

# Liberty

July 1999

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Ayn Rand's  
Tawdry  
Passion

## How Murderous Are the Serbs?

*by David Ramsay Steele*

## Making Sense of the Colorado Massacre

*by Jeffrey Snyder & Stephen Cox*

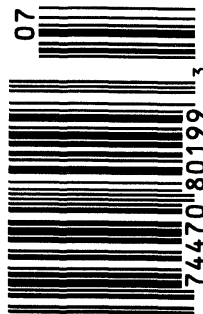
## Congress Caves on Clinton's War

*by Congressman Ron Paul*

## Why Johnny Can't Disobey

*by Sarah McCarthy*

**Also:** Jonathan Ellis explores the tiny mind of George Stephanopoulos, James Bovard throttles the myth of freedom under law, Brian Doherty examines decadence and freedom . . . plus other articles, reviews & humor



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*"He who forfeits Liberty for fear of poverty will be a slave forever." —Cicero*

# Us vs. Them

"NATO's chiefs must want the entire Balkan peninsula to be under U.S. occupation for the next hundred years, hundreds of thousands of U.S. troops permanently garrisoned there. . . . These are not the garrisoned troops of the old movies, sitting around in the local taverns and flirting with almond-eyed, bare-shouldered Mediterranean maidens in flouncey folk-embroidered skirts. The troops would be constantly killed in reprisals if they mingled with the locals. These brave soldiers will be maintained in self-contained biospheres, like giant lizards from another star, which given the moral status of their behavior, they might as well be."

—David Ramsay Steele

"Given that the old American Republic is deadlier than Sally Hemings, and that we are subjects of a lumbering homicidal empire which massacres foreigners every couple of years (while its propaganda sheets revile those who prefer the foreigners alive as "xenophobes"), he who does not wish to become a perpetual sputterer must learn the lesson of Elvis Costello: 'I used to be disgusted — but now I'm just amused.'"

—Bill Kauffman

"Unfortunately, there are three bad things about nice little wars. They are not nice, at least not nice to the people we're killing. They're not little, at least not to the people whose cities we're destroying. And they sometimes grow up into great big wars."

—R.W. Bradford

"Anyone who believes in truth, or the constitutional balance of powers, will see the Yugoslavian War as a major setback. Former peace freak Clinton. . . went to war without asking so much as a by-your-leave from anybody (except the officialdom of NATO, which he controls).

—Stephen Cox

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"Congressional Republicans have now miraculously transformed themselves into a simulacrum of Vietnam-era left-wing Democrats. They call for peace at any price. They fly off, Ramsey Clark-style, to negotiate with American enemies and their backers in Moscow. . . . What's next? Sit-ins? Posing for TV cameras while sitting on anti-aircraft guns in Belgrade? A few brave Republicans, led by Senator John McCain, have tried to prevent the party from driving off this isolationist cliff."

—The Weekly Standard, May 3, 1999

"The war in Kosovo isn't about getting an 'A' for effort. It's about getting a 'V' for victory. NATO doesn't need to show the world that its intentions are still pure after all these years. It needs to show the world that its institutions, military and political, are still effective."

—The New Republic, May 10, 1999

"War is not simply a mistake, a failure to communicate. There is radical evil in the world, which is why there are just wars. And this is a just war. Even if it has been bungled. Stop the genocide. Return all refugees to their homes. Worthy goals. But how is any of this conceivably going to happen unless the Milosevic regime is overthrown?"

—The New York Times Magazine, May 2, 1999

"It is time for the United States and its allies to escalate their efforts on both the military and humanitarian fronts. . . . We must win this war, and we must win it absolutely. First, the United States should lead its allies in making the strength of NATO's actions commensurate with Milosevic's attacks. . . . In my view, the next step in achieving our objectives and winning the war is to position NATO ground forces in readiness for combat. . . . Sustained pinpricks are not the correct response to Milosevic's

scorched-earth policies. Why shouldn't we play our aces?"

—Washington Post, April 24, 1999

"So what should we do now? Win. By all means necessary. Failure would encourage tyrants and rogue regimes around the world to challenge our interests more aggressively, and it would deal a potentially fatal blow to NATO's authority in the post-cold war world. We must bring the full weight of American air power to bear on Serbian forces. . . . The costs of failure are infinitely greater than the price of victory. Can anyone contemplate the prospect of taking leave of this century with the greatest defensive alliance in history in tatters after losing a war in Europe?"

—Time, April 12, 1999

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# Letters

## Know Your Legislator

I would like to thank you for the Jefferson Meyers's article "Know Your Regulator" (May) which chronicled the death of proposed federal bank regulations that would have meant massive encroachment on the privacy rights of individual citizens. The so-called "Know Your Customer" (KYC) rules were defeated by a veritable firestorm of public opposition, an encouraging sign that the American people have not lost sight of the importance of their God-given liberties, and the need to be ever-vigilant in protecting them.

On the other hand, I was surprised and disheartened to discover that Mr. Meyers distorted my role in helping to kill KYC. The article claimed that my actions "limited the scope . . . [and] . . . gutted" a measure introduced by Rep. Ron Paul (R-TX). That is not, however, an accurate representation of the facts.

The Ron Paul amendment sought to repeal a well-established provision that enables law enforcement to pursue perpetrators of money laundering and bank fraud, criminals who themselves violate the liberty of others, and whose culpability, therefore, should not be absolved by measures that in the name of liberty legitimize license. To my knowledge, this provision has been carried out without any but the rarest reports of encroachment on the liberties of law-abiding citizens.

The truth of the matter is that Mr. Paul's amendment would not have passed, and, as a result, KYC would not have been killed by the Committee. My amendment, which provided for full repeal of KYC regulations, did pass, and in fact was adopted unanimously by the Committee.

I hope you will find this explanation of the legislative history to be important to your readership. There are many of us in Congress who share your vision of individual liberty and personal responsibility.

I wish to commend *Liberty* for its continuing efforts to restore constitu-

tional rights of citizens. And I shall proudly stand at your side in battles yet to come. But note: understanding that the question of liberty is always a "moral" question should not bar us from taking actions we believe will be most "consequential."

Richard H. Baker  
United States Congress  
Washington, D.C.

*Meyers* responds: I am delighted that Rep. Baker stands proudly on our side. And I agree that our interest in the moral should never discourage our taking actions whose consequences enhance our liberty.

But with all due respect, I believe my characterization was entirely accurate: Rep. Baker's bill did indeed "limit the scope" and "gut" the measure introduced by Rep. Paul. That Rep. Paul's proposal would likely die does not mean that Rep. Baker's did not "gut" it. Nor, for that matter, does the fact that Rep. Baker's amendment gutted Rep. Paul's mean that it was a bad idea. Half a loaf may indeed be better than none.

Nor am I convinced that these laws are aimed particularly at "perpetrators of money laundering and bank fraud, criminals who themselves violate the liberty of others." They are aimed at anyone who wants to engage in such innocent acts as remove their own property from the country or maintain their own financial privacy. And the enforcement of these laws has hardly been limited to criminals, unless one accepts the notion that anyone who violates any law, no matter how unjust, is a criminal. If we are to accept that notion, we must acknowledge that everyone from George Washington to Mahatma Gandhi is a criminal.

## No Sympathy for the Stoned

*Liberty* is my favorite magazine. However, as I read "Behind Bars" (April) by Dyanne Petersen, for a moment (and only for a moment) I thought I was reading my second favorite magazine, *Buxom Babes in Bondage!* Just what is the purpose of this arti-

cle? Am I supposed to feel sorry for this lady drug smuggler? If the article was intended to make my blood boil, it did, but perhaps not exactly in the manner envisioned by the editors.

Let me put it this way: I'm no big fan of our national drug laws, or of the DEA. However, I am no big fan of people who bring that junk into this country. Moreover, all actions, legal or illegal, have consequences. And if you can't do the time, don't do the crime. Please, spare me any more of the women-in-chains articles and let's move on to some stimulating (or perhaps less stimulating) topics.

Fred Bluestone  
Lauderdale Lakes, Fla.

## Eternal Appeal

In criticizing Harry Browne's electoral strategy, R.W. Bradford ("Looking out for numbers 1 through n," May) is probably correct to argue that outright appeals to self-interest will not change many minds regarding political issues. But then Bradford riffs on Browne's anathematization of "preaching," to comment that "evangelical preaching" has been more effective "as a means of political persuasion than naked appeals to self-interest."

Bradford overlooks the fact that evangelical preaching depends almost entirely on appeals to self-interest. During the first Great Awakening, Jonathan Edwards's most famous sermon was "Sinners in the Hand of an Angry God." Today's evangelists get to the point faster when they ask, "Where will you spend eternity?" Secular moralists from Robert G. Ingersoll forward bewail the moral bankruptcy of conventional religion precisely because it depends so heavily on appeals to the believer's perceived eternal self-interest.

Tom Flynn  
Buffalo, N.Y.

## Yes on 13

R.W. Bradford asks: "Have Americans ever effected any major political changes because of someone's concerted effort to sell . . . by appealing to the personal interest of each pros-

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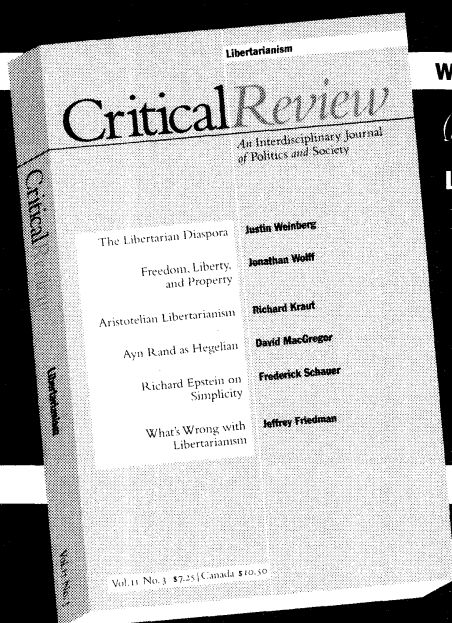
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pect?" I believe the answer is "Yes." The example that springs to mind is the late Howard Jarvis's Proposition 13 in California. He sold the concept that we could vote to lower our own property taxes.

Paul D. Blumstein  
Rancho Palos Verdes, Calif.

*Bradford responds:* I have just reread Jonathan Edwards's "Sinners in the Hand of an Angry God," and can find plenty of appeals to self-interest, but nothing at all that calls for (or achieved) political change. As to Howard Jarvis's campaign for property tax cuts, I recall that it was couched not in terms of "Vote for Prop 13 and save money," but in terms of "Vote for Prop 13 and make California a better place to live." It may be that voters actually cast their ballots to save money, but that hardly undermines my point: as I pointed out, *motivations* frequently differ from *rationales*, and the most successful approach may very well be to offer a program in people's self interest with a rationale of advancing the general good or of achieving justice.

### A Tad Short on Votes

Terrence Campbell, commenting on Harry Browne in the course of a book

review ("What Makes Harry Run?" May), wrote that perhaps some past Libertarian Party presidential candidates were "a tad too fun and exciting" in comparison to Browne, "so much so that they scared off the voters."

Maybe Harry didn't scare them in comparison to, say, Marrou in 1992, but how about a comparison to Clark in 1980, who garnered almost a million votes? I'd like to see a little more of that fun and excitement. And if Browne's "genial style gives him an in with the public," then why did he finish so far out of the running, behind not only Perot but Nader of the Green Party, who barely campaigned?

Say what you want, but the fact — the sad fact — remains: America's "third largest political party" came in *fifth* with Browne at the top of the ticket.

Pat Bontempo  
Asbury Park, N.J.

### Parenthood Control

I was surprised to see the self-pitying rant by Barry Loberfeld ("A Man's Right to Abortion") in the pages of *Liberty* (May). He writes as if there were no history, prior to *Roe v. Wade*, of pregnant women insisting that men share the responsibility for the consequences of their mutual act. How can he ignore the fact that ready access to abortion has *reduced* the number of men being pressured into unwanted parenthood?

Before *Roe v. Wade*, single pregnant women had no reasonable choice except to give birth. Men did have choices — they could share the responsibility for the child with the mother, or they could deny their involvement, or they could accuse the mother of promiscuity and blame the other guy. Now that women can choose between abortion and motherhood, Loberfeld wants men to be able to control that decision to suit themselves. Women fought for this right precisely because so many men walked away from their children. Men are not the victims here — most of the millions of one-parent children are fatherless, and damned few of them are byproducts of leaky condoms.

Giving women a choice they never had before changes nothing with respect to men. They still have a moral obligation to consider the consequences of practicing license without a medicine.

Bonnie Beresford  
Ontario, Canada

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Thomas Jefferson

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Thomas Jefferson

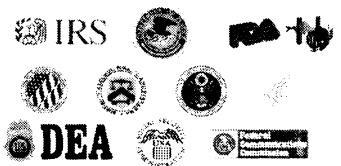
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Patrick Henry

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# Reflections

**The nine commandments** — There are plenty of reasons to believe the war against Yugoslavia is going to end up looking a lot more like a vastly expanded version of the fiasco in Somalia than a smaller version of the pointless exercise in Kuwait. I attended military school as a callow youth, and among the few things I remember are the “nine principles of warfare”:

1. Objective. You must have a clearly defined, and obtainable objective.
2. Offense. Seize, retain, and exploit the initiative.
3. Mass. Concentrate forces at the decisive time and place.
4. Economy of Force. The mirror image of Mass. Keep a minimum of force at non-critical points.
5. Maneuver. Don't be a sitting duck.
6. Unity of Command. Too many chefs spoil the broth.
7. Surprise. Do what they won't expect.
8. Security. Make sure they don't surprise you.
9. Simplicity. In the chaos of war, complicated plans are a formula for disaster.

How many of these principles are the Clintonistas observing? I'd say about none. Meanwhile, the air war is hardening the resolve of the average Yugoslav to resist the latest invader and rally around the country's scumbag leader. Unlike the Iraqi desert, the Yugoslav mountains are custom-made for guerrilla warfare. That's why Norman Schwartzkopf, sounding a little like a military version of my cleaning lady, said: “We do deserts; we don't do mountains.” In any event, after the U.S. (which is 90% of the NATO effort) really starts wrestling with the Yugoslav tarbaby, my guess is that some other country — Iran, North Korea, China, India, who knows? — will take advantage of the imperial overstretch.

—DC

**Capitol punishments** — Russell Eugene Weston Jr. did a bad thing last summer. He shot two guards to death at the U.S. Capitol. Who would do such a thing? A crazy man, of course. And Weston, with an almost preternaturally rational thoroughness, went on to confirm this suspicion — to the satisfaction, at least, of his psychiatrists.

He told them that he had to break into the Senate in order to obtain the ruby satellite that turns back time, to stop cannibals from taking over the country and spreading deadly “Black Heva” disease from the rotting half-eaten corpses of their victims. He further explained that President Clinton was a Russian clone who was out to kill him. The only fitting conclusion to this show would be the traditional declaration that the leading actor is in fact Napoleon. Well, better a mental hospital than a death penalty.

The reaction of Weston's doctors to this load of self-serving nonsense has been reported by the *Washington Post*: “Mental health specialists have said that Weston's illness may be so severe that he never will be deemed competent to stand

trial.” Of course, you needn't be Thomas Szasz to note that this diagnosis of illness and consequent lack of responsibility is derived solely from the fact that the guy says things that are just so . . . so . . . so . . . “crazy.” As long as spouting nonsense is a *prima facie* defense against responsibility for your crimes, there's a decided rational advantage about ranting away. “Crazy? Yeah, crazy like a captured murderer . . .” —BD

## **The four horsepower of the Apocalypse**

— I edit a trade newsletter. One part of the job that I always enjoy is polling retail purchasing agents about what they are putting on their shelves and what consumers are taking off of them, and why. This is sensitive competitive information; people can be sacked for talking to me. (And that's a big deal: a retail buyer with a high school degree can make as much as \$50,000 a year.) Now, with the economy going nutty, sales are pretty good in most product classes. But there are areas where too good is bad.

Take the official product of the Y2K disaster. Demand for gas-powered generators is causing headaches all over the place, from engine manufacturers to major makers and retail chains. In fact, production is actually being cut to only heavy-duty models, long-running 5000-watt bruisers costing more than a grand. That's about the minimum wattage that will run a water heater or well pump.

After talking to some buyers and getting the Y2K panic line, I asked one guy, in jest, if he thought there would be a brisk after-market in slightly used generators in the first quarter of 2000. He took a deep breath and said, “Yeah, and that's a huge issue for the whole industry.” He warmed to the subject and said that these blackouts aren't going to happen (with the qualifier “for the most part” — I think he lives near a nuclear plant), and that most consumers are going to be stuck with 300 pounds of generator in their garages with no real use except as a place to stack the lawn furniture on. “The only way to deal with this is for retailers to say, up front, ‘all sales are final.’”

Makes sense, unless you are the most feared and admired home improvement chain in the country. This chain, one of the most powerful corporations in the history of the modern world, can't seem to get enough generators even to stage a good end-of-the-world promotion. Which is good, because they also have an unconditional return policy; every one they sell is possibly one that they will have to take back when they open their doors on January 2, 2000. “We have thought ahead,” the buyer insisted; “we just haven't reached a conclusion. A no-return policy is something we as a company wouldn't do.” So much for that reputation for ruthlessness.

The source of the next panic, industry insiders say, will be power utility deregulation. Now, let me get this straight: consumers are buying gas-fired generators — with endu-

rance of at most 3,000 hours — at premium prices because they can't depend on the grid if the government tinkers with the rules? But they'll be as panicked over a free market in electrical power as they are from fever-pitch disaster peddling about Y2K? —BB

**Antiwar.com** — The Dow tops 11,000, rocketing to the moon. Strange, since the United States is now at war, and that usually has a depressing effect on the market. Except that this time it's a small Balkan country that we're destroying from the air, one so marginal that it doesn't make the slightest dent on world markets. Moreover, the ocean of Pentagon-devoured tax dollars we've provided guarantees that the destruction will proceed without a single body bag, or maybe just a few. And then there's the prospect of many billions in foreign aid, funneled to Clinton's corporate friends, to reconstruct the country we are bombing into rubble.

The craven media don't let up on showing us NATO briefings, Pentagon press releases, and evocative film clips of Kosovo Albanian refugees — as if those are supposed to decide everything and leave nothing to think about. Nothing, for instance, about the KLA, who they are, what their ultimate goal is, or how they started the whole bloody business in the first place.

This is an outrageous, unconstitutional war, illegal even by the UN Charter and the NATO treaty. It is setting precedents for interventions whenever Washington decides to bomb a sovereign country into submission for its own arcane ends.

Still, if Vietnam was a TV war, this is an Internet war. Anyone who wants to find out what is really going on can easily find it on the Net. The best site I've seen is one that's run by a few dedicated Bay Area libertarians. To me, personally, it is indispensable. The address is [www.antiwar.com](http://www.antiwar.com) . . . —RR

## The rationality of racial discrimination

— In a Los Angeles speech shown on C-SPAN, senator and presidential candidate Bill Bradley regretted persistent racism in America. Blacks, it appears, feel that racism is present even in such relatively minor ways as being stopped and questioned by the police (for DWB, driving while black), seeing the apprehension of a sole fellow passenger in an elevator, or having trouble hailing a taxi at night. Regrettably, people are still treated not as individuals but as members of categories.

I do not blame Bradley for proposing bad remedies for this problem, for he made no concrete proposals. Even steps toward diagnosing a problem can be constructive.

But put yourself in the position of an individual discriminator. All you can know about a stranger is a set of clues derived from his belonging to some category or other — his demeanor or dress or hair style or, yes, skin color. You have to judge by mere scraps of information (probably not even actual statistics) about the past and likely future behavior of people in various categories. You cannot treat people as individuals before getting to know them

as individuals. "Ought implies can," as the philosophers say; and you are not morally obliged to do what you cannot do.

Do we really want everyone to treat all strangers alike? Do we really want all police officers and all airport-security and customs officials to disregard all experience with categories of persons and all clues formerly found relevant? What would be the consequences of disregarding such information on the grounds that it is fragmentary, probabilistic, inconclusive? Delays, inconvenience, and intrusiveness, already regrettable, would certainly worsen. Waste of scarce protective resources would invite more crime, more fear. Analogous considerations apply to employment, lending, insurance, and other fields.

It is indeed unfair that perfectly decent persons must share the suspicion incurred by whole categories, such as young black males. But who is at fault? Largely it is the fault of the criminals, who draw suspicion onto others besides themselves. Consider the broad context. Crime leads us, individually and as a society, to take precautions not only against criminals but even against people who would not commit crimes. We have locks, safes, alarm systems, private and public police, courts, and punishments. All are costly and all cause inconveniences for the innocent as well as the guilty. Mistakes occur. In these and other ways we all suffer from the actions of a criminal minority and from the suspicions that crime correctly arouses.

I am not preaching complacency about the signs of racism that bothered Bill Bradley. I am warning against easy solutions based on little more than cheap moralizing. Hard analysis is required. It must not ignore the basics of economics: resources are scarce; and information is incomplete, imperfect, and costly. —LBY

**Why we sue** — A public good is one that, when provided to a few people, is also necessarily provided to all. Because those paying will get no more than those not paying, many economists expect such goods to be underfunded, as everyone tries to get a "free ride."

I was thinking about this in regard to the FDA First Amendment suit that Durk Pearson, I, and a few others funded. Although the plaintiffs will gain something tangible and commercially valuable — greater freedom to communicate truthful information about dietary supplements — so will everybody else in the industry. Those paying for the suit represent only a tiny fraction of the industry and an even smaller fraction of those encumbered by unconstitutional regulation of "commercial speech."

But while it is true that most of the gains of our suit will accrue to others, some will be fully private. One if those is certainty. You can be certain that a constitutional suit will actually be filed only if you raise the money and file the suit yourself. Another benefit, Durk suggests, is the name you make for yourself by mounting a successful constitutional court challenge. That name, in turn, will make it easier to raise money for other court actions. Then, too, the wonderful feeling of victory is something that only those who fight and win can get.

Libertarians generally place a much higher value on freedom than other people do. Some libertarians will therefore find a

## Liberty's

### Editors Reflect

BB	Brien Bartels
RWB	R. W. Bradford
DC	Douglas Casey
BD	Brian Doherty
SS	Sandy Shaw
RR	Ralph Raico
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very high price worth paying, even when most of the freedom will be enjoyed by others.

Thirty years ago, when Durk and I were young, idealistic, and energetic, what we could accomplish was severely limited by lack of money. We could do little more than spend what we had to further our own personal prospects for freedom. Now, we are older idealists with more money and more freedom-loving friends who also have more money. Loving freedom, we are willing to pay for it, carefully selecting constitutional challenges that can make a real difference.

Is it fun? Yes! Especially when you win!

Incidentally, I note that the Libertarian Party hopes to spend some \$10 million on its next presidential run. Think of the 25 to 50 fundamental constitutional court challenges that we could buy for that. Isn't it more practical to mount court challenges that may succeed than to mount a presidential campaign that will surely lose? —SS

**Sustain this!** — I'm going to give you a reason to consider joining a millennial suicide cult.

First, let me define a term for you. This is from the *Bartels Abridged Dictionary, 0th Edition*. "Sustainability: A condition arising from the intentional choking off of individual initiative and innovation, in favor of compulsive adherence to exhortations of gaia-theocrats; typified by poverty, lower life-expectancy, and social conflict."

I am reminded of an art colony that I saw in Wisconsin a few years back, an experiment in "sustainability" run by a handful of artists and other obsessive-compulsives who attempted "sustainably" to farm a couple of acres by guilt-tripping visitors like me into performing stoop labor. Their response to conflict was typically a comfy group discussion that got progressively shriller until somebody finally buckled. These are people, remember, who think that the capitalist economic system is coercive. I guess high-decibel psychological warfare isn't.

What does Y2K mean to the greeners? Ponder this rhetorical question from Alisa Gravitz, writing in *Co-op America Quarterly*: "Would you be interested in an opportunity to move society more rapidly to sustainability?" [emphasis added. I just wanted you to experience it in the way I always do.] What is this opportunity, exactly? Well, in the event that civilization does collapse, Gravitz says that Sustainables can

seize the day if they "attach some strings" to the rebuilding process.

From what I remember of the Sustainable's literature, their string-attaching would make the old Soviet Union look like Disney World's Virginia Postrel Land. Say goodbye to the powergrid, all those nuke plants and fish-killing dams and cancer-causing power-lines. You'll collect solar energy by standing naked outside your government-approved dung-brick hovel for eight hours a day. The food will be organic, of course; it will be fertilized by the ashes of all your friends and relatives who die young. All computing will be done at Stonehenge, even though processing time will be a little on the slow side.

If the Y2K bug doesn't get you, the Greeners will. Surely, this is another instance of the survivors living merely to envy the dead. —BB

**War for the hell of it** — "The death rate in Kosovo before the bombing," *Chronicles* magazine editor Thomas Fleming reminds us, "was lower than the murder rate in D.C." Altogether, on both sides, the ethnic violence last year in Kosovo claimed 2,000 lives, peanuts compared to the slaughter in recent years of over 1.5 million in the Sudan, 500,000 in Rwanda, 200,000 in Liberia, and 100,000 in East Timor.

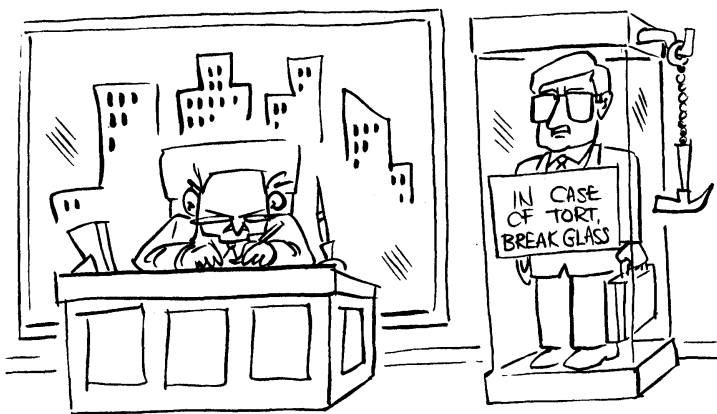
Bill Clinton, of course, didn't fire off America's cruise missiles over these colossal bloodbaths, or over the razing of 3,000 Kurdish villages by Turkey, a NATO member. Instead, Mr. Clinton, picking sides in a centuries-old conflict, elected to bomb Yugoslavia and has now managed to achieve the opposite of every objective he sought.

The daily air bombardment, in addition to producing exactly the humanitarian catastrophe that Clinton was seeking to prevent, has rallied Serb nationalism, muted Milosevic's domestic opposition, destabilized neighboring countries, encouraged the spread of radical Islam, undermined pro-Western reforms in Russia, and threatens to drag U.S. ground troops into a 700-year-old religious and ethnic quagmire.

"Nearly half a million refugees are in Macedonia now. How they are to be fed nobody knows, but in the next month all the Christian world will hear the cry: Come over into Macedonia and help us!" That dispatch was published in the *Toronto Daily Star*. The reporter was Ernest Hemingway. The date was October 20, 1922.

Rejecting the vigorous counsel of both the Joint Chiefs of Staff and the CIA that this is not a war that's winnable with air power alone, not a case of national dominoes, and not a situation that merits a military confrontation in order to protect U.S. national security interests, Clinton decided to take a shot at subduing ancient ethnic hatreds from the skies.

On March 23, he told a group of AFSCME public-sector unionists "what Kosovo is all about," which was "wanting our neighbors to do well . . . diversity . . . community . . . belonging . . . race initiatives . . . gay rights . . . hate crimes legislation . . . employment nondiscrimination laws"; i.e., the application, at home and abroad, of Rodney King's "why can't we all just get along?" For this president, in short, war is about nothing so crude (no pun intended) as oil. "It's as if liberals feel better waging war," says *Wall Street Journal* columnist Paul Gigot, "when U.S. interests aren't at stake."



SKRAMBERS

War has become a vehicle for a New World Order run by behavior cops, a heartwarming transplant of the egalitarian theories of Yale and Oxford to the killing fields and slums of Haiti and Somalia. It's all about singing "Kumbaya," says Elaine Donnelly, president of the Center for Military Readiness, all about "folk-singing about apple trees, honey bees and buying the world a Coke." Until someone gets shot.

In Somalia, 29 American soldiers were killed while "nation building" under UN auspices, their calls for more firepower unheeded at the White House. In Haiti, after five years of turning American troops into traffic cops and half-baked social workers, Gen. Charles Wilhelm, chief of the U.S. Southern Command, sees "little progress toward the creation of a permanently stable internal security environment." With Bosnia, the Dayton accords have created little more than a confederated state that's likely to explode the day NATO troops withdraw.

And today, after more than 6,000 bombing runs, NATO simply hasn't made an appreciable dent in the Yugoslav military offensive in Kosovo. In fact, there are now more Yugoslav forces in and around Kosovo than when NATO started its offensive. In addition, mercenaries from Russia, Romania, Bulgaria, Austria, and Hungary are reportedly now flowing into Kosovo to join the Serbs. "With all the looting of homes and the stealing of money," explains Fran Baba, president of the Union of Non-Government Organizations, "there are many foreign mercenaries who are making a lot of money with the ethnic cleansing."

A few weeks ago, during the second week of bombing, Clinton sounded as if he were back cramming for a final at Oxford. "I am just getting up to speed," he said, referring to Serbia. "I found out they had been fighting on and off for hundreds of years, but there was more off than on." With more fast reading this week, perhaps Mr. Clinton will get up to speed on why his military and intelligence officials warned him that an air war wouldn't work.

What we're witnessing is the first war run by the '60s doves, a battle for diversity and ethnic harmony that's supposed to be won with zero GI casualties. "The free-lunch president is trying his best to give free-lunch Americans a free-lunch war," writes *New York Times* columnist Maureen Dowd. "Usually war entails old men sending young men to die. This time, the young men in uniform seem like adults being sent off to fight by the child-man in the White House, the most self-indulgent Commander-in-Chief in history." The irony is that the only draft dodger ever to occupy the Oval Office has become one of the most interventionist presidents since World War II.

In some ways, it's just like Monica all over again. "Air power," states military specialist Eliot Cohen, "is an unusually seductive form of military strength because, like modern courtship, it appears to offer gratification without commitment."

—guest reflection by Ralph Reiland

**Stop the War Now!**— The libertarian movement has long needed a non-partisan activist organization, but by and large, except for the LP, libertarian organizations have sought tax exempt status that prevented their rallying public opinion on specific issues. That's why I was delighted to learn that on April 27, 34 days after the NATO war started, the Libertarian Party launched an anti-war website called

StopTheWarNow.com. Those who log onto the site get the customary set of links to other websites that offer news or rally opposition to the war.

More importantly, visitors to the site are invited to fill out a simple form (name, email address, zip code) and a short, cogent message will be sent in their name to their congressperson and senators. The LP guarantees to keep the names and addresses of signers private and not bother them with endless email. Signers who don't like the message prepared by the LP can easily add their own sentiments.

This venture is modeled on the anti-Know Your Customer website the LP launched in February to rally opposition to proposed banking regulations that would have forced every bank in the country to spy on every one of their customers and report anything unusual to police authorities. As Jefferson Meyers pointed out in the May *Liberty*, the LP got onto that issue a bit late, after the regulations were pretty much defeated. But the 171,000 anti-regulations emailed comments generated by the website certainly helped bury that particular regulation once and for all.

This time, no one can say the LP is entering the battle late. Sad to say, the Clinton administration seems willing to bomb Yugoslavia until every last living thing is vaporized, and Americans are only gradually coming to realize that a war without American casualties fought 5,000 miles from home for no perceptible purpose is not a good thing. In its first two weeks, StopTheWarNow.com forwarded anti-war messages from 12,127 Americans to their representatives.

There's no issue more important for lovers of liberty than NATO's War. It's destroying life and property in the Balkans on a massive scale for no apparent reason other than distracting Americans from Clinton's swapping military secrets to the communist Chinese for campaign contributions and testing new technologies of death. It's raising taxes, stimulating statist and militarist values, and nurturing an indifference to human suffering. The Libertarian Party deserves a special thanks for launching StopTheWarNow.com and beginning to rally opposition to the NATO War.

—RWB

## Coming in *Liberty*

### "I Am the Taxman"

Fritz Berggren reflects on his life as a private tax collector.

### "Libertarians and the Constitution"

Gene Healy explores the weird world of libertarian constitutional theory.

### "Liberty as if the Other 99% Mattered"

Why are nearly all Americans indifferent to liberty? Loren Lomasky answers this vexing question.

### "The Russian Libertarian Movement"

Jen Tracy traces libertarian influences (and lack thereof) in the former home of Communism.

# Symbols for the Masses

by Stephen Cox

On Monday, May 3, two weeks after the incident at Columbine High School in Littleton, Colorado, in which a couple of kids named Dylan Klebold and Eric Harris killed twelve fellow-students, a teacher, and themselves, it seemed possible that the episode might some day cease to be the national media's only interest.

The last funeral service had been broadcast, in its entirety, on national television. Every politician and social "expert" who could speak into a microphone had been interviewed at least four times. The opinions of youth had been thoroughly canvassed. And something else had finally happened (besides the war on Serbia, but who cares anything about that, anyway?). On the night of May 3, almost a hundred great tornados descended on Kansas and Oklahoma, levelling whole communities and killing over 40 people.

Yet when this big story broke, CNN Headline News at first found it hard to tear itself away from Columbine High.

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*To give this one event a peculiar symbolic importance is to encourage an interest in symbols as such, not in realities.*

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At the start of the network's half-hour news bites, the announcer took only brief notice of the disaster in the mid-west, indicating that further information would be supplied during the weather report. Then she briskly returned attention to the really important story, the Columbine High School incident.

I am holding onto that word "incident," because everybody else seems to have the event permanently filed under the heading of "Our Long National Nightmares." What occurred at Columbine High was a terrible incident, but an incident nonetheless. There are cruel people in this world, and there are crazy people, too; sometimes, they kill other people. We know that, and ordinarily we take care to keep such things in proportion. They are incidents in human life, but they are not the main story.

On the same May 3, 1999, there was news about another incident, too, although you would have had a hard time finding that news on TV. A jury in Santa Ana, California, recommended the death penalty for a man named Charles Ng. A decade and a half before, when Ng (pronounced "Ing") was

young, he and a friend purportedly murdered six men, three women, and two babies in a secluded location where the two pals were wont to kill and torture other human beings.

Ng's legal case has been running around the courts for years, without attracting much attention or interest from national opinion leaders. As far as I know, the funerals of Ng's victims were never broadcast, live and in their entirety, on nationwide TV. The president of the United States issued no solemn and repeated public meditations on the subject of Ng's homicidal sexuality. Talking heads were not engaged to work three shifts a day divulging their views about the psychology, sociology, theology, political science, and jurisprudence of the Ng affair.

Nor should they have been so engaged. The sadism of Ng and his friend was an incident. To treat it as something more than an incident, to treat it as a reflection of American life in general, as a symptom of a disease that afflicts everyone and that everyone must therefore attempt to cure, would go far toward making insanity appear the norm.

In a populous and complex society, many kinds of incidents occur. Not all of them become, or could possibly become, public fixations. That fate is reserved for events that vibrate with symbolism, and vibrate at some publicly detectable frequency. My old Hallicrafters symbol-detector must have a wire loose someplace, because I am always being surprised by the social-symbolic vibrations that other people's equipment so easily detects.

When I naively suggest to my acquaintances that the importance of Columbine High School may have been exaggerated, nearly everyone informs me, and informs me emphatically (sometimes hysterically), that what happened there is a symbol of American social problems, a symbol that must be heeded if the problems themselves are ever to be addressed. The problems are variously listed as "guns," "violence," "violent video games," "the way that kids are raised," "the way that young males are socialized," "the way that kids who don't fit in are scorned," and very many more besides.

The worries of my friends are real. Most of the problems that they mention are of perennial concern. (Spare me the existence of "guns" as a "problem," however.) But that's



# The Meaning of the Massacre

exactly what's the matter with the symbolic method of confronting such problems: the problems are indeed perennial, and no amount of symbolism will help us solve them. Nothing that Eric Harris and Dylan Klebold did at Columbine High School on April 20, 1999, sheds any new light on what everyone — everyone who is even mildly compos mentis — already knew.

High school is hell for kids who don't fit in. Manhood is difficult to learn. The line between self-assertion and aggression is hard to fix. Young people are susceptible to millions of influences that they have a hard time sorting out. Parents and teachers can help with this, especially if they think about what they're doing, but none of them will ever do a perfect job. Even the best adults will fail with some kids.

That's what we knew before April 20; that's what we know now. To give this one event a peculiar symbolic importance is to encourage an interest in symbols as such, not in realities. The truth is that we can sometimes learn through symbols, but also that our symbol-seeking behavior can be a dangerous and a frightening thing.

What went on at those nationally televised funerals in Littleton, Colorado, was certainly frightening to me. The very fact that the funerals were nationally televised was a sign that the poor dead mutilated children of Columbine High School were being wrenched into the kind of symbols that could be shared by everyone. The ceremonies, in their

egregiously "national" form, were a theatrical imitation of personal sympathy, a pathetic flight from the privacy and individuality of actual human life.

On site and on the screen, the mob was invited to participate in a restless search for yet more symbols. During one of the funerals, the only one I could stand to watch all the way through, the audience could be seen milling around, dropping flowers on makeshift shrines, spasmodically applauding (!) musical acts and political speakers (of whom there was an absurdly plentiful supply), passing teddy bears up to the stage, holding or releasing balloons, climbing a hill on which wooden crosses had been erected, pencilling messages on those crosses with magic markers, watching performances of massed pipers, watching performances of marching bands, watching the vice president and his entourage parading down a street, watching the vice president kneeling before yet another makeshift shrine . . . If you want symbolism, here it is.

But what it indicates isn't solemn understanding and engagement but distraction and desperation, a mindless craving for therapeutic spectacle, an unending quest for symbols as such. Here was a mass of people; here were big emotions; here was symbolism isolated from any specific connection with reality; here was the urge for something more, something cathartic, something ultimate. It was frightening.

*continued on next page*

## Brill's Discontent

Steven Brill, publisher of *Brill's Content*, has made a suggestion that I have seen many times before: we should treat guns the way we treat automobiles. But I wonder if he has given much thought to this proposal.

What we should do about guns, he says, is "register them and license those who would use them." But how do we treat automobiles?

To drive on a public street, one must have a tag on the car indicating that the driver has paid a fee. In the state of Washington, this fee is based on the value of the car. My piece of junk costs about \$35 a year to license. One must also have a license to drive a car. Ostensibly, this is a safety measure to insure that only competent drivers are on the road. In reality, any idiot can get one, and with minimal luck he can avoid ever taking another driving test. I ran a stop sign on my test 20 years ago and still passed.

Both the tag and the driver's license entitle a person to drive in every state in the union. Under Brill's system, I could pay \$20-\$40 a year to license a used revolver; take a joke of a test

administered by a surly, bored bureaucrat; and carry a concealed weapon anywhere in the country. I think most gun nuts would go along with that.

—Clark Stooksbury

## It's a Mad, Mad World

We live in an insane world. Consider:

There are currently over 1,500 federal gun control laws in the United States. Two teenagers in Littleton, Colorado, spend over a year secretly planning mass murder, building over 50 lethal bombs; yet many people are convinced their attack on their high school could have been prevented if only we had passed one more gun control law.

These two killers strolled through their school for hours, killing people huddled together in fear with *no* ability to stop them. Imagine yourself as one of those huddling victims. Imagine reaching into your pocket and finding a gun. Would this be enabling and empowering, or would it simply make you worse off? The former, surely. Yet

virtually all political commentators consider the suggestion of allowing school officials to be armed ludicrous and bizarre. Is this because they are concerned that school officials cannot be trusted and would, if armed, go on shooting rampages themselves? If so, then people are strangely unconcerned about leaving their children under the control of these officials.

The two major news stories of the season are the bombing in Kosovo and the bombing in Littleton. Parents are expected to teach their children that bombing children in America because they've made fun of you is bad, but bombing children in foreign countries because their leaders have made fun of our leaders is good. We are supposed to condemn Nintendo war games as possible sources of violence that can set children on murderous rampages . . . but we are not to entertain this view of real war games. Blowing up bridges on your computer screen can turn you into a monster, but watching your government blow up real bridges on your TV screen simply warms your patriotic heart.

—Ross Levatter

## The Meaning of the Massacre

Two years ago, a comparable event took place — the obsequies of Princess Diana. In this case, the reality supposedly commemorated was even more decisively an incident. I don't know very much about the kids who died at Columbine High (you certainly couldn't learn very much about them from watching their funerals), but I would bet any amount of money that every one of them except Eric Harris and Dylan Klebold was, in real terms, a much better and more important person than the Princess of Wales. Her death — poor, silly creature — was chiefly remarkable for the explosion of unanchored and undirected symbolism that

followed it.

It made no difference what people *thought* the symbols of their grief expressed. For some, what was expressed was actually, and merely, an appreciation of glamor and fashion; for others, it was a steady hatred of the British class system; for still others, it was love and envy of that system, or an infatuation with Diana's political causes, or regrets about the drabness of life and the passage of time, the pathos of old loves and the grayness of aging skin. The list could be extended indefinitely. But whatever their motives, the people flocked to the festival of symbols, carrying with them

## Ban the Bible!

Some people are willing to use almost any bad thing that happens to whip up hysteria about the need for more social controls. The bad thing is, in effect, a Reichstag Fire that they don't have to set themselves. Right now, William Bennett, the ex-drug czar, is prominent among those beating the drum for some form of censorship on the media in general and the Internet in particular.

An aside: although Bennett is best known for his authoritarian views on free minds, he's long been an enemy of free markets, too. During the financial meltdown in the Orient last year he said, "What I'm concerned about is the idolatry of the market. 'Unbridled capitalism' may not be a problem for production and expansion of the economic pie, but it's a problem for human beings. It's a problem for the realm of values and human relationships because it distorts things." It's sad testimony to the state of the nation when a blowhard like Bennett is seen as a pundit about issues of right and wrong. The occasional crime is bad enough, but the real damage is done when yahoos use it as an excuse to dramatize their aberrations and cause a new wave of laws to be enacted.

What is the underlying cause of the Littleton incident? I can only hypothesize, but I certainly don't attribute it to a degradation of values produced by books, movies, music, or the Net. If anything, there's less violence portrayed today than there was in the literature of the past. Even a casual reading of Greek and Roman classics reveals that violence is integral to many story

lines, starting with *The Iliad*. The same is true of the Old Testament, which is largely a history of genocide, murder, rape, aggravated assault, robbery, and every other crime. And it's not told as a cautionary tale, either, but as a joyous celebration of one ancient desert tribe's bloody conquest of its (mostly) more peaceable neighbors. Hardly a good example.

Why violent offenders in prison are encouraged to read the Bible, but not allowed to see *Pulp Fiction*, is a mystery to me. But if Edward Gibbon is right, maybe people shouldn't be allowed to read history. He said (accurately, in my view) that history is "little more than the register of the crimes, follies, and misfortunes of mankind."

I suspect that people are basically no more violence-prone today than they've ever been, and that Americans are much less prone to violence than most peoples. Of course we've always had our share of sociopaths (Billy the Kid, Pretty Boy Floyd, et al.). If there is more "senseless" violence today, as opposed to crimes with monetary enrichment as an objective, that's not necessarily because society is more degraded, but because it's richer. Or because people have more energy-giving calories in their diets. Or because they don't have to do the physical work they once did. In the past, many people may simply have been too tired to commit discretionary crimes. It may be important to remember that people are more urbanized today, and so are stressed somewhat more, like rats in close confinement. There are lots of possible explanations

for outbreaks of violence, explanations that make more sense than the Net or rock 'n' roll.

Why has there been a spate of murders in *schools*? I don't know. But it's interesting to note that all the school massacres have been in public schools. Rather than trying to eliminate guns, a better idea would be to eliminate public schools.

One thing is certain: the spate of school killings is absolutely not the fault of America as a society — and certainly not the fault of the idea of America, which is what the elite really wants to say in its sanctimonious editorials. Contrary to popular opinion, America is probably the least violent society in the history of the world. I know that comes as a shock, but it's true. If you want to see violence, look at every country in Europe over the last century, where mass murder was raised almost to the level of an art form.

Completely coincidentally, but bearing directly on the above, the April *Scientific American* reprinted a paragraph from its April 1849 edition: "From the Mt. Hore Institute on the Insane, Dr. W.H. Stokes says, in respect to moral insanity: 'Another fertile source of this species of derangement appears to be an undue indulgence in the perusal of the numerous works of fiction, with which the press is so prolific of late years, and which are sown widely over the land, with the effect of vitiating the taste and corrupting the morals of the young. Parents cannot too cautiously guard their young daughters against this pernicious practice.'"

—Douglas Casey

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## The Meaning of the Massacre

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their balloons, their teddy bears, their notes-to-no-one, their momentary attention to religious ceremonies, their undignified habit of applause, their easy forgiveness and easier quest for scapegoats. They came to the spectacle, and they came to be moved. Thank God, they *were* moved, and they went

home without violence.

Save your worries about teenagers' video games and look at *this* kind of video performance. When young people witness its appalling symbolism, what does it teach them about life? □

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# Consumers of Safety

by Jeffrey Snyder

Within a week following the murder of twelve students and one teacher at Columbine High School in Littleton, Colorado, the Clinton administration announced a new package of gun control proposals aimed at keeping guns and explosives out of the hands of the insufficiently trustworthy. Among other things, the proposed laws would limit handgun purchases to one a month, extend background checks to purchases of explosives, gunpowder and firearms at gun shows, prohibit the purchase of handguns by anyone under the age of 21, bar juveniles convicted of violent crimes from ever owning guns, require that child safety locks be sold with all guns, and make it a federal crime for parents to show reckless disregard in letting children have access to guns.

Like many of the nation's laws, the proposals aim to prevent crime by targeting conduct which is not itself criminal, but which precedes criminality. That is, they criminalize conduct that is not wrong by itself, such as the purchase, carrying or ownership of a handgun by persons who have no criminal intent, in order to prevent the subsequent occurrence of some real harm. They fight crime by creating a new crime.

Gun control is a prime example of this, but the same impulse is at work in vast domains of federal and state codes. It may be found, for example, in the requirements imposed on banks and others to report large cash transactions. These requirements are attempts to fight money laundering, which is itself a crime created to fight drug trafficking, which is itself a crime created to prevent the evil of drug use. The logic of prevention is relentless.

Once people abandon the principle of criminalizing only conduct that is harmful and in which the actor has some bad intent — nearly universal requirements at common law, but ignored with abandon by 20th Century legal positivists, for whom virtually anything is criminal if defined as such by statute — there is no logical stopping point.

The circle of criminality extends ever outward, as each successive effort at prevention shifts the fight to a new location. When the Brady Act prevents convicted felons from

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purchasing guns from licensed dealers, the circle of criminality moves outward to require background checks on customers at gun shows. When guns are finally prohibited and we are busy waging war to curb the resulting black market, the circle of criminality will enlarge itself further, entailing background checks on purchasers of metalworking tools at Sears.

Except when conducted on Second Amendment grounds, debates over gun control measures are typically limited to questioning whether the proposals will work, that is, achieve their intended results. Thus, for example, we hear critics of the administration's new proposals observe, correctly, that the proposals would not likely have prevented the 13 murders committed by students Eric Harris and Dylan Klebold in Littleton. But rarely does anyone examine the implications of using law as a tool of prevention.

The truth is that such laws conscript citizens into policing the behavior of others, making them criminally responsible and subject to punishment for failure to prevent that which the government, with its multitude of police agencies, surfeit of laws and crushing penalties, cannot itself prevent. This fact is particularly grating, considering that government admits responsibility for its failures to police others or prevent crime. By itself, this should indicate that these laws are tyrannical, a corruption of the purpose of government, and inconsistent with a free society.

In the wake of the school shootings in Littleton, there was speculation that one or more of the guns used may have been acquired at a gun show, in a transaction not subject to existing Brady Act background check requirements. The Clinton proposals would close this "loophole" by making it a crime to sell a gun in this fashion and subjecting the seller to

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punishment because his purchaser was not checked against the list of federal disqualifications. Those ineligibility requirements (such as dishonorable discharge from the armed forces) are based on the presumption that persons with those characteristics, taken as a group, are more likely than others some day to use a gun in the commission of a crime. Upon this group guilt, unspecified probability, and "for want of a nail, the kingdom was lost" causality, we hang the gun dealer.

While the seller goes to jail because of what might possibly result from his failure to police others, none of the Congressmen who enacted the federal Gun-Free School Zone Act (found to be unconstitutional) and none of the Colorado state legislators who pushed through the local version (which seems to have had the principal effect of disarming potential victims) suffer any form of punishment for what

actually happens. They do not even suffer the ridicule they deserve for enacting laws that are essentially magical incantations. Instead, they busy themselves with new proposals and receive eager praise for it.

While the gun dealer goes to jail, the police and SWAT teams that responded in Littleton will not be subject to suit or fired for their failure to prevent disaster or save the victims at Columbine High School. Nor will Colorado legislators — who for years failed to permit the concealed carrying of weapons for self-defense — face criminal charges or even be derided for their role in creating a society in which criminals are assured the luxury of laughing as they shoot their unarmed, cowering victims. Faced with fresh evidence that guns are evil, they hasten to withdraw the bill that would have authorized "licensed concealed carry."

In fact, creating dependence while being utterly unac-

## Real Gun Control Advocates Don't Beat Around the Quiche

Whenever a tragedy such as the Littleton, Colorado mass murder occurs, it is greeted as an opportunity by gun control advocates. But even at times when it seems that they should be on the offensive (a *New York Times* editorial labeled this a "Gun Control Moment"), their prescriptions are fairly timid. In the face of this gross act of violence, one would think that seemingly radical steps — banning handguns (as George Stephanopoulos suggested) or even all weapons (as Rosie O'Donnell advised) — would be in order.

But President Clinton has concocted a series of cosmetic legislative measures guaranteed to have a negligible effect on school shootings in particular and violent crime in general — in the unlikely event that they pass. Senate Democrat leader Tom Daschle, who would be needed to help shepherd the legislation through Congress shows little more enthusiasm for the proposals than his Republican counterparts. Clinton would raise the minimum age for legally possessing a handgun from 18 to 21; ban juvenile possession of semiautomatic "assault rifles"; make parents criminally liable when they "knowingly or recklessly" allow a juvenile access to a weapon that is used to cause death or injury; require dealers, manufacturers, and importers to provide a safety lock with every gun; require background checks on the sale of explosives and weapon sales at gun shows and flea markets; and limit handgun purchases to

one per person per month.

I object to this package more for the increase in power that it would grant to the Federal law enforcement agency that is particularly known for its lethal mix of cowboy mentality, genuine stupidity and pure evil — the Bureau of Alcohol, Tobacco, and Firearms — than for the inconvenience and loss of rights that it would inflict on gun owners.

Some prohibitionists are upset for other reasons about Clinton's suggestions. To Kristin Rand, a spokesperson for the Violence Policy Center, they are "nothing more than a collection of knick-knacks and doo-dads that focus on the gun seller and gun user but does not focus on the gun industry." Rand is correct, but it is hard to see much of substance coming from her group's strategy of suing gun manufacturers — much besides lining the pockets of lawyers and the city governments that are bringing the suits.

It is time for prohibitionists to stop fooling around. Waiting periods, background checks, and safety locks are nice Clintonesque half-measures, much like school uniforms and the V-chip, but they are not going to have much effect in a country where no one really knows how many tens of millions or hundreds of millions of firearms — revolvers, six-guns, shotguns, AK-47s, etc. — are in private possession. With such a large number of guns extant, a sizable black market is inevitable if new guns are outlawed.

The honest prohibitionist should admit that even after all his nickel and dime proposals become law, something must be done about the millions of weapons in private hands. This means more than just a ban on the sale, manufacture, and importation of weapons. It means confiscating the guns now privately held. If necessary he should be willing to call out the ATF, the FBI, and the 82nd Airborne to go from house to house confiscating weapons.

And he should prepare the public for the reality that this will lead to more "Wacos" and "Ruby Ridges," since many of the folks out in flyover country are quite attached to their guns. He should prepare *himself* for the possibility of an occasional "Manhattan" or "Cambridge" or "Georgetown," since a few members of the ruling elite might turn out to be as recalcitrant as the red-necks. It will be disconcerting to him to realize that guns are owned by someone other than religious fanatics, white supremacists, and survivalists; but he will soon be used to unpleasant scenes of federal snipers training their sights on union members, Presbyterians, Chevrolet owners, and other ordinary, not easily demonized, Americans.

This method of public safety is waiting for a legislative sponsor whose loathing of gun owners and concern for "the children" is matched only by his contempt for freedom. Charles Schumer's moment may have arrived.

—Clark Stooksbury



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countable for the results is the essence of the modern democratic state. But there is little doubt that dependence — being cared for by a warm and snuggly government that feels their need and their pain — is what most Americans want.

Thirty-one states now have laws that permit nearly any law-abiding citizen with a clean record to carry a concealed handgun for self-defense, yet it is rare that the number of licensed permit holders exceeds 1 to 2 percent of a state's population. A few weeks before the Columbine High School killing spree, Missourians voted on the nation's first state-

wide referendum about whether to permit licensed law-abiding citizens to carry concealed weapons for defense. By 52-48 percent, they said that they did not trust themselves to carry arms. Depending so long upon government, they have become fearful or incapable of relying upon themselves. Surely great evil would come of such a thing.

One writer to the editor of the *St. Louis Post-Dispatch* summed up her opposition to the proposed Missouri law by stating that "the so-called right to carry infringes on my right to feel safe." And there is the bottom line. The reason why

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## Setting a Bad Example

The day before the Littleton, Colorado, shooting, *The Wall Street Journal* reported on the B-2 ("Flying Wing") bombers that are attacking Yugoslavia. These bombers are so complicated that it is easier to fly them all the way to Belgrade from their home base in Missouri than to set up a new base in Europe.

The *Journal* article quoted pilots and their wives talking about the surrealistic experience of going into combat in the morning and watching their kids' little league games in the afternoon. "I got home before my wife today," said one man after dropping bombs on Yugoslavia, "so I made dinner."

The next day, after the Colorado high school shooting, President Clinton released a pious message saying we need to "hammer home to all the children of America that violence is wrong." It's interesting that he would use a violent metaphor to say, "Do as I say, not as I do."

Back in the '60s, when Clinton was growing up, there was a popular movement called "situational ethics." The premise was that there are no hard and fast rules about what is right or wrong; it depends, instead, on the situation. The implication was that we can each decide for ourselves what is right or wrong in any given situation.

The problem with situational ethics is that people have an uncanny ability to view their actions in the best possible light. Is violence all right if the president can get away with spending billions of dollars dropping bombs that kill hundreds or thousands of Yugoslavians, just so long as there are no American casualties? Apparently, from Clinton's point of view, it is. But it is not a big step from there to saying,

"Violence is all right if I can have some fun shooting a bunch of people I don't really like before killing myself."

Maybe societies need some hard and fast rules after all: thou shalt not kill; thou shalt not lie; violence is wrong except for self-defense. Maybe

young people will learn those rules only if society's leaders practice them as well.

Maybe I'm beginning to understand what conservatives meant by the "character" issue.

—Randal O'Toole

## Amoral Cocktail

Pundits have blamed the Littleton massacre on everything from guns to urban sprawl (suburban Littleton had lost its "sense of place," said a *New York Times* op-ed writer). President Clinton first responded by pushing gun control; when that didn't resonate sufficiently in the polls, he shifted to the "media" problem, promising to discuss the state of culture with his friends in Hollywood. The truth is that no one has persuasively explained the string of violence in our schools. Most people are still trying to figure it out.

I suspect the tragedies stem from a deadly cocktail typical of our time: a mixture of part-time parenthood, a culture that is amoral at best, and a government institution, the American high school, that is both bureaucratic and impotent.

*Parenthood.* No one knows what goes on in most families, and the parents of Eric Harris and Dylan Klebold have not been talking to the press about what went on in theirs. At the very least, however, they were inattentive to what their kids were doing. This kind of parenting is one cost of the enormous freedom of choice that adults have. Staying home (both actually and figuratively) can be dull and unfulfilling, so many parents don't. But part-time parenthood can leave children missing a few cogs in

their development.

*The Culture.* The United States' mass culture has extremes of good and ill: wonderful, uplifting movies and savagely immoral ones. Such extremes can be found in music, magazines, Internet, computer and video games. Some kids can't handle the choices very well, and if their parents are uninvolved, there isn't much out there to guide them.

*The School.* Columbine sounds like thousands of other high schools, including the one I attended many years ago. A public school system gravitates toward warehousing its teenagers in large, impersonal agglomerations. Like all bureaucracies, these schools best serve those who are easy to deal with — in this case, the bright, the mature, the handsome, the successful. Average kids just get by, and misfits are usually ignored. (I doubt that "guidance counselors" are more effective today than they ever were.) Unlike school administrations of 40 years ago, however, the administrations of these schools have little control over students' behavior. Dress codes are out, expulsion is rare, inappropriate action is tolerated. As Kay Hymowitz wrote in *The Wall Street Journal*, legal cases since the late 1960s upholding students' rights have produced back-talking ado-

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laws selling crime prevention have such tremendous appeal is that most Americans conceive themselves as mere passive consumers of a product called "safety," created for and delivered to them by government.

They do not see themselves as contributors to public order, ready to act upon their own initiative when circumstances so require. They simply do not perceive the opportunities to create safety or to restore order that exist when people assume the responsibility of acting in defense of innocent life. Inhabiting a world in which everyone believes that having the desire and the wherewithal to confront murderers in the act of murder is beyond their ability, and someone

else's responsibility, they call 911, flee in abject terror, or wait and cower, passive recipients of a service that they hope will be delivered in timely fashion.

The gun is only a tool. Like other tools, it enables us to do both greater good and greater evil. Take it away, and you have reduced man's capacity to do harm, but you have also reduced man's capacity to do good. That we entertain serious discussions about eliminating guns speaks not so much to the evil nature of the thing itself — it has no moral nature — as to our own limited capacity and willingness to do good, to undertake those actions in service of the good with the tools at our disposal. □

## The Spirit of the Weapon

A few more high-school massacres, and the anti-gun nuts will have all the ammunition they will need to repeal the Second Amendment to the U.S. Constitution. It doesn't matter that anyone with half a brain realizes that the issue is not guns, per se, or that the Columbine massacre tells us more about in-group/out-group strife in America's Public Reservations for Teenagers than it does about anything else; the anti-gun crusade seemingly has the "practical" high ground now.

In the face of the anti-gun nuts, the first reaction of some of my comrades-in-arms is hardly anything like calm reasoning. Hasty thoughts and shootings-from-the-lip are often the order of the day. Still, in the hours, days, and weeks following the Columbine event, my strange network of friends — Epicureans, ex-Objectivists, libertines, policy wonks, Christian dissidents — went into overtime on the Internet, divesting a word horde rivalling in quality as well as in quantity the work of such professionals as Sam Smith of *Progressive Review*, Camille Paglia of *Salon*, and even Tom Robbins of the letters column of the *Seattle Post-Intelligencer*. After their words and my own netmusings, it doesn't seem worth it to add more words. The spirit flags as the march against gun ownership mounts.

But that would be a mistake. Citizen armament is an important issue, one that deserves unflagging support from those who understand the issues. Though much of the writing on Columbine has been very perceptive, it didn't stop an immediate reaction across the country against "Goths" who

dress oddly in dark clothes and trench-coats. A thousand thoughtful individuals contributed a million thoughtful words, but Rosie O'Donnell's blunt insistence that the Second Amendment be simply scrapped had more airplay.

The worst enemy of citizen armament may, however, be gun owners themselves. The carelessness of so much ownership is astounding to me. There are at least three levels of concern that gun owners should be able to address: aesthetics, ethics, and spirituality. But most gun owners in America are unable even to treat their own guns in expert ways. Much less are they able to deal with the aesthetic distaste for guns shown by their neighbors, or argue in responsible ways for the morality of owning and using guns, or deal with the questions of life and death that inevitably come to mind when you hold a weapon in your hands that could annihilate another person.

This last issue is the one that I never, ever see addressed. Most citizen gun ownership advocates whom I know can at least muster a practical or moral argument against gun control. They have some glimmering that anti-gun hysteria is usually little more than a knee-jerk politics of aesthetic intolerance, a simple-minded reaction to the scenario of a person simply pointing, shooting, and killing. But an *armament spirituality*? Unthinkable.

And yet, if Americans continue to treat their guns as unthinkingly as they now do, or defend gun ownership with as little thought to life and death matters as they now evince, their guns will likely be taken from them.

The idea of an armament spirituality

is not new. Usually it has been reserved for the soldier classes in pre-industrial societies. But if citizens are to remain armed and independent, the culture of gun use must change and become more subtle as well as more responsible. I do not expect this to come to fruition in an organized political movement. It will happen only if the gun owners themselves wise up and acknowledge the gravity of their position.

Perhaps then — "armed" with virtues we now contemplate only in the context of westerns and tales of the Samurai — they might even discourage the kinds of massacres that erode support for the weapons they wish to own and use. The sage does not shoot for revenge.

—Timothy Virkkala

*"Amoral Cocktail," continued from page 17*

lescents whom teachers and administrators are powerless to discipline. Our sheriff here in Bozeman, Montana, says that many of the kids he works with have the attitude reflected in such comments as "You can't touch me, I'm a juvenile." Bizarre activities fester in this environment.

As a result of Littleton, the schools will probably take back some of their power. Already, schools across the country are establishing clothing rules (no long trench coats, for example) and barring backpacks. More metal detectors can be expected. But unless something is done to insist that students be accountable for their actions, the effect will be merely to burden the many without straightening out the dangerous few.

—Jane S. Shaw

# Why Johnny Can't Disobey

by Sarah J. McCarthy

The key to freedom is resistance, and the key to modern education is programmed acceptance.

Speaking at the Harvard Law School Forum in February on "Winning the Culture War," Charlton Heston delivered a vital lesson on the role of disobedience in American culture:

I learned the awesome power of disobedience from Dr. King, who learned it from Gandhi, and Thoreau and Jesus and every other great man who led those in the right against those with the might. Disobedience is in our DNA. We feel innate kinship with that Disobedient Spirit that tossed tea into Boston Harbor, that sent Thoreau to jail, that refused to sit in the back of the bus, that protested a war in Vietnam. In that same spirit, I am asking you to disavow cultural correctness with massive disobedience of rogue authority, social directives and onerous laws that weaken personal freedom . . .

Let's be honest. Who here thinks your professors can say what they really believe? It scares me to death, and should scare you too, that the superstition of political correctness rules the halls of reason . . .

What does all of this mean? It means that telling us what to think has evolved into telling us what to say, so telling us what to do can't be far behind. Before you claim to be a champion of free thought, tell me: Why did political correctness originate on America's campuses? And why do you continue to tolerate it? Why do you, who're supposed to debate ideas, surrender to their suppression?

Until recently, few people besides Heston have expressed concern about whether or not American college students can disobey. Many discovered that Johnny cannot read, but fewer saw that he cannot disobey, and neither can his teachers.

In matters petty and profound, conformity to cultural norms is increasingly demanded. "If you talk about race, it does not make you a racist," Heston needed to point out. "If you see distinctions between the genders, it does not make you a sexist. If you think critically about a denomination, it does not make you anti-religion. If you accept but don't cele-

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brate homosexuality, it does not make you a homophobe."

A long run of historical experiences with evil authorities should by now have established the crucial importance of independent thought, free speech, the right to dissent, and the necessity of civil disobedience. In our time, there has been no shortage of charismatic, malevolent leaders — Adolf Hitler, Charles Manson, and Jim Jones, to name some of the worst — who were capable of committing wholesale murder. What remains shocking, however, is that they were successful at recruiting followers. Though Heston believes we may have healthy doses of disobedience in our DNA, there appears to be no shortage of individuals, who, after having been trained in a culture of conformity, compliance and obedience to authority, will offer their minds on a silver platter to feed the egos of the power hungry.

Since the Holocaust, we have lived with the realization that a nation of otherwise civilized people was capable of killing millions of unarmed fellow citizens on command, but events such as the Heaven's Gate and Jonestown suicides took us one step further: people will also kill themselves on command. Researching the bewildering phenomena of the Nazi experience, Yale social psychologist Stanley Milgram wrote of the dangers of social conformity in his book *Obedience To Authority*: "In growing up, the normal individual has learned to check the expression of aggressive impulses. But the culture has failed, almost entirely, in inculcating internal controls on actions that have their origin in authority. For this reason, the latter constitutes a far greater danger to human survival."

Contrary to beliefs that the survival instinct is predominant over all other drives, the mass suicides at Jonestown offer testimony to the power of cultural indoctrination. Significantly, the greatest life force at the People's Temple came from the children. Acting on their survival instincts, they went kicking and screaming to their deaths in an "immature" display of disobedience. The adults, civilized and educated people that they were, lined up and drank their Kool-Aid like the followers they were trained to be. And their training had not begun at Jonestown. When something as horrible as mass murders or suicides happens, people draw metaphors about the nearness of the jungle and the

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*We have lived with the realization that a nation of otherwise civilized people is capable of killing millions of unarmed fellow citizens on command. But events such as the Heaven's Gate and Jonestown suicides took us one step further: people will also kill themselves on command.*

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beast that lurks within us, but on closer scrutiny the beast within us looks suspiciously like a sheep.

Despite our rich literature and history of freedom, obedience is perceived to be in the best interests of schools, governments, churches, families and political institutions. Its vehicles are nationalism, patriotism, religious ardor, and peer pressure. Certainly there must be some level of compliance in any reasonably civilized society, but we have seen that obedience can become the most destructive of vices, a threat to our very survival.

In the 1950s, many social psychologists tried to understand how millions of Jews and other people in the minority could have been systematically exterminated in Germany. Solomon Asch conducted a classic experiment on conformity behavior, conduct that is similar to obedience behavior in that it subjects one's will to that of peers or authority. In Asch's experiment, college students were asked to estimate the length of a line after confederates of the experimenter had given obviously wrong answers. Placing conformity above accuracy, the subjects also gave wrong answers 35 percent of the time.

Asch had expected people to be rational enough to choose the evidence of their own eyes over the wrong perceptions of others. He was mistaken. "It is important to keep the unambiguousness of the situations in mind," he explained. "In many instances, subjects are quite certain of the correct choice and, in the absence of group pressure, would choose correctly 100 percent of the time. In contrast, when they conform, they are conforming despite the fact that they know the correct answer."

How much more must we fear blind following in ambiguous circumstances, in situations where moral principles are unclear or debatable, in situations where there exists a legitimate or charismatic authority!

In an effort to understand the obedience to authority that had occurred in Germany, Milgram devised an experiment with acts of obedience. He placed subjects in the role of

teachers and had them "shock" learners for their mistakes. The "learners" were not real learners, but confederates of the experimenter who were faking their reactions. When such a learner made a mistake, the experimenter instructed the subject-teacher to administer an ever-increasing voltage from a shock machine that read "Extreme Danger," "Severe Shock," and "XXX." The machine was actually unconnected to any electric current. But the subject-teachers believed they were administering real shocks. Before the experiment began, they were given a sample shock themselves.

Milgram asked his Yale colleagues to make a guess as to what proportion of subjects would proceed all the way to the presumed lethal end of the shockboard. The professors' estimates hovered around 1 or 2 percent. No one was prepared for what happened: 26 of the 40 subjects obeyed the experimenter's instruction to press levers that supposedly administered dangerous levels of shock. After this, Milgram regularly obtained results showing that 62 to 65 percent of experimental subjects would shock all the way to the end of the board. He tried several variations of the experiment. One of them he conducted outside Yale University so the prestige of the university could not be an overriding factor in causing the subjects to obey. He found that people were just as likely to administer severe shocks whether the experiments occurred within the hallowed halls of Yale or in a three-room walk-up storefront in which the experimenters spoke of themselves vaguely as only "scientific researchers."

In another variation, Milgram found that aggression was not a factor in causing people to give shocks. When the

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*Though many have discovered that Johnny cannot read, fewer have seen that he cannot disobey, and neither can his teachers.*

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experimenter was out of the room, thus permitting the subjects to choose the level of shock themselves, almost none administered more than the lowest voltage. Milgram decided that obedience, not aggression, was the problem. "I must conclude that Hannah Arendt's conception of the banality of evil comes closer to the truth [in explaining the Holocaust] than one might dare imagine," he said.

This is perhaps the most fundamental lesson of our study: ordinary people, simply doing their jobs, and without any particular hostility on their part, can become agents in a terrible destructive process. Moreover, even when the destructive effects of their work become patently clear, and they are asked to carry out actions incompatible with fundamental standards of morality, relatively few people have the resources needed to resist authority. A variety of inhibitions against disobeying authority come into play and successfully keep the person in his place. It is a curious thing that a measure of compassion on the part of the subject, an unwillingness to "hurt" the experimenter's feelings, are part of those binding forces inhibiting disobedience — only obedience can preserve the experimenter's status and dignity.

Milgram's subjects showed signs of severe physiological

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# Compliance in the House

*by Ron Paul*

Not everyone in Congress is willing to let the imperial presidency continue unopposed.

Pandemonium reigned on the floor of the House of Representatives as members debated the contentious issue of President Clinton's intention to place U.S. troops in the middle of the Kosovo civil war.

President Clinton is planning on sending thousands of soldiers into harm's way for an unspecified length of time to achieve unspecified goals and without a single shred of evidence that this internal conflict affects U.S. interests or the safety of American citizens. The American public is outraged, military leaders say this deployment will further erode readiness, and yet Congress cannot muster the courage to say "no" to the president.

It is Congress, not the president, whom the Constitution empowers to declare war. But for years Congress has allowed presidents — Republican and Democrat — to scatter our troops recklessly around the world to play the ill-conceived role of international policemen.

In this current debate, liberal Democrats cannot oppose military action in Kosovo (despite their better instincts to avoid wars) because doing so would reflect badly on their party's president. Meanwhile, conservative Republicans, having rubber-stamped similar missions undertaken by Republican presidents, must choose between enduring charges of hypocrisy if they oppose this war and approving the president's actions. The result was a bipartisan compromise that made no sense: Republicans introduced a House Concurrent Resolution that completely supported any decision the president might make regarding troops in Kosovo, but without legally authorizing them. So much for the notion of congressional oversight!

As the pitch of the arguments rose to partisan rancor, it became abundantly clear that nothing good would occur when the House took its vote. The Concurrent Resolution that passed was merely a public comment that authorized

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nothing.

The winners, as always, are those who seek war and hold our Constitution and principles of non-interventionism in disdain. The losers, of course, are the soldiers who must endure yet another endless deployment that risks their safety and lives, and the taxpayers who will now foot the bill for yet another exercise in foreign adventurism.

During a speech on the House floor, and in conversations with like-minded colleagues, I have suggested that perhaps presidents and members of Congress would be less eager to intervene in every little war if their kids — their sons, daughters, and grandchildren — were sent to the frontlines of the conflict.

As a Vietnam-era veteran I could not help but notice that many of those calling for war on the floor of the house had no record of military service. Indeed many of them were the very same people who protested against the war in Vietnam.

Some of those calling for war did have a military background, but I was especially glad to see heroes like former prisoner of war Sam Johnson and Randall "Duke" ("Top Gun") Cunningham, voting along with me to oppose this action. In fact, if only those congressmen who have truly seen combat had been allowed to vote, I daresay the outcome would have been greatly different.

It's easy for Congresses and presidents to be "generous" with other people's money. It's apparently just as easy for them to fight international injustice with other people's children.

For those of us who cast our votes on the House floor, the pandemonium is merely inconvenient. For the men and women who must now carry out yet another mission of our horrendous foreign policy, the results are far more serious, if not deadly.

Addressing a different subject, Thomas Jefferson said, "I tremble for my country when I reflect that God is just, that his justice cannot sleep forever." Two centuries later, the underlying principles are the same. And I too tremble for my country. □

## McCarthy, "Why Johnny Can't Disobey," *continued from page 20*

tension and internal conflict when instructed to shock. Presumably, these signs of psychic pain and tortured indecision were a manifestation of an underlying attitude of compassion toward the victim, but it was not sufficient to impel them to break with and therefore embarrass the experimenter, even though the experimenter had no real authority over them. One of Milgram's subjects expressed the dilemma succinctly:

I'll go through with anything they tell me to do . . . They know more than I do . . . I know when I was in the service if I was told, "You go over the hill and we're going to attack," we attacked. So I think it's all based on the way a man was brought up, in his background. Well, I faithfully believed the man [whom he thought he had shocked] was dead until we opened the door. When I saw him, I said, "Great, this is great!" But it didn't bother me even if we found that he was dead. I did a job.

The Milgram experiments continued with thousands of people — students and non-students, here and abroad — often demonstrating obedience behavior in 60 to 65 percent of the subjects. When the experiments were done in Munich, obedience often reached levels of 85 percent. Milgram found no gender differences in obedience behavior, except that women exhibited more signs of internal conflict. Significantly, Milgram said, "There is probably nothing the victim can say that will uniformly generate disobedience," since it was not the victim who was controlling the shocker's behavior. Even when the experimental variations included a victim who cried out that he had a heart condition, this did not lead to significantly greater disobedience. In such situations, the authority figure dominates and the victim's cries are for the most part ignored.

Milgram demonstrated that an authority figure's power had to be somehow diminished before there would be widespread disobedience, such as when an authority was not physically present and his orders came over the telephone, or

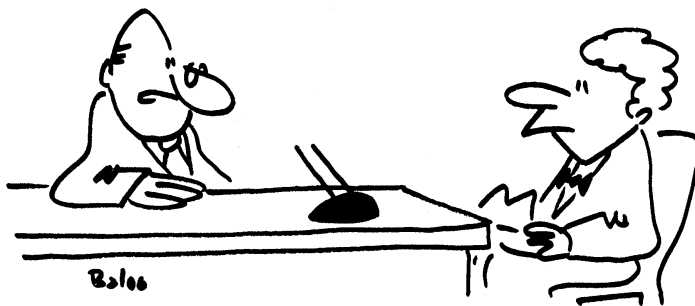
when his orders were challenged by another authority. Most importantly, subjects became disobedient in large numbers only when others rebelled, dissented, or argued with the experimenter. When subjects witnessed another subject defying or arguing with the experimenter, 36 out of 40 also rebelled.

Domination by authority is attributed by Milgram to a state of mind that he calls the "agentic state." A person makes a critical shift from a relatively autonomous state into the agentic state when he enters a situation in which he "defines himself as open to regulation by a person of higher status." An extreme agentic state is a likely explanation for the scenario at Jonestown, where even the cries of their own children were not sufficient to dissuade parents from serving them Kool-Aid laced with cyanide in obedience to the demands of their cult leader and peers.

How many of us have made the critical shift into an agentic state, making the assumption that our leaders know best, even though they repeatedly demonstrate that they do not? Milgram predicts that, "for the man who sits in front of the button that will release Armageddon, depressing it will have about the same emotional force as calling for an elevator." Evolution, he maintains, has not had a chance to "build inhibitors against such remote forms of aggression."

What is the solution to this problem? We need, most importantly, to embrace free thought and free speech and protect those freedoms at almost any cost. As a nation and as individuals we are far better off developing thicker skins than enforcing speech codes that stifle free expression. Leaders, both political and spiritual, should be subjected to intense scrutiny, and we must insist that their thought processes and proclamations measure up to acceptable levels of rational thought. Above all, we need to become practiced in activating our inner resources toward rebellion and disobedience when we feel the invisible chains of the agentic state pressuring us to say and think what leaders and peers demand. We need to become the rebels whose example can make 36 out of 40 other people rebel also. Unfortunately, most of us have gotten the message that it's dangerous and costly to be different, and that disobedience requires exceptional courage. With sufficient practice, however, we may gain the strength to force a crucial moment to its crisis.

Heston offers clear directions for what we should do when we are met with intolerable demands for conformity: "Simply disobey. Peaceably, yes. Respectfully, of course. Nonviolently, absolutely. But when told how to think or what to say or how to behave, we don't. We disobey social protocol that stifles and stigmatizes personal freedom." □



"I won't insult your intelligence by saying that your check is in the mail — actually, it was stolen by space aliens."

# Gateway to Oppression

*by Alan Bock*

Marijuana kills . . . though apparently it hasn't killed anyone yet.

The report by the Institute of Medicine on the state of scientific knowledge about medical marijuana\* competently summarizes and synthesizes a good deal of what is known, and should prove valuable to those who hope that eventually science and reason will triumph over obfuscatory prohibitionism.

Richard Cowan, former executive director of the National Organization for Reform of Marijuana Laws (NORML), notes the report's excessive emphasis on the dangers of smoking — an emphasis that is curious in the absence of any confirmed cases of lung cancer caused by marijuana smoking. (This fact the report had to acknowledge.) He also criticizes the report's fixation on what he calls the "single molecule paradigm," the unproven assertion that isolation of single active molecules in the marijuana plant would obviously be superior to "licensing" the whole plant. Many advocates of herbal medicine claim that the unique combinations of ingredients found in natural plants (not just marijuana) account for their therapeutic value. Maybe they're wrong, but shouldn't the viewpoint be mentioned, if only to be refuted?

Steve Kubby is a former Libertarian Party candidate for governor in California and a medical marijuana patient (adrenal cancer and high blood pressure). He faces criminal trafficking charges for growing his own in his own home. Kubby notes that the IOM committee didn't discuss vaporization as an alternative to smoking, even though it had information about it; and that the study makes no mention of the eight patients who have received 7.1 pounds of marijuana a year from the federal government since the early 1980s, courtesy of the taxpayers. Surely they would have made good subjects for studies on long-term effects. All in all, says Kubby, "the IOM report is badly flawed science

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with politically poisoned conclusions."

Now, it may be true that the conclusions are politically colored, but that may not be such a bad thing. Perhaps including a few politically correct warnings about the effects of smoking per se is a small price to pay for enhancing the political credibility of the nuggets of truth the report contains.

I suspect that the authors of the report knew what most legalizers believe. They knew that (as they conclude after extensive documentation), "the adverse effects of marijuana use are within the range tolerated for other medications," and that "a distinctive marijuana withdrawal syndrome has been identified but it is mild and short-lived," and that strict prohibition of marijuana is a stupid policy.

Some of the authors' views can be inferred from one sentence that is matter-of-factly included in a lengthy discussion of the perception that marijuana is a "gateway to the use of more dangerous illicit drugs." The authors don't tease out the implications, but it isn't hard to do so. Let's take a look.

The report notes that one of the main reasons many are so adamantly opposed to allowing marijuana to be used medicinally is "the fear that marijuana use might cause, as opposed to merely precede, the use of drugs that are more harmful." The authors divide the issue rather intelligently:

The gateway analogy evokes two ideas that are often confused. The first, more often referred to as the "stepping stone" hypothesis, is the idea that progression from marijuana to other drugs arises from pharmacological properties of marijuana itself. The second interpretation is that mari-

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\* Available to be read or downloaded at:  
[www.nap.edu/readingroom](http://www.nap.edu/readingroom)

juana serves as a gateway to the world of illegal drugs in which youths have greater opportunity and are under greater social pressure to try other illegal drugs. This is the interpretation most often used in the scientific literature, and it is supported by — although not proven by — the available data.

The report then discusses various studies and concludes that "there is no evidence that marijuana serves as a stepping

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*Many advocates of herbal medicine claim that the unique combinations of ingredients found in natural plants (not just marijuana) account for their therapeutic value. Maybe they're wrong, but shouldn't the viewpoint be mentioned, if only to be refuted?*

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stone on the basis of its particular drug effect," a fact even many prohibitionists will reluctantly concede.

Then comes the sly kicker:

Whereas the stepping stone hypothesis presumes a predominantly physiological component to drug progression, the gateway theory is a social theory. The latter does not suggest that the pharmacological qualities of marijuana make it a risk factor for progression to other drug use. Instead it is the legal status of marijuana that makes it a gateway drug.

Savor that apparently innocent sentence for a moment: "Instead it is the legal status of marijuana that makes it a gateway drug." What implications can be found in it?

The main rationale for keeping marijuana illegal is not

that it is especially dangerous in and of itself, but that it can serve as a gateway to other, more genuinely dangerous drugs. But insofar as there is evidence that marijuana use sometimes leads to the use of harder drugs — and there is some, though it's not conclusive — the reason is that marijuana possession and use are illegal. A nice piece of logic, eh?

Take it another step. Those who insist on keeping the plant illegal bear serious moral responsibility for young marijuana users who do go on to use cocaine, heroin, PCP or other genuinely dangerous or addictive drugs.

If "drug czar" Barry McCaffery and other drug warriors were really, seriously troubled by the possibility that use of marijuana might lead innocent or psychologically troubled people to harder drugs with much more severe physiological dangers, they would move as quickly as possible to legalize marijuana. The fact that they don't do so makes their plaintive pleas of compassionate concern for those victimized by addiction and drug-induced disorders ring hollow.

In a word, they refuse to take the action that would be most likely to eliminate (or at least ameliorate) the only "gateway" properties of marijuana that have a shred of scientific support because their drug war, with all the money it shovels their way, with all the opportunities it presents to seize property, kick in doors and shred the U.S. Constitution, is far more precious to them than the ruined lives of addicts.

Give them the benefit of the doubt that up till now they didn't understand about the circularity of the "gateway" contention. But with this report — commissioned by McCaffery (your tax dollars at work) — they have no excuse remaining. If they don't take the logical step of legalizing marijuana to reduce harm, how far beneath contempt are they? □

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## Gringo Logic

President Clinton has announced that he will participate in the annual game of "Let's Pretend." The president will pretend that Mexico is a full and cooperating partner in the Holy War on Drugs, the United States will continue to send Mexico aid that it and the Mexican government will pretend will help to win the war, and we will all pretend that it matters a whit.

It's a ridiculous exercise in denial of plain facts known to all concerned, but it's made necessary by the ridiculousness of the drug war itself.

By most measures, despite the reported expenditure of \$770 million on the drug war by the Mexican government, it's been a lackluster year for Mexican drug warriors.

Drug Enforcement Administrator Thomas Constantine says Mexico is losing the drug war and claims Mexican drug traffickers have increased their penetration into the United States. U.S.

agents on the ground say Mexico has done little or nothing to combat corruption, even among the elite units they've trained. Charges against a couple of alleged methamphetamine kingpins were dismissed and the Mexican government refused to extradite suspects fingered by a U.S. Customs operation. Seizures and arrests were down; no kingpins were arrested.

(Note that nobody even suggests — though it might be plausible in theory — that this downturn in enforcement activities is a result of a reduction in trafficking. Everybody knows the drug war isn't working and nobody really expects it to work.)

There's a law saying the U.S. must certify that drug-producing and trafficking countries cooperate in the holy war — but the economic and diplomatic stakes are too high for recertification.

Thus the absurd exercise.

But the annual pretense of certification is only a small part of a larger ongoing game of pretense and denial. The government pretends that the drug war is a good idea. It pretends that dealing with drug use as a law-enforcement problem rather than a personal or medical problem doesn't make every aspect of drug use worse rather than better. It pretends that the end result of the war is something other than the enrichment of brutal traffickers, the expansion of corruption, the diversion of law enforcement resources from real crime, the creation of crime that wouldn't have occurred otherwise, the death of innocents and the imprisonment of people who should be in treatment (preferably private) instead.

Until we're ready to deal with this larger game of "Let's Pretend," we'll just have to endure the annual farce.

—Alan Bock

# How Murderous Are the Serbs?

*by David Ramsay Steele*

It is time to exhume the first casualty in the NATO War.

NATO's incessant bombing of civilian targets in Yugoslavia is justified by reference to "Serb atrocities," in particular by "ethnic cleansing" in Kosovo. Most people who oppose the bombing don't doubt that these "atrocities" have occurred. In fact, they generally go out of their way to denounce the Milosevic regime in strong terms before going on to say that his barbaric atrocities do not justify the bombing.

I certainly agree that the alleged Serbian atrocities do not justify the atrocity of the bombing, especially since the bombing is almost entirely directed at people quite innocent of the alleged atrocities. Here I want to look at a different question: just how truthful are the claims of Serb atrocities and ethnic cleansing? I'll tell you my conclusion in advance: Some of these allegations are just NATO lies. The remainder are uncertain — I don't claim to be sure. But I think an honest person, concerned only to get at the truth, may seriously doubt many of them.

More information will gradually emerge. Some of the factual issues may perhaps be controversial among historians for decades. We can't be sure that the eventual historical consensus will be absolutely accurate, of course, but it's a good bet that it will be closer to the truth than current NATO propaganda.

It may turn out, ten years from now, that Serbs will have been proved guilty of many of these atrocities — or alternatively, of very few of them. In the former case, this article may, I admit, come to look like self-indulgent skepticism. In the latter case, the vindication of the Serbs will have arrived too late to save them from being decimated by NATO. Who knows? By that time, if NATO still exists, it may have suddenly discovered the virulent Albanian threat, and will therefore be bombing Tirana back to the Stone Age. A 2009 scholarly study showing that most of the notorious Serb Atrocities of 1999 were just serviceable fictions will probably not make the front page of any newspaper. And to those few policy wonks who take any notice of this academic curiosity,

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it will just be all the more reason to sock it to those satanic Albanians, good and hard.

## **What Kind of Regime is Yugoslavia?**

First let's look at Western media treatment of a different but closely related issue: the kind of regime that exists in Yugoslavia, headed by Slobodan Milosevic. He is routinely described as a "thug," a "dictator," a "tyrant," and a "Marxist-Leninist." Even courageous opponents of Clinton's attacks on Yugoslav civilians generally wax eloquent in denouncing Milosevic. Nat Hentoff, for example, refers to Milosevic as "the fascist ruler of Yugoslavia."

What is the reality? Milosevic does not routinely jail or murder his critics (a few such cases have been alleged but not proved). There is no one-party rule. There is no cult of Milosevic's personality. There is no "Milosevic Youth" — the idea would strike any Yugoslav as entirely laughable. Yugoslavia is not a police state where people uttering anti-Milosevic sentiments disappear into police cellars. Yugoslavs do not dread "the knock on the door."

Despite some past crackdowns on the media, the anti-Milosevic forces have their own radio and TV stations, party organizations, and newspapers. Opposition parties are not banned. If Milosevic were to die today, or resign from office, the character of the Yugoslav political system would probably not materially change as a consequence. Yugoslavia is very open to ideas from outside. Many Yugoslav households have satellite TV. They watch CNN and (Rupert Murdoch's British-based) Sky TV. They are free to read Western news-

papers and magazines, many of which, at least before the bombing, were easily available in the cities.

The NATO bombing has led to increased suppression of dissent in Yugoslavia, though much less, so far, than might have been expected even in a more traditionally democratic country. This surprising toleration of continued criticism in the teeth of a nationwide rain of destruction and death becomes less astonishing when we realize that, before the bombing, though there was extremely vigorous opposition to Milosevic, openly expressed on many issues, no opposition party differed significantly from Milosevic on Kosovo's

*Despite some past crackdowns on the media, the anti-Milosevic forces have their own radio and TV stations, party organizations, and newspapers. Opposition parties are not banned.*

future as an integral part of Serbia. And that is the central issue between Yugoslavia and NATO. Inevitably, then, the NATO bombing has strengthened Milosevic's support within Yugoslavia.

Whereas other Balkan nationalities, especially the Albanians, tend to think and speak in terms of ethnic homogeneity, Yugoslavia is founded on the ideal of multi-ethnicity and mutual toleration. Constant themes of Yugoslavian government pronouncements and of Milosevic's speeches are that every citizen has equal rights, that there's room for everyone in Yugoslavia, and that no ethnic group should ever oppress or exploit any other. Relations between Serbs and other groups, such as the Hungarians in Vojvodina, the Albanians in Belgrade, or the Turks and Gypsies in various localities, are generally harmonious, peaceful, and mutually respectful.

Yugoslavia is very far from being a paragon of democracy or liberal toleration. From 1944 until 1989 it was a one-party socialist state, and most of the present political class were Communist bureaucrats under that system. Some of the opposition parties accuse Milosevic's party of electoral irregularities and other infractions of democracy. I have heard claims of pervasive corruption, especially involving the very gradual transition of the once state-owned industry to private hands. Such claims seem all too credible in any post-socialist regime which has, unfortunately, not embarked upon a complete and rapid capitalist transformation. But international inspectors have testified that recent Yugoslav elections have been substantially free and fair. It's not true, as is sometimes suggested, that Milosevic owes his position to "rigged elections."

No serious observer doubts that in the 1997 election Milosevic had the support of more than 50 percent of those choosing to vote (with a much higher voter turnout than is usual in countries like the U.S.), that he could have been ousted if many Albanians who boycotted the Yugoslav elections had instead voted, and that Milosevic now has the support, for his stand against giving Kosovo to NATO-KLA, of a considerable majority of all Yugoslavs, including more than

99 percent of Serbs.

The Yugoslav political system invites comparison with Mexico, where a privileged ruling class is bound up with one party which clings to power using various "irregularities," yet also depends upon very substantial popular acquiescence. Despite the lack of a level playing field, there is considerable latitude for organized debate and dissent. My impression is that Yugoslavia (before the bombing) emerges as somewhat closer to full democracy than Mexico. But they are both examples of what has come to be known as "crony capitalism." One party manipulates political life in its favor by sometimes corrupt methods, with pay-offs to friends and relations of those in power. For all that, there is appreciable scope for dissent and debate, and until the bombing, that scope was slowly widening in Yugoslavia.

We do not find CNN or the *New York Times* referring to the Mexican president as a dictator, a tyrant, a thug, or, say, a "Comtian positivist" (which, given Mexican history, might be the closest parallel to the label of "Marxist-Leninist" as applied to the pragmatic politician Milosevic). And when the Mexican ruling class, which happens to be composed mainly of *criollos*, crushes rebels, who always happen to be *indios*, we don't call it "ethnic cleansing" and bomb Mexico City. Or at least, this week we don't.

### Ethnic Cleansing

The term "ethnic cleansing" relates to the replacement of a population of one ethnicity by a population of a different ethnicity. It has been used to apply to all kinds of methods of achieving that goal, from mass murder to threats, acts of vandalism, and other expressions of unfriendliness. Whenever people of one ethnicity move into a town or neighborhood hitherto populated by a different ethnicity, life becomes less

*Whereas other Balkan nationalities, especially the Albanians, tend to think and speak in terms of ethnic purity, Yugoslavia is founded on the ideal of multi-ethnicity and mutual toleration.*

comfortable, more uneasy, for the latter group. The newcomers by their very presence often provoke a flight of the earlier group. Thus, when millions of blacks moved from the rural South of the U.S. to the urban North after World War I, many whites just didn't care to live among blacks, and moved away from places like south Chicago, occasionally, no doubt, out of fear of actual injury. We would not want to call this process "ethnic cleansing" because it was a spontaneous movement of labor which no one was orchestrating or directing.

"Ethnic cleansing" can be perpetrated by a government or by private individuals or groups. It could conceivably be perpetrated by private groups in fulfillment of a government plan. This is highly relevant, because no one denies that there have been some "unofficial" actions against Kosovo Albanians by groups of Serbs (as there have been some against Kosovo Serbs by groups of Albanians). The Yugoslav



and Serbian governments publicly take the position that these are criminal actions which are stiffly discouraged.

For a kind of parallel to this, consider the recent Texas case where two white men murdered a black man by tying him to the back of their truck and then dragging him along for miles. This was a horrendous murder motivated by racial animosity, but we don't blame Clinton for it and recommend bombing Washington, D.C. Aside from other reasons not to do that, we accept that the state of Texas, with the full approval of the U.S. government, caught these criminals, tried them, and sentenced them. Therefore, we accept that what those two whites did was not an expression of U.S. government policy. If we found evidence of a consistent pattern of failing to pursue such criminal acts, we might begin to suspect a government policy of ethnic cleansing, even though no government employees were actual perpetrators.

I don't know enough to be sure of whether the Yugoslav and Serbian governments are telling the truth when they say that violence or intimidation against Albanians by Serb "irregulars" are always viewed as criminal acts whose perpetrators are always vigorously sought out and severely punished. But I have not yet found anyone who will advance factual evidence to challenge it.

If the most that has happened is that private groups of Serbs have been driving out Albanians, with the Yugoslav government forces doing their best to stop this, the NATO allegations would be completely false. If Yugoslav forces have been turning a blind eye to such actions, that would be complicity. If some branches of the Yugoslav authorities have been turning a blind eye, others trying to stop these actions, there would be a mixture of complicity and opposition. Neither of the previous two cases would necessarily show that anyone in Kosovo had been *directed by Belgrade* to turn a blind eye.

It becomes a little more complex if the unofficial acts of ethnic violence or intimidation are actually perpetrated by members of the official security forces. But here again, we should keep the American parallels in mind. The fact that some white police in New York City or Los Angeles have violated the rights of blacks is not enough to show that there is a government campaign of ethnic cleansing against blacks.

The impression given by the NATO media is that official Yugoslav forces have been driving out Albanians, and that they have been doing so on orders from Milosevic himself. Their motives for starting to do this only after Kosovo has been bombed by NATO are a little hard to fathom.

### Kosovo Before the Bombing

For some years prior to 1998, the level of violence in Kosovo was comparable to that in Northern Ireland. There were less than 20 violent deaths a year. In other words, Kosovo, like Northern Ireland, was a safer place to live than any American city.

In 1998, the newly organized and freshly armed KLA launched an offensive against the Yugoslav government, rapidly gaining control of many villages. Yugoslav forces struck back and largely defeated the KLA. The homicide toll rose to around 2,000 for that year. About three quarters of these deaths were of Albanians. Many of the Albanian deaths, however, were directly due to the KLA, which, like any new

insurgent group lacking broad popular support, had to persuade a largely reluctant Albanian population to accept it as effectively a new government, in place of allegiance to the hugely popular Albanian leader, Ibrahim Rugova. The KLA especially targeted Albanians who co-operated with the Yugoslav local authorities. In 1998, a few thousand Albanian refugees from the fighting in Kosovo were reported in Albania and Macedonia.

At this time there were numerous reports from Kosovo, many of them highly credible, of unfair trials and beatings of prisoners. These abuses were perpetrated both by the Yugoslav police and courts against Albanians suspected of being KLA members and by the KLA against members of all

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*Atrocity allegations are sometimes true and sometimes false, but they are nearly always cynically employed by states engaged in warfare.*

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ethnic groups. As many as six people may have died from mistreatment in Yugoslav prisons, while hundreds of people were abducted by the KLA, some of them never to be seen again.

In October 1998, responding to NATO's threat to bomb Yugoslavia, the Yugoslavs pulled back their troops and allowed OSCE (Organization for Security and Co-operation in Europe) observers into Kosovo. At that point, most of the 2,000 deaths had already been sustained, Yugoslavia's war against the KLA was mostly over, and the death toll would have steeply declined the following year. Because of the Yugoslav withdrawal of troops, the KLA quickly took or retook many villages, and by March 24th, militarily controlled 40 percent of Kosovo's territory. Violent deaths in Kosovo from the beginning of 1999 until the bombing, that is, from January 1st to March 24th, totalled less than 70.

The NATO bombing was from its inception a war against civilian installations, and therefore ineluctably against civilians. To begin with there was a kind of ceremonial pretense that these were military targets: a bridge, or a truck, or a road can help move troops, therefore it is military. A police station might liaise with troops, therefore it is military. Any large building, such as a barn, might be concealing troops, so it is military. In extreme cases, such as hospitals, schools, and churches, NATO either denied the bombing had occurred or (usually when Western reporters arrived at the scene immediately after the bombs had fallen) said that the bombs had struck those targets by mistake.

So eagerly was the "military targets" formula accepted and disseminated by the major media that it soon became perfunctory. At the time of this writing, NATO is still bombing Kosovo every day: Albanians, Serbs, Turks, and Gypsies, their homes, their shops, their farms, and their factories. The *New York Times* for May 7 carries a front-page report of the NATO bombing of the town of Prizren. Like so many of these on-the-spot reports it is a mixture of NATO atrocities, which the reporter has witnessed, Serbian-Albanian co-operation and sympathy, which the reporter has witnessed,

the return of Albanians to their homes, which the reporter has witnessed, and allusions to Serb atrocities against Albanians, which the reporter has not witnessed, but evidently believes because of what NATO and its media have told him.

Very soon after the commencement of the bombing, two remarkable things happened. One was the "humanitarian tragedy." Many thousands of refugees streamed out of Kosovo into Albania and Macedonia. (It was rarely mentioned that thousands of refugees also left Kosovo in a northerly direction, fleeing into the rest of Yugoslavia, many of them arriving in Belgrade and joining the already very large Albanian community there.) The other remarkable thing was scarcely noticed by the general public in the West, or apparently by the press, though we can be sure it was uppermost in the minds of NATO's top brass: the complete rout of the KLA within Kosovo. In response to the bombing, the Yugoslav army accelerated its campaign against the KLA, and within a couple of weeks, had reclaimed every inch of Kosovo. The KLA-NATO alliance had suffered a stunning military defeat.

Before the NATO bombing, nothing was going on in Kosovo which could conceivably have been used to justify the bombing of civilian targets all over Yugoslavia. In the wake of the KLA's trouncing at the hands of the Yugoslavs, Clinton, however, ordered just that. The rationale for this campaign was the humanitarian tragedy of refugees fleeing Kosovo. But this humanitarian tragedy occurred immediately *after* the bombing, *not* before it. Now surely it cannot be denied that there is something obscure about this: the humanitarian tragedy which, they say, took them completely by surprise, immediately became the only serious rationale for the bombing, which they had begun before the humanitarian tragedy materialized.

### Mass Graves and Racak

There have been many unconfirmed allegations of mass graves in Kosovo. A "mass grave" is defined by NATO as a grave containing three or more corpses, but the implication is that Serbs have been carrying out numerous massacres of Albanian civilians.

Mass graves are inevitable when one group of armed men fights another. The whole point of war, so to speak, is to produce mass graves. After a battle, or even a skirmish, there are many corpses lying around. Pretty soon, unless it's very cold, a distracting odor arises. If you've been within a hun-

dred yards of a dead raccoon in June, you have some faint notion of what I mean. If the army is moving rapidly over a long distance, they may leave the disposal of the corpses to the local crows or peasants. But if, for some reason, they return to the scene of their earlier battles, they will want to clean up. They will probably dig a pit and push all the corpses into it. If many cadavers are widely scattered, the troops may hastily tie a lot of corpses together and drag them behind a vehicle to the pit. None of this is an atrocity or war crime. It's the routine business of war.

Things are different if, for example, armed men go to a village, shoot all the villagers (because of their ethnicity) and put them in a mass grave, or sort out all the men below a certain age, shoot them (because of some remote future possibility that they may become combatants) and put them in the

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*The faking of Serb atrocities, or even the committing of atrocities with the intention of attributing them to Serbs, is a propaganda technique honed by anti-Serbian groups during the Bosnian civil war of 1991-92.*

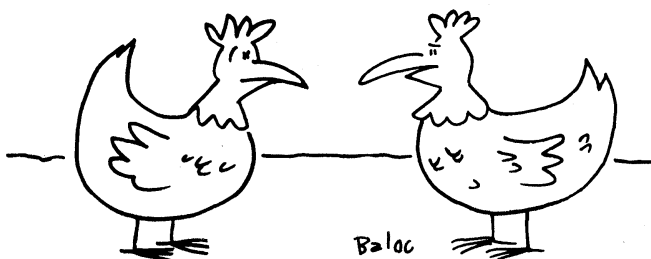
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grave. This is an atrocity or war crime, because the victims are not combatants. (Similarly, bombing civilian installations like TV stations or residential districts is an atrocity or war crime, because the victims are not combatants.)

There was one notable Serb atrocity story in the period shortly before the bombing: the alleged massacre in the village of Racak, Kosovo, which the Clinton administration trumpeted as proof that a NATO force was essential in Kosovo to protect the Albanian population. It may even have been Racak which crystallized the Administration's determination to bomb Yugoslavia unless it would submit to NATO occupation.

In mid-January 1999 there was a shoot-out at Racak between Serbian police and KLA insurgents. The fight was filmed by French TV journalists and observed by OSCE personnel, who had been notified by the Serbian police. Next morning the KLA claimed to have found a ditch containing the bodies of 23 Albanian civilians, each shot several times in the head. The KLA stated that Serb police had gone into the village and separated the women from the men, whom they then took to the ditch and killed. This account was immediately given great prominence in the U.S. media.

The Serbs denied the KLA account, and conjectured that the KLA had taken the corpses of KLA combatants killed in the fighting, changed their clothes and shot them again, then collected these bodies in the ditch to fake a massacre of civilians. The videos of the fight itself, the paucity of blood and cartridge cases in the ditch, and certain other circumstances appeared to bear out the Serb side. The Yugoslavs demanded an independent investigation, and the OSCE invited a team of Finnish pathologists. The bodies were examined by three teams of pathologists: Yugoslav, Belorussian, and the Finns. The Yugoslavs and the Belorussians concluded that the fatal wounds were occasioned by bullets fired from a distance and



"I don't know about you, but I crossed the road to get away from some psycho with a hatchet!"

that additional bullet and knife wounds were inflicted after the bodies had been dead for some hours, also that some of the clothing had been changed after death, presumably to replace KLA uniforms with civilian garb. Doubts about the KLA story were mentioned in some respectable European media, but were completely ignored in all the mainstream U.S. media.

The Finnish report did not appear as promised and, as far as I can determine, has not been released as this goes to press (four months after the actual incident). It appears almost inescapable that the Finnish report bears out the conclusions of the Yugoslav and Belorussian reports, and that there was no massacre of civilians at Racak. Who can doubt that, if the report had endorsed the KLA claim of a Serb atrocity, it would have been published in full, minutely analyzed by U.S. "news" weeklies, and featured in Clinton's speeches? (Since this was one "Serb atrocity" which did not include rape, Clinton could have been allowed to discuss it in gory detail. Clinton cannot be permitted to mention rape as a war crime, for obvious reasons.) References to Racak have now been quietly dropped by the Clinton administration, but no attempt has been made to correct the dissemination of third-hand accounts which continue to refer to this as a Serbian massacre of civilians.

The faking of Serb atrocities, or even the committing of atrocities with the intention of attributing them to Serbs, is a propaganda technique honed by anti-Serbian groups during the Bosnian civil war of 1991–92. While appalling deeds were committed by all sides in that conflict, some horrendous stories of Serb atrocities were later exposed as fakes, including the "mass rape" story, now being recycled by NATO in the Kosovo context.

### Kosovo After the Bombing Began

The kind of bombing campaign unleashed by NATO against Kosovo on March 24th would be bound to create a flood of refugees. Predictably, the refugees appeared. They fled from Kosovo, south into Albania and Macedonia, and north into the rest of Yugoslavia. When NATO stepped up its bombing of the rest of Yugoslavia, refugees also poured into Bosnia. Nothing is more obvious and indisputable than that a large proportion of the refugees were produced as a direct result of NATO's bombing, and it really is a contemptible insult to one's intelligence to question this elementary fact.

Hungary, a NATO member, closed its borders, as did Romania and Bulgaria, both considering NATO membership. Many Serbs therefore had nowhere to flee from the bombing, except into Bosnia or into the Serbian countryside, so far (with the exception of Kosovo) more lightly bombed than the cities. Serbs in Kosovo who could not easily get out to the north might also mingle with and pass for Albanians, since in an odd legacy of Tito's anti-Serb constitution, nearly all adult Kosovo Serbs can speak Albanian. (Under the extraordinary "autonomy" which prevailed in Kosovo, Serbian children were compelled to learn Albanian.)

It's also true that a counter-insurgency war against an armed, village-based organization like the KLA will produce refugees. Therefore, a certain proportion of the refugees were directly occasioned by the Yugoslav army's rapid clearing

out of KLA positions. (Many of these refugees were purely internal: they took to the hills of Kosovo for a while, and have now returned to their towns and villages.) Doubtless the drastic and amazing suddenness of the Yugoslavs' completely successful offensive against the KLA was provoked by the NATO bombing, so these refugees were to some extent *indirectly* produced by NATO.

Then there are other indirect results of NATO's bombing: social and infrastructural breakdown — including the threat of starvation and the fear of armed gangs. A couple of weeks into the bombing it became evident that NATO was acting exactly as if it wanted to prevent the refugees returning to their homes, while the Yugoslav government was behaving exactly as if it wanted the refugees to return. At this point NATO "accidentally" bombed a column of refugees on their way home, first denying this fact outright, then running through about half a dozen different stories within 48 hours,

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*Suppose the NATO ethnic cleansing allegations turn out to be partly true, say half true, would that justify the bombing?*

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then finally admitting that they were entirely responsible for the bombing, which had occurred, they maintained, because the NATO pilots could not tell the difference between refugees and troops.

Since then NATO has continued to destroy homes, farms, factories, roads, and bridges all over Kosovo, exactly as if it wanted to make sure that refugees are not tempted to return to their homes and try to get back to normal living. This is equal opportunity bombing of civilians: Albanians, Gypsies, and Turks are being bombed, not just Serbs. Many Albanian refugees have gone home and tried to rebuild a normal life with the help of local Serbs and others, only to find NATO bombing their homes again. It is exactly as if NATO were determined, at all costs, to prevent the refugees going home and settling down again. No doubt other explanations of NATO's behavior are conceivable, and should not be hastily ruled out.

Milosevic made overtures through Greek channels to get food aid dropped to refugees inside Kosovo, but this possibility was blocked by NATO. This again corroborates the general picture that emerges: NATO seemingly wishes the humanitarian tragedy to be as large and persistent as possible, since otherwise it has no rationale for its continuing presence. What would Americans conclude if they came to believe that in the event that NATO stopped bombing and left the Balkans, most of the refugees would just go home?

NATO claims that the main cause of the exodus of refugees was a premeditated campaign of "ethnic cleansing" by the Yugoslav authorities. Their explanation for why this happened only once the bombing had started is vague and shifting. NATO has even come up with a name for this campaign: "Operation Horseshoe." Was there a Yugoslav ethnic cleansing campaign called Operation Horseshoe? Was this instead the secret codename of the Yugoslav military operation against the KLA? Or was this merely a name made up by

NATO propagandists, "intended to give artistic verisimilitude to an otherwise bald and unconvincing narrative"? My guess is the last, prompted by my observation that some NATO accounts refer to the "horseshoe-shaped pattern" of the alleged "ethnic cleansing," days before they began to name it "Operation Horseshoe." This is the typical way in which legends are elaborated, by greater concreteness and specificity and the cumulative addition of names and other colorful details.

Did this organized campaign of ethnic cleansing occur? It is certainly not required to explain the refugees, but neither is this sort of thing such an exact quantitative science that we

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*There are other results of NATO's bombing: social and infrastructural breakdown — including the threat of starvation and the fear of armed gangs.*

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can say that the refugees could not have been partly caused by some such campaign. Thus the mere existence of the particular number of refugees observed casts no light on the factual issue.

Next, we note that NATO is not disinterested. The first week of their campaign was a total fiasco. They bombed Kosovo and they lost Kosovo, in little more than a week. Rarely has there been such a humiliating demonstration of foolish and incompetent judgment. Clinton and Albright completely misjudged the consequence of their extremely costly actions. Where would they be without the humanitarian tragedy, caused by Operation Horseshoe? They would simply be the masterminds of a disgraceful military defeat.

### The Refugees' Stories

One thing you will have noticed about the Clinton administration is that if it has any evidence that will support its side of a story, it finds that evidence at lightning speed and gets it out there. Examples from the Lewinsky scandal abound. When Clinton bombed a pharmaceutical factory in Khartoum and said he had incontrovertible evidence it was linked to terrorism, and when weeks went by without any evidence being produced, *alert observers were pretty sure there was absolutely no shred of evidence, incontrovertible or otherwise.* And so it has turned out.

Similarly, when NATO gives you a subtly shaded "before" and "after" photograph of a field in the back of beyond, and tells you this is evidence of a mass grave, you can be pretty sure this is all they have. There is nothing more than this. That's it, folks. We can be reasonably sure of this: the moment NATO turns up any "proof" of the existence of a single "Serb atrocity," that "proof" will be all over the world's media within five minutes.

As we go to press, then, there is no physical evidence available to us. But we are left with one form of evidence, and that seems to many people to be completely persuasive: the stories of the refugees themselves, or rather, of a few of them. Some Kosovo refugees in Albania have appeared before TV cameras, telling stories that seem to bear out the

NATO story of ethnic cleansing.

These stories are often consistent with the NATO story, and it is certainly possible that the NATO story is true or partly true. The question is whether, in the present state of our knowledge, the refugees' accounts settle the matter. Right now, we have nothing else to go on. In evaluating these stories, the following points should be borne in mind:

1. The interviewers don't speak Albanian or Serbian. They rely on interpreters. It's possible that the interpreters are KLA or intimidated by KLA or prepared to shade the interpretations to give the NATO media what they want.

2. If you are a refugee whose home town has been destroyed by NATO, whom you know to be in league with the KLA, and you find yourself in NATO-KLA hands, confronting a NATO journalist (like John Hockenberry), and you are becoming anxious about your next meal, what do you suppose you're going to say? It's not even that you would necessarily lie; it's just that if your story doesn't fit, are you going to elbow your way forward, to become one of those very few interviewed?

It seems that not a single one of the tens of thousands of Albanian refugees from Kosovo who showed up in Belgrade, some of whom promptly mounted demonstrations against NATO, witnessed any ethnic cleansing in Kosovo.

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*In the NATO war, there has been a consistent pattern by Yugoslavia of trying to open up the situation to outside scrutiny, and on NATO's part, of trying to suppress evidence.*

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(But would they be foolhardy enough to talk about it? — Precisely my point. I don't find their silence about ethnic cleansing conclusive on the other side, either.)

3. When we look at the content of the stories themselves, we find that many of them are wholly or largely compatible with the Yugoslav government's account of the situation: that the social dislocation caused by the bombing has let loose armed criminal gangs. Some of the actions of the "armed men" described are actually quite difficult to reconcile with an organized campaign of ethnic cleansing. They sound more like the work of robbers and extortionists. This



"This isn't *either* for my own good!"

# The Minimum Wage: Enemy of the Poor

by Jacob G. Hornberger



Whenever politicians wish to score political points, they recommend raising the minimum wage. Parading as champions of the poor and downtrodden, they cry out against all those selfish and greedy employers who are paying less-than-subsistence wages to their employees.

The truth is that whenever public officials enact or raise a minimum wage, the only people who get harmed are the very people who are supposedly helped — those at the bottom rungs of the economic ladder.

In every voluntary economic exchange, both parties benefit. Each party to the transaction gives up something he values less for something he values more. If such were not the case, he would not enter into the transaction.

The principle applies to labor relations. When an employer and employee voluntarily enter into working relationship, both of them benefit. The employer values the employee's work product more than he values the mon-

ey he is paying the worker. The employee values the money more than he values the time and energy he is devoting to the business.

Let's assume that a certain employer offers to pay a job applicant \$2 an hour and that the applicant refuses to take the job. We can assume that the applicant values his time more than he values the money.

What if the applicant offers to work for \$5 an hour and the employer refuses? Here, the employer values his money more than he values the work product of the employee.

All of sudden, politicians step in with a law that requires employers to pay a minimum wage of \$5 an hour. Is poverty alleviated? Is "exploitation" eradicated? Is the worker helped?

No. After all, a minimum-wage law does not force an employer to hire an applicant. The law simply says that *if* an employer hires an applicant, he must pay the legally established rate of \$5 an hour. Which applicants will get hired? Only those workers whom an employer would have been willing to pay \$5 an hour anyway.

In other words, if an employer values the money (\$5 an hour) less than he values the work product of the employee, he'll hire the employee. But in such a case, the minimum-wage law is superfluous because the employee

would have been hired in the absence of the law.

What if an employer values the money (\$5 an hour) more than he values the person's work product? Then he doesn't employ him and, thus, the minimum-wage law has accomplished nothing.

So, what's the problem? The problem is that *the minimum-wage law locks out of the labor market all of those people whose labor is valued by employers at less than the legally established minimum wage.*

For example, suppose an employer and a worker both wish to enter into a working relationship at \$4 an hour. The minimum-wage law prohibits them from doing so. Thus, the worker is condemned to unemployment and the employer loses the value of his labor services.

So, how would wages ever rise in the absence of minimum-wage laws? There is one and only one way that wages can rise in a society: through the accumulation of capital. With capital, workers become more productive. A farm worker who uses a tractor will produce more than his counterpart who uses a hoe. And more productivity means more money with which to pay higher wages.

Doesn't this mean then that employees are at the mercy of the kindness and benevolence of employers to pay them higher wages when they produce more? No. What

motivates even the most self-seeking, profit-grabbing employers to pay higher wages is the prospect of competitors' bidding away their workers.

After all, if in the absence of minimum-wage laws, employers would pay only subsistence wages or less, then why do so many businesses today pay their employees more than the minimum wage? Competition in the labor market, not kindness or generosity, forces employers to pay the higher wages.

The key to raising standards of living then, especially for those at the bottom of the economic ladder, is (1) to prohibit governments from "helping the poor" by confiscating massive amounts of income and capital from the rich and middle class and (2) to prohibit government from "helping the poor" with economic regulations like the minimum wage.

If poverty could be eradicated with minimum-wage laws, everyone in the world would be rich. All that legislators would have to do is raise the minimum wage to match what they make. Come to think of it, why haven't they?

*Mr. Hornberger is president of The Future of Freedom Foundation, which recently published Your Money or Your Life: Why We Must Abolish the Income Tax by Sheldon Richman.*

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is not true of all the stories, but it is true of many, which are thrown out as though they supported the Operation Horseshoe theory. Other accounts might reflect the Yugoslav army brusquely requesting people to leave a particular village, for military reasons they don't bother to explain.

4. Especially since only a handful of the thousands of refugees are interviewed for TV, we have to consider the motives some might have for telling a particular kind of story: you might be a supporter of the KLA, or afraid of the KLA; you might want a free trip to the fabulously wealthy West, and therefore tell the story everyone wants to hear; you might be an illegal immigrant into Kosovo from Albania (hence your story about the Serbs taking away your ID); you might hate Serbs and want to vilify them; you might want to camouflage the fact that you have been trying to evade being drafted into the KLA; and so forth.

People must listen to these stories and form their own conclusions, but it does seem reasonable to suspend judgment, at least on the massive extent of ethnic cleansing ordered by Belgrade.

### Shine the Light!

As long as nation-states exist, it must be morally right in carefully selected cases to support use of state power when the results are worth it — where "worth it" includes an allowance for the generally anti-social and anti-human consequences of having states do anything.

So I won't dodge the hard question raised by my position. Suppose the NATO ethnic cleansing allegations turned out to be partly true, say half true, would that justify the bombing? More broadly, when should we support the use of military means, by a state, to prevent enormities such as genocide or ethnic cleansing, or other alleged atrocities? And what are the threshold conditions for such military action to be identified as the morally best (or least bad) option?

I will not give a complete answer to this, but I will make a couple of relevant points. First, special difficulties arise when the people hurt by the military action bear no responsibility for the alleged atrocities. Hardly anyone in Yugoslavia even believes NATO's ethnic cleansing stories. It is not even clear as yet whether Ibrahim Rugova, the leader of the Kosovo Albanians, believes them.

Second, we live in a world in which atrocity stories are a weapon of war. Atrocity allegations are sometimes true and sometimes false, but they are nearly always cynically employed by states engaged in warfare. States often have quite other motives for going to war, yet they use the

enemy's real or imaginary atrocities to convince their own subjects to support their wars. Even individuals who don't believe these stories will sometimes keep quiet if they support the aims of the war for other reasons.

It follows that the first obligation of any state countenancing a war to save a population from atrocities, the existence of which is denied by the other side, is to do the utmost to open up the situation to investigation, and to put the matter in the hands of truly independent and neutral investigators. The other side must be exhorted to accept those investigators and to facilitate their investigations. Obstruction of such investigations by either side must be viewed as weakening their case.

In NATO's war on Yugoslavia there has been a consistent pattern, by Yugoslavia, of trying to open up the situation to outside scrutiny, and on NATO's part, of trying to suppress evidence. The Finnish report on Racak is apparently an instance of NATO governments suppressing the truth, because this would expose a bogus atrocity concocted by the KLA, and thus raise questions about all the ethnic cleansing stories, undermining the willingness of Americans to support the bombing.

Yugoslavia has consistently taken the position that a large force of outside observers would be welcome in

Kosovo, as long as they are not an occupation force. Since the bombing, this position has been modified in one respect: none of the 13 countries who have engaged in the bombing can be represented in such a force.

Before the bombing, Yugoslavia afforded every convenience to the OCSE, even though the

OCSE was perceived as tilting toward NATO and the KLA. Yugoslavia has permitted

Western reporters to stay in Yugoslavia and to visit Kosovo, even though the dispatches of these reporters often display anti-

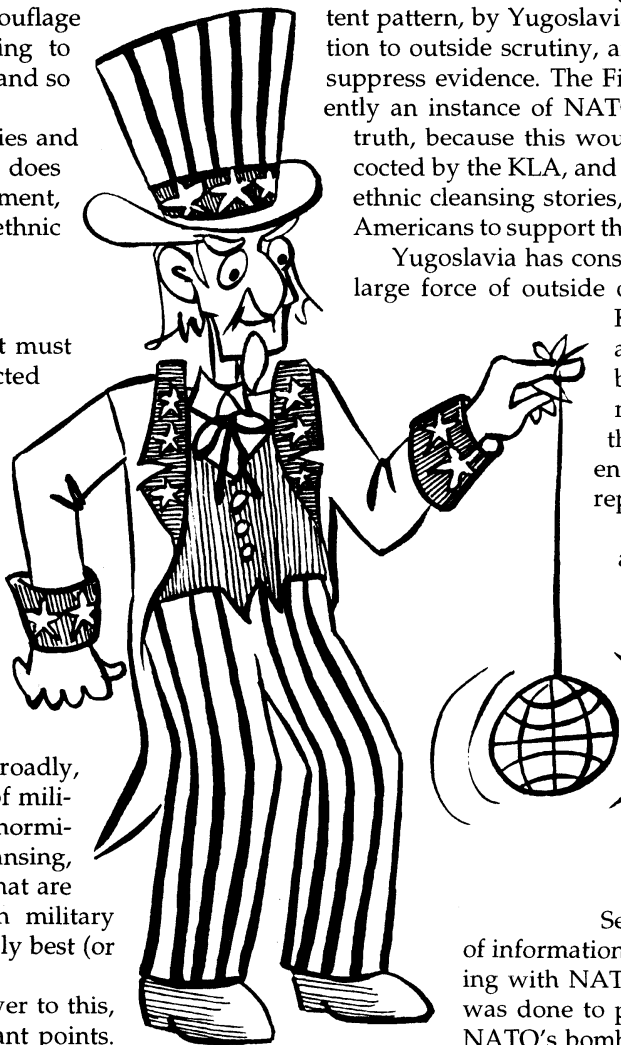
Yugoslav bias. NATO bombed

Serb TV, only one of many sources

of information open to Yugoslavs. It is in keeping with NATO's conduct to surmise that this was done to prevent pictures of the results of NATO's bombing from reaching the U.S. public. NATO wants to do its killing in the dark.

American TV networks have refused to screen video of some Yugoslav casualties, on the grounds that these are "too graphic."

The first prerequisite of any killing of thousands of people to save thousands of other people from death or displacement is that governments planning such a war for the announced purpose of stopping atrocities should not be the final arbiter of the extent of those atrocities. They cannot be trusted. Neutral investigators are required to shine the light on a murky situation. □





# Freedom Under the Law

by James Bovard

What's the difference between "freedom under law" and oppression?

President Bill Clinton, in a 1995 speech, declared, "If you want to preserve your own freedom . . . you also must stand up for the rule of law. You cannot have one without the other."

In another speech in the same year, Clinton declared, "Our Founding Fathers created a system of laws in which reason could prevail over fear. Without respect for this law, there is no freedom." Clinton was capitalizing on the doctrine that freedom can only exist under the law — under government protection. Thus, according to Clinton, the greatest threat to freedom was those who did not bow to the law.

It is not surprising that a demagogue like Clinton would seek to pervert a doctrine that was once highly respected to add credibility to his latest edicts. However, the abuse of the doctrine of "freedom under the law" has been ongoing for hundreds of years. This is a principle custom-made for wishful thinking — and for concocting a duty to ignore the most blatant government abuses.

Montesquieu, the author of *The Spirit of the Laws*, declared in 1748: "Liberty is the right to do whatever the law permits." Yet even in Montesquieu's time, that was an absurd definition. While an affluent aristocrat like Montesquieu had many legal immunities from the law (such as exemption from taxation), "law" was a mockery for the masses of down-trodden Frenchmen. In the mid-1700s, the French government was severely restricting internal trade (causing recurrent famines in some parts of France while other parts had grain surpluses), executing tradesmen for charging "excessive" prices, jailing anyone who overtly criticized the king, having henchmen burn controversial new books, and sending tax collectors out to pillage the peasantry. "Law" was effectively whatever the king said it was, since the French Parliament had not been summoned for over a hundred years and the courts ordinarily lacked power to over-rule what the king declared.

Not surprisingly, the doctrine of freedom under the law has long been popular with politicians. William McKinley

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declared in a July 4, 1894 speech: "Liberty is responsibility, and responsibility is duty, and that duty is to preserve the exceptional liberty we enjoy within the law and for the law and by the law." McKinley's statement was a peculiar spin on Lincoln, as if the law were an end in itself and obedience Americans' highest glory. (As President, McKinley liberated Americans by requiring them to pay tariffs of up to 289 percent on the value of wool clothing.) John F. Kennedy declared on September 30, 1962: "Our nation is founded on the principle that observance of the law is the eternal safeguard of liberty and defiance of the law is the surest road to tyranny." (Kennedy, according to subsequent revelations, apparently exempted the FBI, IRS, and CIA from the duty of observing the law. And, before imposing a trade embargo on Cuba in 1962, he made sure that a stock of over a thousand Cuban cigars was purchased for his personal use.)

"Freedom under the law," in its contemporary incarnation, is one of the great "let's pretend" games of intellectual history. If we pretend that the law is what it should be, and if we pretend that those in power do not desire to subjugate or plunder the citizenry, then people become free by obeying the laws that the good government enacts. The fact that neither the laws nor the rulers are actually "good" is a mere technicality that cannot tarnish the majesty of "freedom under the law."

Faith in "freedom under the law" derives from a time when the law was based on rules of conduct that were "known from time immemorial," rules of just conduct by which people had lived for generations. As Professor John

Phillip Reid observed, "It is sometimes assumed by legal scholars that law was command during the era of the American Revolution, but that is an error. To a remarkable extent law even in the eighteenth century was still thought of as it had been in medieval times, as the sovereign and not as the command emanating from the sovereign." When the law respects freedom, freedom under the law is a feasible ideal. As Blackstone, the English legal philosopher, wrote in 1766, "The public good is in nothing more essentially interested, than in the protection of every individual's private rights." With a Blackstonian concept of the public good, "liberty under the law" makes sense, since government could not then legitimately infringe upon the individual's rights.

Today, however, laws themselves are far and away the largest violators of individual rights. Nowadays, "freedom under the law" makes as much sense as "freedom under the lash." "Freedom under the law" now means freedom to kowtow, to curtsy, to grovel before any government employee with a memo or a ticket book; freedom to admit and accept one's legally inferior status; freedom to accept as many burdens as politicians and bureaucrats deign to impose.

"Few laws are necessary to preserve property; a multitude are required for transferring it," Senator John Taylor wrote in 1822. A small number of laws can be invaluable as a buttress to individual liberty, but the vast majority of laws necessary to safeguard freedom have been on the statute books for decades, if not centuries. What has been added, almost uniformly, is law that is subversive of freedom and destructive of individual rights, law explicitly intended to multiply the pretexts for which government employees can punish private citizens.

To idealize the law is to delude oneself about the nature of contemporary political power. "Law" cannot miraculously transcend the politicians who make it. Contemporary law

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*Nowadays, "freedom under the law" makes as much sense as "freedom under the lash."*

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retains far more respect than it deserves. Laws are simply political edicts, with little or no resemblance to traditional, accepted principles of justice. Coercion and expropriation have become tools in politicians' reelection campaigns: whenever increased coercion garners votes or campaign contributions, new laws are promulgated and government agents sent out to inflict politicians' wills. When law itself is the means by which the citizen is stripped of the fruits of his labor, confined to ever narrower portions of his own existence, and subjected to a thousand insect authorities, then "freedom under the law" means simply the freedom to submit to your enemy. To obey every law is to accept a life sentence as a political pawn.

In the classical concept of "freedom under the law," law was a leash on both the government and the governed. But now, law is something that government imposes, not something that government obeys. This is clear in environmental law (the federal government is by far the biggest violator of environmental statutes), tax law (the General Accounting

Office has repeatedly reported that the IRS is unable to account for much of its revenue and expenditures), labor relations law (from which Congress exempted itself), and smoking bans (from which Congress continues to exempt itself).

One variation of the "freedom under the law" doctrine is the belief that the fact that certain laws are on the book is all the protection that citizens need against government. Rep. Henry Hyde (R-Ill.), the chairman of the House Judiciary Committee, declared in January that "the Rule of Law protects you and it protects me from . . . the 3 a.m. knock on our door. It challenges abuse of authority." Regrettably, Mr. Hyde actually seems to believe his own claptrap. "A man's home is his castle," an accepted rule of English common law since the early 1600s, required law enforcement officials to knock the door and announce themselves before entering a private home. But this standard has increasingly been rejected in favor of another ancient rule — "the king's keys unlock all doors."

A *New York Times* piece observed in 1998 that "interviews with police officials, prosecutors, judges and lawyers paint a picture of a system in which police officers feel pressured to conduct more raids, tips from confidential informers are increasingly difficult to verify and judges spend less time examining the increasing number of applications for search warrants before signing them." The *Times* noted that "the word of a single criminal, who is often paid for his information, can be enough to send armed police officers to break down doors and invade the homes of innocent people." No-knock raids have become so common that thieves in some places routinely kick down doors and claim to be policemen. The Clinton administration, in a 1997 brief to the Supreme Court urging blind trust in the discretion of police, declared that "it is ordinarily reasonable for police officers to dispense with a pre-entry knock and announcement."

According to John Locke, "The Reason why men enter into society . . . is, that there may be laws made, and Rules set as guards and fences to the properties of all the members of the Society, to limit the Power, and moderate the Dominion of every part and member of the society." Locke defined "properties" much more broadly than they are defined in current usage of the term. He included a person's "Life, Liberty, and Estate," as well as "the Labour of his Body, and the Work of his hands." Laws, insofar as they mark boundaries between private citizens and between the citizen and the State, can safeguard freedom. By protecting private domains, law "ideally" maximizes each person's chance to run his own life.

James Madison, in his 1787 essay on "Vices of the Political System of the United States," noted, "As far as laws are necessary to mark with precision the duties of those who are to obey them, and to take from those who administer them a discretion which might be abused, their number is the price of liberty. As far as laws exceed this limit they are a nuisance; a nuisance of the most pestilent kind." Contemporary laws are both vague and expansive: as a result, citizens often have little or no warning before the wrath of government enforcers blights their lives.

According to Immanuel Kant, "law is the quintessence of conditions under which the free choice of one person with

*continued on page 44*

# To Think and Speak in Hong Kong

*by Benjamin Ostrov*

What happens when a libertarian is invited to speak truth to power in “one-country, two-systems” Hong Kong?

I have been teaching political philosophy, ethics and public policy in Hong Kong for a number of years. I subscribe to libertarian principles, which inevitably influence both the manner and content of what I teach. I like to believe this influence is subtle. An evangelical approach, it seems to me, is counterproductive. Encouraging students to think for themselves is my preferred path toward individualism. I have been content with this subtle role as a quiet advocate of liberty and have avoided the limelight.

Recently I was called upon to present to a panel of Hong Kong’s legislature my views on the amendment procedure for Hong Kong’s Basic Law, which China controls. The Basic Law provides an illusion of democracy and freedom. Although I realized there was little chance I could alter the amendment procedure, at least I had the chance to leave the classroom and make a public statement aimed at expanding the liberty of the Hong Kong people.

My involvement began with a fax from the Hong Kong Legislative Council Panel on Constitutional Affairs, inviting me to submit written comment on the mechanism for amending Hong Kong’s Basic Law and to present my views to a hearing held by the Panel. The Basic Law is Hong Kong’s mini-constitution as a Special Administrative Region (SAR) of the People’s Republic of China. Supposedly, it is to operate on the “One Country, Two Systems” principle proposed by Deng Xiaoping, which should give Hong Kong autonomy regarding all local issues.

One may wonder why I was invited to comment. I am not a lawyer or legal scholar. I am a professor in the Department of Government and Public Administration at the Chinese University of Hong Kong. My research area, science and technology issues in China, is remote from the concern of the Constitutional Affairs Panel. However, the Chairman of this panel, Andrew Wong — the last President of the Legislative Council, analogous to the U.S. Speaker of the

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House of Representatives, prior to the July 1, 1997 transfer of sovereignty over Hong Kong from Britain to China — is one of my colleagues. Indeed, all my colleagues, as well as some professors at other institutions of higher learning in Hong Kong, were invited, along with representatives of human rights groups and the legal profession.

I was ambivalent about taking part in this consultation exercise. On the one hand, I felt a professional and social responsibility and a general moral obligation to say something about the deficiencies in the amendment process. On the other hand, I feared that this was simply to be a public relations exercise used to legitimize an increasingly authoritarian regime with a toothless legislature whose members were elected by various means, some of which could be called democratic.

My ambivalence was compounded by my astonishment at what was intended to be the focus of these discussions. With the invitation I received an agenda of suggested issues. The issues were, in my opinion, trivial or self-evident. They contained items such as: “the form of the amendment proposal” and “the need to consult the public on the amendment proposal.” Missing was any mention of the provision that the final power of amendment is vested in China’s National People’s Congress (NPC). To me, all the issues listed in the agenda paled into insignificance when compared to this one.

Wondering whether my opinion would be valued, I sent off an email message to Andrew Wong. My failure to receive a reply convinced me that my doubts about taking part in

this consultation were justified. I chose not to respond to the invitation.

But a few days before the deadline for submission of comment to the Panel, I was contacted by one of the Panel's staff. She convinced me that the Hong Kong Government was serious about changing the amendment mechanism for the Basic Law. Indeed, as it turns out, it was the Hong Kong Government that initiated this process to change the mechanism. Although I was still suspicious about the omission of what I considered the primary issue concerning this, I agreed to attend. The deadline for written submission was extended for me.

Several days prior to the special meeting of the Constitutional Affairs Panel, I ran into Andrew Wong on campus. He informed me that although the Government had

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*Of all those who testified, I received the least attention. In the newspaper accounts that followed, on the other hand, my name was one of the few that were always mentioned.*

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initiated the process, the Legislative Council, especially those within it inclined toward democratization, saw this as an opportunity to make the most of. I began to look forward to the meeting.

I sent off my submission to the Panel, voicing my doubts about the proposed agenda for discussion and stating what I thought was the crucial issue, the power of the NPC in the amendment process. I said the NPC should be excluded from the amendment process when the issues were purely local and wrote:

As far as I am concerned, as long as an amendment proposal does not concern foreign or defense policy, it should be left up to the people of Hong Kong. They are the ones who are directly affected by specifically local issues and nobody else. Fairness, and the high degree of autonomy promised by the "One Country, Two Systems" formula demand that the power of amendment be left with the Hong Kong people. Leaving the amendment power where it is vests too much faith in the Communist Party of China, the body which controls the National People's Congress. Even if well-intentioned, the Party's traditions and political culture are alien to those which have developed here in Hong Kong and feature principles such as the rule of law and freedom of speech. It would be unreasonable to expect the members of the National People's Congress to understand and appreciate these values as much as the Hong Kong people do. Of course this proposed change begs the question of who is to decide whether or not an amendment proposal concerns these issues. I would say that should be left up to the National People's Congress. One may say that this still gives them a role. I would counter that they must have at least this minimal role — Chinese national sovereignty requires at least this much. Of course that still leaves some risk for Hong Kong people but I would say that risk cannot be completely avoided. At least, officially, Hong Kong people would have the final say in most matters concerning amending the Basic Law. As for the rest, Article 159 of the Basic Law is very clear

and specific about who has a role in approving the amendment prior to its being presented to the National People's Congress. One can discuss modifications to the involvement of these actors in the process. However, I think this pales in significance to the fact that the final power of amendment is vested in the National People's Congress.

One might say that it is hopeless to attempt the modification in the amendment process that I propose. I would most likely agree — in the short run. However, the long run is a different matter. To fail to make the attempt dooms one to a self-fulfilling prophecy of defeat. An expert practitioner of politics named Margaret Thatcher once said, "In politics there are no final victories." If she is correct, then one can also say that in politics there are also no final defeats. I had reservations about formally accepting Chinese sovereignty over Hong Kong, believing that people are prior to states. I know, after 20 years of living and working here, that most Hong Kong people would have preferred being citizens of an independent republic like Singapore to being under Beijing's rule, but that they believed this was not possible. However, I thought that if my views were to be considered at all I would have to uphold the "One Country Two Systems" principle.

At the meeting, each speaker gave an individual presentation and then was questioned by members of the Panel before they moved on to the next speaker. The one to go first was also the one most extensively questioned. This was not surprising since he was not only the dean of the University of Hong Kong's Law School but a member of the Basic Law Committee of the National People's Congress (NPC). This is the body which would be consulted should an amendment to Hong Kong's Basic Law ever be forwarded to the NPC in Beijing.

This expert on constitutional law, Prof. Albert H.Y. Chan, stated that in the U.S. amendments were given seven years to pass or fail. I was prompted, as the lone American participant, to interject a point of information. The U.S. Constitution does not stipulate any time limit but Congress may, and time limits have varied from one amendment proposal to the next. I was told by another participant sitting near this gentleman that he was embarrassed.

Beyond giving lessons in comparative constitutional law, this speaker and the others primarily dealt with the minutiae of how to propose an amendment, how to involve the people of Hong Kong in the process, who can initiate an amendment, the scope of amendments, etc. I thought these issues were trivial since the answers — if correct — often appeared to be self-evident. For example, the scope of an amendment is clearly limited by the Basic Law to local issues in Hong Kong. Any of the three actors stipulated by the Basic Law (Hong Kong's Chief Executive, its Legislative Council, or Hong Kong's deputies to the National People's Congress) can initiate an amendment in the absence of any prohibition to the contrary. The people of Hong Kong can get involved in the process by lobbying members of the Legislative Council, especially the elected ones who are democratically oriented, to propose particular amendments.

Some thought the Hong Kong people should have more involvement in the process. Members of the Hong Kong Human Rights Monitor proposed having a convention to

*continued on page 38*

# The Road to Dissent

*by Jen Tracy*

Jazz is to blame for who Boris Pustintsev is today.

It was a tiny discarded radio capable of picking up stations from America that taught eleven-year-old Boris Pustintsev from Vladivostok to question Soviet authority.

Now, at the age of 63, Boris Pavlovich Pustintsev is the chairman of St. Petersburg-based Citizens' Watch — the only Russian organization that engages in an all-encompassing fight for fundamental human rights in a fledgling democracy struggling to overcome a totalitarian past. But the method to the madness of Citizens' Watch can only be fully understood through the stories of a questioning little boy from Russia's far east.

"When I was 11," recalls Pustintsev, "I started playing with my parents' discarded radio. It was old but reliable and I could receive stations from America. I heard some strange [Jazz] music and I began to like it so much I couldn't go to sleep without it. I learned English on my own and listened to news broadcasts as well. This news differed drastically from Soviet news. I felt they corresponded with truth unlike Soviet broadcasts."

He listened to this radio for years. And one day, when he was 14, during the height of the Korean War, he decided to act on his knowledge from the American broadcasts.

Every morning, his father had breakfast in his study while reading the papers and listening to the radio. On the wall of the study was a map of Korea and his father would pin up the new front line with little red flags every day as reported by Soviet media. "But I was listening to a different broadcast," recounts Pustintsev. "I was listening to a pleasant lady's voice and she told me the front line was much different and I knew my father was wrong."

Taking out a sheet of paper, 14-year-old Boris colored it blue and made new flags and pinned up the real front line. "When my father got home he beat me black and blue. While he beat me he kept repeating over and over, 'Don't you think of your family!? Don't you think of your mother!'" That was

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the last time his father pinned up the front line. "I understood that my father was so scared about what would happen if the authorities found out," recalls Pustintsev.

Earlier on, at the age of 13, Pustintsev helped an old man who had collapsed in front of him on the street. The man turned out to be a political prisoner who had been released from camp because he was dying. "He died four months after I met him but I visited him regularly during that time. He made such an acute impression on me. He could talk about nothing but the camps and the stories he told me confirmed what I heard on my Western broadcasts and confirmed my belief that what the Soviets were saying was all lies."

Boris Pavlovich's family later moved to St. Petersburg where his father, a top-secret shipbuilder, was sent. In 1957, two weeks before his father was to move to Moscow for the highly prestigious position of deputy minister of shipbuilding, Boris Pavlovich was arrested for protesting the Soviet suppression of the Hungarian Revolution. "I ruined my father's career," chuckles Boris with a slightly regretful tone. "He never made it to Moscow, but the Soviets kept him at his top-secret post because they couldn't find anyone to replace him."

After spending eight months in prison, Pustintsev, then 21, was sentenced to five years in the Mordovia labor camp for political prisoners. He was released in 1962. "The first couple of years were extremely interesting. I met people I wouldn't have otherwise met. Fantastic people. It was five years of intensive social education."

"It wasn't like in Stalin's time," recalls Pustintsev. "People didn't die from starvation. There was no extermina-

tion policy. It was difficult for me but I always knew it was worse before. It's easier when you're young."

In 1989, Pustintsev founded the Memorial Society for Victims of Stalinist Repression, before going on to found Citizens' Watch. And, in 1993 he was awarded the Hungarian Cross for his part in the protest of the Soviet repression of the Hungarian Revolution. Citizens' Watch was founded at the end of the romantic period of Russia's newly born democracy by citizens who were worried about the absence of any control over government agencies like the armed forces, police and special services — agencies that

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*At 21, Pustintsev was sentenced to five years in the Mordovia labor camp for political prisoners. He was released in 1962. "It was five years of intensive social education."*

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Pustintsev says "were created to protect a totalitarian state and represented an acute threat to Russian democracy."

"The FSB [Federal Security Service] is attempting to rebuild its image. To regain some of its lost power and prestige from the KGB days. We can't let this happen." So Citizens' Watch is educating the people and lobbying for amendments to current Russian legislation.

According to Pustintsev, its biggest legislative victory was a series of amendments to laws on the rights of military servicemen in Russia. In essence, Citizens' Watch was successful in making servicemen recognizable first as citizens and second as servicemen.

Citizens' Watch was a monumental force in the FSB case

against former Navy Capt. Alexander Nikitin, who was accused of spying and treason for co-authoring a report about nuclear-waste dumping by Russia's Northern Fleet. Says Pustintsev, "We felt there was something fishy in this case from the beginning. It was politically motivated. We would not have risked our reputation if we weren't 100 percent sure that Nikitin was not a spy."

Though Nikitin has not yet been acquitted, he would have been found guilty immediately if it had not been for Citizens' Watch's relentless pressure and legal assistance. One of the most important aspects of this case was the organization's success in gaining support from American forces to pressure the Russian government to properly try this case.

"As a rule, we don't lead legal cases," Pustintsev says. "But, when they can set dangerous precedents, such as the Nikitin case, we must involve ourselves. If Nikitin had been found guilty it would have given the FSB the right to politically repress any citizen who ever had ties to foreign organizations, be they religious, cultural or political."

Funded by such organizations as the American Civil Liberties Union, the Ford Foundation and TACIS of Europe, Citizens' Watch is still somewhat reluctant to try to adopt an entirely European or American model for Russian human rights.

"America has its drawbacks," says Boris Pavlovich. "I don't like the relations police have with the public. For instance, recently an unarmed African-American was shot by New York police with 41 bullets. 41 bullets! This is an amazing amount of firepower for one unarmed citizen. America is doomed to a future of extremes — meaning well, achieving bad."

Nonetheless, Pustintsev says he'd die a happy man if Russia's human rights were as far along as in America. "There, on the streets, you can feel the spirit of freedom. Russia needs to feel that spirit." □

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## Ostrov, "To Think and Speak in Hong Kong," *continued from page 36*

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propose an amendment. But this begged the question of whether the Convention's decision would be advisory or obligatory. If the latter, it would contradict the Basic Law. It seemed to me to complicate the process, and I prefer simplicity.

Another speaker incurred the frustrated annoyance of Panel members when he proposed that the deputies to the NPC be limited in their role in the amendment process to just vetting proposals made by either the Chief Executive or the Legislative Council. When questioned as to whether this proposal was compatible with the Basic Law, he insisted that it was. Even the Democrats among the Legislators knew otherwise, however, and treated him with subtle contempt.

When my turn came, I made my submission quickly, stating that my proposal would require amending the Basic Law and the NPC's assent to having its role reduced. I did not express optimism at this prospect. To my surprise, I received no hostile questions from the pro-Beijing legislators there. Instead, I fielded three softball questions from proponents of democratization. When they questioned me, they referred to me as "the professor." This was a strange form of address

since many of us there were professors. Either they were being sarcastic, thinking me naive, or simply had trouble pronouncing my surname, "Ostrov," as many here do. Of all those who testified, I received the least attention.

In the newspaper accounts that followed, on the other hand, my name was one of the few that were always mentioned. (In the Chinese press, I was quoted by my Chinese name.) I have been here long enough to know that when people strongly disagree with you in Hong Kong, they do not argue with you but ignore you. I suspect that my views will have no impact on how the amendment mechanism is modified, if it is at all, despite the kind words I received at the end of the hearing from some of the democratically oriented panelists.

Testifying before the Legislative Council's Panel on Constitutional Affairs was an interesting experience. However, I think I did much more for the people of Hong Kong by sitting on a jury last summer which overturned a guilty verdict and freed a woman who had been sitting in jail for 23 months.

But that is another story. □



# Shades of Gray

by G. R. Steele

The Americans had Benedict Arnold, the Norwegians had Vidkun Quisling, and classical liberals have John Gray.

In Great Britain, Prime Minister Tony Blair's New Labour seeks a "Third Way" between the extremes of Old Labour's socialism and the New Right's Thatcherism-cum-Reaganomics. To attempt to define the New Way in terms of policy details, is to invite claim, counter-claim and endless statistical comparisons. So what of the principle, the political philosophy? Surely, this is more likely to give up a definition. The question of principle is especially interesting, when a philosopher of repute says there is no guiding principle. That interest is likely to deepen when we learn that the philosopher in question was once aligned with the New Right, but is now firmly within the New Labour encampment: John Gray, Professor of Politics at the London School of Economics.

"The party that first formulates a post-Thatcher project for Britain will settle the political agenda for a generation" (E: 146). So writes Gray in the second of three recent and related publications: *Beyond the New Right*, *Endgames* and *False Dawn*. Gray is also the author of *Hayek on Liberty*, which is a sympathetic study of the polymath Friedrich Hayek. Now this is interesting. In a *Times* interview in 1985, Hayek's best wish for the British economy was another 20 years of Margaret Thatcher's government. In that same period, Gray applauded Hayek as deserving "the critical interest of philosophers and social theorists as well as political economists" (Gray, 1984, x); but, he is now the ideologue "who generalised wildly from a single case" (FD: 8). Read on.

Whereas Old Gray believed that aspirations for socialist planning or social democracy were fruitless, because Hayek had exposed these as epistemological impossibilities (BNR: vi), New Gray laments the loss of Keynesian controls and (curiously for a lapsed Hayekian) believes that macroeconomic management would succeed, but for global bond markets and the mobility of labor and capital. Together with the hoards of "industrious and skilled workers" released from communism, these developments were the primary forces

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which destroyed the "sensible and pragmatical middle ground" (E: 12) of social democracy.

New Gray's concern is that "the class culture of deference and respectability which had been indispensable to the free market have been largely swept away" (FD: 35). With late 20th century liberal capitalism, people no longer "accept the hierarchies and forms of subordination . . . which sustained traditional institutions and social forms" (E: 81-2). The demise of park-keepers, bus conductors, and school attendance officers as auxiliary agents of social control, has left the police over-exposed and under-resourced to deal with an upsurge in crime.

It is here that New Gray follows a famous precedent: John Maynard Keynes was similarly concerned. The late 19th century order — whereby "the labouring classes accepted from ignorance or powerlessness, or were compelled, persuaded or cajoled by custom, convention, authority, and the well-established order of society into accepting, a situation in which they could own very little of the cake" (Keynes, 1971, pp. 11-2) — was rent asunder by The Great War. Something had to be done and in 1936 *The General Theory* explained what and how. It was for government to accept responsibility for the economy. In similar fashion, New Gray has swapped precepts for practicalities: the "struggles of oppressed people throughout the world" (E: 64), "the ordinary human need for security in everyday life" (E: 101) and foxhunting (E: 126; 145)!

For the initiated, New Gray presents recent history as a series of tableaux: from the scientific certainties of modern-

ism, through late-modernism and an "ambiguous interregnum" between late modernism and early postmodernism (E: 156), through early postmodernism and postmodernism to a final ideological endgame and the hope for a non-ideological beginning. Phew!

The present but fast-fading postmodern epoch is characterized by two incompatible perspectives: that everything is an extension of human consciousness; and that western neo-liberal values are universally and uniquely authoritative. A repudiation of the latter aspect is Gray's particular project: western neo-liberal principles of justice or rights are artifacts

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*New Gray's twin-thesis is the non-existence of immutable human rights and liberties and the existence of universal and enduring human needs.*

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of the modern age and an "unhistorical dogmatism."

With New Gray epistemological impossibilities give way to actual obstacles which present themselves as low wage industrial competition, the global mobility of financial capital and voter resistance; and the single idea is that political philosophy is inseparably linked to theories of human nature. The emerging new order which is endorsed by Gray insists, "for all practical purposes," upon the constancy of human nature and therefore upon the abandonment of "the idea of progress by which the modern age was animated" (E: 175).

The central problem for this new order is "how people with conflicting values and fundamental beliefs can live together in peace" (E: 53). Towards this end, New Gray endorses both the Hobbesian goal, which is "to understand the universal and permanent human needs that political institutions . . . exist to meet" (E: 53), and the "comprehensive worldview" of John Stuart Mill's *On Liberty*, which is similarly "grounded in a definite conception of human nature and a particular interpretation of history" (E: 51).

New Gray's twin-thesis is the *non-existence* of immutable human rights and liberties and the *existence* of universal and enduring human needs: the "needs for security and for forms of common life" (E: 15-6). Since the experience of ever more complex pluralities means that nationhood is ever less the embodiment of national culture, the search is on for new institutional structures which can provide "a *modus vivendi* among cultures and communities" (E: 177). Here, according to New Gray, is the one realistic aspiration for human society and the legitimate post-postmodern challenge: to achieve security through "the control of economic risk" so as to give "a span of worthwhile options" and the autonomy of "being part-author of one's life" (E: 81). Yet, New Gray's identification of a new political agenda — to address "the problem how people with conflicting values and fundamental beliefs can live together in peace" (E: 53) — is entirely consistent with Hayek's focus upon the definition and administration of general rules which, in protecting an individual from "the arbitrary will of another" (Hayek, 1960, p. 12), offers the most likely means to secure peaceful coexistence.

New Gray's warnings of "the ultimate vanity of all political projects" (BNR: viii) and "the overvaluation of what taking thought can do for human life" (E: 186) are also reminiscent of Hayek: "intelligent people will tend to over-value intelligence" (Hayek, 1988, p.53). Indeed, there is a confusing interplay of Keynesian and Hayekian themes within New Gray's presentation of communitarian liberalism. Vital issues of cultural identity cannot be suppressed; and so the principal focus is the "re-embedding of economic activity in the life of society" (E: 183). New Gray applauds John Rawls (*Political Liberalism*) for an "insight of profound importance," namely that a liberal state is one in which "rival ideals can flourish," but he accuses Rawls of a political emptiness in taking "the public culture of a democratic society" as a base point: "[o]ur liberties cannot be fixed once for all . . . precisely because the *political* task is to reach a practical agreement on them that is bound to shift with circumstances" (E: 54).

Modern society has acquired a cultural and religious diversity wherein rival "conceptions of the good are not merely incompatible but also rationally incommensurable" (E: 52). In setting our highest feasible aspiration as a *modus vivendi* which is "bound to shift with circumstances" (E: 52), New Gray has retained the Hayekian notion of spontaneous social processes. Indeed, the presence of a few inconsequential references to Hayek (where Gray's scholarly reputation is widely acknowledged) is a most puzzling

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*John Gray creates his own distinction between the "market economy" and the "free market."*

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aspect. There is only the simplistic representation: Hayek, guru of Thatcherism, who is cited as perpetrator of a falsehood which derives from the "Enlightenment philosophy of history." The falsehood — that western modernity is "the ultimate fate of all humankind" (E: 157) — will surprise all those who have read Hayek, with the obvious exclusion of Gray. To the extent that Gray is coherent in his new position, Hayek would have acquiesced with many of its details.

One distinctly Hayekian theme — the importance of unintended consequences in social processes — allows Gray to savor the irony for supporters of Thatcherism who "could not have foreseen the swift unravelling of the British class culture of deference which Thatcherite policies wrought" (E: 98). Hayek was proud to be associated with Thatcherism. Yet, while New Gray acknowledges the "original political justification and historical rationale of Thatcherite policies" (E: 14), which lay in the breakup of corporatist institutions and policies which were a source of conflict rather than wealth, the free market is both the engine of wealth creation and the destroyer of traditional institutions and cultural forms. Thus, "the communitarian and paternalistic concerns" of post-1945 British conservatism, where there was a "genuine understanding of enduring human needs," were trampled by "the Thatcherite march" (E: vii). Even though market

deregulation "allowed somewhat lower levels of joblessness than our European partners" (E: 43), the associated labor mobility brought pathologies which include marital breakdown and unprecedented levels of crime.

New Gray does not consider that many (if not all) of these trends predate Thatcherism. The '60s was the most notoriously liberating of recent decades; labor mobility and the decline of the family are more plausibly linked to state financial sponsorship of an ever-widening set of "rights" — to adolescent independence, to single parent families, to further education, to medical provision, *etceteras* — than to the notion that "the free market works to transform or overturn all inherited and traditional social institutions" (E: ix). New Gray fundamentally misunderstands (or conveniently forgets) the value of free market exchange: it is because the culture, beliefs, and motives of its participants are irrelevant to the functioning of the market that the greatest harmony can be achieved.

New Gray creates his own distinction between the "market economy" and the "free market." The market economy is a genotype whose long history and great diversity contrasts with the first brief epoch of the latter, which began only in the 19th century: "free markets are creatures of state power, and persist only so long as the state is able to prevent human needs for security and the control of economic risk from finding political expression" (FD: 17). New Gray would have us believe that mid-Victorian England deliberately set out to create "an economy in which markets are deregulated and put beyond the possibility of political or social control" (FD: 5). He argues that the archetype of the free market which it produced is a peculiarly English example of social engineer-

ing through state coercion. Land Enclosure (running from the Civil War to the 1830s) had formed the basis for agrarian capitalism. This was supplemented by specific legislation: the Repeal of the Statute of Apprentices "and all other controls on wages"; the Poor Law Act (1834), which encouraged individuals to be self-responsible; and the repeal of the Corn Laws (1845), which freed agrarian trade. These were the key measures "which created out of the market economy of the 1830s the unregulated free market of mid-Victorian times that is the model for all subsequent neo-liberal policies" (FD: 11).

Yet, by the 1870s, the game was up because the *socially engineered* extension of the franchise had set in train a *spontaneous* evolutionary development: "[i]t is the disappearance of the nineteenth-century free market, not its emergence, that occurred as a result of a slow historical evolution" (FD: 14). Hence the New Gray sound bite: "[*laissez-faire* must be centrally planned; regulated markets just happen" (FD: 17); and so we are to believe that the Factory Acts of the 1860s and 1870s, and the Education Act of 1870, just happened as part of "a multitude of such uncoordinated responses" as "parliamentarians" (perforce *not* the government) became aware of the "danger, squalour and inefficiencies" of working life (FD: 17). According to New Gray, one set of legislation is state coercion, while another set of legislation just happens, but his argument lacks a distinction. Of course, there is none! There is only legislation — the exercise of government power — and this *is* the essential issue:

[*laissez-faire* was never more than rule of thumb. It indeed expressed protest against abuses of governmental power,

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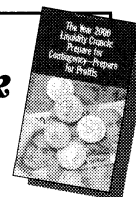
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# N-Space: The Final Frontier

by John C. Goodman

A new approach to private property is required to deal with the problem of unowned resources.

From John Locke to Robert Nozick, a central concern of libertarians has been the right to own real property (e.g., land and minerals). Other rights are almost always defined in relation to the right to such property.

In response to the question, "Does my second-hand cigarette smoke violate your rights?" libertarians respond that it depends on who owns the house where I'm smoking. If I do, then I have a right to smoke regardless of whether it bothers you. If you own the house, then you can tell me not to smoke. Does the pollution caused by my burning trash in my backyard violate your rights? Not unless the fumes waft over your backyard.

This paradigm, which assumes that actions can be described in terms of rights to real property, and which is reflected in the works of Murray Rothbard and some other libertarian writers, has served us reasonably well. But it cannot answer all the questions libertarians want to answer.

Even in largely capitalist countries, most resources are unowned. No one owns the air or the sea or most lakes, streams, and rivers. Most parks, wilderness areas, and other "public places" are unowned, as is almost all wildlife. No one owns the core of the earth, the moon, the planets or the asteroids. Indeed, the vast majority of all the resources in the universe are unowned.

When owned and unowned resources exist side by side, certain problems arise. Does the automobile owner's tailpipe pollution violate the rights of other city dwellers? If so, does it violate their rights only when they are standing on their own property?

Many libertarians believe that the solution to problems of this sort is to get everything owned. If every resource were owned, then we could have a completely consistent system of rights, based on ownership. Yet as I argued in a previous article in *Liberty*, this ideal is unattainable. Goodman's Incompleteness Theorem states that any rights system that is

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complete (describes all actions) cannot be consistent; and any rights system that is consistent cannot be complete ("Do Inalienable Rights Outlaw Punishment?" May 1997).

There are other problems with the real property paradigm. For example, how does one acquire original rights to property? According to John Locke, one acquires rights to land by "mixing one's labor with the soil." This idea is already nearly obsolete in a world where the number of people in agriculture is constantly declining, and it doesn't begin to give us reasonable guidance about how a corporation could acquire ownership rights on the ocean floor or in an asteroid belt.

And real property is no longer the most important kind of property. Intellectual property is. Can we resolve questions about how one rightfully acquires intellectual property and what the boundaries of those rights are by relying on the real property paradigm? I think that's unlikely.

For these reasons, I propose a new paradigm for thinking about liberty. This paradigm is necessarily abstract, since it must capture the complexity of human interactions. However, I believe it will lead to concrete insights.

## The N-Space Paradigm

Suppose that life can be modeled as an n-dimensional space. I use the term n-dimensional to refer to all conceivable ways in which human beings relate to each other. Thus it refers to much more than physical space. N-space has the following properties:

1. Each of us owns a small subspace of n-space (e.g., I own "my space," you own "your space," etc.)

2. Most of the space is not owned.

3. We are each free to move at will within our own space and within the unowned space. But I cannot enter your space without your permission.

4. We also have complete freedom of contract, by which means we can parlay initial rights into many other rights. For example, you might give me the right to enter some part of your space if I give you the right to enter part of my space.

5. Your happiness and well-being are partly determined by everyone else's position in n-space. You cause your own utility to go up and down as you move around in n-space, given the position of everyone else. And as I move through n-space (both within my space and within the unowned space) I cause your utility to go up and down. In other words, I can affect your utility by things that I do, even if they are on my real property. What is true of me is also true of everyone else.

In n-space no special role is assigned to ownership of real property. There may or may not be real property in your space. If there is, your rights to that property are no more important or more fundamental than any other ownership right you have. Nor are your rights to your space derived from ownership rights to real property. As the name implies, the n-space paradigm is designed to capture all the dimensions along which my actions affect your utility and vice versa.

Problems arise because each of us has the ability to affect the utility of others. I could be killing spotted owls, starting forest fires, causing floods, diverting water, polluting the air, or simply exhaling carbon dioxide — all might affect your utility. If I kill a California condor, its killing may affect your utility regardless of where it happens. If I cut down a 300-year-old tree, you may not like it. However, consistent with the libertarian maxim of noncoercion, we are allowed to modify the behavior of others only by persuasion and contract.

### Implications of the New Paradigm

There are at least four areas in which the new paradigm can alter our thinking about rights.

1. Given low transaction costs, the market will determine the optimal amount of ownership. If people are few and communications are relatively costless, they can form contracts with one another in n-space until they exhaust all opportunities for mutually beneficial exchange. They will be able to do this even though most of the space is unowned.

In the absence of high transaction costs, people will engage in transactions until they reach a point from which no further change can make everyone better off. One type of potential transaction in n-space is to convert previously unowned space into owned space. To accomplish that outcome fairly, everyone must agree to give up his or her right to travel in a certain region of unowned space in return for compensation from the new owner. Original ownership, in other words, can be created by contract. Such conversions, according to the Coase Theorem, will take place so long as they have the potential to make everyone better off. The assumption of zero transaction costs is usually viewed as unrealistic.

When University of Chicago economist (and Nobel

Laureate) Ronald Coase first proposed this theorem years ago, most people thought of transaction costs as simply a fact of life. But one of the most important characteristics of the information age is that technology is reducing transaction costs at a very rapid pace. So the idea that transactions can take place among a large group of people — transactions that require everyone's consent — is not as far-fetched today as it once was. Technological progress alone will expand opportunities in this respect.

2. The creation of rights to real property is not always the best way to produce outcomes that raise everyone's utility. Suppose we would all be better off if no one entered an

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*Many libertarians believe that the solution to many of the problems of the public realm is to get everything owned. Then we could have a completely consistent system of rights, based on ownership.*

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unowned corner of n-space. Then we could all voluntarily contract to forego our right to be there. This solution seems more direct and more efficient than giving someone ownership rights over the corner. Nuisance restrictions limiting everyone's ability to pollute air or water may be superior to ownership of those resources. Or, suppose that the ideal solution is controlled entry into the corner. In this case, trading in "admission rights" solves a problem that direct ownership may not solve. Trading in pollution rights may solve a problem that ownership of air or water may not.

3. Not everything is going to be owned, and universal ownership would not even be desirable. Why? Because with complete privatization we could never leave our space and go anywhere else without getting permission from others. Suppose that there is a small cost to contracting with others, so that transaction costs are no longer zero. Since such contracting is not free, collectively we will find that we are better off if we can reduce the number of transactions we have to enter into. That's consistent with there being unowned space.

4. Noncontractual methods of changing and altering rights do not necessarily violate rights. In n-space, one cannot acquire ownership of previously unowned space without diminishing the liberty of others. That is why new ownership requires unanimous consent — for which all the non-owners must be compensated. But suppose that there are many people and many subspaces and that contracting is so costly that unanimous consent is virtually impossible to achieve. What then?

As all students of the "tragedy of the commons" know, when there are unowned resources, rights are incompletely defined. This fact leads to overuse and misuse of the resources. The mistake many libertarians make is to assume that all such problems can be resolved by making rights complete (e.g., by getting everything owned).

A different way of looking at the problem is to recognize that rights to unowned resources are not full-fledged. My claim of the original ownership of a previously unowned

resource diminishes other people's freedom, even if it does not violate their rights. How can we justify such claims in the absence of everyone's consent?

Richard Epstein has suggested a solution in another context. Epstein says that under certain circumstances we can legitimately alter the liberties of others so long as they are compensated (left no worse off) by the change. For example (mine, not Epstein's), a claim of original mining rights on an asteroid diminishes your freedom to mine that same asteroid, but this is a freedom you probably weren't planning to exercise anyway. The creation of this property right could make you better off if you can now expect to have access to cheaper goods and services.

Is there a legitimate process by which such rights could be established?

### Applying the Paradigm

Suppose that debris in low earth orbit (space junk) has accumulated to the point where it constitutes a threat to the safety of space vehicles. No single act of disposal puts other vessels at any significant risk, but the cumulative effect of all such acts is significant. So to deal with the problem, owners of some vessels petition the Libertarian Court of Justice (hereafter LCJ) and ask that space travelers be enjoined from jettisoning any more space junk.

By positing a Libertarian Court of Justice, I am suggesting an idealized way of resolving this problem. The Libertarian Court of Justice is not a specific, proposed entity but a way of conceptualizing decision-making that reflects justice and libertarian thought. In the traditional libertarian property-rights paradigm, we don't need a theory of justice; the role of judge can be largely reduced to that of a fact finder of rights. All the fact finder has to do is discover where the real property lines are drawn. In n-space, however, we need a theory of justice to resolve potential conflicts that property rights theory cannot resolve.

Suppose the LCJ rules for the plaintiffs (those who want to stop the discard of space debris) and grants an injunction. Suppose the LCJ further rules that as existing debris degrades, it can be partly replaced. This would create rights to pollute the lower earth orbit with space junk, rights that can be bought and sold. These rulings diminish previous lib-

erties. But are they justified? They would be if they satisfied certain conditions.

The first requirement is that the rulings must result in a larger economic pie. The reason: if the rulings made world income smaller than before, there is no way losers could be compensated for their losses. If the economic pie becomes smaller there must be some net losers as a result. But suppose that safer space travel leads to more wealth and higher expected incomes for almost everybody. Even so, there probably will be some people who potentially face significant losses. Think of the owners of the space vessels that were jettisoning most of the junk just prior to the ruling.

The second requirement is that clearly identifiable losers from the change must be compensated for their losses. A potential way of achieving this end is to award them some or all of the newly created rights to pollute — rights which they can exercise or sell. Voilà! We have altered previous liberties, created new property rights, and made everybody better off. Who could possibly object? Only libertarians who think that people should stay miserable and poor on principle. By contrast, those who agree that the LCJ should be able to make decisions like the one described here can look forward to exploring a new frontier.

### Decision Rules

We have just considered two rules that should be followed by the LCJ (the libertarian decision-maker) when altering liberties and creating rights. Clearly, others will be needed. A multitude of questions will arise. How much of unowned space should any single individual be able to claim? Is cost-benefit the only criterion that should be used? Or should we also be concerned about the distribution of gains across the population? Should people asserting a claim to original ownership be required to pay something for their claim over and above the amount needed to compensate clearly identifiable losers? Could such extra payments be a method of funding the legitimate functions of government in place of taxation?

What is needed is a libertarian theory of justice to complement and build upon the traditional libertarian theory of rights. I hope others will take up the challenge and develop it. □

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### Bovard, "Freedom Under the Law," *continued from page 34*

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the free choice of another can be combined in accord with a universal law of freedom." But, as Ingeborg Maus observed, Kant's dictum "must be read together with another tenet, in which Kant divests the state of all title to pursue its own ends and pins it down exclusively to pursuing the ends of the law. According to that view, all actions by the State (armed with a coercive monopoly) are only legitimate if they serve to make every individual citizen's freedom of choice compatible with that of all others." By this standard, most contemporary legislation and most of the current statute books will appear starkly illegitimate and subversive of freedom. Yet, many advocates of "freedom under the law" refuse to recognize the qualifications that people like Madison and Kant placed on the doctrine.

Some laws have advanced and better protected individ-

ual freedom and individual rights, such as laws permitting women and blacks to own property and make contracts on an equal legal basis to white males. But such laws did not create liberty; they merely razed previously erected legal barriers against a particular group. Laws that deter private violence, such as restrictions on mob violence, safeguard freedom. Another example of a government rule that promotes freedom is the 13th Amendment, ratified in 1865, which states: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States." This amendment was interpreted by the Supreme Court in the late nineteenth century to outlaw certain labor contracts that resembled peonage; the court thereby curbed

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# The Virtue of Salesmanship

by Tom Isenberg

The right way is the way that works.

There are two types of people in the world: those who say there are two types of people in the world, and those who don't. Many libertarians seem to be the former, and I try to be one of the latter. I don't think it's useful to divide libertarians into moralists and consequentialists, because as Bill Bradford points out, almost every libertarian has both moralist and consequentialist beliefs. The real difference lies in the degree to which those beliefs inform your stand on any given political question. I assume that non-libertarians are the same. Their thinking on various issues likely includes both moralistic and consequentialist views.

The fact that the Liberty Poll documented substantial gains for the consequentialist approach and a decline for the moralistic approach shouldn't lead us to derive rhetorical strategies based on this division. Instead, it should remind us of the obvious fact that no one rhetorical strategy, whether consequentialist or moralist, is going to work for everyone on every issue. Depending on the issue under discussion, a person's views may be inspired 90 percent by a sense of "justice" and only 10 percent by a sense of "what works best." Or vice versa. Or some other mix.

Therefore, it seems to me that the rhetorical strategy we need is plain old "good salesmanship." We first need to shut up and listen to our prospects. We need to discern their concerns in order to anticipate and overcome their objections and show them that we have the product they want in our product line. If they want "what works best," fine: we've got that. If they want "justice," we've got that one, too. And we've got both of them in many different flavors and strengths and sizes. It's up to us to show them that their current political product doesn't meet their needs, but that ours does. If their concern is the justice of raising the minimum wage, address that. If their concern is the necessity of raising the minimum wage, address that. Our approach should be to focus on their concern.

I recognize that, just as our prospects's needs vary, so do

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our skills and inclinations. Naturally, this means that some of us are better at using one approach than another. But we must recognize that our favorite approach may not work with every prospect, and so we must be willing to refer him to libertarian authors or speakers who are capable of addressing his concerns. For example, if he responds to moral arguments, lend him some Rand or Rothbard. If he responds to practical arguments, lend him Harry Browne's *Why Government Doesn't Work* or point him to the Cato Institute's website.

The common temptation is to ignore our prospects's needs and use only the arguments that we personally find convincing. Many libertarians argue for a consequentialist approach because consequentialist arguments seem strongest to them. And those of us who were breast-fed on Ayn Rand (feel free to take a moment now to conjure some other mental image) are likely to use the moral arguments that won our hearts and minds (and those of many, many others — far more than any consequentialist novel ever could, I'll wager).

To those of you who would rather avoid moral arguments, let me share my story.

I am a recovering English major. When I first read Rand in college, I didn't know or care about politics. Like all my friends I "knew" that freedom of speech and conscience were "good" and that slavery and bigotry were "bad." Those were strongly-held, if vaguely-defined, moral views. Since I didn't know anything about economics (and, frankly, I didn't care), I was likely to support any economic policy that could convincingly assert that it would work best for the greatest num-

ber of people. To the extent to which I was anything political, I was a liberal Democrat. Until I read *The Fountainhead* and *Atlas Shrugged*. For me, they were mental Drano. They caused me to reevaluate everything I believed. The moral arguments moved me profoundly. With Milton Friedman (a moralist who has a gift for presenting consequentialist arguments), I said that even if a particular violation of freedom could be shown to be more beneficial, I would still reject it in favor of freedom.

"So what," you say. Well, the same moral arguments that won me over to libertarianism inspire in me an almost relig-

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*There are no silver bullets. You have to do the hard work of learning the different arguments, listening to your prospects, and deciding what approach will work best for now.*

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ious fervor to work for and donate to the cause, in a way that mere consequentialist assent never would have. They also inspire me to become conversant in consequentialist arguments. I have since had a lot of practice refining moral and consequentialist arguments as a political candidate, a seminar leader, a college group mentor, a radio talk show host, and, of course, a friend speaking with friends.

By now it should be fairly obvious that I am quite a catch for the libertarian movement, you lucky people you. And it was moral arguments that caught me and profoundly moved me to action. There are many others like me. Do not underestimate the practical power of moral arguments.

And libertarians, of course, aren't the only ones who care about moral arguments. People of all political stripes use moral arguments for freedom of speech and conscience, against bigotry and slavery, for and against abortion, the death penalty, gay rights, and other political issues. "Justice" is a common political battle cry. So let's take our prospects's strongly-held (but vaguely-defined) moral positions seriously. Since most people have some strongly-held moral principles, embrace your inner moralist and build

bridges to their morality.

One rhetorical strategy is to identify your shared moral beliefs on one issue, and use it to extrapolate the same moral consensus on a related issue. For example, if you both agree on the morality of free speech for artists, maybe you can agree on the morality of free speech for advertisers. Then work your way into campaign financing, or FDA regulations, or other related areas of interest.

Bill Bradford has aptly demonstrated the problems of using only moral arguments, especially when these are taken to extremes. But serious problems also arise when people use only consequentialist arguments. For one thing, these arguments aren't efficient. Consequentialist arguments typically call on history, statistics, anecdotes, and other lies. A hostile prospect will assume that your think tank is fudging and that his think tank has, in some report somewhere, powerful counterarguments. You will play "my statistics can beat up your statistics" on every single issue. But if you always toss in a complementary moral argument, you may plant a nagging doubt that can work on your prospect late at night when the think tank isn't around to protect him.

Bill Bradford also complains that the moralists's "single propositions" seem crazy to those who don't already agree. Sure, and that's also true of consequentialist "single propositions" like "freedom works." Bill points out that "while most people accept non-aggression as a general moral principle, they are astonished at the extremes to which libertarians take it." Yes, and people are also astonished at the extremes to which libertarians take consequentialist arguments. After all, whether you're arguing from moralist or consequentialist grounds, the astonishing libertarian answer to "Would you privatize the police?" is "Hell yes, and twice on Sunday!" The trick is to employ whatever arguments your prospects will find persuasive (moral, pragmatic, or both).

There are no silver bullets. You have to do the hard work of learning the different arguments, listening to your prospects, and deciding what approach will work best for now. And if they still think you're insane, reconfirm your areas of agreement and change the subject to something you both like. Be the kind of courteous, charming, and witty salesman they'll want to have another drink with next time. And it doesn't hurt to buy the drinks, either. Just think of it as a business expense. □

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Bovard, "Freedom Under the Law," *continued from page 44*

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the power of an employer over an employee. State laws enacted in the 1960s and afterwards refining the procedures and rules of evidence for investigating and prosecuting rapists have safeguarded women's freedom. (Many police departments had been criminally negligent in their attitude towards any rapist who did not cross racial lines.) Such laws did not create new legal rights so much as they sought to correct gross inadequacies in enforcing existing rights. Laws holding individuals liable for the environmental damage they inflict on other people's property are safeguards of freedom, since no individual has the right to poison his neighbors.

Liberty is a result of the minimization of coercion: both governmental and private. The less coercion, the more liberty. A small amount of coercion — enough to secure respect

for other people's rights and safety — is necessary to minimize coercion. The fact that some government coercion occurs does not mean that the citizen has no freedom. Even though perfect freedom is an unattainable ideal, it is invaluable as a measuring rod to judge government policy and political proposals.

"Freedom under the law" cannot become a worthy ideal until laws are fit for freedom. In the meantime, any politician who invokes this ideal should be viewed as either a fool or a devious enemy of liberty. □

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# Apolitical Life

by Richard Kostelanetz

America's premiere critic of the avant garde recalls his travels on the road to anarchism.

For as long as I can remember I've been passionately committed to politics and political understanding, but over the years this interest has taken unusual forms. Though I entered college thinking myself amorphously "left," I didn't learn about anarchism until my sophomore year, when the articles that became Paul Goodman's penetrating exposé of modern vises, *Growing Up Absurd* (1961), began to appear in *Commentary*. The truth that became clear to me then (and what would also separate me from much of the New Left) was that the enemy was not capitalism, but society itself (and thus that "socialism" in any of its forms, with its inevitable hierarchies of recipients of state beneficence, was no better than capitalism). It is scarcely surprising that my first publication in a national magazine, while I was still an undergraduate, should have been an extended appreciation of the Goodman book. Before long I read Norman O. Brown and Henry Miller, writing on the latter an honors thesis for which I derived an anarchist interpretation from the former with Miller representing the synthesis of liberated humanity overcoming centuries of deleterious repression. From an undergraduate paper analyzing political alternatives in Ralph Ellison's *Invisible Man*, I developed an M.A. thesis on "Politics in the African-American Novel" (on literature as intellectual history) that was later published as a book (Greenwood, 1991).

Though I didn't accept C. Wright Mills's leftist politics (or his egomania), I did like his principle, incidentally exemplified by Goodman, of political analysis that identified general issues in personal problems; and from Ralph Ellison, I think, came another principle, so easily violated by writers, of refusing any political analyses that were untrue to one's own experience. From these two positions came my interest in the politics of the worlds in which I lived, culminating with my books on Literary Politics in America (to quote its subtitle), *The End of Intelligent Writing* (1974), and on publicly funded literary granting, *The Grants-Fix* (1987). Marshall

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McLuhan initiated a second strain of my political thinking, in his own books making me aware of the determining influence of mostly beneficial technology and then in conversations introducing me to the visionary writings of L. Moholy-Nagy and Buckminster Fuller. So much for intellectual ancestry.

Back home in New York, I registered as a Democrat, voting more often in the primaries than in the general elections. (As my Congressman at the time was Adam Clayton Powell, there was no need for me to come out in November; since Republicans rarely win in New York, there was no reason either to bother with their primaries.) I came to think as well that voting was scarcely the most important political action anyone did. Where one picked to live, the friends one made, how one earned or spent his or her money, among other free choices, were more politically consequential. Regarding the purportedly high voter turnout of totalitarian societies, I believed that the low voting participation reflects Americans' salutary awareness that democracy grants the right not to vote. John Cage, an artist with great political sensitivity, boasted that he never voted at all.

The few times I wrote about politics for established magazines in the 1960s, I sensed that my opinions were too wayward for their hardened editorial lines. (I remember my undergraduate teacher, Dennis H. Wrong, coming to the Brown University library and taking a dozen or two current issues of political magazines off the shelves and "reading" them in less than an hour. Huh? "I'm making sure," he replied, "that they are saying what they've always said.") All

political magazines are beholden to formulas that a prospective contributor is invited only to accept, while I'm more interested in writing about unfamiliar issues in unfamiliar ways. Similarly, most journals are more interested in keeping readers than in earning new ones by, say, publishing something that one reader would recommend to another who is not already a subscriber. (This capacity to earn new readers distinguishes, say, *The New Yorker* or *Vanity Fair* from *The Nation* or *National Review*.)

Since my political essays are meant to be read rather than to editorially "fit," I'd like to think that the integrity of my

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*Low voting participation reflects Americans' salutary awareness that democracy grants the right not to vote. John Cage, an artist with great political sensitivity, boasted that he never voted at all.*

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political writing transcends any format in which it appears. So instead of contributing to magazines, I advocated the second, futuristic strain of my politics in a series of anthologies of social thought — *Beyond Left & Right* (1968), *Social Speculations* (1971), *Human Alternatives* (1971), and *The Edge of Adaptation* (1973).

While remaining a registered New York City Democrat, I started voting Libertarian in the early 1970s, soon after that designation appeared on the ballot, in part because I've always been predisposed to radicals and thus alternative parties, but mostly because the Libertarian candidate for New York Mayor was the only one to advocate the traditionally anarchist position of the decriminalization of psychotropic drugs as the most effective way to "combat" ever-increasing urban crime. (My belief, then as now, echoed the earliest article in this collection, initially published at the end of my freshman year.)

Not until the late 1980s did I become affiliated with a libertarian magazine open (and secure) enough to respect products of my own independence at least some of the time (though not always, alas). Whereas most of my colleagues on *Liberty* were once respectful of Ayn Rand, I wasn't; and whereas most of them have voted Republican at least once (and maybe Conservative as well), I never have. To the anarchist Bob Black's contention that a libertarian is a Republican who has done drugs, I reply the libertarian can also be an anarchist who has come to respect free-market economics (me). I figure now that I would have written more political criticism if I'd long ago had an outlet as receptive as *Liberty*. One enthusiasm I share with nearly all its contributors is H. L. Mencken for his courageous trenchant sharpness, combined with wit and irony.

I have come to think that anarchism, so-called, and libertarianism, so-called, have more in common with each other than either has with socialism or conservatism. It is indicative that historically both were vehemently opposed to American involvement in the Vietnam War — indeed, it was over this issue that the proto-libertarians separated them-

selves from the conservative Young Americans for Freedom back in the late 1960s. Consider that the truly free market, the "spontaneous order," advocated by libertarians is an economic version of the social freedom favored by anarchists.

One anarchist truth implied in my essays is a lack of interest in prominent politicians. Partly this neglect is a matter of intellectual integrity — I have few insights into presidents, senators, and other prominent public officials that haven't been said by others (and thus have few opinions about them worth publishing, or republishing) — but it also comes from the recognition that as a polemical writer I can have more effect upon problems closer to home. (Out of this indifference toward politicians I did my masters thesis on intellectual history.) Out of a distrust of bureaucracies and hierarchies I've remained self-employed, living my politics with principles that I'd like to think are reflected in my political writings. Had I cared more about the Presidency I would have done an essay on the failures of Franklin D. Roosevelt, not only in refusing admission to America of refugee Jews threatened with death but also with confronting economic depression with the strategy, now discredited, of expanding government bureaucracies and going to war. (Another essay that should be here would be an appreciation of the public beach, such as my favorite at Coney Island, as a persuasive example of unsupervised mellow anarchy.)

One recurring theme, likewise unacceptable to hardline magazines whether of the "left" or "right," is the uncovering

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*Out of a distrust of bureaucracies and hierarchies I've remained self-employed, living my politics with principles that I'd like to think are reflected in my political writings.*

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of leftish sins in right-wingers and rightish sins in left-wingers. (Magazines eager to dismiss Senator Jesse Helms as a rabid conservative are reluctant to publish the suggestion that in his undermining of American culture he might well be a KGB dupe. The same conservative magazines predisposed to decry politically correct arrogance in academic lefties cannot acknowledge similar hubris by those on the political right.) This approach accounts for the recurring identification of de facto double agents — individuals who advocate positions contrary to their avowed politics, such as "conservatives" who violate traditional intellectual standards or "liberals" whose economic recommendations actually benefit not many but a few.

A second recurring theme is the exposure of micro-conspiracies. Some of these exist only for one result; others survive for years. However, just as I doubt explanations based on macro-conspiracies, so I also distrust political "solutions" that require procedures that would otherwise be dismissed as unacceptable. Means that do not correspond to ends inevitably undermine both ends and means. Under no circumstances is any dictatorship acceptable as a prelude to freedom. A third theme to which I often return exposes the

*continued on page 50*

# Garghibition

*by Scott Stein*

**T**he pill didn't make one taller. That wasn't the issue. It wasn't a case of medical science tampering with God's design, or biological engineering in an effort to transform the human race into a different, better species — a taller one. No, all the oblong, indigo Gargantuanx did, miracle of miracles, was create the illusion in the mind of the consumer that he was taller. That's all.

The pill didn't take immediate effect. For about ten minutes you felt nothing. Then you were taller. That is, you believed you were. The drug convinced its user, whatever his height, that he was three inches taller. It was a new technology, and its power was limited, though perfect in its simplicity and specificity. Three inches was all it added. Gargantuanx could not alter the physical world — boxes of pasta on supermarket shelves which were out of reach before taking the pill did not get any closer after a dose. But under its influence one was certain that the shelf of pasta was three inches higher than it had been, so the illusion that one was three inches taller was intact. Other people remained the same height, of course. Gargantuanx was not sophisticated enough to create visual illusions, and shrink everyone to make the user seem taller by comparison. So it did the next best thing. It convinced the user that everyone else had also grown three inches. Insurance companies refused to cover the new drug, and retailers charged ten dollars a pill to those willing to pay anything for a couple of hours of believing, despite all evidence to the contrary, that one was three inches taller.

Gargantuanx aggressively suspended disbelief. If a basketball rim seemed no closer to a consumer of the pill, he had to believe it wasn't regulation height — "Off by three inches," he would say. When a tape measure was brought out and the hoop was measured from the ground up, to demonstrate that it was indeed the proper ten feet high, the Gargantuanxer had no choice but to believe that the tape measure was incorrect. Errors in production were made all

the time — why should tape measure manufacturers be exempt? They were busy trying to meet deadlines, and it was certainly reasonable, if disappointing, that a few of their tape measures might be missing an inch or three. If it was pointed out that without exception all the numbers were there on the tape measure, the Gargantuanxer suspected that the size of each inch on the device was mistaken, so that an indicated total of ten feet was in actuality ten feet and three inches. It didn't help to bring twenty tape measures, or fifty, or a thousand. If shown a million the Gargantuanxer would give no ground. He was forced to believe in a massive conspiracy among manufacturers of tape measures — and anyone who defended them — to convince people that they were three inches shorter than in fact they were.

What was unsettling to those not lured by Gargantuanx's promise of three inches and the accompanying boost in self-esteem, was that taking the drug was a voluntary act. This wasn't a science fiction movie or a clever book about alien or government control. People chose the pill, and consumed it, with full knowledge of its effects. They wanted to be taller. Failing that, they wanted to think they were taller. Whatever their motives, they knew going in that the pill would create the illusion of additional height. The implications of a drug so powerful it could fool those who knew it was going to fool them worried lawmakers and concerned citizens. What would be next? A pill to make one think he was a spy or assassin for another country? Clearly, legislation was required.

Short people were divided. Speaking to the panel investigating Gargantuanx, the president of the Undersized Persons Society (Ups) made a passionate plea for a permanent and unequivocal ban on "this bane to the existence of undersized persons." For years undersized persons had been fighting for equality. They had only recently won a major court battle, resulting in a Federal mandate requiring shoe retailers to

carry larger supplies of women's sizes 4 and 5 and men's size 6. Plans were already under way to sue the motion picture academy for the under-representation of undersized persons as leading men and women in American film, and the theater owners were on the list too, for deliberately designing audience seats so that anyone under the height of five foot six inches would be unable to see the screen when an overheighted person sat in the row in front of them. With all the progress made by undersized persons in this country, it was embarrassing, no, humiliating, that the government allowed this pill to be sold as a legitimate medication. Was the government implying that undersizeness was an ailment that required a cure?

After a quick sidebar discussion with her public relations advisor, the presiding senator assured the president of Ups that of course undersizeness was not an ailment, and she would personally sponsor legislation to ban Gargantuanx forever from this land of purple mountains majesty. This created an uproar. Other short people demanded to be heard. If they wanted to be deluded into thinking they were three inches taller, what business was this of the government, or anyone else? Gargantuanx was a victimless drug, if ever there was one. The proposed legislation was the subject of serious discussion on television and at water coolers around the nation. Small people, pretty much every man under five foot eight and woman under five foot five, couldn't come to an agreement — Gargantuanx was too popular, and the inflated sense of non-earned pride it provided was too tempting. Tall people, even those of average height who dabbled in Gargantuanx, by and large stayed out of the debate. Short — that is, undersized — people dominated the discussion with a passion all out of proportion to their own dimensions.

That the nation was divided was indisputable. But Ups had powerful friends and deep pockets, and the legislation passed by a considerable margin, making it a felony — a Federal offense — to even possess Gargantuanx on American soil. Ups claimed a victory for all undersizekind, but many people were distraught at the news. Not only was this an assault on the principle of self-determination and individual freedom, but many of them wanted desperately to be able to

think they were taller. A black market developed overnight. The people wanted their Gargantuanx, and they were willing to pay for it. Pills went for twenty dollars, sometimes thirty, apiece. Rival dealers used intimidation and even murder to corner the local market. It wasn't long before gangs had infiltrated the schools, hooking kids who were the only ones, after all, who didn't need the drug, since greater height was to them still attainable. But it nonetheless became fashionable to get hopped up on double and triple doses of Garg and go to the mall, where innocent clerks struggled in vain to convince strung-out shoppers that the jeans they were trying on were just too long and that the label was not mistaken.

The violence associated with the illegality and lack of regulation of Gargantuanx led some to call for decriminalization, but the Ups lobby would not give in. Instead they declared a war on Garg, and local governments set up task forces to sweep the malls and raid the schools. If there were kids out there trying to be taller by any but the means provided by nature, they were going to suffer the consequences. Lockers were searched, athletes were banned, bus drivers were randomly tested, short parents were turned in by their short children, the very fabric of our society began to unravel. The corruption and terrorism of Al Capone's Chicago paled next to the nationwide frenzy caused by Garghibition.

Finally, even the zealots from Ups had to relent. If they couldn't squash Gargantuanx outright, then they would control it. Garg was legalized, and regulated, and taxed. Strict guidelines were developed for its production and distribution and the government banned forever any changes to its formula, to prevent an escalation in offending the sensibilities of certain influential short people. They had, they thought, won a limited victory.

But I'm a short person as well — I hate the undersize euphemism — and I've been in my lab for nine straight weeks now. After four failed tests of my new pill, Tremendocyclin, I finally have success. Oh, sweet bliss of greater height. I am five inches taller than I was just a moment ago. And nothing you say or do will convince me otherwise. □

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### Kostelanetz, "Apolitical Life," *continued from page 48*

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press's predisposition for glib, superficially acceptable misrepresentations — stories and explanations that seem credible, given pieties popular at a certain time, but are not necessarily true and are, indeed, often dangerously false. More than once I note that trial by press (or journalists) is not the same as a trial by a jury and thus that confusing the two is a dangerous mistake. Finally, as an unabashed anarchist, I am predisposed to expose the abuses of institutional power.

*Political Essays* collects texts written over the past four decades. Three longer pieces began as introductions to a series of future-focused social thought anthologies mentioned before, in which I suggested, among other things, that perpendicular to the left-right horizon we should put a second spectrum running from backward-looking to forward-looking. On this perpendicular line I've since come to substi-

tute another dichotomy, distinguishing authoritarian from libertarian, that also cuts perpendicularly across "left/right" (and implicitly distinguishes those who seek salvation through the state from those opposed to statist thinking). Ever since the 1960s, I've used the epithets "left" and "right" only to deprecate simple, old-fashioned minds (and have little respect for writers who favor those epithets in their own analyses, whether for praise or blame), and I think of "centrist" as a euphemism for opportunistic.

I'd like to think that three qualities characterizing my political essays are an interest in subjects and issues commonly neglected, an audacity based upon writing what no one else would write (and doing what no one else would do), and literary standards, as, like Mencken, I'd sooner write a strong essay than be "politically (in)correct." □



# Reviews

*In Praise of Decadence*, by Jeff Rigenbach. Prometheus Books, 1998, 215 pages.

## Days of Decadence

Brian Doherty

For going on three decades we've been living in an old *National Lampoon* album sketch: "Those Fabulous Sixties." That routine, from NL's 1972 LP *Radio Dinner*, made comedy out of the American mode of instant nostalgia. But the joke isn't funny anymore, with nostalgia for the 1960s continuing to dominate American political and cultural life. The only new twist contributed by the Reagan '80s is a mirror image: "Those Horrible '60s."

Nevertheless, the political and social historiography of the '60s is beginning to change. One of the most important changes is the growing recognition that the '60s were not, politically, just a playground for the left. Academic interest in non-leftist movements of the '60s has been the subject of a trend story in the *New York Times*. The early machinations of Young Americans for Freedom, the conservative youth-movement flagship, were covered in Mary C. Brennan's *Turning Right in the '60s*. And political scientist Paul Lyons has recognized, in his *New Left, New Right, and the Legacy of the Sixties*, that widening one's political field of vision to include both left and right isn't enough; there was a signifi-

cant strand of '60s political ferment that was neither strictly left nor right, but libertarian.

Unfortunately, insights of this kind are often blurred by misunderstandings about what defines libertarianism as a political philosophy, or even just a political tendency. Part of the blame for misunderstanding can be laid at the feet of the two most activist libertarian polemicists of the late '60s and early '70s, Murray Rothbard and Karl Hess.

Rothbard advocated a "left/right" anti-war alliance in his mid-'60s journal titled (appropriately) *Left and Right*. Hess transformed himself from a suit-and-tie anti-Communist GOP platform-scribbler and Goldwater speechwriter into a Castro manqué Black Panther cheerleader and Institute for Policy Studies inmate. It's not surprising that scholars unwilling to dig into philosophical roots might see libertarianism as some inconsistent, ad hoc cobbling together of leftist and rightist notions.

In the 1960s, many people who thought they were following libertarian leaders got confused too. Ayn Rand held herself frigidly aloof from '60s political movements, but she still managed to become the most widely read and influential libertarian thinker of her era, with a particular impact on college kids. Her protégé Nathaniel Branden told me that he once appeared

on a TV show with a former SDS activist from the Free Speech days in Berkeley. This woman told him breathlessly that she and her old comrades were fervent admirers of Rand. Branden was nonplussed. "Sure," she said. "*Atlas Shrugged!* Do your own thing! Fight the establishment!" Well, maybe she skipped the speeches.

Lots of readers seem to have done that. People are apt to take ideas and run with them; and often they run far, far away from any place that the originators could possibly have intended as their destination. Even the most dedicated analyst finds it hard to track the course of popular ideological inspirations. The most we have a right to hope for is, perhaps, a suggestive insight or a convincing hunch. Occasionally we find, in addition, that an author has managed to

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*There is a growing recognition that the '60s were not, politically, just a playground for the left.*

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evoke the spontaneous, unplanned quality of ideological and social change.

That is the quality evoked by *In Praise of Decadence*, the new book by libertarian journalist and radio commentator Jeff Rigenbach. Rigenbach toiled in the libertarian movement in the '70s and early '80s as a writer and editor for *Libertarian Review and Inquiry*. His book is too scattershot and essayistic to contribute importantly to an academic trend; but it does begin to trace at least the outlines of a path toward an understanding of the '60s.

Rigenbach stresses the idea that when we talk about the continuing cultural dominance of the '60s, we're talking about the continuing dominance of the baby boom, that deer's corpse moving through the python of twentieth-century America. While many of the "leaders" and cultural icons of the '60s

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were not technically boomers (Tom Hayden, Timothy Leary, Mario Savio, Herbert Marcuse, J.D. Salinger, La Rand herself), they were taken to heart by people who were. And the boomers' Svengali-like grip on popular consciousness explains nostalgia for the '70s as well as for the '60s. People who were in their late teens and twenties during the disco era were just the tail of the 1946-64 boom.

In certain ways, the '60s' gift to American culture, as Riggenbach sees it, differs little from what the Bill Bennett wing of the GOP would call the '60s' curse on American culture: the curse of decadence. Riggenbach has been praising decadence for a long time. He began in a *fin de decade* essay in the *New York Times* in 1979. There he defined decadence as "intense artistic and intellectual ferment along with a zest for novelty and experimentation, coupled with a self-reliant distrust of authority and tolerance of diversity." The qualities of the "decadent" baby boomers were, he averred, "self-realization, individual liberty, diversity, and peace."

So says Riggenbach, and I agree with him, at least so far as the artistic production of the '60s and succeeding decades is concerned. It is hardly decadent in the sense of decaying and collapsing. Still, here is a controversial point that could use more arguing than Riggenbach's breezy style can give it. And what about the matter of manners and mores, or rules in general? Certainly the costs of disobeying social authority have diminished since the 1960s. If disobedience constitutes decadence, then decadence has become quite easy to procure, thanks to innovations in technology (the birth-control pill), in the law (*Roe v. Wade*), and in artistic expectations (modernist revolutions have been fully assimilated and warped into post-modernism, leaving an anything-goes liberty in both high and popular art). This decadence, Riggenbach suggests, is something to be praised — despite the irritating decline in manners that has often accompanied it.

Riggenbach's exposition of his themes is impressionistic; he jumps from praise for the automobile and its liberating role in suburbanization to an iconoclastic riff on the "decay of the traditional family" as a benign result of the fact that people no longer feel

forced to stay married, have kids, or house their aging parents. It would require more arguing to link these trends to a wider philosophy.

The spirit of decadence that Riggenbach claims for libertarianism is different from libertarianism of the philosophic kind. Admittedly, he spends the first half of his book giving a broad-brush history of the libertarian political movement. Leonard Read, Robert LeFevre, R.C. Hoiles, Ludwig von Mises are all ushered onstage to take their bows. But it's difficult to trace their hardy educating and philosophizing into the liberated fields of '60s "decadence." Those early libertarians were for the most part avatars of purely political liberty, not the let-it-all-hang-out spirit of social ferment that has swept American culture since the '60s.

Riggenbach is correct in thinking that the self-conscious libertarian movement has grown impressively since the mid-1960s; but it is still for the most part an embattled minority movement, especially when it comes to real-world political influence. The boomers have seen fit to help Reagan, Bush, and Clinton into the White House — liber-

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*If disobedience constitutes decadence, then decadence, Riggenbach suggests, is something to be praised — despite the irritating decline in manners that has often accompanied it.*

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tarians none. It is possible, of course, that a large part of Reagan's appeal was his libertarianish rhetoric about getting government off the people's backs; but Riggenbach doesn't argue this.

Rothbard and Hess, considered as paradigmatic libertarians, show how tentative is the association between libertarian philosophy and '60s social individualism. Rothbard deliberately and loudly combined anarchism with staunch, not to say fuddy-duddyish, social and cultural conservatism. Hess ended up embracing the small local communities and technologies that he found in the state of West Virginia; at the last, he preferred neighborly ties to

antinomian gestures. It may be that our vision of what constituted the "libertarian" movement needs to be expanded to include both Murray Rothbard and Timothy Leary; both Robert Poole and Bob Guccione. But this is a work for future scholars and pundits.

We do know that the leftists of the 1960s, some of whom had union or other collectivist backgrounds, made better organizers than libertarians. They were able to summon huge crowds of people to protest the Vietnam war, including many who may not have shared the organizers' leftist beliefs but who most assuredly did not want to see themselves shipped off to Vietnam. This helps to solve the Big Chill "dilemma" of how and why the boomers lost their souls: their souls were always more concerned with personal liberty for themselves than with leftist social activism. But libertarians qua libertarians have not tended to

achieve political and social influence like '60s leftists or rightists. Tom Hayden, not Jerome Tucille, married Jane Fonda; ex-SDSers, not ex-SILers, are behind-the-scenes bigwigs in the Teamsters; and with a handful of exceptions like former LeFevrite troubadour Dana Rohrabacher, it was ex-right wing YAFers who got positions in the Reagan and Bush administrations. Marcuse, Marx, and Fromm are still more discussed in colleges than Rothbard, Mises, and Szasz. It remains to be seen whether anti-authoritarian ideals have really stuck to the '60s generation.

So Riggensbach's case remains "not proven" — even while one hopes that a real spirit of freedom and individualism, not just the spirit of personal license and entitlement, lies somewhere near the throbbing (though increasingly arthritic) heart of the "decadent" baby boom. □

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***All Too Human: A Political Education*, by George Stephanopoulos.  
Little, Brown and Company, 1999, 456 pages.**

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# He Seen His Opportunities

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Jonathan Ellis

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Americans have come to realize their president's a freak. That became painfully obvious by the summer of 1998. Some called Bill Clinton a shameless liar. Others called him a sex junkie. Media personalities scrambled to develop a psychological profile of the man, and something called "compartmentalization" received a great deal of press. Clinton, so the theory goes, has the ability to bury problems in a dark recess of his "complex" yet "brilliant" mind. When he gets caught nibbling from the bimbo tree, Clinton recreates

reality in whatever manner is politically advantageous.

Well . . . whatever. Whether you believe he's a tragic hero or an evil fiend, Clinton has become a national lab rat. Armchair psychologists carefully study his behavior as he noses through the presidential labyrinth. We compare him to other acknowledged presidential screwballs, most notably JFK and Dick Nixon. A lot of Americans steadfastly maintain that the president's private life is his own business even while they drive to the bookstore to pick up a copy of Monica Lewinsky's biography. We want to know about the president's mental

deformities, and book publishers know this. Thus, the dust cover of George Stephanopoulos's *All Too Human* promises a glimpse into "the hidden, dark compartments in the man that would bring him and the nation to such grief."

As a chief hatchet man for Clinton during the '92 election and his first

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*Whether you believe he's a tragic hero or an evil fiend, Clinton has become a national lab rat. Armchair psychologists carefully study his behavior as he noses through the presidential labyrinth.*

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term in office, Stephanopoulos seemed to have been ideally positioned to learn about his major malfunctions. "Our relationship was intense," writes Stephanopoulos, "intimate at times, but not a personal friendship. The Clinton I know is the Clinton I show in this book. . . . I have tried to provide a fair representation of his many-faceted personality."

Their relationship began in September 1991 when Stephanopoulos was looking to work for a Democratic thoroughbred who could unseat George Bush. His choices were limited. Bush was riding a tidal wave of popular opinion and many Democrats, weary of getting stomped in presidential elections, had decided to stay on the sidelines in '92. Stephanopoulos interviewed for Bob Kerrey's and Bill Clinton's campaigns on the same day. He chose Clinton's charm and ability "to know something about everything" over "a cool but unmistakably messianic zeal [that] hummed just below the surface of the Kerrey campaign."

Stephanopoulos can't say he wasn't warned. As he says of his tight circle of inside-the-Beltway friends, "Everyone we knew seemed to know someone who knew someone who had a tale to tell about Clinton and women." The first "bimbo eruption" came in November 1991 when Connie Hamzy claimed to have accepted a proposition from Clinton in a hotel lobby eight years earlier. In a story that is all too familiar today, Stephanopoulos rounded up

three affidavits that corroborated Clinton's denial and then bullied a CNN night editor into killing the story.

Stephanopoulos found himself in the role of spinmeister. When the Gennifer Flowers story broke, he convinced himself that a right-wing conspiracy was at work against Clinton, who of course insisted that Flowers's accusations were false. Riding in a van with Clinton to Claremont, New Hampshire,

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*Smart bosses don't fling open any dark compartments of their minds to employees, especially employees who are likely to seek fat book advances when they're ex-employees.*

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Stephanopoulos the true believer used his cell phone to assure reporters that Flowers was lying. Days later, he learned that going to bat for Clinton could damage his own credibility when Flowers released taped phone conversations in which she and Bill discussed their intimacies. Stephanopoulos claims to have been livid, writing in one of the internal monologues that appear throughout the book, "He lied. . . . How come he let me hang out there? Never said a word that whole ride to Claremont while I swore to reporters her story was false — just sat there, pretending to read Lincoln."

Stephanopoulos had been used. You'd think that any self-respecting person would have bugged out on Clinton, maybe hurling a few profanities and beer bottles on the way out the door. But Stephanopoulos remained loyal to a man who is plainly incapable of loyalty. His belief in Clinton's politics, combined with potent ambition, was enough to keep him going. Stephanopoulos was on the sort of savage ride that brings out the worst in people, and he wasn't getting off just because his boss wanted to keep the skeletons in the closet.

Not surprisingly, his journey with Clinton had unfavorable side-effects. Near the end of 1995 Stephanopoulos was fighting a severe case of burn-out. His doctor prescribed the anti-depressant Zoloft, which kept him

going long enough to accomplish one last mission: to help engineer the first reelection of a Democratic president since Roosevelt. He did so; later, he left Clinton's employ. Now the question is, what does he have to say about it all?

Well, as to Clinton's "hidden, dark compartments" — unfortunately, Stephanopoulos adds little to the profile already developed. As he admits, he didn't share a personal friendship with the president, just a working relationship. Smart bosses don't fling open dark compartments of their minds to employees, especially employees who are likely to seek fat book advances when they're ex-employees. Moreover, Stephanopoulos admits that during much of his time in the White House the Clintons suspected him of leaking embarrassing information to the press. He pleads innocent to most of these charges, but the fact remains that he wasn't trusted.

Stephanopoulos confirms what others have said about Clinton: he is indecisive; his temper frequently flares in a torrent of howls and curses; he constantly struggles between doing what he believes is principled and doing what he believes will be popular. But these, supposedly, are traits of a "complex" man. *All Too Human's* promised criticism of Clinton's moral shortcomings appears only in the last sentence of the book, where Stephanopoulos laments, "If only this good president had been a better man."

This criticism reads like an afterthought, and it doesn't fit the general tone of the book. Indeed, it's a cowardly swing, one that Stephanopoulos takes before turning tail and running. So Clinton's a bald-faced liar. He certainly has had the help of defenders like Stephanopoulos. Early in the book, Stephanopoulos even defends his decision to work for Clinton with the tired line that "if adultery were a disqualifying offense, half the politicians in Washington would be out of work."

Stephanopoulos seems all too willing to justify getting his own hands dirty for the "cause." And one can't escape the nagging suspicion that he's spinning his way through much of *All Too Human*, especially in the area of presidential scandals. He briefly recounts how "two midlevel White House staffers mistakenly obtained FBI files of nine hundred Republicans from previous administra-

tions," without explaining how such a "mistake" could happen. As for Whitewater, Stephanopoulos believed it was just "the obsession of a few conspiracy theorists."

Stephanopoulos fails to lower the guns on Clinton, perhaps because if he did so he might sully his own reputation further. But *All Too Human* does have its successes, not the least of which is the surprisingly good job it does in telling a story. Also, its attempt "to show the modern White House at work" brings to light interesting information.

After the country slapped Clinton with a vote of no confidence in the '94 elections, Stephanopoulos "picked up on an unfamiliar frequency in Clinton's monologues. . . . I could tell that someone new was wiring his way into Clinton's brain." That someone was Dick Morris, a man to whom Clinton turned throughout his political career when things got ugly. Stephanopoulos

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*Clinton's dependence on Dick Morris and his polls became so ludicrously extreme that they commissioned a poll to determine whether Clinton should issue a statement on O.J. Simpson's acquittal.*

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credits Hillary Clinton with bringing Morris back — not an insignificant charge, considering that Hillary's liberal politics clashed with Morris's conservative streak. According to Stephanopoulos, Hillary "knew they might need Dick one day," and liberal politics aside, she was more interested in bunking in the White House for another four years than in asserting the administration's ideological purity.

Stephanopoulos blames Morris for Clinton's tack toward the conservative center. Morris, it seems, commissioned polls on just about everything, and the numbers were pointing conservative, not a reality Stephanopoulos wanted to accept. On their first meeting, Stephanopoulos describes how Morris "morphed into a political version of the autistic math genius played by Dustin Hoffman in the movie *Rain Man*,"

explaining how Clinton should neutralize the Republican Congress by passing a balanced budget and tax cuts while at the same time abandoning partisan Democratic causes. Clinton's dependence on Morris and his polls became so ludicrously extreme, admits Stephanopoulos, that they commissioned a poll to determine whether Clinton should issue a statement on O.J. Simpson's acquittal.

To be sure, Stephanopoulos succeeds in painting a farcical portrait of Morris: he dressed like a "B-movie mob lawyer, circa-1975"; he "wanted to require militia groups to register their guns and their membership with the FBI"; he spent days working on an absurd plan to remove Janet Reno from her post; he said, during a crisis in Bosnia, "The next statement I want to hear on Bosnia is brroom! . . . brroom! . . . brroom!" In the book's description of this scene, Morris "started bouncing off his seat cushion while puffing out his cheeks and lips to simulate a bombing raid. Seconds later, like a two-year-old acting out, he was giggling. We were stunned. . . the most influential adviser to the president of the United States was discussing the act of war in the manner of a madman."

But can we trust this portrayal? Stephanopoulos admits to loathing Morris, and for good reason: Morris's arrival signaled to the entire White House staff that Stephanopoulos had been replaced as the man with the president's ear, that Stephanopoulos had failed in his role as the president's senior adviser. Stephanopoulos was kept on the staff to act as a liberal counterbalance to Morris's conservatism; Clinton was playing the two against each other. They had to cooperate, but Stephanopoulos knew the rules of the game: "Dick would get me fired if he could and would try to own me if he couldn't. I'd do the same to him."

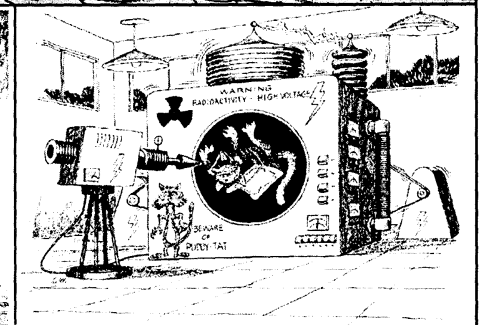
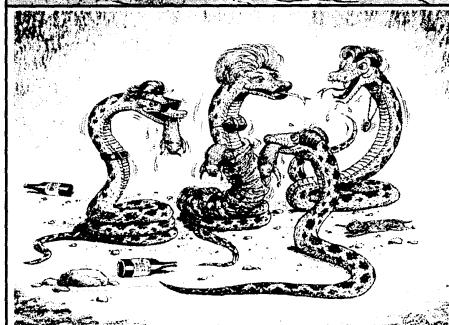
Of course, much of George Stephanopoulos's account of a modern White House in action isn't modern at all. The power struggles, the backstabbing, the ambition — these are all as old as government. And the staffers in Clinton's White House hold an appalling amount of power. Indeed, Republicans will be happy to hear that Clinton's staffers may share responsibility for causing the "government shutdown" in 1995:

When Gingrich called Clinton to discuss the debt limit, we intercepted the message and had Rubin return the call instead — joking that to keep him from calling Newt and trading away the store we would disconnect Clinton's phones. . . . In the two days prior to the encounter, our budget group spent nearly eight hours strategizing about how to keep the president from caving; and to lock Clinton in more securely, Panetta spoke to the *Washington Post* and the House

Democratic Caucus on Wednesday morning to say that the president believed that "no deal is better than a bad deal."

All this scheming is worthy of Clinton himself. But it's a sign of how out of control government is that a young person should dream of growing up to be, not the president, but one of the president's political staffers. No doubt this is one of those things that the very savvy Mr. Stephanopoulos somehow fails to understand. □

## Jurassic Horde Whisperer of Madness County



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*The Limits of Privacy*, by Amitai Etzioni. Basic Books, 1999, 280 pages.

# Privacy Unbound?

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Bruce Ramsey

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Amitai Etzioni's new book is largely an argument with libertarians. That, in itself, is a measure of progress for this well-known communitarian author. And he makes a good argument. Though I found myself arguing back, I had to agree with more of his conclusions than I had expected, if not his method of reaching them.

Etzioni "seeks a carefully crafted balance between liberty and the common good." The common good is a slippery concept, and Etzioni takes care to stay on the safest ground, public health and safety. These are essentials. We all want drinkable water and walkable streets, and even a libertarian utopia would have to deliver them.

In promising to balance these values with liberty, Etzioni dons a loose-fitting garment. The libertarian's philosophy has more shape but is more constricting; it confronts him with hard cases. He makes the most of this.

## Mandatory Testing

His first case is the mandatory testing of newborns for the AIDS virus. Among U.S. states, only New York requires this. Elsewhere it has been blocked because it may reveal that the mother has been infected, thereby constituting an invasion of her privacy. But this invasion, Etzioni says, may save the baby's life by allowing prompt medical treatment.

His conclusion: testing should be required. "A given individual right cannot be used to trump all other considerations, including the common good."

The individualist, accustomed to

looking behind the "common" good, sees that it's the baby's good we're talking about. The question is whether the state should have the power to overrule the mother's decision.

I think that perhaps it should. The baby is a citizen of the state. The state recognizes that its parents have a wide scope of presumptive authority. But complete authority? Even when they publicly place the child's life at risk for a not-very-good reason? (Would there be a Child Protective Services in a libertarian society? I think so. With the same powers that CPS has today? Probably not.)

## Released Criminals

On to Etzioni's second case. When child rapists are released from prison, should their neighbors be warned? The American Civil Liberties Union thinks not; the molester has served his sentence and should be left alone. To warn the neighbors is to brand the citizen with a "scarlet letter." Etzioni thinks otherwise. To him, the warning is not enough. Given the likelihood of child rapists to rape again, he says, they should be subject to internal exile, confined to a small town populated only by adults.

Again, I find myself agreeing. If it's true that this category of criminal has a high rate of recidivism, then the warning of neighbors is warranted. Maybe even internal exile. Someone who is convicted of a crime may be deprived of rights. Which ones to deprive him of is partly a practical question.

## Your Papers, Please?

On to more rugged turf: ID cards. Etzioni argues that if we all had to

carry hard-to-fake federal ID cards, there would be less welfare fraud, credit-card fraud, fathers running away from their child-care payments, and convicted child molesters applying for jobs in day-care centers. He is right about that, and right in noting that people in many other democracies carry ID cards. He quotes a man from Switzerland, probably the freest country in Europe, saying that ID cards are no big deal.

I don't think they're such a big deal, either. I don't want to be ordered to carry an ID card, but I do need one. In a society of strangers, all sorts of people have a reasonable need to verify who I am. I need ID to pay by check, to transfer funds at a bank, to rent a car and to rent an apartment.

I've carried several government IDs. I lived in Hong Kong and carried a Hong Kong government ID. When I

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*The common good is a slippery concept, and Etzioni takes care to stay on the safest ground, public health and safety. We all want drinkable water and walkable streets, and even a libertarian utopia would have to deliver them.*

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was a college student, I had a U.S. government ID for military dependents. I have federal identity papers now — a passport. I have a state ID that I carry at all times — a driver's license. And my car displays two large metal plates with the ID number 517 EYS, which, unlike my driver's license, can be read by everyone on the street.

I suppose an ID card could be provided by a private company. I have a bank card provided by a private company, and it has my photo on it for the purpose of identification. But nobody asks me to show that card as ID. Even the bank that issued it asks instead for my driver's license. The government's card is official; the bank's is not.

There's a reason for that. No private company has a relationship to *all* the citizens of the state. Government does. What better agency to certify who they are? (Shouldn't the state know who its



citizens are, if it's supposed to protect them?)

As a constitutionalist, I find it symbolically comforting that the ID card in my wallet is issued by the state of Washington rather than the U.S. government. But as a practical matter, it makes the card less useful. If I drive to California, clerks squint at the card suspiciously. Suppose the State Department shrank the passport down to convenient wallet size, with my color photo, my signature, and a nifty hologram, got rid of all those pages, and said, "Here, you can use this instead of a driver's license *if you prefer*." Would I do it? I would, especially if I could travel abroad with it.

Many libertarians have a gut-level resentment of ID cards. I have just finished reading Edmund J. Pankau's *Hide Your Assets and Disappear* (Harper Collins, 1999, 200 pages), a book about how you can ditch all your friends, family, and obligations by taking a false name and moving to another place. Pankau, a private investigator, says it's already almost impossible to do that in the United States because of all the ways we identify ourselves. He recommends Honduras.

And what's the reason for people's interest in disappearing? Mainly it's to swipe more than one's share of a marital settlement, skip out on alimony and child support, and weasel out of obligations imposed by courts.

Do I want to defend the right to do that? No.

Populist libertarians and conservatives go all giddy over the idea of federal ID cards, conjuring up images of secret police demanding "Papers!" I recall the time in rural Guatemala when I was ordered off a bus with the other men and had my ID checked by teenagers carrying assault rifles. Now *that's* discretionary power. But what made the situation edgy was not the ID, but the power.

Accept the ID card. Limit the power.

It is not true that the card leads to the power. As Etzioni asserts, no country ever crept into totalitarianism by adopting ID cards. (Countries don't *creep* into totalitarianism. They lunge into it, generally in the aftermath of war.)

This isn't to deny that government could do something abusive with ID cards. It could; it could do something

abusive with information from a lot of things, starting with tax records. I want to prohibit that. But I'm not against ID cards. I'm going to carry an ID card all my life.

### Codes for the Masses

Etzioni's last example of preferring the public good over private rights is computer encryption. Here I desert him completely.

Etzioni argues for mandatory key escrow. In that system, software compa-

nies that offer unbreakable encryption would be required to deposit the keys with an agency. The agency would hand the keys to the police on presentation of a court order. This, says Etzioni, would help protect the public from terrorists.

As I write, there are no restrictions on encryption within the United States, though the FBI has asked Congress to pass them. The Commerce Department has blocked the export of most cryptographic programs with keys in excess of 64 bits. The software industry is cam-

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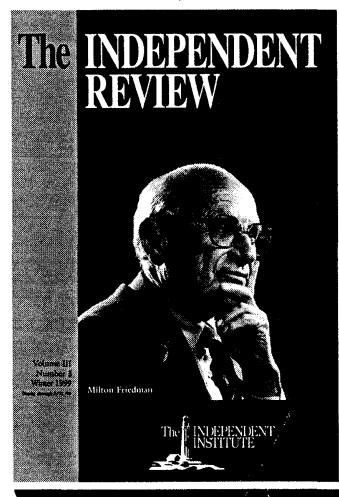
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painging to lift these restrictions, which apply to even the most common products. Microsoft's Internet Explorer 5.0, which it gives away free, uses 128-bit encryption. Users who go to [www.microsoft.com](http://www.microsoft.com) to download it have to accept a 64-bit version if they're calling from outside North America.

The industry argues that this restriction is silly, and that the U.S. government can no more stop the spread of

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*Privacy seems to be the demand that other people not do things — a demand that, in practice, sometimes is backed up by private property, sometimes by custom and mutual respect, and sometimes by very little.*

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software than it can stop the weather. The industry is right about that, and it makes the argument regularly. But Etzioni points out, "Whenever I have asked individualists whether they would support a key recovery system . . . if their technical and practical objections could be overcome," he says, "they have retreated to principled objections."

I hope they do. Mandatory key escrow is simply a demand that citizens keep their documents in a form convenient for police to read. It is a kind of prior restraint that limits the choices of the whole population. It is as if the government told us we couldn't have thick curtains on our windows because it would make it hard to peek in, or that we couldn't speak Navajo over the telephone because it would complicate a possible wiretap.

Etzioni tries a telephone analogy himself. He says the libertarian view "is like arguing that because phone lines run outside homes, and hence are accessible to public authorities without the active knowledge of those who are tapped, the privacy and freedom of all Americans is violated." But that's not the libertarian argument; being offered the use of one technology when there was none before doesn't violate our freedom. But it would, if there were a second technology that was better, and

the government refused to let us use it.

There is also a First Amendment issue, because software is a kind of writing. The government is reduced to the position that it's OK for us to write an encryption program on paper and send it overseas (even to Iraq!), but that it's not OK to put it *on disk* and send it overseas (even to Norway!). The government argued this in *Bernstein v. Department of State* at the 9th Circuit Court of Appeals in December 1997. A three-judge panel of the 9th Circuit Court of Appeals in San Francisco recently ruled 2-1 for Bernstein and against the U.S. government — that restriction on the export of source code is an infringement of the First Amendment rights of Bernstein, the code writer. The ruling did not address the constitutionality of restrictions on the export of compiled code. The government will probably appeal the case to the U.S. Supreme Court.

This is an issue on which principle is too important to fudge. It is certainly true that encryption will be used by terrorists; it already has been. It is like the telephone 120 years ago, or the Internet today. Encryption will be used by terrorists and gang members — and by churches and charities, Boy Scout troops, thimble collectors, and the New York Stock Exchange. It is not inherently a violent or rights-invading technology, and there is simply no convincing reason to ban it.

### The Bottom Line on Privacy

Etzioni's final argument is about medical records, but there he argues for privacy. I'll confine my comments to the bulk of his book, in which he argues that the public good should overrule privacy rights. Those rights include:

1. *The right to refuse a blood test;*
2. *The right to live without a "scarlet letter";*
3. *The right to be anonymous; and*
4. *The right to write and speak in one's own language.*

I should be for all these things. Yet, upon examination, I find that the list really goes like this:

1. *The right publicly to abdicate my responsibility to protect the life of my child;*
2. *The right to conceal from my neighbors that I have just served a prison term for child rape, even though that demonstrably puts their children in danger;*
3. *The right to trick people I do business*

*with by assuming a false identity; and*

4. *The right to write and speak in a secret language that the police can't read.*

It seems to me that 1, 2, and 3 victimize other people in a direct and obvious way, and that 4 does not.

My final question is whether privacy is a right at all. Other adult rights are the rights to *do* things: to breathe the air, to speak and write, to move freely, to marry, to negotiate for the sale of one's labor, to acquire property, etc. Privacy seems to be the demand that other people *not* do things — a demand that, in practice, sometimes is backed up by private property, sometimes by custom and mutual respect, and sometimes by very little.

Etzioni gives two definitions of privacy: "the right to be exempt from scrutiny and the right to make choices — that is, the right to be exempt from state control." The second concept has developed in constitutional law since *Griswold v. Connecticut* ruled in 1965 that a state could not forbid the sale of

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*It is certainly true that encryption will be used by terrorists; it already has been. It is like the telephone 120 years ago, or the Internet today.*

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contraceptives. Seven years later, it led to *Roe v. Wade* and the right to abort a fetus.

The right of private choice is what defines libertarians. Etzioni knows libertarians well: "Generally," he says, "the advocates of the private sector and the opponents of government interventions are concerned with who controls the act rather than whether the act is visible (or audible)."

But privacy in the first sense, the shielding from public eyes and ears, cannot be absolute in a society of maximum private choice.

Even the Constitution, which gives me an unqualified right to speak, write, assemble, worship, own guns, and refuse to testify against myself, does allow the cops to break into my home, rummage through my stuff and take what they want only "upon probable cause, supported by oath or affirmation, and particularly describing the

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*The Passion of Ayn Rand, Showtime, directed by Christopher Menaul.*

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place to be searched, and the person or things to be seized." My other rights have been qualified by the courts, some with good reason and some not; the right against search and seizure, Etzioni observes, is the only one in the Bill of Rights that was qualified by the Founders from the start.

Etzioni likes this qualification. It shows, he says, that privacy has to be balanced with the common good. And I have to agree with him, though I use different terminology from his. A society with the widest feasible scope of private action will mandate that some things be open to scrutiny. If we allow a wide freedom to sell patent medicines, we should require that all ingredients be printed on the label. If we allow corporations to sell shares to the public, we should require that quarterly financial reports be done in a standard way, and that directors and senior officers report their transactions.

If we want a society in which we're free to wheel and deal with strangers, we need to be able to *find out* about them. If we don't have the government license the people at child-care centers, we should make it easy to check if they have been convicted of crimes against children.

Even a citizen's medical records may be fair game for certain users. Consider a life insurer. Lots of people would call it a breach of privacy for an insurance company to find out that you were infected with the AIDS virus, or that you had a gene that predisposed you to lung cancer. But it is a debatable question: Do you have a right to *conceal* that from someone who would insure your life? How about concealing it from a prospective employer, who would put you in a health insurance pool?

At some point we cross a line and say, "Yes, you can conceal it. It's too personal, and they don't need to know it." Where that line is, I don't know.

Disclosure will depend on who has the information, how they got it, how personal it is, whether the request is specific to you or for a whole group of people, who wants the information, what they want it for, what might happen if they don't get it, and what might happen if they do.

All this tells me that privacy is not a right. It's a presumption in many cases, and good manners in others. But not a right. □

# A Tawdry Triangle

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R.W. Bradford

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Showtime's *The Passion of Ayn Rand* opens with her funeral — the last, dramatic scene of a tremendously dramatic life. The biography by Barbara Branden, on which the film is based, developed both the emotional and the intellectual drama of Ayn Rand. But by the time I was ten minutes into *The Passion of Ayn Rand*, my fascination with the subject was dissipating. The intellectual drama was gone.

To judge from the film, the relationships among Ayn Rand and her disciples Barbara and Nathaniel Branden were primarily sexual. The intellectual concerns that attracted the Brandens to Rand hardly matter here. The preoccupation with sex begins in the third scene, in which Nathaniel tries to cop a feel and Barbara pushes his hand away. It continues through Rand's writing of *Atlas Shrugged*, passages of which Rand reads out as narration over a sequence of scenes in which she and Nathaniel copulate, through Nathaniel's seducing of a psychotherapeutic client and Barbara's affair with a trumpet player. It ends in Rand's fit of jealous rage over Nathan's infidelity.

I can understand why the producers chose to focus on sex. Sex sells, and this is a genuinely bizarre case: a middle-aged intellectual woman seduces a younger man, and the two of them insist (more or less successfully) that their respective spouses give permission to their romance. The results are sadly predictable: the spouses console each other (non-sexually) for a while before one seeks consolation from a liquor bottle and the other from a trumpet

player; the whole arrangement falls apart when the attractive younger man finds a younger woman who attracts him more than the middle-aged intellectual. Mix in some soft-core sex scenes, some ponderous reading of philosophy and a few vignettes of the intellectual and her other acolytes and you've pretty much got the complete story, as Showtime films it.

The problem is that the film sells the story short, to put it mildly. What's interesting about the real story is its tragic aspect. It is the story of a brilliant author with a tragic lack of self-knowledge. And it is the story of a brilliant young man whose intellectual career is nearly destroyed by her wrath, a man who resurrected his career only by the hardest of work. All this is evident from Barbara Branden's brilliant biography of Rand. But Showtime tells a story that is shallow and tawdry.

The climax of the film comes when Rand confronts Nathan with the fact of his infidelity and expels him from her life. A messenger arrives at one of Nathaniel's lectures and summons him to Rand's apartment. "Do you understand what you've done? Do you know what you've thrown away? Me! Without me, you are *nothing*, *NOTHING!* It was my mind, my mind, my mind!" she screams. "You rotten hypocrite, you lying corrupt mediocrity! You should have loved me, God damn you!" She slaps him three times, hard enough for his left cheek to redden and (oddly) his right nostril to bleed. He returns to the lecture hall, apologizes to his students for having wronged Ayn Rand in some unspecified way, and walks out of the lecture hall. And that's that.

Not bad stuff, perhaps, but a far cry from the account in Barbara Branden's biography of the same title — on which, I repeat, the film was supposedly based. In her book, Branden describes herself as going to Rand's apartment with Allen Blumenthal (a psychiatrist who is Nathaniel's cousin), whom Branden wanted to "have standing by." She tells

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*The preoccupation with sex begins in the third scene, in which Nathaniel tries to cop a feel and Barbara pushes his hand away.*

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Rand about Nathaniel's infidelity and about her and Nathaniel's coverup of his affair with the younger woman. Rand coldly asks a few questions about the facts of the case and quickly passes judgment. "Get him down here," she says. When Blumenthal protests, she reiterates, "Get him down here!" When Barbara protests, she screams, "Get that bastard down here, or I'll drag him here myself." Blumenthal telephones Nathaniel and summons him.

When Nathaniel arrives, Rand orders him to sit in a straight-back chair near the door. "I don't want you in my living room," she explains. She denounces him bitterly and at length, concluding with a colorful curse: "If you have an ounce of morality left in you, an ounce of psychological health — you'll be impotent for the next twenty years! And if you achieve any potency, you'll know it's a sign of still worse moral deg-

radation!" She slaps him again and again. "Now get out!" she orders.

I don't know for certain what went on among Ayn and Nathaniel and Barbara. But the Brandens' written accounts are consistent with interviews I've conducted with nearly all other members of Rand's "inner circle." They are credible. And they do tell a story that is similar to the story told in the film. But in those accounts, unlike the story in the film, love and lust are only a part of what was going on. Rand's ideas, her agony over her writing and the public reception it received, the feelings of cultural isolation suffered by her and by her followers, their attempts to forge an intellectual revolution, their sincere commitment to a shared ideology . . . it is only in this context that Rand's affair with the much younger Nathaniel Branden transcends the tawdry. And that context is pretty much absent in the film. What is left is the story of a middle-aged woman having an affair with a handsome young man.

For the story to work, for it to rise above the tawdry, we need to understand that both Ayn Rand and Nathaniel Branden were people of genuine achievement. Helen Mirren's portrayal of Rand is pretty good; I believe a filmgoer unfamiliar with Rand's life might get a glimmer of appreciation for her greatness. But in the hands of Eric Stoltz (and the film's scriptwriters, Howard Korder and Mary Gallagher), the movie's Nathaniel Branden is a pale shadow of the real person. He comes across as a handsome young hunk, willing and even anxious to exploit Rand's affection for him. But we see none of the intellectual acuity of the

real Nathaniel Branden, none of his struggle or his ambition to change the world. The only evidence of his intelligence is hearsay: Barbara and Ayn tell him that he is "brilliant." The only indication we have of his role in building a movement around Rand is a couple of scenes involving his lecturing and his relationship with the "collective" of Rand admirers. About all that we can surmise would be attractive about him, from Rand's

point of view, are his good looks and his admiration for her.

Julie Delpy's performance as Barbara Branden is powerful; Delpy is a superb actress. But again the filmmakers have strayed considerably from the original story. They eviscerated Nathaniel's character, then made up for it by beefing up the role of Barbara. It is *her* conflicts, not those of Rand, that are the emotional center of the story. Peter Fonda is hopelessly miscast as Rand's cuckolded, alcoholic husband Frank O'Connor. Fonda is a fine actor, and delivers an excellent performance. But no amount of skill as an actor can enable him to portray a man who's attractiveness to Rand was a rugged handsomeness invariably compared to Gary Cooper's.

The facts of the story are rearranged and jumbled; whole episodes are falsified. (In the film, Barbara accompanies Nathan when he met Ayn Rand; Nathan was summoned from a lecture hall to be confronted by Rand, not from his own apartment; etc.) Centrally important happenings are omitted or (as in the case of Rand's severe bouts of depression) only hinted at. Aside from

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*The movie's Nathaniel Branden is a pale shadow of the real person.*

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Ayn and Nathaniel and Barbara and Frank, the characters are entirely fictional. There's no Alan Greenspan or Leonard Peikoff or Murray Rothbard in this story. But they weren't involved in the sexual pyrotechnics, which are plainly the focus of the film.

Of course, one cannot expect complete historical accuracy from a film. I believe, however, that one can expect something akin to psychological accuracy — that is, I expect characters in a film that relies for much of its interest on its reference to real people and their psychological conflicts to bear some resemblance to those people. Showtime's *The Passion of Ayn Rand* doesn't even come close. □

*The Passion of Ayn Rand will be shown on Showtime on May 30 at 8:00 p.m., June 7 at 10:00 p.m., and June 22 at 1:45 a.m.*



"It's all right, officer — I'm going to a costume party as an American taxpayer."

but never provided a criterion by which one could decide what were the proper functions of government. Much the same applies to the terms "free enterprise" or "market economy" which, without a definition of the free sphere of the individual, say little (Hayek, 1973, p. 62).

So New Gray is not so new. He assumes, like many a communitarian philosopher before him, that social cohesion does not just happen, that without government regulation there is drift into anarchy and conflict. But the form and power and proper functions of government are precisely the issues which (as Hayek taught) must be continuously addressed, and Gray has not made any advance in doing so. □

## Bibliography

- Gray, J. (1984) *Hayek on Liberty* (Oxford: Basil Blackwell).
- Gray, J. (1993) *Beyond the New Right* (London: Routledge).
- Gray, J. (1997) *Endgames: Questions in Late Modern Political Thought* (Cambridge: Polity Press).
- Gray, J. (1998) *False Dawn: The Delusions of Global Capitalism*. (London: Granta Books).
- Hayek, F. A. (1973) *Law, Legislation and Liberty: A New Statement of the Liberal Principles of Justice and Political Economy* vol. 1: *Rules and Order* (London and Henley: Routledge and Keagan Paul).
- Hayek, F.A. (1978) *New Studies in Philosophy, Politics, Economics and the History of Ideas* (London and Henley: Routledge and Keagan Paul).
- Hayek, F.A. (1988) *The Fatal Conceit: The Errors of Socialism. The Collected Works of Friedrich August Hayek*, vol. I, edited by W. W. Bartley III (London: Routledge).
- Keynes, J.M. (1936) *The General Theory of Employment, Money and Interest* (London: Macmillan).
- Keynes, J.M. (1971) (ed.) D.E. Moggridge, *The Economic Consequences of the Peace*, vol. 2, *Collected Writings* (London: Macmillan).
- Rawls, J. (1993) *Political Liberalism* (New York: Columbia University Press).

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# Terra Incognita

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Reasons for every American to own a radio powered by a wind-up generator, from an advertisement in *Atlantis Rising* magazine:

"The world-famous BayGen Freeplay Radio is the best emergency radio there is. It produces very good audio and plenty of volume for AM, FM and Shortwave between 5.8 and 18 MHz (essential for survival during major earth changes — as in a pole shift, asteroid hit or similar event — when nearby commercial stations could be out of business)."

## Helsinki, Finland

Linguistic progress in northern Europe, reported in *The New York Times*:

Jukka Ammondt announced that he is translating Elvis Presley's "Blue Suede Shoes" into ancient Sumerian, the language of Babylonia that died out in 2000 B.C. "Elvis would have liked the idea because the ancient Sumerians had big parties and drums and rattles, and the roots of rock may go back to man's earliest efforts to get a grip on life," said Ammondt.

## United Kingdom

Progressive proposal for the healing professions from Albion, reported by *The Times* (U.K.):

Eating disorders such as anorexia and bulimia should be classed as disabilities to protect sufferers from discrimination at work, according to The Royal College of Nursing. Currently, nurses who are considered mentally unfit, which includes eating disorders, are screened from working with children and other vulnerable people.

## Miami

Creative use for federal disaster funds, reported by the *Miami Herald*:

Police arrested the head of the local parks department on charges stemming from the disappearance of coconut palms and other trees valued at \$1.6 million. Police say Guillermo Antonio Cutie signed fake invoices for over 3,000 trees that do not exist. The trees were paid for with a grant from the Federal Emergency Management Agency.

## U.S.A.

Creative use for funds from a special telephone tax, reported by *The Wall Street Journal*:

Millions of dollars from the special tax on telephone bills to bring internet into public school classrooms are being used to install ordinary telephones in classrooms and to provide non-teaching personnel with cell phones.

"FCC Chairman William Kennard said last week that he intends to seek another \$2.25 billion in funding for the coming year. At least two agency commissioners have signaled their support, giving him the majority he needs to approve the increase."

## New York

Progress against crime in the den of Rudolph Giuliani, as seen in the *Daily Camera* (Boulder, Co.):

Two Central Park rangers slapped Anthony Avellino with a \$1,000 ticket after finding his two daughters, ages 9 and 11, climbing a tree in the park. Avellino plans to fight the ticket, saying that there were no posted signs prohibiting tree-climbing. Parks Department spokesman Edward Skyler countered, "There are lots of things that you cannot do in parks that are not posted. If we listed every rule we'd have more signs than trees."

## Tortosa, Spain

Curious Spanish custom, reported by Reuters:

When customers drove into a gas station in the pre-dawn hours and saw that the attendant had nodded off, they decided to help themselves to free gas and then called their friends to do the same. The fueling frenzy ended \$1,000 later when police grew suspicious after seeing a long line of cars in front of the station.

## Cairo

Setback in the war against crime in Islamic North Africa, reported by *al-Akhbar*:

An Egyptian court ordered the interior ministry to compensate a convicted robber for mistakenly keeping him in jail five years longer than his 15-year sentence, saying "Man's freedom is invaluable and cannot be compensated in cash." The court awarded the prisoner \$5,800 in compensation.

The ministry is considering an appeal.

## New Haven, Conn.

Pursuit of Justice in the Nutmeg State, reported by the *Hartford Courant*:

A Connecticut political and business leader is accused of paying a woman hundreds of thousands of dollars to be his "telephone sex slave" for over 20 years and then abruptly abandoning her to destitution. Doris Ford, 51, seeks a court judgment to force Arthur Anderson, 50, to pay her about \$150,000 a year for the remainder of her life.

## Ithaca, N.Y.

Disturbing new influence in the academy, reported by *Cornell Magazine*:

Biological and agricultural academic journals may soon disappear due to the high, profit-motivated price of subscriptions.

## U.S.A.

Uplifting activism of the Vice First Lady, as reported by *Discount Store News*:

Tipper Gore and Pampers disposable diapers have joined the Back to Sleep Campaign in its fight against Sudden Infant Death Syndrome. Pampers diapers for newborns will bear the Back to Sleep logo to remind caregivers to place babies to sleep on their backs. Mrs. Gore will serve as National Spokesperson.

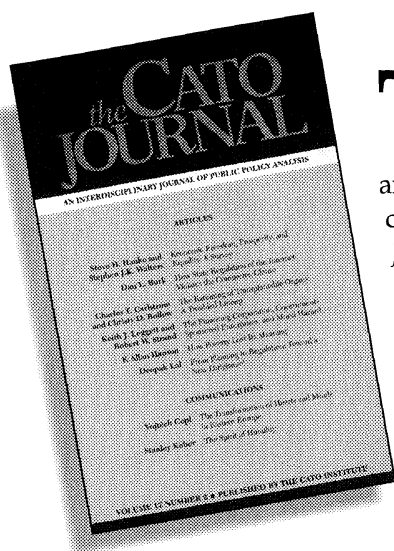
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With big victories for economic liberty, private property rights, and school choice, IJ has opened markets for entrepreneurs, kept people in their homes, and secured a decent education for countless children otherwise trapped in failing public schools. But there's much more to be done to fight government intrusion on individual freedom.

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