

Liberty

July 1992

Vol. 5, No. 6

\$4.00

H. Ross Perot:
He's Selling.
Who's Buying?

Los Angeles Burned for Your Sins

*Perspectives by R.W. Bradford, Karl Hess, John Hospers,
David Horowitz, Jesse Walker, and Jane Shaw*

The Myth of (Heavy) Metal Illness

by Gracie & Zarkov

Zero-Sum Elections

by David Brin

Legalizing "Discrimination"

by James Taggart

Reforming Ayn Rand's Politics

by David Kelley and Leland Yeager

Also: Terree Wasley, Stephen Cox, Doug Bandow, George H. Smith,
plus other Articles, Reviews, and Humor.



"The Mountain Nymph, sweet Liberty." —John Milton

Mint State Franklin Halves

Only \$59 per Roll!

Benjamin Franklin half dollars are among the most heavily sought of all U.S. silver coins, and for good reason:

- The Franklin half dollar was the last type U.S. half dollar whose *entire series* was issued of high purity, 90% silver alloy.
- Because of its high silver content, substantial quantities of Franklin halves were melted during the great meltdown of 1980, when the silver value of a single Franklin half was more than \$18.00. Huge quantities of silver coins were sold by the public to dealers, who melted them for their silver content without regard to rarity or numismatic value.
- Fewer Franklin half dollars were minted during their entire 25 year history than Kennedy halves in 1964 and 1965 alone! More than 7 times as many Kennedy halves have been issued than Franklin halves.
- Fewer Franklin half dollars were issued than Walking Liberty half dollars, the type that preceded it. In fact, in terms of total mintage, the Franklin half is the scarcest regular issue U.S. half dollar since the Barber half, minted from 1892 to 1916!
- The Franklin half dollar is the *only* regular issue U.S. half dollar ever without the reverse design dominated by an



Enlarged to show detail.

Eagle. The Liberty Bell was chosen because Franklin was so closely identified with the American Revolution.

- The reverse design of the Franklin is unique in another way as well: The Liberty Bell design was adapted from the Sesquicentennial commemorative half dollar, issued in 1926. The Franklin half is the only design of a regular issue U.S. coin adapted from a commemorative coin.
- The Franklin half dollar was discontinued in 1963 before the silver hoarding of 1964 began, so it is likely fewer were saved. (Many experts believe so many Kennedy halves were

saved that they will *never* be scarce!)

- The Franklin half dollar was the largest silver coin of its era, and the lowest mintage type coin during the years it was issued.

As future collectors seek to complete their collections, the Franklin half will be the most desirable and difficult type coin to obtain. Its large size, low mintage and attractive design guarantee it a future as a numismatic treasure.

The quality of these rolls of Franklin halves is outstanding: Every coin is an *original Mint State* specimen. Many are MS-63 or better! Thanks to a fortunate purchase, we are able to offer original mint rolls of Franklin half dollars at the remarkably low price of only \$59. That's less than \$3 a coin!

Act Quickly! We will hold these prices so long as our supplies last, but our supply is limited. Because of the low price and superb quality of these coins, there is a good chance that we will sell out. Orders will be filled on a first come, first served basis, so don't delay.

To Reserve Your Purchase call us Toll Free at (800) 321-1542. (Michigan residents call (800) 933-4720.) Or return the coupon below with your check or money order.

Yes!

Please send me the original Mint State rolls of Franklin half dollars that I have selected below. I understand that they are covered by Liberty Coin Service's ironclad guarantee covering all rare coins: I may return them within 15 days of receipt for a full refund.

NAME _____

ADDRESS _____

CITY/STATE/ZIP _____

PHONE _____

_____ Rolls of 20 Coins (1-4 rolls) @ \$65 each = _____

_____ Rolls of 20 Coins (5-9 rolls) @ \$63 each = _____

_____ Rolls of 20 Coins (10-24 rolls) @ \$61 each = _____

_____ Rolls of 20 Coins (25 or more rolls) @ \$59 each = _____

Shipping & Handling _____ \$5.00

TOTAL _____

Liberty Coin Service • 300 Frandor Ave, Lansing, MI 48912

National Toll Free 1-800-321-1542 • Michigan toll-free 1-800-933-4720

L

Liberty

R. W. Bradford
editor & publisher

John A. Baden
Stephen Cox
Karl Hess
John Hospers
Jane S. Shaw
senior editors

Douglas Casey
Brian Doherty
David Friedman
Robert Higgs
Mike Holmes
Bart Kosko
Richard Kostelanetz
Ronald F. Lipp
Loren E. Lomasky
William P. Moulton
Ross Overbeek
Ralph Raico
Scott J. Reid

Sheldon L. Richman
James S. Robbins
Thomas S. Szasz
Ethan O. Waters
Leland B. Yeager
contributing editors

Timothy Virkkala
assistant editor

Kathleen Bradford
copy editor

Shay Marlowe
Rex F. May
cartoonists

Jesse Walker
editorial assistant

Liberty (ISSN 0894-1408) is a libertarian and classical liberal review of thought, culture and politics, published bi-monthly by Liberty Publishing, 1532 Sims Way, #1, Port Townsend, WA 98368. Second-Class Postage Paid at Port Townsend, WA 98368, and at additional mailing offices. Address all correspondence to: Liberty, PO Box 1167, Port Townsend, WA 98368. POSTMASTER: Send address changes to Liberty, PO Box 1167, Port Townsend, WA 98368.

Subscriptions are \$19.50 for 6 issues, \$35.00 for 12 issues. Foreign subscriptions are \$24.50 for 6 issues, \$45.00 for 12 issues. Manuscripts are welcome, but will be returned only if accompanied by SASE. Queries are encouraged. A Writer's Introduction is available: send request and SASE.

Copyright © 1992,
by Liberty Publishing.
All rights reserved.

Inside Liberty

July 1992

Volume 5, Number 6

4 Letters *Liberty's* readers have a lot on their minds.

7 Reflections *Liberty's* editors expose condoms, hoses, Elvis, abortion, marijuana, Andre Marrou, and duplicitous advertising Down Under.

Features

13 The L.A. Riots The beating of Rodney King, the jury's verdict, the violent aftermath, and the talk, talk, talk. But what does it all mean? Our editors explain, explain, explain.

25 The Anti-Politics of H. Ross Perot *Chester Alan Arthur* takes a look at why H. Ross Perot has such popular appeal, and why the Republicans, Democrats and pundits underestimate him.

28 Remembering Roy Childs *George H. Smith* eulogizes the late libertarian theorist, promoter, and raconteur.

29 Serve the Children Well *Stuart Reges* looks at what happens when a Christian Scientist couple refuses to seek medical treatment for their child.

33 Irreconcilable Differences? Libertarians and conservative Christians are usually considered mortal enemies. *Doug Bandow* sets the terms for a truce — and the groundwork for cooperation.

38 The Myth of Metal Illness To some, heavy metal is a sign of social decline; to others, it is harmless party music. *Gracie & Zarkov* say it can be both. The difference: individual freedom — and responsibility.

41 At Long Last, Death *David Horowitz* defends the death penalty, and celebrates the execution of Robert Alton Harris.

43 Returning Roads and Bridges to the Market Privatizing roads and bridges isn't just a good idea: it's already happening around the world. *Terree Wasley* reports.

48 The "Lock" on the Electoral College There is a flaw in the way we elect our presidents. *David Brin* has an idea for reform.

Reviews

51 Just Discrimination Richard Epstein's new book argues that anti-discrimination laws should be repealed. Is he right? *James Taggart* weighs the evidence.

54 Another Road to Liberty? *Leland B. Yeager* and *David Kelley* review *Liberty and Nature*, Douglas Rasmussen's and Douglas Den Uyl's attempt to reform Ayn Rand's politics with a liberal dose of Aristotle.

60 How Not to Help the Homeless *Brian Doherty* argues that big government is not the kind of government the homeless need.

61 God and Man at Bay? *Timothy Virkkala* examines the theological personae of visionary historian Robert Nelson.

65 Are Humans Alien? *James S. Robbins* watches The Discovery Channel, and is shocked to discover that he is an alien.

66 Booknotes on the mystery of mysteries, the enigma of Zen anarchism, and the riddle of John Locke. And the nature of multiculturalism is shown to be not in the least bit puzzling — compared to Elvis, anyway.

67 Classified Ads **69 Notes on Contributors** **70 Terra Incognita**

Letters

Balphy Eubank Redux

It is fascinating to me to witness the glee with which Timothy Virkkala repeatedly rails against Ayn Rand ("The Ego and Her Own," May 1992). I suppose this makes him feel wonderful, something he may not be able to do based on achievements such as writing very well received novels, having his ideas studied by many critics and supporters, and having made some rather interesting observations about various philosophical topics. As I see it, that is when someone "eagerly plunges into" put-downs of others who have done a whole lot more that is meaningful and useful than oneself.

Just exactly why editor R.W. Bradford believes it is vital to open his pages to such petty derisiveness is a bit of a puzzle. If I edited a magazine — indeed, when I did edit *Reason* for a while and since I have been editing *Reason Papers* — I would find better use of my precious space than have some pipsqueak, with nothing notable accomplished, indulge his vile sentiments.

Tibor Machan
Auburn, Ala.

A Little Betrayal

There was much truth in the article by Frank Fox ("Little Czech Man," May 1992), but some of it was shallow. The Czechs are acutely aware of the abundance of MCCs ("small-minded petty Czech") among them, for they are a close second to the Jews in telling self-effacing jokes about themselves. But it was not the Communists who invented the MCC. (Why is the fraction of such creatures smaller among the Poles or Russians?)

Consider three items of history.

1) In WWI, some 100,000 Czech soldiers of the Austro-Hungarian army deserted and took up arms in units attached to the French, Italians and Russians, knowing very well that if taken prisoner by the Austrians, they were summarily executed by being hung from the nearest tree. No MCC-ism here.

2) In a unanimity of determination that I was privileged to see only on one other occasion (Britain, 1940-41), the Czechs stood ready and even eager to take on Hitler's armies in 1938, and with France's treaty-mandated help, they ex-

pected to win. No MCC-ism here, either.

3) But during WWII, the Czechs were conspicuous by the absence of active guerrilla warfare. Yes, they sabotaged where they could, and they regularly defied the death penalty by listening to the BBC and by whispering anti-Nazi jokes in each others' ears; but they had almost no active guerrilla groups like, say, the Danes, who were fewer in number and had no forest-clad mountains in which to hide.

What caused the abrupt change?

The 1935 Munich agreement, when the West sold out the Czechs to appease Hitler. The MCC was born on September 30, 1938: defeat is only a relatively short-lived trauma; but betrayal will corrupt a nation's soul for a long time.

This lesson seems to be lost on many, notably on libertarians: they love liberty (don't we all?), yet many of them are lukewarm, and some downright hostile, to defending it by armed resistance.

Petr Beckmann
Boulder, Colo.

Free to Choose Among the Rules

In answer to R.K. Lamb's "Challenge: Why I Won't Live in Disco Bay" (May 1992): Of course, private property rights mean that many people's rules for the use of their property will differ from what R.K. Lamb (or anybody else except the owner) might prefer. The difference — and it's a big one — between the rules of private property owners and the rules of government-controlled property is that there is a very large number of private property owners and, therefore, a whole lot of different ideas about rules governing the use of private property. Hence, it is a lot more likely that R.K. Lamb (or anybody else) will find a workplace or community with rules he/she can live with in the private than in the public sector. Of course, the huge amount of government regulation of private property rights has reduced the variety in workplaces and communities that there would otherwise be.

Lamb thinks that, in a world of private property, you'd get more rules, not fewer. Lamb is wrong. In the U.S., there are now *hundreds of millions* of government laws, rules, and regulations on the

books. In a system of private property, rather than *more* rules, you'd get more *differences* between the rules — in other words, more diversity, rather than the increasingly homogenized system of rules we have now imposed by the federal government.

Even the relatively limited differences between the states in the U.S. now provides some choices for improving personal freedom. Durk Pearson and I recently moved from California to Nevada (at considerable cost) and escaped much higher taxes and spirit-destroying regulations in Los Angeles/California. Then there are differences between counties, cities, and towns in each state. There are differences between large companies and even greater differences between large and small companies. *The greater the number of separate entities and the freer they are to set their own local rules, the more chance you'll find what you want.* Therefore, private property rights increase your chances for finding freedom, even if you don't own any property yourself.

Sandy Shaw
Privacy, Nevada

Rational Mediocrity

Richard Kostelanetz seems a bit disingenuous when he asks (in his May review of the *Missouri Review* anthology) why aspiring fiction writers try so hard to be undistinguished.

They try to be undistinguished because that will get them into print. All publications, even the most avant-garde, have decision rules and will only accept what slithers through the filter. Writers who submit stories to university literary magazines have, in fact, done their homework: obtained and studied sample copies of the tedious periodicals in which they hope to be published; taken courses at the dismal institutions which publish said magazines; and participated in stifling writer's groups where their manuscripts are nit-picked to death by the competition.

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.

The only possible outcome is the numb mediocrity so well demonstrated by the opening sentences quoted in the article. (And to those who will surely complain about Mr Kostelanetz unfairly lifting these sentences "out of context," I say they are perfectly in context. If fiction writers cannot engage readers in the first sentence, draw them in, compel them to keep reading, they have failed.)

Unfortunately for readers, the work of writers who do have idiosyncratic voices and unusual visions of the world and let their fiction reflect those gifts is in short supply, if not in terms of production, then certainly in terms of distribution.

Kathleen A. Rogers
Hull, Mass.

Generation X

With a nod to Richard Rorty, my friend Dan Klein ("Irony, Cruelty, and Liberty," May 1992) now describes himself as a "pragmatist libertarian." Klein's pragmatism inspires him to tell other libertarians how they should argue (they should abandon "essentialist or foundationalist" philosophy in favor of "the stuff of the social sciences"). This is odd. I would have thought that Klein, like Don McCloskey (another libertarian economist who draws on Rorty), would decry the pretension of laying down methodological rules that narrow the range of permissible discourse — especially rules for disciplines other than his own. By Klein's own account "the pragmatist doesn't claim to have a droplet of Truth in his working paper." Yet he supposes that "pragmatism has taught us" some truth about how libertarians should make their case.

Klein refers to foundational concepts (like natural rights, self-ownership, and consent) as "philosophical dead weight." Yet he goes on to affirm individual choice as his own foundational concept. He claims neither to have nor to need any justification for valuing individual choice. But he does explain (justify in a way) why he engages in libertarian political discourse: "winning is good, but most of the fun lies in playing the game." This, apparently, is the nub of pragmatist libertarianism: we should entertain libertarian ideas (or let them entertain us) not out of concern for truth or justice, but just for the hell of it. Doing so is "fun." Klein's most damning criticism of natural rights theorists is that they are "bores."

Klein tells us that "the feelings expressed by each political philosophy originate and operate in culture." If I were to undertake a cultural analysis of Klein's own antifoundationalist attitude, I might attribute it to his being a member of the rootless post-baby-boom "Generation X" culture personified by Wayne and Garth. Never mind philosophical "validity." Party on! Dan may have a more flattering description of himself, but, as he notes, "neither description, nor any other, has a privileged, metacultural status." I'm pretty sure I don't have to worry about offending him too much. As he tells us, "the pragmatist is never very grave about his message."

Lawrence H. White
Athens, Ga.

Rorty is Old Hat

To sing the praises of Richard Rorty as offering a fresh new perspective in philosophy is a bit like hailing the Flat Earth theory as a fresh new perspective in geography. There is nothing innovative about Rorty's stale relativism; it is simply the latest incarnation of a dreary, outdated sophistical fallacy that was refuted by Democritus and Plato 2,500 years ago — and every subsequent version of it has been refuted a hundred times over by more recent philosophers. There is no point in spending any more time on it. It is Rorty's theories, not those of his opponents, that represent "philosophical dead weight."

It is true that libertarian philosophers have not always offered adequate defenses of their theories, but this is a sign, not that they need to throw in the towel and abandon reality, but that they need to be more rigorous, and to take advantage of recent progress by academic practitioners of the science of philosophy. In the last thirty years, contemporary analytic philosophy has undergone a major transformation, shedding its positivist baggage and forging ahead into a revolutionary period of truly exciting and pathbreaking work (some "essentialist," some not) on the foundations of metaphysics, epistemology, and ethics. In the face of this invigorating explosion of genuine philosophical progress, to follow Daniel Klein in trumpeting Rorty's tired pragmatism as the path to philosophical salvation is tantamount to enthusiastically casting horoscopes in the shadow of a particle accelerator.

As for Rorty's enthusiasm for "irony" as an antidote to cruelty and arrogance, the greatest philosophical ironist of them all was Socrates, who used his irony to puncture the relativistic sophisms of his contemporaries, and who saw a commitment to absolute standards of Truth and Justice as the proper guarantor of intellectual humility and a due concern for the rights of others.

Roderick T. Long
Chapel Hill, N.C.

Failures All

Prof. Loren Lomasky finds the Libertarian Party "doubly irrelevant" ("One nonvote for Bill Clinton," May 1992). He finds that the novelty of a third party "has worn off," and that the LP is an "increasingly embarrassing device" because of "ragtag" candidates who don't have the professional experience or character to be credible to the voters. No longer a vehicle for "drafting and advancing ideas that embrace liberty," the LP has been passed by in favor of classical liberal think tanks, libertarians in policy roles within the Republican Party, and journals — such as *Liberty* — that exhibit "iconoclastic vigor."

There is no need to be so smug about the "failure" of the LP to advance candidates who are credible to the voters. There is more than enough blame to go around. To the national media, our vaunted think tanks are rinky-dink in comparison to AEI, Heritage, Brookings. The best and brightest libertarian minds labor in tank-town colleges and universities known more for their basketball prowess than their scholarship, and certainly not as prestigious centers of learning. Why don't we see them being interviewed by Bryant and Katie whenever major issues break? Has the *intelligentsia* ever heard of our publications?

For some reason, the libertarian movement — academic, literary, and political — has failed to click with the opinion makers. Is it any wonder that, with the opinion makers still on the side of the leviathan state, the LP has found rough going in attracting more than a smattering of average Americans?

Aside from Milton Friedman, I'm hard-pressed to identify *any* libertarian the national media would find credible. We need Lomasky and the other libertarian intellectuals to do a better job of defining and explaining liberty, so that people who are already "credible" will abandon

their current beliefs and "convert." If these academics had done a better job, perhaps the Jack Kemps, Bill Bradleys, Ross Perots, Lee Iaccocas, Libby Doles and Ted Turners would be fire-breathing, world-beating libertarians instead of "credible" but still statist alternatives to the gang in Washington.

Anyone in contact with the LP knows that any given cross-section will produce people far more intelligent and conversant on current issues than a similar cross-section of the major parties. Anyone who has run a race for the LP knows just how mediocre and mendacious their opponents are. And even when the most credible candidate is clearly the Libertarian, the third party label can be a killer because the electorate is conditioned to accept only major party candidates as credible.

The LP wants better candidates. LP leaders have actively sought out such people, only to be turned down. Yes, the novelty of the third party has worn off. But it can still provide a viable soapbox for popularizing the ideas of the professors, the think tanks, and the publications. Let's all pull together to better reach the *intelligentsia*, the opinion molders, the students, and the voters instead of pointing fingers and sniggering about the failures of one or the other segments of the movement.

David K. Walter
West Chester, Penn.

Salesman in the Mud

I'm writing in response to the essay in the "Politics" section of the May '92 issue of *Liberty* by one of your distinguished Welfare Intellectual (WI) contributors, Prof. Loren E. Lomasky. While I am thoroughly disgusted with the smug, self-important, and pompous attitude of leech crafters such as Prof. Lomasky, it is not his WI tendency that has raised my hackles in this case. The major irritation is the glib manner in which he appears to treat the Libertarian Political Party and the manner in which he degrades the few men and women who are the "Il-Bravos" in the perpetual struggle for liberty.

Lomasky's nonchalant slurs do the cause of freedom a serious disservice. I am a veteran of two "peripheral vehicle" campaigns and am currently gearing up for my third. I am firmly convinced that Lomasky's cavalier attitude towards those of us in the trenches is rooted in

his own deep-seated fear of risking personal affront, insult, ridicule, and other unpleasantries that invariably await those of us who carry the colors to a skeptical electorate. People who spend virtually all of their time in ivory towers far from the din of the battle don't seem to be able to comprehend the type of effort and commitment that it takes to continually get up in front of a crowd of living, breathing voters. To say that people like us are becoming more "peripheral" is an insult that would not be thrown at us from one of our own. Oops, I forgot. He's a WI. In his ivory tower, he doesn't smell the smoke, feel the pain, or see the casualties. He simply sits back and pontificates at his leisure in his tax-funded, fur-lined bubble. He says we aren't effective in advancing liberty-enhancing ideas.

Well, Prof. Lomasky, as I write, Dr Dean Edel, a national talk show host, is heaping praise on LP vice-presidential candidate Dr Nancy Lord for decrying the futility of the drug war. Andre Marrou's brilliant campaign in Dixville Notch, New Hampshire, resulted in many millions of dollars' worth of publicity for the entire Libertarian philosophy. Katie Curic actually read the definition of Libertarian to Willard Scott on the *Today* show! And here in Blaine County, Idaho, home of world-famous Sun Valley, Bald Mountain, and Ezra Pound, I have the privilege of being the first and the second Libertarian to act "as a vehicle for drafting and advancing ideas that enhance human liberty" by conducting increasingly effective campaigns for public office. Before me, no one had ever heard of privatizing roads, nor had anyone ever considered that taxation might entail certain moral dilemmas. I am in this battle for the duration, and I intend to see liberty win.

I urge Prof. Lomasky to consider enhancing his own perspective by getting his shoes muddy in the trenches with the real leaders of this movement. If he doesn't feel up to the challenge, might he refrain from flipping oblique insults at the grunts who do the dirty work? Unless this product is sold, nothing will happen. And frankly, Prof. Lomasky ain't no salesman.

Joseph A. Rohner III
Blaine County, Idaho

True Supporter

I am always pleased to vote for the Libertarian presidential candidate, and thank God I have the chance to vote for the person and the platform that most closely match what I believe. Few Americans can truthfully make that claim.

Loren Lomasky's diatribe against the party was especially disheartening. Lomasky would rather pooh-pooh the LP and read *The National Enquirer* in his ivory tower. If people like him would get off their duffs and help find candidates who could be taken "more seriously," maybe the party would enjoy greater electoral success. Until then, I'll continue supporting the nominee. I take him more seriously than I do Bush, Clinton, or H. Ross Mussolini.

R. Kidwell
Baton Rouge, La.

The Jig Is Up

With all the Libertarian Party bashing that *Liberty* has carried lately, it is a wonder that they still advertise in the *LP News!* Or is that *Liberty's* plan all along: to spread doubt among new LP members — to eat the child the libertarian movement has spawned?

Mark Sulkowski
Buffalo, N.Y.

The Place to Argue

I appreciate your publishing the angry letters from those cancelling their subscriptions, mainly because they're so funny. I am a libertarian candidate for U.S. House in Texas (one of the roughly 90 Libertarian candidates on the Texan ballot in 1992), but I certainly don't mind seeing opinions critical of the Libertarian Party. I would much rather see us work out our problems in a publication with a 99% Libertarian readership than anywhere else.

My *Liberty* subscription has been money well spent. The articles on the environmental damage caused by government ownership of resources here and in the ex-Soviet Union are especially valuable. I always refer college students to *Liberty*, along with the *Cato Journal* and *Reason*, as a source of serious contemporary libertarian thought.

Keep up the good work; who knows, maybe *Liberty* will be the beginning of a new publishing empire.

William H. Walker
Balch Springs, Tex.

Reflections

Support Bill Clinton, but don't vote for him

— Slick Willy Clinton's egregious remark about experimenting with marijuana but never inhaling is the equivalent of saying: I experimented with whiskey but I never swallowed. I experimented with kissing but I never touched lips. I experimented with the piano but I never touched the keys. I experimented with driving but I never started the engine. I experimented with reading but I never looked at any letters.

We should now say that we experimented with the Clinton candidacy, but never cast a vote for him. What an a*****! (I experimented with epithets but never said one aloud.) — KH

Bank on it — The House check-bouncing episode is a scandal all right, though not in the way most people imagine. It is pretty plain that some members took advantage of the House Bank to get interest-free loans by writing checks against funds that were not in fact in their accounts. But so what? Wouldn't you do the same if your bank would allow it? What's the crime here?

Not one cent of public money was ever at risk. The interest-free loans that some members enjoyed were at the expense of other members, who held funds on account without receiving interest.

On top of that, it appears that many check bouncers were innocent victims of the incredibly bad management of the bank: some members made deposits that just "laid around" the bank for days and even weeks before being credited to their accounts, during which time the depositors felt it reasonable that they could write checks against the funds.

Rep. Tom Foley, the Democratic cacique, announced that the "scandal" was over the day the list of bouncers was released. I suppose he meant that since no public money was ever at risk and many if not most of the bouncers were innocent victims of the bizarrely incompetent management of the bank that the public should stop worrying about it.

Foley is as wrong as he can be. Think about it. Just who is in charge of the House Bank? Who set its policies, hired its managers, and watched approvingly as it paid bad checks, failed to credit deposits, and otherwise operated in a less businesslike basis than the bank operated by the kids in Miss Johnson's fourth grade class? Who is responsible for its operations?

The House itself, through its elected leadership, that's who. This is exactly the same group of 435 knaves, con men, morons, and clowns that is *running the country*. —RWB

Tele-phoneys — Why advertise if you're a business with no competition? One reason is: to persuade your cus-

tomers how lucky they are to have no alternative suppliers.

This is one of the minor pieces of information I have picked up while temporarily living Down Under. Australia Telecom enjoys a monopoly over the country's phone service. Folks realize that such is not the case everywhere and, apparently, some suspect that the situation isn't exactly fair dinkum. In an effort to reassure uneasy Aussies, Telecom repeatedly broadcasts a TV commercial exhibiting life in America. Its message: *too much choice!*

The plot, briefly, is this. A man who looks as if he could be the twin brother of *L.A. Law*'s Stuart Markowitz walks into a diner and is overwhelmed by an endless cascade of menu options. Scrambled eggs, poached eggs, eggs over easy, eggs over not-so-easy . . . by the time the waitress finishes listing them all it's too late for breakfast. But then the lunch alternatives prove to be just as numerous and just as intimidating. "America has more freedom of choice than a hungry man can handle," intones the smug narrator.

The real point of the promo becomes clear when the hapless and still-hungry American goes to a phone booth — presumably to place an emergency call to Meals-on-Wheels — and stares distractedly at the instrument before him. The obnoxious narratorial voice reemerges to inform us that the poor bloke may be involved with up to three phone companies before being able to commence his conversation. The moral: "America's dream is Australia's reality."

During my two months here I have become exceptionally fond of Australia and things Australian, so I hope this piece of propaganda meets the fate it richly deserves. Here's how you can help. The commercial's epilogue announces that a five-minute call to any site in Australia can be placed for no more than \$2.75. So send an Australian a copy of your latest phone bill. And maybe a copy of your cable TV listings, too; that's another choice from which the government protects its citizens. —LEL

Marxism, mark two — Whatever happened to Marxism? Wisely, it has adapted to the current world environment by making a few little changes. Such as getting a new name — "cultural studies" — and dropping a few of its features from the days before it stopped having a power base anywhere but the American academy.

Michael Bérube put it this way, in a long, celebratory review of the revived movement published in the April 1992 *Voice Literary Supplement*: "though cultural studies' chief intellectual tradition is Marxism, it is an idiosyncratic, undoc-trinaire, practical British Marxism. . . . The current Marxism of cultural studies, it turns out, is a Marxism that stopped believing in historical inevitability long before the Wall came down; it is a Marxism that denies the primacy or unity of

'class' (and emphasizes the relevance of race, gender, sexuality, subjectivity), no longer believes in the centrality of Europe, no longer believes that the base 'determines' the superstructure, that the ruling class owns the ruling ideas, that class struggle is inevitable, or that ideology is just 'false consciousness.'"

In short, it is just another of the fads we must endure so that the tenured can sing their own tunes to their captive audiences. — KH

When Elvis really ruled the waves — Would-be political wits of the world, be trendy: compare the presidential election to the Elvis stamp vote. Thrust your hip forward, Presley-style, and say, "Hey-hey. I bet more people are voting for the Elvis stamp than are voting for president. Heh heh heh." *No one* will remind you that seventy thousand others have already made the same joke, in one form or another.

For the record, I refused to vote for either stamp. Honorific postage stamps are not supposed to be issued until the person so honored is deceased, and the King's vitality status is still indeterminate. With Elvis sightings now being reported from Estonia, I find it very easy to believe that *le roi* does indeed live on, incognito, busily rooting out the last vestiges of International Communism. Come November, we may have yet another chance to vote for him, as the running mate of Texas businessman H. Ross Perot.

Remember: in our nation's direst hour, the King will return. Just as it would be improper to put Jesus Christ or King Arthur on a stamp, the image of Elvis must remain sacred. Boycott the Post Office. Keep the faith. — JW

Solidarity forever! — Susan Krieger, a lecturer at Stanford University's politically correct graduate course on feminist methodology in the school of education, recently ejected a male student from her course. Krieger said that the expellee "was not sufficiently committed to a gender outlook on social reality." She could not, of course, *mean* a

"gender outlook," since the expellee was of a gender and obviously had an outlook. Ironically, the expelled student, although a hated male, was said to be trying his damndest to have a *feminist* outlook.

There used to be places where females could flock together without male intrusion. They were called nunneries. Welcome, Stanford, to the Middle Ages! — KH

Operation criminal rescue — Having lost my only two children to abortion, I obviously have mixed feelings about it, as I suppose must almost everyone else. Abortion seems to me one of those issues where both sides are right and thus have good reason to be righteous. Precisely for that reason, a pluralistic society, in contrast to a theocratic or totalitarian one, should have no laws on the issue.

My principal objection to anti-abortion activists is that I think them dupes. Consider this question: Were abortion to be made illegal again, who would the principal beneficiaries be? Obviously, "doctors" who lost their licenses through malpractice or were never licensed at all, as well as those underworld types predisposed to deliver illegal services, which is to say gangsters. Indeed, were I either of these kinds of people, I would be working overtime agitating among anti-abortion dupes. I'm old enough to remember what kinds of people women had to deal with before abortion became legal, and they weren't the sort most of us would normally invite into our homes. The truth familiar to libertarians is that whenever the state makes illegal something that some people desperately want, the result is a sleazy black market. A secondary result is the imprisonment, at state expense of course, of otherwise law-abiding people. Abortion is in this respect no different from alcohol or recreational drugs.

Isn't it time to remind righteous people who want the state to make abortion illegal that the principal beneficiaries of your success will be criminals, and the principal chumps taxpayers who subsidize the prisons? Whose side are you on? — RK

Loons at the helm — Washington, D.C., loon capital of the land, will begin making condoms available to students at all 16 of the city government's high schools beginning in the fall. Author of the dramatic plan, designed to fight an AIDS epidemic said to be spreading faster in Washington than in any other city, is the town's mayor, Sharon Pratt Kelly. She doesn't stop with schoolkids, either; inmates in all of the city's prisons and jails will also get to take part in the plan.

Here's the loony part. It seems that the inmates of our capital city's jails and prisons will not only be able to get condoms (and confidential AIDS tests). They will also get punished, if they are caught breaking the law that forbids them from having sex. And so The Ship of State careens on its way, left hands at the helm perfectly unaware of what the right hands are doing. — KH

What conspiracy? — Inspired by a Washington *Post* story describing "secret" Soviet subsidies to Communist



MIME

ANTI-MIME

Cartoon by Paul Pope

parties around the world, including in the United States, the *Detroit News* gloated, "as the files [in the old Soviet archives] open up, it's turning out that some of the things the 'paranoid' right was saying — that the Rosenbergs were guilty, that the KGB was a nasty organization, that Moscow was actively funding groups like the CPUSA — were true."

Is this the best the old Cold Warriors can do? The Rosenbergs were guilty — and the United States sponsored spies in the USSR, too. The KGB was a nasty organization — and so were (and are) the CIA and FBI. The USSR funded client parties around the world — and the American government did the same, funneling money to anti-Communist political parties of all ideological colors, in the industrialized West as well as the less developed nations.

Sorry, folks. Cold War revisionism still stands. —JW

Drop that hose! Come out with your hands up! — In Seattle these days, you can be arrested and fined for washing your car or watering your lawn. The reason? The city has enacted strict restrictions on water consumption, with fines of as much as \$500 for using water in ways the city in its wisdom does not approve, and tripling the price of water. To put teeth in the law, it has assigned "several dozen" cops to enforce it.

I suspect this seems rather strange to those living away from the Pacific Northwestern Ecotopia. The most common characteristic of Seattle in most people's mind is that "it rains all the time." This image is not totally accurate: although Seattle gets substantially more rain than most places, its summers tend to be rather dry. More to the point, Seattle lies

Just as Seattle officials reacted to the shortage by enacting Stalinist-style restrictions on consumption, so they explain the cause of the shortage by echoing the perennial Stalinist explanation for poor crops: insufficient rain.

at the base of the Cascade mountains, which receive more than 100 inches of precipitation each year, mostly in the form of snow, which conveniently accumulates all winter and melts all summer, resulting in many huge rivers flowing into Puget Sound. In sum, Seattle is perhaps the best-watered large city in America, so blessed with abundant water that when the Chamber of Commerce held a contest to determine a new city nickname to attract tourists, the "Emerald City" won hands down.

Just how "Emerald" Seattle will remain seems dubious. It is now illegal to water one's lawn, and the watering of gardens is only allowed, according to the *Seattle Times*, when the leaves turn dull, droop, or the color turns from green to brown.

Why is Seattle so low on water that it must enact such severe restrictions? Just as Seattle officials reacted to the shortage by enacting Stalinist-style restrictions on consumption, so they explain the cause of the shortage by echoing the per-

ennial Stalinist explanation for poor crops: insufficient rain.

But the real reason for the shortage is the same as the reasons for the Soviets' sorry record of crop failures: central planning fails to meet consumer expectations because it lacks the information provided by markets. In the case of Seattle, the city has not increased the capacity of its water system since 1964, despite the fact that the market over which it has a legal monopoly has increased approximately 53%.

By and large, people are accepting the water department's explanation and supporting its policies. Seattle television stations report that patriotic citizens have been turning in neighbors spotted letting their children run through sprinklers on hot days or otherwise "wasting" water.

Part of this enthusiasm for mandatory conservation comes from the general eco-idiocy that has plagued local people. It is compounded by the usual guilt of both left-liberals and traditional American puritans who condemn all enjoyments not linked to self-denial.

The notion that it is possible to waste water is, from an ecological perspective, idiotic. Water consumed ends up in exactly the same place as water that is not consumed: either soaking into the ground, flowing into the ocean, or evaporating into the air. In any case, it is recycled by nature.

Nevertheless, sales of barrels made from recycled plastic for catching rain are reported to be sharply up. Unhappily, Seattle averages only 3.4 inches of rain during the summer. If the catchment system is 100% efficient (i.e. has no leakage and there is no evaporation) and every drop of rain that falls on the roof of a typical house is gathered into rain barrels this will yield only 700 gallons per month — enough to water an area about 16 feet square. This is to be achieved at a cost of about \$160. Buying the same water from the city, even after the city tripled the price, would cost about \$11. All this suggests that those hopped up on eco-idiocy and puritanical left-liberal guilt have managed to accomplish the impossible: they have discovered a way to invest even less efficiently than central planners do.

—RWB

Educational simulacra — Too often, people who spend all their time in school start to mistake it for the real world. The measure of how well one can read, count, or think becomes, not the ability to do these things when it really matters, but the ability to do a mock-up of these activities on a test.

Despite several decades of radical critiques of schooling along these lines, children who prefer to ignore the required reading in favor of a more advanced book they prefer, or to fool around with a complicated computer program instead of doing simple math homework, or to play basketball very skillfully with their friends but goof off during gym, are rarely encouraged and often punished. They have lots of "potential," but, unfortunately, will not get with the program.

But the really odd thing to observe are the educators who *have* listened to schooling's radical critics. Unable to fake the real world, they try instead to build a mock-up of the individual soul.

So students are now taught "self-esteem" in the schools. No longer will they be senselessly belittled; now, everyone will be told in no uncertain terms that he is a unique, special

individual with unique, special qualities. They will all learn their unique, special qualities from a standardized self-esteem curriculum, written by social scientists who have done all the research on just what unique, special qualities should be encouraged at each age.

Students who prefer to develop their self-esteem through useful work or self-directed study will of course run afoul of the law. How dare they explore their real individuality in the real world, acquiring a real education in the process? Don't they like our simulations?

The old model of schooling could at least claim that, for all its faults, it was teaching most (some?) people to read and write. Calls for demonopolizing education could be met with worried warnings that the market could not provide children with this sort of education. The claim would be wrong, but would at least contain an air of plausibility. But the new model of schooling has no such defense. Can anyone honestly claim that no one would develop self-love and self-respect without school? I don't know anybody who learned self-esteem in the classroom, though I know quite a few who had it beaten out of them there.

With both compulsory conservatism and compulsory liberalism failing in different schools around the country, it might finally be possible to give voluntarism a try. —JW

Guides for the perplexed — Ellsworth Toohy, the scrofulous, sacrifice-preaching villain of Ayn Rand's *The Fountainhead*, is alive and well in the person of South African Supreme Court Justice Ismail Mahomed — the first black African to serve on the court.

Speaking at the recent commencement exercises of the University of Pennsylvania, Justice Mahomed referred to America's "institutional racism" in saying "let us be brutally frank, what you have done to restore the integrity of your domestic soul and to unite divisions of your own nation is not good enough." Apparently, it is an unsolved mystery why so many immigrants, legal and illegal, of all races, are voting with their feet to come to this oppressive land.

That aside, Justice Mahomed and his host offered a way that the graduating class, as privileged members of society, could make it up to the less privileged. They must "use their minds in the service of humanity." They must do this "not simply because the victims of injustice are entitled to demand justice from us, but because the expression of such love is

necessary for the internal growth and fulfillment of the giver himself and for his own emancipation from fear and insecurity."

Now let's see: there you were, going about your business, maybe even thinking about a post-graduation job working for (ugh) money, when what you really need for a secure, fear-free future is to put yourself into the yoke that Justice Mahomed holds out to you privileged children of a rotten society so that you can work for (slave for?) those who demand

No wonder Penn is called an Ivy League school. It has some sort of vegetation for its brain cells.

and deserve the service of your otherwise hopelessly selfish minds.

Not to be outdone by a visitor to *his* campus, Penn's President Sheldon Hackney said that the graduates should "reject rugged individualism and embrace a sense of collective responsibility for the nation's social ills."

No wonder this is called an Ivy League school. It has some sort of vegetation for its brain cells. Incidentally, the 5,000 graduating students greeted the whiny weirdness with applause, thus giving an indication of just how much *they* had learned about *what* during their privileged years at Penn. —KH

Better late than never — "No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

So reads the twenty-seventh amendment to the U.S. Constitution, which became the law of the land on May 4, when the legislature of Michigan became the 38th state to ratify it. It is a small but sensible move toward a less irresponsible Congress.

What's interesting about the amendment is its history. Congress approved it and sent it to the states for ratification in 1789, as the second of twelve amendments proposed to correct widely perceived flaws in the Constitution. Ten of those amendments (numbers 3–12) were ratified, and came to be known as the Bill of Rights. The pay raise amendment was ratified by six of the 13 states during the following three years, but no other states ratified it during the next 82 years. In 1873, Ohio ratified. Then passed another 105 years before Wyoming ratified it in 1978. Eight states down, thirty to go! During the past 15 years, it picked up steam, averaging two ratifications each year until Michigan put it over the top.

This naturally aroused my curiosity. The pay raise limit was the second of the twelve amendments approved by Congress, leaving only one, the first, still pending. What was that other amendment? Maybe something mandating a balanced budget, outlawing peacetime armies, or some other delightful limitation on government power? It took me a half-hour's rooting through my library to learn the answer:



"The news is pretty boring tonight, folks, so to spice it up, I'll read it in my 'Mr. Bill' voice . . ."

a limit on the number of members of the House of Representatives. — RWB

John Dentinger, 1952–1992 — Readers of *Liberty* probably remember John Dentinger as a man passionately interested in the health of the libertarian movement, as the author of one of the most controversial articles that ever graced our pages: a stern reminder of the risks of libertarians becoming too closely identified with conservatives. But John Dentinger's interests were much wider than the movement. He presented libertarian ideas to an extremely wide audience as a writer for *Playboy* magazine and as an extremely prolific author of more than 100 op-ed articles, published in dozens of newspapers. He was always bright, always articulate, always witty, and usually wise.

He died in his home on March 19, from complications from AIDS.

Roy A. Childs, Jr., 1949–1992 — He was the *enfant terrible* of the libertarian movement in the late 1960s, doing more to popularize anarchism than any other individual. He wrote brilliantly and extensively on a wide range of subjects. His literary career reached its apex in the late 1970s, when he edited *Libertarian Review*. His literary output declined sharply thereafter; during the 1980s and 1990s it was pretty much limited to writing for the catalog of Laissez Faire Books.

He had a wide circle of friends, including this magazine. He was always generous with encouragement and advice, even promising on several occasions to write major articles for publication here, though he never found the time or energy to do so.

His brilliant conversation was admired by countless friends. He had a flare for drama; he loved gossip and knew more about the colorful personalities of the libertarian movement than anyone else. His own passing leaves the movement much less colorful, much less lively. He will be missed by his friends, who are legion, and by all who value human liberty.

Roy always had trouble controlling his appetites. Only days after leaving a clinic where he sought treatment in an attempt to lose weight, he checked himself into a hospital, where he died of a complication of obesity on May 22.

(A personal memoir of Roy Childs is published on page 28 in this issue.)

Vice-Presidential follies — Newspaper columnists and pundits have been full of advice for H. Ross Perot about whom he ought select as a running mate, generally advising that he select a well-known major party politician, to give his campaign "credibility." The name most frequently mentioned is Paul Tsongas.

Their advice is as wrong as right can be. Perot's whole appeal is as an anti-politician. Choosing a politician as his running mate would undermine that appeal. My guess is that Perot will follow his wise practice of ignoring the pundits and choose someone not associated with politics. If he wants to maximize his electoral chances, he should choose someone of genuine national stature — someone like Lee Iacocca or Norman Schwarzkopf. But Perot has never been one to share the limelight, so don't be surprised if he chooses

someone not terribly well-known.

There is probably another reason that Perot won't choose Tsongas: Tsongas has already been selected by Clinton as his running mate in a secret deal. The evidence for this is circumstantial, but powerful.

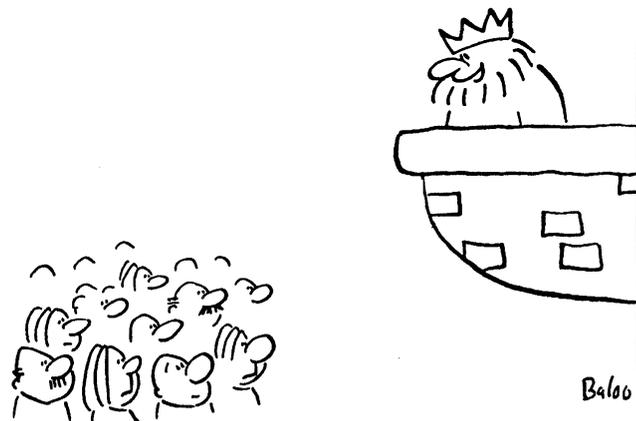
Consider the situation before the New York primary. Coming into New York, Clinton was in serious trouble. Media reports of his character flaws were hurting him badly, and many Democrats were convinced that "anyone but Clinton" would make a good candidate. Jerry Brown's campaign was gaining momentum. Tsongas had dropped out of the race for lack of funds. There was a good chance the anti-Clinton vote would coalesce around Brown, allowing him to win the New York primary and derail Clinton's already shaky campaign.

Tsongas responded to this situation by announcing that if he got a good vote in the New York primary he might jump back into the race. This announcement heartened his supporters. Tsongas got nearly 30% of the vote, an extremely good showing for a man who had officially withdrawn from the race and did not campaign at all. Despite this strong showing, he announced two days later that he had finally made up his mind for sure and was out of the race for good.

What can explain this strange behavior? The most likely explanation for this curious political dance is that Tsongas did it to help the Clinton campaign, for that was assuredly its only important effect. And it was easy to foresee: Tsongas would split the anti-Clinton vote, thereby insuring Clinton a victory based on the Arkansan's solid support from black voters and modest support from other Democrats. At the very least, Tsongas' re-entry into the race would take the wind out of Brown's sails. And Tsongas might very well finish second, effectively knocking Brown out of the race — which is indeed what happened.

Who stood to gain from these entirely predictable consequences of Tsongas' return to the race only to withdraw again after the New York primary? Bill Clinton, and no one else. If the anti-Clinton vote had united behind Brown, Clinton's campaign might very well have been dealt a fatal blow. Instead, he emerged from New York as the clear front-runner with enough delegate support to make his nomination inevitable.

Tsongas and Clinton are intelligent men. They could



"We invade Burgundy tomorrow — I need a good narrative hook for my autobiography."

plainly see the tremendous advantages for Clinton of Tsongas' actions. But what were the benefits for Tsongas? The only one I can divine is that Clinton promised him something big — like the vice-presidential slot.

So don't be surprised if Slick Willie picks Tsongas as his running mate. The deal is probably already done.

Meanwhile, what about America's favorite running joke, Dan Quayle? Will Bush retain him? It all depends on how the president's prospects look at the time of the Republican convention. Bush has always been much more committed to personal relationships than to any sort of political principles, so his every inclination is to remain loyal to Danny the Dummy.

On the other hand, Bush undoubtedly realizes that Danny is not an asset to his candidacy. Indeed, it has probably occurred to him that in a close race, Quayle could be the factor that might sink his campaign.

When the Republicans meet in Houston, Bush will keep Quayle on the ticket if he figures his re-election chances are fairly safe. But if he's worried, Danny the Dummy just might be Danny the Dumped. Best candidate to replace him: Colin Powell. He's black, he's intelligent, he's articulate — qualities that Bush sorely lacks. —CAA

The Marrou mess — On April 9, two days before meeting in Ann Arbor, Michigan, members of the Libertarian Party National Committee received an express mail package. Inside was a request that NatCom remove Andre Marrou from the LP's presidential ticket on grounds that Marrou had a long record of deceit and fraud.

The letter was from Michael Emerling, a longtime Libertarian Party activist who had managed Andre Marrou's successful bid for the LP nomination. Emerling explained how long and how well he had known Marrou, and his shock at discovering that Marrou had engaged in a variety of fraudulent and otherwise ethically questionable activities, viz:

1. Marrou had lied about his personal history for many years, maintaining, among other things, that he had been married only twice, when in fact he had been married four times.
2. After he moved from Massachusetts to Alaska, he quit paying his court-ordered child support to his second wife.
3. While serving in the Alaska Legislature, he agreed to act as the City of Homer's representative in acquiring land to

widen a public road. One of the landowners with whom he negotiated was himself. He paid himself \$3999 for land that was essentially identical to land purchased from other landowners for \$1499. Charges of conflict of interest on this matter and various possible violations of campaign financing laws were pending before the Alaska Public Offices Commission when Marrou left Alaska.

4. Without the knowledge or permission of other corporate officers, Marrou applied for and received a corporate Mastercard in the name of "Project 51-92," the political action committee that he, Michael Emerling, and Richard Winger had formed. He used this credit card to pay for various personal expenses. Emerling and Winger learned about it only when the card issuer sent letters to the committee threatening legal action.

5. During the period between his vice-presidential campaign in 1988 and his Presidential campaign beginning in 1991, Marrou obtained various goods and services on credit for which he never paid, including \$519.88 to MCI, \$91.89 to Chevron, \$1,096.02 to Montgomery Ward, \$246.50 to Hallmark Realty, \$245 to the Las Vegas Water District (he failed to pay his water bill for half a year), plus \$1904.42 to the Mastercard account of Project 51-92. He also failed to pay \$113 in property taxes for the building that served both as his home and campaign headquarters, resulting in his being listed several times as a tax delinquent in Las Vegas newspapers.

6. He had insisted that his campaign schedule be arranged to maximize visits to New York, so that he could spend time with his girlfriend.

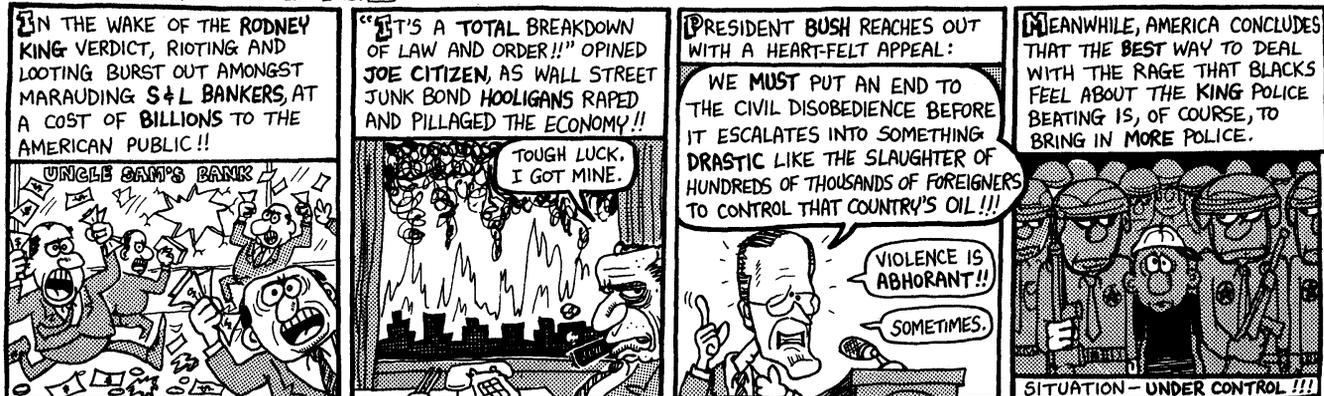
7. He attempted to get the campaign to pay for travel expenses of his girlfriend while she traveled with him.

There followed 21 pages of documents: a letter from the Alaska Public Offices Commission, explaining that it was no longer pursuing Marrou because he had left the state, letters from his creditors offering to settle for partial payments of funds due, a sorry record of his failing to make house payments, receipts for various payments of his personal debts made by his campaign committee, a copy of the delinquent tax notice, more letters from collection agencies . . .

At the NatCom meeting, the agenda was Marrou and the mood was glum. The leadership of the LP was already unhappy with the campaign. In an unprecedented move that amounted to a foreclosure, it had ordered the campaign

continued on page 68

TWISTED IMAGE by Ace Backwords ©1992





Los Angeles Burned for Your Sins

by R. W. Bradford

No one expected the jury in the trial of the police officers who beat Rodney King to return a verdict of "not guilty."

No one was surprised when angry young blacks took to the streets when they learned of the verdict.

No one could believe that the police would stand by and allow an orgy of looting and murder to take hold in the heart of the nation's greatest city.

Why did it happen? What does it mean? What will America be like, after the riots?

Liberty's editors sort through the rubble, looking for answers.

The trial — I watched most of the trial of four Los Angeles policemen accused of beating Rodney King, a black man who had attempted to elude officers who had clocked him speeding.

And a very strange trial it was. It was quickly evident that the defense was better prepared, more competent, and smarter than the prosecution — and that nevertheless the prosecution had an open-and-shut case.

The reason is that the prosecution had the best possible evidence on its side: The Tape. The Tape plainly showed a group of Los Angeles police officers beating Rodney King while he lay prone and helpless. The jurors could see with their own eyes what had happened.

Yet the defense had an awful lot going for it. The trial had been moved from Los Angeles to Ventura County. That is to say, from a racially heterogeneous city to an overwhelmingly white suburban county, from a city with a high minority population to a county where many people live to get away from minorities, from a city where many have experienced mistreatment at the hands of the police to a county where many policemen choose to live.

Six of the jurors were ex-military, and three others were government employees. All were comfortable with the idea that the government knows what's right, and much more sympathetic with police officers (their neighbors) than with black, inner-city residents like Rodney King.

The defense counsel worked very hard to convince this jury to ignore the evidence of their own eyes. Time and time again, defense attorneys referred derisively to the "amateur video." (One wonders: if the video had been professional would the defense have considered it more credible?)

Time and time again, defense argued that Rodney King was a threat to the police officers, who had no choice but to beat him and beat him and beat him. They argued that some of the blows from the police clubs may have missed, that those that connected weren't very powerful, that Rodney King lying on the ground was a constant danger to the officers, who in fact

were using only the minimum force required. They argued that, although the officers hadn't put it in their reports or mentioned it to anyone in the ten months between the beating and the trial, the officers were convinced that Rodney King was "on PCP" and therefore might have superhuman powers and absolutely no inhibition against making a desperate move that might kill many of them.

Time and time again, the defense tried to get the jurors to look at the case from the point of view of the accused, rather than as disinterested parties or as victims of police violence. Time and time again, the defense argued that the officers had acted in accordance with their training, skirting the question of whether the officers had broken the law.

It was a remarkable and fascinating effort, a well-crafted torrent of words, fascinating the same way program-length infomercials for baldness cures, instant wealth, and impotence remedies fascinate.

Besides The Tape, the prosecution had the fact that one of the officers had bragged of the beating in a computer message to other policemen, "I hadn't beat anyone up that bad in a long time." And the prosecution took advantage of a serious slip by the defense that introduced into evidence the description by one officer of his intervention in a domestic dispute of a black family earlier the day of the beating as a scene from *Gorillas in the Mist*.

But most of all, the prosecution had The Tape. And it plainly showed Rodney King lying prone on the ground, flailing as he was beaten, then lying still until an officer kicked him in the head, then reacting to the blows, only to be smashed with another torrent of two-handed smashes

with the baseball-bats the cops carried.

As the case was going to the jury, I left on a business trip. The possibility that the officers would be exonerated did not occur to me. You see, there was The Tape. The best evidence possible. People could see what happened with their own eyes. Even if they lived in a suburb as refugees from black Americans, even if they heard months of sophisticated arguments from skillful twisters of the truth. You see, there was The Tape.

The overwhelming majority of Americans agreed. Virtually all black Americans agreed: the evidence of the officers' guilt was utterly convincing. Most white Americans agreed. Liberals agreed. Even those who ordinarily are most inclined to apologize for police violence — political conservatives — agreed.

But the twelve members of the jury did not agree. After ten days deliberation, they exonerated the officers on ten of the eleven charges against them, and were unable to arrive at a verdict on one charge against one officer.

The verdict — "I think we were able to do what we set out to do, which was to get the jurors to look at this case not through the eyes of a camera, not through the eyes of an amateur video, but through the eyes of the police officers confronting this situation on March 3, 1991 . . . we put the jury in the shoes of the police officers . . ." That's how Michael Stone, attorney for officer Lewis Powell explained how the defense had won the case. "The videotape presents a distorted view of the scene. The jury is required to look at the case through the eyes of the officers."

The jurors had made a pledge to each other to refuse to speak to the press or to explain their decision. But as the nation stood by in shock, some of them broke that pledge and revealed why they had ignored the evidence of their own eyes.

In the first interview after the trial, obtained by Ted Koppel on condition he conceal the name and sex of the juror, a juror explained, amazingly, that the dozens of officers who surrounded King that night and the four officers who beat him were not in control of the situation at all. In fact, "Rodney King controlled the action." At any time, you see, he could have stopped flailing around and that would be the end of it. The juror referred to King as "the violent felon," a curious characterization, suggesting that the police who beat him knew he was not just a traffic violator who had tried to elude them, and that it is appropriate to beat him because of his past behavior.

"The Police Department had no alternative. He [Rodney King] was obviously a dangerous person, massive size and threatening actions . . . Mr King was controlling the whole show with his ac-

Reaping the whirlwind — Racism is ugly. There are two obvious ways to combat it. One is to affirm an individualistic standard of justice and appraisal, thus maintaining a high moral stance against the stupidities of prejudice. The other is to attack all stereotyping as prejudicial. Collectivists naturally choose the latter route, which has become standard in our culture.

The problem with the second approach is that stereotyping is inevitable. It is merely a form of generalization that, as generalizations go, can mirror reality in significant ways. (The significance is shown in the effectiveness of much ethnic humor; personally, I know the validity of many stereotypes of Scandinavians, and laugh at Scandinavian jokes. Many Jews do the same with outrageous Jewish and Yiddish humor.) Denying to people a legitimate means of coping with information about cultures derails normal processes of thinking, and confuses as much as it purifies. Reason is subverted.

Leftists have combined this attack on a thought process with a victimization logarithm that continually *calls attention* to the very racial categories that, according to the anti-stereotyping rule, are not supposed to matter.

We now reap the whirlwind. Afflicted by this double bind, people have no choice but to reject one message or the other, or both, or go "crazy." The rioters went "crazy." I fear that many white Americans will reject the double bind and embrace the stereotype of the irrational, black looter as not only a legitimate generalization (which regarding *race*, it is not), but also as an excuse to prejudicially despise black individuals. And thus will racial tensions escalate.

How many people will reject the modern double bind and adopt the standards of individual responsibility? How many will see the links between it and the idea of justice, the idea that best grounds condemnation of both police brutality *and* the jury's verdict?

— Timothy Virkkala

tions," said one.

"Rodney King got what he deserved," another said.

"Based upon the testimony, the evidence, the information that was provided to us, [the officers' actions were] well within the scope of the LA Police Academy training. They used everything that they had at their availability," said another.

The stress and isolation of jury service took its toll. Juror accounts of the deliberation are replete with episodes of crying; one juror reported a "religious experience."

Plainly, at least some jurors had lost touch with reality. As Los Angeles burned and criminals roamed its streets looting and murdering in the aftermath of the verdict, one juror told Larry King on CNN that the riots were in no way connected to the verdict, and would have happened anyway. Another defended the racist *Gorillas in the Mist* characterization of a black couple by one officer as just his way of saying that they were "a close-knit family."

The prosecutor blamed his losing the case on the change of venue to Ventura County. "This would have been a 'perfect jury' in a criminal case with a civilian defendant, but could not have been worse for a case in which law enforcement officers were defendants," he explained. "These jurors were very pro-law enforcement.

They were people who believe there is this 'thin blue line' separating law-abiding citizens from the jungle, the criminal element. They are people who have put police officers on a pedestal. They have had very positive experiences with police officers."

This is plainly a partial explanation at best. Ventura County may be filled with white refugees from the city who love the government. But they aren't fools, and they aren't blind. The evidence of The Tape was as plain to them as to people elsewhere. Only 18% of Ventura County residents agreed with the verdict, according to a poll by the Los Angeles Times. That compares to 13% of Los Angeles city residents.

It seems pretty plain that the stress of the trial, the isolation of the jurors, along with their possible latent racism and their authoritarianism made them susceptible to the

sophistry of the defense attorney. The jury made the wrong decision, as sometimes happens.

The reaction — Orders had been issued to bar the press from police stations while the jury deliberated. But some reporters managed to slip in, and what they saw can only be described as a celebration.

"I'm elated, absolutely elated. I'm proud to be a Foothill officer, and I'm proud to be an LAPD officer. It's like this sick feeling is finally going to go away," Officer Corina Smith told a reporter, as she raised her fist in the air upon news of the verdict. Other officers at Parker Center the downtown police headquarters, applauded and cheered, shouting "Yes!" and "Go get 'em!"

Leaders of the black community had been worried that the verdict — whatever it might be — might lead to trouble in the streets. Police boss Darryl Gates had reassured the press that the police were prepared for any contingency. However, two-thirds of the patrol captains were out of town at a training session when the verdict was announced. Gates saw no reason to keep the day shift on duty after the verdict was announced; that would mean overtime.

In the black neighborhoods, the reaction to the verdict was shock and disbelief, just as it was everywhere else. The reaction was also despair. Here was a case where white cops had beaten a black man gratuitously and viciously. Unlike other, similar cases, it was not a matter of the word of the white police officer against the lower-class black. This time the whole matter was on tape. Justice would be done this time. But when justice was not done, what explanation was possible except naked racism? No matter how a black man acts, he is at the mercy of the white man.

Not surprisingly, many blacks felt rage. They wanted to kick some ass. White ass. They went into the streets, to the nearest commercial districts. By 5:00 p.m., about 50 young, angry black men had gathered at Tom's Liquor Store and Deli II, at the corner of Florence and Normandie. They were looking for trouble.

Timothy Goldman, a 32-year-old black ex-Air Force captain, heard about the verdict while riding in a friend's car. His friend turned on his police scanner, and found out



TWISTED IMAGE by Ace Backwords ©1992



about the problem at Florence and Normandie. They drove to the intersection. Goldman had his new RCA camcorder with him, and decided to record what he saw.

It was 5:30 p.m. About 15 patrol cars were on the scene; a police helicopter hovered overhead; about 40 police officers were present, responding to a report of juveniles throwing beer cans at passing motorists. The police were trying to keep the young blacks from interfering with traf-

fic. "I was able to see the police wrestling with an individual. It took three or four guys just to put one guy in a car," Timothy Goldman said. This struggle inflamed the crowd, which had grown to perhaps 100 people. "There were some bottles, cans, and sticks being thrown. It wasn't fighting and punching. None of that. It was just a lot of angry people out there."

His camcorder was rolling at 5:35 when he heard a policeman shout over a megaphone: "It's not worth it. Let's go!" The police got in their cars, turned around and peeled out. Wesley Wade, the manager of Tom's Liquor Store and Deli II watched the police turn tail and run. "I couldn't believe my eyes," he said. Emblazoned on the sides of the retreating police cars was the motto, "To protect and to serve."

At 5:43 p.m., Lt Mike Moulin, field commander for the LAPD, ordered dispatchers not to respond to calls from the vicinity of Normandie and Florence. "I want everybody out of here. Florence and Normandie. Everybody out. Now."

Within seconds, the crowd took over the street, stopping virtually all traffic, attacking cars driven by whites and Latinos. Someone grabbed a metal sandwich board advertising Marlboro cigarettes and smashed the window of a white Volvo. The mob dragged out its white female driver and beat her. At 6:03, the mob smashed its way into Tom's Liquor Store and Deli II, looting its contents.

The riot was underway.

Meanwhile, Police Chief Darryl Gates left police headquarters to go to a political fund-raising dinner to oppose a charter amendment to make the LA police chief more accountable to elected officials. Asked by a reporter about the riot, Gates explained that his officers were dealing with the situation "calmly, maturely, professionally." By this time, his officers were gathered at a bus station, safely away from the violence and looting, awaiting instructions.

The riot — Darryl Gates did not decide to mobilize the police until 8:00 p.m., by which time the riot and looting were totally out of control. In an orgy of contempt for life and property that lasted five days, rioters looted, burned, beat and killed.

The riot that began with black outrage against the King verdict quickly degenerated into a battle between decent people and scum. The acts of heroism and the acts of infamy that played themselves out on the nation's television screens were committed by people of all races. And the victims of the rioting and looting were people of all

Riots in Jerusalem — As one who remembers the riots of the 1960s, I greeted the Los Angeles experience with profound shock. I knew that the inner cities were troubled, but I hadn't realized that nothing had changed for the good and that the same kind of event could happen all over again.

Editorial writers, too, were shocked, but not to the point of silence. Newspapers and magazines have never made money printing white space instead of ink, so there was a lot of jaw-flapping in early May.

The left had its explanations: The War on Poverty was always starved for funds; the Reagan Administration gutted what had been accomplished; George Bush is alienated from the people; racism and discrimination have worsened; and the Rodney King decision may have justified some reaction.

The right had its explanations: The War on Poverty bought a lot of poverty; welfare demolished individual responsibility; drugs and the decline of the public schools destroyed the family; drug wars decimated the community; black leaders are alienated from the black community; affirmative action programs exacerbate racism.

Like editorial writers, clergymen have had a lot to say on social issues during the past 25 years. But this time one local priest was properly at a loss for words. He did something unusual for a Episcopal clergyman in such instances: He turned to the Bible. He told us that he felt as Jesus must have felt when He surveyed Jerusalem and, in a passage recorded in Luke, said: "O Jerusalem, Jerusalem, you who kill the prophets and stone those sent to you, how often I have longed to gather your children together, as a hen gathers her chicks under her wings. . . ."

This was a refreshing and humble way of looking at this tragedy, which I feel is almost hopeless. Ultimately, our inner cities will improve only when individuals take personal responsibility for their lives. That means that not just welfare programs, but the very ideas that people hold, have to change. We have to go back to what I believe was the philosophy of Martin Luther King, Jr.: to address specific wrongs, especially those brought on by government itself, without blaming society or all white people for all the problems experienced by African Americans. People who blame others for their situations end up helpless and hopeless, and act in rage, and inflict pain.

Unfortunately, I don't see much hope for any return to more positive attitudes in the inner city. The nation is too polarized. The right is divided over the war on drugs while, on the left, *The New Republic's* recognition that welfare has been a failure has led its editors to propose something almost as bad: government-guaranteed jobs. Thus even modest reforms are stalemated, and political decisions take the path of least resistance: pandering to entrenched interests — mostly, what *The Wall Street Journal* calls the "legacy programs of the Great Society."

So we have a tragedy on our hands, a very human tragedy. A great many people are living meaningless lives. They are suffering and they are causing enormous sorrow, and I can only fear how it will end. Remember, Jesus did not save Jerusalem; it was captured and largely destroyed in 70 A.D.

— Jane S. Shaw

racess.

When it was over, the body count stood at 58; another 2,383 people had been injured; the fire department reported 5,383 "structural fire calls"; 16,291 arrests had been made; and approximately \$1,000,000,000 in property damage had been sustained. Casualties were more than double those of the 1965 Watts riots; after adjusting for inflation, property destruction was more than five times as great.

The postmortem — Conservative Republicans and left-liberal Democrats were quick to blame each other for the riots. Conservatives blamed the riots on the failure of the Great Society programs; left-liberals blamed the riots on the heartless refusal of the Reagan and Bush administrations to pour as much money into Great Society programs as the Democrats wanted. Both sides of this inane debate are wrong, of course.

The conservatives *are* right when they assert that these programs have failed to address the problem at which they are ostensibly targeted — urban poverty among minorities — a fact that ought to be obvious even to left-liberals, who continue to crank out studies showing that inner city poverty is getting worse, not better. But poverty was neither the spark that started the riots nor the force that sustained it.

Somehow, the simple concept of justice has been forgotten by the left and the right, both intent on blaming the other. The evil of the looters was the same as the evil of the police who beat Rodney King: they had no respect for the lives and property of other human beings. It is this respect that is the hallmark of a civilized society. No amount of cash poured into government programs to alleviate poverty can instill this respect. Nor can the conservative's favorite approach — tough-minded "law and order" measures — so long as those measures are perceived by the police as licenses for abuse of people and their property.

One of the most persistent themes of the apologists for the rioters was that the whites, Asians and Latinos who were dragged from their cars and beaten now "know what Rodney King felt like." Whether this is literally true varies from case to case, but the suggestion that the beatings of these victims and King are essentially identical is wrong-headed. The victims of the rioters were gratuitously beaten by free-lancing criminals. This is horrible, of course. But it is a different kind of horror, perhaps even worse, when people are gratuitously beaten by the very individuals who are hired, trained, and employed to protect them from gratuitous violence.

The proximate cause of the riot is not hard to fathom. Riots and looting result when three factors concur: (1) some people are inclined to assault, rob, and murder their fellow citizens; (2) some people are unable to defend themselves; (3) those hired and duty-bound to protect people's lives and property do not do so. The first two of these conditions are omnipresent: there are always people who want to kill and steal, and there are always people whose lives and property they covet. The unique aspect of the events of

April 30 to May 4 was that the police refused to protect the lives and property long enough that the criminal element was emboldened to take effective control of the streets, making it difficult for police to regain control.

Although the King verdict was the spark that ignited the riots, their cause was more complex. The racial animosity, envy and criminal tendencies of the looters were certainly important factors. But there is little doubt that the most important cause of the riots was the behavior of the Los Angeles Police Department, for it was the police that provided the opportunity to the looters.

When civil disorders threaten, the way to minimize the threat is to move in quickly with a massive show of force. The LAPD did the opposite: it responded with a show of cowardice, leaving the streets to the angry mob. Once the police retreated, the riots and looting were inevitable.

Like any bureaucrat who screws up, Chief Gates responded by making excuses. His officers couldn't fight the riots because they were busy protecting fire-fighters, he said. This was quickly and angrily denied by Fire Chief Donald Manning.

Gates' most ludicrous excuse was to blame his department's failure on those Americans outraged at the beating of Rodney King, who had "turned this once-proud organization into one that has adopted a softer approach because of unrelenting criticism over the Rodney G. King beating." Apparently, Chief Gates cannot tell the difference between officers beating a suspect in custody and protecting a citizen from an angry mob.

The cowardice of the police leadership was more-or-less openly admitted by some of Gates' underlings. "The officers' lives would have been placed in jeopardy, and they might have had to resort to deadly force," explained 77th Division Capt Paul Jefferson, defending the Lt Mike Moulin's decision not to defend the lives and property of the people in South Central. "So he decided to pull them out and regroup. He was the field commander."

Lt Moulin offered this excuse: "We were significantly outnumbered. My greatest concern was to have an officer injured or to have a citizen unnecessarily injured." Arguably, his refusal to do his duty did reduce officer injuries, at least for a few hours, but it is hard to see how abandoning the law-abiding citizens to the mob so they could be beaten up or killed prevented "unnecessary" injuries of citizens.

The LAPD proved itself to be little different from the gangs it so busily campaigns against. When it had Rodney King in custody, its heavily-armed officers beat him without mercy; but when a group of heavily-armed officers was faced by an angry but mostly unarmed mob of some 50-100 people, it left the scene because of the danger it faced.

"To serve and protect" is the stated purpose of the LAPD. Whom were its officers serving while they cowered at the bus station as innocent people were beaten and killed and property looted and destroyed? Whom were they protecting? Whom were they serving when they abandoned the good people of Los Angeles to the criminals? Whom were they protecting? Whom were they serving



when they beat up Rodney King? Whom were they protecting?

What upset the public — the decent people who make up the overwhelming majority of both black and white America — was not the brutality of the beating. After all, Americans of both races overwhelmingly support the death penalty, and I think it safe to say that gassing a human being is worse than beating him up.

What angered decent Americans was the *injustice* of the beating. King after all was suspected of nothing more than speeding, driving under the influence, and attempting to elude police officers. These are serious charges, but they are not the sort of thing that justifies the orgy of violence that the cops inflicted on Rodney King.

Excessive force and wanton violence inflicted by police is a serious issue, but one that is greatly underestimated because the sort of brutality inflicted on Rodney King almost always happens without witnesses and its victims are almost always members of relatively powerless social strata.

Ordinary citizens seldom find themselves at the receiving end of the "power blows" of the sort the cops inflicted

on King. When they do, it's usually when they are engaged in some sort of protest or demonstration. Whether they are from the right (e.g. "Operation Rescue" activists) or the left (e.g. anti-war demonstrators), they are shocked and surprised at the violence and sadism inflicted upon them. And they are outraged.

But most Americans are never victims of this violence, and most never see it. That is the significance of the taping of the Rodney King beating: it provided a graphic record of the abuse of police power that could not be explained away, except apparently to a stressed-out jury in Simi Valley.

The riots again illustrated the impact of widespread portable video cameras. When the police attempted to deny or explain away their retreat from Tom's Liquor Store and Deli II, it looked like another case of the cops' word against a few witnesses, just like the Rodney King case at first was another case of the cops' word versus the testimony of the victim and a few witnesses. It was the amateur videotape made by Timothy Goldman that proved the cops' cowardice, just as it was George Holliday's amateur videotape of the Rodney King beating that proved the cops' brutality.

So it's no wonder that the attorney for Sgt Stacey Koon repeatedly referred to the "amateur video-tape" when addressing the jury, his voice dripping with sarcasm. And it's no wonder that a right-wing apologist for police brutality has suggested restricting private ownership of videocameras. As time goes on, it will become more and more difficult for the police to cover up their misdeeds with mountains of bureaucratic reports and torrents of excuses and verbiage.

At least three of the four police officers who brutalized Rodney King got away with it, this time. They were lucky. The police officers who decided to allow the rioting and looting to begin will not likely be so fortunate. They may not face criminal charges, but they face a public increasingly aware that many L.A. policemen are bullies intent upon brutalizing a certain class of society, unwilling to do the job for which they were hired, cowardly in the face of danger.

In the long run, the Rodney King beating, the trial of the offending officers, and the riots that the verdict touched off may result in changes in the role of the police. Perhaps, at long last, Americans will outgrow their infatuation with TV cops and demand that police actually do their duty, that they live up to the slogan painted on the side of the Los Angeles Police Department's cars:

"To serve and protect." □

Beyond the clichés — I'm sure that everyone has found his or her own treasures of absurdity in the media aftermath of the L.A. riots.

My own favorites include the bland statements of police apologists about the inability of roving gangs of cops to protect themselves from motorists, short of surrounding those motorists and beating them to the pavement, and the equally bland statements of liberal pundits, blaming the riots on the supposed discontinuance of Great Society programs during recent Republican administrations — programs on which, of course, Republicans, like Democrats, have spent hundreds of billions of dollars.

There's a refreshing simplicity about seeing people just face the facts and lie about them.

What disturbs me is the murky stuff now flowing from editorial pages and television speakers and other sources of "think pieces" in which simple political disasters get transformed into metaphysical dilemmas. "Are we one nation — or two?"; "Is this is the testing time of the democratic spirit?"; "What is this sickness lurking in the American soul?"; "Breakdown in the moral order: why and wherefore?"

I like metaphysical questions as well as the next person — better, probably — but this sort of thing can be pretty easily hosed off our national sidewalk.

Create a voucher system for education, so that poor children aren't socialized in the monopoly schools of the state; legalize drugs, taking the business glamor and immense profits away from the low-lives and allowing the government to release more than half the inmates of its "correctional institutions"; eliminate the onerous taxes and license fees and "health" codes and "disabled persons access provisions" and zoning restrictions and all the rest of the legal barriers that prevent anyone but people with well-fed lawyers from starting their own business; stop using welfare to encourage single-parent families; repeal the minimum wage; find some cops who care about protecting private property more than protecting their egos; stop sending up literal and metaphorical space shuttles, and return the funds saved directly to the taxpayers: do these things, and the metaphysical problems that trouble the American spirit will shrink to quite manageable proportions.

You don't *want* to do these things? Now *that's* a problem worth pondering.

— Stephen Cox

The Fist Inside the Glove

by John Hospers

Not very many blocks down the hill from where I sit, buildings are burning in Hollywood, and the television screen shows crowds of looters breaking into stores, stealing what they want, and even bowing before the camera as they emerge from the store carrying the loot.

The television commentators meanwhile are outdoing one another with endless repetitiveness, making remarks about the affair, and interviewing various people involved in it. But there are some questions I would like to see put to them which nobody asks, and assumptions made which nobody appears to question.

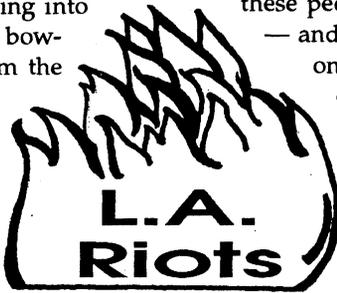
Almost no one suggests that there might possibly be something wrong with taking other people's property and appropriating it for oneself. One roving interviewer did ask some such question to a middle-aged housewife who was making off with a new VCR while her small children looked on, and she replied simply, "It ain't stealing." (The reporter didn't ask the lady what she thought it was.)

Among those interviewed were social workers and ministers in the black churches; not one of them ever referred to this activity, displayed on the screen hour after hour, as stealing. When one referee on a radio program did refer to "looters," a caller responded with indignation, "They're not looters, they're your mother, your grandmother, your brother, the hungry family next door." The possibility that they might be your grandmother etc. and

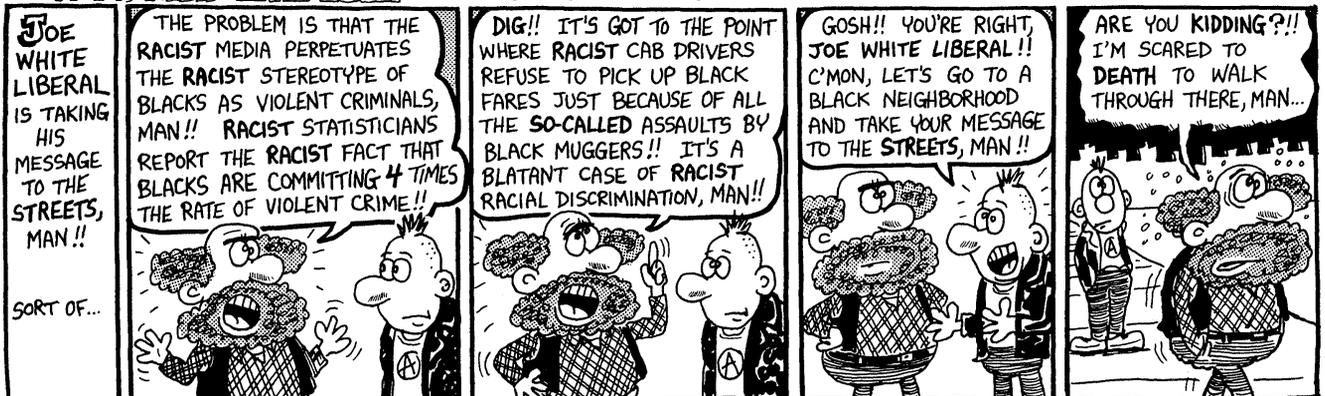
looters did not seem to occur to either the caller or the talk-show referee. Did the referee really think that all these people were really taking what belonged to them — and would he have referred to the TV sets and so on as "their own property" if asked 24 hours earlier? (In fact, as store-owners later testified, the first things the mobs took were not foods but liquor and cigarettes.)

The work of the looters was quite professional: a store would be ransacked and then torched at once, so efficiently that by the time the firemen with their police escort arrived, the building was past saving. Was no inquiry ever made as to the identity of these arsonists? Nobody I heard on TV or radio ever asked about this, nor did they show any curiosity about it; it was as if the fires were set by dark mysterious forces or impersonal powers, "acts of God" rather than acts of men. We heard a lot about the rioting's victims, but when there are a lot of victims don't there have to be *some* agents? (The idea that nobody knows who these agents are is about as plausible as saying that no Germans knew anything about the Nazi death camps, from one end of Germany to the other.)

Nobody seemed to exhibit any insight into how the situation could be resolved. Everyone calls for jobs, but there is no more appreciation among journalists than among the ghetto residents of the simple facts of economics — that enduring jobs can be created only on a free market, that nobody can have wealth if the wealth-creators are destroyed,



TWISTED IMAGE by Ace Backwords ©1992



that people will not take risks if they will only be bankrupted for taking them. The "new government programs" are supposed to deliver jobs, but who is going to provide these jobs, and who is going to pay the wages? Not once, in all the talk about solutions, was there any recognition of the dependence of jobs on job-creators. The "jobs" were a kind of floating abstraction, existing out there somewhere. All we have to do is command them and they'll be there for us.

And if the added welfare and the jobs are not provided, what then? "Then you haven't seen nothing yet," said one

of the gang members interviewed. Then we'll riot again, then we'll burn down the whole city. (One wonders what would happen during a *real* depression, with twice the unemployment that exists today.) And thus, in the midst of a crisis that was supposed to elicit sympathy, comes the undercurrent of threat, of blackmail: If you don't do what we want, we'll destroy you. More government billions spent, we'll still destroy you if we don't like what we see. And thus, from under the velvet glove, comes the iron fist. Thus far, that is what emerges from the riots. □

Those who lose, those who gain — First, some rather unoriginal observations. The Los Angeles poor have some legitimate grievances. But the L.A. riots were not so much a protest as a looting spree. Those who gained most from the chaos (new clothes, food, liquor, cigarettes, VCRs, appliances, and stories to tell the great-grandchildren) and those who had the most reason to protest were probably, for the most part, not the same people. Persons A, B, and C had cause to protest, but persons X, Y, and Z stole the moment, and used it for their own illicit gain.

As such, the revolt is a pretty good paradigm for redistributive politics in this country at this time.

People act as individuals, even when rights are granted to them as a group. Almost invariably, those members of the group who were the best-positioned and strongest to begin with will receive the benefits aimed at their weaker brothers and sisters. So, for example, the primary beneficiaries of "affirmative" action programs meant to improve the status of American blacks are the blacks who need the help the least; their fellow African Americans will be assisted very little, if indeed their position does not grow worse. If a job must be given to a person of color, the middle-class black with the most training and experience will get it. (And the whites who lose out will usually be lower-middle-class laborers — *not* the wealthy white beneficiaries of past racism, who may well be administering the program.)

Here's another example, a bit closer to my experience. I've participated in a number of organizations whose meetings were dominated by men and only a handful of women. In order to make it easier for women to participate, some of these groups imposed rules that gave women speaking privileges (not allowing two men to talk in a row, for example). The result: the aforementioned handful of women used these privileges to the hilt, the other females by and large stayed quiet, and the meeker men were shat on at every opportunity.

In L.A., relatively well-off minorities — and white people — happily looted stores belonging to not particularly well-off small entrepreneurs. "Justice," welfare-state-style.

— Jesse Walker

Final verdicts — So far as the events in Los Angeles included demonstrations (and not just mayhem, vandal-

ism, arson, and stealing), what specific redress of grievances were the demonstrators seeking, and of whom? Did they want the jury's verdict reversed, and if so, how and by what authority? Do the demonstrators want jury trial (and its expense) bypassed in cases whose desired outcomes are already clear in public opinion? Do they want to institute something like the people's courts of Nazi Germany to decide cases in conformity with approved national sentiment? Our legal system can sometimes reach wrong verdicts, and when I am in an arrogant enough mood to think that casually following the media makes me better-informed than the jurors who gave the case many weeks of concentrated attention, I agree that the King case was one of those in which error prevailed. But what reform of the system are the critics suggesting? Mayor Bradley and President Bush were hardly contributing to sound public discussion — instead, they were behaving irresponsibly — when they went on television to expose their personal pique at the verdict.

The media and the intellectuals have become too respectful of ill-focused demonstrations. Examples occur when picketers on both sides of the abortion issue try to sway Supreme Court decisions or when students at my alma mater seize any convenient issue to advertise that they are politically more correct than the college administration. (Martin Luther King's Montgomery bus boycott and other aspects of the civil-rights movement were examples, in contrast, of well-focused protests.) Demonstrations are particularly reprehensible, in my view, when the participants interpose their bodies to block access to abortion clinics or government offices or the sites of activities they deem ecologically harmful. Committing physical obstruction and threatening physical violence, impeding traffic, harassing pedestrians, and even mindlessly chanting slogans are the opposite of the actual discussion of public issues that can deserve respect.

— Leland B. Yeager

The anti-riot president — George Bush had an interesting response to the Los Angeles riots: "Wanton destruction of life and property is never a legitimate expression of outrage." Outraged wanton destruction of Panamanian or Iraqi life and property is, presumably, excepted from this otherwise hardfast rule.

— Jesse Walker

Phil, Bryant, and the Brothers

by Karl Hess

Taking his place alongside Darryl Gates as the most obnoxious public figure to be associated with the Los Angeles riots is television talk show host Phil Donahue. I say "associated with" because, should there be another riot, as the chorus of the outraged keeps threatening, Donahue will have contributed powerfully to the mood of justification that will have encouraged it.

Phil Donahue is a constant and conscious offender against honesty, integrity, and good character. Rather than probing for underlying causes from his mighty, privileged position in the media, he is the foremost popular apologist for all those who cannot share his huge hunk of the American pie. He is the ultimate guilty liberal, indignant about everything that goes on in the world beyond his own coddled, rich lifestyle enclave.

In his prime performance, after the riot, he had as guests two African Americans who seem to be making the rounds telling guilty Euro-American liberal interviewers that if they don't get off their asses and "do something," the fires will rage again. The star of the show, the one to whom Donahue virtually genuflected with every softball question, was the inelegantly but appropriately named Li'l Monster. He is 26, married, and the father of a two-year-old son; he lives in a garden apartment, and is a member of a gang called the Eight Tray Crips.

In the corner of his left eye is a small teardrop, a badge indicating that he has either killed someone or gone to prison. On television he is shy about which. Police records are not so coy: he has done both. Indeed, he has been so noticeable in his criminal career that people locally have given him the honorific title O.G., for "Original Gangster."

Now, however, he has discovered what more traditional politicians have known for ages: you can get away with more murder as a statesman than as a lone felon. He has maneuvered himself into the middle of the apparently epic if tentative truce between the two major Los Angeles street gangs — oops, *neighborhood associations* — the Crips and the Bloods. One Christian minister has anointed him the virtual crux of the truce in which the two gangs will try to dominate their areas through media exposure and political clout, methods far more effective than the occasional drive-by shooting.

Li'l Monster, now said to be looking for an office to house his rise to power, wants 800 numbers in all of the area's phone booths, and a computer system with which to "network" with any gang members who want to participate in

the new détente.

Despite his new image as a man of peace, Monster feels that the rioting in Los Angeles was justified and even noble in aspiration. He told an interviewer: "What this Rodney King verdict laid down was a revolution. When I say revolution, all you right-wing conservatives get afraid. The fact of the matter is revolution means nothing but change." (See? Nothing to worry about.)

Meanwhile, our host, aroused almost orgasmically by the gangster's delightful threats, bows, scrapes, fawns, condescends, and grimaces with pain as "the brothers" (not *his* brothers, just *the* brothers) give him the chance to accept, with masochistic frisson, all the guilt the Aldas and Asners have left up for grabs. Donahue seizes every grain of guilt like a coke-head sniffing up the good stuff.

Writhing in the Iron Maiden of his tortured sensitivity, he reminds the gang members with a telling smirk that *some* white people have this or that different view. His lap-dog audience quickly dismisses all these heretical, "racist" notions.

In the midst of this, one poor African American, a sad token in this Oberammergau of passion and prejudice, kept trying to say that people, as individuals, are responsible for their actions, and that no social action that does not demand this can quell the flames.

Hah! An Uncle Tom! The brothers are outraged.

Then there were several Koreans who got just a few words in edgewise. They come from oppressions even more ancient and lethal than the American slave experience, they said. They did not come to this country with wealth, but with energy and ambition. They were not privileged with special bank loans. They pooled funds with family and friends.

What is behind this obvious aberration? A conspiracy! As one of the brothers explained, there is a conspiracy in this country to keep African Americans oppressed, indigent, drunk, addicted, malnourished, and undereducated. And the Koreans play a central role in this, because they own so many liquor stores.

Paging Bill Cosby! Which Korean-owned liquor store does he abjectly and obediently patronize for reasons beyond his control?

Ordinarily, Bryant Gumbel stands in striking contrast to Phil Donahue. Bright, witty, and well-informed, Gumbel's probing questions and refusal to be awed by eminence make him one of the best interviewers on television. I really thought he might steer clear of the nonsense that infected the other network newshawks.



I guess I've come to expect too much from this ex-sports-caster. This time, he failed me completely. He may have avoided the loud lamentations and pretentious posturings of Mr Donahue, but he emitted a conscience-deafening silence that was in many ways just as bad.

Gumbel brought onto his program a young rap "artist" by the name of Sister Souljah (born Lisa Williamson). This young woman, speaking from a position in the upper ranks of economic privilege, is famed for a song that declares, "Souljah was not born to make white people comfortable. I am African first. I am black first. I want what's good for me and my people first. And if my survival means your total destruction, then so be it. You built this wicked system. They say two wrongs don't mean a right, but it damn sure makes it even." Doesn't that mean "kill honkies"? Isn't that roughly what Darryl the Hun has been teaching the LAPD about "niggers"?

This same young woman had been trotted out on NBC just a few days earlier to give what-for to the honky social sci-

entist, my neighbor, Charles Murray. It saddened him that one so young could be so filled with hate for a system that had rewarded her more richly than Mozart — who, also oppressed, died in poverty and never lived as comfortably as the current tribulation of rap artists do today.

But then, who am I, a Euro-American, to dare suggest that Mozart was all that good? Mea Culpa, mea culpa — I suppose I must take myself to The God Donahue, whip myself mercilessly, fall before him and humbly ask his Divine Pardon.

To a *Washington Post* writer who ominously described her appearances on television as a "wake-up call," she explained her characterization of the riot as "wise" by saying: "I mean, if black people kill black people every day, why not have a week and kill white people? You understand what I'm saying?"

Yes, Sister, we certainly do — and so, sadly, do the young people who are making you rich while many of them live in poverty and dream of your promised revolution and the fire next time. □

"Dumb," dumber, dumbest — The dumbest analysis of the L.A. riots wasn't Dan Quayle's Murphy Brown remark, despite the fun television comics had with it. People are influenced by the art that entertains them; what happens on sitcoms is relevant to what happens to people. The notion that one of the underlying conditions that gave rise to the riots was the breakdown of the family and that Murphy Brown's decision to raise a child with no father didn't help the situation any may be debatable, but it isn't dumb.

For real dumbness, we have to look to other Republicans.

The runner-up award goes to "Sonny" Bono, formerly the honorable mayor of Palm Springs, currently Republican candidate for the U.S. Senate, who observed, "The riots were the result of years of frustration. They have said it over and over, 'We're frustrated, we're frustrated, we're frustrated.'"

The award goes to John Seymour, the Honorable Senator from California, who said, "This is the Watts Riot II, so to speak, only much more challenging." —R.W. Bradford

Social physics — Boiling points: L.A. police officers let off a little steam every now and then, and beat up on blacks, Hispanics, and the occasional white guy. Black, Hispanic and white citizens let off a little steam now and then, and beat up on each other. But the Rodney King beating was taped, and the public viewing of this tape set the bounds of a pressure cooker. The trial put the affair on slow boil. The verdict was supposed to release the pressure. But it was the wrong verdict, and merely sealed the cauldron. With the riots, the thing exploded.

All of which goes to show how little understanding of the idea of justice, rough or refined, hotheads exhibit. Rough justice would have had the riots attack directly the cops, or the Simi Valley jurors. But the crowds know not reason, the mob knows justice only for its lack. When the philosophy of "just let off a little steam" permeates a culture, innocents get scalded.

Elementary physics. —Timothy Virkkala

Great Society, great riots — After the Los Angeles riots, a great hubbub erupted over whether the mayhem demonstrated the failure of the Great Society antipover-

ty programs. Some Republicans suggested this, but, as usual, meekly backed off as soon as the Democrats took mock offense at the aspersions cast upon Saint Lyndon. Bill Clinton said it was just like the Republicans to look for someone to blame — and then blamed the riots on twelve years of Reagan/Bush "denial and neglect."

Joseph A. Califano, Jr., who was an aide to President Johnson and thus has a vested interest in the matter, dismissed the criticism, arguing that "these programs gave hope to people in difficult situations." That is actually part of the Great Society critique: the programs created expectations that could never be fulfilled, setting up America's inner-city poor for great despair. Califano, now reaching for anything resembling a refutation of the criticism, showed how silly an intelligent man can be by saying, "Most of the kids on the streets [of L.A.] are very young, they weren't around during the Great Society." —Sheldon L. Richman

Sgt Koon, sensitive guy — Less than two weeks after the riots, one of the officers who beat Rodney King circulated the manuscript of a book in which he told of shooting a black man. "Although he was a light-skinned black, his skin began to take on the gray pallor of death," recalled Sgt Stacey Koon. As other officers gathered around, one asked Koon whether he thought the man would die. "No way! You or I, we'd die, but not a Negro. They're too dumb to go into shock." He described his feelings about the shooting: "It was a high."

Koon recalled his reaction to learning that the beating of Rodney King had been videotaped: "Great! I was to star in an actual in-field incident, a classic use of force . . . I had become a celebrity." Actually, Koon wrote, he was already something of a celebrity among police because an earlier episode had been recorded on tape and been immortalized by use as a training film for Los Angeles cops. In this episode, he had kicked a Hispanic suspect in the groin — or as he put it: "My boot came from the area of lower California and connected with the suspect's scrotum about lower Missouri. My boot stopped about Ohio, but the suspect's testicles continued into upper Maine."

Koon explained that he is not a racist and does not condone police brutality. —R. W. Bradford

Pandering to the Mob

by David Horowitz

During the riots in Los Angeles, one columnist for a local paper confronted a family dilemma: How to explain the events to his eleven-year-old daughter. "Our problem in dealing with [the events] was how to counter — or explain — scenes that reinforced stereotypes of blacks that are already prevalent in American life. . . . Here, after all, were people breaking windows and stealing property, beating a helpless truck driver senseless, dancing around fires, taunting the police, boasting of their actions to TV reporters and otherwise behaving in ways that a well-brought-up, middle-class child of eleven is trained to avoid at all costs." And then the dilemma: "We could try to explain things sociologically ('poverty makes people do things they would not otherwise do and you have to understand their hunger for things they cannot afford') but it doesn't have much effect on children for whom poverty and hunger are unknown experiences."

This is certainly the response of some well-meaning liberals. But it is morally corrupt, sociologically wrong, and also dangerous. In the first place, it is an insult to poor people and, in this case, black people, the vast majority of whom — eighty or ninety percent — do not (and in this instance did not) respond to poverty and deprivation by looting, brutalizing, murdering, and burning down the neighborhood. Forty percent of the rioters arrested had criminal records before embarking on this particular outrage that took place in Los Angeles. The others who looted and destroyed were a tiny minority of the citizenry of South Central. The vast majority of South Central did exactly what the rest of Los Angeles did: cowered in their homes watching their TV sets and wondering if there would be enough police with enough firepower to protect them and their homes.

It is this fear of mayhem that is, in fact, the core reason why South Central is a depressed area. It is too dangerous to open businesses there. It is dangerous even to go to school. The most positive steps that could be taken, in the wake of these riots, to make South Central a viable community would be steps that would increase the safety and security of its law-abiding majority, of its potential entrepreneurs and of its citizens who want to work. Strengthen law enforcement; disarm the criminals. This is perfectly feasible, but is not likely to happen if the official response to the riot

is to "understand" violence and theft as the inevitable expressions of people who have been denied something that others — for whatever reasons — have not.

To "understand" the criminal behavior on display in South Central during the Los Angeles riot is the first step to forgiving it. Worse, it is a step on the way to encouraging any such outburst as a necessary means to "wake up" society, meaning the insensitive rest of us; it is to interpret an attack on hard-working and low-abiding citizens as a "cry of despair" rather than to see it for what it actually is: an assault on civilized order, and, therefore, a threat to the future of

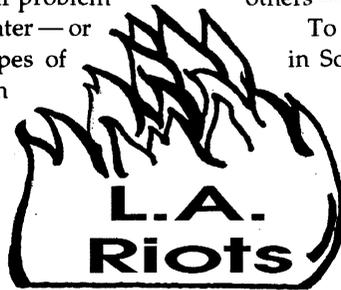
all. Such "understanding" is neither compassionate nor progressive. It is nothing more than an incitement to the next riot. And the next.

The same must be said for the "political" slogan that started the violence, *No justice, no peace*. This was heard most recently — and most ludicrously — at the "Save our Cities" rally in Washington, D.C., where it issued from the lips of Congresswoman Maxine Waters (from whom it has been heard more than once). *No justice, no peace* is nothing less than a call to criminal anarchy.

Of course, Congresswoman Waters is hardly unique in her zeal to legitimize criminality as justified rebellion. While the fires were burning, actor James Edward Olmos told innumerable television audiences that the riot reminded him of the Boston Tea Party and was nothing less than "a cry of the people." In the midst of the outrages, Princeton Professor Cornel West described the mayhem as a "rebellion," a description that has since become politically correct in circles where such niceties are observed.

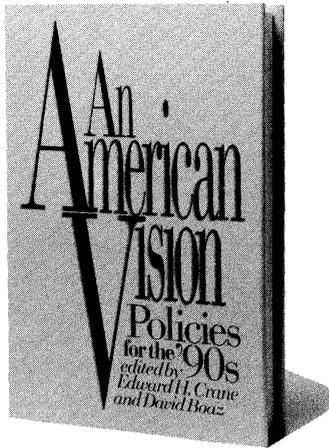
Meanwhile, the *L.A. Times* and other papers have featured articles describing the "Path to Recovery" with gems like this: "We must abandon the LAPD's unwinnable 'war on gangs' and offer gang youth a legitimate podium to explain their proposals for social reconstruction." Sure. And why not poll Charles Manson for his ideas too?

Why is it that well-meaning citizens can find in their hearts compassion and understanding for murderers and criminals, who would as soon cut their throats as share the time of day, yet apparently none for the vast majority of the law-abiding inhabitants of South Central who normally live under a reign of terror whose brutalities were on display for all to witness during the Los Angeles events? □



// The high-beta think tank of the '90s will be the free-market libertarians at the Cato Institute. //

— Lawrence Kudlow, "Money Politics," March 25, 1990



Since its founding in 1977, the Cato Institute has been in the forefront of the growing worldwide movement toward political and economic liberty. Through its studies and conferences, the Institute seeks to develop policy options consistent with the traditional American values of individual liberty, peaceful relations among nations, and capitalism.

Recent Cato studies have dealt with rent control and homelessness, educational choice, protectionism, the economic benefits of immigration, privatization of the Postal Service, the cost and obsolescence of NATO, South Africa's anti-capitalist policies, farm subsidies, and federal spending restraint.

The Cato Institute accepts no government funding and depends on the support of foundations, corporations, and individuals. We invite you to join the Cato Sponsors Program and help the Cato Institute offer intelligent free-market alternatives to the status quo.

Benefactors (\$2,500) receive all Cato publications and invitations to all major events, including the annual Benefactor Summit.

Patrons (\$1,000) receive all Cato publications and invitations to major events.

Sustaining Sponsors (\$250) receive all Policy Analysis studies, *Regulation* magazine, and *Cato Policy Report*.

Regular Sponsors (\$100) receive all Policy Analysis studies and *Cato Policy Report*.

Introductory Sponsors (\$50) receive *Cato Policy Report*.

Every new Cato Sponsor will receive a free copy of *An American Vision*, which the *Washington Post* called "a new book aimed at policy makers and calling for the most radical reduction of U.S. government activities at home and abroad yet suggested by any serious policy organization."

"The Cato Institute continues to produce a steady stream of thought-provoking reports challenging big government and all its works."

— Milton Friedman

"This uninhibited upstart of a research group has managed to generate more activity across a wider political spectrum than some of its more sedate competitors with much larger budgets."

— *New York Times*

CATO SPONSOR ENROLLMENT FORM

Please enroll me as a Cato Sponsor at the following level of support:

Benefactor (\$2,500) Patron (\$1,000) Sustaining (\$250)

Regular (\$100) Introductory (\$50)

Please send me information on corporate/foundation support.

My check is enclosed (payable to Cato Institute).

Charge my VISA MasterCard

Account # _____

Signature _____

Name _____

Address _____

City _____

State _____

Zip _____

CATO
INSTITUTE

224 Second Street S.E., Washington, D.C. 20003 (202) 546-0200 Fax (202) 546-0728

The Anti-Politics of H. Ross Perot

by Chester Alan Arthur

In politics, bogus character usually beats real character. But what happens when a real character enters the race?

Why is it that the Presidency attracts such lowlifes? Look at the sorry group of people who are running. What do you see?

The incumbent is a man who is no more capable of resisting the impulse to break a promise than a dog can resist a fire hydrant, and who is so remote from common human morality that he simply cannot fathom why anyone would be upset with him for breaking his word.

The nomination of the opposition party is captured by a man who systematically misrepresented his past (his method of evading the draft, his experience with marijuana, his extramarital affairs) and who quickly abandoned his stated principles and cozied up to special-interest groups right and left.

This situation is not explained by Acton's axiom that "power corrupts, absolute power corrupts absolutely." These are not good men gone wrong. These are not men with a tragic flaw, men corrupted by the power of the presidency. These men chose careers in politics *because it is corrupt*. These are men without dignity, without integrity, without self-respect, without honor. These are men you would not want over to your house for dinner.

If there ever was a year that an outsider can be elected president, 1992 is that year. There is a convergence of

anti-incumbent and anti-politician factors that seems almost supernatural in character. Consider:

1. The U.S. is suffering from a serious economic recession. People are out of work, incomes are down, real estate values are slumping.

2. The U.S. economy has been in decline for many years, beginning long before the recession. The technologies and industries that enabled the U.S. to become the richest nation on Earth are virtually all in decline. Who in their right mind thinks U.S. cars are as good as German or Japanese cars?

When's the last time you saw an American-made television or VCR? American firms have even lost the domestic market for basic commodities like steel, clinging onto

minor parts of the market by getting the government to restrict imports.

3. The Presidency is occupied by a bumbler who is practically incapable of saying a complete grammatical sentence unless it is prepared for him by his speechwriter.

4. Congress has been unable to provide even a hint of leadership. The Democrats have run both houses of Congress for all but six of the past 38 years. During this entire period they haven't come up with a single new idea. They have held onto power by delivering pork to their constituents, kissing babies, and sucking up to powerful lobbies and interest groups.

5. Congress has further embarrassed itself by its own internal corrup-

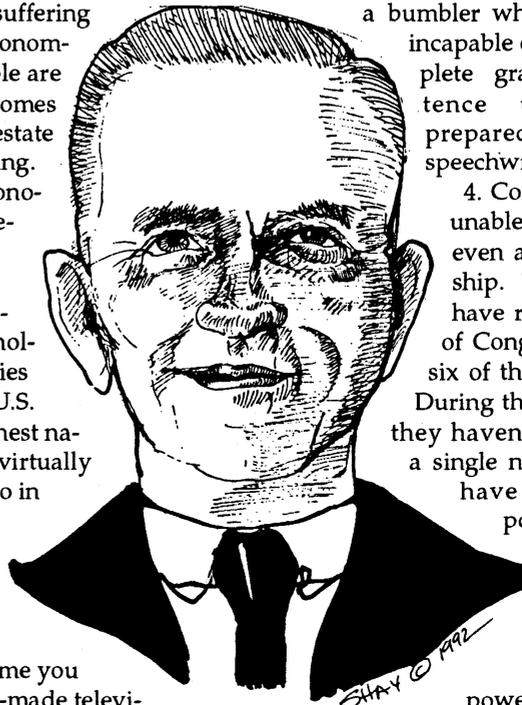


Illustration by Shay Martone

tion. Congresspeople enjoy a life of privilege that other Americans cannot even hope for, and that most believe to be actually immoral. The idea that Congresspeople should enjoy the services of cut-rate hair salons subsidized by taxpayers is simply repulsive. The House Bank scandal was the final straw.

The disgust with politics as usual was evident in the 1990 elections, when the Libertarian Party candidates suddenly found their vote totals doubling and tripling from past elections, despite running campaigns with less energy and funding than in the past.

Americans are fed up with politi-

At a time when most Americans are fed up with the corruption of a check-bouncing Congress and a duplicitous president, Perot promises something different. Decency, honesty, leadership.

cians. They want something else. They want an anti-politician.

Descending onto this stage, as if carried on a cloud from heaven, is H. Ross Perot, the straight-talking Texas billionaire best known for rescuing two of his employees held prisoner in revolutionary Iran.

The contrast between Perot and the demented Bush and the sleazy Clinton is real and apparent to all. Where his opponents have spent a lifetime working in government, Perot has spent a lifetime in business. Where his opponents offer us the same old party politics, Perot offers us politics of management and leadership. Where his opponents frighten us with their evasions, mendacity, and "spin-doctoring," Perot talks straight: "There won't be any speechwriters or any handlers. There won't be any cosmeticians. I'm not going to get all that phony stuff. There will be no fund-raising dinners where for an extra thousand bucks you get your picture taken with me."

So it's not surprising that Perot has moved to the top of the polls. At a time

when most Americans are fed up with the corruption of a check-bouncing Congress and a duplicitous president, Perot promises something different. Decency, honesty, leadership.

Perot is a salesman, and realizes that the surest way to make a sale is to sell himself, rather than his product. That is, to convince the customer that he understands the customer's problems and has mastered the means of solving them. As soon as the customer has confidence in the salesman, the sale is made.

This puts Perot ahead of the other candidates, who have never fully realized that most people vote for a man, not a party, an ideology, or an agenda. The normal road to success in American politics is navigated by building party contacts, pasting together positions on issues in a way that will ingratiate oneself to various elements of the electorate and potential campaign donors, honing the skills of political campaigning, hiring the right ad agencies and handlers, and avoiding blatant moral turpitude. The successful politician slowly rises through the ranks of government, looking out for the interests of his donors, constituents and allies, seeking higher and higher positions.

The public's appreciation of his character, of his ability, of his intelligence is a relatively minor concern. His handlers see to it that he has photo opportunities that enable him to project positive qualities, and his television spots are carefully crafted along similar lines. But these are mere afterthoughts. And they don't fool very many voters. Sure, incumbents get re-elected time and time again. But this is more the result of voters' natural fear of the unknown (a new congressperson), voters' appreciation of his congressperson's ability to deliver specific benefits, and voters' appreciation of the fact that the challenger is fundamentally the same.

So while other politicians are putting together an agenda designed to please certain constituencies, Perot is largely ignoring most such issues. While other politicians are busy doing politician work, Perot is busy grooming his image with the voters.

His "I'll-run-for-president-and-finance-my-own-campaign-with-\$100-million-if-you-American-people-will-put-me-on-the-ballot-in-all-50 states"

pitch to the voters is brilliant. In one bold stroke, he has energized volunteers to get to work doing one of the most difficult and expensive tasks of any political campaign, at the same time portraying himself as a reluctant candidate, drawn into the race by the demands of the public, while allowing him maximum credibility and publicity and running a campaign at practically no cost to himself.

In his carefully selected speeches and interviews, Perot projects himself as a straight-talking, honest, decent, "can-do" man who can provide real leadership. He answers questions in the finest pithy style appropriate for television sound bites, all the while denouncing sound-bite answers. There is none of the obvious evasiveness of conventional politicians, none of the rapid eye movement as the candidate tries to figure an answer that will maximize his votes. He affects the manner of a straight-talking man: he looks his interviewer in the eye, he bristles with indignation at imagined insults, he responds tartly and quickly.

Of course, his answers are frequently bereft of content. He is perfectly willing to say that he doesn't know what to do about a certain problem, reminding

Perot is a salesman, and realizes that the surest way to make a sale is to sell himself, rather than his product.

his questioner that he will assemble a team and study the problem and is confident he can come up with the best answer. In an age when the public is accustomed to evasion, this comes across as refreshing frankness.

While politicians and political analysts are busy digging into Perot's background for dirt and chiding him for having insufficiently detailed stands on "the issues," Perot continues to gain support. His appeal is not that of a politician, but that of an anti-politician. His support comes from people in all walks of life and both political parties, but his volunteers are overwhelmingly people

not normally very involved in politics, with an extraordinarily high percentage of small businessmen.

When the American voter of 1992 looks at Perot he likes what he sees.

The fact that Perot can't detail how he will solve the problem of acid rain and is vague about how he will make America competitive in the world doesn't bother the typical voter. Issues like these are complicated and hard to figure out. But character and intelli-

Perot answers questions in the finest pithy style appropriate for television sound bites, all the while denouncing sound-bite answers.

gence are easy to recognize. Perot is smart, he's honest, he talks straight.

Bush is dumb, and fairly honest as politicians go; that is to say, he doesn't steal everything he can lay his hands on, but talks like Professor Irwin Corey or one's senile grandparent. Clinton is smart as politicians go (i.e. he is crafty and skillfully evasive), is dishonest, and talks like a snake-oil salesman.

This is the first mistake most politicians and pundits make about Perot. Failing to understand his appeal, their attacks on him actually endear him to voters by proving him to be a genuine independent and a threat to politics as usual.

They make another critical mistake when they assume that he will fade as the campaign wears on, as John Anderson faded in the 1980 campaign. They ignore the fact that, unlike Perot, Anderson was a politician. As the 1980 campaign wore on, Americans gradually came to realize that Anderson was just another vote-sucker, glorying in the limelight, lusting after power.

More importantly, they ignore the fact that Perot has one advantage that no modern presidential candidate has had: a personal fortune sufficient that he can spend \$100 million of his own money on his campaign. That is substantially more than the Democrats or Republicans can spend.

And that cash will come in handy

when Perot begins to feel the impact of the impediments against independent candidates erected by the major parties. For the past century, third-party and independent candidates have started with high hopes and good prospects, only to find their campaigns mired in such problems as gathering signatures to get on the ballot, complying with regulations about fundraising, trying to build a campaign infrastructure, etc. These impediments haven't amounted to an insurmountable barrier to the campaigns. They have been more like a huge field of gooey mud in which the campaign armies must march while under enemy fire. The campaigns survive, but only at terrific expense. In the end, they emerge with a much slower gait. By the time the general election comes around, they are low on cash, unable to buy advertising, unable to impress the media.

But Perot's money will spare him these problems. He doesn't have to build a campaign infrastructure: he can simply rely on his business staff. He doesn't have to worry about ballot access: if the enthusiasm of his volunteers proves inadequate, he can spend a few million buying signatures from professional signature-gatherers. He doesn't have to raise funds: he can simply write a check.

A True Likeness

Like any political writer, I responded to Perot's rise in the polls by looking into his background, pouring over voluminous press clippings, studying Todd Mason's excellent biography of him, watching his performance in interviews.

The portrait of Perot that emerges is similar in many ways to the public persona he has so carefully crafted. Perot is extremely intelligent, a "leader of men," and a successful entrepreneur, who loves competition and hates losing. He is, in a general way, morally upright.

He first became famous by becoming rich, and he became rich by taking on computer giant IBM with a firm consisting of men recruited mostly from the military, and inspiring those men to fanatical devotion to the work at hand.

He stayed famous by his quixotic attempts to free American POWs in Vietnam, his massive campaign to re-

form Texas public schools, his command of the Texas War on Drugs, and his engineering of the escape of two of his firm's executives from revolutionary Iran.

Perot is also self-righteous, egomaniacal, insensitive to others, and ambitious for power. His morality has slipped once or twice when his own money was on the table, but he has generally discovered, to his delight, that the policies that are right for his nation are also profitable for H. Ross Perot.

In searching for the political leader Perot most resembles, one is tempted to point to Winston Churchill or Adolph Hitler, men of similar ability to inspire others, similar self-righteousness, similar intelligence and self-confidence, similar mastery of political imagery. But these comparisons fall short on one very big score: Churchill and Hitler were fundamentally politicians. Hitler failed at every other human activity. Churchill succeeded as a propagandistic news reporter, but that was only a prelude to his life's work as a politician.

Perot, as everyone knows, is an extremely successful businessman. By virtue of his intelligence, his pluck and

Failing to understand his appeal, pundits' attacks on him actually endear him to voters by proving him to be a genuine independent and a threat to politics as usual.

some very good luck, Perot rose from modest beginnings to be one of the world's richest men. His quest for the Presidency is from outside the world of politics.

The political figure most like Perot, it seems to me, is Alberto Fujimori of Peru. A successful businessman, Fujimori turned to politics and found success as an outsider in a nation fed up with politics as usual. His policies seem a bit murky, but his personal morality shines in brilliant contrast to the usual slime that the rewards of public life in Peru attracts. Whether Perot will win

continued on page 32

Panegyric

Remembering Roy Childs

by George H. Smith

It has been nearly thirty hours since Andrea Rich called me with the terrible news: Roy Childs had just died in a Florida hospital, apparently from respiratory failure. I am pleased to write this tribute, a welcome relief from my tears.

Roy and I were close friends for twenty-one years; over the past six years, we talked on the phone virtually every day. He used to say that I knew him better than anyone else. That was a great compliment, for I loved the man dearly.

How does one explain Roy Childs? I am tempted to answer: For friends no explanation is necessary, for strangers no explanation is possible. Roy was a *presence* — physical, intellectual, and emotional. To meet him once was to remember him forever. Roy was an army of raw emotions which, as they careened and collided in his immense frame, were refined by a powerful intellect, expressed with a rich voice and tempered with a wry sense of humor. It is difficult even to imagine a skinny Roy Childs; everything about him was bigger than life.

It is also difficult to imagine the libertarian movement without Roy Childs. He was a colossus who profoundly influenced the early movement. Those who know of Roy only through his book reviews should read some of his early work on anarchism and political theory. Those articles reveal a mind of astonishing brilliance and depth, a mind fueled by a passion for ideas and a love of liberty.

Aside from his original contributions, Roy played a crucial role in the early movement. He disseminated and popularized the anarchistic ideas of

Murray Rothbard, thereby giving libertarians a much-needed radical alternative to the more conservative views of Ayn Rand. The conflict and competition between those two paradigms, the Randian and the Rothbardian, excited many young libertarians and inspired them to explore new frontiers in libertarian theory.

There was yet another area where Roy played a crucial role, one he was especially proud of. Through his articles and reviews, Roy introduced a predominantly Objectivist audience to a broader philosophical framework, most notably to works by Aristotelian philosophers on epistemology and ethics. Those books provided valuable intellectual ammunition, and they helped to wean many young Objectivists from their cliquish, defensive attitudes.

J.S. Mill once said of Jeremy Bentham that he was a teacher of teachers. This was equally true of Roy, especially with me. During the early seventies, Roy told me repeatedly that I should branch out into fields other than philosophy. He complained (with characteristic tact) that I was “*tabula rasa*” when it came to history, and that philosophers who know nothing except philosophy are a social menace. (He believed the same was true of economists and other specialists.) Libertarianism would never progress without interdisciplinary scholars. Therefore, Roy asked rhetorically, why didn’t I become one? Did I want to remain a boy Objectivist for the rest of my life?

I took Roy’s advice to heart, and for the next eight years I devoted myself almost exclusively to history. Roy didn’t always give good advice, but when it was good, it was very good.

Those were exciting times, the early seventies, when Roy and I lived in the same Hollywood apartments. I was writing my book on atheism, and Roy was writing a remarkable series of articles on “Anarchism and Justice” (published in *The Individualist*). Here we were — two budding intellectuals with prima donna tendencies whose daily diet of discussion consisted of epistemology, psychology, politics, theories of sex, and much more.

Inflamed with the innocence and enthusiasm of youth, Roy and I haunted libraries and bookstores, attended lectures, gave lectures of our own, participated in debates on anarchism, religion, and free will, and bugged Nathaniel Branden. Roy seemed delighted when I called him “the fountainhead of libertarian gossip.” He quizzed everyone on the Rand-Branden split and had figured out the details of that scandal long before they became public knowledge.

We were flat broke during those years, but we didn’t seem to mind. Pleasures of the mind substituted for creature comforts. Roy was happy if he had enough money to go to the movies and buy an occasional classical record. We brought in some money by writing book reviews at twenty-five dollars a pop, which kept us in frozen dinners and soft drinks for a week. Roy’s biggest score came when he located a bookseller who had drastically underpriced a first edition presentation copy of *We the Living*, which Roy could resell for a handsome profit. But there was a problem: the dealer was thirty miles away, and Roy lacked transportation. Roy offered me twenty dollars if I would drive him on my motorcycle. So we piled aboard a 250cc “two banger” Yamaha and embarked on a sixty-mile journey along treacherous California freeways.

With Roy as my constant companion, I had a perpetual source of free entertainment. I often urged Roy to repeat his best routines for young fans, who would double-up with laughter as he acted out the role of a disturbed Donald Duck (complete with an authentic voice) who was doing “sentence completion” in group therapy. (“Mother was always . . . sitting on me. Mother was always . . . dunking me in water.”) Or Roy might deliver his famous speech

continued on page 37

Report

Serve the Children Well

by Stuart Reges

David and Ginger Twitchell don't believe in disease. The government does. Does it have the right to tell them how to treat their child — or to treat them as criminals if they turn out to be wrong?

Everyone agrees that on April 8, 1986, two-year-old Robin Twitchell died in his father's arms. The rest of the story is subject to debate. Most people accept the autopsy report that Robin Twitchell died of a bowel obstruction caused by a congenital birth defect. But because Robin's parents, David and Ginger Twitchell, are Christian Scientists, they would instead say that Robin was a perfect spiritual being — the "image and likeness," as the Bible says, of a perfect spiritual God — and as such, was not susceptible to bodily defects. Any manifestation of physical disease was therefore an "error" that could be corrected through prayer.

The government came down on the side of medicine. Because the Twitchells did not seek medical attention for Robin, they were indicted for manslaughter and tried by a jury of their peers.

Five years ago, Robin Twitchell came down with flu-like symptoms (fever and vomiting). Just as other parents might seek the advice and assistance of a doctor, the Twitchells sought the advice and assistance of a Christian Science "practitioner," a church member whose profession is to facilitate the spiritual healing process. Both the Twitchells and the practitioner claim that Robin had some ups and downs, and that he showed signs of recovery the day he died. They never believed that his illness was serious enough to cause death.

About eight months after their baby had died, the district attorney asked them to come in and discuss the incident. They did not hire a lawyer to advise them and answered all questions that were put to them. A year later they were indicted by a grand jury for manslaughter.

When they went on trial two years later, David Twitchell again agreed to answer all questions. The prosecution put great weight on what he saw as inconsistencies in David Twitchell's religious convictions. David testified that he had once sought the help of a dentist for a toothache that he couldn't cure through prayer and had allowed the dentist to administer novocaine. David also testified that if he had believed that his son's condition was seriously life-threatening, he would have sought medical care.

The Twitchells' account was disputed by neighbors who claimed to have heard the baby "moaning in pain" and by doctors who were convinced that the baby must have displayed extremely serious symptoms on the day he died, even though they weren't present

at the Twitchell residence and had never examined Robin Twitchell's body.

There is also disagreement about what would have happened if the Twitchells had turned to medicine. Prosecution witnesses claimed that the condition is easily diagnosed with an x-ray and correctible through surgery. Defense witnesses countered that the condition is often misdiagnosed and that surgery is not free of risk.

Potential jurors were asked about their religious beliefs and the prosecution managed to have barred from the jury anyone who claimed to believe in spiritual healing. In fact, the prosecution seemed to distrust all Protestants and managed to produce a jury composed almost entirely of Catholics and atheists. There has always been tension between Catholics and Christian Scientists, especially in Boston, the predominantly Roman Catholic home to the international headquarters of Christian Science. To Christian Scientists, the trial seemed like nothing more than a political attack by the Irish Catholic district attorney of Boston

against their church.

Curiously, the Twitchells were never charged with child abuse or neglect. Massachusetts, like forty-two other states and the federal government itself, has a special spiritual healing exemption in their child abuse/neglect law. The 1971 law says that a child is not the victim of neglect "for the sole reason that he is being provided remedial treatment by spiritual means alone in accordance with the tenets and practices of a recognized church." The

The trial seemed like nothing more than a political attack by the Irish Catholic district attorney of Boston against the Christian Science church.

Twitchells knew about this law and believed that it gave them the legal right to treat their children with prayer rather than medicine. The prosecuting attorney also knew about this law, so he charged the Twitchells with manslaughter instead. In their trial, the judge refused to allow the jury to hear about the existence of this law or the manner in which it affected the Twitchells' decision-making. The judge claimed that it was irrelevant because the Twitchells were not charged with child abuse/neglect, and it might prejudice the jury in favor of the Twitchells.

In giving instructions to the jury, the judge seemed to deny the law entirely. She instructed the jury that parents must provide "all necessary and proper physical care" and may not rely exclusively on spiritual healing if it would expose a child to risk of serious injury or death. Three times during their deliberations the jury asked for a clarification of the state's manslaughter law, which requires a finding that the defendant showed a "reckless and wanton disregard for human life," but the judge maintained that the only question for the jury to decide was whether or not the Twitchells had provided all necessary and proper physical care for Robin. Not surprisingly, the jury members, none of whom believed in spiritual healing, concluded that the

Twitchells had not, and found them guilty of manslaughter. Several jurors wept when the verdict was read. One juror was so angry by the instructions given by the judge that she wrote an extensive article about it for a Christian Science publication. The juror had wanted to acquit the Twitchells and was angry at the judge for wasting two months of her time only to turn around and give instructions that guaranteed a guilty verdict.

The Twitchells were sentenced to ten years probation, an indication that this was no ordinary manslaughter trial but, rather, a political event designed to send a message to Christian Science parents. It was a costly message, setting the taxpayers of Massachusetts back over one million dollars.

As a requirement of their probation, the Twitchells must check in with a probation officer twice a month and take their three other children for regular examinations by a doctor. The conviction also cost David Twitchell his administrative job at a Christian Science sanatorium. Medicare makes payments to Christian Science sanatoriums, just as they do to hospitals. But federal regulations would not allow the sanatorium at which David Twitchell worked to continue to receive federal funding if he continued in the post he held there, because he is a convicted felon on probation. It may seem odd that the federal government subsidizes a Christian Science facility with Medicare funds, but the legal precedent is actually quite common. Many state Medicaid programs and most large insurers reimburse Christian Science practitioners as they do doctors, and state and federal tax laws allow Christian Scientists to deduct payments made to practitioners as medical expenses.

Comparisons

To understand the implications of the Twitchell case, consider the following case.

Imagine that you are a believer in medicine who lives in a predominantly Christian Science society where most people use prayer to treat disease. Suppose that you have a child who appears sick and you, not believing in the power of prayer, seek medical care. Your doctor says that the child needs an operation to correct a congenital

birth defect and you consent to the surgery. Unfortunately, the child dies. You believe that you are at no risk legally because a group of people like yourself who believed in the efficacy of medicine had convinced the legislature to pass a law exempting parents who relied solely on medicine from charges of neglect and abuse.

But the community is outraged. They admit that in a free society people with unusual beliefs should be granted some leeway in acting on those beliefs, and there are many who believe, although obviously not as strongly as you, that sometimes medicine does work. But they are outraged that you relied solely on medicine. Why didn't you pray? And even if you were so stubborn that you wouldn't pray yourself, why didn't you call in a spiritual practitioner to help the child, as everybody else does?

You are brought up on charges of manslaughter because you relied solely on medicine and did not turn to prayer, or even a combination of medicine and prayer. At your trial, anyone who ex-

Several jurors wept when the verdict was read. One juror had wanted to acquit the Twitchells and was angry at the judge for wasting two months of her time only to turn around and give instructions that guaranteed a guilty verdict.

presses even a limited belief in the efficacy of medicine is barred from the jury and the judge does not allow you to explain to the jury your belief that the medical exemption to the child abuse/neglect law gave you the legal right to rely solely on medicine in treating your child. The prosecuting attorney thinks it highly relevant that you had prayed once when medicine did not seem to solve a toothache you had. Even so, the jury seems to believe that you are a kind and loving parent and seem to want to acquit you, but the judge says that parents are required to give "all necessary and proper spiritual care"

Why isn't everybody a libertarian?

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

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

Is Something Wrong With Your Libertarian Ideas?

You be the judge.

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

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

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

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

Or this issue of *Liberty*.

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

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

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

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

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

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

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

couldn't take 'Yes' for an answer.

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

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

Do You Lose Friends And Alienate People?

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

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

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

That is the road to permanent failure.

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

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

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

The Art Of Political Persuasion.

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

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

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

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

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

Macho Flash were published by *Reason*.

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

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

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

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

What You'll Learn In Only Three Hours.

- How to influence with integrity.
- Open the door with rapport.
- From confrontation to conversation.
- The power of metaphors, parables and teaching tales.
- Political Cross-Dressing: how to get converts from the liberal left and the conservative right.
- The Late, Great Libertarian Macho Flash: abuses and uses of intellectual shock tactics.

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

➤ Intellectual Judo: gently win people over without arguing.

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

Does It Really Work?

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

Andre Marrou, 1992 Libertarian Party presidential nominee.

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

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

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

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

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

Marshall Fritz, founder of Advocates For Self-Government

FREE BONUS TAPE WITH THIS OFFER

Yes! Send me *The Essence Of Political Persuasion* Audio Tape Program for only \$29.95 and the free bonus tape—an added \$10.00 value—Emerling's *The Missing Factor In The Libertarian Equation: Self-Responsibility*.

name _____

address _____

city _____

state/zip _____

L _____

60-Day Trial Period
If, within 60 days, I am not completely satisfied with the Tape Program, I will return it to you for a full refund of the purchase price. And I can keep the bonus tape as a free gift.

Michael Emerling
Box 28368
Las Vegas NV 89126

and may not rely exclusively on medicine if it would expose a child to risk of serious injury or death. The jury, composed solely of people who believe that prayer and not medicine is the way to heal the sick, feel compelled to find you guilty.

Questions

The Twitchell case raises interesting questions. Do parents like the Twitchells have the right to turn to prayer exclusively for healing their children or does society have a responsibility to protect children like Robin Twitchell? Are we so sure of medicine that we can force it on parents who don't believe in its efficacy?

If so, which branches of medicine do we deem irrefutable and therefore mandatory? Are parents required, for example, to follow the advice of child psychologists even if they think that the psychologists' theories are invalid?

Many people seemed to think that the Twitchells should have used both prayer *and* medicine, to hedge their bets, so to speak. Dr Norman Fost, for example, who chairs the American Academy of Pediatrics committee on bioethics said, "The academy is very supportive of the role of religion in family life and health care. However, there are some conditions for which prayer plus antibiotics will do a lot more than prayer alone."

Christian Scientists turn away from medicine not because they have some stoic notion that disease is something to be endured as the inevitable will of God, and that the only appropriate rem-

edy is to pray to God to be merciful. Christian Scientists resist this approach because it is antithetical to their religious beliefs. *Christian Scientists believe that there is no reality to disease.* They believe that healing is achieved by realizing the falsehood of the suggestion that

Are we so sure of medicine that we can force it on parents who don't believe in its efficacy? If so, should parents be required to follow the advice of, say, child psychologists, even if they think that the psychologists' theories are invalid?

a limitless spiritual being can be limited by a defective material body. To accept the possibility that the medicine or operation might work makes spiritual healing impossible. They further believe that their own experience and the experience of other Christian Scientists offer evidence that they are less afflicted with pain and disease than are those who rely on medicine.

Christian Science parents who turn to prayer rather than medicine in treating their sick child are no less loving than other parents. They have no desire to see their children martyred for their religion. They are simply doing what all the other parents are doing, taking

the measures that they think are most likely to make their child well.

A pediatrician and medical ethicist at Boston University, applauding the Twitchells' conviction, said, "No religion is going to be allowed to be a defense against abuse and neglect." The American Academy of Pediatrics is seeking the repeal of spiritual healing exemptions. If these efforts succeed, Christian Science parents will face a difficult dilemma: the law (which their religion demands they obey) will require them to seek medical treatment for their children. Most hospitals, however, require that parents sign a consent form intended to shield the institution from a lawsuit. These forms often require the parents to affirm that they realize medicine is an inexact science and that the treatment is not in any way guaranteed. Thus, Christian Scientists will find themselves legally required to submit their children for care to people whose practices they don't believe in and will additionally be required to release those individuals from blame for an undesirable outcome.

There is a fundamental question that underlies the Twitchell case: *What is the appropriate balance between parental and social decision-making when it comes to rearing children?* There may indeed be times when it is appropriate for the government to intervene on the behalf of a child, but there are good reasons to maximize parents' latitude. Intervention can lead to as many or more dangers as nonintervention can, dangers that become strikingly evident in the case of the Twitchells. □

Arthur, "H. Ross Perot," continued from page 27

the presidency as easily as did Fujimori remains to be seen. Americans are far less desperate and far more reluctant to change than were Peruvians.

The Race Is On

With Perot in the race, the 1992 election promises to be one of the most exciting and interesting of the century. It seems likely that he will get a lot of votes, and he has a modest chance of winning. But it is not clear at all which of the major parties' nominees he will harm more. So far, it seems that most of his supporters would more likely sup-

port Slick Willy than Dumb George. But the race is still in its early stages, and that will change.

One thing seems sure, though. He will hurt the candidacy of Libertarian Party nominee Andre Marrou. I don't mean to suggest that he will appeal to libertarians — his support for a business-government partnership, more spending on state schools, gun control, compulsory national service, and suspension of civil liberties will likely overcome most libertarians' natural tendency to prefer a businessman over a politician.

But most votes for LP presidential nominees don't come from ideological libertarians. They come from people pissed off at the system and unsatisfied with the alternatives offered by the major parties. Perot should capture this vote easily.

Perot has already stirred up the soup in the American political cauldron more than any libertarian ever has. And conditions are right for Perot to do very well in his bid for the Presidency. Whether Perot can take advantage of his opportunity remains to be seen, but to date he has played his cards right. □

Diplomacy

Libertarians and Christians in a Hostile World

by Doug Bandow

The spirit of the age is both secular and statist. Libertarians and Christians often rub each other the wrong way. But there may be good reasons for a truce . . . or even an alliance.

While there is nothing in principle to cause libertarianism, a political philosophy, and Christianity, a worldview regarding one's relation to God and one's neighbors, to conflict, in practice there has been substantial friction on both sides. Although libertarians and theologically conservative Christians have often found themselves on the same side of economic and fiscal issues, they have always been uneasy allies at best. Indeed, on social policy — abortion, drugs, pornography, "morals" legislation in general — their differences seem irreconcilable.

One reason for this lies in modern libertarianism's origins as a reaction against oppressive state structures that had been buttressed by organized religion. Another is that many seminal libertarian thinkers have not been Christians. Classical liberalism, for instance, grew out of the Enlightenment, and many of its adherents were deists or atheists. More recently, Ayn Rand and her Objectivist movement have promoted both limited government and atheism. In fact, Rand, who is still revered by many libertarians, considered religion to be wholly irrational.

Furthermore, libertarianism, unlike conservatism, has never emphasized traditional values. To the contrary, it has proved a refuge for those seeking to avoid persecution by the state, especially for "moral" offenses. Thus, libertarianism has attracted many gays and

drug users — unrepentant sinners in the eyes of many Christians. Although libertarians have neither pushed legislation to prevent people from not associating with homosexuals nor endorsed drug use, their tolerance of open sin has rankled Christians who believe such actions conflict with God's transcendent moral law.

At the same time, many libertarians have been offended by the apparent readiness of many Christians to use the law to buttress faith when people do not respond voluntarily. When preaching didn't stop gambling, churches supported a government ban. When homosexuality persisted despite America's formally Christian culture, the believers wanted the cops to arrest gays. In this way, many libertarians came to see Christians as enemies of freedom.

Unlikely Allies

Yet the imagined battle between libertines and puritans reflects stereotypes on both sides. Although many libertarians do believe in "moral diversity," libertarianism is merely a

political philosophy regarding the relationship of man and state, not man and God. Similarly, while many Christians believe the government should enforce God's moral law, there is nothing Biblical about using coercion to enforce the Ten Commandments and Christ's directives. The conflict between the two perspectives reflects not their fundamentals but their application.

Thus, some activists on both sides have come to recognize that their areas of agreement are greater than those of their disagreements. The result has been a growing dialogue between conservative Christians and secular libertarians. In fact, despite some misgivings, the Libertarian Party nominated former congressman Ron Paul, a pro-life Christian, for the presidency in 1988. We should hope that such efforts at a *rapprochement* will expand in the future. Surely the two sides can work together to build a freer and more virtuous society, one in which religious believers can promote their moral values and live their faiths unhindered by the state while tolerat-

ing sin amongst their neighbors, while libertarians, though not held by law to Biblical moral standards, can better understand and respect the convictions of Christians.

Reasons for *Rapprochement*

Neither Christians nor libertarians have the luxury of treating potential allies as adversaries. The hold of Christianity on American culture is waning: although virtually everyone still proclaims a belief in God, most people's behavior reflects only limited adherence to the traditional Judeo-Christian moral code. And the state is increasingly antagonistic to Christian institutions and beliefs — requiring a

On social policy — abortion, drugs, pornography, "morals" legislation in general — the differences between libertarians and Christians seem irreconcilable.

Catholic university to fund gay groups, interfering with church discipline of errant members, barring the operation of Christian schools, funding sacrilegious art, and so on.

While libertarians with less traditional moral beliefs may feel somewhat more comfortable today, they, too, are losing the larger war. The government continues to expand; individual liberty continues to shrink. And state interference is actually increasing in some areas of moral regulation, such as drug use. Indeed, a supposedly conservative Christian president has offended both libertarians and religious believers by supporting higher taxes, new spending programs, continued funding for the National Endowment for the Arts, and the drug war.

Since both groups seem to be losing what James Davidson Hunter calls the "culture war" — a Christian, of course, does not believe that God will ultimately lose, but would still like to bring the world into closer conformity with godly standards — it is imperative that each search out new allies.

Secular liberals, because they believe in neither transcendent moral law nor individual freedom, are unlikely to prove solid friends of Christians or libertarians. Their occasional support for one position or another will always give way to an agenda that is overwhelmingly statist and secular. Several different groups of Christians — particularly Protestant evangelicals and conservative Catholics — have frequently made common cause with conservatives, but that alliance has produced little fruit; the same is true of many alliances between mainstream conservatives and libertarians. Many conservative activists, despite their verbal support for both traditional values and individual liberty, are as secularized and authoritarian as their liberal counterparts. How else to explain the very small practical differences between Democrats and Republicans on domestic, international, and social issues?

Thus, Christians and libertarians need not only to talk to one another, but to work together on issues of mutual interest. Their overall worldviews will remain sharply different, but they can coalesce when it comes to limiting state power.

All Christians and libertarians should agree on the need to protect religious liberty. Many Christians — at least those who consider themselves to be "conservative" today — and all libertarians can join to oppose expansion of governmental intervention in the economy. On foreign policy Christians are more fractured, with a more "liberal" minority closer to the libertarian position. The most serious differences, however, occur in questions of social policy.

If social policy becomes a debate over values, the gulf between conservative Christians and (secular) libertarians will be unbridgeable. The former believe that God has established timeless guidelines for personal behavior. Many of the latter believe morality to be a matter of personal choice, so long as it doesn't violate the rights of others.

However, there is room for cooperation if the issues are treated as issues of *policy*, that is, as the actions that should be taken by the various political

institutions in response to social problems. One need not share the moral premise that homosexuality is right or wrong, for instance, to agree that cops should not be arresting people in their bedrooms for sexual activities.

Among the most important social issues in contemporary America are abortion, child care, drugs, education, pornography, sex, and welfare. In all of these areas there is room for greater understanding and cooperation among libertarians and Christians.

Abortion

There is probably no more divisive issue today than abortion. Indeed, it is an issue that splits both Christians and libertarians. The majority of the more theologically conservative Christians, particularly evangelicals and Catholics, are "pro-life" (as am I, in the interest of full disclosure). In contrast, the majority of libertarians are "pro-choice," though there is an active Libertarians for Life organization headed by an atheist.

There is no one scripture that speaks to abortion; however, the Bible does make it clear that life is sacred, including the child resulting from conception, who is considered to be a gift from God (Genesis 4:1). As such, a compelling reason should be required to justify killing the unborn. In the view of some Christians and many libertarians, the liberty/privacy interest of the woman provides such a justification, leading to a legal, if not moral, right to abortion. Indeed, many of these abortion rights advocates would argue that abortion is morally wrong, but nevertheless should not be proscribed by the state. The pro-life counter is two-fold: first, that there is another life involved which, since it cannot assert its own right to life, must be protected by the state; second, that the parents, by voluntarily engaging in the act that leads to pregnancy, do not have a right to terminate the life. (Such consent is obviously lacking in the case of rape.)

While the conservative Christian and majority libertarian positions obviously cannot be harmonized, they can at least be understood, and they need not make an alliance between the two groups on other issues impossible. Pro-life Christians can recognize the impor-

tance of freedom even while believing that the state must intervene to protect the unborn; libertarians can acknowledge the importance of the life of the unborn even while emphasizing the liberty of the woman and the difficulties in banning abortion. Moreover, libertarian support for voluntary action complements the efforts of churches and other Christian ministries to create counseling services and support structures for unwed mothers to allow them to keep their babies.

Child Care

Christians hold the upbringing of children to be fundamentally a parental responsibility; for philosophical rather than theological reasons, secular libertarians believe the same thing. (Some libertarians, a decided minority, would endow kids with adult rights, allowing them to "divorce" their parents.) Thus, both groups can unite to oppose government day-care initiatives. Such programs favor secular over religious providers; subsidize working women to the detriment of mothers who choose to stay home; promote institutional day care over babysitting by friends, relatives, and neighbors; and create regulatory sys-

Many libertarians have been offended by the apparent readiness of many Christians to use the law to buttress faith when people do not respond voluntarily.

tems designed to emphasize government rather than family values.

Some Christians might still back public subsidies for day care if they did not discriminate against religious facilities and came without "strings." (There is no scriptural mandate for such a program, of course.) Libertarians, in contrast, would oppose any subsidy program, although some might support an expanded tax credit/deduction for day care. Nevertheless, to the extent that proposals for new programs are advanced, Christians and libertarians could work together

to reduce their expense and intrusiveness.

Drugs

The drug issue hosts another sharp clash between the perceived positions of Christians and libertarians. Christians generally believe the use of drugs to be a sin that is undermining society. Libertarians consider laws against drug use to be an intolerant interference with personal liberty, causing more harm than good. Can these positions be reconciled?

The Bible certainly warns against the abuse of drugs. One of "the acts of the sinful nature," wrote Paul, is "drunkenness" (Gal. 5:20). And Peter directed his readers not to live as the pagans, "in debauchery, lust, drunkenness, orgies, carousing, and detestable idolatry" (1 Peter 4:3). Moreover, Paul instructed believers to "honor God with your body" (1 Cor. 6:20), which he earlier described as "God's temple," a "sacred" vessel in which the Holy Spirit lives. "If anyone destroys God's temple, God will destroy him." (1 Cor. 3:16-17).

This suggests that people are neither to use licit substances, such as alcohol, to excess, nor use other products that pose a high risk of harming their bodies. It is hard to set clear rules on this basis because not all drugs are created equal: moderate use of cigarettes, which kill 430,000 people a year, is probably more dangerous than either social drinking or occasional use of marijuana. The physiological consequences of pure heroin, in contrast to the adulterated substances sold in the illegal market, are actually minor; the drug's real danger is its addictiveness. By contrast, PCP, synthetic heroin, and a variety of other substances clearly harm the body. At the same time, most Christians probably believe they have a separate obligation not to take illegal substances, even those that may be relatively safe, because believers are to respect authority and must be concerned about preserving the purity of their witness.

But the fact that Christians believe they are not to use illegal drugs — or perhaps legal drugs, for that matter — does not settle the *policy* question at hand: Should the government prohibit drug use, as it once did alcohol con-

sumption? Although the civil and ecclesiastical authorities were closely related in ancient Israel, they were separated well before the time of Jesus and remain so today. In fact, the model of the first-century church is a community focused on enforcing Biblical rules on its own members, not on those outside the fellowship. Thus, when Paul learned that a member of the Corinthian church was involved in serious immorality, he did not urge the group to lobby for civil

One need not share the moral premise that homosexuality is right or wrong, for instance, to agree that cops should not be arresting people in their bedrooms for sexual activities.

legislation, but instead instructed his readers:

I have written you in my letter not to associate with sexually immoral people — not at all meaning the people of this world who are immoral, or the greedy and swindlers, or idolaters. In that case you would have to leave this world. But now I am writing you that you must not associate with anyone who calls himself a brother but is sexually immoral or greedy, an idolater or a slanderer, a drunkard or a swindler. With such men do not even eat.

What business is it of mine to judge those outside the Church? Are you not to judge those inside? God will judge those outside. "Expel the wicked man from among you." (1 Cor. 5:9-13)

Thus, while there is nothing to prohibit Christians from supporting anti-drug legislation, there is nothing that mandates they do so. It is more a matter of reason than revelation.

On these issues, then, Christians and libertarians can open a dialogue. Is it right for people who oppose drug use to use government to jail those who use drugs? Although the Bible sets standards for personal conduct, it does not specify when the state is empowered to intervene to "bring punishment on the

wrongdoer," in Paul's words (Rom. 13:4). In my view, the best understanding of this phrase, especially in the context of his instruction to the Corinthian believers, is to punish those who commit crimes against other people, rather than those who transgress God's moral law.

Does drug use involve wrongs against other individuals? Drug use

Although the Bible sets standards for personal conduct, it does not specify when the state is empowered to "bring punishment on the wrongdoer."

obviously has a social impact, but the impact of drug prohibition appears to be even more harmful. The full argument is obviously beyond the scope of this article, but a good case can be made that prohibition is a disaster, having funded violent criminal empires at home and abroad, resulted in an enormous increase in murder and property crime, sucked kids into the drug culture and criminal gangs, spread AIDS, and made drug-taking more dangerous. While a secular libertarian who believes he has an absolute right to take drugs will disagree on basic premises with a Christian who believes he has a godly responsibility to eschew drug use, they may nevertheless agree that, as a matter of social policy, legalization would be at least less costly than prohibition.

Education

Although Christians and libertarians have tangled over tangential educational issues, such as gay teachers and school prayer, they agree on far more fundamental matters, such as the importance of parental control of education. Thus, both groups should be able to work together to promote tuition tax credits, vouchers, and school choice, in order to reduce the monopoly advantages of the public schools and increase parents' abilities to send their children to private schools.

As for the operation of the public

schools, there is room for compromise. Christians can recognize that with public institutions paid for by all taxpayers, including non-Christians (and homosexuals), they will not be able to enforce Christian morality. (Which, of course, is a fundamental flaw in the public schools from their perspective.) Thus, trying to bar gays as teachers, or impose Christian prayers in a secular classroom, will naturally result in resistance from non-Christians. Libertarians, on the other hand, can recognize that the question is not *whether* values should be taught in the classroom, but *which* ones. At the very least, libertarians could support an educational process that provides for fair treatment of religion in history classes and extracurricular activities, such as the open access law. Moreover, they could be more tolerant of the use of harmless religious symbols, since Christians, whose tax money is also going to fund the schools, understandably feel disenfranchised when their values are deliberately purged.

Pornography

For conservative Christians, the making and use of pornography is sinful. The Apostle Peter criticized those who, "by appealing to the lustful desires of sinful human nature," mislead others (2 Peter 2:18). Similarly, Paul wrote that God gave those who rejected him "over to shameful lusts" (Rom. 1:26).

Thus, Christians have a responsibility within their families and fellowships to discourage the use of pornography. They also can play a prophetic role to the surrounding community, including such activism as boycotts and protests, in an attempt to influence the purveyors of pornography. As with drugs, however, there is no Biblical mandate for civil government to ban the production or use of sexually explicit material. Paul's letter to the Corinthian church suggests that the community of faith is to be more concerned with the activities of those within than those without the fellowship.

With explicit Biblical direction on the issue absent, Christians must again rely more on reason than on revelation. They can demand not to be visu-

ally assaulted by pornographic advertising while walking in a public place, and many libertarians would go along with restrictions on the public display of sexually explicit material. Similarly, Christians and most libertarians can agree on the importance of protecting minors from being used in pornographic films and from acquiring pornographic materials. And libertarians, who oppose such government agencies as the National Endowment for the Arts altogether, have joined with Christians in opposing public funding for obscene art.

Libertarians are unalterably opposed to using government to keep pornography out of the hands of consenting adults. Christians might consider and accept the libertarian arguments. Christians should require a stronger justification for turning to the state than the revulsion they naturally feel at obscenity. And, in my view, the traditional rationales for arresting someone for looking at dirty pictures are too weak. Some people argue that pornography is accelerating the decline of society. Yet the availability of obscene materials is more a result than a cause of declining moral standards. Indeed, perhaps the most insidious pornographic phenomenon today is pervasive soft-core porn on TV, not hard-core obscenity in movies and magazines, which most Americans reject.

Some people have also contended that porn promotes sex crimes. However, it is important not to confuse correlation (those who commit sex crimes also like porn) with causation (porn *causes* them to commit sex crimes). In fact, the best evidence appears to be that the depiction of violence may encourage some people to commit violent crimes, while porn is largely passive. On this basis we seem to have more to fear from Freddy Krueger than Hugh Hefner.

Sex

The Bible sets up a clear moral code for personal sexual behavior: sex belongs within the covenant of marriage. Based on their personal behavior, most libertarians, like most people in general, do not believe in such a code.

Nevertheless, it is possible for

Christians and libertarians to work together in this area. For instance, both groups can oppose legislation that would force people to accept diverse sexual behavior, such as ordinances that require people to hire or rent to homosexuals and housing codes that order people to sell or rent to unmarried couples.

As for laws against non-marital sex, even Christians today seem reluctant to bring the bedroom into court. Libertarians might support a ban on sex in public places, but would oppose anti-sodomy laws (many of which also apply to heterosexuals) and criminal sanctions against adultery and fornication, which are still occasionally enforced in some states. Despite their belief that such activities violate Biblical norms, Christians could rightly take the same position, since God has not appointed them to enforce his law on their unwilling neighbors. To the contrary, it is Christ who will wield the winnowing fork and separate the wheat from the chaff at the time of the final judgment (Luke 3:17, Matt. 13:24-30).

Welfare

Libertarians oppose the government welfare system because it is little more than legislative theft, the taking of property from one group to give to another. They are also concerned about the pernicious consequences of

welfare: its promotion of family break-up, illegitimacy, and dependency.

The Bible commands Christians to give, but individually, or through family and church. Government is not mentioned. Although there is no Scriptural proscription barring the creation of a public welfare system, Christians must be wary of establishing widespread transfer programs given the eighth and tenth commandments against stealing and coveting. Moreover, any such pro-

As for laws against non-marital sex, even Christians today seem reluctant to bring the bedroom into court.

gram should be consistent with other Biblical values, which in this case complement libertarianism: the importance of work, individual responsibility, and the family. In short, both Christians and libertarians would emphasize voluntary action. Some of the former might turn to welfare as a last resort, but both, again, should oppose the sort of expansive and disruptive system now in existence.

Hope

The conservative Christian and libertarian worldviews are very differ-

ent, but, despite the popular wisdom, not necessarily contradictory. Christians believe in a personal God who has revealed himself and established very clear standards by which men are to relate to him and each other. However, the circumstances under which people are to coerce other people through the power of the State are left largely undefined. And it is here where libertarians concern themselves. Although some libertarians are atheists, their religious beliefs can be separated from their political principles, which limit the right of individuals to initiate the use of force against one another.

Under these circumstances, a person can be both a Christian and a libertarian. I am such an individual. My Christian faith is transcendent, but because, in my view, there is no explicit Christian political system, my faith only informs, rather than sets, my political positions. Even Christians who are not libertarians and libertarians who are not Christians have many opportunities to cooperate on protecting religious freedom, restricting state expansion, encouraging private education, keeping the government out of child care, opposing welfare systems that destroy families, and so on. And given both groups' need to find additional allies, it is increasingly important that Christians and libertarians not only talk with each other, but work together. □

Smith, "Remembering Roy Childs," continued from page 28

explaining how Dracula was the ideal Randian hero. (Dracula pursued his rational self-interest according to the standard of "vampire qua vampire"; he despised mysticism as manifested in holy water and the cross; most significantly, it was he who penetrated and the woman who was penetrated.)

Roy and I often reminisced about those halcyon days; we wondered what had changed, and why. The libertarian movement seemed to have lost much of its vitality, and the viciousness of politics had turned many former friends into bitter enemies. Or maybe it was just us — older, wiser, and somewhat more cynical.

Roy's later years were not easy for him. Plagued with physical problems,

and faced with the need to earn a living, Roy was unable to muster the time and resources to undertake major projects. He often spoke of his desire to write a book on the history and ideas of the modern movement. And he desperately wanted to have his own newsletter, so he could write the kind of incisive commentaries and articles he had become famous for as editor of *Libertarian Review*.

Unfortunately, these dreams were never realized. Roy had been stigmatized in some circles as "difficult," so he found it nearly impossible to obtain funding. Much of the movement he had helped create turned its back on him, and I shudder when I recall the pain this caused him.

Yes, Roy could be difficult at times,

but he gave far more than he got. His ideas and his vision, the fruit of many years of intense intellectual labor, were free for the asking. He sparked enthusiasm in others when he felt none himself. He set up projects for others when he had no hope of getting one himself. He was a generous and kind man.

Some libertarians stuck by Roy to the end. I wish to thank those people on Roy's behalf. He spoke of you often, and with great affection.

Barely a day has passed since Roy ceased to exist, and I already feel pangs of terror and dread. So much of what I am I owe to him. I would probably have given up long ago, if not for his counsel and encouragement.

Farewell, my fine friend! Farewell! □

Sounding

The Myth of Metal Illness

by Gracie and Zarkov

"I can foresee a music that is beyond good and evil."

— Friedrich W. Nietzsche

The moral insight of anarchy is the realization that no one else should be in charge of your head. The limits of anarchy are reached when no one is in charge of your head, including you.

Only a few rockers have yet given much thought to the problems of individual freedom and responsibility. Without an understanding of the relationship between responsibility and freedom, heavy metal promotes irresponsible "anarchy." Megadeath's cover of the Sex Pistols' "Anarchy in the UK" is a passionate cry against the oppression of the human spirit, but it provides no substitute other than mindless anger. The performers and consumers of heavy metal have absorbed some of the ideas of the Enlightenment, but selling the 18th century to droolers in a time of moral confusion can lead to a one-sided understanding of freedom, closer to Don Giovanni than Tom Paine.

The worst heavy metal bands pander to an audience whose idea of success is to have someone to haul you home, pay your bail, clean up after you, and hire lawyers to protect you from the consequences of your own stupidity. This amounts to a particularly pernicious version of the rebel archetype: the Bad Boy. The Bad Boy is the modern equivalent of Don Giovanni, the rebellious aristocrat who can get away with murder.

In general, social conditioning permits adolescents two opposed packages of behavior. One can be "good" — which is to say, sober, responsible, and dull — or one can be "bad" — that is, intoxicated, irresponsible, and exciting. In a

"From Chuck Berry on, rock has provided anthems to teenhood and teen hoods."

— Lester Bangs

"What gets to me is that I have read letters from fans of Mötley Crüe that more or less say that they like the band because they can get away with anything. . . ."

— Mike Monroe of Hanoi

Rocks, which broke up when their drummer, Razzle, was killed by Mötley Crüe's Vince Neil in a drunk-driving accident

"There's a fine line between crime and pleasure."

— Izzy Stadlin of Guns N' Roses

moral universe where fun is assumed to be bad, "bad" easily becomes equated with fun. The confused moral positions of conventional society on sex, drugs, and violence are reflected in the confused fixations that heavy metal performers and consumers play out in their lives, music, and videos.

Further muddying the waters is the use of familial violence to control children. Studies have shown that violent adolescents and adults are produced by violent parents. The number of heavy metal performer interviews that contain some version of "then I had a big fight with my father and he threw me out of the house" is too depressing to count. The resulting damaged personality is glamorized by Bad Boy rockers.

There *are* bands more aware of the downside of the Bad Boy position: Skid Row's "18 and Life" video tells the cautionary tale of an angry young man whose lack of control causes

him to kill his best friend. Testament's "Ballad" points out that being a Bad Boy is just as limiting a social role as being "good," and is more likely to get you killed. Even Kiss has a video fable against gang violence called "Hide Your Heart."

Still, under present conditions, adolescent males seem innately more reckless and violence-prone than the rest of humanity, and this is reflected in the music of male adolescents. This theme is amplified in Megadeath's "Wake Up Dead," where a young man admits that his actions might get him killed but will pursue them anyway, and in Motorhead's "Ace of Spades": "You win some, you lose

some, gambling is for fools/But that's the way I like it, baby, I don't want to live forever."

But what actually distinguishes socially unacceptable forms of recreational violence from acceptable ones, such as football? *Johnny B. Goode*, the worst movie of 1988, is the story of a high school football star choosing between sports and rock 'n' roll. The movie's theme song is the famous Chuck Berry tune for which the film was named, as covered by Judas Priest. The band's video crosscuts film clips of bone-crunching tackles, shady recruiting agents, and high school jock mayhem — that is, all the unfortunately true clichés of high school football — with the anarchic free-for-all violence of stage-divers and slam-dancers. The message is clear: if violence is your idea of fun, why participate in regimented violence in the service of adult interests? "Brainwashed wimps play football. Real men stage dive."

Given the statistics on injury and death in school sports, why are they glorified as "wholesome" and "character-building"? The usual justification for such regimented violence comes down to preparation for war. The core heavy metal audience — young males — is also the human crop that nations throughout history have harvested for cannon fodder. Viewed in this context, metal's obsession with war and violence becomes more intelligible.

I speak of great heroic days, of victory and might
I hold a banner drenched in blood, I urge you to be brave
I lead you to your destiny, I lead you to your grave
Your bones will build my palaces, your eyes will stud my crown

For I am Mars the god of war, and I will cut you down.
— Motorhead, "Orgasmatron"

"I look upon war with horror. You can bear this warning voice to generations yet to come. War is cruelty and you cannot refine it. War is Hell."
— General William T. Sherman

"Ask not what your country can do for you; ask what you can do for your country."
— John F. Kennedy

"I died for my country, will you?"
— Vietnam-era Poster with a photograph of a rotting World War I corpse

Metallica's brilliant seven-minute video, "One," uses footage from the 1970 film *Johnny Got His Gun*; like the movie, the song describes a war casualty who to the outside world is a vegetable, but inside is alive, totally isolated in his mind and continually wracked by pain. His only desire: "Oh God, help me, I wish for death." General Sherman would have approved.

Until the eighteenth century, continuous war among nations was regarded as inevitable. The same visionaries responsible for the ideas that spawned liberal revolutions in North America and Europe were the first to predict an end to war. The secret is simple: nations do not go to war against each other when their citizens are well-off and their economies intertwined. The way to end war is to encourage freedom and economic well-being for the entire human race.

Back in 1986, during the depths of the Cold War, the German band Shy sang, "Tear down the Wall . . . Who needs fools deciding?" Their video showed the regimented life of a clandestine rock fan in East Germany. She is caught and imprisoned, but one of her cell walls collapses through the Berlin Wall and she falls into a heavy metal concert in West Berlin.

There was a graffito on the Wall that said, "This wall will fall. Ideas become reality." Who could have possibly imagined how quickly this would come true?

"Why should freedom of speech and freedom of the press be allowed? Beliefs are much more fatal than guns."
— Lenin

I twist the truth, I rule the world, my crown is called deceit,
And still you play the sycophant and grovel at my feet
And all my promises are lies, all my love is hate
I am the politician, and I decide your fate.
— Motorhead, "Orgasmatron"

". . . suffer yourselves not to be wheedled out of your liberty [to publish] by any pretense of politeness, delicacy or decency. These as they are often used are but three different names for hypocrisy, chicanery and cowardice."
— John Adams

Freedom — it means nothing to me as long as there's a PMRC!
— Megadeth, "Hook in Mouth"



Illustration by Paul Pope

In the summer of 1985, the Senate held a special set of McCarthyistic hearings inspired by the Parents' Music Resource Center (PMRC), a group pushing for "warning labels" for record albums. Dee Snyder, metal group Twisted Sister's frontman, was called to testify. Nattily dressed in blue jeans, mirrored sun glasses, and a black Twisted Sister T-shirt with his hair freshly permed, he proceeded to explain to the senators that he was protected by the U. S. Constitution, and that if they were offended by his music, that was too bad. Twisted Sister's "We're Not Gonna Take

a move that would seriously cripple its economic development. Nineteen eighty-four has been cancelled by the silicon chip.

"America is the well-wisher to the freedom and independence of all."
— John Quincy Adams

What do you mean I don't support the system?

It's still 'We the People,' isn't it?

— Megadeth, "Peace Sells, But Who's Buying?"

The Bad Boy is the modern equivalent of Don Giovanni, the rebellious aristocrat who can get away with murder.

It" video, based on an incident from Dee's adolescence, is a cartoonish, in-your-face attack on the kind of stupid, authoritarian repression promoted by the PMRC.

Twisted Sister also pilloried the mindless regimentation of American high schools in their video, "I Wanna Rock," and with good cause. As a committee of Fortune 500 business leaders reported in *The Wall Street Journal*, schools opt for "control rather than education" and offer an environment that "more closely resembles a factory than a haven for learning"

Therefore, it's not too surprising that rebellion and protest have become commercially viable products. A best-selling non-fiction hardback may sell less than 100,000 copies; a heavy metal group wouldn't even be considered a cult band with such disappointing sales. And a record or video's reach is extended when it is played for multiple listeners. Last year Americans spent \$25 billion on records, compact discs, videos, and cable TV. Of that, teenagers alone spent over \$2 billion on records, tapes, and CDs. The numbers for Western Europe and Japan are of similar magnitude. By contrast, now-imprisoned televangelist Jim Bakker grossed about \$130 million in his best year. That is less than what two platinum metal bands gross for records, concerts, and T-shirts in a good year. It is now possible for young unknowns to become rich selling a message of protest or rebellion against government, church, parents, and social mores.

All over the world, war is being waged against the forces of oppression. But this war is not fought with guns, is not centrally directed, and is not financed by massive taxes and sacrifice. It is being fought with electronic signals, by millions of independent individuals, some of whom — such as these rock stars — are getting very rich.

We have entered the age of Electronic Guerrilla Warfare. Its weapons are telephones, faxes, modems, satellite TV, personal computers, Walkmen, and VCRs, the staples of modern culture. The only way a developed society can defend itself against these devices is to prohibit them entirely,

We Americans should be ashamed of our government. We have been the richest and freest nation in the world for so long that we have become smug. With the collapse of totalitarianism as a serious threat to our survival, we no longer have any excuses for not living up to the patriotic ideals of the Founding Fathers.

We have a long way to go. The deficit cannot be cut because we all have a hand in the government porkbarrel. Congress has a reelection rate so high it would have been an embarrassment to the Politboro; even *The Wall Street Journal* calls it the U.S. House of Lords. Our popular culture promotes freedom while our government supports foreign dictators. Our inner cities are being destroyed by drug profit wars. The rate of incarceration in the U.S. is higher than

The number of heavy metal performer interviews that contain some version of "then I had a big fight with my father and he threw me out of the house" is too depressing to count.

South Africa's and China's; over two thirds of the inmates are incarcerated for drugs. Pornography serves as another excuse for censorship and sexual control. Laws are proposed against obscene lyrics, aimed at censoring rap and metal but capable of banning almost every opera in the standard repertoire. Repeatedly, in public opinion polls since World War II, the ideas contained in the Bill of Rights fail to gain majority approval.

Having been "best" for so long, many Americans refuse to believe they can be better. America is in danger of becoming a rigid, reactionary society. The heavy metal bands know this and the kids know this. Authoritarians of all stripes revile and fear the music because it shoves this message into their faces, and there's nothing they can do to stop it.

Our society gives much lip service to freedom and individualism, but our schools teach, encourage, and often demand unthinking conformity to the usually rigid and authoritarian "community standards" that thwart kids' ability to be free, responsible, and happy.

The ultimate value of heavy metal lies in its dedication to the individual's efforts to create oneself in spite of social

continued on page 42

Commemoration

At Long Last, Death

by David Horowitz

Sometimes you must balance one life against another. But when you do this, watch for the weighted fingers of those who, pretending to wear the mantle of Justice, favor the guilty over their victims.

Robert Alton Harris is finally dead. Every day of the last fourteen years of his life, since he murdered two teenagers in 1978, was an injustice. It was an injustice that for fourteen years he was alive and his victims were not. It was an injustice that all America knew his name and his face and his troubled history, while almost

no one would be able to name the two teenagers he murdered or describe a single aspect of their brief and innocent lives. It was an injustice that day after day, year in, year out, the media outdid itself to find ways to make this monster sympathetic, by interviewing his psychiatrists, by recounting the sins of his parents, by exploring the heart-rending effects of fetal alcohol syndrome in society at large, by finding other killers to care about, including a lone woman on death row in California and a condemned murderer who found a pathetic female to fall in love with him.

Seventeen years ago a friend of mine named Betty van Patter was murdered by the Black Panther Party in East Oakland. She was the mother of three children. No one was ever indicted for the crime. Her death was emotionally devastating for me, partly because I had got her the job that got her killed: bookkeeper for a Panther school in the East Oakland ghetto. It took many months for me not to wake up with tears in my eyes and a lump in my chest, grieving for Betty. For the

seventeen years since, I have often found myself thinking about Betty and her children and now grandchildren, the suffering she endured and the awful vacancy in their lives. I will never be free from this memory or this grief.

I think, too, about Betty's murderers. For seventeen years I have watched them get on with their lives — a privilege they denied to Betty herself. One of Betty's murderers is alive and well and pursuing a career in Los Angeles. Another is in jail for a different murder. The third was a famous sixties leader, Huey Newton, who eventually met a sordid end as a junkie, killed by a dealer on the street. Huey and the first mentioned of these murderers have been lionized over these years in many books and by several documentaries on public television, including the award-winning *Eyes on the Prize II*. There are four Hollywood film projects currently in the works to celebrate them again. The rage I feel when such projects are announced is not easy to describe.

And I am not family or kin. What

must it be like to be Betty's children, or the parents of the boys that Robert Harris murdered despite their pleas for mercy? What must it have been like to live with the knowledge that he was alive, just as two of Betty's killers are alive? That he has been the center of so much compassion and concern, while their sons are all but forgotten? That, too, is an injustice.

About ten years ago, as a reporter, I visited the Nellis School for Boys in Whittier, California. It consisted of a cluster of white cottages sprinkled like islands on a rolling green expanse. There were 400 murderers housed in these cottages when I visited Nellis, which is a division of the California Youth Authority. Every one of those murderers would be released in an average of three years. Back they would go to the streets of South Central to resume their criminal lives. That didn't just mean the certain deaths of other innocent victims of these killers. It also sent a powerful message to the generation just entering the streets: We don't care. Not about the murdered. Not about the dead.

This minimal sentence for a human death — which is nothing more than a lack of respect for human life — was the fruit of compassionate liberalism, at that time embodied in the administration of Jerry Brown. Brown had appointed a woman named Pearl West to head the Youth Authority and thus have jurisdiction over violent criminals under the age of 18. West had no background in criminal justice, but had contributed money to Brown's political campaign. I heard her speak once about the injustice that "society" had done to these young criminals. How her heart went out to them. How she tried to reduce the suffering and time they had to spend as wards of the state. As to the kids whose lives would be menaced when these criminals were released to the street, she obviously had not given a thought.

The death penalty was reinstated

nearly fifteen years ago in California, a month before Robert Alton Harris snuffed out those two young lives. Another Jerry Brown appointment —

Tens of millions of dollars, reams of newsprint, and armies of legal talent have been expended in the attempt to humanize the inhuman and to rescue the guilty from the fate they deserve.

Rose Bird — took it as her mission as chief justice of the California Supreme Court to see that the wishes of the electorate would be disregarded and that the law would remain a dead letter.

Thanks to the efforts of Bird and the brightest lawyers of the ACLU, no murderer has been executed in California in all that time — until Harris. Instead, tens of millions of dollars, reams of newsprint, and armies of legal talent have been expended in the attempt to humanize the inhuman and to rescue the guilty from the fate they deserve.

This has sent a message to the families and friends of every victim of a capital crime: We don't care. A human life is not that important. The same message that has been sent to the criminal on the street.

For the parents of John Mayeski and Michael Baker, for the memory of the young boys themselves, for all the kids in South Central who live in daily fear for their lives, and for Betty Van Patter and her children — I am glad that Robert Alton Harris is dead. □

Gracie and Zarkov, "Heavy Metal and the Future of Freedom," *continued from page 40*

pressure to conform. The music's all-too-apparent negatives — glamorization of the Bad Boy image; nihilistic replication of social violence, but now turned against society — come from the personal pain and repression of its individual artists. Metal would not be commercially successful, with its dedicated and fanatical followers, if its message did not resonate in the souls of its audience. One sixty-five-year-old fan called heavy metal "the reaction of a free spirit to a dark and cruel world." Until our society recognizes and practices a form of child-rearing that emphasizes freedom and individual responsibility over mindless conformity, the shadow of repression will fuel what is offensive, frightening, twisted, and negative in heavy metal.

That negativity would probably disappear if "the pursuit of happiness" was seriously recognized as a right. For in the absence of the shadowy *sources* of its negative side,

heavy metal would only be loud, boisterous party music. Intense experience — including intense music, intense sex, intense euphoria, and the pursuit of these experiences — is the positive aspect of heavy metal. Not all of us wish to mellow out into a grey suburban couch potato or a politically correct Birkenstocked existence. If people are responsible enough to pay for their own good times and not harm innocent third parties, no one has the right to restrain them.

Liberty is dangerous, as its opponents have pointed out since the Enlightenment. But 200+ years of action by the Illuminati's freedom information virus has convinced most of the world that freedom is essential. In free societies people are free to make mistakes. In 1992, we are more confident than ever before that liberty will triumph. There is no turning back.

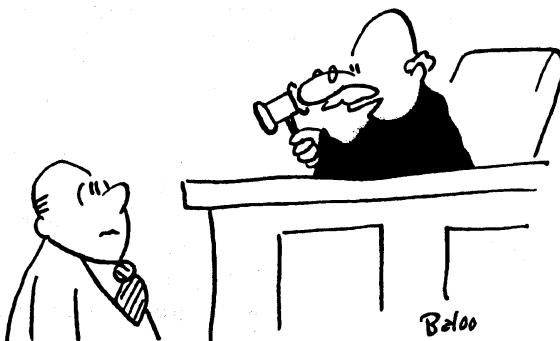
Mothers and fathers must assume the time, effort, and responsibility to ensure that their children have the freedom to pursue their own happiness and the responsibility to handle this freedom. Otherwise, when the Slayer poster goes up on the bedroom wall, parents have no one to blame but themselves. □

"I have sworn eternal enmity against any form of tyranny over the mind of man."
— Thomas Jefferson

In this world we're living in, we have our share of sorrow,

The answer now is don't give in, aim for a new tomorrow.

— Judas Priest, "You've Got Another Thing Coming"



"The prisons are terribly overcrowded, so step forward and I'll just beat the daylights out of you with my gavel."

Investigation

Returning America's Roads and Bridges to the Market

by Terree P. Wasley

Privatization of roads and bridges isn't just a good idea. It's happened before, and it's happening again, all around the world.

Trucker Wilbert Fuselier and 45,000 pounds of coffee were headed down Louisiana's Interstate 10 in 1989 when a shattering jolt threw him upward, slamming his head into the top of his cab. Five similar jolts hit his 18-wheel tractor trailer in quick succession as the driver bumped along. A veteran of I-10, Fuselier was prepared. On the ceiling of his cab he had installed an inch-thick strip of red foam rubber padding.

This painful scenario is reenacted countless times daily across America, where roads and bridges are deteriorating faster than governments can afford to repair or replace them. The quality of the nation's infrastructure has increasingly become a matter of governmental and public concern. Cost estimates for repair and update of the nation's highways are as high as \$655 billion, and the cost to rehabilitate bridges could reach \$50 billion.

With budget constraints at both federal and state levels, dollars for infrastructure repair are few and far between. But it hasn't always been this way, and frustrated government officials as well as frustrated motorists might learn a lesson from history. In the early nineteenth century, most roads in the United States were built, owned, and operated by private companies. It was only in the latter part of that century that state governments took over most road ownership and operation. And it wasn't until after World War II that the federal govern-

ment became a major funder of road construction.

European nations, during this same time period, continued to permit private firms to build, own, and operate major highways. The tunnel under the English channel between Britain and France is being financed and built entirely by private firms. There are more than 8,000 miles of private toll roads across Europe, compared with only a little over 4,000 in the United States.

Myths About the Private Ownership of Roads

The notion of private roads is not new, but is burdened with many myths. Among them:

Myth #1: *Only the government can operate a road system that meets the needs of citizens.* The idea of private companies operating roads may seem strange to many Americans. Some experts believe there is a plausible basis for the premise that government must own and operate the roads. Besides the enormous resources available to government to operate the system, transportation is so vital that any

breakdown would threaten the nation's security and economy. Can the U.S. entrust this function to private firms, which may go out of business, go bankrupt, or otherwise fail?

Unlike government, of course, market firms must rely upon resources voluntarily supplied by customers and investors. They cannot compel payment through taxation. But far from being a disadvantage, this encourages private firms to be more prudent in managing resources, more responsive to complaints, and more sensitive to market demand. Private firms have to make good decisions to stay in business. The purported benefits of the "public market," however, insulate government agencies from the necessity of making good decisions, as well as much of the information crucial to making good decisions. This lack of a link between services rendered and payments allows public agencies to ignore consumer wishes — as every motorist who has complained about a pothole knows.

At the same time, dependence on legislated sources of revenue makes

public agencies very sensitive to political pressures for special favors. Such political favors divert scarce resources from more urgent needs. Other more beneficial and more useful road repairs or construction will be delayed or abandoned because of the political manipulation of road finance.

Myth #2: *Roads are a "public good" and thus can only be supplied by government.* It often is assumed that roads are what economists call a "public good" — a good or service that of necessity must be made available to everyone. Common examples of public goods are defense and the criminal justice system. Because it is not possible to exclude non-payers from receiving the service, an individual user can avoid

Prior to the 20th century, construction of American roads and bridges was usually a local and often a private matter.

paying for the amount of service individually consumed. The demand for such a public good or service always exceeds the amount that a private owner can supply, given the private owner's limited ability to raise revenue from users. This gap is generally taken as an argument for the desirability of government supplying the service and compelling payment through taxes.

Yet roads are not necessarily public goods. Those who do not pay tolls, vehicle registrations, or other charges for roads are easily excluded from using them.

Myth #3: *Roads are a natural monopoly.* A natural monopoly is said to exist if the cost of producing an extra unit of a good consistently declines as the scale of production increases, since the most efficient production then takes place when the producer is as large as possible — that is, a monopoly. In such a situation, the presence of competing firms would raise the cost of supplying the service.

A strong case can be made, however, that roads are not a natural monop-

oly. There are no significant economies of scale in road construction. In fact, the overlapping responsibilities of various agencies and levels of government, the dynamics of the political process, the intermingling of jurisdictional authority, and the inefficient nature of bureaucracy itself tend to raise administrative costs per unit of road as systems are enlarged, leading to substantial diseconomies of scale. Construction costs have gone up by over 400% in the last 30 years, but administrative costs have risen by over 1,200% in the same period. Roads thus fail to exhibit the ever-increasing economies of scale that are requisite of a natural monopoly.

The "natural monopoly" argument that has been made for roads and bridges has not sufficed for other infrastructure that is privately owned, such as electric utilities, wastewater treatment plants, telecommunications systems, and water supply systems. These systems demonstrate how private ownership of infrastructure is compatible with common interests. Private infrastructure ventures have consistently shown to have faster procurement times, lower construction costs, lower operating costs, and more innovative design and operating concepts than public sector projects.

Myth #4: *Highways cannot compete with each other.* Most roads, particularly in urban areas, compete with each other to carry traffic and attract businesses or residences along their routes. Convenient and well-maintained routes would entice motorists to spend user fees on the facility, if they were allowed to do so. High-volume roads attract businesses dependent upon visibility and access, while low-volume roads are more useful for residential areas. This suggests that use of roads has many market-like aspects, intimating the possibility of a competitive market, managed by private market roadway operators.

Myth #5: *Only the rich will be able to travel, since low-income drivers would not be able to afford private roads.* Privately-owned roads in congested areas will give travelers greater choice of routes. Those who pay to drive on the private road will find less congestion. Those who remain on the public road too will

find less congestion as a result of the addition of the private roads.

While some may object to a two-tier system for roads, this approach is already in effect in many other services. Take the post office, for example. One may choose to mail a letter or package through the U.S. Postal Service if one isn't too particular about reliable, quick delivery. However, if a letter or package needs to arrive quickly, one may choose an alternative delivery system such as Federal Express or United Parcel Service. One method is less expensive but slower, the other, more costly but faster.

Additionally, by providing the efficiencies discussed in Myth #3, privately-owned roads, by competing with other private and publicly-owned roads, will keep costs at a more reasonable level, giving more people the opportunity to use the private option — especially if less government financing of roads translates into tax reductions. If the user is faced with contributing what is deemed a reasonable amount for using the higher quality road, he may choose that option over the government-owned road that typically receives lower levels of maintenance.

Private Roads in American History

Prior to the 20th century, construction of American roads and bridges was usually a local and often a private matter. Originally, local townships maintained their own roads. This was fine so long as trips were short. But as the typical road trip lengthened, a growing number of travelers passed through several local jurisdictions, becoming what economists call "free riders." They paid nothing for benefitting from the roads that were built and maintained by local residents.

As the residents began to balk at providing roads for non-residents, the private market stepped in. Borrowing from English practice, Americans built private turnpikes. The first notable project was chartered in 1794 and connected Philadelphia and Lancaster, Pennsylvania. A private corporation, financed by shares sold to the public, built the entire 61-mile project in two years. Users paid at tollgates along the route. By 1840, more than 10,000 miles of user-financed turnpikes laced the

young nation, most of the mileage predictably in the more populated New England and Middle Atlantic states.

During the same period, governmental road construction was virtually nonexistent. In New York between 1790 and 1821, the state's expenditure of \$622,000 on the construction of roads and bridges was dwarfed by private in-

Europe and the Pacific Rim have never abandoned the concept of private road construction, and benefit from thousands of miles of private toll roads.

vestment of \$11 million in turnpike companies and \$850,000 in bridge companies.

Meddling by government was the primary cause of the decline in private construction and ownership of roads. Although the roads were privately owned, state governments maintained tight control through heavy regulation. The imposition of caps on toll rates and restrictions on the placement of toll-gates were introduced, sharply reducing turnpike profits. As profits and dividends declined, support for private roads waned, and state governments gradually garnered control over most roads during the mid-19th century. Still, in the first part of the 20th century, some roads were being built by and for private firms.

Private Roads In Europe and the Pacific Rim

While America's dependence on private roads decreased in the twentieth century, toll roads became far more common in Europe and Asia. The concept of paying to use a road, bridge, or other structure has been accepted in Europe since 1281, when tolls were collected on London Bridge. A 1977 study by the International Bridge, Tunnel and Turnpike Association found that Belgium, Britain, France, Italy, and Spain had 8,868 miles of toll roads, compared with 4,416 miles in the United States. Most of the national network of major roads in Western

Europe are toll roads constructed and owned by private companies, and most of the major bridges and tunnels have also been built with toll financing.

The basic European model is for government to award a franchise or concession to a commercial entity for a period of time long enough to amortize its investment, typically 25 to 35 years. Then, the road is transferred to the government. This is known as the B-O-T method — for "build-operate-transfer." It has built some 5,300 miles of toll highways in France, Italy, and Spain, including 90 percent of Italy's motorway system. France adopted the B-O-T approach in the late 1960s, and nine semi-private and private firms have built and operate major motorways. French toll roads generate approximately \$2 billion a year in toll revenues.

In early 1988, the Costain Group, one of Britain's largest construction firms, announced plans for three B-O-T projects, totalling \$12 billion. One is a 16-mile motorway beneath the Thames River, the second is an upper deck on a motorway that encircles London, and the third is a high-speed rail line from London to the entrance of the Channel Tunnel linking Britain and France. The historic \$14 billion Channel Tunnel, popularly known as the "Chunnel," goes one step beyond B-O-T since ownership will not revert to government. Though the project does have the authorization of the British and French governments, it employs neither government financing nor guarantees. It has raised funds through international banks and equity capital from public offerings.

Over the past decade, the B-O-T model has been used in the Pacific Rim. Indonesia is linking its islands of Bali, Java, and Sumatra with a network of toll roads and bridges. South Korea has developed a toll road network to bring farm products to the cities. Hong Kong has built its famed private harbor tunnels using this model. And Malaysia is using B-O-T to build the final 310-mile link in a 560-mile motorway from Singapore to the Thai border.

The Sydney Harbour Tunnel, under construction in Australia, is the largest privately-funded public works project

in that country. It is a private joint venture of an Australian construction firm, a Japanese contractor, and The New South Wales Department of Main Roads. The tunnel, which is expected to be finished this year, will be operated privately until 2022, when it will revert to the government at no charge.

The most dramatic of the new Pacific rim projects is under construction today in China. Hong Kong entrepreneur Gordon Wu broke ground in April 1987 for a \$1 billion, 155-mile private toll road linking Guang Zhou (Canton) with Hong Kong and Macao. Wu's franchise is for 30 years, after which ownership will revert to the Chinese government.

The United States — Private Roads Again?

Privately-built roads are coming back in vogue in the U.S., as money-strapped states and territories look for ways to finance new highways. The recently-passed transportation bill allows roads to be privately built, owned, and operated. Statistics compiled by the International Bridge, Tunnel and Turnpike Association show that sixteen states are considering \$8.5 billion worth of proposals that would add 882

The chief causes of America's highway and bridge difficulties are the problems inherent in public ownership of infrastructure.

miles in toll roads and bridges. Dallas, Houston, Orlando, Miami, Chicago, Denver, Virginia, and Orange County, California are among the jurisdictions planning road projects.

California — In June 1989 the California legislature, as part of a \$18.5 billion transportation bill, authorized private companies to build four demonstration tollways in the state. All four projects will involve the development of transportation facilities by the private market.

The projects are to be privately planned, funded, financed, built, and operated, although the state will own

the completed facilities and lease them back to the private developer. The projects will, therefore, follow the "build-transfer-operate" (B-T-O) model for public-private partnership. "California is the tort capital of the U.S.," says Robert W. Poole, Jr., president of the Los Angeles-based Reason Foundation and a member of CalTran's privatization advisory board. "Because of that they did not go with the B-O-T model. They went with B-T-O, so the state will own these roads from the day they open. That supposedly will reduce the liability exposure of the private market."

Plans are for tolls and developer fees to fund the projects. In addition to tolls, other revenue available to the private builders could include rents from private development of air rights; private real estate development at interchanges or station stops; transmission of data, water, and electricity; exclusive truck lanes; and anything else legal and profitable.

The cost of the three projects in Southern California is estimated at \$2.1 billion. An environmental review was completed on the freeway project in Orange County and planners hope to break ground soon. The other three projects, including the one in Northern California, are still awaiting environmental review.

Colorado — A 1983 Colorado law gives private road companies the right and ability to build new roads. Road developers can file a claim on a transportation corridor, acquire the right of way by purchase, dedication, or condemnation, and finance, build, operate, and own a toll road. All of these pow-

ers are distinct from those of state and local governments with the exception that the counties along the route must approve the toll rates.

The Front Range Toll Road Company of Denver has proposed a \$1.3 billion, 210-mile route from Pueblo to Fort Collins, running parallel to congested I-25 which passes through Denver. The project is envisioned as a "purely private" multipurpose utility corridor that would include pipelines, electric lines, and communications lines. As of August 1991, developers are in negotiation with several U.S. companies on financial support for the project, which will take three years to construct.

Puerto Rico — The San Jose Lagoon Bridge is a B-O-T toll bridge to be built near San Juan's airport. The bridge has been a top priority of Governor Rafael Hernandez Colon since it was announced as a privatization project in 1989. It will be built under an \$83 million fixed-price contract. Environmental and land use permits have already been obtained, and construction is set to start as soon as the financing is completed. The private project is strictly designed and defined to avoid any co-mingling of public and private capital. No public funds will be involved in the construction of the bridge.

Virginia — The 1988 Virginia Highway Corporation Act opened the way for private companies to seek authority to construct and operate roads in that state. Soon after the law was enacted, the newly created private Toll Road Corporation of Virginia (TRCV) submitted a proposal to the Virginia Commonwealth Transportation Board to build and maintain an extension of the publicly-run Dulles Toll Road. The 14-mile extension from the Dulles International Airport to the town of Leesburg will be America's longest private toll road and is the first authorized in Virginia since 1816.

The road is being built at no expense to taxpayers. Completion of the project is expected by 1993 — at least 18 months

earlier than the state could do the job, and without dipping into the \$20 million surplus generated by the present toll road. Plus, it will leave untouched millions of dollars in Department of Transportation funds that can be applied to other road projects.

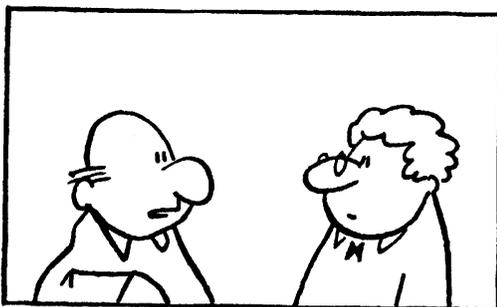
Meanwhile, according to Ralph Stanley, founder and president of the Toll Road Corporation, America's crumbling bridges and highways offer profitable opportunities for the private market. Stanley already has suggested that the Toll Road Corporation repair and rehabilitate bridges, acting as a general contractor, financing agent, and construction supervisor. Upon a project's completion, the Toll Road Corporation would collect tolls for a set number of years to pay off the project debt and make a profit.

Technology Smooths the Way for Private Roads

The biggest complaint against private roads is the stop-and-go process at toll booths. The new technology of electronic pricing, however, can make toll booths obsolete and allow non-stop travel. This technology is called the automatic vehicle identification device, or AVI. An identification card the size of a credit card is attached to the inside of the vehicle's windshield. As it passes the tollbooth or sails up the on-ramp the card signals to radio transmitter/receivers or underground electronic cables that the driver has already paid a month's worth of tolls and doesn't have to stop. Users receive a monthly toll bill similar to a utility bill or have the fees charged to their credit cards. This system is already in use on roads in Delaware, Texas, and New Orleans, and on the Coronado Bridge between San Diego and Coronado, California.

Automatic vehicle identification technology allows higher tolls to be charged during rush hours to divert non-essential traffic to cheaper off-peak hours. Other businesses already use differential pricing to rechannel demand to off-peak periods. Movie theaters feature mid-day reduced prices to fill otherwise empty seats. Many restaurants offer "early-bird" dinner specials to encourage people to dine at what would otherwise be less busy times. Electric utilities and phone com-

US POST OFFICE



Balo

"I still say we should close up for lunch — we'd avoid a lot of customers that way."

panies offer time-of-day rate schedules in order to entice consumers to shift some of their demand to off-peak hours.

Charging drivers a price that reflects the replacement cost of the road plus the time cost of delays to other users caused by congestion has an important advantage over current practice: it would quickly regulate traffic to its optimal flow. According to economist Randall J. Pozdena, optimal road-pricing in California would require peak-period fees of about 65 cents per mile in urban areas, 21 cents on suburban roads, and 17 cents on fringe suburban roads. Off-peak fees would be 3 to 5 cents per vehicle mile across the board.

The market pricing of roads has a future: both the need to rebuild our transportation infrastructure and the increasing cost of congestion require it. "I'm sure that in 10 or 20 years, it will be a common feature of everyone's life around the world," says Carl Williams, Assistant Director of the California Department of Transportation. Williams estimates that peak-period pricing of new private toll roads

Public ownership of roadways creates a strong bias against market pricing for road use. Free access inevitably leads to over-use, which then leads to demands for additional capacity.

and bridges has wide appeal. "The environmentalists should like it. The operators should love it. Business should support it, and the drivers should like it because they are going to get to use that facility at its highest and most efficient use level."

Other options to alleviate traffic congestion are also available to private market road management. Motorists could purchase a travel permit that would allow unlimited street usage for a given period of time. Like a "season's pass," such an arrangement would alleviate the need for metering travel patterns. For those with privacy concerns,

instead of noting the exact travel pattern, monitoring devices could be set so as to record the number of times a client passed a limited number of points on the map, and highway owners could always provide toll booths on one lane, allowing the others to be monitored electronically.

Public Ownership: The Inherent Problems

The chief causes of America's highway and bridge difficulties are the problems inherent in public ownership of infrastructure. The incentives operating in the public market often lead to misdirected spending, the inefficient use of existing infrastructure, and a failure to maintain the infrastructure properly. Mismanagement and poor workmanship dog many federal highway projects.

Politics plays a crucial role in the allocation of infrastructure projects. Because each member of Congress insists that his or her state or district receive a pro-rata share of federal highway funds, numerous projects of relatively low priority are funded, leaving fewer dollars for more appropriate projects. In addition, members of Congress spend much time fighting over "demonstration projects," usually new roads or access ramps, often paid for out of the Highway Trust Fund. Congress managed to slip 157 of these projects into the last highway authorization bill in 1987, costing the taxpayer \$1.4 billion. The 1991 highway bill includes 529 demonstration projects at a cost of over \$5 billion for five years (and as much as \$40 billion to totally complete all the projects).

Another obstacle to infrastructure improvement is the creative accounting used by the Administration and Congress to make the federal budget deficit appear smaller. Receipts from gasoline taxes and other user fees are earmarked to the Highway Trust Fund, which is currently valued at \$14.5 billion. In fact, there are no funds held in an actual account. The money goes into the general revenue pot and the Highway Fund is "owed" its amount. While the public believes that its gasoline taxes are going for road improvements, Congress refuses to spend much of this money because it would have to replace the money owed to the

Highway Fund.

Unfortunately, public ownership of roadways creates a strong bias against market pricing for road use. Free access inevitably leads to over-use, which then leads to demands for additional capacity. This costly new capacity would not have to be constructed were market-pricing used on existing structures. The current practice of below-cost pricing encourages users to request more services than they are will-

The purported benefits of the "public market" insulate government agencies from the necessity of making good decisions, as well as much of the information crucial to making good decisions.

ing to pay for, while giving planners an exaggerated perception of investment needs from misleading signals about high demand.

Private Goods, Public Hope

Private roads have a long and successful track record in the United States; it is only in the recent past that government has taken over road-building. Europe and the Pacific Rim have never abandoned the concept of private road construction, and benefit from thousands of miles of private toll roads. Several countries and a few states within the U.S. recently have undertaken private ventures in road and bridge construction. Government, commerce, and the traveling public can all benefit from new roads and bridges and the rehabilitation of existing ones. Government and taxpayers should find private market involvement a welcome relief from additional financial burdens, and commerce will hail new business opportunities. Certainly the American public will welcome additional routes to satisfy their transportation needs, reducing congestion, commuting time, and frustration. It is time to return America's roads and bridges to the market. □

Proposal

The "Lock" on the Electoral College

by David Brin

Everybody talks about the Electoral College, but nobody ever does anything about it. But something *can* be done.

It is as inevitable as mudslinging and inflated promises. Every four years we get re-acquainted with that peculiar American institution, the Electoral College, and each time we scratch our heads, wondering aloud why nobody has yet done anything about the old beast. What's it for? Why is it there? Why should we care?

Well, for one thing, without a clear understanding of the Electoral College, any independent or third-party effort in America is doomed to marginality at best. The Libertarian Party, and even H. Ross Perot with all his millions, can accomplish nothing without convincing citizens that votes outside the mainstream aren't wasted.

Officially, voters cast their ballots, not for a presidential candidate, but for electors from their state who are committed to that candidate. States get to cast a number of electoral votes totalling the sum of their congressional representatives. Traditionally, each allocates its electors on a "winner-takes-all" basis, to whomever garners the most popular votes inside the state.

Throughout the '92 campaign, newspapers will tout which "swing" states matter most, and which candidate has the best chance of reaching the magic number — 270 electors. We will be reminded that it's possible for a nominee to win the election despite gathering only a minority of the popular vote, as did Abraham Lincoln in 1860, Grover Cleveland in 1884 and

1892, Benjamin Harrison in 1888, Woodrow Wilson in 1912 and 1916, John F. Kennedy in 1960, and Richard Nixon in 1968. The worst example of the electoral college defying popular will occurred in 1876. In the tally of ballots cast by citizens, Rutherford B. Hayes was beaten soundly by his opponent, Samuel J. Tilden, and yet Hayes took office because of a backroom deal struck over disputed electoral votes.

As November 1992 approaches, these historical anecdotes will be rehashed. "What-if" scenarios will be spun, describing obscure procedures for settling a tie in the U.S. House of Representatives. As predictable as dirty tricks in October, there will be a flood of proposals to do away with the Electoral College altogether.

It certainly sounds simple enough; why not just decide the presidency by strict popular vote? Unfortunately, it's not that easy.

What if nobody wins a popular majority? Even a modestly successful bid by a third party (or a campaign for "none of the above") could prevent anyone

receiving a clear majority in a tight election. The French, among others, solve this dilemma by holding a runoff election. Other, even less satisfying solutions include having Congress decide between the top two candidates and letting someone acquire the awesome power of the Presidency with a mere plurality. (In a three-way race, "plurality" could mean just 34% of the vote, with two-thirds of the country hating the actual winner.) The problems with selection by popular vote make one understand why the Framers of the Constitution turned their thoughts toward an intermediate stage, the Electoral College.

Eliminating the Electoral College requires a constitutional amendment. The amending process is glacially slow — as well it should be — and this daunts reformers. There is understandable reluctance to meddle with the Constitution without clear and substantial cause. But, as we shall see, an amendment isn't necessary to solve the problem.

Vested interests prefer the present system. Until recently, both major parties

profited from the present Electoral College system. Just as gerrymandered congressional districts give most representatives safe districts, the "winner-takes-all" method of parcelling each state's electors rewarded both major parties with solid home territories where power and patronage were secure.

This has changed over the past half-century. The Democrats' traditional "home block" — the "Solid South" — has dissolved, while the Republicans have gained a solid grip on the West. An end to the traditional balance proved disastrous for the Democratic Party's presidential prospects, in spite of their continued pre-dominance in Congress and at the state

Just as gerrymandered congressional districts give most representatives safe districts, the "winner-takes-all" method of parcelling each state's electors rewarded both major parties with solid home territories where power and patronage were secure.

level. From 1952 to 1988, 21 states have gone reliably Republican in presidential elections. Only six states and the District of Columbia have gone regularly to the Democrats.

But does this "reliability" mean that every voter in, say, Kansas or Utah casts for the Republican, every election? Of course not. A so-called "Republican landslide" in each of those states seldom means the G.O.P. received more than 60% or 65% of the popular vote. What about the 40% or so who vote Democratic? For those people, living in a western state means, quite simply, that they are completely disenfranchised in Presidential elections. The same can be said of Republican officials or lawyers in Washington, should they foolishly live and register in D.C. itself.

But it is not the electoral college per se that distorts the system. It is the winner-takes-all method of allocating

each state's electors that makes it possible for the popular vote winner to lose the election. It is what allows one party to take huge swathes of the nation for granted. It is the feature that disenfranchises large minorities, everywhere in the Union. Winner-takes-all guarantees that candidates lavish attention mostly on big states, where a little extra effort might win a jackpot of electoral votes. Finally, winner-takes-all is what almost guarantees that the party which represents more Americans than any other will not win the presidency for the foreseeable future.

Now here is the irony.

There is no provision for winner-takes-all anywhere in the Constitution.

For decades, both major parties used this allocation method to choose delegates to their national conventions. The Democrats eliminated it first, making rules to apportion convention votes according to the percentage won by each candidate in the primaries. Republicans followed suit within a decade. Both acted partly because of changes in Americans' sense of fair play. Yet most people still assume the unfair practice of all-or-nothing is constitutionally mandated for choosing electors.

Actually, in nearly every state, electors are awarded all-or-nothing for only one reason: *state laws* so mandate.

Consider Utah, with a Republican-dominated legislature and voters who can be relied on to regularly give the G.O.P. handsome majorities. Naturally, the dominant group in the assembly instituted winner-takes-all, to guarantee their own party all of Utah's electors for president. The same logic holds in states with Democratic-dominated legislatures, such as Hawaii.

In addition, winner-takes-all closes the door on third parties. Take the George Wallace campaign of 1968. Under proportional distribution, Wallace's popular votes would have won him enough electors to enter coalition

negotiations with one of the major candidates. This possibility doubtless frightens both Republican and Democratic leaders, but should it? I

A "Republican landslide" in Kansas or Utah seldom means the G.O.P. received more than 60% or 65% of the popular vote. What about the 40% or so who vote Democratic? For those people, living in a western state simply means that they are completely disenfranchised in Presidential elections.

find it hard to see how opening the system a bit would hurt democracy. It would be a very mild version of coalition politics compared with what other democracies successfully manage. America is an anomaly for allowing no provision for power-sharing, even when election results clearly call for it.

In fact, the situation is neither hopeless nor monolithic. In 1972, for example, the state of Maine broke with winner-takes-all by enacting legislation that instead divided its electors among congressional districts. And in April of 1991, Nebraska Governor Ben Nelson signed a law providing for three of that state's five electors to be decided in congressional districts and two to be chosen at-large. If all states did this, the chance of mis-match between the electoral and popular vote majorities



"The peasants are 99.8 percent of the population — you can hardly call them a 'special interest group.'"

would become negligible. Large minorities would no longer be disenfranchised. Confidence in our system would improve. Maine and Nebraska show how simple it would be to fix one of the major constraints artificially distorting our electoral system.

Perhaps "trades" might be arranged — Utah for Hawaii, etc. — so that neither party feels disadvantaged by acting first. Or state legislatures might be pressed to change as a simple matter of fairness.

Even more likely, some third party — such as the Libertarians — might file before the Supreme Court under the doctrine of "one person, one vote," since the present system arguably violates the voting rights of millions. There is even reason to believe that a temporary alliance with the Democrats could be struck, since the current arrangement gives the Republicans a lock on the presidency. Wouldn't

Democrats prefer a system in which they might have to make deals with the Libertarians, and sometimes give Libs power on a few issues, to never again have a chance at the White House?

I find it hard to see how opening the system a bit would hurt democracy. America is an anomaly for allowing no provision for power-sharing, even when election results clearly call for it.

(From the Libertarians' point of view, coalition politics isn't shameful; it's how a fringe party gains experience and legitimacy in the eyes of a mass

public. One thing is certain: the Democrats can live with a Libertarian Party that thrives, even opposing them, but the Republican Party could not abide such a development. Such an event might spell death for the G.O.P.)

It is well past time to reform the flaw in our presidential election system. In this era of growing democracy overseas, shouldn't we eliminate inequities in the system that is supposed to be a shining example to the world? The enemy in this case is *not* the Electoral College, a quaint institution which some scholars think may — under hypothetical circumstances — provide a unique, last-ditch safeguard to the Union. It isn't necessary to go through the trauma and risk involved in tinkering with the Constitution.

All we have to do is to make the process of selecting electors fair. In this nation, in this era, that should not be too much to ask. □



WHY SHOULD YOU BE READING FREEDOM DAILY?*



"What will it take to abandon the road to serfdom which Americans have traveled?" — Jacob G. Hornberger, founder and president, The Future of Freedom Foundation: August 1992 *Freedom Daily*.

"The world, with the help of Hayek's ideas, may finally complete the task of rising up from serfdom." — Richard M. Ebeling, Ludwig von Mises Professor of Economics, Hillsdale College, Michigan, and academic vice president, The Future of Freedom Foundation: August 1992 *Freedom Daily*.

"Classical liberalism is the signature political philosophy of Western civilization." — Ralph Raico, professor of history, State University College of New York at Buffalo: August 1992 *Freedom Daily*.

*WE DON'T COMPROMISE.

For a one-year (12 issues) subscription to our 48-page publication, *Freedom Daily*, send \$15 (cash, check, visa, or mastercard) to FFF, P.O. Box 9752, Dept. M, Denver, CO 80209. (303-777-3588).

Reviews

Forbidden Grounds: The Case Against Employment Discrimination Laws, by Richard A. Epstein. Harvard University Press, 1992, 502 pp., \$39.95.

Just Discrimination

James Taggart

In *Forbidden Grounds*, Richard Epstein takes on one of the most sacred of America's sacred cows. "A broad anti-discrimination principle," he observes, "lies at the core of American political and intellectual understandings of a just and proper society, not only in employment but also in housing and public accommodations, medical care, education, indeed in all areas of public and private life" (p. 1). This principle, Epstein argues, has been carried too far. Laws prohibiting private discrimination on the basis of race, sex, age, or handicap should be repealed.

At the broadest level, Epstein's argument for freedom of contract — a system that would allow hiring and firing for good reason, bad reason, or no reason at all — proceeds in three steps. First Epstein maintains that, assuming that private property rights are fully protected, the individual who is discriminated against would suffer only negligible economic harm even if a large segment of the population refused to do business with him.

[T]he counterstrategies for the victim of discrimination are clear. . . . [I]n a world in which 90 percent of the people are opposed to doing business with me, I shall concentrate my attention on doing business with the other 10 percent, secure in the knowledge

that as long as the tort law (with its prohibitions against the forceful interference with contract or prospective trading advantage) is in place, my enemies are powerless to block our mutually beneficial transactions by their use of force. The universe of potential trading partners is surely smaller because some people bear me personal animus and hostility. But the critical question for my welfare is not which opportunities are lost but which are retained. (30)

Historically, of course, blacks never received anything close to the equal protection of the law. Recognizing this, Epstein provides a historical analysis coherent with his economic case:

[T]he received wisdom, both in 1964 and today, does not grasp what was wrong with Jim Crow and segregation. The dominant evil in the pre-1964 period was not self-interest or markets, inflexible human nature, or even bigotry. It was excessive state power and the pattern of private violence, intimidation, and lynching, of which there is painful record but against which there was no effective federal remedy. The ex-

PLICIT discrimination in the South and elsewhere was preserved by the use of coercion, both by state law and by private individuals (such as the Ku Klux Klan) whose activities were left unchecked by state agents. (93)

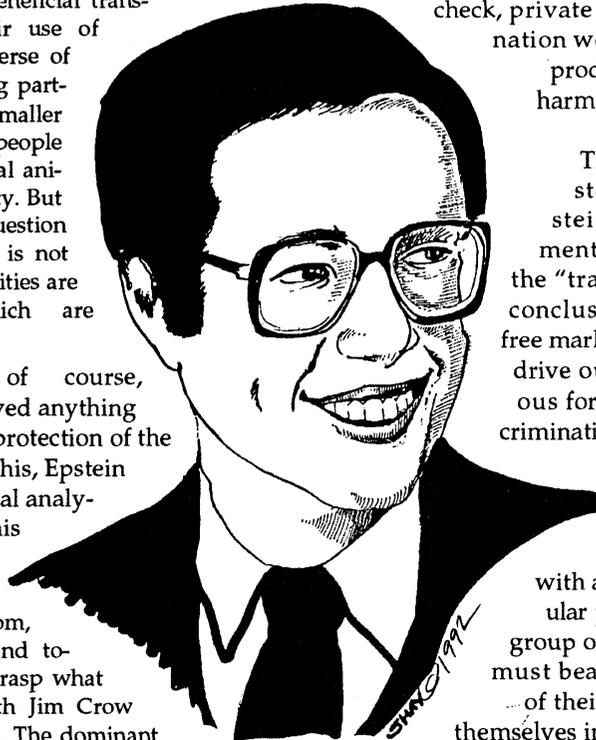
This system "choke[d] off the improvements that blacks and others could have achieved among themselves, or by doing business with whites who were sympathetic to them and supportive of their aspirations." Jim Crow was a textbook example of what happens when the principles of limited government are ignored, allowing the power of the state to be enlarged and seized by a hostile majority.

Had state power been kept in check, private discrimination would have produced few harmful consequences.

The second step in Epstein's argument expands the "traditional" conclusion that a free market would drive out invidious forms of discrimination. Those who refuse to do business with any particular person or group of persons must bear the cost of their decision themselves in the form of lost profits and other foregone opportunities. As Epstein observes:

foregone opportunities. As Epstein observes:

The greater the class of persons who are regarded as off-limits, and the more irrational the preferences, the more the decision [not to deal] will hurt the people who make it, and the



open to rival traders. (94)

This "natural curb" on discrimination becomes even more pronounced over time because, given free entry into the market, the mix of firms will change. On the margin, those employers who retain costly, discriminatory practices will go out of business, while new or existing firms will adopt more efficient, nondiscriminatory policies in order to survive.

Given that potential victims of private discrimination have little to fear in competitive labor markets where prohibitions against the use of force are strictly enforced, employment discrimination laws involve costly, intru-

Epstein demonstrates that laws prohibiting discrimination in employment hurt their supposed beneficiaries far more than they help them.

sive burdens that stifle economic innovation and competitiveness with businesses not so stifled — i.e., those in other countries. Revealing this dark side to employment discrimination laws forms the third and final prong of Epstein's case for their repeal. Echoing Hayek and others, Epstein observes that:

Progress in business often comes from the cumulation of small edges and incremental advantages brought about by persons with extensive local knowledge. Imperfect information — hunch, intuition, experience — is often all that we have, and it is surely better than no information at all. But it is the kind of information that is greeted with scorn and hostility in the enforcement of a civil rights law that demands the highest level of proof to justify existing business practices that have survived in the market. . . . (42)

The spectre of liability under the employment discrimination laws not only discourages or prohibits innovative business practices but also hurts many of the intended beneficiaries of these laws.

The problem here is the classic one of the unanticipated consequences of purposive action. The chief effect of Title VII is to make highly skilled black labor more desirable relative to low-skilled black labor. As with the minimum wage, Title VII works a redistribution from worse-off to better-off blacks, which is surely far from what its principled supporters intended. (501)

In subsequent examples, Epstein demonstrates how employment discrimination legislation combines with other labor laws to limit severely the opportunities of many blacks, especially the low-skilled. The bottom line is clear: these laws hurt their supposed beneficiaries far more than they help them.

The gaps in Epstein's analysis only appear when he challenges the traditional view that competitive markets drive out *all* forms of discrimination. He is undoubtedly correct that some forms of discrimination may be "rational" or "efficient." On the one hand, there are gains from homogeneity and voluntary sorting that advantage the predominantly black, Jewish, Asian, or WASP firm that recruits among its "own kind." Employees from the same racial or ethnic background may have similar preferences about a whole range of workplace issues resulting in fewer conflicts over decision-making — and, hence, be more productive. They also may allow the employer to depend less upon formal, legal sanctions to ensure employee performance, relying more on informal community sanctions that often produce better results. On the other hand, Epstein acknowledges that many firms — those doing business across cultures, for example — may consider employee diversity an asset rather than a liability.

However, once Epstein admits that some discrimination may be efficient, a serious line-drawing problem emerges. Is it possible to distinguish between invidious and benign forms of discrimination? Granted, attempting to make such a distinction can certainly pose great difficulties, but Epstein does not even try. Given his economic methodology, he cannot. Economists take the subjective preferences of individuals as given. As Epstein puts it, "The taste

for discrimination is just another preference." Discrimination is neither morally right nor morally wrong. Invidious or benign: it makes no difference.

Expecting Epstein to make a moral distinction between invidious and benign discrimination in *Forbidden Grounds* may be to expect too much, but his rejection of the entire field of moral discourse on the subject of discrimination places him further outside the mainstream than is necessary to defend his position. One can recognize the morality of a broad antidiscrimination principle and still argue consistently and powerfully for repeal of the employment discrimination laws. Moral and consequentialist analyses are not incompatible.

Epstein's failure to recognize the compatibility of moral and consequentialist discourse leads to the book's thorniest problem. With economic efficiency as his only guide, he must justify the distinction between force and discrimination and explain why the use of force should be strictly prohibited

Those who refuse to do business with any particular person or group of persons must bear the cost of their decision themselves in the form of lost profits and other foregone opportunities.

but discrimination allowed. But economic analysis by itself cannot make a principled distinction between force and discrimination. Such a distinction would require that some preferences be characterized as illegitimate in certain contexts, but in the world of economics, a preference is a preference is a preference. A preference for or against the use of force gets factored into the same utilitarian calculus as one for or against discrimination. Whether *any* legal prohibition is justified depends on the outcome of the same utilitarian calculus. How the law should treat coercion as opposed to discrimination

cannot be determined by economic analysis alone.

Furthermore, it is far from clear which way people's preferences tip the scales. Despite Epstein's brilliant explication of the costs imposed by

Discrimination deeply offends the vast majority of Americans, who would likely prefer that it remain illegal. Economics cannot declare these preferences illegitimate; that task, if it is possible, belongs in the realm of moral or political theory.

employment discrimination laws, these laws may nevertheless be justified on economic grounds because of the negative externalities caused by discrimination. As Epstein concedes, discrimination deeply offends the vast majority of Americans, who would likely prefer that it remain illegal. Economics cannot declare these preferences illegitimate; that task, if it is possible, belongs in the realm of moral or political theory. For its part, economics must include these preferences in the equation. And, once these intense and broadly felt preferences are included in the analysis, anti-discrimination laws may be "worth" having on the books.

Forbidden Grounds is a major achievement, and an extremely important book. Nevertheless, it seems plain that Epstein's single-minded focus on economic analysis prevents him from making an even stronger case against employment discrimination laws. Certainly he could recognize the moral as opposed to the legal case against bigotry; his claim that "the condemnation of racial and sexual stereotypes . . . ha[s] no libertarian underpinnings" seems dubious at best. Most importantly, economics cannot produce the firm conclusions that Epstein seems to prefer; indeed, without any theoretical underpinnings, such analysis may actually cut against Epstein's position. *Forbidden Grounds* requires an injection of moral

or political theory to provide a starting point. By itself, economic analysis can only produce ambiguous results.

"Each age always conspires to make its own way of thinking appear to be the only possible way or just way," Epstein observes. "Yet we ought to recognize, on the basis of historical obser-

vation, that what epochs consider their greatest virtue is most often really their greatest temptation, vice or danger. We have to learn to put the scalpel to our virtues" (260-61).

With the publication of *Forbidden Grounds*, Richard Epstein has proven himself a surgeon extraordinaire. □

Early Liberty

Indulge your mind with the pleasure and stimulation of early *Liberty*. Or complete your collection of the most exciting libertarian magazine. The first issue is a reprint; all others are original printings. Enjoy!

August 1987, 48pp., \$4.00

• "The Films of Ayn Rand," by Stephen Cox • "Life or Death in Seattle," by Murray N. Rothbard • "The Mystery Man of the Libertarian Movement," by Ben Best • Plus reviews and articles by Ross Overbeek, Butler Shaffer, Ida Walters and others.

October 1987, 48pp., \$6.00

• "The Sociology of Libertarians," by J. C. Green & J. L. Guth • "The Apostasy of Robert Nozick," by Ethan O. Waters • "The Rise of the State," by Murray N. Rothbard • Plus reviews and articles by Stephen Cox, William P. Moulton, Mike Holmes, Jonathan Saville and others.

December 1987, 56pp., \$3.00

• "Libertarians in a State-Run World," by Murray N. Rothbard • "The Most Unforgettable Libertarian I Ever Knew," by Karl Hess • "Easy Living in the Bahamas," by Mark Skousen • Plus writing by Walter Block, Erika Holzer, Stephen Cox and others.

March 1988, 64pp., \$4.00

• "Libertarians & Conservatives: Allies or Enemies?" by John Dentinger & Murray

Rothbard • "Free Speech and the Future of Medicine," by Sandy Shaw & Durk Pearson • "The Majority vs the Majoritarian: Robert Bork on Trial," by Sheldon Richman • Plus reviews and articles by R.W. Bradford, William Cate, Stephen Cox and others.

May 1988, 64pp., \$4.00

• "Ayn Rand: Still Controversial After All These Years," by David Ramsay Steele & David Brown • "The ACLU: Suspicious Principles, Salutary Effects," by William P. Moulton • "The Two Libertarianisms," by Ethan O. Waters • Plus reviews and articles by Gary Alexander, Nathaniel Branden, Erika and Henry Mark Holzer, Jeffrey Rogers Hummel, Sheldon Richman, Franklin Sanders and others.

July 1988, 80pp., \$4.00

• "Confessions of an Intractable Individualist," by Jerome Tuccille • An interview with L. Neil Smith • David Ramsay Steele on Robert Anton Wilson's critique of Natural Rights • "Rand-Bashing: Enough is Enough," by Ross Overbeek • Plus reviews and articles by Stephen Cox, Tibor Machan, Bill Kelsey and others.

See back cover for additional back issues.

Circle each issue you want, and add \$1.00 shipping & handling per order (foreign orders add 50¢ per issue). Fill in the appropriate information below.

My check is enclosed

Charge my:

VISA Mastercard

Name _____

Address _____

Signature _____

City _____

Account # _____

State _____ Zip _____

Expiration _____

Phone # _____

Send to: Liberty, PO Box 1167, Port Townsend, WA 98368

Liberty and Nature: An Aristotelian Defense of Liberal Order,
by Douglas B. Rasmussen and Douglas J. Den Uyl. Open Court, 1991, xvi +
268 pp, \$49.95 hc, \$24.95 sc.

Post-Randian Aristotelianism

David Kelley

Socialism is dead, but capitalism has not yet arrived. Not in practice, as the newspapers make depressingly clear every day. And not in theory, either. It is not just that our universities are filled with left-over leftists. Even within the ranks of classical liberals, the intellectual case for capitalism is still evolving. It is clear that the market promotes freedom as well as prosperity. But what is the moral basis for holding freedom and prosperity as values, as against the opposing values of egalitarians, environmentalists, and other anti-capitalists? What is the proper way to formulate principles of individual rights, and how are these principles to be validated? These are among the questions that still occupy political philosophers. And they are among the questions addressed in *Liberty and Nature: An Aristotelian Defense of Liberal Order* by Douglas Rasmussen and Douglas Den Uyl, professors of philosophy at St. John's University and Belknap College, respectively. As their subtitle indicates, they believe the case for capitalism should be built on Aristotelian foundations.

Aristotle held that man is a political animal who could hardly survive outside the state, that the state has the function of promoting virtue in its citizens, and that the good of the individual is inseparably bound up with the good of society. Even apart from Aristotle's notorious defense of slavery, these views make his political philosophy an uninviting habitat for classical liberals, who advocate individualism, limited government, and laissez faire. Indeed, as Rasmussen and Den Uyl observe, it is usually the communitarian

opponents of liberalism who appeal to Aristotle's authority. Nevertheless, they set themselves the task of reconciling Aristotle with liberalism. More specifically, they attempt to show that Aristotle's basic view of the world, including his ethics, can be detached from his political conclusions and used as an intellectual foundation for a free society.

This task is somewhat less daunting than it may seem, because the essential connections were made by Ayn Rand. In ethics, Aristotle held that the highest value was happiness. And he meant individual happiness, not the greatest happiness of the greatest number. He was an ethical individualist, not a collectivist like Jeremy Bentham, John Stuart Mill, and their utilitarian followers. Aristotle held, moreover, that man's distinctive means for achieving happiness is the exercise of reason. Rand showed how these two pillars — happiness as a moral end, reason as the means — support a political philosophy of individual rights.

Rand's influence on the book is extensive. Rasmussen and Den Uyl, who previously edited *The Philosophical Thought of Ayn Rand*, rely on her view of certainty as contextual, of reason as the conceptual faculty, of free will as the choice to think, and of life as the basis of values. While Rand is frequently cited in the notes, however, she is not often mentioned in the text itself, and there is no general discussion of her viewpoint. As an Objectivist, I have mixed feelings about this. I would like to see her given more credit for her insights and for the originality of her philosophical synthesis. On the other hand, Rasmussen and Den Uyl side with Aristotle on a number of important issues where Rand parted company with him. In the end, I think they are wise to de-

scribe themselves as Aristotelians rather than as Objectivists.

The point of departure for their argument is Rand's insight that values arise from the fact that living organisms must act to stay alive — to preserve their own existence. Because anything that exists has a specific nature, they go on to argue, the "natural end" for a living thing is to remain in existence as the kind of thing it is. Man is a rational animal — that is our distinctive essence — so our natural end is to live as rational beings. In this way, the authors give the Objectivist ethics a distinctly Aristotelian spin. The ultimate value is not life per se, in the sense of survival, but living well, "flourishing," actualizing our potentialities. The book does not provide a complete or systematic account of what flourishing is, but along the

The authors give the Objectivist ethics a distinctly Aristotelian spin. The ultimate value is not life per se, in the sense of survival, but living well, "flourishing," actualizing our potentialities.

way the authors mention such items as friendship, wealth, and productive work, as well as the exercise of such virtues as rationality, courage, and integrity.

In any case, they regard flourishing as an objective value, with objective requirements for its realization. This claim will raise some eyebrows. It is commonly thought that if there is an objective truth about values, if certain things are objectively good, then society may force its members to pursue them. The authors spend many pages arguing against this assumption. "As a human being," they say, "the individual must conform to certain general requirements of human flourishing dictated by human nature itself. But as an individual, unique circumstances, aptitudes, and interests will particularize the mix" (64). This requires a pluralist society, in which people are free to find their own particular mode of happiness. (Else-

where, the authors observe that this individualized view of objective value gives economists everything they need to explain trade; there is no need for a truly subjective theory of value.) Moreover — and more importantly — they claim that the exercise of reason and reasoned choice is not merely a means to the ultimate end. It is a constituent of the end itself. Acting on one's own judgment is a major component of flourishing, and nothing else counts as an element of flourishing unless it is freely chosen. Thus a state that tries to force people to flourish is pursuing a contradiction.

That is their central argument for individual rights and limited government. The purpose of rights is to define a "moral territory" around each individual in which he has room to flourish. Since we live and act in a physical world, this "moral territory" must include some actual territory: the right to property is an essential human right. Rasmussen and Den Uyl go on to argue that the legal framework of rights defines the common good, the public interest. Despite the claims of collectivists, including many in the Aristotelian political tradition, there is no further content we can give to the notion of the common good beyond the protection of individual rights to pursue individual goods.

Like other individualists, Rasmussen and Den Uyl understand rights in negative terms, as protections *against* other people. But they also understand that we are social animals in a positive sense, and that the bonds which hold society together are not solely economic ones. Therefore, the combination of a principle of rights and an economic understanding of markets does not give us everything we need in the way of a social theory. In their final chapter, they employ Aristotle's concept of friendship in an effort to lay out the beginnings of a positive social theory for individualism. In essence, they try to define a middle position between what they see as two extremes. One extreme is the conception of *Homo economicus*, who seeks the gratification of immediate desire and agrees to a social contract only when he sees that it serves his economic interests. The other ex-

continued on page 57

Liberty and Nature: An Aristotelian Defense of Liberal Order,
by Douglas B. Rasmussen and Douglas J. Den Uyl. Open Court, 1991, xvi + 268 pp, \$49.95 hc, \$24.95 sc.

Different Routes, Same Destination

Leland B. Yeager

In *Liberty and Nature*, Douglas Rasmussen and Douglas Den Uyl seek grounds in Aristotelian ethics for classical liberalism, free markets, the individual rights championed by John Locke and the American Founders, and a limited government to defend those rights. Instead of focusing on general welfare or conformity to rules, Aristotle focused on the individual and his responsibility for his own character (or hers, nowadays, as I need not repeat). A person with healthy traits will interact with his fellows in ways that Rasmussen and Den Uyl discuss with reference to character-friendships, advantage-friendships, and a free, productive, and pluralistic society. Going beyond Aristotle, the authors emphasize the moral significance of liberty protected by rights: it is necessary to the possibility of the individual's moral perfection. Enforced virtue is a delusion.

In Rasmussen and Den Uyl's interpretation of Aristotle, the good for any entity consists in the fullest unfolding of its nature. As rational and social and political animals, human beings find their good in lives that develop and employ their potentialities in mutually beneficial interactions. Insistence on each individual's responsibility for his own moral character and his own life is compatible, of course, with recognizing great differences among human beings in their genetic endowments, formative experiences, and aspirations. Humans can flourish through a great variety of specific accomplishments and satisfactions.

Rasmussen and Den Uyl believe they can justify their insistence on self-development by invoking Aristotelian

teleology to bridge the "is/ought gap." Values have a biocentric basis. The very nature of each living thing and its own vital needs dictate to it the end or function that is the source of all the values it might have. "[B]eing self-directed or autonomous . . . is the virtue which makes all other virtues possible. . . . [W]e know that [it] is good or right simply from our analysis of the nature of human flourishing. Furthermore, we know that being self-directed or autonomous is good for each and every human being just in virtue of their being human" (p. 11).

But what makes the natural end of a human being obligatory? Why *should* one live according to one's nature? Well, such a question "supposes that something else is required for there to be values that are good." An infinite regress in justifications is not possible, however; "there must be something ultimate; something which is simply the case" (49). The proposition about living in accordance with one's nature neither lends itself to proof nor requires any. Anyone challenging this "ultimate prescriptive premise" thereby accepts it — or so the authors maintain (50).

Remarks like these cover many pages and obscure just what the authors may be claiming. Although their heart is with Ayn Rand on deriving "ought" from "is," they seem to be acknowledging their ultimate failure and excusing it on the grounds that the project, rigorously conceived, is impossible after all.

A more straightforward position would have been more satisfying. Rasmussen and Den Uyl might have frankly posited their fundamental value judgment in favor of human flourishing and invited their readers to suggest alternatives if they could. In effect, if not avowedly, they adopt the position

of John Stuart Mill (*Utilitarianism*, near the start of chapter 4 and end of chapter 1): "[Q]uestions of ultimate ends do not admit of proof, in the ordinary acceptance of the term. To be incapable of proof by reasoning is common to all first principles. . . . Whatever can be proved to be good must be so by being shown to be a means to something admitted to be good without proof." An ultimate principle need not be accepted or rejected, however, "on blind impulse or arbitrary choice. There is a larger meaning of the word proof. . . . Considerations may be presented ca-

Ayn Rand is a major inspiration for Rasmussen and Den Uyl. Yet the extent of her influence would hardly appear from leafing through the book or glancing at the index, which refers to her only twice.

able of determining the intellect either to give or withhold its assent to the doctrine; and this is equivalent to proof."

Rasmussen and Den Uyl try to base personal or Lockean rights on a human being's Aristotelian *telos* (129). (Actually, they recommend the term "natural rights" as more precise than "human rights.") A person must have rights to be able to take charge of his own life. Lockean rights are the social and political expression of the claim that there is no higher moral purpose, no other end to be served, than the individual human being's self-maintained and self-initiated achievement of his potentialities. Lockean rights are the only meta-normative principles providing the moral territories demanded by the individualized and self-directed character of human flourishing. These rights come from recognition that human beings cannot be ends-in-themselves save through their own self-directed behavior. Self-direction or autonomy is right in itself, and protecting its possibility is objectively necessary for "a compossible set of moral territories consistent with the individualized and self-

directed character of human flourishing." Rights enter into "a legal system which defines a set of compossible territories that provides the necessary political condition for the possibility that individuals might carry on a life in accord with virtue. Rights are used to establish the legal limits in which pluralism may express itself in relation to others" (115).

Clearly, then, propositions about rights emerge within a system of morality and cannot be its very foundation.

The rights of rights-bearers imply that other people have the duty to respect them. Partly because the duty easiest to define and fulfill is ordinarily that of noninterference, basic rights are for the most part negative rights: in the pertinent fields of activity, people are entitled not to be coerced and constrained by others. Particular relations, as between parties to a contract or between child and parent, can engender positive rights — entitlements to definite actions by others. (Here I am embroidering on Rasmussen and Den Uyl, but I suppose they would agree.) It undercuts the concept of rights, however, to invent supposed positive "rights" to all sorts of good things, such as adequate health care and vacations with pay.

Rights concern interpersonal relations. They hardly apply, as Rasmussen and Den Uyl mention, where social life is impossible, as in lifeboat cases.

While adapting and supplementing some of Aristotle's ideas, Rasmussen and Den Uyl suffer no embarrassment over differences between his doctrines and their own. Aristotle did not present the modern concept of individual rights, and writing 21 centuries before Adam Smith, he had little appreciation of the market economy. Some present-day "communitarian" critics of supposedly excessive individualism also claim inspiration in Aristotle. Rasmussen and Den Uyl argue that these critics of liberalism have overromanticized and overcollectivized Aristotle's own views.

Ayn Rand is another major source of Rasmussen and Den Uyl's inspiration. Yet the extent of her influence would hardly appear from leafing through the book or glancing at the index, which refers to her only twice. Actually, Rasmussen and Den Uyl quote and

paraphrase her in several places while naming her only in the endnotes, which the inadequate index does not cover. (Available devices would have made it easier for the reader to match up notes with the text they refer to. Alternatively, avoiding notes by in-text references to a bibliography would have been helpful.)

On first reading the book and taking notes, I was enthusiastic about the authors' insights because they meshed well with what I already believed. Having to summarize their arguments now makes me realize how much they recite abstractions at tedious length.

Still, the substance of what they say, if not their style, remains appealing. They disavow any claim to deduce the detailed features of healthy social arrangements from an abstract theory of natural rights, "independent of social circumstances, history, and attitudes" (128). Their hero Ayn Rand relied heavily on empirical fact in developing her social philosophy: the characters and

Although their hearts are with Ayn Rand on deriving "ought" from "is," they seem to be acknowledging their ultimate failure and excusing it on the grounds that the project, rigorously conceived, is impossible after all.

events of her novels reveal keen observation of human nature and personal and social psychology. While classifying their natural-end ethics in several ways — both teleological and deontological in some senses but not in others — Rasmussen and Den Uyl caution against detaching principles from any contact with consequences. They thus have empirical sympathies, even though they themselves do not cite any detailed empirical research. They seem ready to expose principles and intentions and character traits to consequentialist evaluation.

Rasmussen and Den Uyl are candi-

dates, then, to be persuaded of a point urged by Jeffrey Friedman (*Critical Review*, Vol. 5, Spring 1991): it is counter-productive to go on advocating libertarianism with "sweeping . . . philosophical arguments [about] self-ownership, a social contract, or human nature" and about "our natural rights, our inviolable consent, or our possessive nature" when these abstract arguments are presented, as some rights theorists do present them, out of contact with "consequentialist" investigation of what arrangements make for harmony and prosperity rather than for discontent and starvation. (Friedman seems to use "consequentialist" as a euphemism for "utilitarian.") Surely Friedman is right: it is preposterous to deduce detailed positions on all sorts of ethical and policy issues from a very few basic principles only.

Rasmussen and Den Uyl reached their foundation for classical liberalism through the writings of Aristotle, Locke, and Rand. Another route (if I may mention my own) passes through the works of Mises, Hayek, Hazlitt, Hume, John Stuart Mill, and Wilhelm Röpke — all economists — as well as of Thomas Hobbes, Ayn Rand, Mortimer Adler (an avowed Aristotelian), and, more recently, R.M. Hare, the contemporary utilitarian philosopher. The doctrine emerging from their writings is rules-utilitarianism — or, better, indirect utilitarianism. It gives prominent place, precisely on utilitarian grounds, to rights of the kinds mentioned in the U.S. Declaration of Independence.

Although Rasmussen and Den Uyl do briefly try to distinguish their doctrine from utilitarianism, they do not stoop to the familiar bashing of unattributed straw-man versions. The "flourishing" of Aristotle and Rasmussen and Den Uyl and the "happiness" of the utilitarians refer to pretty much the same ultimate criterion of ethical principles, character traits, dispositions, institutions, and policies. Both are comprehensive words that admit of a good deal of unpacking. Since social cooperation is indispensable to "flourishing" or "happiness," Rasmussen and Den Uyl and utilitarians alike should be able to accept it as a surrogate criterion. (Rasmussen and Den Uyl do mention social cooperation sev-

eral times.)

No more than Rasmussen and Den Uyl must utilitarians conceive of happiness as satisfaction of whatever preferences and prejudices people may happen already to have. They can agree that tastes are subject to criticism in the light of what makes for a good life in accordance with human potentiality and human nature. Willingness to criticize tastes does not, of course, mean setting up an authority empowered to impose on people the lifestyles it thinks best for them.

Rights theorists on the one hand and indirect utilitarians on the other draw inspiration from different sources, prefer different sets of terminology, and perhaps lay emphasis on different strands of the doctrine they basically share. On the one hand we hear noble-sounding phrases about autonomy, self-direction, character-friendships, advantage-friendships, human flourishing, natural rights, moral worth, and the like. The realities and aspirations to which such language refers are by no means to be scorned. At times, though, it is refreshing to hear the hard-boiled, no-nonsense language of Ludwig von Mises (and Henry Hazlitt and David Hume and — dare I mention the name? — Jeremy Bentham). Still, members of both camps are looking at the same

physical, biological, and social reality, employing the same logic, and working with similar fundamental value judgments (for we are all the same kind of creature). Different styles of conveying broadly the same message are suitable for different contexts and audiences. Rather than engage in sectarian squabbles, we who are trying to convey it should rejoice that we can arrive at basically the same doctrine by routes whose details differ strikingly if perhaps superficially.

Is it lame eclecticism to say this? No, not in the sense of weaving together strands of doctrine arbitrarily plucked here and there to give representation to both or all sides. It is a different matter to draw facts and insights from wherever they occur, even if in the writings of authors whose overall doctrines may diverge. The standard is empirical fact, logic, and fundamental value judgments; and to the extent that they adhere to this standard, theorists approaching political philosophy from different directions will finally come close together.

Rasmussen and Den Uyl have made a solid contribution to this possibility of *rapprochement* among superficially antagonistic arguments for personal freedom, capitalism, and limited government. □

David Kelley, "Post-Randian Aristotelianism," *continued from page 55*

treme is the romantic conception of community as a giant family or network of personal friends, where everyone cares for the well-being of his fellows.

Rasmussen and Den Uyl argue that most relationships in society, including the civic bonds that make us members of one political unit, must be "advantage-friendships," based on the expectation of mutual gain, rather than "character-friendships," in which we value the other for his own sake. But advantage-friendships are not to be understood in hedonist terms. Our self-interest lies in flourishing, not in the gratification of immediate desire, and thus includes the exercise of such social virtues as justice and the enjoyment of

many types of relationships — not just economic ones. As rational, conceptual beings, moreover, we need to see our self-interest in long-range, principled terms. As they put it, in a nice summary formulation, "It is thus neither advantage without principle nor principle beyond advantage that characterizes the nature of the civic life" (184). In this respect, they note the importance for a free society of a shared civic culture in which the value of individuality and freedom are explicitly recognized and celebrated.

Liberty and Nature is not a lean book. Many of the calories you'll consume reading it are not going to build intellectual muscle. The authors have a tendency to state the same point seventeen

different ways without ever quite settling on the one they like best. They also spend more time than is necessary on administrative matters — describing in advance what the structure of their argument is going to be, summarizing where they have been and what they think they have established, and constantly — almost obsessively — positioning themselves in relation to oth-

The combination of a principle of rights and an economic understanding of markets does not give us everything we need in the way of a social theory.

er theories. A certain amount of this is necessary, but there's too much here. If this book were a business enterprise, I would urge the owners to stop tinkering with the accounting system and polishing the annual report, and spend more time moving product out the door.

In addition to the positive case for freedom, the book is filled with critical analyses of other theorists: Robert Nozick, Alan Gewirth, Jacques Maritain, John Finnis, Alasdair MacIntyre, and David Norton, to name a few. Many of these polemical sections are very well done. But I often had the sense overall that the polemical tail was wagging the philosophical dog. The introductory chapter, for example, is devoted to answering various contemporary critics of Aristotelianism, for the purpose, in the authors' words, of "providing the foundational legitimacy for the chapters that follow." As a general rule, however, one cannot establish a position by refuting its opponents; one must make a positive case for it. In the course of their critical remarks, Rasmussen and Den Uyl do make a number of solid points about the objectivity of values, the nature of ethical principles, and other important matters. But these points come across as isolated claims serving the ad hoc purpose of answering a particular theorist, rather than as elements in an integrated, positive view of the world.

The problem here is an occupational hazard for philosophers, who are trained first and foremost in critical analysis and the art of refutation. It is a special hazard for those defending a view outside the mainstream in philosophy. To be effective, outsiders must show how their position relates to the conventional wisdom. But it is all the more important for them to make it clear that their context, their widest frame of reference, is reality, not the universe of existing theories about reality. It is ironic that Rasmussen and Den Uyl are epistemological realists who consider it possible to discover philosophical truth, yet write at times as if they accepted Richard Rorty's view that philosophers can only continue a conversation begun by others.

The most important question about *Liberty and Nature*, however, is whether its central argument is sound. Have the authors given us the case for freedom in its strongest form? It seems to me there are problems at three crucial junctures: the concept of flourishing as an end in itself, the derivation of rights, and the case for property rights.

The concept of flourishing is introduced as an Aristotelian amendment to the Objectivist ethics. Objectivism holds that life is the fundamental value, because it represents the alternative of existence or non-existence facing any organism. Rasmussen and Den Uyl are concerned, however, that life in the sense of "mere" survival will not give us much of an ethical code. "Flourishing" is supposed to be a richer concept: it means living well, through the realization of a wide range of our capacities. But then how do we determine what is involved in flourishing? In Ayn Rand's approach, every value and every virtue that goes to make up a good life must be shown to have a bearing on survival; in one way or another, it must enhance the prospects for self-preservation. Establishing these connections is a very large task, and I don't think Objectivists have fully carried it out. But it is an inescapable task, for only the alternative of existence or non-existence can sustain a nonarbitrary normative judgment that something is good, right, or virtuous.

So far as I can see, the concept of flourishing is an attempt to skirt the

problem. By incorporating all the cardinal values and virtues into the fundamental end, the concept attempts to escape the need of proving that they are necessary *means* to the end. For example, Rasmussen and Den Uyl say that we don't need to prove that integrity and friendship promote the end of human flourishing. "Rather, we just need to know that maintaining integrity or having a friendship is one of the final ends which constitute human flourishing" (61). But then how do we know this? How do we identify the constituents of flourishing if not by establishing their causal relationship to survival? The authors say that we identify the constituents "by everything we can learn from experience regarding the needs of human life" (69), but how do we establish that something is a need except by proving that a failure to satisfy it would impair an organism's ability to preserve itself?

In short, it seems to me that the concept of flourishing, like the concept of

Even if I understand that your freedom is good for you in exactly the way that my freedom is good for me, I don't yet have a reason for regarding your freedom as a good for me.

instinct in animal psychology, is an intellectual cul-de-sac. References to "instincts" are harmless enough in ordinary contexts, but they give only the illusion of a theoretical understanding why animals act as they do. In the same way, "flourishing" does capture an aspect, perhaps the essential aspect, of a happy life, but it gives us only the illusion of a philosophical understanding why certain things are objectively valuable.

The second major problem of substance in *Liberty and Nature* concerns the derivation of rights. A teleological ethic must show that rights serve a purpose. If we are individualists, the purpose cannot be a collective one, such as "the greatest good of the greatest num-

ber." But neither can we base rights on individual goods that are subjective and idiosyncratic, for there is no way to show that freedom is necessary for everything that anyone might desire. Rasmussen and Den Uyl are right on the money, therefore, when they say that rights must be derived from an objective end common to all human beings. Thus they emphasize that self-directedness — the free exercise of reason in action — is a good for each and every person, in each and every realm of life.

Aristotle's political philosophy is an uninviting habitat for advocates of limited government and laissez faire.

So far, so good. This shows that each of us needs the protection offered by a principle of rights. But it doesn't show why we should respect the rights of others. Even if I understand that your freedom is good for you in exactly the way that my freedom is good for me, I don't yet have a reason for regarding *your* freedom as a good for *me*. But this is precisely the point that must be established if we are going to validate rights on the basis of ethical egoism. Logically speaking, there are a number of ways to go about trying to establish this point, but all of them require us to show that people's interests do not conflict at any fundamental level. If such conflicts do occur as part of the normal course of life, then it may be that I have to regard your freedom as a threat to mine. Rasmussen and Den Uyl do not address this issue except in the most glancing ways. Even though they accept Rand's principle that every good must be good to *someone*, they seem to hold that if my freedom is good for me and yours for you, then the situation in which we're both free is good, period, and there's the end of the matter.

The final problem I want to mention concerns the authors' treatment of property rights, which I found especially hard to follow. They sound a num-

ber of general themes — for example, that the freedom to use and dispose of material things is an essential part of the more general right of autonomous action, since all action takes place in the material world; and that property is an extension of the self. But these general points won't get them the full classical liberal right of private ownership. The key issue, as they note, is not the right to act freely on unowned things, but the right to retain possession of and exclude others from things one has transformed by one's labor. They claim that "for individual human beings to flourish, they need to maintain control of what they have produced" (116). But so far as I can see this claim is not supported by any real argument; and it is not even clear, as noted above, what *kind* of argument is necessary to establish claims about the components of flourishing.

Rasmussen and Den Uyl also suggest that the burden of proof is on those who want to limit ownership rights in one's product, rather than on those who see this right as absolute. But legions of contemporary collectivists are happy to take on this burden. Often indeed they operate within the broad framework of a self-realization ethic, arguing that certain material conditions — adequate food, shelter, etc. — must be supplied by the state in order to allow everyone the opportunity to flourish. To answer this argument, one must at some point establish the principle that one person's need is not a moral claim on the wealth produced by others. This principle is implicit in the book, but never made explicit.

In presenting these problems as starkly as I have, I do not mean to imply that Rasmussen and Den Uyl are unaware of them. It's just that I don't think they have solved the problems. Nevertheless, I would say that *Liberty and Nature* is worth reading for anyone with a serious interest in the political philosophy of classical liberalism. The central argument of the book is original in many respects, and it is adorned with a number of insights along the way. Even if one finds their approach unsatisfactory, it is illuminating to view the landmarks of classical liberal thought — natural rights, contract theory, the subjective theory of value in economics, and so on — through Aristotelian eyes.

How to Subscribe to Liberty

Liberty takes individual freedom seriously . . . and the status quo with more than one grain of salt!

Liberty tackles the tough problems. Every issue of *Liberty* presents essays studying current trends in political and social thought, discussions of the strategy and tactics of social change, and analyses of current events and challenges to popular beliefs. *Liberty* also offers lively book reviews, fiction, and humor.

You won't want to miss a single issue!

Act Today!

Liberty offers you the best in libertarian thinking and writing. So don't hesitate. You have nothing to lose, and the fruits of *Liberty* to gain!

Use the coupon below or call:

1-800-321-1542

Yes! Please enter my subscription to *Liberty* immediately!

- One Full Year (6 issues) \$19.50
 - Two Full Years (12 issues) \$35.00
- Add \$5 per year for foreign subscriptions.

name _____

address _____

city, state, zip _____

- I enclose my check (payable to Liberty)
- Charge my VISA Mastercard

signature _____

account # _____ expires _____

Send to: Liberty, Dept. L30,
Box 1167, Port Townsend, WA 98368

Rude Awakenings: What the Homeless Crisis Tells Us,
by Richard W. White, Jr. ICS Press, 1992, 333 pp., \$24.95.

How Not to Help the Homeless

Brian Doherty

Richard White's *Rude Awakenings* attempts to be encyclopedic in its review of recent literature on homelessness, even as it acknowledges that the "crisis" is not as severe as activists and the media claim. After analyzing a wide variety of popular theses as to the cause of homelessness, White finds one conceptual common denominator: the failure of "self-governance." (The book is "a publication of the Center for Self-Governance.")

Unfortunately, White refuses to take the idea of self-governance very seriously. He uses the phrase in a curious rhetorical fashion that reveals a failure to understand why genuine self-governance is necessary to forge a satisfying, livable social order. White writes that "self-governance implies not only that each person or family can take care of itself but also a mutual obligation for the quality of our lives" (p. 152). This sounds nice, but his book shows numerous examples of how this "obligation" toward those who feel no obligation toward others (drug abusers, fathers who abandon their children, people who leave livable homes for homeless shelters in order to get on waiting lists for more desirable publicly-funded housing) exacerbates problems it ostensibly addresses.

The first sign that White is slipping in his dedication to genuine self-governance comes in his chapter excoriating the deinstitutionalization of the mentally ill. White notes an 80 percent reduction in beds occupied by the mentally ill in state hospitals from 1955-1984 (29). He blames this trend on shifts in government funding from state mental hospitals to Community Mental Health Centers, which cater more to the mild

neuroses of the middle class than to the seriously dysfunctional. A decent point about how government's bad decisions exacerbate social problems, perhaps, but he then goes on to denigrate lawyers who fight for the right of the mentally ill to refuse treatment. Here he shows little appreciation for the attitudes toward our fellows that make for successful self-governance. These attitudes require a consideration of others' rights — claims on us to let others pursue their own projects while they let us pursue ours.

Indeed, White has contempt for the Szaszian notion that mental patients should have the same rights as the rest of us. "Whatever the theoretical justice of making it extremely difficult to confine or restrain mentally ill individuals or to force them to take medicine, the problems and financial costs brought about thereby are considerable," White writes (47). But making decisions about others' lives on the basis of their costs to you is not self-government; it is tyranny. Nonetheless, White casually dismisses any question of rights in his cost calculation because "society does not work when it is run on an adversary basis or abstract conceptions of what is right and just" (35).

This dismissal of "abstract conceptions" enables White to violate logic and lapse into incoherence. In one paragraph, for instance, he writes that it is "morally questionable, legally dubious, and politically difficult to punish people for having nowhere to live," and in the next that "we do not have a legal obligation to let anyone live in the park or anywhere else" (40) — begging the question of what "we" are then to do with "them."

White proposes involuntary confinement and medication as a solution to the problem of the homeless "mentally ill," yet concludes his chapter on the

topic by writing, "civilized peoples cannot determine the conditions of their daily lives in adversarial proceedings: it is time for us to learn again to live together" (56). Locking troublesome people up in mental hospitals seems an odd way "to learn to live together." White's brand of "self-governance" seems to have provenance far beyond what the normal person would think of as the "self."

White recognizes that a free-market housing solution for the socially-disconnected poor is not permitted to work. He quotes a for-profit developer

White shows little appreciation for the attitudes toward our fellows that make for successful self-governance. These attitudes require a consideration of others' rights — claims on us to let others pursue their own projects while they let us pursue ours.

jealous of the success of a nonprofit low-income housing project: "If you were to give the so-called 'failed' developers all of the special tax credits and exemptions from zoning rules and development fees, they could probably make this project pencil out too" (161). Exactly. In a housing market free of tax, zoning, building code, and fee impediments by the government, providing housing to all levels of income could be profitable.

But White refuses to go this far. He worked in federal anti-poverty programs for twenty years, and proudly states that the experience made both liberals and conservatives shift toward a more "realistic" middle. From this center White refuses to budge, waving the badge of self-governance but not letting its implications play themselves out. Over and over, White stares the correct conclusions in the face — and then backs off.

He concludes with a suggestion that is apparently intended to be inspirational: we need to call on the resources of

"millions of federal, state, and local employees in a program to restore and help sustain the self-governing of American families and communities. Government workers can communicate an optimistic, productive, and publicly responsible attitude throughout the public sector. Strongly improved results are likely to follow" (284).

His book, however, provides no support for this optimism. It demonstrates how modern welfare programs have broken down social and familial bonds, how government housing programs punish market initiative and encourage those who could struggle and remain in the mainstream to give up. So why place faith in more of the bureaucratic tinkering that has let down both the homeless and those who suffer their presence? Better these millions

of government workers be set free to provide services people would be willing to pay for in a free market.

Self-governance demands a larger philosophical framework that recognizes the *reasons* we have for letting people govern themselves, the advantages that accrue in prosperity and happiness. And it needs a concept that defines the boundaries between *self-government* and the government of *others*, the concept of rights. But White explicitly denies the value of rights, condemning them as "anti-social: one gets something without giving anything" (246).

I'll let that quote stand by itself, more shocking in its way than any of the blunders and failures of either the governments or the individuals that make up the homelessness problem. □

Reaching for Heaven on Earth: The Theological Meaning of Economics, by Robert H. Nelson. Rowman & Littlefield, 1991, xxvii + 377pp., \$24.95.

God and Man at Bay?

Timothy Virkkala

"Priests of old usually asked whether an action was consistent with God's design for the world," writes Robert Nelson. "In the message of contemporary economics the laws of economic efficiency and of economic growth have replaced the divine plan." Economics, he claims, is today fulfilling a role claimed by theology in times past. Secular progress has made both religious messianism and religious perfectionism obsolete.

For many modern men and women, the power to eliminate evil in the world is no longer a divine prerogative, but is instead primarily a matter of eliminating economic scarcity. If all important material needs could be fully satisfied — economic theology preaches — then the main cause of past wars, hatreds, and other banes of human history would be ended. There would be far less basis for envy, jealousy, and other sources of evil thoughts and actions. People

could live in a happy harmony and devote themselves to the higher and finer things of life. (p. 2)

Nelson has found the parallels between economics and theology so striking that he has devoted nearly four hundred pages of *Reaching for Heaven on Earth* to describing them. In so doing, he has produced a delightful and challenging book, one of the most enjoyable treatments of intellectual history to come along in years.

But I confess, my pleasure in reading this book was not that of the awestruck acolyte; I did not feel that I had received the gospel truth. Indeed, as much of the book's value lies in its errors as in its successes, and disagreeing with Nelson is as much fun as agreeing with him.

The Evanescence of the Divine Idea

Nelson suggests that economics has supplanted theology because of the scientific revolution; faith in science, he says, has replaced faith in God.

Though the Enlightenment faith in science as a source of progress has imbued all social sciences with a sense of mission, these days it is running on hard times: "social scientists outside economics . . . have begun to have more doubts. Today, it is the members of the economics profession who offer the strongest assurances." What kind of assurances? "Economists argue that — beneath the surface of what often appears to be widespread ignorance, miscalculation, and self-deception — there are in fact deep and powerful forces at work that obey rationally discoverable laws." According to Nelson, economists have kept the Enlightenment faith "that the behavior of individuals is not random but follows definite directions that are grounded in the rational" (5).

Unfortunately, Nelson never adequately distinguishes between "faith in science" and religious faith, and seems to take an agnostic attitude toward the validity of scientific method, at least as it applies to economics and theology (though he does mention that the predictions of economists stand up very well when compared to the prophecies of the divines). His discussion of method in economics is almost nil, and his discussion of method in theology is nonexistent. Despite trenchant discussion of Augustine, Aquinas, Luther, and Calvin, he never really gives the reader a good idea of what theology is all about.

Nelson uses the phrase "economic theology" to call our attention to the social function of economics as the discipline of political legitimation. This peculiar construction rests on an odd working definition of theology. Nelson uses the word "theology" instead of "philosophy" or some other seemingly more appropriate phrase because it "more precisely suggests a system of thought that is a source of fundamental meaning and purpose" (xxv). But theology primarily deals with the attributes of God, and Nelson seems interested only in the attributes of man. Though "theology" finds its way onto nearly every page, God's name is dropped with alarming infrequency, and is, of course, not cited in the index.

There are aspects of Christian theology that would have helped make his

points much better, but he mostly ignores them. He never mentions such theological subdisciplines as soteriology (the science of salvation) and eschatology (the science of the "last days"), both of which make the theory of divinity relevant to flesh-and-blood human beings. Since Nelson is trying to

Nelson tells a story of a line of thought's progress. He presents not arguments but explanations, not analyses but interpretations, not debate but vision.

get a handle on the idea of progress, and has chosen an analogy between economics and theology to do so, he might have profited by exploring in greater depth the eschatological dimension of theological traditions, and called that domain by its name. His two-page general discussion of the ideas of salvation and the various forms of millenarianism is not really adequate.

Indeed, Nelson leaves quite a few promising areas of inquiry alone. But then, given the nature of his book, this is not necessarily out of line. *Reaching for Heaven on Earth* is not a theoretical treatise on the relation between religion and science. It is a *story* of a line of thought's progress. It presents not arguments but explanations, not analysis but interpretations, not debate but vision.

Theological Personae

As the old adage tells us, there are two kinds of people: those who divide people into two groups, and those who don't. Nelson, a divider, splits theological and economic thinkers into two categories.

He calls his first category "the Roman tradition," after both the empire and the Catholic Church. The thinkers he discusses under this rubric range from Aristotle to Paul Samuelson. "The leading figures of the Roman tradition," he claims, "have not been the great revolutionaries of history, but men who typically saw moderation as a virtue and favored an incremental pro-

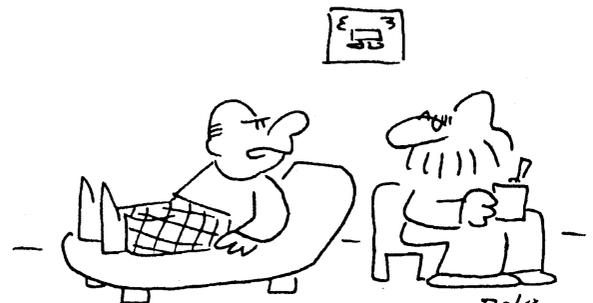
cess of human development" (31). He lists 15 characteristic views of those in this tradition:

1. The world is rational; nature, including man, is guided by the dictates of reason.
2. The material and external world are the original and fundamental reality — not the world of the mind and ideas.
3. Men are in principle capable of discovering and understanding the rationality of human existence.
4. Systematic scientific investigation is required to uncover the rational laws of nature, demanding careful research and studies.
5. Progress is found in gradual movement toward a natural and rational destiny.
6. Valid law is natural law, which should govern humanity.
7. Justice is what is rational, which is common to all.
8. Because all humanity shares the same reason, all men are fundamentally equal.
9. Life is lived to achieve happiness; a utilitarian goal is appropriate for mankind.
10. Society is an organic community steered for the common good.
11. Private property is a beneficial instrument of the common good.
12. It is natural and just to pursue one's self-interest.
13. The poor are deserving; Society has the strong obligation to support them as fellow members of the community.
14. Wisdom is found in moderation.
15. This-worldly, commonsensical, and pragmatic attitudes best serve the needs of humanity. (31)

Nelson's second category is the "Protestant tradition," which includes thinkers as diverse as Plato, Augustine, Karl Marx, and Herbert Spencer. For these thinkers, the moral status of law is "much less exalted. . . . Law is necessary in the Protestant tradition, but is merely a coercive device required to keep wicked men from doing still greater damage to one another. Indeed, all government is seen in this light, as a sinful product of man's condition. Neverthe-

less, its decrees must be obeyed until God — or history — finally opens the way to a happier destiny" (55). Nelson's list of characteristic Protestant views diverges dramatically from the Roman:

1. The human condition in this world is deep alienation from original and true nature.
2. Owing to man's corrupted condition, reason is unreliable, often a source of delusion.
3. Existing law is a corrupted product — like reason — of current human depravity.
4. Justice is not to be found in the rational, but in the iron dictates of God or history.
5. The ways of the world are revealed to men not through reason, but through revelation.
6. True progress demands a revolutionary transformation of human existence.
7. The current world is destined for sin; the triumph of virtue must await a heaven in the hereafter or the arrival of an earthly heaven.
8. Mankind is divided among the saved and the condemned, the superior and the inferior groups.
9. Life is lived not for happiness, but for disciplined labor in the service of God or history.
10. Self-interest and economic competition exert an evil influence in the affairs of man.
11. Communal living and common ownership are the highest form of existence.
12. Government, like property, is a coercive social instrument designed to control sinful and unruly natures.
13. The poor are responsible for their fate; society must not coddle them.
14. Moderation is banality; pragmatism is a sign of weakness.



"Wait a minute — Freud never said 'a dream is a wish the heart makes'!"

15. The record of history is not progress, but retrogression—the fall of man. (53)

Doubts naturally arise upon comparing these two lists: how can so many qualities be kept separate in so many different thinkers? Don't most people liberally mix the Roman and Protestant views? Is there any point in trying to keep, in our heads, these two traditions distinct?

There is no obvious theoretical reason. But Nelson is not a pure theorist like Ludwig von Mises; he is a visionary historian like Camille Paglia. The reader should expect his book to begin a hundred arguments, and not end a single one of them. In Nelson's words, "Rather than the scientific method, the method of history is in large part the art of persuasion. In history, the best test is whether readers are convinced: Does the historical interpretation illuminate and make more comprehensi-

(yes, this makes sense), Luther, and Calvin to such secular theorists as Rousseau, Darwin, and Marx is no less provocative.

The problem with his treatment of the Protestants, however, is readily apparent: only one of them is an economist (Karl Marx). Truth is, very few economists fit the Protestant mold. They tend not to see the human lot in such catastrophic and bleak terms, and such paradigmatically Protestant concepts as alienation and irrationality do not fit well with such tools as demand schedules, indifference curves, and the like. To make the Protestant tradition relevant to real, practicing economists, a more extended discussion of actual, dissenting economists would have been in order. But Nelson pushes right ahead with his survey, capping his chapter "The Protestant Church of Darwin" with a discussion of *Sigmund Freud!*

He also places nineteenth-century Britain's most prominent individualist, Herbert Spencer, in this list. This seems more than a bit wrong-headed to me. I can think of few figures who more evenly straddle Nelson's Roman/Protestant fence than Spencer. The supreme rationalist of his time, and the author of an ambitious ten-volume synthesis of philosophy and science, Spencer nevertheless was his age's most consistent critic of the popular rationalisms that placed faith in reason as man's salvation — or even as man's chief characteristic. An evolutionist with a healthy fear of revolutionary change, Spencer believed that social change must proceed slowly, so that people could adapt to changing circumstance; but he held to a radical political ideal, and combined an almost utopian future vision with a millenarian's belief in its inevitability. His notion of virtue as habitual behavior best adapted to a given social state has a distinctly Roman flavor; but his warnings that many conceptions of virtue and "the good" were often either too old-fashioned or too new-fashioned to have any practical relevance, and that a stoic acceptance of hardship was the best attitude regarding some social ills, has a decidedly Protestant odor. Too much of Nelson's characterization of Spencer seems strained, overemphasizing the Protestant at the expense of the Roman; almost everything said about him in this

Postmodern theory recognizes diversity and even encompasses chaos, in ways that the old line of equilibrium economics sought to deny.

ble the events of the past and the present? Success . . . is not to be judged immediately, but only after ample discussion . . ." (xxiv) *

Do Nelson's two categories help organize the history of thought about "the good life"? I think it does. Viewing John Locke, Adam Smith, and Jeremy Bentham as members in good standing of the Roman tradition of social thought strikes me as almost inspired — though including socialist nutcase Claude Henri de Saint-Simon in the list is a bit jarring. His discussion of the Protestant tradition, comparing such theologians as Augustine

* Eager praxeologists may insert their own discussion of Mises' *Theory and History* here; I have neither the patience nor the heart to do it.

"The point is not that plundering the rich is immoral, but that it doesn't pay, doesn't reduce but increases inequality..."

UP from LIBERTARIANISM

by D. G. Lesvic

...offers a new economic argument for freedom, and answers its foremost critics, Rothbard, White, Hazlett, and Friedman, with their own words!

The Political Economy Club of Los Angeles
5668 Cahuenga Blvd., #313
North Hollywood, CA 91601

\$4.00 ppd.

The Liberty Poll What Libertarians Think

The first detailed study of what libertarians think about life, government, God, sex, heroes . . . and how they would deal with some serious moral problems. Now complete with data from the original poll to *Liberty* subscribers and the poll of Libertarian Party members.

\$4.00 each, ppd.;

\$3.00 each for 5 or more copies.

Ayn Rand and Her Movement

In an exclusive interview, Barbara Branden reveals intimate details of life inside Rand's circle. The fascinating topics include the weird psychological manipulations within the group, the expulsion of members in kangaroo courts, the glaring errors in Nathaniel Branden's memoir about his affair with Rand, and Rand's fight in a posh Manhattan restaurant with Alan Greenspan.

This account, expanded from its original printing in the January 1990 *Liberty*, includes information that cannot be found in any other source. And it is available only from Liberty Publishing.

\$4.00 each, ppd.

Liberty Publishing

PO Box 1167

Port Townsend, WA 98368

Learn at Liberty

Liberty offers full-time internships to students of all majors interested in journalism, writing, political philosophy or public policy. Positions are available at all times of the year.

For further information, write to:

Liberty

PO Box 1167

Port Townsend, WA 98368.

section better applies to America's most eminent laissez-faire Social Darwinist, William Graham Sumner. And since Sumner was an economist as well as a sociologist, a discussion of him, rather than Spencer, might have fit better to Nelson's purpose.

What is Nelson's excuse for treating non-economists at length in this sec-

Nelson is not a pure theorist like Ludwig von Mises, but a visionary historian like Camille Paglia. His book begins a hundred arguments, but does not end a single one of them.

tion, when his book is ostensibly about economics? I suspect that he is not really interested in the positive, scientific aspects of the science. (In his preface he confesses that he lost his faith in *wertfrei* economics some years ago.) He is much more concerned with what Thomas Sowell has called "visions of social causation"; that is, with one's basic outlook, the values presupposed by the outlook, and the moral and political prescriptions that follow from these visions and values. And economists are not the only ones influenced by such visions; ecologists, sociologists, and psychologists have them, too. The "conflict of visions" can work its way upon social life through the preachings of non-economists as well as economists. After all, one can hardly assert that Rousseau, Darwin, and Freud failed to make their mark on history.

Nelson's best use of the distinction between the Roman and Protestant traditions is in his fascinating survey of the American political tradition, from the founding period through Progressivism to the welfare state.

If the good life is for the Roman tradition the proper goal on this earth, Americans . . . typically agree. If the Roman tradition has seen all mankind as fundamentally equal, it has been America that has opened its borders widest to the immigrants of the world offering the opportunity to participate in the forward march of

progress. Indeed, of all nations the United States . . . has illustrated the characteristic outlooks of this tradition better than any other. (175)

This, despite America's largely Protestant religious heritage. Though Nelson argues that the whole of the American tradition fits this characterization, he is most convincing when he moves from the earlier, individualist phase to the present era. The stolid, Roman character of modern social engineers is convincingly sculpted, and their visions of progress carefully set in place. And nowhere else is Nelson's analogy between religion and social science more persuasive than in this section.

Constituting yet another modern economic theology, American progressivism once again preached a message of salvation through economic progress. Still another Roman priesthood, the members of the U.S. economics and other social science professions, would emerge in the progressive era to spread the message of the economic redemption of mankind. (175-6)

Provocative, yes. Controversial, too — I suspect that admirers of the Progressive era might not care for the comparison. But the bold assertions are borne out in the analysis, and the characterization has more than a ring of truth.

Progress or Regress?

At about the same time that Robert Nelson's tome hit the bookstores, a book on a similar topic, with a similar title, appeared from American social critic Christopher Lasch. In *The True and Only Heaven*, Lasch asked, "How does it happen that serious people continue to believe in progress, in the face of massive evidence that might have been expected to refute the idea once and for all?" For Lasch, "the persistence of a belief in progress in a century of calamities" is anomalous.

My usual reaction to such trendy, sophisticated pessimism is to break the question into pieces and expose the fallacies. Intelligent people can "believe" in progress with good faith. For one thing, this has been more than a mere "century of calamities." Consider just a few of its positive developments: near-

ly painless dentistry, effective contraception, quick and inexpensive transportation, a near universal access to the music of the ages. Progress can be believed to be both possible and desirable; when calamities occur, progress simply *isn't happening*. That is why we call natural and social disasters "setbacks" and "tragedies." The more pertinent questions are *how do we know what progress is, when it occurs?* and *how can we ensure that progress will occur?*

But while reading Nelson's discussion of the American welfare state and its "economist priesthood," I experienced some Protestant knee-jerks, sympathizing for once with the likes of Lasch. The hubristic confidence and intrusive meddling of America's social engineers is more than a little sickening. I eagerly moved on to Nelson's optimistic final section on "postmodern economics," which treats both real-world trends and intellectual movements.

Nelson dubs as "postmoderns" some of today's most interesting economic theorists: Mancur Olson, Donald McCloskey, James Buchanan, Kenneth Boulding. These economists tend to see the world as a less manageable place than did their precursors in the economic mainstream of the Keynesian/neoclassical synthesis. Postmodern theory recognizes diversity and even encompasses chaos in ways that the old line of equilibrium economics sought to deny. Postmodern economists are making room for disequilibrium — and for widely divergent schools of thought. In Nelson's words, "As Christianity earlier had to come to terms with a seeming permanent pluralism within institutional religion, modern secular thought is today being compelled — and not without great stresses and strains — to consider the prospect of a long-term social and economic pluralism. Indeed, such a pluralism could well be a defining feature of the 'postmodern' world — the emergence of which many social thinkers are now predicting" (257).

Nelson's own prophecy is that an idea familiar to libertarians through writers as dissimilar as Mises and Jane Jacobs will become the next major revolutionary social development: the right of "free secession." He sees this proposal — ensuring that any geographical area may secede from its larger, over-

arching political jurisdiction — as allowing for a new, culturally diverse world to cope with a plurality of philosophies, “economic theologies,” and life-styles. Although he does not deal with many of the problems economists might have with this program, I believe he is on the right track.

The right of free secession points to the kind of constitutional rules that may be necessary to achieve and maintain peace in a rapidly changing world. Even if we ultimately find this proposal wanting, it is an admirable attempt to break out of the ruts of the old debate concerning centralization, federalism, and independence. In any case, Nelson cannot be faulted for irrelevance; devolution of political jurisdictions is a hot topic in the former U.S.S.R., Czechoslovakia, Yugoslavia, South Africa, Ethiopia, and even Canada.

Though I have more confidence in the feasibility and relevance of such older-fashioned classical liberal notions

as free markets and free trade — which Nelson suggests that the right of free secession might supersede — I’ve got to admit that he has his heart in the right place.

He is surely right to believe that pluralism is the great challenge of the emerging world order. He is also on the money to insist that whatever economic situation emerges, it must have a moral component, and that this morality must deal with a plurality of cultures and peoples head on. After all, this is what that old “Protestant” heretic — and libertarian — Herbert Spencer suggested long ago, when he defined progress as an increasing degree of both heterogeneity and integration, and ethics as the habits and rules that allow people to adapt to their evolving situation. Nelson may not have come up with the best way to deliver this message — “economic theology”? really! — but he is nevertheless onto something important. □

Energy Wars, produced by Keith Scholey, written by David Helton, narrated by Robert Lindsay, photography by Owen Newman. BBC, 1992.

Are Humans Alien?

James S. Robbins

The words “life is a struggle” flash on the television screen, superimposed over scenes of military conflict interspersed with shots of farmers applying pesticides and rooting out weeds. No, this isn’t a monist propaganda film preaching the glories of the primordial struggle for the health of the collective body, survival of the fittest and devil take the hindmost. This is the title sequence to *Energy Wars*, a BBC-produced “documentary” aired on The Discovery Channel’s environmental series, *Lifeforce*. Its message: *Homo sapiens* is *too good* a competitor. We are too fit to survive.

All life, we are told, exists within the “prison of the sun.” The amount of

light reaching the Earth is limited, as is the arable acreage. This limits the possible number of plants, which in turn limits the number of animals. And physical constraints limit what the animals can do. A hyena clan, for example, can only kill a certain amount of animals within its territory before facing undersupply and starvation. It can’t expand its territory because there are other clans hemming it in. Hyena evolution is bound by the lighter, faster wild dogs, and the heavier, slower lions. So they’re stuck. But that’s okay, because “in the end, hyenas do best by staying hyenas.” Zen Darwinism.

Because of these limitations, evolution leads, not to more life, but to more diverse life. The turf is limited and can’t be expanded, only subdivided more finely. From this diversity came stabili-

ty — until the awful day the “aliens” invaded.

Who are the aliens? Well, humans, basically. But not all humans; just those who have vaulted out of their natural evolutionary niche on the African plain. Man’s “big brain” allowed him to “shortcut evolution” and go places previously forbidden him. Unfortunately, because turf is limited, he drove other creatures to extinction, thus “for the first time” decreasing diversity, and therefore decreasing stability, which is (we are told) a bad thing. Apparently, scriptwriter David Helton missed school the day his biology class learned that the number of species has been fluctuating for as long as we can decipher fossil records.

Humans faced limits, too — initially at least. Fishermen in Nassau, for example, could only row so many miles out to sea to catch grouper. In time, however, “almost like magic,” internal combustion engines replaced human arms as the means of propulsion. Here Helton’s contempt for humanity starts to get thick. (What sort of human would think an outboard motor “magical”? Only those whose intellects haven’t transcended their original niche.) The engines were powered by the second alien, fossil fuel, stored sun-energy which should properly be left in the ground. (Helton skips over wind-power, which would have complicated his model.) Increased ability to fish led to surpluses, and the extra fish were traded for the third and most destructive alien — money. In this way, the narrator noted with obvious disapproval, people could eat fish without ever seeing the reef. To the trader this is the miracle of exchange. To Helton, it is a perversion of nature.

Helton’s attitude grows more bitter as the show grinds on. “In the natural world, growth stops when life reaches its limits. On Earth, something that grows constantly is an alien.” (How a creature that is the product of terrestrial evolution could possibly be considered alien is beyond me — but then, I’m an alien.)

Of course, human life isn’t wholly a bed of roses. As humans proliferate, so do diseases that prey on humans. Insects that feed on crops also have a windfall. In Africa, locust plagues are

worse than in Biblical times. (The narrator mentions that the current African locust originated in North America, where it is controlled. Too bad we had that alien pesticide. The lucky Africans get to enjoy their "niche.")

My favorite part of *Energy Wars* is the exposition of opportunity costs, centering on the question *how much for*

Coffee, sugar and chocolate have killed more elephants than ivory hunters have. I guess this makes cappuccino one of the most un-PC beverages one could possibly consume, a fact that could play absolute hell with the left-wing coffee-house crowd.

a cup of coffee? Coffee beans need good soil and sunlight, prime habitat for other creatures. This land has been "hijacked" and given over to "luxury" cash crops. In Kenya, forests that used to be elephant habitat are now coffee plantations; because of this, says Helton, coffee has killed more elephants than ivory hunters have. The same goes for sugar and chocolate, among other non-necessities. I guess this means that cappuccino is one of the most un-PC beverages one could possibly consume, a fact that could play absolute hell with the left-wing coffee-house crowd.

So alien humanity uses alien fuel to make alien money. If we stopped turning fuel into money, the narrator points out, that would mean a recession, and if the recession continued, Nature would "push us back where we belong."

But what if, instead of using stored sunshine, humans manufactured sunshine itself, through fusion power? There was a time when environmentalists saw fusion as the perfect solution to energy woes. Fusion energy would be clean, cheap, and essentially unlimited. But now the more radical environmentalists see fusion as a threat, precisely because it is clean, cheap, and unlimited, thereby allowing more aliens to survive and prosper. The prison of the sun

creates diversity. Alien energy destroys it. Animals live in a balance imposed by their limits. Humans who face no limits destroy the balance and create flux. They can't help themselves. They are driven by instinct to grow. "We call growth good. We blindly follow the same path an antelope or a hyena follows."

Is there a way out of the wretched growth conundrum that has more than doubled our lifespans, bestowed a plethora of material comforts, and protected us from the lions and hyenas? Yes, and it is "simple, obvious." Since humanity has no limits, it must limit itself. It must choose to stop growing. "The idea is unthinkable," the narrator intones. "But why? Are our natural instincts just too strong?"

Not quite — actually, we're just too smart. Maybe Helton could make a few contributions to the gene pool and take us a few steps in the other direction. I just wonder if he knows his limits. □

Booknotes

Mysterious Devices, Religious Desires — Some months ago, *National Review* managing editor Linda Bridges talked about the religious dimension of mystery novels. Bridges wrote that mysteries deal with "considerations of good and evil, human weakness and temptation, the fallenness of man," and concluded that "[t]he murderer's soul, no less than the victim's life and the community's peace, are the concern of the mystery novelist."

Mystery writer P.D. James made this religious connection explicit in her 1989 book *Devices and Desires*. (The title is a phrase from the Anglican prayer book.) One of her characters is an aging, self-centered clergyman who has lost his faith, if indeed he ever had any. He finds consolation for life's disappointments by reading mysteries. Faced with a request for spiritual insight, he offers distractedly a few clichés, and then turns back eagerly to his mystery novel. There, explains James, "problems could be solved, evil overcome, justice vindicated, and death itself [was] only a mys-

tery which would be solved in the final chapter."

Both mysteries and religious rituals unfold in an ideal world in which the distinction between good and evil exists, and matters. In mysteries, you don't actually find out until the end who is evil and who is good; in church (at least in traditional liturgical churches), all people are understood to be miserable sinners. But both mystery novels and church liturgy address the worst in human beings. They also usually conclude with a sense of peacefulness, even serenity.

The parallel helps explain the appeal of mysteries to modern intellectuals. In most of life, good and evil are inextricably mixed and almost impossible to disentangle. Religion offers a relief from this confusing mixture, and helps people direct their behavior along acceptable lines. But most intellectuals have rejected religion, and thus they lack the guidance that comes from a shared sense of what is right and wrong. While the mystery novel offers no true guidance, it does provide the unchurched with a satisfying escape.

Given this role, the mystery novel isn't as rich as a "true" novel (nor is Sunday morning all of life). Mysteries are themselves very much like rituals: Their plots and characters are variations on familiar, predictable, and satisfying patterns. While great novels can haunt you for years, the specifics of mysteries are often forgettable. (Have you ever read deeply into a mystery novel, unable to remember whether you've read it before?)

High-minded literary authorities are forever trying to condemn mysteries for this reason. The highest praise they can bestow is that a mystery writer has "transcended classification as a writer of books of mystery and detection," as one *New York Times* critic wrote of P.D. James. Fortunately, mystery writers of James' caliber reject this sort of seductive nonsense; they know that if they stray too far from the expected ritual, they will lose their readers. (Another gifted writer, Ruth Rendell, writes both mainstream novels and mysteries.)

Recognizing the limits of mysteries, like the limits of religious rituals, doesn't have to blind us to their value.

For some, this value is escape; for others, perhaps, it is a somewhat soothing way to contemplate good and evil.

— Jane S. Shaw

Zen and the Art of Anarchy

— Someone ought to put in a good word for Kerry Thornley's new book, *Zenarchy* (Illumi-Net Press, 1991, \$9.98). Part memoir, part tract, part collection of parables, *Zenarchy* is both very silly and very wise, which is good; if it were all silly, or all wise, I don't think there'd be much point in reading it. Unlike Thornley, I do not hate cars, oppose absentee ownership per se, or believe that there are walking zombies among us, controlled by implants in their pacemakers. Yet it is in expressing such odd notions that the book exhibits its most charm.

Zenarchy is a call for personal revolution, for an internal attitude-change that will either pave the way for a freer society or else make this one a hell of a lot nicer. It is also an autobiography of sorts, detailing its author's movements through libertarian and countercultural circles in the sixties and early seventies. Most of all, it is a lot of fun. There are walking zombies among us, pacemaker-controlled or not. Thornley is not one of them. All hail Discordia.

— Jesse Walker

John Galt Sings — The year is 1997. Madonna is Dagny Taggart. Michael Jackson is Eddie Willers. Frank Zappa is Francisco D'Anconia. A bionically pumped-up and rejuvenated Frank Sinatra is Hank Rearden. And one question is on everybody's lips: "Is Elvis Alive?"

As Zappa declaims, "Music should uplift people and celebrate their life and minds." But in 1997, Time-Warner-Sony controls 100% of the world's music production, aided by shallow, P.C. villains like Sinéad O'Connor, Sting, Spike Lee, and the maestro of muzak, Andrew Lloyd Webber.

Even more disconcerting is the disappearance of all the good artists: Philip Glass, Jeff Lynne, Stephen Sondheim, David Byrne, Laurie Anderson, and other eclectic unsung heroes. Alone against the conglomerate, Madonna and Sinatra find a fragment of mystery music in the ruins of Graceland and re-

solve to record it as the core of one last great album . . .

Such is the premise of a canny and hilarious three-issue comic book series, *Elvis Shrugged* (Revolutionary Comics, 3841 Fourth Avenue #229, San Diego, CA 92103; \$2.50). Writer Patrick McCray inventively mixes a parody of Rand's opus with an exposition of his personal musical manifesto, while artist Dave Garcia does a nice job with all the caricatures. The first issue came out some months ago and is well worth asking for at your local comic book store. *Elvis Shrugged* is a hoot!

— Steve Schumacher

It Usually Begins with John Locke

— Locke scholarship has come through several paradigms now that we are in a post-Kuhnian hermeneutical

paradise.

At one time in American history, 18th-century English political thought was seen, in Pocock's words, as Locke and "pretty nearly nothing else." Then civic humanism was re-discovered. Then analytic philosophy was applied. Along came Quentin Skinner, John Dunn, Peter Laslett, J.G.A. Pocock.

Lift-off.

The Marxist thesis of Locke as a spokesman of the thinking bourgeoisie died an unnatural death.

Locke turned out to be nobody's choirboy.

In 1969 the prevailing (smug) opinion was "John Locke: Liberal, Yes; Calvinist, No." Now, according to Eldon Eisenach, writing in *John Locke's Two Treatises of Government: New Interpretations* (Edward J. Harpham, ed.,

Classified Advertisements

Classified Advertising is available for 25¢ per word, plus \$1.00 per insertion. 10% discount for six or more insertions. Payment must accompany order. Please specify classification.

Business Opportunities

Free!! Work-at-home information package!!! 1-800-274-4274, ext. A1323.

Literature

Multigovernment Governed by choice not chance. Explore "New Dimension of Freedom" with sampling of literature. \$6 to LeGrand Day, Box 177, Reseda, CA 91337-0177.

Free-Market Environmentalism offers ways to protect the environment without adding to the power of the state. To learn more about it, write Jane Shaw, Political Economy Research Center, 502 S. 19th Avenue, Bozeman, MT 59715.

Periodicals

Subscribe to **Family Alert** and learn how the unconstitutional acts of child protection agencies nationwide have become a threat to the security of children and families. **Family Alert** is a monthly newsletter compiled by people who have learned the cost of state intrusion in family affairs. For a sample issue write to: Chataqua County VOCAL, PO Box 85, Cassadaga, NY 14718.

out of step A journal of individualist polemics and exchanges produced in memory of Frank Chodorov and other freethinking journalists. \$10/4 issues. \$1/sample copy. 146-A N. Canyon Blvd, Monrovia, CA 91016.

The Voluntaryist. Sample copy for two first-class stamps. Box 1275, Gramling, SC 29348.

Directory of Libertarian Periodicals. Updated latest edition, lists around 150 titles, with addresses, other information. All believed to be presently publishing. \$3.00 postpaid, \$4.00 overseas. Jim Stumm, Box 29-LB, Hiler Branch, Buffalo, NY 14223.

Living Free newsletter discusses practical methods for increasing personal freedom. Forum for freedom-seekers, libertarians, survivalists, anarchists, outlaws, since 1979. Lively, unique. \$9.00 for 6 issues, sample \$1.00. Box 29-LB, Hiler Branch, Buffalo, NY 14223.

Freedom only BEGINS with free markets. Destroy the shackles of orthodoxy with **Extropy: Life Extension, Smart Drugs, Intelligent Technology, Self-Transformation, Space Habitation, Physical and Virtual Private Communities, Digital Economies, Nanotechnology, Memetics, and Cognitive Enhancement.** Join the high-level discussion in **Extropy: A Journal of Transhumanist Thought.** #8 — \$4 to Extropy, PO Box 77243, Los Angeles, CA 90007-0243.

Cross Verbal Swords in The (Libertarian) Connection, open-forum magazine since 1968. Subscribers may insert one page/issue free, unedited. Lots of stimulating conversation. Eight issues (one year) \$20. Strauss, Box 3343Z, Fairfax, VA 22038.

Thomas Paine Review: newsletter on books for the lover of freedom, reason, and human achievement. 6 issues \$15; sample issue \$3. Address: 84 Washington St. #138, Penacook, NH 03303.

University Press of Kansas, 1992, 239 pp., \$29.95), the verdict might read: "John Locke: Moderate-Anglican-Calvinist, Yes; Liberal-Bourgeois, Not Yet; Radical-Revolutionary, A Qualified Yes; Enlightenment-Rationalist, A Qualified No."

The case is not closed. This is an explosive mixture: moderate Anglican and radical revolutionary? For liberty but also community? For property as the material basis of the moral personality, but not for its unlimited accumulation? Possessive individualist but also conservative Christian? These are some of the issues discussed in this collection of essays. Even the prologue to the beginning of the end is not in sight.

The essays by Richard Ashcraft, Ronald Hamowy, Karen Vaughn, and Stephen Newman demonstrate one thing above all else: Locke is still a seminal figure. Who now reads Bishop Filmer, the Judicious Hooker, or even Thomas Hobbes? Locke's two gods, Athens and Jerusalem, have served him well — or perhaps he served them well. This is a splendid little expedition in the archaeology of knowledge, producing some

excellent tomb-robbing in Locke's main temple, *The Two Treatises*. If you can't visit the temple . . . — Noel Criscula

Never Say Never Again — Because I was brought up as a mainstream conservative, the idea of approving of anything ever said or written by Arthur M. Schlesinger, Jr. never seemed likely.

Never say never.

I have just finished reading his latest book, *The Disuniting of America: Reflections on a Multicultural Society* (W.W. Norton, 1992, \$14.95). It is not as anecdotally detailed as D'Souza's *Illiberal Education*, but in 138 rather small pages it is a powerful defense of European culture and a devastating exposure of the use of history as therapy, or, as Schlesinger puts it:

. . . history [that] is invoked to justify the victims of power, to vindicate those who reject the status quo. . . . This is underdog history, designed to demonstrate what Bertrand Russell called "the superior value of the oppressed" by inventing or exaggerating past glories and purposes. It may

be called compensatory history.

Schlesinger deplors the ethnic splitting of America into cultural ghettos. He is not at all against ethnic neighborhoods, mind you. He is against the intellectual fashion that ignores such neighborhoods if they are in any way melted into the general society rather than insisting on remaining outside it. (He suggests that not even the KKK could devise a fad more calculated to keep the poor impoverished and powerless.)

Schlesinger's ringing endorsement of something entirely different sounds downright libertarian compared to the politically correct snobs of modern multiculturalism: "The genius of America lies in its capacity to forge a single nation from peoples of remarkably diverse racial, religious, and ethnic origins. . . . The American Creed envisages a nation of individuals making their own choices and accountable to themselves, not a nation based on inviolable ethnic communities. The Constitution turns on individual rights, not group rights."

— Karl Hess

Reflections, continued from page 12

closed down and sent National Director Nick Dunbar to Las Vegas to pick up the pieces and bring them back to the National headquarters in Washington.

The NatCom interrogated Marrou about the charges for seven hours. Marrou defended himself as best he could. He denied some charges, explained the mitigating circumstances of others, told the committee that some of the charges were none of their business, blamed some of his problems on his campaign staff that failed to forward bills to him, and said that he accepted personal responsibility for his bad debts. The Committee did not question him about some of the charges.

The National Committee was, no doubt, in a very tough spot. Plainly, Marrou had some serious skeletons in his closet, but dumping him at this point would cause considerable problems. In the end, the National Committee voted unanimously to reaffirm its support of Marrou.

As one prominent NatCom member

told me, NatCom felt that it didn't have much choice in the matter. Removing him now would be bad for the Party, and certainly cause a major disruption of the campaign. Besides, Emerling hadn't really proven many of the charges, and Marrou's explanations were in some cases satisfactory. "One thing was for sure," the party power told me, "we will never again nominate a candidate without doing a credit check first."

LP Chair Mary Gingell prepared a statement, reporting the charges against Marrou, Marrou's responses to most of the charges, and the National Committee's action. This carefully crafted attempt to minimize damage was printed in full in *LP News*.

Here is a sample of the account in the *News*:

Emerling claims that Marrou obtained a "corporate" Mastercard for Project 51-92 [a political action committee working on obtaining ballot status for the 1992 election] without the knowledge or approval of the appropriate officers of that organiz-

ation.

Marrou explained that the card in question, although the name of an organization appeared on it, was a personal one that did not constitute an obligation of 51-92, and therefore required no authorization by anyone other than himself.

My own guess is that most members and donors will accept this explanation, though the result might be different if the *News* had reported that Emerling had provided documents from the Citibank Business Group that contradict Marrou's explanation.

This whole mess, in combination with the emergence of H. Ross Perot to compete for the votes of the dissatisfied, will likely drive the LP vote total below even the 250,000 level that I predicted last summer.

This is too bad. The Libertarian Party is very healthy as an institution. Its growth has been considerable. Paid membership is currently about 9,400, up 49% from the end of 1988 and the LP's

continued on page 69

Notes on Contributors

Chester Alan Arthur is *Liberty's* pseudonymous political correspondent.

Ace Backwords is the mind behind *Twisted Image*, an "alternative" comic strip of some repute.

Doug Bandow is a syndicated columnist and former editor of *Inquiry*. His books include *Beyond Good Intentions* and *The Politics of Plunder*.

"Baloo" is a cartoonist named Rex F. May. His work regularly appears in *The Wall Street Journal* as well as in these pages.

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

David Brin, author of *Earth* and other novels, has won three Hugo awards.

Stephen Cox is Associate Professor of Literature at the University of California, San Diego.

Noel Criscuola reads the works of John Locke (complete with provisos) in Port Townsend, Washington.

Brian Doherty is a journalist governing himself in the District of Columbia.

Gracie & Zarkov are *Kunst Kultur und Phantastica* editors for *Mondo 2000*.

Karl Hess is the author of *Community Technology*, "The Death of Politics," and other books and articles, and is currently running for governor of West Virginia.

David Horowitz is a former co-editor of *Ramparts* and a current co-editor of *Heterodoxy*.

John Hospers is the author of *Understanding the Arts* and numerous other books and articles.

David Kelley, author of *The Evidence of the Senses*, is the director of the Institute for Objectivist Studies.

Richard Kostelanetz's books for '92-'93 include *On Innovative Art(ist)s*, *Twenty-Five Years After*, *Merce Cunningham*,

Writing About John Cage, *John Cage: Writer, On Innovative Performance(s)*, and *A Dictionary of the Avant-Garde*.

Loren E. Lomasky, author of *Persons, Rights, and the Moral Community*, is currently visiting Australia.

Shay Marlowe is an artist living near Los Angeles. After the riots she began considering a move.

Paul Pope is an artist living in Columbus, Ohio.

Stuart Reges is a former Christian Scientist and a former lecturer at Stanford University.

Sheldon L. Richman is Senior Editor with the Cato Institute.

James S. Robbins is a writer and foreign policy analyst living in Massachusetts.

Steve Schumacher is alive and shrugging in the Pacific Northwest.

Jane S. Shaw is a senior associate of the Political Economy Resource Center in Bozeman, Montana.

George H. Smith is the author of *Atheism: The Case Against God* and *Atheism, Ayn Rand, and Other Heresies*.

James Taggart is an attorney and freelance writer living on Bainbridge Island, Washington.

Timothy Virkkala is assistant editor of *Liberty*.

Jesse Walker is editorial assistant and House Discordian at *Liberty*.

Terree P. Wasley is an economic consultant living in Maryland. Her article in this issue will appear in somewhat different form in the Heritage Foundation's *Critical Issues: How Privatization Can Save America's Infrastructure Crisis*.

Leland B. Yeager is Ludwig von Mises Distinguished Professor of Economics at Auburn University.

Reflections, continued from previous page

last presidential campaign. The party's mailing list has grown from 25,000 to 52,000 in the last 8 months. The party cracked the national media in February by winning the presidential primary in Dixville Notch, the tiny village in northern New Hampshire that concludes its presidential primary 16 hours before the remainder of the state.

It now appears that Marrou's name will appear on the ballot in about 46 states, falling short of Marrou's promise to appear on the ballots of all 50 states. Or so I am told by a former Marrou campaign worker, who is lobbying me to make a stink about Marrou's failure to keep his promise.

But far from being a failure, obtain-

ing ballot status in 46 states is evidence of the LP's growing institutional strength. Sure, it falls sort of the LP's achievement of ballot status in all 50 states in 1980, when the campaign had millions of dollars from libertarian oil baron David Koch. And it would only equal the 1988 record of 46 states, when Ron Paul raised substantial money from his mailing list of conservative admirers. But it exceeds by a substantial number the total of 38 states on whose ballots the LP candidate appeared in 1984, the last time the LP ran a presidential campaign without substantial outside funding. Gaining ballot status in even 46 states without the infusion of outside cash is a major achievement.

Furthermore, it has attracted new talent to its banner. In the past year, two incumbent members of the New Hampshire legislature have quit the Republican Party and joined the LP. In Ohio, a well-known Republican politician left his party to chair Marrou's campaign in the Buckeye state.

In the face of all this good news, the leadership of the LP is preoccupied with minimizing the damage caused by Marrou's behavior. In an election year where the LP should be aspiring to its highest vote totals ever, LP leaders are hoping the party will survive the election.

I wish it the best of luck. It'll need it.

—CAA

Terra Incognita

Beijing

The ongoing subversion of public morals in the Communist empire, as reported by *Reuters*:

China Air is having trouble finding virgins to train as flight attendants. "It's a social problem," laments school director Hao Yuping. "University girls and even high school students are chasing boys."

Though the airline does not require an intimate medical test of its applicants, its agents interview girls' teachers and headmasters to see "if the girls spend too much time with boys." The regulation is necessary, Hao explains. "We can't have our girls fooling around with the passengers."

Dayton, Ohio

The cutting edge of academic research, reported in the *San Francisco Chronicle*:

Dr Donald Morlan, department chair and professor of communications at the University of Dayton in Ohio, presented a paper called "The Three Stooges' Contribution to World War II Propaganda: Moe Hailstone and Adolf Hynkel's Race to the Screen" in Louisville, Kentucky recently. Morlan claimed his research proves that the Three Stooges took a stand against Nazism nine months before Charlie Chaplin did.

Philadelphia

Advances in real-world educational techniques, as reported by *United Press International*:

A weekly newspaper editor who decided not to publish third-grade teacher Mimi Shapiro's photograph received a letter on school stationery containing messages from 14 of the instructor's pupils.

"I'm going to rip all your hair off, put it in your mouth, and take your clothes and put them on your head and beat you up," vowed one. "You'll regret this. I'll have your head. It's not nice to be mean to a teacher," wrote another.

France

Progressive child protection legislation overseas, as reported in the *European*:

Michel and Pierrette Galien wanted to name their son Chance (the French word for "lucky"), but their local registrar declared the choice unacceptable on the grounds that the boy would be taunted because the word is feminine.

Under French law, parents are restricted to giving their children names approved by the state.

Louisiana

The high standard of political ethics in the Old South, described in the *Chicago Tribune*:

Governor Edwin Edwards, 64, recently denied reports that he cruised Louisiana State University's sorority row in a large white car. "I don't suggest to you that I've never dated a sorority girl," said Edwards, "but I've never gone to pick her up in a limousine."

Halifax, Nova Scotia

Advance in gender equality in America's northern neighbor, as described in the *Vancouver Sun*:

A provincial human-rights tribunal upheld a feminist magazine's right to publish only articles written by women, not on freedom-of-speech grounds, but because women are a disadvantaged group that the periodical is trying to promote equality for. "Affording the sexes equal treatment can result in inequality," declared the tribunal in its decision.

Detroit

Possible precedent-setting legal case, as reported in the *Detroit News*:

James Blakely, 38, claims that horoscopes have ruined his marriage and caused "an enormous amount of problems in his life." He has filed a \$9-million, 19-page lawsuit against astrologers Joyce Jillson and Sydney Omarr, charging them with consumer fraud.

"This is deception, which is a very universal known use of Satan," he wrote. "It led me to believe these things would happen for my life positively instead of negatively."

Arkansas

The status of libertarian values in Bill Clinton's home state, as reported in the *San Francisco Chronicle*:

Nineteen-year-old Shawnn Pierce was charged with public display of obscenity for wearing a Van Halen T-shirt purchased at a concert the night before.

Springfield, Pennsylvania

The War on Drinking's triumph in America's secondary schools, as reported in the *Detroit Free Press*:

Seniors at Springfield High School who ordered \$14 ceramic beer mugs as class mementoes will not be able to use them. After the mugs were delivered to the school, officials drilled holes in the bottom in order to discourage the students from drinking beer.

Boston

Advance in civil libertarian theory, from the erudite pages of the *Boston Globe*:

Columnist Robert Kuttner defended a government-issued universal ID card and a national data bank in a recent column. The lack of these institutions "can encumber our freedoms," he wrote, by making gun control, immigration restrictions, and Census data collection more difficult to enforce.

Ann Arbor, Michigan

Performance art in Tree City, as described in the *Washington Post*:

G.G. Allin, 34, lead singer of a group called the Toilet Rockers, faces trial for defecating on stage and flinging feces into the crowd. "We feel that [Allin] is a serious performer, and that there's serious artistic value to what he does," defense attorney Peter Goldberg stated.

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

Stimulate Your Mind!

There is a world of good reading in *Liberty*! Whether you want to catch up on what you missed, provide intellectual relief to your friends (or enemies!), or complete your collection, now is a good time to buy. Enjoy!

Back Issues of *Liberty*

September 1988

- "Scrooge McDuck and His Creator," by Phil Salin
- "Liberty and Ecology," by John Hospers
- "The Ultimate Justification of the Private Property Ethic," by Hans-Hermann Hoppe

Plus reviews and articles by Douglas Casey, David Friedman, Karl Hess, Douglas Rasmussen, Murray Rothbard, L. Neil Smith and others; and a short story by Erika Holzer. (80 pages)

November 1988

- "Taking Over the Roads," by John Semmens
- "The Search for *We The Living*," by R.W. Bradford
- "Private Property: Hope for the Environment," by Jane S. Shaw

Plus articles and reviews by Walter Block, Stephen Cox, John Dentinger, James Robbins and others. (80 pages)

January 1989

- "AIDS and the FDA," by Sandy Shaw
- "Property, Population and the Environment" by John Hospers
- "Ronald Reagan's 'Revolution'," by William Niskanen

Plus articles and reviews by Karen Shabetai, Jane Shaw, Jeffrey Tucker, Leland Yeager, William Wingo and others; and a short story by Jeffrey Olson. (72 pages)

March 1989

- "Ronald Reagan: An Autopsy," by Murray N. Rothbard
- "What if Everything We Know About Safety Is Wrong?" by John Semmens and Dianne Kresich
- "What Do You Do When Your Mother Asks You to Kill Her?" by Michael Endres

Plus articles and reviews by Stephen Cox, Jeffrey Friedman, David Ramsay Steele, Sheldon Richman and others. (72 pages)

May 1989

- "Man, Nature, and State: Free Market Slogans are Not Enough," by Karl Hess, Jr
- "The Media's Election-Night 'Coverage' Policy," by Margaret M. Fries
- "The End of the Secular Century," by Murray N. Rothbard

Plus articles and reviews by Stephen Cox, David Gordon, Justin Raimondo, and other. (72 pages)

July 1989

- "Viking Iceland: Anarchy That Worked," by David Friedman
- "The Myth of the Rights of Mental Patients," by Thomas S. Szasz
- "Fetal Rights: The Implications," by Tibor Machan

Plus articles and reviews by R.W. Bradford, John Hospers, Jane S. Shaw, Jeffrey Tucker, Leland Yeager and others. (80 pages)

September 1989

- "Holocausts and the Historians," by Ralph Raico
- "My Expulsion from the Rand Cult," by Murray Rothbard
- "Abortion Without Absurdity," by R.W. Bradford
- "Saving Yellowstone From Its Friends," by Larry Dodge
- "Libertarians and the Avant-Garde," by Richard Kostelanetz

Plus articles and reviews by David Friedman, Loren Lomasky, Gary North, Jeffrey Tucker and others; and a poem by Brett Rutherford. (72 pages)

November 1989

- "The Lost War on Drugs," by Joseph Miranda
 - "Goodbye, Galactic Empire," by J. R. Dunn
 - "Life With (and Without) Ayn Rand," by Tibor R. Machan
 - "Capitalism Comes to Poland?" by Krzysztof Ostaszewski
 - "Fear and Loathing in New York City," by Murray N. Rothbard
 - "The New Racial Orthodoxy," by William P. Moulton
- Plus articles and reviews by Loren Lomasky, Michael Christian, Richard Kostelanetz, R.W. Bradford and others; and an interview with Russell Means. (72 pages)

January 1990

- "The Greenhouse Effect: Myth or Danger?" by Patrick J. Michaels
- "The Case for Paleolibertarianism," by Llewelyn Rockwell
- "How Roosevelt Soaked the Poor," by Richard Kostelanetz
- "In Defense of Jim Baker and Zsa Zsa," by Ethan O. Waters
- "The Death of Socialism: What It Means," by R.W. Bradford, Murray Rothbard, Stephen Cox, and William P. Moulton

Plus writing by Andrew Roller, David Gordon and others; and an interview with Barbara Branden. (80 pages)

March 1990

- "The Case Against Isolationism," by Stephen Cox
 - "H.L. Mencken: Anti-Semite?" by R.W. Bradford
 - "Hong Kong Today," by R.K. Lamb
 - "Libertarian Intellectuals on Welfare," by George H. Smith
- Plus articles and reviews by Sheldon Richman, Richard Kostelanetz, John Hospers, Loren Lomasky, James Robbins, Leland Yeager, Timothy Virkkala and others. (80 pages)

May 1990

- "Conservatism in Its Latter Days," by William P. Moulton
- "A Population Crisis?" by Jane S. Shaw
- "The Death of Thinking in the Schools," by Karl Hess
- "Bork's Law," by Leland Yeager
- "A Tribute to Edward Abbey," by Bill Kauffman
- "Killing as Therapy," by Thomas Szasz

Plus articles and reviews by Richard Kostelanetz, Robert Higgs, Bart Kosko, Loren Lomasky and others. (72 pages)

July 1990

- "Conversations with Ayn Rand (part 1)," by John Hospers
 - "The Orwellian University," by Charles Thorne
 - "Why Public Enemy is Number One," by Brian Doherty
 - "Strange Subcultures of the Right," by John Baden
 - "If You Believe in Dentistry, Why Should You Mind Having Your Teeth Knocked Out?" by William P. Moulton
- Plus articles and reviews by John Baden, David Friedman, Bill Kauffman, James Robbins, Mark Skousen and others. (72 pages)

September 1990

- "Conversations with Ayn Rand (part 2)," by John Hospers
 - "Is Environmental Press Coverage Biased?" by Jane S. Shaw
 - "The Pro-Life Case for the Abortion Pill," by Dr Ron Paul
 - "Fighting the Draft in World War II," by Jim Bristol
- Plus articles and reviews by Michael Krauss, James Robbins, Richard Kostelanetz and others; and a *ficción* by Harvey Segal. (72 pages)

continued on back cover . . .

Stimulate Your Mind!

Liberty's Back Issues

continued from previous page

November 1990

- "Smokes, But No Peacepipe," by Scott Reid
 - "You, Too, Can Be a Junior G-Man," by David Hudson
 - "Sex, Drugs, and the Goldberg Variations," by Richard Kostelanetz
 - "Why is Anyone Virtuous?" by David Friedman
- Plus articles and reviews by Robert Higgs, Leslie Fleming, Alexander Tabarrok, Sheldon Richman and others; and an interview with Ed Crane. (80 pages)

January 1991

- "Meltdown: The End of the Soviet Empire," by David Boaz, James Robbins, Ralph Raico and Jane S. Shaw
 - "Skatepunks, UFOs, and Guerilla Capitalism," by Lawrence Person
 - "Gordon Gekko, Michael Milken, and Me," by Douglas Casey
 - "The Hope in the Schools," by Karl Hess
- Also: articles and reviews by Michael Christian, Ralph Raico, Loren Lomasky and others; plus special election coverage. (80 pages)

March 1991

- "The Myth of War Prosperity," by Robert Higgs
 - "The Life of Rose Wilder Lane," by William Holtz
 - "The Unintended Consequences of Jesse Helms," by Richard Kostelanetz
 - "Old Whine in New Bottles," by Jan Narveson
 - "The Strange Death of the McDLT," by R.W. Bradford
- Plus articles and reviews by Jane Shaw, Richard Weaver, Linda Locke, Krzysztof Ostaszewski and others. (72 pages)

May 1991

- "Christiana: Something Anarchical in Denmark," by Ben Best

- "Rescind Gorby's Peace Prize," by James Robbins
 - "Journalists and the Drug War," by David Boaz
 - "California's Man-Made Drought," by Richard Stroup
 - "The Gulf War 'Victory': What Does it Mean?" by R.W. Bradford, Robert Higgs, James Robbins, Sheldon Richman, Stephen Cox, Matt Kibbe, and Loren Lomasky
- Plus writing by John Baden, Scott Reid, Leland Yeager and others; and a short story by Lawrence Thompson. (72 pages)

July 1991

- "Say 'No' to Intolerance," by Milton Friedman
 - "I Am a Casualty of the War on Drugs," by Stuart Reges
 - "Depolluting the USSR," by James Robbins
- Plus articles and reviews by David Friedman, Loren Lomasky, Sheldon Richman, Karl Hess, Richard Kostelanetz, William P. Moulton and others; and Mark Skousen's interview with Robert Heilbroner. (72 pages)

September 1991

- "AIDS and Marijuana," by Robert O'Boyle
 - "Stalking the Giant Testes of Ethiopia," by Robert Miller
 - "The Unraveling of Canada," by Scott Reid
 - "GNP: A Bogus Notion," by R.W. Bradford
- Plus articles and reviews by Bart Kosko, Mark Skousen, Frank Fox, John Hospers, James Taggart, Karl Hess, William P. Moulton and others. (72 pages)

November 1991

- "The Road to Nowhere," by David Horowitz
 - "Women vs. the Nation-State," by Carol Moore
 - "Thelma and Louise: Feminist Heroes," by Miles Fowler
 - "Libertarians Meet in Chicago," by Chester Alan Arthur
 - "The Boycott of *American Psycho*," by Panos Alexakos and Daniel Conway
 - "Correcting the 'Politically Correct,'" by Karen Shabetai
- Plus writing by Robert Higgs, Leland Yeager and others; and a short story by J. E. Goodman. (80 pages)

January 1992

- "The National Park Disgrace," by R.W. Bradford
 - "Sex, Race, and the Single Gentleman," by Richard Kostelanetz
 - "Beyond Austrian Economics: Bionomics," by Michael Rothschild
 - "America's Bipartisan Apartheid," by Brian Doherty
 - "Peikoff's Objectivism, R.I.P.," by David Ramsay Steele
 - "Why Term Limits Lost," by Chester Alan Arthur
- Plus writing by Leland Yeager, David Friedman, Henry B. Veatch, Jane Shaw, Bill Kauffman, Karl Hess Jr. and others. (80 pages)

March 1992

- "Hong Kong After Tiananmen," by Kin-ming Liu
 - "Albert Jay Nock: Prophet of Libertarianism?" by Stephen Cox
 - "P.C. or B.S.?" by Meredith McGhan
 - "Acid Rain and the Corrosion of Science," by Edward C. Krug
 - "Who Really Wrote *Little House on the Prairie*?" by William Holtz
- Plus writing by Ross Overbeek, Karl Hess, Sheldon Richman, Jane Shaw, Lawrence White, Randal O'Toole and others; and an interview with Pat Buchanan. (72 pages)

May 1992

- "Clarence Thomas: Cruel and Unusual Justice?" by James Taggart
 - "Hong Kong: Where Everyone Has a Job," by Mark Tier
 - "The Economics of the Emergence of Humanity," by Vernon Smith
 - "Divorce, Czechoslovak Style," by Vojtech Cegl and Ron Lipp
- Plus writing by Eric Banfield, Karl Hess, David Horowitz, Daniel Klein and others; and fiction by J. Orlin Grabbe. (72 pages)

→ Information concerning the first volume (6 issues) of *Liberty* can be found on page 53.

Please send me the back issues of *Liberty* I have marked.

(foreign orders, add 50¢ per issue)

___ Sept. '88, \$7.00	___ Sept. '90, \$5.50
___ Nov. '88, \$4.00	___ Nov. '90, \$5.50
___ Jan. '89, \$4.50	___ Jan. '91, \$5.50
___ Mar. '89, \$5.50	___ Mar. '91, \$5.50
___ May '89, \$4.00	___ May '91, \$5.50
___ July '89, \$6.00	___ July '91, \$5.00
___ Sept. '89, \$5.50	___ Sept. '91, \$4.00
___ Nov. '89, \$4.50	___ Nov. '91, \$5.50
___ Jan. '90, \$4.00	___ Jan. '92, \$5.00
___ Mar. '90, \$3.50	___ Mar. '92, \$4.00
___ May '90, \$4.00	___ May '92, \$4.00
___ July '90, \$5.50	Shipping: \$1.00

Total: _____

My check is enclosed

Charge my VISA Mastercard Expires: _____

Account # _____

Signature _____

Name _____

Address _____

City _____

State _____ Zip _____ Phone _____

Liberty, Dept. B30, PO Box 1167, Port Townsend, WA 98368