligence.

Also . . .

**Stephen Cox**— Literary critic and intellectual historian, currently working on studies of Ayn Rand and Isabel Patterson.

**James S. Robbins**— Journalist and academic authority on Eastern Europe and the Soviet Union.

**Timothy Virrkala**— Journalist, philosopher and economist.

- The cases for and against government: an economic analysis
- Children's rights — What rights, if any, do children possess? Are children property of their parents?
- Investing in liberty: How can libertarians profit by applying their insights into how society, government and the economy function?
- A Revisionist History of the Libertarian movement — Where did it come from? Where is it headed?
- Liberty and Ecology — Is liberty meaningful if the environment is destroyed? Does liberty or the state (or both) cause pollution?
- The Communist collapse — What is happening in Russia today, what will

happen tomorrow, and what it means for libertarians.

- The morality of liberty — Do libertarian beliefs constrain libertarians in today's world? Is it moral to accept a government job? Use government roads?
- The Great Foreign Policy Debate — Is there a characteristically libertarian foreign policy? Must a libertarian advocate a non-interventionist foreign policy?
- The strategy of liberty — How can we create a libertarian society? What specific strategy and tactics hold promise of a freer tomorrow?

- Liberty and culture — Does libertarianism have cultural implications?
- What, if any, are the art forms characteristic of a free society?
- Game theory and society — How game theory provides a model for understanding the evolution of a free

# Indulge Your Mind.

## This Labor Day Weekend take a mini-vacation and have a meeting of the minds with the world's leading libertarian thinkers.

and complex society, as well as the evolution of complex biological organisms.

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Participation in the Conference is limited by two factors: the capacity of the hotel, and — more importantly — our insistence that the Editors' Conference be kept to a size where genuine intellectual and social interchange among all participants is possible. Based on our market research, we expect a complete sellout. So don't delay.

Mark your calendar for Labor Day Weekend, and send us your deposit of \$25 to hold your place.

To reserve your participation, send your check, money order or credit card information today! Details and information on hotels will be forwarded to you.

**Yes!** I want to attend the First Annual Liberty Editors' Conference in Seattle on Labor Day weekend. Please send me additional information about the conference. I enclose a deposit of \$25, which I understand is fully refundable at any time through July 15.

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## Letters (continued from page 2)

### Oversensitivity

I enjoyed R. W. Bradford's piece on Mencken's diary ("H.L. Mencken: The Man vs the State of Opinion," March 1990)—though for me, all the careful argument was not necessary. I have read all of his books I could find (including *Treatise on the Gods*—one of the best) and if he were an anti-Semite it would have been clear enough. This is just another case of an ethnic group getting much more sensitive than it used to be, and imposing these modern standards on authors who have been long dead.

*Huckleberry Finn* was denounced some years ago for use of the word "nigger," despite the book's anti-racist message (as when Huck apologizes to Jim). The people who make these post-mortem denunciations confuse form with substance.

Bruce Ramsey  
Hong Kong

### White Trash for HLM

I fear that Mencken, were he alive today, might find me unworthy of his company and refer to me and my ilk as white trash. If he did so, I would not go around and demand that others refrain from publishing and reading his works.

David Hudson  
Hilo, Hawaii

### On Borrowed Time

As a native of Hong Kong, I can attest that R. K. Lamb has a very thorough understanding of the situation in my hometown ("Capitalism Without Democracy, Hong Kong Without Hope," March 1990).

I cannot agree with Lamb more when he says "[Hong Kong people] have been too busy in Mr Friedman's capitalist paradise, making money." Yes, most Hong Kong people consider Hong Kong as a "borrowed place, borrowed time" and they do not have any sense of commitment. Making money seems to be the only meaningful matter in that most crowded city in the world. With 1997 approaching, when Hong Kong is scheduled to return to mainland China, things go crazily worse.

The overwhelming mentality of the majority of Hong Kong people is: to make as much money as soon as possible, so that they can move to Toronto, Vancouver, Sydney, San Francisco, or you name it. Of course they love freedom, and they welcome democracy. However, if they have to gain them like

the East Europeans did, they will choose to run away. Those who are not wealthy enough to emigrate choose to stay quiet. They want to play a safe game; they want to gain freedom and democracy without any sacrifice. They want free lunches.

I agree that if Hong Kong has to reunite with the People's Republic of China, then the logical solution to Hong Kong's problem is independence. However, if the regime in mainland China were a humane one, then I would support the reunion of Hong Kong with her motherland. Right now, I do not see any hope for Hong Kong to be independent or to reunite with a decent motherland.

Lamb also correctly points out that Hong Kong people have no sympathy for the Vietnamese refugees. It is very ironic since Hong Kong people are quite similar to them—both are trying to escape from tyrannies. One of the signs the Vietnamese used in their protest against the forced repatriation was: "Our Today is Your Tomorrow." I wish my fellow Hong Kong citizens would understand this.

Kin-ming Liu  
Missoula, Mont.

### An Orgy of Freedom

It was predictable to see nine long letters published in miffed defiance of Llewellyn H. Rockwell, Jr's conservative-libertarian manifesto, and only two short letters in his favor ("Libertarianism: Paleo and Con," March 1990). The brevity of pro-Rockwell forces stems from the fact that we can hardly add a word to Rockwell's eloquence in a much-needed area of debate.

I hope those nine long letters won't end all the debate in *Liberty*. To keep it going, I've added this note in Rockwell's favor: I applaud the blending of libertarianism and its conservative roots! Bravo to individual liberty, Western Civilization, Christian ethics, great art, and the family unit.

Rockwell's use of fighting words like "de-lousing" was just to engender debate. Those without lice shouldn't be offended. But can anyone taking a serious look at any large mass of libertarians gathered together not notice a lot of lousy behavior, arguments and appearance? Get serious.

We need more libertarian apostles to the world, who can speak the rest of the world's language, and less infighting among ourselves. The majority of liber-

tarians ignore liberty in the world around us. Everybody's principles seem to stop at their epidermis. After all, it was conservative freedom literature and Radio Liberty that opened up Eastern Europe to freedom. Let's give credit to libertarian conservatives for promoting this worldwide orgy of new freedom.

Gary Alexander  
Reston, Vir.

### Three Jeers for Robert Bork!

I cannot see the point of Leland Yeager's defense of judicial conservatism (or is it "original intent"? I find the legal philosophy incoherent). ("Bork's Law," May 1990) So what if a judicial decision can be construed as activist, if it is in a libertarian direction? As for the "predictability" of the law, if laws don't change how will we ever become a less statist society? I would have thought it obvious to any radical, moderate, or ever-so-gradualist libertarian that the law could hardly be more unpredictable than it is now, embodying as it does the competing ideologies, interest groups and bureaucracies of the nation. The only way to make a legal system more rational is to make it more libertarian.

Mark Schaffer  
Baltimore, Maryland

### Small-Town Politics

Ronald E. Merrill ("A Management Consultant Looks At Libertarian Politics," May 1990) did not quite identify the best target customer base for libertarianism.

I don't know what the target group should be, but I see some problems with targeting small business entrepreneurs. I hear that most Americans are in the small towns and rural areas rather than in the big cities. I don't know if all small towns share these characteristics, but in the small town where I live government interference is not an unmixed disaster for the individual entrepreneur.

continued on page 67

## Letters Policy

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

# Reflections

**Census and Sensibility** — Imagine a place where the people are really free and the government is their agent in the enforcement of their rights. Would such people want their government to conduct a census?

Maybe. They might want to reapportion representation in the legislature from time to time; they would have to find out how many people live in the various legislative districts. This kind of simple count was what the framers of the U.S. Constitution had in mind when they provided for an "actual enumeration."

But would a really free people want their government to find out how many people live in mortgaged houses? How many earn how much by working how many hours? How far they commute to work and by what kind of vehicles? How could the government's possession of such information conceivably make it a better agent in the enforcement of a true rule of law?

Most emphatically, no really free people would want their government to classify the enumerated population according to ethnic ancestry. (Ludicrously, the current census requires not just that people identify their ethnic ancestry but that they do so subject to the proviso that no more than two ancestral groups be listed for any one person.) Giving such information to the government is dangerous for the same reason that giving a loaded firearm to a homicidal lunatic is dangerous: it will probably be used. And its use, which makes policy rest on a foundation of racism, cannot help but derogate from a true rule of law, a regime in which one law applies to all without regard to race or any other such mischievous categorization of the population. —RH

**Democracy rises in the East** — Voters in Hungary and East Germany voted for anti-Communist governments; Mongolia, the oldest Asian Communist state, prepared for multi-party elections; and in Afghanistan, the "Miss Afghanistan" contest was held for the first time in twelve years. —JSR

**Words as weapons** — The misuse of language for political or other ulterior motives has long been a *bête noire* of mine. I could cite numerous examples, but I will restrict myself to one category concerning which I have become something of a specialist. For several years I have studied the use of the terms "caring" and "compassionate" by the major media. So far as I can determine, these terms are never applied to any public figure who could be considered even remotely critical of government.

One is forced into the depressing conclusion that in the world of mainline journalism these words have no relationship to actual personality traits, and that their working definition is simply "believing the best way to solve any social

problem is with a government program." Thus, for example, Ted Kennedy—an aging Lothario who gets drunk in public, creates scenes in restaurants, and would be absolutely nobody if not for the money and fame earned by other members of his family—is by definition a warm, caring, compassionate person. By contrast, Jesse Helms, who has, with his wife, spent much of his adult life helping children who are stricken with cerebral palsy—not merely by giving money, but also by adopting stricken children and making countless hospital visits—is, of course, cruel and uncaring. By such false usages and double standards is public discourse progressively debased. —WPM

**Say it ain't so, Mike** — The sky was overcast, as Mike Milken, accused by the state of massive securities fraud, walked out of the courthouse after pleading guilty to six felony charges. A little boy looked up at the somber visage of the multi-billionaire genius who had been his hero. Choking back his tears, he said, "Say it ain't so, Mike . . . Say it ain't so." But Mike Milken could not find words. Holding back his own tears, Milken walked swiftly through the crowd to his car.

Of course, this isn't the way it happened. Instead, Milken shed his tears at dramatic moments during his guilty plea, and was all smiles to his cheering fans on the courthouse steps. He had stood accused of a bewildering array of securities "crimes," threatened with over a thousand years in jail and the loss of every cent he had ever earned in his life. Faced with these awful charges, he had chosen to cop a plea. He would pay \$600 million in fines and face sentencing for the six counts to which he pled guilty.

Denied a gaudy trial, the press was naturally disappointed, and raised the cry that plea bargains deny the public its entertainment and the media their purple headlines. The media had to sate themselves with a round of Milken-bashing.

Alas, the questions raised by the Milken case remain. Prior to his plea, Milken had firmly denied any wrongdoing and repeatedly stated that he would not be denied his day in court. His aboutface on April 20 may have been the result of a guilty conscience and a feeling that despite his billions he could not beat the rap. But it is entirely within the realm of possibility that he was guilty of nothing more than failure to follow a few arcane regulations, but concluded that even with his billions, he could not hope to beat the government. (Not coincidentally, the occasion for Milken's "change of heart" was a deadline set by the prosecutors for him to cop a plea lest they turn out a huge number of additional charges against him.)

The government has far more billions at its command than Milken. And the government is also armed with recent laws granting it extraordinary powers. It can, for example, deprive the accused in cases like Milken's of all their assets while they await trial or are on trial. The ability to punish a

person prior to his trial can be a very convincing way to induce guilty pleas. So while it is almost certain that Milken copped a plea to save his butt, I can see no way to know whether Milken feared for his butt because the government had good evidence on him or because he feared being the victim of the government's awesome power.

The little boy at the courthouse in my apocryphal story was, of course, a young libertarian, weaned on the many libertarian defenses of Milken. He may have read Justin Raimondo, whose stirring defense of Milken concluded that "Far from being a criminal, Michael Milken is an American hero who ought to be honored, not persecuted. The only prospect for a free and sane society is the hope that, someday, he will receive the honor that is his just due."

Milken himself had at least a passing familiarity with libertarianism. Milken came across a copy of *The Incredible Bread Machine*, Richard W. Grant's epic poem about a heroic entrepreneur who was punished for his virtues. Milken saw himself as the hero of the work and invited Grant to his office. After talking with Grant for a couple hours, Milken bought a passel of Grant's books for distribution to friends and colleagues. He asked Grant for more information on libertarianism, and Grant referred him to the Ludwig von Mises Institute, which sent him a package of books.

A short while later, the Mises Institute devoted an issue of *The Free Market* to Milken, with lengthy encomiums by its two leading writers, Murray Rothbard and Llewelyn H. Rockwell Jr, and a cartoon depicting Milken on a wanted poster for the crime of "entrepreneurship." So far as I know, Milken hasn't responded with a major cash contribution of the sort he bestowed on others—like Jesse Jackson—who defended him publicly.

—RWB

### *If you believe in dentistry, why should you mind having your teeth knocked out?*

— One of the most nauseating arguments used by statistis is the one whose format is "If you're not a \_\_\_\_\_, why should your mind \_\_\_\_\_?" I imagine that every reader has encountered this sophistry at one time or another. If you're not a criminal, why should you object to warrantless searches? If you're not a pervert or pornographer, why object to having your mail read by postal authorities? If your money is earned honestly, why should you want banking secrecy? The insidious logic behind such notions is that rights are mere stratagems used by malefactors and cranks—decent people need not concern themselves with such matters. (As an example of such polluted reasoning, then-Attorney General Ed Meese once stated in a *National Review* article that asking for a lawyer or invoking the right to remain silent is a "clear confession of guilt" on the part of a suspect.)

Recently, we in Michigan have been hearing a lot of such buncombe from one George E. Ward, the assistant prosecuting attorney for Wayne County (Detroit).

Mr. Ward's particular *bête noire* is the underground economy, especially (but not only) the illicit drug trade. His solution is to convert the nation to a cashless economy. As a first step, he would demonetize our present currency and replace it with some new form of notes. This would be done suddenly, without warning (a "pre-emptive strike," to use Ward's

terminology). His second step would be the permanent abolition of any currency note of a greater denomination than \$20.

If you reactionaries protest that such actions would cause havoc throughout the Western economic system and would mean the end of our remaining financial privacy, not to worry. Cash, according to Ward, is not needed for legitimate transactions, but is indispensable for "a wide range of illegal activities, including drug trafficking, illegal gambling, prostitution, loan sharking, bribery, extortion, tax evasion and other financial offenses." If you think the fifties and C-notes would be missed, forget it. According to Ward, "the vast majority of Americans, who hardly ever touch a big bill . . . would not be inconvenienced in the slightest." As for financial institutions, their "inconvenience would be relatively minor." (Of course, any inconvenience is "minor" to those who don't have to bear it.)

Ward is also fond of pointing out that other countries have "successfully" carried out cash recalls. Since, however, over half of the examples that he provides in a recent article occurred in communist nations, I am not terribly impressed.

Note the combination of arrogance and imbecility inherent in these suggested policies. Ward (and others) are willing to ruin American financial credibility throughout the world and destroy the financial privacy of countless millions of people to attain their goal of crushing the underground economy. Yet do they really believe that organizations which can transport tons of illicit substances across closely-guarded borders are going to be stymied by currency changes? Have drug traffickers (and loan sharks, bookies, blackmailers, prostitutes and corrupt public officials) never heard of gold, silver, diamonds, and other valuables? Are they unaware of fronts, of the bartering of merchandise and services, of small bills, of foreign currency, of the dozens of ways in which

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goods can be vended? Are all these people really going to just say "Well, that's that; they got us this time"?

No, the real victims would be the ordinary people who would be targeted as black marketeers once they turned in their little nest egg, who would have to forgo their piddling little extra income under threat of endless harassment, and would have to conduct their future affairs in a financial fish-bowl. But then, harassment of ordinary, innocent people is the end result of almost every government policy anyway, isn't it?

—WPM

***An opportunity for the Libertarian Party*** — The factor that contributes most to third party votes is the public perception that an election will be a land-

slide, thereby eviscerating the "why-waste-your-vote" argument. This explains why 5.5% of California voters chose Ed Clark when he ran for governor in 1978 against Democrat Moonbeam Brown (hyper-popular at the time, remember?) and Republican Mr Potatohead, yet only 1.7% of Californians voted for him when he faced Reagan and Carter in 1980 in what was perceived as a close election.

Right now, George Bush is more popular than Jesus and almost as popular as the Beatles were in 1967. He gained his popularity by the dumbest of luck: he just happened to be in

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*Bush had nothing to do with the collapse of communism, but in the bovine mind of the American voter, he gets credit. He will bask in sky-high approval ratings until the economy falters or he is found in a cheap motel with a sheep.*

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office when the communist governments of the world began to fall apart. He had nothing to do with their collapse, but in the bovine mind of the American voter, he gets credit. He will bask in sky-high approval ratings until the economy falters or he is found in a cheap motel room with a sheep.

To make him even more secure, the Democrats have developed a surefire system of handing their nomination to total geeks. They achieved this by establishing convoluted party rules that give nominating power to people who are willing to shower their favorite candidates with cash and are happy to drone on endlessly at caucuses, until the opposition goes home or falls asleep. This naturally plays into the hands of school teachers. Teachers are experts at droning endlessly, as every victim or former victim of the public schools can attest. And they have stuffed their unions' coffers with cash to lavish on any candidate who promises them an even grosser share of taxpayer loot. So it's no surprise when they nominate wusses like Mondale or Dukakis or sanctimonious bastards like Carter. Electing these people is another matter. Barring a disaster of the sort that put Carter in the Oval Office, there isn't much hope, though the schoolteachers are too dumb to figure this out.

So with any kind of luck, Bush will be riding high and the Democrats will nominate someone like Bruce Babbitt. If the LP manages to nominate an intelligent and articulate candidate and finds the wherewithal to buy visibility, it just might top its high-water mark of 1.06% in the 1980 election. Then again, maybe Bush will be found *in flagrante delicto* with a sheep, or the economy will burp at a propitious moment, the TV smarties will say the race is close and the LP candidate will finish in the footnotes, again.

—CAA

**Nuts in perspective** — Twenty-five years ago, if someone had predicted that in 1990, the President of the United States would be a Republican and the salient characteristic of his foreign policy would be to support the head of the Soviet Union above all else, he would have been considered to be a nut.

—WPM

**Call in the language police** — A few issues back, R. W. Bradford commented on the curious way in which the media describe certain kinds of crops (i.e., corn) as

being harvested and other kinds (i.e., trees) as being slashed, destroyed or devastated. The difference in language is dictated, of course, by political rather than botanical conceptions; and it is dictated, very likely, by notions that do not even rise to the conscious level.

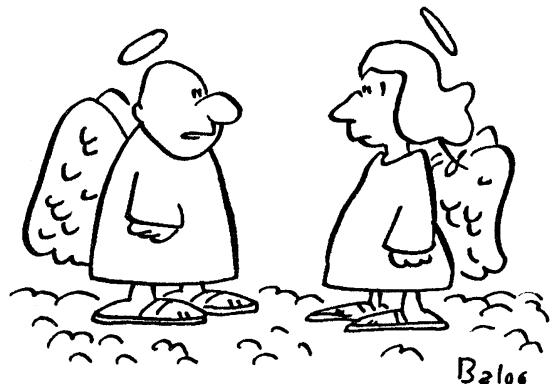
So powerful are such choices of language, however, that they may in turn dictate political choices. Who would forbid *farmers to harvest a crop of beets*? Who would willingly allow *men armed with chainsaws to devastate the ecology*?

It would be interesting to compile a list of linguistic transformations that play a sinister role in politics. The one that Bradford mentions might be called, in imitation of academic jargon, VI: variant imagization—the act of generating dissimilar images from similar concepts. Another would be SA: suppression of the agent. This transformation happens in sentences like "During the economic crisis, millions of people were thrown out of work." Who threw them out? The first answer to this interesting question would probably be, Their employers, the guys who used to pay them. The sentence certainly invites its readers to infer this. But what if the real answer is, Congress, which extinguished the unfortunate workers' industries by means of taxation, regulation and inflation? Congress is the possible, or even probable, agent that the passive construction suppresses, banishes from the mind—with what effect on readers' political opinions we can easily anticipate.

Yet another commonly occurring transformation appears in a recent Los Angeles *Times* report on the economic plight of Peru (April 9, 1990). I'll call this transformation DA: dehumanization of the action. "From mid-1985 to mid-1987," so says the *Times*, "the first two years of President Garcia's administration, the Peruvian economy grew rapidly." This sentence establishes a strong, though implicit, causal connection between Garcia's economically interventionist administration and good economic news. The interesting transformation, however, comes in the next sentence: "But inflation escaped the government's control and the economy soon began to contract."

Economic developments are now pictured as things with their own, non-human, principles of action. They are not caused by anything that humans like Garcia do. They contract, they escape, they proceed on their way quite oblivious to anything that the patriotic president might wish to do about them. They are as free as Br'er Rabbit.

The truth is, of course, that the Peruvian economy grew because Garcia inflated it; the "growth" and the inflation



"No offense, but if you think you had it bad, you should see it with representation."

were but two aspects of the same human, all-too-human, action. And there's not a chance that writers of news stories like this one understand the mesmeric force exerted on their own ideas by value-laden linguistic constructions.

"O tricky little words," exclaimed a prominent writer of the early twentieth century, "You are my friends!" Friends this tricky deserve to be watched. —SC

**Grandstanding in the Baltic** — The Republic of Lithuania has declared itself independent from the Soviet Union. Gorbachev has refused to acknowledge this, and has imposed a tough economic blockade. The United States' reaction to these events has illustrated a very important lesson for small countries and groups of individuals who look to the United States for moral leadership and material assistance on behalf of freedom when times are tough.

The lesson is: You're out of luck.

The United States has supported Baltic independence ever since the Soviet occupation began 50 years ago. It never recognized the Soviet takeover at all; Latvia, Lithuania and Estonia were (and are) officially considered separate European states. Each maintains an embassy in Washington and their cause has always been recognized on official anti-communist holidays such as Captive Nations Day.

But now that the Baltics are taking practical steps to throw out the Soviet occupiers, the U. S. has left them in the lurch. As Soviet troop levels in the Baltics have steadily increased during the past few months, U.S. rhetoric has cooled.

Why? The primary reason is the summit. The President and his advisors (Secretary of State Baker most of all) want nothing to interfere with the meeting with Gorbachev. One wonders, though, why we should be making concessions to the Soviet Union at a time when Gorbachev needs our assistance more than ever before. Perhaps it is to save the START Treaty, or the MBF accords for troop reductions in Europe. Yet, the ends of these treaties are being achieved unilaterally and in numbers greater than those discussed in the treaties. No doubt the pressure from the foreign service was immense—what bureaucrat wants to see the work of the last ten years of his life be made obsolete by something as unmanageable as a democratic revolution?

Gorbachev has moderated his tone, too, for precisely the same reason. But unlike Bush, Gorbachev needs this summit. He will plead for trade concessions and short-term loans, vaguely threatening that if we don't help him now, reaction will set in and the United States will have to deal with the "hard-liners," a group often mentioned but which seems to have no leaders or spokesmen. But his new, more conciliatory tone on the Baltic States has been accompanied by fresh troop deployments and small-scale violence by Russian provocateurs. He is waiting for the Baltic people to give him an excuse to mobilize his forces to "restore order."

And what of the Baltic leaders? At their own mid-May trilateral summit, they made plans for economic integration and plotted a combined strategy for undertaking joint negotiations and garnering support from abroad. But there is little other states can do to change the material conditions of the Baltic States. The eastern Baltic sea is controlled by the Soviet Navy, and land access, through Poland, is blocked by Red Army and interior ministry troops. Only through the air could supplies

be brought to the Baltic States. Such an action would be tremendously provocative, and is therefore unlikely.

But we need not start the Vilnius Airlift to get the point across. The Bush Administration could take many steps short of direct intervention to pressure Gorbachev to accelerate the independence of the Baltic States, especially slowing or withholding the economic and technical support that the Soviet economy needs. In so doing, the United States would maintain the credibility of its 50-year moral stand on the Baltic, while not seriously impairing the nation's realistic foreign policy goals. But as of this writing, moves by the Administration have been few and half-hearted, illustrating that if given the choice between cutting a deal and making a stand, the president will more often choose the former. —JSR

**Smokers' Rights** — Dispatches from the frontlines of the government's latest war—the War on Smoking:

- Smoking is increasingly prohibited in public places and in private places frequented by the public. On March 1, for example, the FAA banned smoking on all domestic flights. (They didn't ban them on international flights by U.S. airlines because U.S. airlines argued that they would lose business to airlines that allow smoking.)

- The State of California recently raised taxes on cigarettes for the explicit purpose of financing an advertising campaign against smoking;

- The government has harrassment the launches of new cigarette brands. In the past six months, two different new brands were stopped dead in their tracks by publicity campaigns by the Department of Health and Human Services.

- Taxes on cigarettes have been increased in 17 states since the first of last year, and proposals for a federal increase are working their way through Congress. In all, 128 different anti-smoking measures are currently pending in Congress.

But why the War on Smoking? Governmental authorities cite two reasons: First, smoking costs the public a lot of mon-

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*When a three-pack-a-day smoker coughs his lungs out at the age of 60 and drops dead, he is saving the government a lot more money than his cancer treatment costs. His premature death saves government the cost of his Social Security and Medicare, and very likely his subsidized meals, housing, and transportation, the visits from social workers, etc. — the whole panoply of government services for the elderly.*

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ey in governmentally provided health care; second, smoking hurts the productivity of smokers.

Libertarians like me find the first argument irrelevant. We believe that government should not be a provider or guarantor of health care in the first place, and that if a person wants to engage in activity harmful to himself, he will have to bear the expense of that harm.

In dismissing the first argument as irrelevant to the issue of what public policy ought to be, we can easily fall into the

trap of granting that the argument otherwise makes sense. And on the surface, it does. It seems pretty plain that smoking does serious harm to the smoker's lungs, contributes to all sorts of health problems, and is the primary cause of lung cancer. Since the government is the health care provider of many Americans, particularly those with lower incomes who are more likely to smoke than are higher-income Americans, smoking seems bound to increase the cost of such care.

But this argument ignores two important facts. First, everyone—including poor people—eventually dies of something. Those that do not die of lung cancer will die of something else sooner or later. By contributing to lung cancer, smoking increases the cost of treating lung cancer. But at the same time, it decreases the cost of treating other conditions that the lower-income American would eventually suffer from. To my knowledge, no one has ever compared the average cost of treating a person for lung cancer and other smoking-induced conditions to the average cost of treating him for strokes, heart attacks, Alzheimer's, and all the other conditions to which he would fall prey had he not smoked.

More importantly, the argument ignores the fact that smokers die earlier than non-smokers. Government is the major provider of pensions and welfare to the elderly in our society. When a three-pack-a-day smoker coughs his lungs out at the age of 60 and drops dead, he is saving the government a lot more money than his cancer treatment costs. His premature death saves government the cost of his Social Security and Medicare, and very likely his subsidized meals, housing, and transportation, the visits from social workers, etc — the whole panoply of government services for the elderly.

The argument that smoking reduces productivity is especially vile and obnoxious. Lots of things reduce productivity—vacations, shorter work-weeks, maternity leaves—and we don't have a public policy against them. Why? Because we realize that productivity is an economic good, one that has costs. And we allocate those costs by the market process, with individuals making their own personal decisions.

Want to take the day off to go to a ball game? Well, your paycheck will be smaller this week, and if you do it too often, your employer may look for someone who doesn't go to so many games and you may find yourself in a lower-paying job. Want two months vacation per year? Want the right to nap on the job? Wanna take a couple drinks at lunch? If you're in business for yourself, your profits will be lower; if you are employed, your paycheck lower . . .

The idea that regulation by government of individual behavior for the purpose of increasing productivity is good public policy was discredited in our grandparents' era. One of the major arguments for Prohibition was that the workingman would be more productive and spend less time sleeping off hangovers if he didn't tie one on occasionally. It was this argument that rallied much of the business community to the holy cause of Prohibition. And when the buncombe of Prohibition lost its credibility after a decade of sobering experience with it, this argument lost its credibility as well.

Indeed, it is impossible to take the federal bureaucrats seriously when they argue against smoking on grounds that it hurts productivity. Since when did health bureaucrats care about productivity anyway? When they required ranchers to

provide toilets for cowboyson the range? Get serious.

If it is not a desire to save taxpayer money or to increase productivity, what does motivate the advocates of the War on Smoking? As nearly as I can make out, there are two motivations at work.

1) We know what's best for you and you don't. Do it our way, you idiot.

2) Smoking is evil, and evil must be stamped out.

Neither of these is very convincing, hence their tacit character. The War on Smoking is abetted by the fact that smokers tend to be lower-income Americans, less likely to vote than their richer brethren, and far less likely to make or influence government policy, thereby good targets for the paternalistic moralism of upper-income Americans.

This explains, for example, why we don't hear government bureaucrats attacking golf. The same arguments offered

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*The arguments offered for the War on Smoking seem to apply to golf as well. The reason that members of the policy-making class attacks the "problem" of smoking but ignores the "problem" of golf is that golf is their vice and smoking is the vice of the lower class.*

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against smoking seem to apply to golf: the time spent on the course reduces one's productivity (the time could be spent at work), hurts one's health (riding around in a battery-operated golf cart, stopping occasionally to swing a club at a tiny white ball is time that could be spent on high-quality cardiovascular exercise, not to mention the carcinogenic rays of the sun that inundate most golf courses), wastes national resources (all those golf courses could be put into production of food or as wilderness or wildlife habitat); what's more golf seems to correlate strongly with drinking (the "19th hole" is traditionally a mixed drink at the bar); and is expensive to taxpayers (not only do most cities of any size maintain government-owned and operated golf courses for their richer citizens to enjoy, but golf courses pay much lower property tax rates than most alternative land uses).

The ultimate reason that the policy-making class attacks the "problem" of smoking but ignores the "problem" of golf, I submit, is that golf is *their* vice and smoking is the vice of the lower class.

—RWB

**Solidarity forever** — A summer resort in a small town in northern Michigan has been trying to hire local residents to take seasonal jobs as maids and kitchen workers—to no avail. Such positions just don't have much appeal anymore, at least where middle-class Americans are concerned. Having fulfilled the legal requirements of extensive advertising in local media outlets, the resort has arranged to import forty Jamaican workers to fill the vacancies. This has generated considerable protest of the "why don't they hire local people?" variety, with a fair amount of subtle racism thrown in. The first complaint is simply rooted in ignorance of the facts, while the second speaks for itself.

One of the most interesting comments was from the state

leader of the Hospital, Hotel and School District Employees Union (which, incidentally, does not represent any workers at the business in question). This gentleman was quoted in the Detroit papers as follows: "These workers must be stopped. I think we ought to put an ad in the paper [telling people] to be at the gates of the resort the day they come in here and block them from coming on the premises."

This, presumably, is what Marx, La Salle, DeLeon and others meant when they referred to "the unbreakable solidarity of the international working class."  
—WPM

**Socialized babysitting** — As the child care proposals were passing through Congress, I was struck by the character of the debate. There was, of course, the usual claptrap about "our most precious resource" and "the future of our country," as though my kids were also your kids and vice versa. Proponents and opponents of competing proposals clashed over budgetary consequences, regulatory burdens, and other policy perennials. One lobbyist advanced the novel idea that, just as businesses deduct their operating costs to figure taxable net income, so parents who work outside the home should be allowed to deduct child care expenses as a "business cost."

More striking than what was said, however, was what was not said. In all that I heard or read, no one took the position that child care is an unwarranted area for government involvement in any form whatsoever. Evidently, while I was not paying attention, the children of America were nationalized. And because they now belong to the federal govern-

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*No one in the current debate takes the position that child care is an unwarranted area for government involvement in any form whatsoever. Evidently, while I was not paying attention, the children of America were nationalized.*

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ment, that government has an obligation to attend to their management, right down to setting the standards and regulations for babysitting and for allocating its costs among the citizenry.

Although many people seem delighted by the prospect of subsidized child care, this form of government intervention lies beyond the reach of every orthodox justification for government activity in the economy. Child care is not suffering under the heavy hand of monopoly. It involves no externality, no public (i.e., collectively consumed) good. Nor is there a lack of consumer information about it. There is nothing but the raw fact that certain people want someone else to bear the costs of caring for the children they have chosen to create—and the equally raw fact that they can enlist the politicos to play Robin Hood on their behalf.

But a definite asymmetry marks the preferences of those who favor subsidized child care. For if I show up on Saturday and carry little Sally away for a picnic in the park, insisting that those who bear the costs of rearing a child are entitled to a pro-rata share of the benefits generated by the child, the parents are sure to charge me with kidnapping. They want complete property rights over their children's benefit stream,

but they want others to pay for rearing the little angels.

The rights claim embedded in the affirmative politics of child care is preposterous. It implies an absurd correlative duty of A to bear the costs of rearing B's kids. But it is hard to think of anything more properly private than one's children.

Ultimately, those who think they will be getting a good deal from subsidized child care may rue the day they let this monster escape from the lab. Government standards and regulations will follow the government subsidies as surely as buzzards will alight on carrion. People who think they are simply shifting the bill for child care onto third parties will soon find their children's rearing tangled in a web woven by bureaucrats from Health and Human Services.

Our moral indignation easily becomes exhausted in a world where, all around us, people clamor to sell their souls to the government. But even now it is a bit shocking to see so many people eagerly handing over their own children to the loving care of Big Brother.  
—RH

**Hey, hey, we're the monkeys!** — Most social and political theorizing is wrong, of course, and I think it goes wrong almost always right at the beginning, with a mental pratfall concerning the nature of *homo sapiens*. We'll call him or her (happy, feminists?) "homo" for short. What these theoreticians do, from Marx to Rand, is to forget, or deliberately obscure, the fact that homo is an animal. The old *tabula rasa* blunder. The fact that we seem to have fewer instincts than most of our fellow creatures does not imply that we have no instincts. Many Christians, and (as far as I can tell) all Marxists, tacitly assume that homo lacks instincts, and consequently all their social engineering ends up in the ditch.

First, it's been demonstrated that we do clearly have some very basic instincts as infants: fear of falling, the complimentary holding-on tendency, the sucking reflex, etc. And a logical scientific conclusion would be that we probably also have less testable instincts, of the sociobiological type. Konrad Lorenz annoyed everybody by arguing that homo has an instinctive predisposition towards aggressive behavior. He was right, of course, as anybody who's dealt with toddlers knows, but as grant applicants have yet to learn, because it would bollix up plans for big Federal handouts for "peace studies" and the like.

There's plenty of room for argument here. Robert Ardrey grabbed the aggression ball and ran with it, in *African Genesis*, *The Territorial Imperative* and other works. Elaine Morgan replied in *The Descent of Woman* and *The Aquatic Ape* that homo isn't altogether that vicious. But the important point here is that both accepted the validity of evaluating homo as an animal with instincts as a necessary prerequisite for making decisions. If you think of homo as a brainy ape with a wolfish lifestyle, plus the non-wolfish omnivore option, you're off to a good start, and the social theories will at least have a possibility of corresponding to the real world.  
—RFM

**Hostages in Lebanon** — Is there anything more disgusting in the American news media (and better reason not to patronize them) than the stories about the middle-aged Americans held hostage in Lebanon? These are sad people whose sole function in life now is to bring attention to terrorists who would otherwise be ignored. Knowing of American

media interest, these thugs repeatedly publicize their otherwise unworthy causes by dangling the possibility that their American hostages might be released and then, for further *chutzpah*, ask to be considered humanitarian for releasing them. Because of the continuing publicity accorded such hostages, these thugs embarrass our functionaries into making deals that would otherwise be beneath consideration.

But the truth is that these Americans are hostages because they chose to be in Lebanon, rather than someplace else. Beirut today is not exactly the epitome of high civilization where the government can ensure peace, whose populace has a reputation for civilized homogeneity. No, Lebanon is something else—a dangerous place with warring factions and little respect for human life. Any American venturing there knows these facts, and our government should feel no more responsibility for his or her fate that it does for anyone who regularly drives over one hundred miles per hour, sky-dives or injects heroin. These are all self-destructive people, or people with a self-destructive streak—“crazies,” as we say—and should be regarded as such, not as innocent victims who “happened to be in the wrong place.” Were we to warn Americans that living in Lebanon is just as dangerous as taking heroin and then forget about any American taken hostage as quickly as we forget about heroin addicts, you would be sure that fewer Americans would put themselves at risk and, one hopes, no more would be captured. Indeed, you can bet on it. —RK

***All the way with LBJ*** — It was bound to happen. Nobody who challenges the heroism of a welfare statist can get consistent praise from the press—or at least not for long. Robert Caro learned this fact when he saw the June 4 edition of *The New Republic*, featuring his own caricature in western getup, shooting a hole through his foot: “Gunfight at the LBJ Corral: The Epic Errors of Robert Caro.”

Caro is the writer who has devoted the last 15 years of his life to researching the life of Lyndon Baines Johnson. What distinguishes Caro from other biographers is the tenaciousness and comprehensiveness of his research. By reputation, he reads every word of every book, every magazine and newspaper article that touches his subject, every public statement made by or about his subject. And then the difficult research begins: he tracks down everyone who ever knew his subject; if any resist his blandishments, he perseveres; sooner or later he cajoles or charms or pesters each one until he agrees to be interviewed; ultimately each opens up and admits his inner thoughts and secret recollections.

As a result of his exhaustive research into the career of LBJ, Caro concluded that the 34th president was a vain, nasty, vicious man, who sought to accumulate political power and then used that power to line his own pockets, to deceive the American people and to hurt his enemies. Caro is no J. Evetts Haley, the conservative Texan whose 1964 book, *A Texan Looks at Lyndon*, was dismissible as rightwing screed. Caro is, it seems, a left-liberal himself; that is, he is an advocate of the powerful state run by enlightened men that confers its benefits on society's unfortunates at the expense of society's fortunates.

Now LBJ is certainly no hero to most conventional left-liberals. After all, not long after he replaced the sainted

Kennedy and Camelot-on-the-Potomac with LBJ and the LBJ Ranch, he got us into the Vietnam War. On the other hand, LBJ did come up with the Great Society (i.e. greatly expanded the welfare state) and passed the revolutionary civil rights legislation that led to the current crop of racial quotas. So even without considering that there is a considerable demand in this great country for first person accounts of visits from the Ghost of Elvis, it's not surprising that there would be demand in some quarters for a defense of Johnson again Caro's charges.

So it was with considerable gusto that I tore open my copy of *TNR* and began Sidney Blumenthal's defense of Johnson. How would Blumenthal do the job? Would he claim that Johnson didn't steal the 1948 election to the Senate? That he didn't use his position of power to acquire a television monopoly in Austin, Texas, and exploit that monopoly to make himself a rich man? That LBJ didn't cheat, lie

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*Blumenthal's identification of the categories of "student" and "hater" as mutually exclusive is a major breakthrough. In the future, I suppose, he will criticize authors who write studies critical of Hitler: they are not students of Hitler, but haters of Hitler.*

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and steal whenever it served his own aggrandizement of wealth and power?

My hopes were dashed. The first six thousand words of Blumenthal's defense of LBJ and criticism of Caro consists of two elements:

1) How can you say Caro is a good researcher when he failed to cite as authoritative evidence certain specific passages from certain specific books, or failed to take into account the testimony of some old Texas politician who refused to talk to him, but was happy to talk to Blumenthal?

2) Coke Stevenson, the conservative Texas politician who was beaten by LBJ in the 1948 election wasn't nearly as good a guy as Caro thought he was, anyway. For one thing, maybe he took gifts from lobbyists, just like LBJ did. For another, he had a Southern redneck view of black people. And for another, he was a conservative Democrat who was critical of Franklin Delano Roosevelt.

Both of Blumenthal's criticisms are valid in a certain sense. There are a few rocks that Robert Caro failed to turn over in pursuit of the truth about LBJ. But so what? Caro's reputation as a specimen of the Platonic form of perfect biographer notwithstanding, is it reasonable to expect perfection? No one short of God Almighty is omniscient. And Coke Stevenson likely was a politician, and not a saint. All this seems to me to be a pretty limp attack on Caro and no defense of LBJ at all. But, happily, there's more.

After six long pages of this stuff, in the third-from-final paragraph, Blumenthal brings up a new point: “Caro intended, in his saga of the 1948 campaign, to reveal ‘universal truths’ about power. But he is not a student of power, he is a hater of it. For Caro, power is essentially corrupt and coercive.”

Wow! At last a really damaging criticism of Caro. For him, political power is "corrupt." Caro just doesn't understand that political power exalts the soul. Lord Acton was wrong, apparently; he should have said, "Power enobles, absolute power enobles absolutely." What's more, Caro thinks political power is "coercive." What a reactionary! Doesn't he realize that submission to political power is voluntary? When the tax collector came to take your money to finance LBJ's War on Poverty, there was no coercion involved. When he came to take your person or your son to fight in his War in Vietnam, your cooperation was entirely voluntary! Those thousands of American young men who went to Canada to avoid the Vietnam draft were fools—the power that LBJ put in the hands of the police that came by was not "coercive"!

Blumenthal's identification of the categories of "student" and "hater" as mutually exclusive is a major breakthrough. In future issues of *TNR*, I suppose, he will criticize authors who write studies critical of Hitler: they are not students of Hitler, but haters of Hitler. Besides, some of the politicians who Hitler ousted were pretty bad guys . . . and they probably didn't take into account what some old Nazi somewhere had to say, but wouldn't say to them! —RWB

### **Bart Kosko and the close of his system**

— If we are to take Bart Kosko seriously, then we must not take him seriously at all. This contradiction is a consequence of his thesis that ethical statements have no cognitive value ("Libertarianism without Romance: Why Capitalism Does Not Need Philosophy," May 1990). Since his thesis leads to a contradiction, we may dismiss it as nonsense. Kosko asserts, without bothering to demonstrate, that "Ethics is a mirage because ethical statements are neither true nor false. . . . In the known history of man, not a single ethical statement has been produced that is either true or false."

Let's examine this assertion through the following ethical statement: One ought to accept as true a conclusion reasoned properly from true premises. Kosko seems to hold that this is an arbitrary statement, as valid as its opposite. As he puts it, "No possible chunk of spacetime will confirm or refute such statements. . . ." Yet is he really committed to this view? How could he be? He argues that ethics is sterile and that capitalism is best defended on grounds that it works. By making an argument, he shows that he holds the ought-statement above. To not hold it is to undercut one's own argument. One would not both argue for a conclusion and also believe that it is arbitrary whether or not one respects the conclusions of valid ar-

gumentation. Kosko would properly laugh at a reader who replied: I grant your premises and argument but I choose not to accept your conclusion. This is enough to show that Kosko implicitly recognizes the cognitive value of at least one ethical statement. A serious look at the discipline of ethics would show that it is a legitimate matter not to be glibly dismissed by discredited positivist slogans. —SLR

**The thousand-year guilt** — On April 10, 1990, in its first meeting as an actual representative body, the East German parliament issued an apology for the Nazi Holocaust, declaring that it accepts, on behalf of East Germans, "joint responsibility" for the "humiliation, expulsion and murder of Jewish women, men and children." The proclamation asked "the Jews of the world to forgive us" and offered unspecified reparations to survivors of National Socialist crimes and to the Jewish people in general.

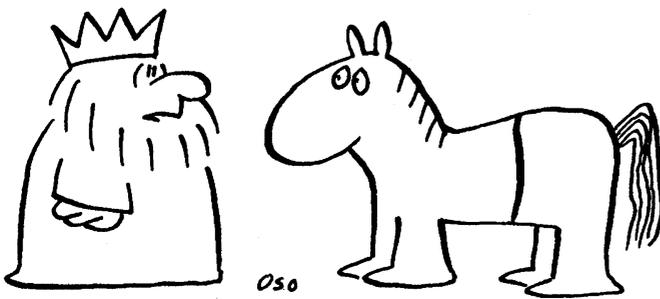
Public reaction to this resolution tended to be of the "fine, but it's about time" variety. However, a substantial number of relatively influential people took a much harsher view. Their predominant attitude was along the line of "never forget, never forgive." Some were more specific, or at least more melodramatic. Rabbi Charles Rosenzweig of West Bloomfield, Michigan, stated that Germany's guilt is "absolute" and that forgiveness "is not possible." Don Shilansky, Speaker of the Israeli Knesset, said that "Even in a thousand years, the shame of Germany will not be erased." Others—not all of them Jews by any means—echoed similar sentiments.

I am always troubled by the misuse of words and concepts, especially when done for unworthy or dishonest motives. It seems that some of these statements *re* German guilt are close to this category. What does it really mean to attribute "shame" to untold unborn generations of a nation, or to maintain that guilt is collective, national, and unending?

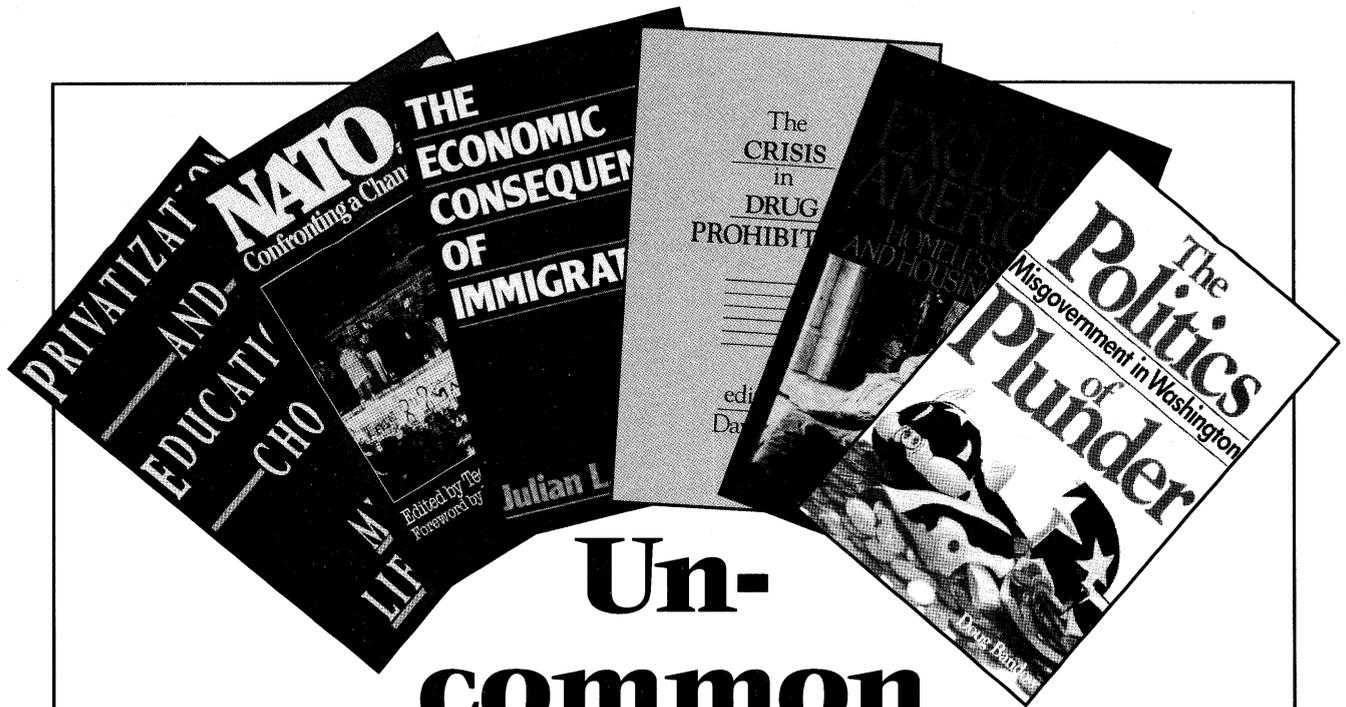
If one were to allege that German culture is so corrupt and evil that horrors such as genocide and aggressive war will repeat themselves indefinitely into the future, that would be at least a coherent proposition, though certainly a false one. In contrast, the imposition of boundless guilt on a whole people makes any real understanding of evil impossible, and reduces historical analysis to mere sloganeering and bombast.—WPM

**All the King's horses** — One of the more charmingly retrograde notions about post-communist eastern Europe is that bringing back the old monarchies will bring political stability. With understandable recriminations in the air—nearly everyone can be in some way fingered as having been a collaborator with the hated old communist régimes—and with the centrifugal forces of resurgent tribal nationalism accelerating, there are those who are convinced that monarchy, with its weird hold on the public imagination, is a good bet for binding political units together. (Anyone who doubts the impact of royalty on the popular imagination should examine tabloid headlines generated by purposeless driftings of the lives of the idle English royal family.)

The notion that political authority ought to accrue through accidents of birth is anathema to the direction of Western thinking during the past several centuries; and, really, dependence on kings seems sort of *childish*, doesn't it?



"I meant my kingdom for a *real* horse."



# Un- common policy sense.

*Privatization and Educational Choice* by Myron Lieberman. The author argues that conventional approaches to educational reform will fail because of the bureaucratic structure of the public schools and the interest groups that block reform. Only by fostering private and even profit-making schools that compete with public schools, he contends, will we achieve lasting improvements in American education. 1989/386 pp./\$35.00 cloth/\$12.95 paper

*NATO at 40* edited by Ted Galen Carpenter. In this volume 17 distinguished policymakers, scholars, and policy analysts assess the value of the NATO alliance after 40 years. They question continuation of the U.S. financial drain in the face of federal budget deficits and changing circumstances in Europe. 1990/274 pp./\$39.95 cloth/\$14.95 paper

*The Economic Consequences of Immigration* by Julian L. Simon. Drawing on a wide range of data covering long stretches of history, the author presents startling findings that squarely contradict much of the conventional wisdom concerning immigration. He concludes that it is, on the whole, beneficial to U.S. natives. 1989/432 pp./\$24.95 cloth

*The Crisis in Drug Prohibition* edited by David Boaz. The contributors to this book argue that, as did the prohibition of alcohol in the 1920s, drug prohibition—not drug use—is causing today's alarming crime rates, as well as corruption, the spread of AIDS, and abuses of civil liberties. The contributors, including Baltimore mayor Kurt Schmoke, Princeton professor Ethan Nadelmann, and attorney James Ostrowski, agree that some form of decriminalization is in order. 1990/134 pp./\$8.00 paper

*The Excluded Americans* by William Tucker. Tucker examines the problem of homelessness as a true investigative reporter should—both by camping out with the homeless in Grand Central Station and by analyzing the data of the social scientists. He concludes that homelessness is largely the result of rent control and zoning policies. 1990/256 pp./\$17.95 cloth

*The Politics of Plunder* by Doug Bandow. In this collection of columns on policy issues ranging from agricultural subsidies to gay rights, Bandow shows how politicians and bureaucrats have failed to respect the Founding Fathers' intent to create a government of limited powers. 1990/507 pp./\$34.95 cloth

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But I doubt that anyone seriously believes that it is really right or proper that old royal families should return to their thrones. The past century has made us all a little too sophisticated for that. This monarchism is advanced with a wink of irony and a sigh of necessity; *something* has got to come along with an aura of political legitimacy that the ethnically-torn Montenegrins and Macedonians can unite behind; *something* must be able to soothe the accusations of collaboration with Ceausescu that haunt the current Romanian government. Why not monarchy? It *used* to work.

Yes, and people used to dump chamberpots out of their window into the streets, too. Authorizing political power by accident of birth is distasteful. (Then again, so is the notion of political authority through majority rule.) But I'm not disposed to care so much about the form political authority takes as long as its content is correct; as long as it allows for the maximization of personal autonomy and the minimization and equalization of coercion. And if it takes a "constitutional monarch" who will follow these sort of policies to bring liberty and prosperity to Eastern Europe, then far be it from me to stand in the way for the sake of formality.

But I can't help but feel that this is a desperate reach on the part of those who advocate it; an attempt to look to an imagined glorious past for rescue from a present and future that seem more and more bleak. As ethnic and political tensions rise, everyone realizes that after the euphoria of the post-communist celebration fades, there is still an enormous amount of cleaning up to be done before they are ready to get on with the day-to-day business of their lives. —BD

**"We don't mind them—just not in our neighborhood"** — Men are bad. Having them around is a nightmare; the very thought is enough to fill grown women with ferociously righteous anger, or send them into hysterics.

Or at least the women of Mills College. When the Board of Trustees of this traditionally all-woman school decided to allow enrollment of men next year, the news was met with shock, outrage and terror by many of the women attending. They hit the barricades, and successfully shut down the school during Finals Week by forming human chains across the fronts of buildings. They wept on national TV. They were mad as hell and appeared unwilling to take it anymore. The wrath of these people got them attention on newspaper pages across the country and helped them reach that Mecca of absurdly overblown social outrage: a sympathetic hearing on The Phil Donahue Show. In the end, they succeeded in making college officials back down on their decision.

I wasn't particularly shocked that something this patently absurd is garnering serious attention from the media. I've seen worse. But what surprised me is what was never said, or apparently even thought, by Phil or any of the newspapers I've seen. It's just a question, which I suppose any of these women could answer easily to quell any queasiness cabbage-heads like me feel about their cause: What is wrong with having men around? Why is it a noble thing to use coercive force (I pity anyone who tried to attend class at Mills while his "sisters" didn't want them to) to show one's stand against allowing men into an institution? Has the currently-popular feeling that white men can never, by definition, be discriminated

against spread this far?

I haven't been following the latest advances in biology. Maybe I missed something. Maybe it was discovered that men emit some sort of poisonous aura that is always and everywhere hazardous to females. Makes one wonder how the race has survived this long. —BD

### ***Libertarianism in the fever swamps*** —

This past week the postman brought me two magazines that represent rather disparate varieties of the American Right, each with an article by Llewellyn H. Rockwell, Jr. Both were well-crafted appeals to very specific audiences.

For *Chronicles*, the magazine of small town agrarian paleolithic conservatism, Rockwell wrote a delightful piece on the War on Drugs. Rockwell argues that the anti-drug effort cannot succeed, and provides an excuse for the massive growth of the state. He illustrates his point with a brilliant *reductio ad absurdum*:

The government cannot suppress adultery, for example, even though breaking the marriage covenant, with its consequent divorce, damaged children, and other shattered moral values, does even more harm than drugs. [But] let's suppose that, knowing this, Jimmy Carter had launched a War on Infidelity.

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*The New American's readers mostly believe the world is in the thrall of a small conspiracy of evil men, the most visible manifestations of which are the Communists and the International Bankers (the latter actually runs the former), although the conspiracy itself goes back to ancient Sparta.*

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The Federal Marital Enforcement Administration—in cooperation with vice squads at state and local levels—would institute national spying, and impose long prison sentences on those caught. Motels would be under surveillance, and couples would have to provide proof of marriage to check in. Mail would be opened and phones would be tapped. There would even be 800-number informer lines. Even house parties would be watched. Who knows what could go on?

Next would come a massive federal education program, with grants from the National Institute of Marriage to favored intellectuals and activists. Rosalyn Carter would ask us to "Just Say No" to illicit liaisons, and the IRS would use them as an excuse to restrict financial privacy, since cash could be used to fund adultery without leaving a paper trail.

Would any of us think that family values could be protected, let alone enhanced, by such a system?

For *Chronicles's* intelligent though reactionary readers, Rockwell strikes just the right note: he explains why drugs should be legalized without arguing for drug use, in an intelligent way that is lots of fun.

For *The New American*, the bi-weekly magazine of the John Birch Society, Rockwell struck quite a different tone. And for good reason: *TNA's* readers mostly believe the world is in the thrall of a small conspiracy of evil men, the most visible manifestations of which are the Communists and the International Bankers (the latter actually runs the former),

*continued on page 58*

## Speculation

# The Conservation of Resentment Envy in the Post-Socialist Era

by Robert Sheaffer

As the 20th century wanes, socialism crumbles. But the envy that lies at the root of socialism still thrives. Robert Sheaffer surveys possible successors.

The astonishingly rapid worldwide disintegration of socialism is a welcome sight to all who love liberty. To see the numbing ideology of a state-controlled economy—a powerful idol until very recently—collapsing into a trashheap can be nothing but exhilarating to those who have battled it, and who once feared its possible triumph. The death of socialism leaves behind, however, a tremendous vacuum on the world stage of ideas, and it is certain that something will fill that vacuum, even if we do not yet know what.

Those of us who are rationally persuaded of the case for the free market assume—or at least hope—that the vacuum will primarily be filled by libertarian ideals. In a world no longer safe for socialism, the assumption goes, capitalist ideas will move in to take their place. While it is inevitable that this must happen to at least some degree—formerly socialist economies can move only in the direction of capitalism—it would be a big mistake to expect that the former supporters of socialism, especially in the West, will abandon their adversarial stance. For the main force driving socialist ideals has never been a rational demonstration of their efficacy, but rather *resentment against the achievements* of successful capitalists.

Socialists who wielded great power not only expropriated the wealth created by successful people,

but punished them for having once enjoyed it. Socialism acquired its widespread appeal, and its holier-than-thou aura, because it legitimized the envious anger of those who have failed in open economic competition, and of those who sympathized with them. It delighted its followers by promising not merely the joy of watching successful achievers brought low, but of seeing them humiliated, punished, and frequently even murdered.

And all this burning envy and hatred of successful people will not go away merely because its primary mode of expression has collapsed in a heap. Rather, it will find some other form for expressing itself, and probably one that is every bit as harmful.

It was Nietzsche who first wrote, in his *On the Genealogy of Morals*, about moral codes grounded in what he called *ressentiment*—a French word meaning virtually the same thing as the English “resentment”—which to him meant a sense of outrage at the perception of another’s position of su-

periority with respect to oneself. This superiority might be manifested in anything that is valued in life: money, status, power, or sexual attractiveness. All moralities grounded in *ressentiment* aim not at the preservation of life and property, argued Nietzsche, but at their destruction, and he counted socialism—as well as Christianity—as examples of these. He saw moral codes of *ressentiment* as being intended to poison, and thereby weaken or kill, anything that was healthy and well-constituted.

In that same book, Nietzsche also wrote that “any instincts that do not discharge themselves outwardly *turn inward*”—an idea that profoundly influenced Sigmund Freud—and he argued that the role of the priest (or other ideologue) was to *channel* the direction of *ressentiment* in ways that suit his purpose. Thus, Nietzsche would say that the rabble-rouser who tells a suffering people whom to hate—whether Jews, foreigners, capitalists, Infidels, or whoever—is channeling their dangerous levels of envy and resentment toward someone con-

veniently *outside* the group, to unify the members of that group and to keep them from attacking each other. However, Nietzsche would say that the rabble-rouser is worsening the group's situation, by generating ever-increasing levels of *ressentiment*, although the process gives them temporary relief.

Thus, at the present time we have a copious volume of free-floating *ressentiment* that until recently was running in a wide and deep stream—

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*Socialism acquired its widespread appeal, and its holier-than-thou aura, because it legitimized the envious anger of those who have failed in open economic competition, and of those who sympathized with them.*

---

bed known as "socialism." It was a venomous flow of bile, directed at the most successful achievers of the world, in proportion to their success. Now that the socialist stream has been dammed up by rubble from the collapse of the Iron Curtain, that flow is seeking another channel, and will find one as surely as water runs downhill. I am not contending that the level of resentment is absolutely conserved, like matter and energy in physics. Envy and resentment can be created and destroyed, but the process is a slow one, and their overall levels change but slowly. Resentment is created by rabble-rousing, by invidious comparisons, by the acceptance of resentment-based systems of morality, and it can be destroyed when people are persuaded to shoulder personal responsibility—or, better yet, discover someone resentful of their own modest success!

Some other forms of resentment that are likely candidates for receiving some or all of this excess flow are:

**Environmental Extremism:** (Not to be confused with the occasional sensible measures taken to clean up air and water!) This form of resentment resonates so perfectly with socialism

that it is the odds-on choice to become the major winner, at least in Europe and North America. It links prosperity to guilt, proclaiming economic growth to be a sin against the Earth, and corporations to be wicked. Its "solutions" invariably prescribe massive increases in government control over the productive sector to ensure that "the public interest" is served. The "Worldwatch Institute," for example, claims that "redistribution" of land to the poor is necessary to prevent waste of scarce resources! Eco-alarmists also issue dire warnings of a coming "population crisis"—even though virtually every industrialized country has a birthrate below what is needed to maintain its present population—and they clamor for the imposition of totalitarian controls on individuals as well as on corporations. Clearly, this is just the old resentment in new bottles. Those ex-socialists who are still infuriated at the sight of others' prosperity will fit into this movement without the slightest discomfort. The various Green Parties and fellow-travelling organizations will almost certainly pick up the lion's share of socialist resentment's bilious flow. Green is, after all, the color of envy. Forecast: a dramatic increase in *eco-ressentiment* during the 1990s.

**Feminist Resentment:** This would have once been a strong contender, but is probably now too weak to benefit much. Virtually every politically-active feminist is a socialist, and their prescription for remedying nature's singular unfairness in foisting maternity solely upon women invariably calls for massive government restructuring of economic realities. Feminists also insist that we ignore the very real differences in the career choices made by men and women—differences that recent findings in biology make it absurd to attribute solely to "patriarchy"—and equalize their incomes by state coercion.

The Founding Mother of contemporary feminist resentment was the French Marxist Simone de Beauvoir. She credits her ideas about the "exploitation" of women to Friedrich Engels, the sidekick of Karl Marx. She

argues for Engels's view that the oppression of women began with the institution of private property, and that the "liberation" of women can only occur when the proletariat is "liberated" from the chains of capitalism: "the fate of women and that of socialism are intimately bound up together . . . when the socialist society is established throughout the world, there will no longer be women and men, but only workers on a footing of equality."<sup>\*</sup>

Betty Friedan and the feminists coming after her all hail de Beauvoir as their intellectual mentor. With that kind of intellectual baggage, it isn't surprising to find that feminism is fast becoming a dead issue almost everywhere in the world—*except*, for some reason, in the United States. Americans travelling to Europe are struck by how "feminine" and "non-libby" are the women there, and Europeans coming here are astonished to find that "women's this" and "women's that" are still taken seriously; they regard this as a 1960s relic, like the Weather Underground. Feminism is equally dead in Asia and Australia. Thus while feminist resentment might possibly benefit a little from an infusion of former socialists with lots of time on their hands, it is too moribund to be readily revived. If the battle for abortion rights were ever finally won, the feminist movement would probably collapse even faster than socialism did, since that is the only good issue they have left.

**Protectionism:** Economic protectionism—resentment against the achievements of successful foreigners—is sadly on the rise. As the wealth of highly-disciplined foreigners becomes more conspicuous, envious attacks upon that success become more intense. This is the core of the Third World Mentality, what sociologist Helmut Schoeck calls "the envy-barrier of the developing countries"<sup>\*\*</sup>: a sense of outrage that some wealthy foreigner might earn a profit in your country. This results in the economy

\* Simone de Beauvoir, *The Second Sex* [New York: Vintage Books, 1974] Chapter 3.

\*\* Schoeck, Helmut: *Envy* [Indianapolis: Liberty Press, 1987].



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being partly or completely closed off to foreigners, greatly reducing the living standards of the natives. Thus the residents of countries having an "envy-barrier" suffer from economic underdevelopment, but this apparently bothers them less than the thought of working with and for foreigners vastly wealthier than themselves; they are willing to suffer more poverty for a reduction in the envy they must endure. For any nation to actually practice free trade, its political life would first have to be virtually free of all envy. But Democritus shrewdly noted some 2,400 years ago that "envy is the cause of political division,"\* and we may safely infer that so long as envious squabbles over others' rights and properties continue, we are unlikely to see genuinely free trade put into practice.

Given the fact that America's relative position in the world economy seems to be in a state of long-term decline, protectionist resentment is likely to be on the upswing. The fact that

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*Environmental extremism links prosperity to guilt, proclaiming economic growth to be a sin against the Earth, and corporations to be wicked. Its "solutions" invariably prescribe massive increases in government control over the productive sector to ensure that "the public interest" is served.*

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the argument for protectionism was demolished two centuries ago by Adam Smith is no more relevant than that the case for astrology was refuted by philosophers two millennia ago: both still exist because they allow certain people to give the raspberry to those whose wealth, knowledge, or power they envy. What can mere logic do against powerful emotions like these?

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\* Democritus, fragment 295 ed. Diels, II, 194. Quoted by de la Mora, *Egalitarian Envy* (New York: Paragon House, 1907) p. 5.

**Racism and Xenophobia:** Forms of envy related to protectionism, racism and xenophobia express one's suspicions and resentments against one's neighbors whose wealth is envied, or who are viewed as potential rivals, or as threats. After all, racism directed at blacks and Hispanics is strongest in that strata of white society just barely, if at all, higher than the niche those groups typically occupy. The Ku Klux Klan does not, after all, recruit Yuppies as new members. We often forget that blacks used to be an upwardly-mobile group before the government's war on poverty ensnared them in its web of dependency.

**Islamic Fundamentalism:** While not a major force in the U.S., this extremely potent manifestation of resentment is likely to be the biggest winner of all on a global scale. Islamic purists still insist that paying or receiving interest on any investment constitutes "usury," a grievous sin. This is a form of resentment against wealth that Christians abandoned centuries ago. Many Moslems are today finding ways to rationalize away such problems, as must every belief system based on "infallible" texts. For example, many Egyptians have allowed themselves to be persuaded by a government-appointed Mufti that receiving interest on investment certificates is not a sin, so long as they are Government notes. But many other Moslems hold fast to the old ways, and are infuriated by the sight of other Moslems less pure than themselves becoming affluent.

Obviously, since clinging to such beliefs rules out all possibility of meaningful participation in the modern global economy, such resentments unflinchingly perpetuate one's poverty. And as those whose holiness requires poverty perceive the steadily-rising affluence of the "sinners" that surround them, the result is a simmering stew of envy and hatred that frequently explodes into murderous violence.

Anyone who doubts that what unites these ideologies is resentment need only look at those who turn up when the socialists stage a big event. At any big socialist rally, with plenty

of speakers and protesters, you are bound to find feminists conspicuously in attendance. There is absolutely no rational reason for feminists to root for socialism. The decision-making

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*Given the fact that America's relative position in the world economy seems to be in a state of long-term decline, the form of resentment known as "protectionism" is likely to be on the upswing.*

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hierarchy of socialist-ruled countries consists almost exclusively of elderly males. It is only in democratic countries that women have been able to use the electoral process to advance to positions of leadership, and women benefit from capitalism's prosperity precisely the same way men do. Yet the socialists' cries for garroting the successful through government make feminists stand up and cheer.

You are also bound to find eco-fanatics nodding in agreement, even though socialist economics has left much of Eastern Europe a nightmare of pollution, with conditions far worse than in any free-market country. Yet the eco-fanatic cheers on the socialist. Black radicals will surely be present, approving the socialists' agenda, even though blacks in white-ruled South Africa have a far higher standard of living than in black-ruled African socialist states. AIDS activists cheer on the socialists' cries for greater government control over medical practices and over the economy in general, undaunted by the fact that in socialist Cuba AIDS victims are locked up like criminals. None of this makes any sense from a strictly rational perspective of self-interest, yet each of these groups looks at the others and says, "they're on *my* side." The only factor uniting such groups is their overpowering resentment, their mutual anger and outrage at any person or thing that has the audacity to be prosperous and strong, and thereby accentuate

*continued on page 22*

## Report

# A Gathering of the Tribes Reflections of a Social Anthropologist

by John Baden

Scholarly conferences *can* be fun! That is, if you consider your colleagues as members of primitive tribes.

In the mid-60s, I took a course on contemporary economic and political thought. Near the end of the semester a student asked, "Why haven't we studied any conservative intellectuals?" The professor implied that this is a null set—there aren't any contemporary conservative intellectuals. Today's conservative writers, he explained, are interested only in protecting their positions, not in exploring the implications of ideas and values.

For decades I dismissed his answer as the dribblings of a brain-damaged collectivist. But when I heard Representative Vin Weber (R-Minn), give the opening dinner address at the annual Philadelphia Society meeting, I finally realized that my professor had a point.

### **The Loneliness of the Long Distance Liberal**

Among the joys of running the Foundation for Research on Economics and the Environment is the recurrent opportunity to attend meetings of smart, principled people whose philosophical gyroscopes are aligned with mine.

This is especially important because adherence to the classical liberal principles of minimal government and free markets almost insures loneliness and, indeed, rejection in most university environments. Outside of a few economics departments, acade-

micians who reject the collectivist prescription of good intentions implemented by government command-and-control agencies are typically considered venal or stupid, and probably both. This attitude on the part of colleagues can be rather heavy baggage.

There is no such baggage at meetings of, for example, the Mont Pelerin or the Public Choice societies. It's a pleasure to consort with these groups. Likewise, I seldom miss the annual Heritage Resource Bank-Philadelphia Society gathering. At this year's April meeting, in addition to reuniting with long-time friends, I witnessed subcultures and ideas colliding at the conservative/libertarian crossroads.

As with most such meetings, this one had three major elements: meals with speakers, meetings with speakers, and hall/bar conversations. The opening dinner of this annual meeting usually features a nationally recognized spokesman for the "conservative" agenda. In the past, Ir-

ving Kristol has argued the importance of strong federal power when a Bill Bennett is Secretary of Education, and Representative Newt Gingrich has explained the strategic importance of taking a strong stand supporting the War on Drugs. In the name of conservatism, these often become "beat up on libertarians" dinners. I usually get angry.

This year's opening dinner was different; I gained a new understanding of the claim my professor made more than 20 years ago.

### **The Emptiness of the Short Distance Conservative**

Representative Weber was introduced as a leader of the new conservative movement. I've seen too much to expect a great deal of intellectual creativity from politicians; their comparative advantage lies elsewhere. Yet, if a movement is based upon a philosophy, minimal standards require *some* familiarity with the philosophy's major ideas.

What was striking about the con-

gressman was his lack of knowledge of or curiosity about alternatives to statist approaches to environmental quality. His staff apparently had not even briefed him on the free market environmentalist ideas in the books and articles published by his host, the Heritage Foundation. To me, this ignorance was an extraordinary revelation.

For example, free market environmentalists (including me) have

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*How fortunate are the environmental collectivists to have in Rothbard their intellectual analog to that infamous Secretary of the Interior James Watt!*

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argued for more than two decades for the elimination of federal subsidies of environmentally destructive activities such as selling national forest timber below cost, draining of wetlands, and providing subsidized insurance for buildings on flood plains and barrier islands. Despite the consistency of this proposal with conservative fiscal policy, Weber ignored it totally in favor of the usual statist approach acceptable to the voters.

It's depressing to have one's work ignored, of course, but one mark of

maturity is the ability to segregate hopes from expectations. It is increasingly easy to lower intellectual expectations for "conservative" politicians.

### Down to Business

The working sessions were far more stimulating.

Having done time as an anthropologist (a year and a half's fieldwork among the Hutterites and a doctoral thesis on their political economy), I especially enjoyed attending a formal session on the classics, featuring papers by the chairman of a department of classics, an editor, and a professor. Their papers outraged many who saw species, sexual, cultural, regional and racial chauvinism proudly proclaimed rather than muttered over a drink.

However, I saw something different: a true subculture complete with two sanctified languages (Greek and Latin), an integrated, coherent belief system, and a system of status differentiation meriting the attention that Tom Wolfe gave Junior Johnson and the other stockcar drivers in the South in "The Last American Hero Yes!" and Wall Street "masters of the universe" in *The Bonfire of the Vanities*.

I usually enjoy people smarter than I, and the classicists were among the brightest people I've encountered. Their performances were masterful. I saw intelligence combined with commitment to the vanishing minority

view that our educations should be founded upon an understanding of Greek and Latin. In their view, such study disciplines the mind, inculcates the best wisdom of the ages, and fosters a social order based upon universal truths that can best (only?) be learned in the original. (The Public Choice explanation makes this view seem so grossly self-serving to its proponents that I won't offer it.)

My major disappointment, tempered by the quality of my dinner companions, was the advertised debate between Tony Harrigan, of the protectionist U.S. Industrial Council, and Murray Rothbard. This meeting was a great draw but hardly a debate. Harrigan read a prepared statement and Rothbard gave the extemporaneous speech he's been practicing for 40 years.

And during the week of Earth Day, Murray Rothbard not only disagreed with but scorned those who believe that elements of the environment have more than instrumental value. How fortunate are the environmental collectivists to have in Rothbard their intellectual analog to that infamous Secretary of the Interior James Watt! I wondered how the classicists would deal with the problem of transcendent environmental values.

Primarily, however, I wondered about the professor's claim I heard in the '60s and whether conservatives have made progress. □

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### Robert Sheaffer, "The Conservation of Resentment," continued from page 20

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their own sense of misery. Hence any member of any one of these resentful groups can easily transfer his or her primary allegiance to any other manifestation of resentment without great difficulty.

Therefore I must regretfully report that the millennium is not yet at hand. We can now understand why those whose powerful envy drove them to advocate a perverse, punishing socialism will not suddenly become ardent capitalists merely because the resentment *du jour* has become discredited, any more than the staunch "New Age" believer will suddenly become a ra-

tionalist when the predictions of his favorite psychic don't come to pass. (He will just find a new "psychic," or take up astrology.) Obviously, the psychological need for a doctrine that denigrates the achiever, one that inverts capitalism's hierarchy of good and bad, will be as great as ever. Indeed, the need for it may even become greater, should prosperity rise faster than before.

The socialist who once sought totalitarian control over corporations and individuals in the name of "the poor" is almost certain to continue to pursue those same aims, now in the

name of "the environment." Thus, those now going around proclaiming "the end of history" are speaking somewhat prematurely.

Nonetheless, I don't want to sound unduly pessimistic during a time of a great victory. Because the excuses given by the unproductive have now lost their once-sanctimonious ring, it is now much easier for achievers to reclaim the moral high ground. Even if the collapse of socialism does not mean the immediate end of all forms of resentment, at least there won't be quite as much of it around as there was before. □

## Memoir

# Conversations With Ayn Rand

by John Hospers

When most people talked philosophy with Ayn Rand, the relationship was student to teacher. But with Rand and John Hospers, it was philosopher-to-philosopher.

From time to time I had heard Ayn Rand's name. I had seen a few printed comments on *The Fountainhead*, but had never read it myself. I had read numerous reviews—mostly unfavorable—of *Atlas Shrugged*, and determined to make up my own mind by reading it when I was less

busy. A cousin in Iowa wrote to me, "If you don't read anything else this year, read Ayn Rand's *Atlas Shrugged*." I wrote her that I would do so as soon as I had finished writing my ethics book, *Human Conduct*. (Had I but known, I would have interrupted the writing of this book to read the new novel. But I had no idea then of its relevance to ethics.)

The writing took every hour I could spare from classes. But before I had a chance to read *Atlas*, I read the announcement that Ayn Rand herself would address the student body of Brooklyn College, on "Faith and Force: The Destroyers of the Modern World."

It was April 1960. I looked forward eagerly to hearing her. Little did I know how much the course of my life would be changed.



I had no substantial disagreement with the lecture, though I would not have come at the subject the same way. I made some notes about assertions that required qualification or should be stated less strongly, though I did not as yet appreciate the context

in which her remarks were set.

When I spoke with her afterward and invited her to lunch at once, she accepted without hesitation. Nathan and Barbara Branden, who had brought her, returned to Manhattan. Ayn graciously consented to reserve an hour for discussion with me. That was at 12:30. We were still sitting in a booth at the restaurant at 5:30.

I have some (but far from total) recollection of our discussion. What I remember most vividly were her friendliness, her directness, her passionate intensity. She was totally serious, totally dedicated to ideas. Her dark eyes looked right through you, as if to scan every weakness. I remember that quite early on she said that she could provide a solution to every ethical problem. I was more than usually interested in this assertion.

I presented her with a problem that had recently occurred to me. A father is told by his physician that he had two choices with regard to his small daughter: If she has a serious operation on her leg, she will suffer

much pain, but there is a 50 percent chance that eventually she will be able to walk normally; but if she does not have the operation, she will suffer no more pain but one foot will never grow, and she will be on crutches all her life. What should he decide?

She admitted at once that she couldn't answer that one—it represented no choice between principles, only a choice between applications of the same principle (one I would later identify as "rational egoism"). The solution would depend on certain details resulting from our incomplete knowledge of the situation, rather than on the elaboration of a principle. Recognizing this, I accepted her answer. But that only brought another to my mind: If you are driving and, on rounding a bend, have a choice between hitting a human being or a dog, you would presumably spare the human being. But if the choice was between hitting a stranger and *your* dog, what should you do? Surely you have more interest in preserving your dog than a person you have never met; and you would grieve

more for the dog if it were killed, and so on.

This, she granted at once, was very difficult. There was indeed a conflict of principles here. On a scale of value, a human being is above a dog, for human beings embody many valuable features that dogs do not. On the other hand, on the scale of *my* value, my dog is more important. I thought she would say without qualification that I should save my own dog, but she didn't. Was it that certain things should be done, and certain values achieved, regardless of whether they are conducive to *my* long-range self-interest? Or is it somehow to be made out that in the long run, all things considered, the saving of the stranger will be more to my interest ("no man is an island"), although it may not seem so to me at the moment? If she gave an answer, it was far from clear to me at the time.

But she gave me instant credit for "thinking of ingenious examples." She did this many times during the course of our developing friendship.



We agreed to meet again at some unspecified future date. Meanwhile, I bought a copy of *Atlas Shrugged* and started to work through it. I would

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*What I remember most vividly were her friendliness, her directness, her passionate intensity. She was totally serious, totally dedicated to ideas. Her dark eyes looked right through you, as if to scan every weakness.*

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teach till mid-afternoon, work on my book most of the evening, and read *Atlas* as long as I could before retiring in the wee hours. I was so excited by it that only a great resolve to go against my inclinations, and an unwillingness to be sleepy that next day, kept me from reading it straight through.

About two weeks went by. I had finished *Atlas* (comments on it below). I received in the mail an invitation to

attend one of the NBI lectures, the one in a series of 20 on aesthetics. I accepted gladly.

It was probably the wrong lecture for me to begin with. Had I been asked to attend, for example, the economics lecture, I would have found it a revelation. Economics was virgin territory for me then. But aesthetics was the area where I had done most of my work, including my doctoral dissertation (later published as a book entitled *Meaning and Truth in the Arts*). I found a lot to criticize in the lecture, even though I found myself in general agreement with principal points in Rand's aesthetic.

It was the examples that riled me most. I did not like to see Picasso and Faulkner (to take just two examples) relegated to the scrap-heap. Faulkner was no special favorite of mine, but I had a high opinion of his literary artistry and spoke in his defense. I was almost shouted down by members of the audience who apparently considered my action some kind of treason. Hugo and Doestoyevsky were favorites of Rand's, and mine as well; but we came to loggerheads on Tolstoy. I mentioned in the discussion period that I thought Tolstoy was the keenest observer of details of nature and human behavior that ever wrote, and his ability to provide a rich and vivid impression through the selection of details was probably unequalled in fiction. Ayn responded that the plot in *War and Peace* was quite disconnected, with events not leading "inevitably or probably" into each other—which I granted was often true in this enormous saga. But I thought that individual scenes, such as Prince Andrey's encounter with Napoleon, were tremendously vivid and uniquely moving.

After the lecture, I was invited to Ayn's apartment. Nathan and Barbara were there for a while, but when they left Ayn noticed my copy of *Atlas*. She saw the notes I had written in the margins—comments for my own future reference, not intended for others to see. Ayn offered at once to exchange my earmarked copy for a new copy, inscribed to me. How could I refuse? "I didn't necessarily comment

on the most important parts," I said; "I just marked what struck me or appealed to me for one reason or another, often highly personal." She said that this didn't matter, she wanted to see what I liked. And she put my copy aside for future reference.

She was in her best mood—more than friendly, full of enthusiasm and radiating benevolence. Before discussing the ideas in *Atlas*, she wanted to get my impressions of its aesthetic quality. I spent several hours going over this with her. I told her how impressed I was by its intricate structure, with a critical plot development in each of the ten chapters of each part, and a mini-climax at the end of each of the three main parts. I praised the development of the plot from one chapter to the next, the "rising action" as it proceeded from chapter to chapter, the richness accumulating like a snowball always gathering more snow on its downhill course. I showed by examples how a scene that would have been out of place earlier was perfect later, with further developments having intervened. I mentioned how the scenes were a combination of inevitability (given what went before) and surprise when they *did* occur. I extolled the clarity and vividness of the writing, and how I loved especially the total purposiveness of the work, proceeding without irrelevance like a coiled spring, constantly striving toward a goal. I also praised it as a mystery story—clues being dropped here and there, with rising tension resulting (where were the men going who kept disappearing from the scene?); and I praised the discovery of the motor at Starnesville, the discovery of why it had been abandoned, the whole story of Starnesville as told by the tramp on the train that was heading for its doom in the Colorado tunnel—the action rising to almost unbearable heights of suspense, while at the same time it served a philosophical purpose: how thrilling, how right, how perfectly it worked into the structure and texture of the novel. I mentioned that in other philosophical novels, like Thomas Mann's *The Magic Mountain*, the philosophy was not integrated into the narrative and "stuck

out like a sore thumb," but that in her book they were perfectly integrated; a fusion, not merely a mixture.

She was radiant. I had not expected such a glowing reaction, though I knew that authors enjoy hearing praise of their work. I just assumed that she was getting this from all directions, and that my comments just added a minute amount to the existing pile. I learned only much later that she hardly got such comments at all: that people commenting on her work were either harshly critical, not understanding what she was doing or coming from vastly opposed premises; or they simply sang empty praises, uttering syrupy remarks with nothing for her intellect to bite on. Apparently I had appreciated the very qualities she had endeavored to put into her work. She seemed warmly grateful that I had discussed them at such length with her.

It was after 2 a.m., and we agreed to meet again at her apartment two weeks later.

At our next meeting I resumed the discussion of *Atlas*. Rearden was my favorite character, because he grows and develops through the pages. I thought her style was clear and eloquent, and more than eloquent in memorable passages like the initial run of the train through the Colorado mountains. But I thought that the parts that sparkled the most, and were the most vibrant with energy, were those in which there was a direct confrontation of ideas, as in Francisco's encounters with Rearden, the dialogues involving James Taggart, and Francisco's remarks about money. This was powerful presentation of ideas and high drama at the same time.

I could see the point of having characters with no defects, such as Galt and Dagny, but though there was a philosophic purpose in this I thought it detracted from the characterizations, which in Galt's case most readers perceived as somewhat unreal. Nor could I fault her decision to make everything end well, though I found the "tragic" parts (such as Wet Nurse's death) more effective in tapping the emotions. We had some disa-

greement about "acceptable types of fiction." I had no objection to "gutter realism" in which a slice of low-life is portrayed, as in Zola's novels, nor did I demand that the end-effect be inspiring and never depressing, as long as fidelity to human nature was not sacrificed. I admired, for example, Theodore Dreiser's *An American Tragedy* and similar works of "naturalistic fiction" for which she had no use at all.

I had nothing but high admiration for *Atlas* as a paean to economic freedom. I had never thought much about the effect of government intervention in the economy, and I was totally convinced by her descriptions of this. Her economic message in the book hit me like a ton of bricks.

Nor did it take much for me to be convinced by most of her ethical tenets in the book, such as the admiration

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*Quite early on she said that she could provide a solution to every ethical problem.*

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of independence and integrity, and pride in personal achievement. As a product of a Dutch colony in Iowa in which these virtues were instilled from one's earliest years, I could resonate to all of this without difficulty. I especially enjoyed her attack on tired cliches like money being the root of all evil. I also shared her denunciation of altruism, if altruism was defined not as generosity (which I considered a fine thing) but as forsaking one's own interests in order to pursue the interests of others. I hadn't appreciated how much "love of others" could be appealed to in order to justify the major crimes of history. She was amused when I told her the "parable of the concert ticket," then circulating in philosophic discussions: A is given a concert ticket and wants to go to the concert, but being an altruist he gives his ticket to B, who also wants to go. But B is also an altruist, and is equally committed to forsaking what he wants in order to give to others, so B gives his ticket to C. And so on, until just before the concert the ticket goes to someone who doesn't care for the con-

cert and doesn't even bother to go.

Other aspects of her ideas in *Atlas* would come out in future discussions. The philosophic tenets presented in Galt's speech, for example, were partially (never entirely) chewed over in discussions much later. These things came to the fore in our discussions as the spirit moved. I shall reserve any description of metaphysical and epistemological issues for the second half of this memoir, although in historical fact these discussions were interspersed among our other conversations right from the beginning.

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Early in our next meeting we agreed that Garbo was the greatest of the film actresses—an embodiment of intelligence, sensuality, and sensitivity—though Dietrich came in for some discussion, as did Marilyn Monroe, whom Ayn admired not as a sex symbol but as a vulnerable child projecting innocence and vulnerability. This, Ayn thought (and I agreed), was really the secret of her wide appeal.

We lingered fondly on works of art that had meant a great deal to us. We compared notes on plays, films, paintings, and musical compositions. When she said that her favorite dramatist was Schiller, I regretted that I had not known her in time to take her to see Schiller's *Maria Stuart*, the best performance of a play (starring Irene Worth and Eva le Gallienne) I had ever seen. It would have been great to introduce Ayn to that experience, to savor the work together.

The following week I did take her to see the full-evening Martha Graham dance *Clytemnestra*. She was very perceptive about what was going on, though unfamiliar with the medium of modern dance. She liked the dance more than the music, as did I. Frank was ill at the time, and she would take care to make dinner for him before we left, and would rush back afterward to make sure he was all right. Her solicitude for him was touching. But when she made sure he was in satisfactory condition, she returned to the living room and we resumed our conversation.

"Who is your favorite movie direc-

tor?" was one of the questions she asked, presumably to sound me out as to where my likes and dislikes lay. "Fritz Lang," I told her at once. She was instantly suspicious. "How did you know?" she said, frowning.

I was puzzled, then grasped what her suspicion was. "I didn't know," I said. I told her how as an adolescent in Iowa I had haunted the theater to see *Fury*, about a mob attacking a courthouse to lynch a man who turned out to be innocent (Spencer

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*Ayn noticed my copy of Atlas. She saw the notes I had written in the margins—comments for my own future reference, not intended for others to see. Ayn offered at once to exchange my earmarked copy for a new copy, inscribed to me. And she put my copy aside for future reference.*

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Tracy). I told her how I admired most of all Lang's work *Hangmen Also Die*, about the World War II occupation of Czechoslovakia: its structural complexity—wheels within wheels, just like *Atlas*—and how impressed aesthetically I was whenever little hints were dropped here and there and apparently forgotten, but then picked up later when they turned out to be essential to the resolution. She sensed my enthusiasm, and her warmth and vivacity increased as I related to her (as if it were new to her) various hints dropped in *Atlas* that were picked up and used later on. Apparently her suspicion, that someone had told me who was her favorite director, had vanished. Indeed, in an unexpected burst of warmth, she exclaimed, "Then I love you in the true philosophical sense." I was too surprised and flattered by this compliment to question what the "true philosophical sense" was.

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I found it incomprehensible that she didn't much like Shakespeare. But I

could not disagree with her judgment when I asked her who she thought was the greatest prose artist of the twentieth century. She said "Isak Dinesen." She didn't like Dinesen's sense of life, but thought her a superlative stylist—a judgment in which I concurred. On a subsequent occasion when I brought a copy of *Out of Africa* and read her a page from it, she was positively glowing. She disliked Dinesen's pessimism, but loved the economy of means and the always-just-right word selection. When Ayn and I both admired the same work, and compared our reactions to it and the reasons for our admiration—that was a high point of our friendship. During these conversations the rest of the world was left far behind; nothing mattered but our experiences of these works of art. We held them up to the light, slowly rotating them to exhibit their various facets, like precious jewels. Ayn was all aglow when our reactions struck common ground: she was no jaded critic, but had the spontaneous enthusiasm of a little girl, unspoiled by the terminology of sophistication. Even today I treasure these moments, and can hardly think of them without inducing the tear-ducts to flow just a little.

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We did get into a bit of a flap about Thomas Wolfe. I had grown up on his novels, and there were passages of his poetic prose that had become so close to me that I had them virtually memorized. I brought a copy of his *Of Time and the River* one evening and read aloud to Ayn, Nathan and Barbara a passage of about five pages—a part of the description of the young man (Eugene Gant), having left his native North Carolina for the first time, reflecting on his chaotic childhood as the train is pounding away all night through the hills and forests, propelling him forward toward the unknown (his first year at Harvard). I empathized with so much in the passage that I waxed quite emotional in the delivery of it.

When I had finished, Ayn proceeded to decimate it bit by bit. How could I possibly care for such drivel? It was

anti-conceptual; it was mystical; it was flowery and overlong. I do not remember the details of the criticism (then as on many other occasions, I wished I had had a tape recorder with me). I remember that they all seemed to be valid points, and I was somewhat ashamed that my emotional reactions did not jibe with these rational ones. But I defended my favorable verdict on the passage with the observation that Wolfe has a tremendous evocative power, the power to generate very intense emotions by drawing on haunting memories of days past and setting them in the context of the present experience.

And then Barbara came to my aid. She said, very simply, "Wolfe is beautiful music." And suddenly it struck me how true this was. I thought of Walter Pater, who said that all great art approaches to the condition of music; and how Wolfe is as near as American literature has yet come to creating literary music.

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Some of her other preferences I found surprising, almost unbelievable. I could see why she liked Salvador Dali, though I couldn't see why she preferred him to Picasso. (My own favorite painters were the post-Impressionists—Cezanne, Gauguin, Van Gogh. She had no use for non-representational painting, though I liked Mondrian a lot—and I tried vainly to convince her that a line could be expressive even though that line was no part of a represented person or object.)

I was most surprised of all by her musical evaluations. Of the classical composers, she preferred Rachmaninoff and Tchaikovsky, and not much else. I liked them too—I had none of the anti-Romantic bias that was then fashionable—but I was astounded that she didn't care for Beethoven or Brahms, and that she didn't like Bach at all. Bach and Handel were my favorites, though almost as much as these I liked certain pre-Bach composers such as Ockegham, William Byrd, De Lassus, Victoria—none of whom she had heard of. I would bring records to her and play parts of them,

but her tastes never changed. When she wanted an inspiring musical theme to introduce her new weekly radio program on the Columbia University station, I played for her some candidates: Purcell's *Trumpet Voluntary*, prelude to Wagner's *Meistersinger*, Handel's *Dettingen Te Deum*, introduction to the march from Berlioz's *The Trojans*. Of all the pieces prior to the 19th century, she said "These represent a static universe," and cared to hear no more. So in spite of all my efforts, the final verdict was still Rachmaninoff. (Were these the composers she heard most during her girlhood in Russia, I wondered, and for that reason made the most powerful impression on her? I brought up to her the difference between differing preferences and differing evaluations. But she stuck to the view that her giving Rachmaninoff the number one place among composers was not merely preference but an "objective" evaluation—though, she added, in the case

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*Despite having written Atlas Shrugged, Ayn tended to like works small. She once showed me her study, where she had written the last half of Atlas. It was terribly cramped and small, but that was what she felt comfortable with—"infinite riches in a little room," I told her.*

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of music she couldn't prove that the evaluation was the right one.)

We discussed the objective vs. the subjective in art. I suggested to her that a traditional Aristotelian canon such as organic unity was objective in the sense that the unity is actually to be found in the work (though it may need some pointing out), and that an indication of this was that the criterion had survived with variations for over 2,000 years. On the other hand, I said, there are times when it is less appropriate to say "That's good" than to say "I like it." For example, I tend to like massive works—Michelangelo's *Sis-*

*tine Chapel*, Bach's *B-Minor Mass*. She, on the other hand, despite having written *Atlas Shrugged*, tended to like works small. She once showed me her study, where she had written the last half of *Atlas*. It was terribly cramped and small, but that was what she felt comfortable with—"infinite riches in a little room," I told her. But the room would have given me claustrophobia within an hour.

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This was the honeymoon period. There had been no major tensions between us on any issue. I did not have any idea how quickly her ire could rise. I thought we could discuss any subject as dispassionately as we were now discussing the arts.

She kept inviting me back. For many months I was at her apartment about once every two weeks. We would meet around 8 p.m., and usually agree on a cutoff time of midnight. But when midnight came we were always engrossed in a discussion we didn't want to terminate, and the result was that I seldom left the apartment before 4 a.m. Occasionally we would talk all night, after which she would prepare breakfast for me and I would drive off to Brooklyn in the early hours of the morning.

Whenever I took her out to dinner, she made a point of returning the favor. She and Frank would typically take me to a Russian restaurant. She had no appetite for small talk. Even when I was trying to extricate the car from a tight parking place in front of her apartment, she would be raising philosophical issues. Seated in the restaurant, she would radiate benevolence, but she didn't go in for jokes or humor—most of which escaped her completely. But once in a great while she would laugh like a schoolgirl. When I told her the tired joke about the two behaviorist psychologists meeting one another, the one saying to the other "You are fine—how am I?" she could hardly stop laughing. Apparently the joke exposed in condensed form the heart of a discarded (or eminently discardable) theory. Frank too was caught up in the humor of it. I came to value and respect him

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more and more—not as an arguer (he couldn't do it, he left that department to her) but as a warm, benevolent human being with all the right instincts, and a largely unappreciated (at that time) artistic ability. I have nothing but good memories of him.



At Ayn's suggestion I bought a copy of Henry Hazlitt's *Economics in One Lesson* and it transformed my entire thinking about economics (not that I

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*Once in a great while she would laugh like a schoolgirl. When I told her the joke about the two behaviorist psychologists meeting one another, the one saying to the other "You are fine—how am I?" she could hardly stop laughing . . .*

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had done much thinking about it before). She gave me a copy of von Mises' *Socialism* and I devoured that also. (She explained to me that she would not autograph gifts of books, if those books had been written by others.) Here I was the student and she the teacher. Though the conversation always turned to ethical implications, Ayn was not bothered if I asked her purely economic questions. I may have been the only person who learned free-enterprise economics personally from Ayn Rand.

Much of her political philosophy had already come through to me in reading *Atlas*, but the conversations with her amplified it enormously. I had never given enough thought to political philosophy, and my conception of it (in relation to ethics) could have been summarized much as follows:

We each have different sets of desires, often conflicting with one another.

We have to put a limit on our desires because, if followed out in action, they often get in each other's way.

In traffic, we need rules of the

road: you can't drive on the wrong side of the road, you can't pass cars on hills, you can't exceed a certain speed, etc.

In life, we also need "rules of the road." We have to refrain from doing certain things to one another, such as robbery and murder.

So we need (1) moral principles, for people to obey voluntarily, and (2) laws, for people to be required to obey even if they don't choose to do so voluntarily.

Not everyone will agree about what these rules should be. Should the rules prohibit adultery? abortion? deception or fraud? negligence? Should mentally incompetent people be excused from obeying them? And so on.

We can try to have the rules changed, but once a law is in force we should usually obey it. If everyone disobeyed laws when they felt like it, or even when they disapproved of the law, there would be much more chaos and less predictability in human relations, and all of us would be much less secure than we are now.

As readers well know, Ayn did not fundamentally disagree with most of these tenets. But she came at the whole enterprise in a very different way, much more precise than mine, and cutting lots of important ice in a variety of places.

When I first mentioned to her that I thought the government should do this or that, enact such-and-such a law, she would remind me that the government acts through coercion or threat of coercion: that if you want the government to tax other people for your pet project, you are in effect holding them up with a gun and forcing them to act in accordance with your wishes. You don't wield the gun, but the government agent wields it on your behalf. And that's all right if the government just protects you against aggression (retaliatory use of force), but not if it is to initiate aggression against others in order to achieve your ends. By the same token, why can't it

initiate aggression (e.g. forcibly raise taxes) to promote someone else's ends at the expense of yours? If you can use force against A to make A support your favored project, why can't A use force against you to make you an unwilling subsidizer of A's project? It was all so obvious when pointed out, but I had never thought about it in that way before.

I had never formulated to myself Ayn's precept, "No man should be a non-voluntary mortgage on the life of another." But government helping one person at the expense of another is (Ayn reminded me) an obvious violation of this rule. If A's life can forcibly be enslaved to fulfill B's ends, why can't B's life be enslaved to fulfill A's ends? And then it became a matter of who is strongest, or has the biggest gang.

I found Ayn most insightful of all on the topic of rights. (I later came to admire her paper "Man's Rights" more than any other, though it was not yet written at the time of our discussions.) I had read much on that topic, but Ayn's way of laying out the subject struck the jugular in a way that nothing else did. And gradually I came to treat more and more aspects of ethics and political philosophy under the rubric of rights. It also drew my thoughts toward a different magnetic pole: previously, my first question in evaluating a proposed law was "Whom does it benefit and whom does it hurt?" whereas Ayn's first question was "Does it violate anyone's rights?"

I had not thought of the American Constitution before as a distinctive rights-protector—protecting the rights of individuals against their encroachment by other individuals and (most of all) the government itself. And the rights defended in the Constitution and the Bill of Rights, she pointed out, were all of the kind that I called negative rights—rights which demand only from others the duty of forbearance, or noninterference. The positive rights, such as "welfare rights," all demanded as duties some positive action, such as using part of your paycheck to pay for government projects which are supposedly for the

benefit of others. Such subsidies of course violated her voluntarism principle (no one should be a non-voluntary mortgage . . . ). In time I supplemented this with another argument, that only the negative rights are consistently universalizable (applicable to everyone). That is: "I have a right to speak freely" can hold true no matter how many people there are, but "I have a right to part of your income" can hold true only when there are enough other people in society to provide it. If there are not enough givers and too many takers, the principle becomes impossible to apply.

Ayn's input was like a gust of fresh air on a subject (political philosophy) which I had previously considered too dull to pursue—at least the current literature was, if not the subject itself. Prior to knowing Ayn, I was not very happy with any theory on the subject that I knew about. I had realized that in a civilized society you can't let persons do what they want with their lives (such as nothing at all)

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*At Ayn's suggestion I bought a copy of Henry Hazlitt's Economics in One Lesson and it transformed my entire thinking about economics. I may have been the only person who learned free-enterprise economics personally from Ayn Rand.*

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and at the same time assure them that all their basic needs will be taken care of, courtesy of the state—for where would the state get the wherewithal to supply these needs if many people remained idle or didn't (or couldn't) contribute to it? But I had not resolved the matter in my own mind, nor had I thought of the issue systematically until I was hit with a huge blast of clearly enunciated political philosophy from Ayn Rand.



Gathering diverse data into a neat system had always been exciting to me, and the Randian political philosophy

stimulated me to consider the subject seriously for the first time. At the same time, I was skeptical about the acceptability of any system, particularly a neat and elegant one, and was always looking for exceptions to test the system. If truth could be obtained only by sacrificing neatness and elegance, then they would have to be sacrificed.

I was worried, for example, about the welfare problem. I could see that once the government got hold of tax money for this purpose, it was an invitation to graft and corruption, and that people are not as careful with other people's money as they are with their own. And it might indeed be true that in a free unregulated economy there would be such abundance that there would be little or no need for welfare, because private charity would bridge the gap. But I simply could not make myself be sure of this. I was not sure that people's charitable impulses would be expressed in sufficient quantity at the needed time and place. I thought of children living in grisly slum conditions, fatherless and largely untended. The fact (if it was a fact) that at some future time when the economy would be free and far more prosperous than now, such people would not be in need thanks to private charity, was no help to them now—the help they needed was immediate, and the children's situation was not their own fault. And I was quite sure that some parents would always be so lazy or incompetent that they could not (or sometimes would not) hold any job at all, no matter how prosperous the economy—the general prosperity would simply pass them by.

I was even more convinced of the need for universal education. Without it, many children with high potential would not have the benefits of education, and their talents would simply be wasted—don't they all deserve a chance? I was all in favor of competing private schools (rather than a government-run educational system), but I wanted to make sure that private benevolence would get to the right place at the right time and in sufficient amounts. I found myself more sure of the need for universal educational op-

portunity than I was of a political theory in which education was no concern of the state. I agonized over this.

Ayn never assented to the view that private charity was "guaranteed to be sufficient." The recipient had no

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*My first question in evaluating a proposed rule of law was "Whom does it benefit and whom does it hurt?" whereas Ayn's first question was "Does it violate anyone's rights?"*

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right to receive what was not freely given, and if not enough was freely given, that was unfortunate but not immoral; what would be immoral would be to force the giver to give (which would be robbery). The moment you start nibbling away at a principle by making exceptions, the more you will be led to make further exceptions, and finally the whole principle will go up in smoke. Why could Ayn rest comfortably with this, while I could not?

The marvelous passage in *Atlas Shrugged* beginning "Stand on an empty stretch of soil in a wilderness unexplored by men and ask yourself what manner of survival you would achieve . . ." kept hammering through my mind. If you penalize those who make life economically bearable for the rest of mankind, what hope is there for future improvement? It is not only impractical, but immoral, to kill the goose that lays the golden eggs. At the same time, here are the horribly deprived children of the ghetto, finding themselves in a situation not of their own making from which they could not extricate themselves without help. I was unhappy, even ashamed, that I could not resolve this burning issue to my own satisfaction.

I would keep speaking of needs that could not be met through private charity—at least that was my fear. I would speak of the homeless and starving of the world. Each day's headlines would call attention to more instances of this, usually in Africa or

Asia. At last I think Ayn lost patience with me. Instead of agonizing over this, she said, I ought to take steps to ensure a free market in those countries. There is no greater creator of prosperity than the market.

She was not against charity, she said. If a needy person came to her door, she would not say no. When she said this, I replied, "What of the thousands of people who *can't* come to your door, because they're too far away, too sick, too crippled, or are

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*She told me somewhat brusquely that I was viewing the subject of charity from the point of view of the needy. I should look at it instead from the point of view of the producers of wealth—all charity would have to come from the surplus of their production.*

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small orphaned children?" She then told me again somewhat brusquely that I was looking at the issue from the wrong end. I was viewing it from the point of view of the needy; I should look at it instead from the point of view of the *producers* of wealth—all charity would have to come from the surplus of their production (here she referred me to Isabel Paterson's *The God in the Machine*). If production was not sufficient, these people would have to do without in any case. Charity must come from their surplus—and not a surplus wrung from them by coercive taxation, but whatever surplus they voluntarily chose to allot for this purpose. And then she described how an industrialist could do much more good by keeping his company solvent and his employees on the payroll than by selling it and giving the proceeds to charity. And unless I came up with some new ideas on this subject, she indicated, she considered the subject closed, not to be brought up again.

But the subject kept coming into our conversations, even though only peripherally. I remember, for exam-

ple, describing to her the situation of a person who contracts a disease that requires thousands of dollars each month in medical costs, which he can't afford, and which insurance companies won't take on. "It's not his fault that he contracted the disease," I said.

"And neither is it anyone else's fault," Ayn retorted. I did not pursue the subject, but I remember reflecting that from the fact that it's nobody's fault nothing follows as to who should pay. I could often tell from her tone of voice that she was on the edge of anger, which would break out if I pursued the issue. For the sake of future discussions, I would decide to drop the issue this time around.

On another occasion I mentioned the inequality in the educational system, which did not confer as much time or money on children from the slums, or on those who could learn in time but could not keep up with the rest.

"And what about the geniuses?" she asked—the ultra-bright children who could go ahead much faster, but were kept back by the mediocrities. One genius, a Newton or a Pasteur, could improve the lot of all humanity, but many of them, she thought, had been stifled by the educational system catering to the dull-witted.

I quoted to her once Anatole France's statement that the rich have as much right as the poor to sleep under bridges. "And who built the bridges?" she shot back at me like a bullet. Nothing aroused her ire faster than quotable quotes from liberals and leftists.

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I invited her one day to teach my ethics class at Brooklyn College, and she accepted at once. The students were impressed, but it would have taken much longer than an hour to make her line of thought come home to them. On another occasion she visited my graduate ethics seminar, at which she made some apt comment about the emotive theory of ethics (which we were then discussing). She expressed some surprise that I let my students take just about any position they

chose. I did point out logical fallacies and inconsistencies, and tried to bring out the hidden presuppositions of views which I thought they accepted too hastily, but I was far from anxious in class to get them to believe whatever I myself believed. I could see that Ayn was less tolerant of deviant beliefs; I explained to her that I was more concerned with *how* they came to believe what they did.

I told her that I thought the great danger was to accept a view, even a true view, for an inadequate reason, or for the wrong reason, or no reason at all—or as an article of faith, because of a teacher's magnetic personality. Such faiths, I said, could be adopted one day and discarded the next when another guru came along. Once they make their degree of conviction proportional to the actual evidence for a belief, they can be trusted to arrive at true beliefs themselves. It is the method more than the content that (I suggested) has to be taught—which was just what the American educational system was not doing.

She agreed, of course, that one should not accept beliefs on faith—though surely, I thought, she knew that many of her disciples came to espouse her views largely because of her personal magnetism. At any rate, Ayn wanted to guide them to "correct beliefs" more than I did, so as to be sure that they ended up in the right place.

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We discussed many aspects of private property. Her view that all property, including roads, should be private was new to me, and fascinating. I remained a bit skeptical about roads, for it seemed to me that, like oceans, they are primarily ways to get from one place to another, and I didn't think these should be in the hands of a private party who might be vindictive against certain persons or groups. The considerations that justified private ownership of houses and land did not seem to me to justify the private ownership of roads and navigable waters.

But our main disagreement occurred when I mentioned a car trip I had taken into the South when, as a

student at Columbia University, I had been a fellow passenger with a black student. The moment we entered the South, there was no hotel or motel, and very few restaurants, that would accept him. I considered this grossly unjust; so did Ayn—an example of collectivism at its worst (racism being a particularly crude form of collectivism). Our disagreement came when I said that motels should be required to serve persons regardless of race. But she held to her view that motels are private property and people should be able to admit whomever they choose on their own property. True, blacks were as entitled as whites to build motels, and then serve only blacks if they so chose. But the issue was academic—in view of history, and the economic status of most blacks, there just weren't enough black property-owners in the South to make this a viable option. Again, I would make an exception to a principle in order to correct an injustice. And Ayn, perhaps

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seeing better than I did where this might lead, declined to make the exception.

I remember another argument we had, concerning censorship. Only government, she said, could be said to censor. I brought up the case of the Catholic Church censoring a book or film. She insisted that this was not censorship. A cardinal or pope may threaten excommunication for reading the book, but if one doesn't like it one can leave the church that imposes such restrictions. The church can't take away your citizenship or put you in prison. The government, by contrast, can do these things.

The question was whether these differences were sufficient to entitle us

to say that it is censorship in the government case but not in the church case. One could slice that either way, I suggested. But *suppose* that I grant that the government can censor a film and the church can't (i.e. what the church does isn't censorship). What then of the following example? A book is published exposing the practices of certain drug companies and pharmaceutical houses. The drug companies don't like this, but of course they can't arrest anyone for buying the book. So they pay the publisher X thousands of dollars to withdraw the book permanently from circulation. The book is then as effectively stifled as if the government had banned it. Is that not censorship? No, not by Rand's definition. Yet it has exactly the same effect as government censorship; would it really be false, or even unreasonable, to say that the book had been censored? Ayn opposed all government censorship, but she had no objection to the voluntary agreement between the publisher and the drug company.

One other aspect of political philosophy that seemed to bother Ayn as well as me was the problem of imperfect governments. A government that uses force only in retaliation against its initiation by others is entitled to our support. But every government in the world violates this principle (that force may be used only in retaliation). Even the act of collecting taxes is the initiation of force against citizens. Under what circumstances then is a citizen obliged to do what his government decrees? What if the law says that you can't use physical force to restrain the person who is in the process of stealing your car (you can't commit a crime against a person to correct a crime against property)? That is the law in the United States; but suppose you don't agree with that law. Must you obey it anyway?

More serious still, what if the government itself is a rights-violator? Ayn would not say that the government of the U.S.S.R deserves our allegiance, or that we have a moral duty to obey it (e.g. report our friends who criticize the government). But the government of the United States differs

only in degree from such a government. Should we obey only those laws that do not violate the retaliatory force principle (that is, only laws in which the government is exercising its prop-

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er function, the retaliatory use of force against those who have initiated it, such as murderers and muggers)? But then are we free to ignore all the others, such as laws prohibiting polluting someone else's property (or is pollution to be called a case of the initiation of force)? It seems as if the phrase "initiation of force" isn't very clear, and its application to cases far from obvious.

Suppose you head the government of Spain and the Basques rebel, seeking independence. Should you suppress the revolt or not? One view would be that you should suppress it in order to restore law and order, which after all is what government is all about—you can't be expected to live in a state of civil insurrection. On the other hand, if you think the Basques have been served a bad hand for these many years, you will think their cause a just one, and if Spain suppresses the revolt then Spain is initiating force against those who only want their freedom. (And the same with Northern Ireland, etc.) I suggested that what you will call initiation and retaliation will depend on your sympathies. You will put down the rebellion if you think the Spanish are in the right; if you think they are not, you will encourage the rebellion in the cause of freedom (and perhaps argue that they are only retaliating against the past aggress-

sions of Spain, in keeping them part of Spain when they wanted only to be independent).

Let's accept the non-initiation of force principle, I said. How to apply it in cases is very, very sticky. Your country may have started the war, but if you are a soldier and another soldier comes at you with a bayonet, you will retaliate (preventatively?) even though your country, or its government, had initiated the conflict.

What justifies government, I won-

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*Ayn was all for population expansion. She mentioned the vast stretches of Nevada and Wyoming, largely empty of human beings; the United States could double its population and still not be crowded. A capitalist economy could do all this and more. I did not deny that it could, but wondered what room would be left for wild animals and plants if the human race filled up all the cracks.*

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dered, in raising an army and doing other things connected with national defense? Government, she said, is the *delegated agent* of the individual to act in his or her self-defense. (She described all this in her paper "The Nature of Government," but that had not yet been written at the time of our discussions. Neither had any of her non-fiction works other than a very few short papers such as "Notes on the History of Free Enterprise" and "The Objectivist Ethics.")

But this worried me. What about people who don't *want* the government to act for them in such a capacity—either they don't trust the government to do this, or for some other reason don't desire the government to act as their agent? Ayn's view (as I remember it) was that the government protects them whether they want the protection or not. (For exam-

ple, it protects insane people although the insane people can't give their consent.)

I was also concerned about how such delegation occurred. I don't remember delegating my right of self-defense to government or indeed to any other person or institution. No contract was signed, nor was there, apparently, even an implicit agreement. But then there was a discussion of what constituted implicit agreement. John Locke, I said, held that continued residence implies consent, but surely this is mistaken—did continued residence in the U.S.S.R imply consent to that government? Like so many other issues, we played around with this one for awhile without coming to any definite conclusion.

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Ayn and I had very different attitudes toward nature. I liked vacations in the mountains, swimming in lakes, tramping through the woods. She cared for none of these things. The city was man's triumphant achievement; it was not nature but man's changes on the face of nature in which she reveled. She had (I gathered) broken Frank's heart by insisting on the move to New York City from their estate in the San Fernando Valley, where Frank had been in his element. But she had had enough of nature. She spoke movingly to me of Russian villages in which anything manmade was treasured. She spoke of having to walk, as a child, with her parents, through the Russian countryside from Leningrad to Odessa, to live with their uncle and escape starvation (her father had been classified as a capitalist by the Bolsheviks, and left to starve with his family in Leningrad). "Why should I help to pay for public beaches?" she once said. "I don't care about the beach."

I liked fresh fruit for dessert, and tried to avoid pastries. She, on the contrary, loved pastries; perhaps the fresh fruits reminded her too much of the wild nature of which she had had her fill in Russia. She tempted me with pastries when she and Frank

took me to a restaurant, and I of course gave in and devoured as much pastry as she did.

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Other than the details just mentioned, she seldom referred to her early years in Russia. She preferred to discuss principles rather than specifics. But when I mentioned tyrannies and dictators, her voice would become hard and unrelenting. She almost sputtered in indignation at the mention of Khrushchev, who was then at the helm in the USSR. I suggested that there has been some improvement there since Stalin, and that people were being invited to write letters of complaint to newspapers, for example about pollution and industrial inefficiency. "So that they can smoke these people out and then arrest them!" she spit out, from as deep a reserve of anger as I had ever heard in her.

She may not have known much about psychology—and she admitted as much—but when it came to the psychology of tyrants, she was a master sleuth of human motivations. She knew, as if from inside, how tyrants think. And her voice, it seemed to me, contained the grim but unspoken residue of years of hurt, disappointment, and anger in being victimized by tyrannical governments and their incompetent and uncaring bureaucracies. (She specifically instructed me to read Ludwig von Mises's little book *Bureaucracy* to see why bureaucracies always worked badly, and I did.)

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I did not have the unpleasant associations with the wide open spaces that she did. I was concerned with conservation of natural resources, including wildlife, and worried about the deterioration of the soil and the extinction of species. I was concerned too about human overpopulation of the globe and its effect on nature, the animal kingdom, and man himself. She did not seem to share my concern. Nature was merely a backdrop for man. As for overpopulation, she was all for population expansion. She mentioned the vast stretches of Nevada and Wyoming, largely empty of human beings;

the United States could double its population and still not be crowded. A capitalist economy could do all this and more. I did not deny that it could, but wondered how all these added people in the wastes of Nevada would make a living, and how they would get enough water, and what room would be left for wild animals and plants if the human race filled up all the cracks.

But I found no responsive chord in expressing these worries to her; this was a vein that could not be tapped. The most vividly-expressed concerns on my part evoked in her only a kind of incomprehension. Of course one could put this the other way round: that she could find in me no responsive chord by which to move me to the realization that these concerns were of no *human* importance.

I mentioned to her once that I thought the Europeans who settled America were in some respects more barbaric than the Indians they replaced: they robbed the Indians of

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*Native Americans were not among Ayn's concerns. The greatness of the political ideal of the Founding Fathers overrode all the rest in her view. Not that she wanted the Indian exterminated, of course—she wanted him to be a part of a nation operating on the principles of the American Constitution, a citizen, a voter, an entrepreneur if he chose to be.*

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their land, they decimated them with guns and smallpox, and robbed them of their food by wantonly killing their buffalo. What made the whites triumph, I opined, was not the superiority of their intellect or even the superiority of their political philosophy, but the superiority of their technology, specifically firearms. We had guns and the Indians didn't; that was what defeated them, I said.

Native Americans were not among Ayn's concerns. The greatness of the

political ideal of the Founding Fathers overrode all the rest in her view. Not that she wanted Indians exterminated, of course—she wanted them to be a part of a nation operating on the principles of the American Constitution, citizens, voters, entrepreneurs if they chose to be. A proper government would have had a place for all races on equal terms. The shame that I, a descendent of some of these European intruders, felt at what my ancestors had done apparently was not felt by her. And what should have been done if the Indian wanted no part of the white man's government is a topic that she never addressed; or whether, if the Indian had claimed all of America as his own, since he had been here first, this claim should be honored. That America had a functioning Constitution limiting the power of government and promoting individual liberty—this, in her view, was such an extreme rarity in the history of nations, and such a unique event on this planet, as to justify whatever trouble it cost. The view of the white man as an interloper on another's domain was strange indeed to one for whom America had been a beacon of light in a dark world—and which had meant for her the saving of one's spirit and one's very life.

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On a visit to my parental home in Iowa I stopped to visit a colleague who had just returned from Peru. I had given Ayn my phone number in Iowa, and sure enough, she phoned. I remember asking her on the phone what she would say about the situation in Peru, where a few landowners (descendents of the Spanish conquistadors) owned almost all the land, leaving the native Indians little or nothing. Ayn remarked that if they didn't use all the land themselves, but let it lie fallow as I described, they could make a lot more money renting it out to the native Indians, and in the course of time the Indians with their earnings could buy portions of it back, so as to own it once again.

But that won't work, I said—the Spanish purposely let the land lie fal-

low (some of the most fertile land in the nation), as a matter of *pride*, to show others that they don't *need* to cultivate it for profit. Thus the Indians can't even share-crop any of it, and

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*"Maybe I could write the script for the movie Atlas Shrugged," I said, more than half in jest. But at once she put her foot down, though in good humor. "Nathaniel Branden is going to write the script for Atlas Shrugged," she said decisively, and that was that.*

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are forced to settle further up into the mountains on land whose soil is too thin to withstand the plow. I suggested that under such conditions a government policy of land redistribution was called for.

Such a torrent of abusive language against compulsory redistribution then came over the wire that my parents could hear it across the room. I could hardly get a word in. I had no idea that mention of compulsory redistribution would ignite such venom. I said why I thought it was usually a bad policy, but that in the conditions described it would probably be desirable, as when MacArthur did it in post-war Japan. But she would not hear of it. Dinner had been set on the table, and I motioned my parents to go on eating without me. But they didn't, and by the time Ayn's telephone tirade was over, half an hour later, the dinner was cold.

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It was pleasant indeed to be invited to Ayn's apartment to meet Mr and Mrs Henry Hazlitt and Mr and Mrs Ludwig von Mises. There wasn't much shop talk, but it was wonderful to meet them and to socialize with them. (I later met with Henry Hazlitt numerous times in connection with his forthcoming book *The Foundation of Morality*.) I felt honored to be invited to join this distinguished company. I also enjoyed several luncheon meet-

ings with Alan Greenspan.

I learned much more economics from my conversations with Ayn. But once I put my foot in it. She was explaining why, if some industry was to be deregulated, the businessman would have to be given fair warning, else he would be unable to make the rational calculations he would have to make at the time.

I said nothing in response on that occasion. But a few weeks later, when she exclaimed that the New York taxi-

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*I told Ayn that I thought she was Kantian in her insistence on acting on principle (even though she and he didn't share the same principles). She would also praise impartiality of judgment as strongly as any Kantian. Sometimes, when we were discussing another view, I would twit her, saying, "You're too Kantian to accept that, Ayn," and she would smile.*

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cab medallions should be abolished at once, I said "But consider the taxi driver who has bought a medallion for \$25,000 just before their abolition. He would lose that whole amount. Shouldn't the taxi driver be given an interim period also for making his own rational calculations?"

She saw the point. "You bastard!" she exclaimed, and flounced out of the room to prepare tea. I could hear the cups clattering in the kitchen, and Frank trying to pour oil over troubled waters. When she returned to the living room she had partially regained her equanimity, but was still curt and tense.

I learned from that incident that it didn't pay to be confrontational with her. If I saw or suspected some inconsistency, I would point it out in calm and even tones, as if it were "no big deal." That way, she would often accept the correction and go on. To expose the inconsistency bluntly and

nakedly would only infuriate her, and then there would be no more calm and even discussion that evening. I did not enjoy experiencing her fury; it was as if sunlight had suddenly been replaced by a thunderstorm. A freezing chill would then descend on the room, enough to make me shiver even in the warmth of summer. No, it wasn't worth it. So what, if a few fallacies went unreported? Better to resume the conversation on an even keel, continue a calm exchange of views, and spare oneself the wrath of the almighty, than which nothing is more fearful.

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At the same time, she was an inspiration to me. It was inspiring to talk with someone to whom ideas so vitally mattered. By presenting intellectual challenges she set my intellectual fires crackling in a new way. And she was largely responsible for renewing my spirits.

I never got bored with teaching—I always enjoyed contact with students—but I had become discouraged about its results. A class ends, I seldom hear from the students again, and a new crop comes in with all the same errors and unquestioned prejudices and assumptions as the one before. I suppose this was to be expected, but I was often discouraged by the lack of improvement. Doubtless I could have noticed some if I had been able to follow the members of the class after they had had my courses. And as for changing the world from its ignorance and lethargy, there seemed little hope of this occurring; all the combined efforts of high school and college teachers seemed to do little to prevent wars or create happiness or even ease the human situation very much.

So I was surprised when Ayn said, "Yours is the most important profession in the world."

I responded, "Important, but not very influential."

"That's where you're wrong," she said. "You deal in ideas, and ideas rule the world." (I seldom quote Ayn directly, and do so only when I clearly remember exactly what she said.)

I objected rather lamely that I

didn't see any ideas molding the world, in fact that the world seemed quite indifferent to ideas.

But she persisted that it was indeed ideas that ruled the world—and that if good ideas did not come to the fore, bad ones would rule instead. Nature abhors a vacuum, and it is when good ideas are not taught that a Hitler or a Lenin can come in, filling the vacuum, trying to justify the use of force (for example) against entire classes of victims, when even a modest amount of teaching about human rights would have shifted the battle of ideas and perhaps carried the day. She reiterated that it was ideas—specifically the ideas underlying the American Revolution—that had created the greatness of America. Prosperity had been a *consequence* of the adoption of these ideas; it occurred when physical labor was animated by an economic theory by which the work could be productive.

We came back to the subject many times, and I began to notice a new energy in my teaching, a new bounce in my attitude, as if the intellectual life was not fruitless after all, and as if I might even make a bit of real difference in the world. Not much in the whole scheme of things, to be sure; but later, when ex-students would say to me, "My whole life has been changed by your course," or "Something you said at the end of your lecture one day years ago changed me forever," the words not only buoyed me up, but made me aware of a fear-some responsibility.

I don't know whether I ever communicated to Ayn this gradual change in my professional attitude. In a way, she had saved my life. I wondered, much later, whether she ever knew this.

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She did not take kindly to any recommended change in her writing, not even a single word. I was strongly in sympathy with this. Even if a word was appropriate in what it meant, it might not fit into the rhythm of the sentence or the idiom of the passage. But there is one occasion on which she gave way to me nonetheless. She showed me the typescript of her forth-

coming introduction to Victor Hugo's novel *1793*. I then proceeded to read certain passages of it aloud to her. By this means, I convinced her that some passages were unidiomatic, and that certain words hindered the ambience rather than helping it. She went along with all my recommended changes. "Boy, do you have a feeling for words," she said glowingly as she made the changes.

She was convinced that on my forthcoming trip to California I should call on her Hollywood producer, Hal Wallis. "He's a movie producer," I said; "I would have nothing to say to him. And he'd be about as interested in me as in a hole in the ground."

Not so, she said. She said I had no idea what an intellectual inferiority complex these people have. "To have a philosopher come to *them* would be an honor to them," she insisted.

But I had no idea what I would say if I did go; I would probably stand there with a mouthful of teeth. (And I never did follow her suggestion.) "Well, maybe I could write the script for the movie *Atlas Shrugged*," I said, more than half in jest.

But at once she put her foot down, though in good humor. "Nathaniel Branden is going to write the script for *Atlas Shrugged*," she said decisively, and that was that.

She reserved her best-chosen curse words for her philosophical arch-enemy, Immanuel Kant. She considered him the ultimate altruist and collectivist. Though not a Kantian, I did not share her extreme view of him. I invited her to read his book on philosophy of law, with its defense of individual rights, and certain sections of his *Metaphysics of Morals* in which he discussed duties to oneself. But it was all in vain. She insisted that these were only incidental details, but that the main thrust of Kant's philosophy was profoundly evil. I did not consider him more altruistic than Christianity, and in some ways less so.

I did get her to acknowledge agreement, I think, with Kant's Second Categorical Imperative, "Treat every

person as an end, not as a means," even though I tended to believe that the implications of this precept for ethical egoism might be ominous. And I told her that I thought she was also Kantian in her insistence on acting on principle (even though she and he didn't share the same principles). I even thought that she shared some of his emphasis on universalizability: that if something is wrong for you to do it is also wrong for others (in similar circumstances), and that before acting one should consider the rule implied in one's actions as if it were to become a universal rule of human conduct. She would praise impartiality of judgment as strongly as any Kantian. Sometimes, when we were discussing another view, such as existentialism, I would twit her, saying "You're too Kantian to accept that, Ayn," and she would smile and sometimes incline her head a bit, as if to admit the point before going on with the discussion.

The more I thought about it, the more I was convinced that the most fundamental distinction in practical ethics was between individualism and collectivism. Consider the American Civil War, I said. Assuming that it played a decisive role in eliminating slavery, wasn't the result worth the loss of half a million lives? Yet it may well not have been worth it to the men who were drafted into the army to fight that war. The fact that it "helped the group" (the collective) may not have been much comfort to them.

Or consider the American Revolutionary War. It produced an enor-

mous benefit, the founding of a free America, and was the most nearly bloodless of all major revolutions. Yet was it "worth it" to those who shed their blood fighting in the cause of independence? If you look at the group as a whole, the group was better off because those wars were fought; we're glad that *somebody* did it. But if you look at the individuals, it was a case of *some* individuals sacrificing their lives so that *others* could live in freedom and prosperity.

Ayn's response was that no human life should be sacrificed against that person's will. If a person believes a cause to be worth it, such as freedom from slavery or oppression, then he may willingly sacrifice his life for that cause; but no one should be forced to do so. The sacrifices must be made *voluntarily*.

But are you enlisting voluntarily if you do it because you'll be drafted anyway later? I wondered. Perhaps voluntariness is a matter of degree. And what if the Germans are invading France and the Germans draft all their young men and the French don't? Then the French would be overrun and perhaps enslaved. To escape this fate, France institutes the draft. But this example didn't deter Ayn. Then France is overrun, she said. (The principle of voluntariness must not be violated.) And maybe the prospect that this was going to happen would be sufficient to make most Frenchmen voluntarily enlist.

But then, I suggested, there is another problem: what is meant by "voluntary"?

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You think about doing something, you deliberate, then do it. Nobody forces you or pressures you. Let's take this as a paradigm case of voluntary action. On the other hand, someone with a loaded gun at your back says to you, "Your money or your life," and you surrender your wallet. This is a case of coercion, and ordinarily we'd say you don't give up your wallet voluntarily.

OK, now the problems begin. What exactly distinguished these cases? Some say that a voluntary act is one of which one can say that just before it one could have done otherwise. Thus the patellar reflex and other reflex actions are not voluntary; you can't prevent the response.

But all our everyday actions are by that definition voluntary, including our response to the gunman: we could have, just before surrendering the wallet, decided not to surrender it. That was within our power. (Indeed, some would say, "Under the circumstances, you voluntarily chose to give up your money.") The result of using this definition is that practically all our acts are voluntary, even the robber example used as a paradigm case of *not* being voluntary.

So, I said, let's take another criterion for voluntariness. With the gunman you can still choose, but your choices are *limited* by his actions. (You *can* choose to give your life rather than your money, whereas without his intervention you would have kept both.) The gunman limits your choices. But so does the employer when he fires an employee, or lays him off because the factory is losing money. The employee's choices are now more lim-

ited, limited by the employer's actions.

But has the employer coerced him? Some would say yes, though he didn't threaten the employee's life as in the gunman case. Others would say no, he only limits the employee's choices. Indeed, the rainfall that prevents you from going to the picnic also limits your choices as to what to do that day. Our choices are limited hundreds of times a day—limited by a wide variety of conditions, human and non-human. (Our options are never limitless in any case.) So that definition won't distinguish our two paradigm cases from each other; there is something in both cases to limit our choices.

Let's try another, I persisted: an act is voluntary if it's not forced. But now what exactly is the import of the verb "force"? Did he force you to give up your wallet, since you could have said no? Is the child whose parents say to him "Kill your pet dog or we'll never feed you again" forced to kill his dog? Are you ever 100 percent forced, except when you are physically overpowered and literally can't do anything else?

But very few acts are forced in this sense. When we say "He forced me to go with him," we need not mean that he physically overpowered her, but rather that he threatened her or even that he "knew what buttons to push" to get her to do what he wanted. Shall we say in that case that she did his bidding voluntarily? No matter which definition we employ, there are cases that seem to slip between the cracks. Thus, saying "He did it voluntarily" doesn't convey as clear a piece of in-

formation as most people think it does.

I concluded that when people say "He did it voluntarily" they usually have no idea of the complexities of meaning that can be plausibly attached to that word; they have no idea which fork in the road they would choose in deciding which meaning of several to take. They just blurt out the word. And that, I suggested, is what philosophical analysis is all about—by suggestion and example ("Would you say this is a case of X? No, then perhaps that would be?" etc.) to draw out the meaning behind the words—to pierce the veil of words so as to get a hold on those meanings. But the words constantly obscure this, often in a bewilderingly complex way. Yet it's important to keep us from blurting out some quick and easy verbal formula. It's not easy, and takes a lot of practice; as Brahms said of his second piano concerto, "It's not a piece for little girls."

But there it is, the difficulties are there, not only for "voluntary" but for "free" and "caused" and "responsible" and "intentional" (to take a few from just one area of philosophy). These are especially dense philosophical thickets, which require lots of thankless untangling. Most people haven't the heart or the will to go through with it.

I fear my little lecture was pretty much lost on Ayn. Her philosophical aspirations lay in an entirely different area. And in time the tension between these approaches to doing philosophy is what probably marked the beginning of the end for us. □

End Part 1: Conclusion next issue

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## Plea

# No More Political Labels, Please

by Mark Skousen

A rose is a rose is a rose. But a conservative is a libertarian is a liberal. When labels confuse rather than clarify, they should be dropped.

**RESOLVED:** That we use political labels as little as possible when describing people's ideologies.

When somebody asks me, "Are you a liberal? Conservative? Libertarian?" I answer, "What's the issue?" Categorizing someone's ideas as either "liberal" or "conservative" is often used to avoid real thinking about actual issues.

I refrain from referring to political positions as either "left" and "right" in my writing. I generally use the word "liberal" to describe a person's spending habits, as in the case of a "liberal" spender—one who is generous or possibly overly lavish. I also occasionally refer to a person who is open-minded and tolerant of other people's views as being "liberal" minded. "Conservative," on the other hand, seems best used in the context of investing—I call a person who is prudent and moderate in his choice of investments a "conservative investor" (as opposed to "speculative")—though it also seems reasonable to describe one who wants to conserve time-honored values as a "conservative." Not surprisingly, I like to be called "liberal" or "conservative" depending on the issue, the action or the mind-set. I dislike being called either if it is a method for throwing me into a convenient ideological box.

The three main reasons why labels are best avoided in political discussions are: (1) Labels are often an inaccurate description of a person's or group's views. (2) Labels often become

pejorative terms used in character assassination. (3) Labels put people into political boxes and keep them there, preventing individuals from objectively considering alternative opinions and changing their minds.

### Obsolescence, Left and Right

The terms "left" and "right" came into use after the French revolution. In the French National Assembly, the "liberals" sat to the left of the president's chair, the "moderates" in the center, and the "conservatives" to the right. Those on the left were designated "liberals" and "radicals" because they wanted to make major reforms in politics and the economy. Their opponents on the right became "conservatives" and "reactionaries" because they were aristocratic nationalists who wanted to return to the status quo of the *ancien régime*. Those in the center were the "moderates" who were looking for a compromise. This political spectrum has often been used in describing the signers of our Declaration of Independence. Still, though Thomas Jefferson has often been called a classical liberal, calling him a left-winger seems out of place.

This dichotomy may have made sense during the American and the French revolutions. But once the principles of freedom and constitutional law were established (in America, at least), the "liberals" gradually became "conservatives" by defending the new status quo of liberty and limited government. Turnabout being fair play, in the 20th century the collectivists who pushed to eliminate economic freedom and expand the role of the state became the "liberals" or "progressives." Having adopted the favorable titles of "progressive," "modern" and "advanced," they scorned the opposition as "right-wing" and "reactionary." Thus, in the twisted world of political labeling, what the 19th-century liberals supported—free-enterprise capitalism and laissez faire government—the 20th-century liberals opposed by pushing for big government and interventionism in the marketplace.

Label confusion has reigned ever since, and the political spectrum has become a rhetorical version of Abbott and Costello's "Who's on first?" routine. The 19th-century liberal ideals became the policies of some (but by no means all) 20th-century conservatives.

Marxists, Communists and other international collectivists became the "radical left," while the Fascists of the 1930s in Italy and Nazi Germany were designated "right wingers" simply because they opposed the "Reds." But the only difference in their politics was nationalism vs internationalism. The fascists were every bit as collectivist as Stalin.

Believers in economic and political liberty had a hard time dealing with label stereotypes in the 1950s. They opposed the New Deal and wanted a return to *laissez faire*, so they were dubbed "reactionary conservatives." Because they were ardent "anti-communists," they were linked closely with the Fascists and Nazi-era "rightists." Many conservatives responded by saying they were "old fashioned liberals," but this didn't mean anything to anyone in the torrent of nebulous labels.

Growing up in the 1950s and '60s, I resented these and other pejorative labels. It was nearly impossible to convince anyone of the virtues of free enterprise capitalism, *laissez faire* government, and opposition to communism if my views were always called "reactionary," "old fashioned," and "Neanderthal." The conservatives responded in kind by calling the New Deal liberals "radicals," "pseudo-progressives," and "communist sympathizers." Only the "moderates" sounded "responsible," and depending on their position on an issue, they usually got hit by traffic going both ways. There was a lot of bad blood, and very little sharing of ideas. Conservatives refused to read John Kenneth Galbraith

and *The Washington Post*, and liberals eschewed Milton Friedman and *National Review*.

In the 1970s and '80s the labels became more complex and less enlightening as the political stereotypes began to crack. We now witness dictatorships of the left and the right, market economies of the left and right, revolutions of the left and right, and totalitarianisms of the left and right. We have socialist left-wing parties privatizing public services, and conservative right-wing governments imposing tariffs and higher taxes. We have extreme liberal Democrats supporting deregulation of the airlines and decontrol of natural gas. We have the nation's most liberal newspaper, *The New York Times*, coming out against the minimum wage. We have a right-wing anarcho-capitalist endorsing radical left-wing land reform in Latin America and legalization of drugs in the United States.

In the Middle East we have right-wing Christians killing left-wing terrorists. Soviet opponents of *perestroika* and *glasnost* are called "conservatives" by the American press, as are South African racists. Political analysts are having a devil of a time labeling an old "liberal" publication, *The New Republic*, because its views are no longer predictable. Politicians are now starting to run as individuals and not as members of a political party. And what's this about conservative lobbyists joining hands with liberal lobbyists to fight IMF funding? None of this makes sense if we insist on dividing the world into the standard left-right divisions.

But, alas, instead of scrapping the entire phony nomenclature, everyone seems to be making up more labels. There's the New Right and the Old Right, the Southern Conservative Democrats and the Northern Liberal Democrats, the Neo-Conservatives and the Paleo-Libertarians, the Post-Keynesians,

the Neo-Marxists, and the Neo-Liberals. The list goes on and on, growing like topsy and confusing everyone except the most stalwart who spend all day reading everything from every point on the political compass.

Fortunately, some editors and publishers have recently recognized the misleading and counterproductive nature of labeling and have largely discarded it. *Reason* magazine is one example. Eschewing *ad hominem* political tags, *Reason* analyzes issues on their own merits, not based on who espouses them.

### For the Scrap-Heap of History

It's time to make a change in our political lexicon. The national press and the political analysts need to stop using the outdated and misleading left-wing liberal/right-wing conservative dichotomy. When someone's philosophy is labeled and compartmentalized, thinking stops and name-calling begins. Once an economist is labeled a Marxist, only the Marxists listen. When a political analyst writes a column called "On the Right," no one except the "right-wing" faithful reads it. Dividing ideology into camps on two sides of the political spectrum tends to elevate both sides to an equal status, as if both policies hold equal sway and are equally justifiable. Then the moderates whisper, "Perhaps we should compromise!" We are left with the erroneous impression that "the extreme left is just as bad as the extreme right." Categorizing philosophies leads toward political nihilism and away from the desire to find the *truth*.

In short, it is high time that political pundits and the national media put away their cold-war mentality and endorse a new standard where each person stands on individual merit and not in some political box. Left and right, liberal and conservative, radical and reactionary—all are words of the past that divide people. I say scrap them. When adjectives are absolutely necessary, let's at least try to be more specific. Use adjectives and nouns that are meaningful, accurate and unbiased. If we don't, the war of political ideas will be decided on the basis of an axiom of my colleague, Larry Abraham: "Those who control the adjectives win." □



## Dispute

# Hard Cases and Universal Principles

Does the principle of inalienable rights provide good answers to complex political issues? Sheldon Richman thinks so. David Friedman thinks we have to look for help elsewhere. The debate heats up.

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### How David Friedman Abuses "Rights"

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Sheldon L. Richman

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David Friedman's article on rights ("Simple Principles vs the Real World," *Liberty*, September 1989) hinges on an illegitimate move: that since one can imagine hard cases for applying a principle, the validity of the principle itself is thrown into doubt. There is no reason for this assumption.

Rights (per Ayn Rand) are principles that define and sanction man's freedom of action in a social context. They are conditions of his proper existence and hence are morally legitimate and objective. Like any concept, the concept of rights arises from a particular set of facts, among which are man's need of freedom to think and act in order to live and the value of a social existence. One cannot tear rights out of this context and expect them to be useful. To a man alone on an island rights are not an operative principle because there is no one's freedom for him to infringe and no one to infringe his. (This view of rights is essentially different from other libertarian theories of rights, for example, Hans Hoppe's.)

Rights define a moral boundary around each individual to protect him from other men. That the line constituting the boundary may sometimes be fuzzy when two boundaries come in contact with each other does not subvert the value of the concept of rights. When men live together they

affect each other in countless ways: they emit from their bodies radiation, odors, and noises; they reflect light. Their activities create other "externalities." If *any level at all* of these externalities constitutes a rights violation we would be in the absurd position of holding that rights require man to either live as a hermit (i.e., outside a social context) or commit suicide. Thus some level of "interference" is consistent with the exercise of rights. Moral philosophy ventures out of its proper realm when it tries to specify the exact line between permissible and impermissible levels of interference. The proper discipline for such an issue is, as Tibor Machan suggests, property law; the proper forum is the courtroom. As Machan writes in *Individuals and Their Rights* (Open Court, 1989), "Property law can develop only in a society that first acknowledges the right to private property and affirms the basic principles of how, initially, to assign property rights. After that, case law, resulting from disputations and explorations that are carried out in courts of (property) law would set the standards. . . . So while there are unanswered questions of great interest, there are also some sufficiently clear answers." (p. 150)

In judging hard cases, the critical difference between risk and threat is relevant. A risky action is one that has some possibility of causing harm. A threatening action is one in which the actor intend's harm or recklessly disregards the consequences. Why may you

fly an airplane (above some minimum altitude) over people's houses, but not point a revolver at an innocent person? If the concept of rights is torn out of its moral context, there is no way to answer the question, as David Friedman points out. But if we restore the context, things are not so bleak. Rights come from the objective need to think and act, activities required to live as a rational being. Pointing a gun at an innocent person, given the nature of a gun, cannot usually be related to a rational purpose; it is a threat, not just a risk, and the risk it poses to others is unacceptable. (Yet in a context where it can be related to the rational purpose of self-defense, the activity would be within the actor's rights.) On the other hand, flying an airplane can be related to a rational purpose, and so the risk is acceptable under normal conditions. (One could make a case for enjoining a drunk man from flying an airplane over a city.) Lest one think that society would have an enforceable list of rational purposes, this principle becomes operative only when the action in question exposes others to danger. When this is not the case one's purposes are one's own business.

The question of social convention is also relevant. Within the broad area bounded by the principle of natural rights, there is much room for the growth of convention. Consider: in this society, if someone approaches you, waves an open hand, and says "Hi," you would not be justified in pulling a gun and shooting him. But imagine a

society in which the same gesture and word translate into: "I'm going to kill you, you bastard." In that society, one may be entirely justified in pulling a gun.

Conventions will arise concerning many things. For example, playing rock music loudly at noon may be acceptable even if your classically-inclined neighbors can hear it, while playing it at midnight may not be. If you move next door to a Chinese family and the smell of Chinese cooking makes you queasy, you may have to close your windows rather than get an injunction against the cook. Conventions and homesteading considerations (who was there first) will govern.

This brief comment cannot be exhaustive. Left unexplored is the vast subject of how entrepreneurship and contracts (such as condominium agreements) can create *ex ante* solutions to the sorts of problems we are discussing. But this is not fundamental to the issue, because even if contractual communities arise that

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*One cannot tear rights out of context and expect them to be useful. To a man alone on an island rights are not an operative principle because there is no one's freedom for him to infringe and no one to infringe his.*

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foresee every possible problem involving its residents, there could still be conflicts between communities that will have to be resolved in the absence of a contract.

I also have not taken up the difficult matter of emergencies. Rights, again, arise in a social context. A social context implies a general harmony of interests among men in normal circumstances. If men did not have a natural harmony of interests, if, for example, men had to consume human flesh to sustain themselves, the concept of rights would be meaningless. When men are outside a normal social context and human life is not possible,

which is the case in emergencies, rights are not applicable. If one's life is in danger, one may take actions aimed at restoring normality that would be immoral in normal circumstances. Or, to use David Friedman's example, if a machine-gunner is about to open fire on an innocent crowd, you may grab the pistol of a passer-by to eliminate the machine-gunner. While you may take all action required to restore normal conditions, you may not regard an emergency as a blank check. For example, during a hurricane, you may not loot the local appliance store. The rule of emergencies does not mean that rights are not absolute; they are absolute in their *context*.

This is a tricky issue because we cannot have the precision that we find in, say, mathematics. But as Aristotle wrote in the *Nicomachean Ethics*, "[W]e must . . . not look for precision in all things alike, but in each class of things such precision as accords the subject matter, and so much as is appropriate to the inquiry." We can be certain of a three things: first, emergencies are by definition exceptions; second, that rights don't apply in these necessarily limited situations cannot justify institutionalized aggression, that is, statism; and third, we should derive our ethics and political philosophy from the normal conditions of human existence, not from the exceptional. As Rand taught, the purpose of ethics is the enjoyment of life and living.

One cannot (nor should one be asked to) specify *a priori*, as it were, all the acts that should and should not be regarded as rights violations. One would have to have a wealth of currently unavailable information before deciding many cases. But this in no way subverts the principle of individuals rights or requires us to find another principle (for example, utilitarianism) for determining what people may do. Rights come from the objective goodness of each man's pursuit of happiness. That is what validates them. Nothing more is required. □

(Conversations with Professor Tibor Machan of Auburn University and Alex Tabarrok of George Mason University were most helpful in the preparation of this article.)

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## Law, Economics, and Liberty: Where Richman Goes Wrong

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by David Friedman

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In my original article, I argued for two central propositions. The first was that "simple statements of libertarian principle taken literally can be used to prove conclusions that nobody, libertarian or otherwise, is willing to accept"—for example, that it is immoral to exhale. The second was that if one

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*My conclusion is not that natural rights are wrong (although I have serious doubts of claims, by Rand and others, to have in some sense proved them) but that they are, at least at present, useless for answering certain questions.*

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qualifies the principles to avoid such problems, they then "do not provide answers to enough important questions. In particular, they provide no answer, and no way of getting an answer, to a whole range of questions about where to draw lines."

So far as I can tell from his reply, Sheldon Richman agrees with both of these propositions. He writes: "Thus some level of 'interference' is consistent with the exercise of rights. Moral philosophy ventures out of its proper realm when it tries to specify the exact line between permissible and impermissible levels of interference." In other words, the pure form of the non-aggression axiom is wrong, and the more complicated correct form does not tell us where to draw the line between what we are and are not permitted to do.

There remain, I think, two points of disagreement. First, Sheldon Richman apparently believes that I have rejected, or even that I think I have refuted, the idea of rights. He is mistaken. The article in question was excerpted from the new edition of my book *The Machinery of Freedom*, where it forms the first two chapters in a three chapter sequence. The first chapter

*continued on page 50*

## Analysis

# The Orwellian University

by Charles Thorne

One attends college, presumably, to learn. Students today are learning strange lessons, like how to restrict free speech in the name of academic freedom. It's as if Big Brother had taken over the universities . . .

Across America, colleges and universities have enacted student codes that prohibit "discriminatory" speech and conduct by students inside and outside the classroom. Penalties for violations typically include reprimands, mandated public apologies, compulsory attendance in a class

concerning the group discriminated against, and expulsion. The University of Pennsylvania, the University of North Carolina, Tufts University and the University of Connecticut are among the many universities that have adopted some form of an anti-discrimination code.

Whatever the intent of these codes, in practice they have had the effect of undermining academic freedom and free speech, two principles that are at the heart of the purpose of a university. Anti-discrimination codes have been used to suppress free speech directly by sanctioning students for making statements about women, blacks, homosexuals, and other racial and ethnic groups that are offensive to those who have read or heard the remarks. Moreover, the mere existence of these codes undoubtedly "chills" the expression of ideas about race, ethnicity, gender and sexual orientation by students who do not want to risk being accused of committing a violation.

Recently, a federal district court judge in Detroit, Avern Cohn, struck a blow for academic freedom in a case that should force a re-examination of the whole effort to proscribe "discriminatory" speech and writing on college

campuses. The case, *John Doe v. The University of Michigan*, involved a constitutional challenge to the University of Michigan's anti-discrimination code or "policy," as it was called. It was brought by the Detroit chapter of the American Civil Liberties Union on behalf of a graduate student at the University who claimed that, because of a fear of being sanctioned by the policy, he had refrained from discussing certain theories in psychology classes regarding sex- and race-based differences in human behavior. After hearing arguments from both parties, the judge declared the policy to be in violation of the First Amendment guarantees of freedom of speech. One of the nation's outstanding public universities had thus suffered the embarrassment of being taught respect for freedom of speech by a federal judge.

In the aftermath of the *University of Michigan* case, a student at the University of Connecticut brought a lawsuit challenging an anti-discrimination code that was similar to its counterpart at Michigan. The student had posted a sign on her dormitory room door which categorized groups of people as "welcome," "tolerated," "unwelcome," or "shot on sight," and

allegedly included "homos" under the last heading. Last April, the student was found to have violated the code and was punished by expulsion from her dormitory. The lawsuit was filed in October, a few days after Judge Cohn's written opinion in the Michigan case was issued, and a copy of his opinion was attached to the filing papers. Almost immediately after the case was initiated, and before any court hearing was held, the University of Connecticut settled out of court by agreeing to restore the student's dormitory privileges and to revise its anti-discrimination code.

Like other anti-discrimination codes, the University of Michigan policy had its genesis in the perception by some that incidents of racism had increased on campus. The most widely publicized incident was the broadcast of allegedly racist material, including parodies of black English, on the university's student-run radio station. In another incident described by Judge Cohn, unidentified persons "distributed a flier declaring 'open season' on blacks, which it referred to as 'saucer lips, porch monkeys, and jigaboos.'"

On March 5, 1987, State Representative Morris Hood, the chairman of

the Michigan legislative committee responsible for appropriations to state universities, threatened to withhold funds from the University if it did not do something about racism on campus. Following a meeting with Jesse Jackson, the university announced that it would, among other things, adopt an "anti-racial harassment policy as a component of the university's rules and regulations with appropriate sanctions specified."

When a first draft of the policy was made public in January, the student newspaper, *The Michigan Daily*, published a front-page editorial denouncing it as an abridgement of First Amendment rights. Several student groups, including the United Coalition Against Racism, expressed vocal opposition to it as well. The policy went through several drafts before its adoption in April, 1988.

The policy as enacted prohibited "any behavior, verbal or physical, that stigmatizes or victimizes any individual on the basis of race, ethnicity, religion, sex, sexual orientation, creed, national origin, ancestry, age, marital status, handicap or Vietnam-era veteran status," if such conduct had any of several enumerated effects. Conduct that "victimized" or "stigmatized" was proscribed if it involved "an express or implied threat to an individual's academic efforts" or if it "create[d] an intimidating, hostile or demeaning environment for educational pursuits," or, finally, if it had the "effect of interfering with an individual's academic efforts."

The policy provided a procedure under which any "member of the university community" who believed a student had violated the policy could file a formal complaint against that student. The individual in the university bureaucracy responsible for reviewing formal complaints was known as the "policy administrator." If the policy administrator concluded that there had been a violation, he or she could initiate a hearing before a panel which would formally determine whether a violation had occurred and, if so, the appropriate sanction. Alternatively, the policy administrator could attempt to persuade the student to "agree" to particular sanctions in the absence of a formal hearing. The avail-

able sanctions included formal reprimands, community service, and expulsion. Another sanction whose use was particularly encouraged by the policy was compulsory enrollment in a class "that helps the person understand the situation of the group against which the remarks or behavior were directed."

The final version of the policy failed to meet several specific objections that had been raised by various individuals and organizations in connection with

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*Doe, a specialist in behavioral psychology, alleged that the expression of certain controversial hypotheses involving "psychological differences among the racial groups and between the sexes that are directly related to biological differences, such as differences in brain size, structure and development" would be considered "sexist" or "racist" and in violation of the policy.*

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prior drafts of the policy. One complaint concerned its broad language, which, it was said, created uncertainty about what kinds of "verbal conduct" were prohibited. Another criticism was that, by its terms, the policy did not require any wrongful intent as an element of a violation, and instead made the existence of a violation depend on the effect of the speech or conduct on the listener's state of mind. The focus on the subjective feelings of listeners created the possibility that the policy could apply to the expression of an opinion simply because it offended the sensibilities of a particular group. At least one campus group at the University of Michigan has labeled opposition to affirmative action as racist. Would this mean that a student could be cited for a violation simply because he or she expressed the opinion that affirmative action is wrong?

Still another complaint related to the division of the university into several sectors in which "varying stan-

dards" for permissible speech would be operative. While the policy applied to "educational and academic centers," such as classrooms and research laboratories, it did not apply at all in so-called "public forums"—that is, public areas that have traditionally been the scene of demonstrations, speeches, and political protest. As to those areas, the policy stated, "the broadest range of speech and expression will be tolerated." The University's own Civil Liberties Board was concerned that this scheme could be interpreted to mean that the University had decided to observe First Amendment protections in public forums but to deny such protections in classrooms.

The critics of the policy would have had another reason to object to it if the suggestions of one lawyer involved in its drafting had been followed. That lawyer argued by analogy to affirmative action that the policy should not punish the discriminatory expressions of minorities. Thus, he was unopposed to using the policy to discipline a male student for making such statements as "women are unable to compete with men in the business world." What he wished to avoid was using the same policy to punish a woman for responding with a pejorative generalization about men:

[i]f a woman knows that a male classmate has been disciplined for vigorously and repeatedly insisting that women are unable to compete with men in the business world, a comment which relies on an arbitrary and inappropriate criterion, will she hesitate to suggest that men are unable to recognize the pervasive effects of sexism on the number and types of business opportunities which still remain inaccessible to women. Her comment relies on the same arbitrary criterion, sex, yet few would suggest that it should be restrained.

A related example offered by the lawyer in a legal memorandum concerned a hypothetical statement about a former dean of Michigan's School of Literature, Science and the Arts, who two years ago became embroiled in controversy when he made remarks about affirmative action that some students perceived to be racist. The legal

memorandum expressed concern that the policy would be violated if a student "vigorously and perhaps offensively claims that because [the Dean] is a middle-aged white male he lacks sensitivity to Black concerns . . ." The memorandum suggested that, though it, too, is discriminatory, speech of this kind "has value" and therefore should not be prohibited.

The University of Michigan lawyer was correct in concluding that as written the Michigan policy would apply to the speech of minorities and white male caucasians alike. Indeed, after its adoption, the policy was used against a black student who used the epithet "white trash" in a verbal exchange with another student. But exempting from its coverage the "discriminatory" speech of minorities would have rendered the policy even more hostile to the values of academic freedom and free speech. A policy of that kind would have left absolutely no question that what the university was really doing was using its coercive powers to promote one viewpoint over another.

### A Guide for the Perplexed

Following the enactment of the policy, the University of Michigan issued to all incoming students an interpretive guide entitled "What Students Should Know About Discriminatory Harassment by Students in the University Environment." The guide set forth fourteen examples of student conduct punishable under the policy, including the following:

A male student makes remarks in class like "Women just aren't as good in this field as men," thus creating a hostile learning atmosphere for female classmates.

You tell jokes about gay men and lesbians.

Your student organization sponsors entertainment that includes a comedian who slurs Hispanics.

You display a confederate flag on the door of your room in the residence hall.

You laugh at and joke about someone in your class who stutters.

You comment in a derogatory way about a particular person or group's physical appearance or sexual orientation, or their cultural origins, or religious beliefs.

The litigation challenging the constitutionality of the Michigan policy was brought in May, 1989, by a second-year graduate student in psychology. The student, who used the pseudonym "John Doe" to protect his privacy, was scheduled to teach, as well as attend

*The basis of one charge was that the student had repeatedly made the statement in class and in classroom buildings that "homosexuality is an illness that needs to be 'cured,'" and had told another student that he had "developed a model to change gay men and lesbians to a heterosexual orientation."*

classes, in the upcoming academic year. Doe was represented in the lawsuit by Paul Dennenfeld, an ACLU attorney, and Robert Sedler, a Wayne State University Law School professor.

Doe described his field of specialty as "biological psychology," which is concerned with the biological bases of behavior in animals and humans. Doe

said that he had a special interest in certain controversial hypotheses involving "psychological differences among the racial groups and between the sexes that are directly related to biological differences, such as differences in brain size, structure and development."

Doe alleged that the expression of ideas like those above in the classroom would be considered "sexist" or "racist" and in violation of the policy, particularly in light of the examples given in the guide. He sought a ruling that the policy contravened the First Amendment guarantees of freedom of speech and association, and requested an injunction against its enforcement. Judge Cohn ruled in Doe's favor at the conclusion of a hearing on August 25, 1989, and subsequently issued a written opinion as well.

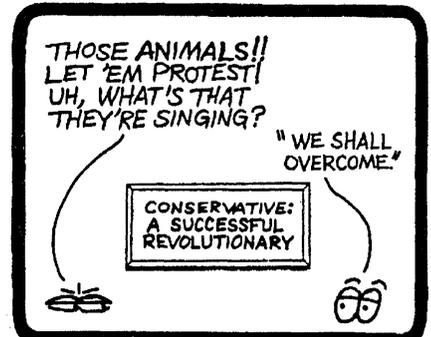
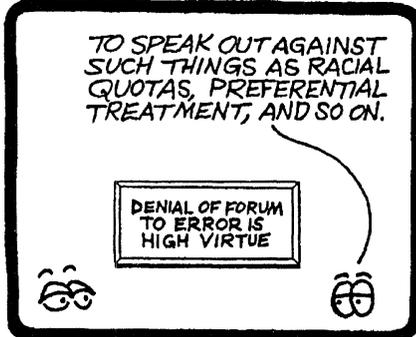
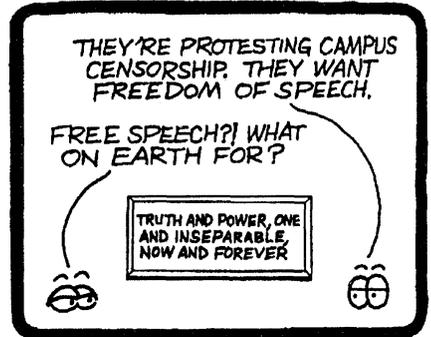
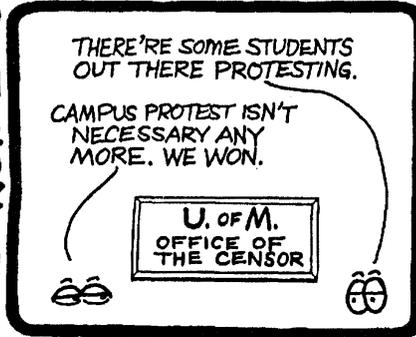
It is a basic tenet of the law of the First Amendment that the expression of an idea cannot be prohibited merely because it offends some or even many people in the community. Statements of opinion are also given protection by the First Amendment. In *FCC v. Pacifica*, the Supreme Court succinctly stated:

[T]he fact that society may find speech offensive is not a sufficient reason for suppressing it. Indeed, if

### Campus censorship waxes anew...

THE INSIDERS

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it is the speaker's opinion that gives offense, that consequence is a reason for affording it constitutional protection.

Totally aside from the demands of the constitution, the idea of academic freedom, which is so central to the mission of the university, has historically required the same sort of tolerance for the expression of ideas in teaching and scholarship.

The Court's opinion depicts a university that was largely indifferent to these fundamental principles in the formulation of the policy and the interpretive guide, and in the application of the policy to actual cases. The Court cited a December 14, 1987 memorandum from Acting President Robben Fleming as evidence of the university's failure to make a serious attempt to "reconcile their efforts to combat discrimination with the requirements of the First Amendment." In that memorandum, President Fleming, himself a former University of Michigan law professor, rationalized free speech concerns away with this statement:

Just as an individual cannot shout "Fire!" in a crowded theater and then claim immunity from prosecution for causing a riot on the basis of exercising his rights of free speech, so a great many American universities have taken the position that students at a university cannot by speaking or writing discriminatory remarks which seriously offend many individuals beyond the immediate victim, and which, therefore detract from the necessary educational climate of a campus, claim immunity from a campus disciplinary proceeding. I believe that position to be valid.

While most legal scholars would agree that the state may, consistent with the First Amendment, criminally prosecute somebody for falsely yelling "Fire" in a crowded theater, it does not follow that speech which offends may be prohibited. Inciting a riot, with its attendant likelihood of physical harm, is hardly the equivalent of causing serious offense to many individuals, and has never been so regarded by the Supreme Court in its First Amendment jurisprudence. At the hearing, Judge Cohn emphatically disagreed with

President Fleming's view that the First Amendment would treat those two types of "harm" identically. Even the university's trial counsel agreed with the Judge's statement that "there is not a single decision of the Supreme Court of the United States or a writing by a recognized expert in First Amendment law which would support [the Fleming] statement" of the law. The court found that the Fleming memorandum revealed that those who formulated the policy had the intent, which was never contradicted by subsequent events, to prohibit speech merely because it was offensive.

As for the guide containing the fourteen examples of discriminatory acts, the university did not dispute Doe's claim that most of the examples of punishable conduct involved speech protected by the First Amendment. Indeed, the university's trial attorney conceded at the hearing that the guide was "inappropriate" and contained "unconstitutional examples" of prohibited conduct. The university instead argued that the guide had been "withdrawn" sometime in the January-April 1989 semester because of the "inappropriate" examples, and therefore was irrelevant to the issues in the case. This "withdrawal" was something of a charade, however, because, as of the day of the hearing, the university had never publicly declared the guide to be invalid, but had merely stopped distributing it. The university could hardly contend that it had rectified any "chilling effect" on free speech caused by the guide if the tens of thousands of students who had previously received it had never been advised of its inapplicability.

### Enforcing the Policy

Another manifestation of what Judge Cohn characterized as the University of Michigan's "apparent willingness to dilute the values of free speech" was in its application of the policy to students who had been accused of violations. The policy was invoked by the university in forty-two cases, according to the university's legal briefs. There were, to be sure, a number of applications of the policy that few would find objectionable on constitutional grounds. Included in this category were a number of cases of sexual harassment involving obscene or

threatening letters or phone calls, indecent exposure, and the like. In a number of other cases, however, the policy was applied in a way that confirmed the worst fears of its early critics. It was used to restrict speech simply because it offended another person. Worse yet, whether the accused student had intended his or her speech to be offensive, and whether it had even been directed against the complaining student were largely immaterial. Judge Cohn concluded that the policy had indeed been "consistently applied" to reach speech protected by the First Amendment. His opinion selected for discussion three instances in which the policy had been so administered by the university.

## The More

During the 1950s, those who sought to advocate communism were liable to all sorts of penalties prescribed by law and to restrictions on their right to advocate their beliefs. Individuals who expressed views that bore a resemblance to communist views were often punished under the same measures, or harrassed when not punished.

When the laws restricting free speech were challenged in the courts and declared unconstitutional, legislators often passed new laws, filled with sophistic justifications. Communism is revolution, they said, and the First Amendment does not protect the right to advocate revolution. What's more, communism is evil and a threat to all good Americans. We have the right to defend ourselves against evil and against threats to us.

Practically the only places in the United States where a person could express unpopular social views without fear of legal recourse were the campuses of colleges and universities. Here the political speech of everyone, including communists, was a jealously guarded right. Defenders of communists' rights to speak argued that if free speech means anything, it means that one can express unpopular views. The First Amendment, they argued, says "Congress shall make no

In one case, as related by the judge, a complaint was filed against a student in a business entrepreneurship class for reading an allegedly homophobic limerick during a public speaking exercise. The limerick ridiculed a nationally known athlete for his supposed sexual orientation.

The author of the limerick, who claimed to be ignorant of the policy, was made to understand in a session with university officials that his behavior would have been "wrong," even in the absence of a policy. In lieu of a formal hearing, the interim policy administrator was able to persuade the perpetrator to "voluntarily" accept sanctions proposed by the complaining student. Like other students who

agreed to "voluntary" sanctions, the student was faced with what the judge described as "the subtle threat that failure to accept such sanctions might result in a formal hearing." The sanctions he agreed to were attending a "gay rap session," writing a letter of apology to the student newspaper, *The Michigan Daily*, and apologizing to his entire class. In the letter to the *Daily*, which was signed "Learned my Lesson," the student dutifully acknowledged that the limerick was "inappropriate," and apologized for being "so inconsiderate." He gave assurances that he "did not intend to offend any classmate or the lesbian or gay male community."

In another case, a complaint was filed against a graduate student in the

school of Social Work. It was alleged that the student, who happened to be black, had harassed students both on the basis of sexual orientation and sex. As described in a letter from the university to the accused, the basis of the sexual orientation charge was that the student had repeatedly made the statement in class and in classroom buildings that "homosexuality is an illness that needs to be 'cured,'" and had told another student that he had "developed a model to change gay men and lesbians to a heterosexual orientation."

The student was then subjected to the first and only formal hearing that ever took place under the policy. In a divided decision rendered by the hearing panel, the student was found not

## Things Change

law abridging Freedom of Speech." There is no provision exempting unpopular speech.

Gradually, political leaders at the local, state and national levels came to agree that people ought to be allowed to speak freely. A consensus was reached that unpopular views must be tolerated.

Cam-puses were no longer islands of free speech in a sea of unliberty.

Today, free speech is on the defensive. In some places, people are evicted from their homes, deprived of their jobs, or otherwise severely punished for stating their opinions. And worse: under threat of such dire punishment, some of those who express "incorrect" views (i.e. those not approved by government authorities) are forced to attend "educational" meetings at which the evil of their views is impressed upon them, often by the same means that are called "brainwashing" when used in warfare.

Ironically, these islands of unfreedom in a sea of liberty are the campus-

es of the nation's colleges and universities. Students expressing views that the authorities deem incorrect on matters of race, sex, or sexual orientation are routinely subjected to severe penalties, including expulsion, eviction from their living quarters and loss of their jobs.

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*It appears the rightwingers were correct, considering that many of the same people who defended the freedom of communists a generation ago are defending restrictions of speech they deem racist or sexist today.*

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Defenders of free speech have challenged the universities' "regulations" in the courts. And when the courts have declared those laws unconstitutional

and those in control of the universities have reacted just as the political leaders a generation ago acted when their laws denying free speech to communists were declared unconstitutional: they have replaced the old regulations with new ones having the same effect, clothed in sophistic arguments about how a tasteless joke is a form of assault, or how a belief that there may possibly be a correlation between gender and psychological traits is a form of repression.

We have come full circle: the nation's college and university campuses are becoming islands of restriction in a sea of freedom. The battle continues to rage on college campuses. The differ-

ence is that now it is the university itself trying to restrict free speech and outside influences holding high the banners of academic freedom and free speech.

During the 1950s, some rightwingers who sought to restrict the speech of radical leftists argued that those who defended the right of free speech of communists were not interested in freedom at all: they merely favored communists. At the time, the charge was dismissed by civil libertarians as a contemptible *argumentum ad hominem*. It appears the rightwingers were correct, considering that many of the same people who defended the freedom of communists a generation ago are defending restrictions of speech they deem racist or sexist today. But at most the rightwingers were only partly right: the American Civil Liberties Union, the most stalwart defender of the communists' right to speak freely and the most frequent target of rightist attacks, remains in the forefront of the battle. Today, the ACLU is providing legal muscle to repel the attack on free speech on the nation's campuses.

As political philosopher Yogi Berra said, "It's déjà vu all over again."

Anyone who loves liberty must defend the right to utter unpopular opinions: whether those opinions are communist, racist, sexist, or merely tasteless. The hypocrisy of the left is as ugly as the hypocrisy of the right.

—R. W. Bradford

to have engaged in harassment on the basis of sexual orientation in the expression of opinions regarding the nature and curability of homosexuality. He was, however, found to have engaged in harassment on the basis of sex in connection with other unrelated conduct directed toward several women.

Judge Cohn did not address the findings with regard to the sex harassment charges, and so intimated no

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*If by "injury" the policy means the transitory psychological effects experienced by the person who is the target of slurs, invective, or epithets, then the policy begins to sound very much like a policy which proscribes speech that offends. But that is precisely what the First Amendment does not permit.*

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view as to their constitutional implications. Instead, he concentrated on the charge that the student, by making remarks about the nature of homosexuality, had harassed on the basis of sexual orientation.

The judge made clear that the student's acquittal on that charge did not alleviate First Amendment concerns. It was still the case that a hearing described by the Judge as "constitutionally indistinguishable from a full-blown prosecution" had occurred with respect to speech protected by the First Amendment.

The third case discussed by Judge Cohn concerned a statement made by a white student against a woman faculty member in a class at the university's School of Dentistry. The class was regarded as very difficult for second-year dentistry students and the students had been divided into small groups for the purpose of discussing anticipated problems. As the Court related, "During the ensuing discussion, a student stated that 'he had heard that minorities had a difficult time in the course and that he had heard that they were not treated fairly.'" While it is un-

doubtedly true that a person's reputation can be seriously damaged by a false accusation that he or she has racist attitudes, it is not entirely clear how such a statement can be said to "discriminate" on the basis of race. Somebody apparently felt that to insinuate that another person harbors racially intolerant attitudes is "to victimize" that individual on the basis of race under the terms of the policy. As a result of a complaint filed by the professor who taught the course, "the student was counseled about the existence of the policy and agreed to write a letter apologizing for making the comment without adequately verifying the allegation, which he said he had heard from his roommate, a black former dentistry student."

A number of additional cases were included in an exhibit presented to the court by Doe's counsel as examples of twenty unconstitutional applications of the policy. That exhibit contained letters, notes, and other documents generated by the university in the twenty cases. Although not mentioned by Judge Cohn, these cases serve only to reinforce his conclusions about the administration of the policy.

In one of those incidents, a couple of students wrote facetious remarks about one of their friends on a blackboard, and two other students who happened to see those remarks regarded them as "racist" and "homophobic." The incident occurred in a classroom that was being used by a few students for final exam study. When one of the students temporarily left the room, another student, with assistance from a third, wrote some graffiti on the blackboard that their friend would see on his return to the classroom. These included a swastika, a suggestion that the friend hated "hebes," and a reference to him being a homosexual. The authors of the chalkboard writings, who were Jewish, intended them as a private joke. Two other students happened to enter the room, complained about what they regarded as the "very offensive" writings on the blackboard, and called University Security.

After questioning the complainants, as well as several of the students in the classroom, the security officer dis-

patched to the scene concluded that even if the students had written the statements on the board, they were "only meant as a joke about each other . . ." and reflected no "malicious intent toward minorities and homosexuals."

The policy administrator, however, apparently did not take the incident as lightly and contacted each of the three students. By the time she had finished speaking to the individuals believed to be responsible for the graffiti, they were expressing different attitudes about the incident. Previously, during their interviews by university security, the students had provided no information about the alleged writings on the chalkboard. But under questioning from the policy administrator, two of the individuals implicated the third as the person primarily responsible for the writing. All three were seemingly repentant about their "joke" and apparently no longer regarded concern over the chalkboard writings as "ridiculous." They "apologized for not being more cooperative when the complainants initially confronted [them] on the incident." They stated that "it was not their intentions, beliefs or morals to commit racist acts" and indicated "that they would think twice before conducting such an act again." The letter to the students described their acts as having had "serious consequences," and as betraying a "lack of sensitivity to the issues at hand . . ." It warned against any repetition of the behavior in the future.

In another case, a student at the university computing center sent a woman student, via computer, a message containing the following apparently fictional narrative:

Hi! It's me. Did I ever tell you about my past trial and subsequent conviction for a crime I never committed? . . . Well anyway, I just want to get this off my chest so I won't feel so guilty next time I talk to you. The story goes like this:

On spring break my senior year in high school my buddies and I were drinking some mean rum on the beach when a bunch of chicks came up and invited us to their room to indulge in some of "the best cocaine you have ever snorted." Of course we obliged and when we got up to the hotel this one girl (Penny, I

think) grabbed me and pulled me into her friend's room (I think her name was Patricia . . . we called her Patricia the militia—big girl). So Penny started to grope. Being of the male persuasion, I couldn't resist. Ah, wa, to make a long story short (and believe me, this is a loooong story), after the fact she started yelling rape!!! I could hardly believe it. The jury hated me and sent me to prison in Guatemala where I met up with Jerry Lewis—the telephone [sic] man. He was really funny. When I got out I traveled Europe and discovered my intense interest in nature and Oak trees in particular. I guess that's why I like the Oak Ridge Boys so darn much. I just thought you deserved to know.

The woman recipient of the message found the story to be "offensive" and filed a complaint against its student author. The student was advised by the Computing Center that the writing of the message constituted a violation of Computing Center policy. The complainant, however, was not satisfied and requested that the "university in an official capacity join me in its intolerance of attitudes and actions that are hostile toward women." To that end, the interim policy administrator wrote a letter which described the effect of the message as "offensive, hostile, and demeaning" and reprimanded the student for harboring "dangerous attitudes":

In your message, you describe a scenario in which a woman wrongly accuses you of rape. Your message reflects an insensitive and dangerous attitude toward date rape, which is a serious and significant problem on this campus and in our society. In addition, your message perpetuates the stereotype of a woman using the accusation of rape as a weapon against the man. This stereotype has no basis in fact. Moreover, the perpetuation of this stereotype promotes a permissive societal attitude toward rape. The reality of rape in our culture is that women rarely make false accusations of rape though it is still common for the rape victim to feel that she is the one on trial, that she is the one who must prove her innocence.

A student who drew a cartoon

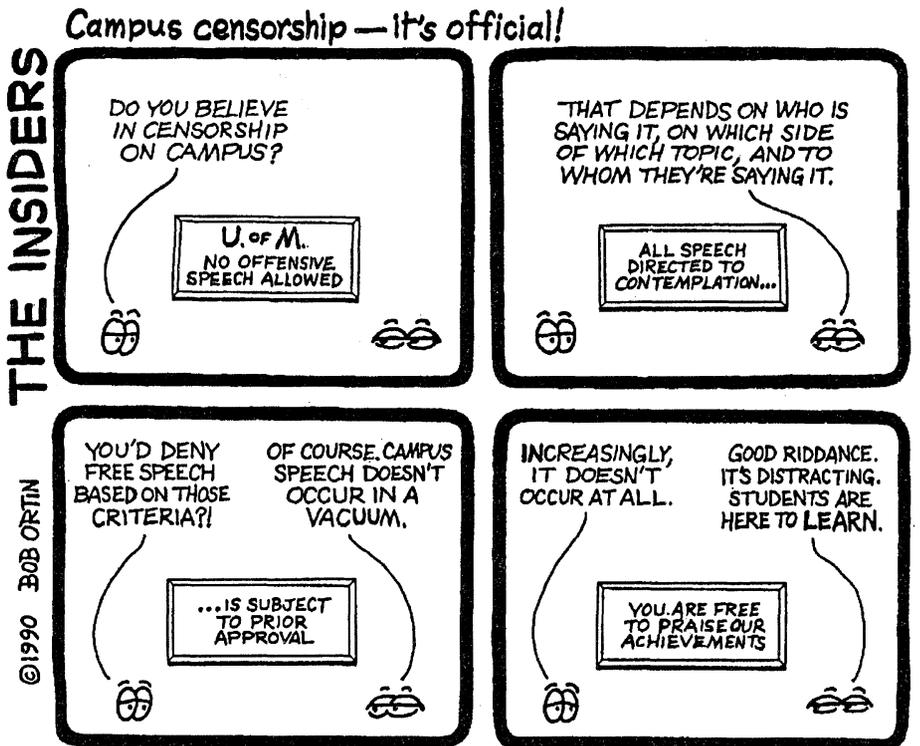
showing a grotesque monster clutching a bikini-clad woman and containing the caption "Date rape is not rape" was dealt with even more harshly. After the student responsible for the cartoon was discovered, he agreed to enter a "behavior contract" with officers of the dormitory. In it, he promised to refrain from "placing any offensive or harassing materials on [his] door" and from "any type of harassing behavior on the basis of sex, race, religion, sexual preference, or anything else that could be deemed discriminatory." He agreed to attend a "sexual assault prevention program," to "write an analysis of the topic of sexual assault," and to meet again with the dormitory officer to discuss the writing assignment and the program. Failure to abide by any of these terms would result in the "recommendation of immediate termination of the student's lease."

The University made sure to include in the "behavior contract" a statement on the part of the student that, although designed to demonstrate the voluntary, non-punitive aspect of the student's undertakings, conveyed precisely the opposite impression: "I understand that this Contract is not meant as a merely punitive measure, rather its intention is to dem-

onstrate the concern of both the resident staff and myself for my own well being."

The policy was also applied to students who associated with those who engaged in discriminatory conduct. A student who resided in a dormitory brought a non-student into the dormitory as a guest. While there, the guest made the comment, "It's just a nigger fighting," in reference to a black person who was wrestling in a dormitory hall with another person. The policy could not be invoked against the person making the remarks because he was not enrolled in the university. Instead, it was applied to the student host, who was told that he was responsible for the conduct of his guests. The student agreed to "attend one seminar or workshop on diversity" and was warned that his dormitory lease could be terminated in the event of future incidents of that kind.

Finally, the policy was even invoked to prohibit the asking of certain questions about minority groups. A Chinese-American student made a statement "asking why Black people feel discriminated against" and made a reference to "conceited Jews." While no formal complaint was filed, the "Minority Peer Advisor," who happened to be present, spoke to the stu-



dent and the student "apologized for his inappropriate language." Whatever one may say about the stereotyping of Jews as "conceited," the asking of a question is another matter entirely. Apparently, it did not occur to the Advisor that the prevention of inquiry is completely antithetical to the purpose of a university.

### Policy Without Principle

Judge Cohn concluded on the basis of the cases he reviewed, as well as the language and the history of the development of the policy, that it was unconstitutionally overbroad, and in

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*One evident problem with this language lies with the use of the word "injuring." Slurs, epithets, or invective may well have immediate psychological effects on the persons to whom they are directed, including fear and anger. But if language of that type did cause "injury" in that sense, it would almost certainly be the result of an almost pathological sensitivity on the part of the "victim."*

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violation of the First Amendment. Under the law of the First Amendment, a court is not limited to examining the application of a law to the conduct of the parties before it, in order to judge its constitutionality. It is free also to examine actual or hypothetical applications of the statute to parties or situations not then before the court to determine whether the law suffers from overbreadth. A law or its equivalent is fatally overbroad if it covers a substantial amount of speech that is constitutionally protected. In this case, the judge did not have to consider hypothetical applications of the policy, but instead was able to rely on prior actual applications in making his "overbreadth" ruling.

The court also ruled that the policy was unconstitutional on another ground—vagueness. A law suffers

from impermissible vagueness, according to the Supreme Court, when "men of common intelligence must guess at its meaning." The policy was deemed unconstitutionally vague inasmuch as "the university never articulated any principled way to distinguish sanctionable from protected speech." The University of Michigan withdrew one clause of the policy several days before the hearing, in an attempt to save it, but that was to no avail. The remaining language of the policy was, according to the Court, such that "[s]tudents of common understanding were necessarily forced to guess at whether a comment about a controversial issue would later be found to be sanctionable under the Policy." The fact that the university had drawn up a booklet containing examples of conduct prohibited by the policy, only later to decide that the examples were "inappropriate," reinforced that finding.

As a result of its "vagueness" and "overbreadth" findings, the Court did not merely prevent the university from applying the policy to Doe. Instead, it issued an injunction preventing the university from enforcing against *any* student the provisions of the policy dealing with speech or verbal conduct.

The Court left unimpaired the university's ability to sanction physical conduct that "victimized" or "stigmatized" on the basis of race, sex, sexual orientation, etc., even though the language of the physical conduct provisions was identical to that of the verbal conduct provisions. This seeming inconsistency has a basis in constitutional law: the vagueness standard is stricter in cases involving speech than in cases involving conduct only. In practice, however, applying the policy to physical conduct might be just as difficult as applying it to speech, especially since discriminatory intent need not be shown under the terms of the policy in order to demonstrate a violation. If, for example, a white student initiated a fight with a black student, how would it to be determined whether the policy applied, or whether this was just a simple case of assault and battery, to be dealt with by some other provision of the university rules or by the criminal law?

The regents of the University of Michigan decided not to appeal the ruling of the Court, and its unconstitutionality policy was replaced with an interim policy, eventually to be followed by the enactment of a permanent policy. The interim policy prohibits "physical acts or threats or verbal slurs, invectives or epithets referring to an individual's race, ethnicity, religion, sex, sexual orientation, creed, national origin, ancestry, age or handicap made with the purpose of injuring the person to whom the words or actions are directed and that are not made as a part of a discussion or exchange of an idea, ideology or philosophy."

One evident problem with this language lies with the use of the word "injuring." Slurs, epithets, or invective may well have immediate psychological effects on the persons to whom they are directed, including fear and anger. It is doubtful, however, that a particular instance of speech of that type would "injure" in the sense of causing long-term psychological injury, except in the rarest of cases. And if language

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*The costs of litigation for those who cannot obtain sponsorship from the ACLU or other organizations, as well as the fear of reprisals or ostracism by university faculty and administrators who are committed to discrimination codes, is probably enough to deter most students from challenging them in court.*

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of that type did cause "injury" in that sense, it would almost certainly be the result of an almost pathological sensitivity on the part of the "victim." If by "injury" the policy means the transitory psychological effects experienced by the person who is the target of slurs, invective, or epithets, then the policy begins to sound very much like a policy which proscribes speech that offends. But that is precisely what the First Amendment does not permit.

Nor does the clause restricting the

application of the policy to speech "not made as part of a discussion or exchange of an idea, ideology or philosophy" alleviate the First Amendment problem. The Michigan student who

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*If, for example, a white student initiates a fight with a black student, how is it to be determined whether the policy applies, or whether this is just a simple case of assault and battery?*

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was sanctioned for the allegedly anti-gay limerick recited it not as "part of a discussion or exchange of an idea," but rather as part of a classroom public speaking exercise. If one of the students in the class had been an athlete generally known to be gay, could he not have made a case that the limerick was "invective" made with the purpose of "injuring" him, and therefore in violation of the policy? It is not too difficult to conjure up similar examples of speech protected by the First Amendment that would arguably violate the policy.

### Fighting Words

One alternative approach to anti-discrimination codes that has been discussed by some commentators would incorporate the common law tort of "intentional infliction of emotional distress." Two regents of the University of Michigan have advocated that as the basis for a permanent policy at Michigan. A person may recover damages in a civil lawsuit for that tort if another person engaged in "outrageous" conduct which was intended to, and did, cause severe emotional distress. But even this approach may conflict with the First Amendment, in light of the Supreme Court's ruling in a case called *Hustler Magazine v. Falwell*. In that case, the then Moral Majority leader Jerry Falwell sued *Hustler Magazine* for intentional infliction of emotional distress in connection with the publication of a parody about him. The parody contained a fictitious interview with Reverend Falwell in which he stated that "his 'first time' was during

a drunken incestuous rendezvous with his mother in an outhouse." Reverend Falwell was awarded damages by the trial court on the intentional infliction claim, but the Supreme Court reversed the decision. It held, consistent with its decision in the famous *New York Times v. Sullivan* case, that the First Amendment precluded a recovery of damages without proof that the publication contained a falsehood which was made with knowledge of its falsity or reckless disregard as to its truth. The Falwell piece contained qualifying statements that unequivocally demonstrated it to be a parody, and it therefore could not be said that the publication was in any way deceptive.

In the opinion for the Court, Chief Justice Rehnquist, after discussing the long tradition of political cartoons in this country, observed that "From the viewpoint of history, it is clear that our political discourse would have been considerably poorer without them." The Chief Justice acknowledged that "the caricature of [Falwell] and his mother published in *Hustler* is at best a distant cousin of the political cartoons described above . . ."

After expressing doubts that there is any principled standard by which to distinguish the one type of parody from the other, the Court concluded that the "outrageous" element of the intentional infliction tort assuredly did not provide such a standard:

we are quite sure that the pejorative description "outrageous" does not supply [such a standard].

"Outrageousness" in the area of political and social discourse has an inherent subjectiveness about it which would allow a jury to impose liability on the basis of the jurors' tastes or views, or perhaps on the basis of their dislike of a particular expression. An "outrageousness" standard thus runs afoul of our longstanding refusal to allow damages to be awarded because the speech in

question may have an adverse emotional impact on the audience.

The Supreme Court's conclusions in *Hustler* are particularly instructive to those who advocate incorporation of the intentional infliction of emotional distress tort principle in an anti-discriminatory policy. If applying the "outrageous" standard runs afoul of the First Amendment in civil cases, then it would almost certainly pose problems in the context of a university code. That is, if one is precluded by the Constitution from recovering damages in a civil suit for certain conduct, then logic would require that a university cannot penalize the very same conduct by means of a student code.

Assume, for example, that a black and a white student are debating affirmative action, and that the white student uses parody or satire to criticize the black student's position. Assume further that the white student, relying on an old debating trick, intends to upset his opponent, thereby impairing his effectiveness in the debate. A policy administrator or hearing panel could well conclude that the speech is "outrageous" and that it was intended to cause emotional distress, in violation of the policy. But under the First Amendment, unless that speech contained false statements of fact made with knowledge of falsity or reckless disregard thereof, it could not be made the subject of a lawsuit for intentional infliction of emotional distress.



"You'd better have a little talk with Billy, dear — I found a copy of the First Amendment under his mattress."

By implication, it likewise could not be punished by a student code.

Another approach is that adopted by the University of Connecticut in its settlement of the litigation brought in connection with its anti-discrimination code. As part of the settlement, the university agreed to revise the policy to prohibit speech if it is directed against another person in a way that would likely instigate violence.

Whatever else one may say about the merits of that approach, it at least attempts to conform to existing First Amendment precedent. In revising its code, the University of Connecticut was guided by a 1941 Supreme Court case called *Chaplinsky v. New Hampshire*. The Court in *Chaplinsky* held that "fighting words"—"those which by their very utterance inflict injury or tend to incite an immediate breach of the peace"—were not protected by the First Amendment. It construed the statute under which *Chaplinsky* was charged to do "no more than prohibit the face-to-face words plainly likely to cause a breach of the peace by the addressee . . ." and affirmed the conviction. The revised University of Connecticut policy seeks to avoid any constitutional infirmities by only proscribing discriminatory speech that constitutes "fighting words." Whether it stays within First

Amendment bounds will depend on how it is administered.

### Dedication to Principle

The Court's decision in *John Doe v. The University of Michigan* should give universities that have anti-discrimination codes reason to re-examine them, and should cause others that are contemplating the enactment of such codes to proceed with caution. The University of Connecticut undertook such a re-examination, but only after a student had challenged its code in court. Among the many schools with codes that may be problematic are the University of Pennsylvania, whose code contains provisions that are virtually identical to the Michigan policy, and the University of Wisconsin, whose code includes the very language of the Michigan policy that was voluntarily withdrawn by the university during the *John Doe* litigation.

But we cannot expect the courts by themselves to guard free speech and academic freedom at colleges and universities. For one thing, the provisions of the First Amendment govern only conduct engaged in by the state or its agencies, instrumentalities, or subdivisions. While the First Amendment does, accordingly, limit the powers of state universities, except in the most unusual cases it would not apply to

private institutions of higher learning, and therefore could not be used to invalidate a code adopted by a private school. But even in the case of state universities litigation may often be impractical. The costs of litigation for those who cannot obtain sponsorship from the American Civil Liberties Union or other organizations, as well as the fear of reprisals or ostracism by university faculty and administrators who are committed to discrimination codes, is probably enough to deter most students from challenging them in court.

What is really needed are not appeals to legal and constitutional principles, but instead a reaffirmation by educators of the commitment to academic freedom as a fundamental principle. The whole philosophy of higher education in Western society depends upon free speech and open inquiry. Leaders of colleges and universities, public or private, should defend those principles as inviolate, even when short-sighted politicians make it costly to do so. In the meantime, we should be thankful for judges like *Avern Cohn*, for the American Civil Liberties Union, and for students with the courage to take on entrenched university establishments in the fight for academic freedom. □

### David Friedman, "Reply to Sheldon Richman," *continued from page 40*

("Problems") discusses the complications involved in accepting the simple formulations of libertarianism. The second chapter ("Where I Stand"—pages 41-43 of the article) suggests several possible resolutions to these problems, and rejects the abandonment of rights. My conclusion is not that natural rights are wrong (although I have serious doubts of claims, by *Rand* and others, to have in some sense proved them) but that they are, at least at present, useless for answering certain questions, and that if one wishes to answer those questions one must therefore look elsewhere.

Second, *Sheldon Richman* seems to believe that, to solve those questions, "the proper discipline is property law." But the issues I raise in the article are not limited to property law—they include questions of criminal and tort

law, and could easily have been expanded to include contracts, procedure, and perhaps even constitutional law. The proper discipline for discussing these issues is indeed the study of law—all of it.

But to say that the proper discipline is law still leaves open the question of how one ought to decide what the law should be—precisely the question I started with. His answer cannot be that we decide it from moral philosophy, since he has just agreed that moral philosophy cannot do it. My answer, explored in the third chapter of the sequence, is that we use economics—that we look for the legal rules that (very roughly stated) maximize the total of human happiness. My defense of that answer is not that economics gives the best imaginable answer to the questions we want to

ask, merely that it gives the best answer we currently know how to find.

I should perhaps add, in closing, that this position is not original with me. The idea that law either should be or tends to be economically efficient, and the exploration of what legal rules are economically efficient, are central elements in the economic analysis of law—arguably the most important, and almost certainly the most controversial, development in the legal scholarship of the past thirty years. Scholars in that field have been working through answers to just the sort of questions I raised in my article at least since 1960, when *Ronald Coase* published "The Problem of Social Cost," the article on which much of *Law and Economics* (including my chapter "Answers: The Economic Analysis of Law") is based. □

## Exposé

# How Congress Plans to Socialize Child Care

by Terree P. Wasley

Though something called "home economics" is taught in the schools, it has not led to economic understanding of family life. And, as if led by an invisible hand, a new sort of "homewrecker" has appeared on the political landscape, uninformed by economics and oblivious to reason.

I am a working mother. Now that doesn't mean that I rush my daughter to a day care center early in the morning and then hustle off to my job. It does mean that I work 12-15 hours a day caring for my daughter in my home, by myself, while my husband is at work. I'm a "stay-at-home" working mother, and if the child care legislation recently passed by the House and Senate is signed by the President, along with other "stay-at-homes," I will struggle under an increased economic and tax burden. And many two-income families will receive increased financial assistance for their children's out-of-home day care at my expense.

Last year the Senate passed the ABC bill, the "Act for Better Child Care." In March of this year the House passed H.R. 3, also known as the Hawkins/Downey bill. These two pieces of legislation are currently in conference, and when a compromise is reached it will go to the President for signing. Both the House and Senate versions allow "the camel's nose under the tent": a first step toward a comprehensive, federally subsidized and federally controlled "child development" program.

The Senate package would authorize a subsidy of \$1.75 billion per year to help parents pay child care costs, primarily through direct payment vouchers or grants through the states, urge the growth of new facilities, and persuade states to meet model day care health and safety standards. The

subsidy is coupled with about \$2 billion a year in tax credits to help parents with the costs of day care and children's health insurance. The total cost of the plan is an estimated \$10.5 billion over five years.

The House bill, costing an estimated \$21 billion over five years, would expand the earned-income tax credit for low-income working families; increase block grants to states for child care services; expand Head Start for disadvantaged preschool children into an all-day, year-round system; and establish a school-based program of before-school and after-school day care. The legislation would require states to set health, safety and quality standards for day care within three years of the bill's enactment. It also would require providers to complete an average 15 hours training annually and require states to issue vouchers that parents could use to pay for the child care of their choice, including church-based child care.

One of the myths prevalent in the day care debate is that one-income or so-called "traditional" families are affluent and can easily afford living on one income. This is not true. The

median income of two parent-two earner families in 1986 was \$38,346, about 50 percent more than the median income of traditional families.\* When my husband and I had our daughter, we decided that I would stay at home. This meant suffering the loss of my income, a tremendous economic sacrifice. We live in a smaller home, drive older cars, and do without many "yuppie" luxuries, such as compact disc players and car phones.

A comparison of the situation of families with both parents working with that of families in which only the father is employed shows that the husband's salary is roughly the same in either case. One-income families are not usually more affluent than two-income families; one-earner families have generally *chosen* a lower standard of living in order to care for their own children. The new child care legislation, if it becomes law, will increase the economic burden already felt by one-earner families.

\* The Bureau of the Census, Current Population Reports, Series P60, No. 129, *Money Income of Households, Families, and Persons in the United States: 1986* (Washington, D.C.: U.S. Government Printing Office, 1988), p. 58.

The child care legislation currently in conference is a return to the Great Society politics of the 1960s. It would penalize the stay-at-home parent by subsidizing parents who both work, making it more attractive for mothers to go to work and put the children in day care. It would centralize and bureaucratize child care by virtually eliminating small, family-like day care, because increased regulatory costs favor large, professionally run centers. It would place us on the downhill slide toward the total "socialization" of child

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*It makes you wonder: what is the future of a society that would penalize parents who choose to devote more of their own time to raising their children?*

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care, Soviet-style, where children are cared for in large, impersonal day care settings.

Proponents claim that the legislation doesn't require much tax money. Whether or not \$10 or \$20 billion is a lot of tax money probably depends on how high your taxes are. But one thing is certain: the availability of money will arouse demands from special interest groups, bureaucracies and voting constituencies for more and more spending. And although proponents claim the program would expand the supply of child care, its long term effect is to reduce the supply and increase the price of child care: the licensing and regulatory requirements would put existing blood relative or local neighborhood care providers out of business and prevent further development of these low cost providers.

Supporters also claim that the bill will provide "direct assistance" to families. But according to a study by The Heritage Foundation, 30 percent of funds will be spent on administrative and regulatory compliance, with the rest paid not to parents but as direct grants to formal day care centers. Worst of all, for parents making the economic sacrifice to stay home, the measures make them pay higher taxes while making them ineligible for the subsidies, which are available only to

families with both parents working. One wonders: what is the future of a society that would penalize parents who choose to devote more of their own time to raising their children?

Of course there *are* two-earner families who both work because they want a higher standard of living at the expense of putting their children in day care. Example: Friends of ours, who both work, sold their \$200,000 luxury townhouse and moved to a \$400,000 house when she was eight months pregnant with their first child. They drive luxury cars and recently took a two-week vacation to Europe. The wife has lamented to me about having to put their daughter in day care and wishes she could stay home. But she and her husband chose the accoutrements of a higher standard of living. They are trapped because without her income they can't pay the mortgage. But the trap is of their own design and choice, and they can escape at any time merely by accepting a less expensive standard of living. Not surprisingly, they are among the people who are clamoring for the child care subsidies provided by this legislation.

The solution to the child care dilemma is not more bureaucracy, more regulation, and more tax money. As a matter of fact, by constantly increasing the burden of taxation on the American people, government has been a primary cause of the growth of two-income families and the increasing demand for child care. In 1948, a family of four at the median family income paid 2 percent of its income to the federal government in taxes—today that same family pays roughly 24 percent! \*

The growth of government spending and taxation has disproportionately affected families with children. Between 1960 and 1984, the average income tax rate for single persons and married couples with no children did not increase, but for a married couple with two children it climbed 43 percent; for a family with four children, tax rates soared 233 percent! \* A pri-

mary cause of this distortion has been the eroding value of the personal exemption. To have the same value relative to income as it had in 1948, today's personal exemption would have to be raised to \$6,468.

The government, by continually diminishing our standard of living, has undoubtedly transformed many "stay-at-homes" into two-earner families, greatly increasing the demand for child care. Now that they have created the demand, government inevitably feels the urge to control, to regulate, and to take actions that will increase the supply. Alas, the first of these actions defeats the last: control and regulation of any economic good reduces its supply.

The President has stated several times that he will veto any bill that does not meet his goals, which include: direct aid to parents; aiding the neediest families; not discriminating against stay-at-home parents; and not limiting day care choices. To date there has not been much movement in the conference committee, and sources on the Hill report that the Democrats are trying to postpone a compromise until election time, increasing pressure on the President to sign whatever package emerges.

This stay-at-home mother has a message for Congress and the President: Don't reduce the supply of day care by tightening regulations and eliminating small providers. Reducing the supply will only increase child care costs—exactly the problem the government says already exists and wants to alleviate. If you really want to help, don't socialize day-care but instead loosen controls and regulations and maximize choice for parents faced with child care choices. Don't penalize those who choose to stay at home by requiring them to subsidize those who prefer a second income to a traditional family arrangement.

And, ultimately, reduce the ever-growing need for a second income and the resulting child care decisions by lowering the tax burden on all taxpayers so they retain more of their income and more of their ability to make decisions about their lifestyle and their children free from government intrusion. □

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\* Tax rates present in this article include the income tax, and both the employee and employer share of the Social Security tax. These taxes are generally recognized to be direct taxes on a parent's wages. The combined tax rates are reduced by the value of the earned income tax credit.

\* Alan C. Carlson, "What Happened to the Family Wage?" *The Public Interest*, Spring 1986, 11-12.

## Re-examination

# Defining a Libertarian Foreign Policy

by James S. Robbins

It's a long and curvy road from principle to policy.

The debate over foreign policy (mainly between Stephen Cox and Sheldon Richman) in the last two issues of *Liberty* offers yet another demonstration that foreign policy is among the most troubling sectors of public policy formation, one which doesn't follow the same rules as other areas. Ideological orientations simply do not seem to entail corresponding foreign policy outlooks, and when they do it is usually because of domestic policy concerns or emotional predispositions.

For example, in the mid-1980s, those on the Left regularly defended the Sandinista regime, boldly proclaiming that the United States had no business interfering in the internal affairs of other states, and, a moment later, declaring that it is a moral imperative that the United States take concerted action to bring about the end of apartheid in South Africa. Those on the other side of the political spectrum would hold to the opposite view—boycott Nicaragua, not South Africa. These viewpoints were inconsistent only because their adherents chose to elevate their policy preferences to the level of moral absolutes, which were, unfortunately, conflicting. But this did not stop them from holding them.

Some libertarians, perhaps a majority, believe that the United States has no business interfering in the affairs of other states, neither Nicaragua nor South Africa, and should end all foreign involvements, aside from the most basic (such as maintaining embassies). This attitude reaches its most extreme form among those who believe any such activities are neo-imperialistic, or

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that embassies represent an illegitimate subsidy for those who live or do business abroad and should be scaled back or discontinued. Others believe that the state has an obligation to defend the liberties of the American people, and if this requires a measure of intervention, it is permissible—but only in pursuit of the above-mentioned goals. Still others view the international realm as fundamentally anarchic; the rights that citizens of the United States enjoy are the product of our laws and traditions, and in the state of nature beyond our borders any action which the government has not denied itself is permissible.

Stephen Cox criticized the notion of "creedal isolationism," i.e., that the United States has a moral imperative to pursue a foreign policy that rejects intervention in the affairs of other states, and maintained that any creedal policies are inflexible and unworkable. Instead, he argued for a more flexible approach, one that allows intervention under certain circumstances. Sheldon Richman countered by pointing out that the morally unrestrained policies of the past have led to an increase in the domestic power of the state, and that restricting the scope of state power abroad contributes to the libertarian

goal of limiting governmental expansion at home.

Trying to move from libertarian principles to foreign policy prescriptions is a complicated process, in part because there is not universal agreement as to what the basic tenets of libertarianism are. And while libertarian theory is mostly concerned with domestic politics and the relationship of the individual to the state (as opposed to the relationship between states), some basic foreign policy guidelines can be discerned.

### Elements of a Libertarian Foreign Policy

For a foreign policy to be libertarian it would seem to have to conform to the basic libertarian conception of the role of the state in the international arena, namely to protect the citizenry in their life, liberty and property against foreign aggression.

This must, however, be balanced against the historical fact that the process of defending the people's liberties can bring about threatening growth in the domestic power of the state. The quandary arises in guaranteeing the state's ability to protect the people from aggression without allowing the state to use this defensive role for self-

aggrandizement.

One approach to this is the "creedal isolationism" mentioned by Stephen Cox. This approach vitiates the defensive role of the state except in the most extreme circumstances in order to guarantee that no opportunities for domestic growth will arise. The problem with this approach, from a practical standpoint, is that the growth of domestic state power becomes most prevalent only during extreme emergencies. Most circumstances that involve intervention, or its potential, don't contribute to the growth of the state at home. Thus isolationism stands best on a moral ground—that the United States simply has no right to intervene abroad. Such a position implies certain others, such as the notion that the sovereignty of the state is limited and different from that of the individual, and that there are constraints on the state that go beyond the law and Constitution—not only is the state not above the law, but there is a third force above the state and the law.

Another position is the traditional anarchist argument that the state is the cause of conflict, and the way to eliminate conflict is to eliminate the state. The practical problems with this latter position (besides how to get rid of the state) involve non-state actors, such as terrorists, whose activities can have as great an impact as some state actions.

### Utopianism, Realism and the "Isolationist Tradition"

Neither creedal isolationism nor anarchism have had much influence on the formation of U.S. foreign policy. Two other schools of thought have predominated, the Utopian and the Realist. Utopianism was a successor of the classical liberal school, which saw free trade as a guarantor of peace. The Utopian approach was normative—it stressed what should be more than what actually was. In the early years of the Twentieth Century, the Utopian school was dominant. It influenced William McKinley, Theodore Roosevelt, and especially Woodrow Wilson, who raised the banner of Utopianism in his crusade against Imperial Germany. According to Utopian thought, the United States entered the Great War as an unwilling arbiter of international morality to enforce a more just world

order (to "make the world safe for democracy"). The Utopians rejected the old wisdom of the balance of power and the use of force, on which they blamed the outbreak of the war, and sought to create international harmony through legal agreements, mass democracy (to keep states honest), increasing multilateral trade relations (to make conflict unprofitable), and, above all, reliance on human reason. The Utopians were interventionist, but their aim was

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*A libertarian foreign policy must recognize that there are those in the world who would, given the chance, destroy this country and the liberties its citizens enjoy, who would hold our citizens hostage or destroy aircraft for their parochial causes, end the freedom of the seas on which world trade depends, and generally make mischief.*

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the prevention of conflict. Of course, with the post-war backlash against Wilsonianism, the Utopian vision did not reach its full flower in the United States, but one can see Utopian elements in the Kellogg-Briand Pact (which "outlawed" war), and the various arms control measures of that period.

A competing paradigm was the Realist model. The Realists believed that power and interest, not reason, shaped international behavior, and the United States should act accordingly. The empirically-oriented Realists looked to such things as economy, resources, population, geography and other objective indicators to dictate policy concerns and approaches. The Realists were also interventionist, but unlike the Utopians, they saw no "mission" for the country. Rather, they sought only security. Realism's heyday was in the decades following the Second World War, when the Utopian school had been mostly discredited.<sup>1</sup>

Utopian and Realist impulses can be seen throughout American history. But where does Isolationism fit into the dis-

cussion? Is it Utopian, Realist, both or neither? In fact, what has been called Isolationism in American history is an attempt to give the moral authority of Utopianism to an essentially Realistic mode of behavior.

Earl C. Ravenal has written that isolationism is "the fundamental American orientation towards the world."<sup>2</sup> Isolationism is generally thought to be part of the American foreign policy tradition. But the notion of an isolationist tradition is less resilient than it first appears. The United States is inarguably more active in the international arena today than it was before 1945, and the policies of the early years of the country may seem isolationist by comparison. But before the Second World War the U.S. was not the dominant world power, nor was it threatened by the expansionist policies of another major state. Isolation on principle was not a motive force in policymaking; the only principle was to take action when necessary. The United States had fewer reasons to pursue an activist foreign policy, and thus did not.

American international cooperation began with the Revolution, during which the Continentals were allied with France, Spain and the Netherlands. No one (to my knowledge) argued at that time that the rebellion should go it alone. After the 1783 Treaties of Paris, America seemed to draw back from the world stage. As Cox notes, Washington's Farewell Address is often cited as the native expression of American isolationism. It warned against involvement in the political affairs of foreign states, and of entangling alliances. But this was not a statement of idealism meant to serve as a guide to foreign policy for years to come. The address, delivered in September, 1796, was drafted not by Washington but by Alexander Hamilton, and the entangling alliances he had in mind were those he suspected the more radical Jeffersonians, given the chance, would forge with France. Washington's foreign policy prescriptions were simply episodes in the series of exchanges between the Federalists and the Republicans which had been going on for several years, and had no creedal isolationist basis.

During the first half of the Nineteenth Century, the United States actively defended its interests, using force

where necessary, and sometimes at whim. We became involved in wars with Britain (1812-1815) and Mexico (1846-1848). In terms of smaller-scale military action, U.S. soldiers fought or demonstrated in Tripoli, the Dominican Republic, Algiers, Equatorial Africa, Cuba, Puerto Rico, Greece, the Falkland Islands, Sumatra, Argentina, Peru, the Fiji Islands, Samoa, China, Smyrna, Turkey, Nicaragua, Japan, Uruguay, Paraguay and Colombia. They were dispatched to pursue pirates, to punish locals for offenses against American trade, to avenge the murder of American seamen and to free hostages.

Westward expansion is another example of U.S. intervention. What, after all, was Manifest Destiny but a creedal justification for imperialism? I refer not to the conquest of the Indian nations (although the issue is relevant here also), but rather to U.S. actions against European powers on this continent. They can only be considered isolationist if one believes that the territory we annexed belonged to us anyway, and we were only exercising our legitimate rights. The European states did not see things that way. Isolationists often cite the Monroe Doctrine as evidence of the American noninterventionist tradition, but that doctrine (variously interpreted at different times and by different policymakers) was intended to solidify U.S. territorial claims, and was aimed against Britain, Spain, France and Russia. During the period leading up to the Civil War the U.S. took a number of interventionist steps, such as backing a coup in California, landing the U.S. Ontario in Oregon to take possession (ignoring Russian and Spanish claims to the area), occupying Florida, concluding an annexationist peace with Mexico, and countless smaller actions. In addition, there was extensive diplomatic activity between the United States and European countries concerning the disposition of North America, Central America, and the Caribbean.

After the Civil War the United States went into a period of withdrawal, yet still used force to punish transgressors when the situation warranted. But with the Spanish American War and the subsequent Presidency of Theodore Roosevelt, America came out of its relative isolation and embarked on a period of active involvement in Europe-

an and world politics. The occupation of Hawaii, the post-Spanish War colonization of the Philippines with its attendant guerrilla conflict, the Portsmouth conference at which Roosevelt mediated the end of the Russo-Japanese War, the U.S. coup in Panama, and sabre rattling against German expansion in South America were some of the more obvious by-products of this

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*The traditional anarchist argument is that the state is the cause of conflict, and that the way to eliminate conflict is to eliminate the state. The practical problems with this latter position—besides how to get rid of the state—involve non-state actors, such as terrorists, whose activities can have as great an impact as some state actions.*

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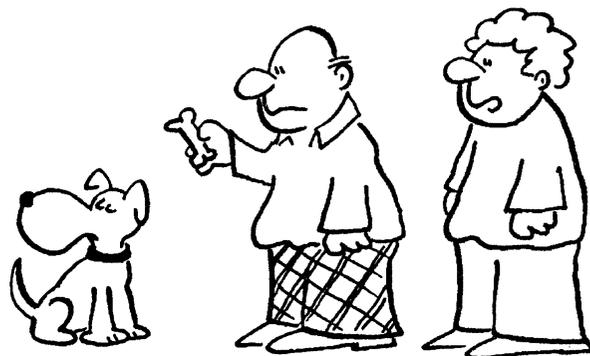
phase. The United States also became a signatory to international agreements such as the Hague Convention. This period culminated in American involvement in the First World War, in which Wilson took an explicitly Utopian and idealistic line.

Wilson's vision of a post-war democratic world was not to be. The world did not see the spread of democracy, but rather the rise of fascism and communism. The United States did not stay at the center of European affairs or participate in the League of Nations. But it maintained a presence through war-debt negotiations, various arms and conflict control agreements (such as the Kellogg-Briand Treaty and the Washington Naval Agreement), and numerous, traditional small-scale interventions (e.g., Panama, Turkey, China, Honduras, Russia, Nicaragua). It was only in the period 1933-1940 that U.S. soldiers

were not regularly sent abroad, apart from troops permanently stationed overseas in the Pacific. (This says something about the aggressive tendencies the revisionists ascribe to FDR. He seemed less willing than his predecessors to use force against our neighbors.) Then came World War II and, in its aftermath, the most active phase of U.S. foreign policy, with the Marshall Plan and other massive foreign aid programs, the Truman doctrine and other "containment" strategies, a series of multilateral military alliances (NATO, CENTO, SEATO), membership in the United Nations, and wars in Korea and Vietnam.

The notion that the United States has an isolationist tradition is thus questionable. If defined in the narrow sense of not being allied with European powers or directly involved in their conflicts, such a tradition existed. But it existed because there was little reason for the United States to get involved before the advent of unrestricted submarine warfare. But if one looks at other examples of political or military activity, the tradition is as interventionist as isolationist. The U.S. has intervened wherever and whenever it felt its interests were threatened, especially in the Western Hemisphere, which we claimed as our exclusive sphere of influence. Seen in this light, the invasions of Grenada and Panama were not aberrations, but consistent with the historical American use of force abroad.

This does not mean that these policies went unopposed. There have always been those who decried the use of U.S. force abroad, just as there have been those who thought force was not used often enough. But the point I am trying to make is that while there may



Ballo

"Oh, he doesn't beg anymore — he got some kind of Federal Grant."

have been an isolationist intellectual tradition, it was not the primary determinant of American international behavior.

## Forms of Foreign Involvement

There are many types of foreign involvement. In previous essays, debate concentrated on its most extreme forms, namely wars. In the Cox/Richman exchange, the word "intervention" was used often, but was never clearly defined. It seemed as though the word "war" was being used interchangeably with "intervention," and while most wars are interventions (unless one is acting in self-defense), not all interventions are war.<sup>3</sup>

And are all wars bad? Ethan O. Waters raised the issue of the *bellum justum*, the Just War. Theories of Just War have been debated since written history began, and as long as the debate has raged there have been those who dismiss all Just War theories as propaganda used by the state to rationalize its actions. But this is not a reasonable position, unless one believes all wars are univocally evil—a view that few people maintain.

Almost everyone, except perhaps those most committedly pacifistic, would agree that a war undertaken out of self-defense is a just war. And, likewise, most readers will agree that a purely aggressive war against a harmless adversary is unjust. Between these poles lie the battleground for a libertarian policy. Unfortunately, there are few clear-cut cases of pure aggression or pure defensive action. So by what standard does one judge the other cases? Take, for example, pre-emptive aggression. A neighboring state has amassed forces and one is nearly certain that an attack is coming, but shots have not been fired. May one act? More to the point, may one attack? It depends on where one places the situation in relation to permitted (defensive) war and unpermitted (aggressive) war.

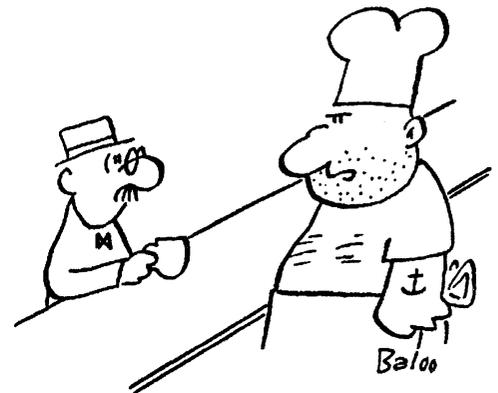
The issue is complicated by the fact that wars have practical consequences for domestic politics. Sheldon Richman points out, correctly, that wars have been responsible for most of the growth of state power this century (and last century—certainly the Civil War represents a quantum leap in Federal power,

at the expense of the states and the people). Deference to executive excesses by Congress and the Supreme Court has been common during conflicts, and a similar dynamic can be seen in almost every political system. The Roman Republic institutionalized this in the temporary office of dictator, the occupant of which had tremendous latitude to deal with a crisis, but lost all his powers when it abated. Unfortunately, in the United States the provisional powers granted the state have tended to become permanent.

However, this does not mean that all armed interventions have augmented state power uniformly. Two of America's wars, the Korean and Vietnam conflicts, saw action taken to limit executive discretion. The former witnessed the Steel Seizure Case (*Youngstown Sheet and Tube Co. v. Sawyer* [1952]), in which President Truman was prevented from taking over the steel mills for the war effort. The latter saw the decline of the Imperial Presidency, and was the impetus for the now-questionable War Powers Act and other Congressional checks on the executive branch. Of lesser acts of intervention, it is difficult to see how they added to domestic state power. Consider, for example, the U.S.-backed Bay of Pigs invasion. I doubt that this increased the influence of the state (except Castro's). The invasion of Grenada, a conflict the United States won, also did not add to the domestic power of the government. Lesser activities have lesser effects; there is a difference between the crisis atmosphere generated by a war, and the dynamics of small-scale interventions. This is why "the growth of the state does not bar all interventions"—because not all interventions contribute to the growth of the state (especially those that fail).<sup>4</sup> Sheldon Richman argued that interventions usually have bad effects, and the example of Grenada does not, by itself, disprove his point. But enough examples can disprove it by showing that pernicious domestic effects often do not follow intervention. The United States has intervened with arms over 170 times in its history, and most of these events had no domestic impact at all. Cases of intervention by means other than

force are more numerous and had even less impact. It would be better to say that, generally, the larger the scale of intervention, the worse the domestic effects. Small, quick invasions like Grenada do little domestic harm, except to make invasions more likely in the future.

Sometimes inaction can be more harmful than action. A good example is the Second World War. In situations like this, intervention is the lesser of two evils. Yes, the war led to the expansion of state power. But it was a war we would probably have had to fight sooner or later, and a later war against stronger adversaries would have entailed greater sacrifices and led to even greater state expansion—if we won. Some revisionists believe that the conflict was unnecessary; that Roosevelt suckered the Japanese into attacking, and that Hitler was bullied into declaring war. I have no argument with the idea that FDR wanted a war to end the economic depression which the New Deal had lengthened. But I cannot accept the concept that the Japanese militants and the Nazi Übermenschen would have halted their expansion of their own volition once they came up against the American sphere of influence. It seems peculiar to me that those who are the first to criticize the excesses of the American government will give the benefit of the doubt to states far more restrictive and intrusive simply because our government opposes them. This approach is exemplified in the argument advanced by Ger Alperovitz that Truman used the A-bomb not to force a Japanese surrender but to intimidate Stalin. Perhaps Truman wanted to do both of these things—and Stalin was



"You want a free refill? — Oh, a tough guy, eh?"

definitely someone who needed to be intimidated. Libertarians should be concerned with the increase in power of any state, not just the United States.

The debate in Liberty dealt primarily with the morality and ramifications of war, but there are other important types of international behavior with which libertarian policy must contend. Alliances are one such form. Can a libertarian foreign policy endorse any alliances, military or civil, bilateral or multilateral, entangling or otherwise? I can see no reason why it cannot, provided the alliance is a good one, based on mutual reciprocity, serving a reasonable purpose, and not outliving its usefulness. (As Charles De Gaulle once said, "Alliances are like pretty girls and flowers; they last as long as they last."<sup>5</sup>) And are other international agreements, such as arms control accords, outside the pale of libertarian foreign policy options? I would put them in the same category as alliances. So long as the agreements are in our interests and the net result is positive, they are permissible.

Another controversial activity is covert action. Where is the line to be drawn regarding intelligence activities? Is the passive collection of signals intelligence to be permitted? What about human intelligence operations on the ground within the adversary camp? Is sabotage allowed? What about kidnapping? I think any of these activities could be integrated into a libertarian framework depending on circumstances. If we knew terrorists planned to plant a bomb on a civil aircraft, sabotaging that bomb would seem a prudent move. If a terrorist has been indicted in this country for crimes he allegedly committed but he cannot or will not be extradited, taking him in by force would seem acceptable. After all, if he were an American citizen there would be no question in the matter. Assassination should be disallowed, as should any action which, if taken on American territory, would be illegal. Overall, however, good intelligence activities contribute markedly to the security of the country, and may be used to preempt situations from becoming so serious that more overt force is necessary. The primary problem with allowing an intelligence service to become strong is that members of the organization or po-

litical leaders might be tempted to misuse the power (as exemplified in the Iran-Contra scandal). But that is an argument for better oversight, not for giving up our first line of defense.

What about foreign aid? This issue wasn't raised in the Cox-Richman debate, and that may be because on this issue there is little dispute. Libertarians

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*Though isolationists often cite the Monroe Doctrine as evidence of the American non-interventionist tradition, the truth is that doctrine was intended to solidify U.S. territorial claims, and was aimed against Britain, Spain, France and Russia.*

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usually see these payments as nothing more than welfare writ large, and an inappropriate activity for the state. For most libertarians, the reason foreign aid is objectionable has more to do with the fact that such grants are immoral transfer payments (i.e., an unjust use of taxes) than that they are interventionist (or internationalist) in nature. But if foreign aid can be shown to contribute to the security of the United States, it is no more than a transfer payment that is paying a soldier for defending the country.

The four forms of international behavior I have discussed—armed intervention, international alliances and agreements, intelligence activities and foreign aid—share two characteristics: none are inherently anti-libertarian, but all of them have applications that violate libertarian precepts.

### **The Practice of Principle**

Morality-based foreign policies are attractive to politicians. They allow appeals to "higher principles" as justifications for their actions, and make for good rhetoric. But this may lead to complications. The latest manifestation of idealistic interventionism was the Reagan Doctrine, which stated that the United States would aid any anti-communist insurgencies. The underlying assumption was that it was always in American interests to oppose communism. This is a sound assumption

much of the time, but there is no reason it need be a "doctrine."

Consider, for example, Afghanistan. The United States did not intervene when the communist government took control in 1978, but only when the Red Army invaded in 1979. The invasion led to the Carter Doctrine, the Olympic boycott, and the end of detente. The U.S. did not involve itself in this conflict because of its support for democracy, or opposition to socialism. It got involved for one reason: to oppose the Soviet Union.

The Mujahedin, many of whom are anything but democratic, became a moral cause, and received billions of dollars in support. The most important and costliest contribution was the Stinger missile, which imposed stalemate and made the contemplated Soviet pull-out an imperative. When Soviet troops left, rational U.S. foreign policy ends had been met. But because so much moral capital had been invested in the Mujahedin and their cause, we were unable gracefully to decrease the amount of material aid without being accused of "bungling" when the Mujahedin did not prevail. Afghanistan, a major interventionist success, is being perceived as a failure. The irony, of course, is that the Reagan Doctrine was never universally applied. Some anti-Communist rebel groups received a great deal of funding, and some (such as RENAMO in Mozambique) received next to nothing.

The realities of power tend to blunt the clean edges of idealism, and it is easy for libertarians to adopt a doctrinaire approach to foreign policy because they don't have the responsibility to carry out these policies. The example of the socialists of the Second International in the years before the outbreak of the First World War is instructive. Their primary international paradigm was trans-national class solidarity. But as some of the socialist parties began to achieve a measure of power (particularly the German SPD), they realized that their model did not reflect reality, and that if conflict came the workers would be more than happy to march to the front to shoot each other. The more they clung to the model, the wider the gap between theory and reality became, and when war arrived the International collapsed.

Foreign policy decisions in this country are seldom based on ideological concerns or theories of international behavior. Rather, they are ad hoc and reactive. And this is the way they should be. Cox writes that "Intervention is not always right, and neither is isolation." I agree. Sometimes it is necessary to get involved, and sometimes necessary to remain aloof. To do either always and on principle would be impractical and counterproductive.

A libertarian foreign policy must recognize that there are those in the world who would, given the chance, destroy this country and the liberties its citizens enjoy, who would hold our citizens hostage or destroy aircraft for their parochial causes, end the freedom of the seas on which world trade depends, and generally make mischief; and it must at the same time be flexible enough to deal with these threats in whatever way is most effective. This does not mean invading a country whenever we get upset over its domestic policies. But it does mean aiding our friends and trading partners to ward off aggression, defending the freedom of the seas, and making the world safe not for democracy but for us. Sometimes this involves negotiation, sometimes intimidation, a show of force, or actual conflict. Each situation must be judged on its merits. And the standard of evaluation should be that an action is

permissible if undertaken to defend the life, liberty and property of the citizens of this country by whatever means necessary, providing the domestic effects are not sufficiently negative to make the intervention nonsensical (that is, the cure is not worse than the disease).

To say that it is impossible to determine when a threat is sufficiently severe to merit attention because no decision-maker is objective or really wants to be, or that because we can't be sure that force will always be used correctly that nothing should ever be done (unless we are directly attacked) is not tenable. Policymaking and decision-making are not activities which can be conducted with scientific precision. The most that can be done is to erect sound principles for the decision-makers to follow as guidelines to action, and maintain structural mechanisms within the government to make certain that the powers with which they have been entrusted are not abused. This is easier said than done (especially when policy-makers do not share libertarian assumptions), but it is a practical approach, and consistent with libertarian principles. □

#### Notes:

1 There are other theoretical approaches to international relations—Behaviorism, Neorealism, Post-Behaviorism, Pacifism and others—but they are not important for the purposes of this discussion. I will refrain from presenting a bibliography in this

essay, both because of considerations of space and because those readers who have a deeper interest can readily find many general works on the topic. However, I will submit two titles. *Contending Theories of International Relations* by James E. Dougherty and Robert L. Pfaltzgraff, Jr, is an invaluable survey of the various schools of thought, and a good starting point. For information on the Utopian and Realist schools, see E.H. Carr's *The Twenty Years' Crisis, 1919-1939*, a classic of international relations literature.

2 Ravenal, "Nonintervention: A Libertarian Approach to Defense," *Reason*, 9 (3), July, 1977, pp. 16-20.

3 Some define war as any exchange of gunfire or use of force, and would list the Tripoli bombing and the shelling of Lebanon as war. These are examples of aggression, but are not "war." I do not mean to diminish the implications of the actions, but their association with war certainly diminishes that term.

4 Furthermore, preventing the domestic growth of the state is not the primary aim of libertarian foreign policy. Defending the interests of citizens abroad is.

5 Incidentally, the debate over "who started it" so far as NATO and the Warsaw Pact are concerned is somewhat futile, and takes on chicken-and-egg proportions. However, one should note that as early as 1944 Stalin had already selected the future leaders and elites of the East European states from Communist émigrés who had come to the Soviet Union earlier in the decade (or before), and a directorate was set up inside SMERSH to see to it that they were in place as soon as possible. Of these men only Jarulzelski remains.

### "Fever Swamps," Reflections, *continued from page 16*

although the conspiracy itself goes back to ancient Sparta. The JBS dimwits would be left cold by the intelligent, witty approach Rockwell used with *Chronicles'* readers. So Rockwell carefully tailored his writing for this odd audience.

Rockwell opens his column in TNA with a brief discussion of a proposal to force businesses to provide a variety of privileges for the handicapped. He makes several intelligent points about the measure, but to satisfy his audience, he also hints at the conspiracy of "big companies," "Rockefeller-Republicans" and "big corporations" that are behind it. He tops this analysis off by bringing up the spectre of AIDS, a particularly hot button for right-wing paranoids. He tosses in a silly bit of misinformation—that since "AIDS De-

mentia Syndrome affects the brain long before outward symptoms appear, what employer wants HIV-positives making important decisions?"—ignoring the fact that only a small number of AIDS victims develop dementia, and that only a small proportion of HIV positives have developed AIDS.

He concludes his column with an attack on the Clean Air Act, he states his case in the jargon of the paranoid: the measure is "being prepared for us by our bipartisan masters," it is part of a campaign started by "the original liberal Republican, Teddy Roosevelt" on behalf of "the lumber barons and railroad interests associated with his mentor, J.P. Morgan." But along the way, he makes a couple points about pollution that any libertarian would applaud: for

example, that "when any [resource] is owned in common, people tend to abuse it because they do not have to bear the cost."

Now this isn't exactly my cup of tea. I could do without the conspiracy mumbo-humbo and the rant against AIDS victims. But by including them, Rockwell makes his basically libertarian message palatable to the dimwit paranoids in the Birch Society. As nearly as I can tell from skimming the rest of *The New American*, Rockwell's is the most intelligent piece in it by a wide margin. And—who knows?—it might help some Bircher grow out of his simplistic conspiratorial world view. It certainly can't do any harm. And, meanwhile, the banner of liberty is raised to yet another audience.

—RWB

# Reviews

*None Dare Call It Treason . . . 25 Years Later*  
by John A Stormer. Liberty Bell Press, 1990, 406 pp., \$21.95

## Call It Puerile

William P. Moulton

All of us in the Goldwater generation have vivid memories of *None Dare Call It Treason*, the privately-published little tome by Missouri schoolteacher John A. Stormer that made such a splash on the campaign scene in 1964. Every Barry HQ, YAF grouping, John Birch Society chapter and local conservative club in the country had a passel of this red-and-black paperback for use as intellectual, or at least polemical, ammunition. The cover price was seventy-five cents, but no one actually paid this. They could be ordered from the author for a dime each in quantity lots, and for mega-purchases the unit price could be negotiated down to almost zilch. One northern Michigan businessman ordered 60,000, which he lavishly distributed among the area's right-wing associations. Stormer liked to brag that over seven million were printed, which is probably true, although I am sure that nowhere near that number were actually read. (After November 1964, virtually every active Goldwaterite was stuck with multiple copies—I still have a dozen or so.)

What was the book about? Well, the kinds of things that seem very fascinating and sinister when one is 16 but which sophisticated and knowledgeable conservatives eventually outgrow. A lot of conspiracy theories, sort

of half-digested and slopped one to every fact and historical event of the last 50 years. Anti-communism, of course, but of a rather superficial and puerile variety ("First, we will take Eastern Europe . . . override fruit into our hands" and other bogus quotations, references to a creature known as "Nicolai" Lenin, that sort of thing). Warnings of a hedonist-one-world-mental health-sex education-Council on Foreign Relations-Rockefeller plot against Christian civilization. In short, the values and anxieties of the primitive patriotic right.

After his initial *opus*, not much was heard of Stormer for quite a few years. Somewhere along the line he found Jesus, and most of his writings in recent times have been strictly religious in subject matter, attracting little attention. Now, however, he has come out—again under a private imprint—with the twenty-fifth anniversary edition of *None Dare Call it Treason*.

As the title indicates, this is an updating (through November 1989) of his original classic. The first thing one notices, however, is that it is updated in an amateurish and clumsy fashion. Basically, the old book is still there, with new material tucked in wherever it (sort of) fits. Thus, one encounters long passages taken from the original work, complete with its 1963-4 time frame. It is somewhat disconcerting to

constantly read about 1960 as the most recent election, of Richard Nixon as a recent vice-president, and of various long-dead individuals as if they are current office-holders. There are also parts of the book which, while not so glaringly anachronistic, are simply outdated. As an example, it is no longer easy, in this country, to railroad people into mental institutions—there are vastly stronger safeguards compared with the situation in the early '60s. To read Stormer, however, you would think that one could still put old Aunt Bessie "away" with just a call to a doctor. Many other cases could be cited (in this book, the GOP is still divided into a ruling liberal wing and a nascent, struggling conservative faction). Oh, yes, "Nicolai" Lenin is still around, although he is, confusingly, called by his correct name in one passage.

Most of this can presumably be attributed to laziness. If we discount the anachronisms—not an easy task—is there anything of value in Stormer's new book? Sadly, not much. When he is correct, he is obvious and not very deep (socialism doesn't work, Stalin wasn't a nice man). The rest of the time, he veers off into all manner of Birchite and nut-right foolishness, just as in his earlier work. The Christian element is much stronger now. "Humanism" is more specifically identified as the enemy. Of course, there are truths buried here and there, but their value is destroyed by the miasma of wild accusations and inflammatory rhetoric that surrounds them. As a tool to present a pro-freedom, pro-free market case to thinking people, Stormer's book is worthless.

Like many on the primitive right, Stormer seems to be a sincere, well-meaning person. The problem is, such people never seem to advance beyond a very elementary point of political understanding. They get a few basic ide-

as, decide that anyone who rejects them is the enemy, and that all one has to do is mobilize the masses of God-fearing, decent patriotic Americans, and they never advance any further. They never develop the tools of real scholarship, never try to come to terms

with the intellectual foundations of opposing ideas, and never realize that to effect great changes you sometimes have to appeal to the mind, not just to so-called decent instincts. Without these understandings, all their effort is just wind up the chimney. □

### *Fractional Money,*

by Neil Carothers. Bowers and Merena Galleries, Inc., 1988, 372 pp., \$19.95.

## *Money and the Root of Evil*

R. W. Bradford

Few people realize that prior to 1872, American coins *never* circulated to any appreciable extent. The needs of domestic commerce were met by a bewildering array of tokens, bank notes, and foreign coins. What few coins were manufactured by the U.S. Mint more often than not were turned directly over to brokers who exported them for profit.

The history of American coinage is to a remarkable extent the history of government incompetence and chicanery. Neil Carothers tells the story with scholarship and panache in his now classic *Fractional Money*, originally published in 1930 and recently brought back into print by the numismatic publisher Bowers and Merena.

*Fractional Money* is much more than a history of pocket change. It is the story of how the U.S. government mismanaged its money so badly that for nearly the first century of national existence, it left commerce without anything even resembling a uniform circulating currency. Coins played a far more important role in commerce in the past than they do today. Paper money was not issued by the federal government until the Civil War, and during the next half century it played a relatively minor role. Only with the

creation of the Federal Reserve System in 1914 and its growing power in succeeding years did the U.S. dollar become a paper commodity, backed only by the promises of politicians. Before then, it was a unit of metal.

But what metal? In the late eighteenth century, two metals were commonly used in coins: gold and silver. Each was easily minted, fairly scarce, and valued for its beauty . . . each was a suitable metal for coins. Not surprisingly, coins were minted of both metals, and the monetary unit defined as a fixed amount of either of the two.

Needless to say, this attempt at bimetallism failed. Price is a market phenomenon. In the real world, the prices of all commodities fluctuate constantly. The amount of gold that is equal in value to one ounce of silver today will be worth a bit more or a bit less tomorrow. Government can no more legislate the price of gold in terms of silver than it can legislate the price of anything else. The early history of American coinage is the history of politicians' failure to understand this simple fact.

Originally, silver and gold were fixed at a 15 to 1 ratio; that is, one dollar face value of silver coin weighed 15 times one dollar face value in gold. In 1792, this approximated the ratio in the marketplace, but by the end of the decade, the ratio in the market had risen to

15.75. U.S. gold coins were overvalued, and consequently driven from circulation.

The silver dollar fared little better. Although intended to approximate the silver content of the Spanish dollar (as minted in Mexico), it actually contained slightly less silver. However, the difference was small and the coin attractive, so it was accepted at par in the West Indies. Yankee traders quickly learned that they could swap their U.S. dollars for the heavier Spanish dollars in the Indies, then take the Spanish dollars to the U.S. Mint and have them re-coined (at no cost to themselves) into a larger quantity of U.S. dollars, which they could take to the Indies to swap for even more Spanish dollars. This endless chain was cut in 1804 when Jefferson ordered the Mint to stop the manufacture of silver dollars altogether.

For the next thirty years, the only coin issued by the Mint in any quantity was the silver half dollar. But thanks to the requirement that the Mint strike the coins at no charge and the limit on appropriations, the number of half dollars minted was so small that it was used mainly as a reserve currency by banks.

In the early days of the Republic, Congress was so leery of government-induced inflation that it actually legislated what amounted to a *tri-metallic* system. The original law, written by Alexander Hamilton, provided for a copper cent weighing in at 264 grains, which would make it nearly the size of an old-style silver dollar! Washington reduced this clumsy and bulky coin to a more practical size by executive order in 1795.

For the next 65 years, Congress authorized and the Mint coined a variety of coins that simply failed to meet the demands of commerce, and the nation continued to get by as it had prior to independence, with a motley variety of tokens, paper money and foreign coins, with an occasional almost accidental interruption for the circulation of U.S. coins. For example, in 1851 the minting of tiny 3 cent silver coins was authorized by Congress to facilitate the sale of postage stamps. At the time silver was

overvalued and had been driven from circulation, but through a Congressional oversight the 3 cent coins (nicknamed "fish scales") contained less silver than other silver coins and thus could circulate as subsidiary coinage. These quickly became virtually the only non-gold coins in circulation: Carothers cites newspaper accounts of people paying for an inexpensive item with a \$5 gold piece and receiving a ladle of more than a hundred of the tiny coins as change.

The inflation of the Civil War drove *all* coins from circulation. (They were replaced with lightweight tokens and postage stamps.) It was not until the general revision of the coinage laws of 1873 that a sensible system of coinage was created, and then it was

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*Fractional Money is the story of how the U.S. government mismanaged its money so badly that for nearly the first century of national existence, it left commerce without anything even resembling a uniform circulating currency.*

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only by accident. As a result of lobbying by competing interest groups and sheer serendipity, Congress abolished the standard silver dollar, and authorized a new coin, the "trade dollar," intended to circulate in the Orient, withdrew authorization for the silver dollar, and made smaller silver coins redeemable in gold. The Trade Dollar was not redeemable in lawful money; its legal tender status was at first limited to \$5 and later abolished. Taken together, the effect of these measures was to abolish bimetalism and put the U.S. on the gold standard, thereby enabling a sound dollar and a genuinely subsidiary coinage for the first time in American history.

Carothers writes from the perspective of a classical liberal familiar with the virtues of the gold standard. His work is of immense value to anyone interested in American history, monetary history, or the history of coinage. And it is a genuine pleasure to read. □

## *Honest John Vane,*

by John De Forest. Pennsylvania State University Press, 1988, \$22.50.

# *Honest John De Forest*

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## Bill Kauffman

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John W. De Forest is a forgotten Yankee novelist who ought to be remembered, not least for *Honest John Vane*, the most merciless dissection ever penned of the criminal class inhabiting the U.S. Congress.

Son of the Connecticut gentry and coiner of the phrase "the great American novel"—alas, he never wrote it—De Forest spent the last five decades of the 19th century fictionalizing the signal events and people of the American past; Puritans, the Revolution, sectionalism and the War Between the States, the corruption of the GOP.

What rotten luck the man had! His entrancing treatment of the Salem trials, *Witching Times* (1857), never emerged from out of Hawthorne's shadow. His realistic Civil War novel, *Miss Ravenel's Conversion* (1868), was forgotten in Stephen Crane's wake. And *Honest John Vane* (1875), his masterful satire inspired by the Grant Administration's Credit Mobilier scandal, had no heroine to match the ineffable Lightfoot Lee of Henry Adams's *Democracy*.

Adams, De Forest, Gore Vidal (1876), Mark Twain and Charles Warner (*The Gilded Age*): American Mugwumps, the cussed independents, have always been fascinated by the age delimited by the death of Lincoln and the rise of Populism. Something went very wrong with our America in that era, aptly designated "the Great Barbecue" by Vernon Parrington. The Republic of virtue was giving way to . . . something else. De Forest had been a stalwart of the small libertarian wing

of the Republican Party, but the culture of corruption sickened him, and he fled into the arms of Tertium Quid. The young reformer became a New England conservative, and a bitter one to boot. De Forest's declaration of independence, *Honest John Vane*, could have borrowed an epigraph from Brahmin *par excellence* James Russell Lowell:

Since office means a kind of patent drill  
To force an entrance to the Nation's till

*Honest John Vane* traces—acidly—the congressional career of its mediocre namesake, the representative from Slowburgh. John Vane is a refrigerator magnate, a prosperous burgher of middling intelligence whom the Republican bosses—venal but eager for some good P.R.—nominate for Congress. Vane is not exactly stupid, à la Dan Quayle, but his mind is marked by an "Eden-like nakedness." De Forest explains:

As for political economy, he had never seen a line of Adam Smith, Mill, Bastiat, or any of their fellows; they not being quoted in 'the papers' which furnished his sole instruction in statesmanship, and almost his sole literary entertainment. He was too completely unaware of these writers and of their conclusions to attack them with the epithet of theorists or of *doctrinaires*. All that he knew of political economy was that Henry C. Carey had written some dull letters about it to the *Tribune*, and that the Pennsylvania iron-men considered him "an authority to tie to." His vague impression was that the science advocated the protection of native manufactures, and that consequently it would be worth looking into whenever he found a moment's respite from business and politics.

De Forest describes Vane's campaign platform with a characteristic blend of wit and contempt:

His "war record" was admitted to be unimpeachable; that is to say, he had consistently and unflinchingly denounced the Rebellion "from its inception"; if he had not fought for the Union on the battle-field, he had fought for it on the stump and in the chimney corner.

... He contended that it was our mission, and consequently our duty to interfere on behalf of oppressed Cuba by bringing it within the pale of our own national debt, and generally to extend the area of freedom over such countries as would furnish us with a good market for our home productions, and a mild climate for our invalids.

The Honorable Vane is elected and comes to Washington full of high-

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*"Honest" John Vane is easily converted to the High Church of Internal Improvements; he is soon knee-deep in the Great Subfluvial, a crooked crackpot endeavor to build a tunnel linking Lake Superior and the Gulf of Mexico.*

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minded intentions, foremost "his plan for renovating and purifying the Republic by rescinding the franking privilege."

He does not remain a naif for long. In current parlance, he "grows." The Mephistophelian operative Darius Dorman defines Vane's choice as between "failing as a watchdog of the Treasury and succeeding as lapdog of the lobby."

Dorman's partner, the corrupt Senator Ironhead, encourages Vane to forget reform and "take up some great national enterprise. Get your name associated with a navigation scheme, or a railroad scheme." Slowburgh's paladin is easily converted to the High Church of Internal Improvements; he is soon knee-deep in the Great Subfluvial, a crooked crackpot en-

deavor to build a tunnel linking Lake Superior and the Gulf of Mexico.

Vane's role in the Great Subfluvial rip-off is uncovered; to save his seat (and his sobriquet), he mounts a defense that would be the envy of Jim Wright and Barney Frank.

*Honest John Vane* was a commercial failure. It was dark and pessimistic; Vane's moral decay seems ineluctable, his redemption impossible. In the pages of *The Nation*, young Henry James complained that an "aroma of . . . vulgarity" pervaded the book. Just so; for the subject was politics.

(De Forest himself was not above hypocrisy. In the wake of *Honest John Vane* and its companion, *Playing the Mischief*, he had the nerve to ask President Hayes for a diplomatic appointment. He was turned away, of course.)

Like many writers whose books languish unread, De Forest blamed

America's readers, whom he came to view as blockheads. He wrote William Dean Howell "I don't understand why you and I haven't sold monstrously, except on the theory that our novel-reading public is mainly a female or a very juvenile public, & wants something nearer its own mark of intellect and taste, as for instance, 'Helen's Babies' & 'That Husband of Mine.'"

In his dotage, De Forest asked, with a mixture of humor and pathos, "Can it be . . . that I was a great man once for a little while, and missed knowing it? If so, I hope the thing will come to light publicly . . . a century or so hence."

Well, it hasn't. John W. De Forest is gone and forgotten, and republican virtue is deader than James Russell Lowell. Only John Vane survives. He's reelected every two years. □

(Other De Forest titles have also been reprinted by Pennsylvania State University Press.)

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## Booknotes

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### Feminism triumphs – Earth destroyed by asteroid

Feminism is a corrosive ideology that denies important truths about sex-linked behavior and attempts to force men and women into a unisexist ideology that doesn't meet genuine human needs. Or so Nicolas Davidson argues in *The Failure of Feminism* (Buffalo, New York: Prometheus Books, 1988, 392 pp., 26.95).

There is a substantial body of feminist theorizing asserting the opposite, including Betty Freidan's *The Feminine Mystique*, the book usually credited with giving birth to the modern feminist movement. But Davidson isn't much interested in engaging in actual argument against this feminist tradition. Rather, he mostly engages in contradiction, matching assertion with counterassertion, spewing his manhood over the pages as he assails the ill effects of feminist denial of the significance of gender in sexual mores, family

relationships and child rearing. Advising (in his chapter "An Open Letter to American Men") that men "should habitually assume that whatever men in general do, is right and good" doesn't seem like the work of someone engaged in intellectual discussion; it seems more like a member of the He-Man Woman Haters Club conspiring with his buddies on how to win arguments with those bitchy, difficult girls.

There is certainly a lot to be said against feminist ideology, and indeed Davidson says some of it. Chapters 7 and 8, "The Rise and Fall of Cultural Determinism" and "Advances in Behavioral Biology," are useful and sensible as they show how certain feminist assumptions about the infinite mutability of human cultural roles are based on outdated or debunked evidence; here, Davidson is engaged in true and effective argument. But too much of *The Failure of Feminism* is taken

up by fierce flashes of Davidson's pride in his masculinity and how, dammit, he's not gonna let any girl tell him he's not right to be proud.

Some of his digressions are just plain weird. Why should we care that he thinks rock 'n' roll isn't as good as it was in the sixties? How relevant is his defense of the advantages of "male" qualities like abstract logic and aggression by explaining how they will save humanity someday from the fate of being smashed to smithereens by a giant asteroid? (You see, we can use the A-bomb—a product of this abstract logic and aggression, saith feminists—to blow up the asteroid before it hits us! Davidson harps on this silly fantasy a couple of times, and even devotes a long footnote to it.)

Debunking feminist proscriptions for government-enforced social and economic leveling along gender lines is a noble activity. Unfortunately, Davidson doesn't seem to be man enough for the job. —Brian Doherty

**Beyond Conformism** — A novel about a Catholic priest? No thanks, I'm not a Catholic!

Well, I'm not either. But J. F. Powers' novel, *Wheat That Springeth Green* (New York: Knopf, 1988, 335 pp.), is a book for everyone who can appreciate either brilliant achievements of an ironic literary style or incisive analysis of conflicts between individuals and institutions, religious or secular.

The protagonist of *Wheat That Springeth Green* is Father Joe Hackett, who figured in some stories in Powers's mordantly humorous collection *Look How the Fish Live*, one of the finest books of short stories to appear in the past twenty years. Father Joe runs a parish in some awful suburb in Minnesota, during the late '60s. He tries to raise money, quarrels with the Archbishop's bureaucracy, drinks, quarrels with the parishioners, is investigated by the health department as a possible carrier of venereal disease, drinks, tries to make friends with the young, Vietnam-era priests who wash onto his doorstep, drinks, watches Twins games, philosophizes, drinks.

"Frequently reported, of course,

like flying saucers, were parishes where priests and people were doing great things together. 'But I've never seen one myself. . . ' Joe said."

Feeling this way, however, Joe still has enough spunk in him to hit a local journalist in the face "with a custard pie of theology" when the journalist tries to embarrass him into offering prayers for the success of H.R. 369, which would benefit an industry in the neighborhood.

"The Church tells us to pray for things that lead to salvation, for grace and so on, but for temporal things only insofar as they conduce to that end."

"I see. May I quote you?"

"No."

Well, Father Joe's not perfect, but his imperfections, besides being funny, offer insights into individuals of high ideals who rebel against and yet are implicated in institutions and communities bent on soulless conformism.

Yet Joe is also Powers's means of showing how the self is *saved* from conformism. Salvation, in this book, comes almost as much from a sense of humor as from a sense of God. It is humor as much as faith that demonstrates that we have souls and vocations separate from the institutions that try to control us.

When a pompous young man shows up at the rectory to ask Joe if he's been spreading VD (which of course he hasn't), Joe's assistant, Bill Schmidt, answers the door.

"Come in,' Joe heard Bill say.

"You Hackett?' Joe heard a man say.

"Me Schmidt—Father Schmidt,' Bill said. (Nice going, Joe thought, hit him again.) 'Father Hackett's in the other office.'" —Stephen Cox

**No Anti-Nuke Kooks** — Here is one of those weird yet nifty little self-published books with which the libertarian movement—being filled with self-assured, self-absorbed types who are consumed with a sense of mission and certainty that *what they have to say is of vital importance*—is so rife. But R. W. Grant's *Trashing Nuclear Power* (Manhattan Beach, Calif.: Quandary House, 1988, 137 pp., \$6.00) is better than most. It does not descend into crankiness or ascend to the strato-

sphere of abstract theorizing that attempts to explain everything about reality, human nature and freedom from the vantage point of the dark inside of the author's skull. It's a short, snappy, functional introduction to debunking anti-nuclear power hysteria, interleaved with parodies of anti-nuke kooks. (Unfortunately, the parodies often descend to the sophomoric level of your average college conservative newspaper trying desperately to "bug the liberals.")

The book is not nearly as thorough as Petr Beckmann's definitive *The Health Hazards of Not Going Nuclear*, of which it sometimes seems to be a summary, but it's good for a quick run-through on the real hazards of nuclear energy and the way they are exaggerated by activists and the media. And there's a strong undercurrent of love for personal and economic freedom throughout; which is just what we should expect from the author of *The Incredible Bread Machine*. —BD

**War Criminals Everywhere** — The latest effort on the dread subject of Nazis—*The Nazi Hunters* by Charles Ashman and Robert J. Wagman (Pharos Books, 1988, \$18.95 319 pp., rev. paperback ed. Jan 1990, \$4.95)—is one of those books that publishers and booksellers love (Nazism still sells) and critical reviewers hate (no one wants to appear to be pro-Nazi or even anti-anti-Nazi). But whatever the risks, I have to give low marks to this volume.

Veteran journalists Ashman and Wagman (the latter the authorized biographer of Hubert Humphrey) have attempted to cover, as the title makes clear, the field of Nazi-hunting—the tracking down of Nazi war criminals and bringing them to justice. The obvious cases are presented—Eichmann, Dr Mengele, Barbie—together with many persons still being sought (mostly obscure figures known only to those who are looking for them). The "good guys" are also covered—Serge and Pieate Klarsfeld, Simon Wiesenthal, the World Jewish Congress, the Anti-Defamation League.

Why do I find this book infuriating? Well, briefly, because it is a repository of all the intellectual and judgmental

errors to which the media are prone when dealing with the subject of National Socialism. These errors are exemplified by a number of unexamined, and usually unacknowledged, premises, to wit:

1) Naziism is not merely evil (adjective); it is Evil (noun). It is literally unique, and any attempt to place it in a historical context is obscene.

2) There is no such thing as an ex-Nazi or a lukewarm Nazi or a nominal Nazi (though no one denies that there are ex- and reformed Communists, for example).

3) A Nazi equals a Nazi War Criminal (in fairness, the authors of this book deny that this is their frame of reference [p. 77] but they give no evidence of putting this denial into practice).

4) If anyone with even a shred of credibility (e.g., someone who claims to have been in a concentration camp or any European Jew over the age of 60) says you're a Nazi war criminal, then you're a Nazi war criminal. (The authors do admit that the case against Chicagoan Frank Walus was an error, but this is treated as an aberration that could never happen again, due to allegedly foolproof safeguards that have been introduced into the investigative processes of Nazi hunters.)

5) Objections to any aspect of Nazi hunting, such as the use of Soviet-supplied (manufactured?) evidence, the question of jurisdiction, of *ex post facto* law, of the questionable activities of the Office of Special Investigations (the Nazi-hunting unit of our Justice Department) and the like are motivated

by pro-Nazi sentiments or at the least by malevolent ill will toward victims of that ideology.

6) If you are from Eastern Europe, especially the Ukraine or the Baltics, and are actively anti-Communist, you're already under suspicion of being (depending on age) either a Nazi war criminal or a sympathizer.

Much more could be said about this whole business, especially concerning the moral indecency and intellectual debility that arise from the persistent use of the double standard (especially of the "Communists are well-meaning but over-zealous, while Nazis are Satanically evil" variety). The bottom line is that the authors, while not as unjust and careless with facts as are some who touch upon this subject (e.g., Christopher Simpson, author of *Blowback*) are too given over to moralistic high dudgeon, false historical linkages, and the blurring of vital distinctions to be credible.

—William P. Moulton

**Un-intellectual attacks** — Conservatives have leapt on Paul Johnson's *Intellectuals* (New York: Harper & Row, 1988, 385 pp., \$22.50) with a frenzy. They herald it as some sort of intellectual triumph for their cause. Its popularity with conservatives is, I believe, a demonstration of just how intellectually bankrupt contemporary conservatism is.

*Intellectuals* consists of short, gossipy life stories of a number of people whom Johnson characterizes as "secular intellectuals." (Despite the implications of the ads from the Conservative

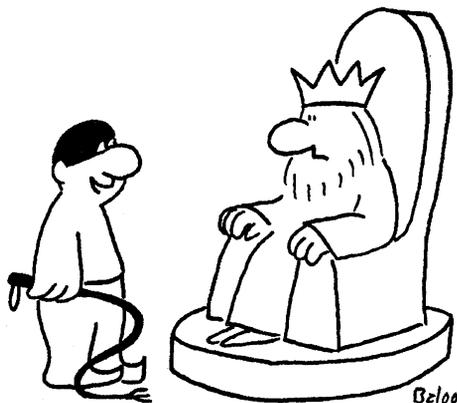
Book Club, Johnson doesn't use the term "liberal intellectuals," though the political sympathies of most of the book's victims are utopian socialist or party-line communist.) Although Johnson gives no precise definition of what he means by "secular intellectual," he describes them as those who "arose to assert that they could diagnose the ills of society and cure them with their own unaided intellects: more, that they could devise formulae whereby not merely the structure of society

but the fundamental habits of human beings could be transformed for the better." (1-2)

Of course, not every character assassinated in the book really fits comfortably in this category; I don't see that it applies to Hemingway, for instance, who thoughtlessly followed Communist Party line for much of his life, but devised no grand schemes of his own. But it isn't really "intellectuals" *per se* who Johnson is attacking here, or even "liberal intellectuals"; most everyone attacked in *Intellectuals* is what is more commonly known as an "artist"; the book is about ninety percent novelists, playwrights and poets with one publisher (Victor Gollancz) thrown in for no apparent reason other than that Johnson had some nasty stories to tell about him, too. Only Karl Marx and Bertrand Russell don't fall into any of these "artist" categories. The only real common denominator in this motley collection of writers, thinkers and dreamers is the amount of squalid things Johnson has to reveal about them.

Only the Marx chapter actually points out where his personal deficiencies lead to defects in his intellectual work, making it a valuable short introduction to Marx debunking. But the remainder of the book fails to engage intellectually. Johnson's research seems to have been nothing more than reading a few standard biographies of the subjects, picking out the negative details and relating only them; I doubt anyone's life could survive a biographer insistent on cobbling around 30 pages of damning details. Thinking that this blatant assembling of *ad hominem* attacks somehow leads to any conclusions about the merits of the ideas that these tortured characters professed or developed is a vile error, and the praise which this book has garnered in conservative circles is disturbing.

Johnson is a pellucid and engaging writer, and considering the inherent naughty appeal of this sort of gossipy account, one would at least hope *Intellectuals* would be entertainingly readable. Alas, no; it descends to numbing repetition of a depressing litany of bad debts, illegitimate children, mistreatment of friends and lovers,



"I finally got him to talk, Sire — He said, 'EEEARRRGH!'"

and self-absorbed misanthropy. These stories are all too similar; it almost seems like a number of lives cut from the same template. I can't help suspect that this template has more to do with the psychological nature of being an artist rather than being a "secular intellectual." Would any random selection of other artists whose notions Johnson and his readers find more palatable yield accounts of exemplary lives of moderation, caring and forthrightness?

I doubt it.

And Johnson's tone is too restrained; there should be more *bite*. *Intellectuals* might have been fun if he took more devilish glee in relating the tales of how screwed up the lives of these respected personages were. As it is, the misguided idea behind the book, its dull repetition of detail and its lack of juicy, flesh-rending delight or humor make it a failure on nearly all counts. —BD

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*Not the soothing sounds of white noise, but black rage . . .*

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## Public Enemy is Number 1

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Brian Doherty

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Even if you consider rap to be nothing more than another annoying, nasty expression of popular youth culture with no more value than its ability to piss off adults (like rock 'n' roll in the fifties), you might have heard of Public Enemy. Winner of the *Village Voice* Critics' Poll Album of the Year for 1988, they are the inamorata of the radical edge of Eastern literary/political establishment rock critics. They are outspoken supporters of Nation of Islam leader, Louis Farrakhan. They were chosen by filmmaker Spike Lee to create the soundtrack exemplifying self-conscious black ghetto rage, and a type of music infuriating to whites, with their song "Fight the Power" in his movie *Do the Right Thing*. Their latest LP, *Fear of a Black Planet*, went gold the first week of its release. Presumably, some of these 500,000 buyers were white.

They are the first aggressively political black rap group to achieve widespread sales and attention outside the ghetto of black charts, radio and media. And their cachet and level of attention from white media and white record buyers seems to go up in proportion to the heat generated by their controversial public pronouncements

and personas.

One of their members raised a ruckus—and spurred a boycott attempt on their record label—by telling a *Washington Times* reporter that Jews are the "major source of wickedness around the globe." Most casual media-watchers might be familiar with them only through the tempest last fall created by this comment, made by their "Minister of Information" Professor Griff (William Griffin). Since that story hit the papers, outraging many readers, the band fired Griff, then restored him to the group with a different title; he has now left the group again.

Firing him made the group the subject of "sellout" accusations by some of their more strident black fans; white liberals were appalled by his reinstatement. Griff's final departure seems to be the result of his own disillusionment with the level of his ex-bandmates dedication to Allah; in a recent interview in the rock magazine *Spin*, he explained that Chuck D. (Charles Ridenhour), Public Enemy's lyricist and frontman, was only in it for the money. He added that only Allah-inspired mercy kept him from killing Chuck for daring to dismiss him in the first place.

Despite the hassles this internal wrangling may have caused the group, the public outrage justified their longstanding insistence that they were

"Public Enemies." Many Jews, and others, indeed now see them as just that.

The democracy of the marketplace has made Public Enemy the leading political voice of a resurgent black radicalism expressed through a music that sounds, to untrained ears, like unbearable noise. (Air raid sirens are an integral part of their musical vocabulary, and "Bring the Noise" is the title of one of their best songs.) If the voice of the pop marketplace has some relevance to the lives and attitudes of its audience, then it might be a matter of some interest, or even alarm, that a group like Public Enemy is selling so many records.

But with all their noise and posturing, what are Public Enemy trying to say? Are they just pop stars looking for a unique marketing niche as embodiments of the frightening, primal potency of the black male, a myth that now has the added resonance of white racial guilt toward blacks? Successful salesmen stepping into the "radical chic" niche left by the Black Panthers (cited as "Influential Inspirations" on P.E.'s latest record sleeve)? Chuck D. is an art school graduate; is he genuinely the bad-ass revolutionary who has inspired the FBI to tap his phone, as he insists in the song "Louder Than a Bomb"?

Probably not; but this is also probably irrelevant. If "to be is to be perceived," then Chuck and his crew are everything they pretend to be; taken seriously as voices of revolutionary rage by white intellectuals (see the *Village Voice*) and feared as exemplars of deep-seated black anti-semitism by some Jewish activists.

Whatever their explicit message, anti-semitism did not seem to be a part of it prior to Griff's public pronouncement. But, in a demonstration of either stunning *chutzpah* or a stunning lack of sensible discretion in the face of political realities, they have now decided to address "the Jewish Question," and in an especially crude and offensive way. Their first single after the Griff media explosion was called "Welcome to the Terrordome," and Chuck explained it was meant to function as a "black CNN"—a look at 1989 through the eyes of an aware, intelligent black man. And here's what he had to say about *l'affaire Griff* and the resulting rage of the Jewish community: "Crucifixion ain't

no fiction/So-called chosen, frozen/  
Apologies made to whoever pleases/  
Still they got me like Jesus."

Whew, has anyone told this art school graduate that Jews don't like people bringing up ancient canards about being Christ-killers? Or being satirized as God's chosen people? Or, more frighteningly, does he feel that in

addressing a presumably intelligent, black audience, such talk was accepted and understood?

Chuck insists that he is not anti-semitic; Jews are the same as any other white person to him. What this means is unclear. Public Enemy rarely say anything specifically or virulently anti-white; however, they do insist on the

historical primacy and superiority of the black race. ("Cream of the Earth/ And was here first/And some devils prevent this from being known/But you check out the books they own/ Even Masons they know it/But refuse to show it/But it's proven and fact/ And it takes a nation of millions to hold us back" goes the conclusion of their cleverly titled "Party for Your Right to Fight," making them the first pop band I know of to finger Freemasons as demonic conspirators, a

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*The democracy of the marketplace has made Public Enemy the leading political voice of a resurgent black radicalism expressed through a music that sounds, to untrained ears, like unbearable noise.*

"fact" beloved of certain right-wing fringe crazies.)

So maybe it is just "black pride" rather than revolutionary, anti-White, anti-semitic rabble-rousing that P.E. are pushing. Despite those offensive lines from "Terrordome," much of *Fear of a Black Planet* is dedicated to praising peace and inter-racial harmony, with an emphasis on the black underclass getting its act together. ("Teach a man how to be a father/To never tell a woman he can't bother/You can't say you don't know what I'm talking about/But one day/Brothers gonna work it out." If this advice were followed, the major social pathology of the underclass—single mothers trying to raise children—could be eliminated.) AIDS, treating women with respect, and dealing sensibly with interracial mating are also addressed. Their approach to interracial mating is interesting; there are songs attacking both blacks ("Pollywannacracka") and whites (the title track) for their aversion to black-white sexual union.

But they are unquestionably anti-American, or at least anti-American government. "Picture us chillin' out on the 4th of July/And if you heard we were celebrating, that's a worldwide lie" they declare on their previous LP, *It Takes a Nation of Millions to Hold Us Back*.

Accusations of U.S. government wickedness abound on their records. The collapse of the sixties black power movement, and the murders of Malcolm X and Martin Luther King, are blamed on it. ("It was your so-called government that made this occur/Like the grafted devils they were"). As blacks in America they pledge no allegiance to the federal government. In the elaborate jailbreak fantasy "Black Steel in the Hour of Chaos," Chuck's arrest is precipitated by ignoring a draft notice ("They wanted me for their army or whatever/Picture me giving a damn/I said 'Never'"). P.E. links continued white guilt over slavery to support of the U.S. government that sanctioned it; in "Who Stole the Soul?," they ask the modern white person "Why'd you try to fool the black?/It wasn't you, but you pledge allegiance/To the red, white and blue suckers that stole the soul."

But are listeners even paying atten-

tion to any of these lyrics, much less understanding them? The appeal of Public Enemy's information-age funk is as much to the feet and ass as to the intellect. The plain fact is, they are the most inventive and dynamic group making pop music today. They make irresistibly funky dance music, taking beats, riffs and hooks sampled from all over rock and funk history, and combine them in sonically adventurous ways.

And, despite all their serious pretensions, they are funny as hell. Chuck's blustering bass voice is counterpointed by the trebly interjections of his clownish partner, Flavor-Flav. Flav relates to Chuck like the archetypical little sidekick of the big, tough alpha male; constantly shouting encouragement and ego-stroking warnings about Chuck's big, bad self. And when he takes the lead, as on *Fear's* hilarious but biting indictment of the inefficiency of government rescue ser-

vices for ghetto residents ("911 is a Joke"), he manages to be funny while expressing genuine moral outrage, like many great comedians. Libertarians might appreciate his recognition of the differences in incentives between government and private services; "I'll call a cab 'cause a cab'll come quicker," Flav declares, and respondents to 911 calls only "come when they wanna/So get the morgue truck, embalm the goner/They don't care 'cause they stay paid anyway." I wonder if trendy left-liberal heroine black folk singer Tracy Chapman will ever realize a truth as obvious as this?

Public Enemy *are* disturbing, both in their sound and their message. As such, they are a welcome relief in a pop landscape too often marred by unimaginative, unexciting mediocrity. And I'll confess to a twisted sort of admiration for commercial artists daring enough to violate the *zeitgeist* with the impunity of Public Enemy. □

## Letters, continued from page 6

The shopkeepers here want a lot of help from the government. They want local, state, and federal officials (and taxpayers) to promote tourism, provide off-street parking for tour buses, provide clean and odor-free public toilets, landscape the business district, provide parks, nature walks, and bike trails along the creek and in the forest, support art and cultural activities, support the Chamber of Commerce, and restrain trade by keeping out factory-outlet stores.

Of course they don't like paying taxes; they don't like the State telling them to keep their wastes from contaminating the creek; they don't like being denied zoning variances; and they don't like some damn committee telling them how to build their stores.

Millard H. Perstein  
Sedona, Ariz.

## Keep It Simple

How can a so-called libertarian magazine publish a piece of nihilism like Loren Lomasky's "The Great Gulf in Libertarian Theory" (May 1990)? Simple solutions to complex problems is what libertarianism is all about, and the complexifying rantings of people like Lomasky only confuses libertarians!

Pat Sicard  
Miami, Fla.

## Manipulating the Spineless Press

Regarding Gary S. Meade's exposé of Walter Williams ("A Closer Look At Walter Williams," May, 1990), I heard Williams on the Gene Burns program in Boston, and he doesn't sound like a "right-winger" at all. In addition to his capitalist expertise, his tone of voice is resonant and confident, and he projects a well thought-out message of liberty in a relaxed, authoritative manner.

I am also not ashamed to say that Williams' race is another reason to consider him as an LP candidate. Can't you imagine a guilt-ridden, spineless press compelled to cover a Williams candidacy out of fear of being accused of racism? "Affirmative Action?" Perhaps. But if you play the game of hardball presidential politics you must make room for compromises.

Scott Garfinkel  
Brookline, Mass.

## Taking God to Court

Ethan Waters errs ("Clergy abuse," Jan. 1990) in equating false promises of earthly happiness with what he lightly terms "eternal bliss." Salvation is not an offer made by men. Rather, it is promised by God to all who believe in His

Son Jesus.

It's easy to say that fallible humans fail to live up to the promises we make to each other. I would, however, be very interested in seeing the verification of Mr Waters's contention that God, too, is guilty of breach of contract. Seems to me that by the time we are in a position to empirically verify the truth or falsehood of the promise of salvation, we're not likely to be able to pass on the answer to Ethan Waters.

Andrew S. Rogers  
Lynnwood, Wash.

## Jesus Loves Libertarians . . .

I'm very comfortable with my Christian faith, my Baptist religion, and my libertarian politics. There is nothing contradictory between Christianity, as most Christians practice it, and libertarian principles. Loving one another is not abrasive to forsaking force and fraud. Christians have no warrant from God to slay the unbeliever. In fact, the only weapon he provides is the live of Jesus Christ. Baptists and other Christians have not been instructed by Him to enforce morality with guns and prisons. A much more difficult tool is called for—the example of a Christian life.

I contend from time to time with my co-religionists about this and other politi-

cal points. An honest Baptist will eventually agree that we have no right to use the power of the state to enforce either faith or religion on another person.

Perhaps libertarians will be successful in convincing Christians that they are wrong in attacking Christianity and religion. Personally, I think it makes more sense to show them that faith and politics are two distinct realms requiring different solutions.

Frank Gilbert  
Little Rock, Ark.

### . . . And Talks About Himself in Third Person

Contrary to the letter of Tim O'Brien (May 1990), I did *not* mislead readers in my March letter. *Interpreter's One-Volume Commentary* (1972, p. 698), Matthew 25:14, Luke 19:11 and the Catholic Inquisition support my interpretation: and I stand by my original letter.

stormy MON  
Denver, Col.

### Secure Is More Than Free

Stephen Cox, in "Isolating the Error of Isolationism" (March 1990), cites the supposedly libertarian premise that "all people have the right . . . to enjoy their property . . . secure from the coercive influence of others."

Cox would rather discuss the practical aspects of intervention, but the word *secure* here prevents us from leaving the moral grounds. Secure does not mean simply free; it is too big an idea, too big for a universalizable right. Security is freedom from danger, and it's no more a right than freedom from hunger, pain, or fear.

People violate our security every day, without necessarily violating our rights. For example, I am not at all secure when my neighbor (who is almost as loony as Mr. Cox's hypothetical neighbor) decides to practice his skeet shooting out back after a few beers. But he does, and I don't have a right to stop him.

I do sometimes wonder, though, whether my neighbor's behavior will eventually reach a point (say, after eight or ten beers) at which intervention will be justified. I think there are two possible answers: 1) no—unless the guy actually starts shooting at me or mine, I cannot (morally) use force against him; and 2) yes—when he gets really threatening, he is committing assault, which is akin to aggression. Of course, intervention in such cases is more usually called defense.

None of the above, of course, deals

with the state at all; I have been using the house-country analogy that Cox calls "faintly ludicrous." Yet it seems entirely reasonable to discuss moral issues in terms of individuals, because individuals are the ultimate moral agents and because a state is just a group of individuals. The rights of a state are no greater than the rights of each person in it, if only because the rights of an outsider are not changed one whit by the fact that his neighbors have formed a group that they call a state.

Perhaps this is an anarchist's view of the state. As R. W. Bradford points out ("Cox Agonistes," May) it is impossible to argue for state intervention if you accept the anarchist view of the state. But how does one make a truly principled argument from a limited-statist point of view? If the state is by definition an initiator of force, how can anything it does be morally acceptable? After all, the state is not a voluntary organization; it is supported by taxes, not by contributions.

Or is it? Do limited-statists have a vision of a voluntary state, one that derives its just powers from the consent of the governed? Such a state might well have the right to collect monies, maintain courts, and do whatever else its members permit. Even so, how does the legitimacy of this state give it the right to intervene in the affairs of its neighbors? The question brings back to the house-country analogy: my neighbor has the right to shoot his skeet or whatever else he wants as long as he doesn't get aggressive. Maybe I could pay him to find a new hobby.

Jeanne Morris Anderson  
Orlando, Fla.

### The Unofficial Truth

I enjoy government bashing as much as the next person, but Karl Hess' claim ("The 'Official Truth,'" May 1990) that "government schools carefully and purposefully inculcate 'official truth' rather than encourage critical thinking" is too much! He'll have to substantiate this claim by naming names before I'll get excited. I've just retired from twenty years on the faculty of a community college and nobody every tried to program me or any one I ever came into contact with during my training or tenure.

I agree with Hess that there is an overemphasis on test scores, but that comes as much from employers wanting

an easy means of selecting applicants as it does from the school's (government or private) wanting an easy way to demonstrate their effectiveness.

Maribel Montgomery  
Albany, Ore.

### The Market for Intellectuals

The issue raised by George H. Smith ("Scholarship as Leechcraft," March 1990) is an important one.

We need to face the moral consequences of accepting jobs at government-subsidized institutions—which includes virtually all universities in the modern world, including most which are nominally private. Speaking as a college professor, I can defend my employment choice as a moral decision, and I believe most other libertarian college professors can do likewise.

The plain fact is that there is no market for what Smith, with unintended irony, calls "market intellectuals." If all libertarians refused to accept state-subsidized university jobs, there would be essentially no libertarian intellectuals, with the exception of writers of free market boiler-plate. This was exactly the situation thirty years ago. The growing acceptability, and respectability, of libertarian ideas among college professors is a major reason for optimism about the future of liberty.

An effective strategy for achieving a libertarian society is a moral priority. It is necessary to convince mainstream intellectuals of the importance of liberty before a libertarian society can ever emerge. Competing successfully with non-libertarians in the academic environment is the only viable strategy for persuading the intellectual community to abandon statism. Arguments and criticism from outside academia can't work, because they will be ignored by the academic establishment.

Refusing this challenge is equivalent to surrendering all possible libertarian influence in the intellectual world. The statists would be quite happy to monopolize college teaching positions. Universities represent the field of battle in the war of ideas. If we are too squeamish to fight this battle, the other side will win by default. Libertarians who refuse to compete in the market for ideas when they have the chance only serve the cause of statism.

Gary M. Anderson  
Northridge, Calif.

# Notes on Contributors

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## The Future of *Liberty* has a lot to offer!

- **Me and AIDS**, Richard Kostelanetz ponders the reality and illusions of sex in the Age of AIDS.
  - **Taking a Stand**, On the fiftieth anniversary of peacetime conscription, James Bristol reflects on his life as an anti-draft activist in World War II, his refusal to accept Conscientious Objector status, and his life in prison.
  - **The Butterfly Effect**, If a butterfly flaps his wings over Hong Kong, there will be a tornado at Mont Pelerin. Chaos theory is the rage these days; Richard W. Fulmer explains its implications for libertarians.
  - **Life with Ayn Rand**, John Hospers recalls further colloquies with Rand and the day he was expelled from Rand's Circle.
  - **Talking about Devolution**, In a futuristic short story, Harvey Segal explains how the United States devolved into several smaller, freer countries shortly after the Soviet Union broke up.
  - **RU 486 and Legal Wisdom**, Dr. Ron Paul provides a *pro-life* libertarian case for not banning the notorious "morning after" pill.
- Plus:** David Hudson on the War on Cash, Jane Shaw on ecology and the news media, Chris Sciabarra on Rothbard's politics, and Leslie Fleming on farming for government dollars.

# Terra Incognita

## Nicaragua

New development in political science, as reported in the London *Economist*:

In his unsuccessful campaign to retain power, President Daniel Ortega and the Sandinista party passed out cigarette lighters and condoms emblazoned with Sandinista advertising.

## London

Insensitivity plagues the halls of power, as demonstrated in the Detroit *News*:

British Labor Party Member of Parliament Susan Heal on the unfairness of Conservative Prime Minister Margaret Thatcher: "She's always telling people to stand on their own two feet. Well, how does she think that makes handicapped people feel?"

## Bismark, N. Dak.

Ecumenical note from the northern prairies, as reported in the Miles City (Mont.) *Star*:

Gov. George Sinner declared North Dakota a drought disaster area on April 25, and endorsed "a prayer crusade by members of the North Dakota Conference of Churches, and a rain dance by Indians."

## Pittsburgh

A spectre is haunting Europe, as reported by the *Associated Press*:

An apparition of the Virgin Mary in Medjugorje, Yugoslavia, which has drawn millions of believers foretold the collapse of communism in Eastern Europe, say participants at a conference on visions of the mother of Jesus, held in the Steel City. The conference is focusing on three reported apparitions and what believers see as their tie to what they call communism's collapse.

## Regina, Canada

Amazing discoveries in the social sciences, as explained in the *Globe and Mail*.

A study done recently for the city of Regina looking into hunger produced a virtually unanimous report on the following points when it came to the causes of poverty: "It was not due to waste. It was not due to laziness, mismanagement, bingo, booze or willful neglect. It was due to the fact that the families were without money."

## Israel

Another government victory for family values, as reported in *World Press Review*:

Israel's "present system of high taxes, low wages, and a tortuous bureaucracy stifles initiative, but it also makes us better fathers," Joel Rebibio writes in the independent *Jerusalem Post*. Israel's inefficient economy and lack of economic opportunity, he says, prevent most Israelis from sacrificing family values for material rewards.

## Namibia

Disquieting note in the United Nation's battle to bring modern agriculture to the Dark Continent, from a dispatch in the Detroit *News*:

The United Nations, which is distributing farm tools to thousands of recently returned refugees in Namibia, is reconsidering its plan to hand out machetes to farmers in the tense political climate of the newly-independent country.

## Iran

Progress toward a modern economy in the land of Xerxes, reported by the Detroit *News*:

Frustrated by widespread shortages and crippling inflation, radical politicians in Iran have proposed the death penalty for "economic crimes," such as hoarding and trading on the black market. "Those who are sucking the nation's blood should be decisively dealt with," parliamentary speaker Mehdi Karubi said.

## Houston, Texas

Disquieting result of parental interest in the intellectual development of their offspring, as noted in the Grand Rapids *Press*:

Four children, ages 6 to 13, were discussing black history with their mother when the 13-year-old asked to go to the bathroom. When he did not return, his mother went to check on him. The children heard a shotgun blast and their mother walked into the living room clutching her chest and boy went outside and waited for police.

The boy told police he shot his mother because he couldn't stand her nagging any more.

## San Marcos, Calif.

What strikes fear into the hearts of government officials, revealed in the North County *Blade-Citizen*:

"It's kind of frightening, the number of auto-related services in San Marcos compared to other cities larger" in size, Planning Commissioner Trish Hannan said, explaining a proposal to outlaw any new auto-related businesses.

## Texas

Latest advance in police uniforms, as reported in the London *Economist*:

The National Guard proposed "Project Cactus" last year to stop the flow of drugs into the country from Mexico. According to Lieutenant Colonel Ed Komandosky, the troops would wear cactus costumes and hide near drug-smuggling corridors, ready to call in federal agents to make arrests.

## New York City

Advances in understanding the philosophy of Ayn Rand in evidence at *National Review*:

Objectivism is based on the worship of the self—there is no reality prior to the individual's understanding of it.

## Richmond, Va.

How a Republican Administration used drug policy to harass Democratic activists, as discussed in the *Washington Post*:

A third-grade pupil who took an unopened can of beer to show-and-tell at school was suspended for three days, an action that the girl's mother said today was "asinine."

"I am furious," said Melissa Woodfin, whose daughter, Haley, 8, also must undergo counseling for bringing the can of Billy Beer to show her classmates last week. Melissa Woodfin said her daughter removed the can of beer from a display case at home and took it to school. The beer, no longer made, was named to honor President Carter's lamented beer-swilling brother.

School officials said the steps were taken under a strict drug- and substance-abuse policy.

(Readers are encouraged to forward newsclippings or other documents for publication in *Terra Incognita*.)



Enlarged

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