

# Liberty

June 1999

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How Cops  
Get Away  
With Murder

## Bombs Over Kosovo

Why the War Is Wrong and Stupid

*by David Ramsay Steele*

## Pinochet: Dictator or Hero?

*by Adrian Day*

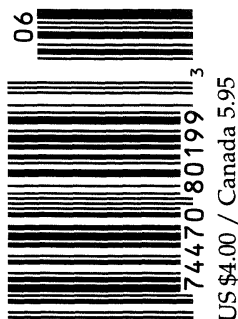
## Breaking the Military's Code of Silence

*by Steven Philbrick*

## The "Nobility" of Private Property?

*by Martin Solomon*

**Also:** *Sarah McCarthy* takes a feminist look at the Rolling Stones, *Stephen Cox* explores a *real* revolution, *Leon Hadar* examines how the world sees "the World's Only Superpower" ... plus other articles, reviews & humor



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# Letters

## In Defense of Pontius Pilate

Timothy Virkkala, in "Way Kool Khrist" (Reflections, May), noting that Jesus was a revolutionary, commented that Pontius Pilate "made a similar judgment quite some time ago."

Actually, Pilate could "find no fault" in him, even after the Jews accused him of subversion. Pilate even suggested that he be allowed to release Jesus.

Adrian Day  
Annapolis, Md.

## The Honorable Profession

I take great exception to the comparison between politicians and prostitutes made by Stephen Cox in "New and Improved Democracy" (April). A prostitute who broke promises as often as a politician would soon be in another line of work. And prostitutes pay their own way in this world.

I believe that Stephen Cox owes an apology to the practitioners of the old-fashioned profession.

B. Neil Zeug  
St. Paul, Minn.

## Pinochet and the Law

Re: "Pinochet Reconsidered" (February), Karen Araujo and John Cobin wonder why the British government chose to arrest him. The reason is simple. The action of the Spanish judge fully conformed with current international legal procedures. The British government had no choice but to act as it did; to have done otherwise would have been to flout the law, and also to flout extradition treaties with a European Community member state. As the government game is played, they abided by the rules.

Further, Araujo and Cobin write almost as though the evidence against Pinochet has been invented. This is not the case. His government was responsible, not just for the deaths of terrorists, or of the unfortunates caught in the crossfire, but for the torture and/or murder of hundreds of unarmed civilians, many of whom had no connection

whatsoever with Allende or Marxist terrorism. The end of civil order cannot justify murder; Araujo and Cobin seem to think it does.

It is true that Jack Straw, the British government minister who has the final say in the matter, was and is a socialist who went to Chile as a volunteer to build a community center, and while there had contact with Chilean socialist politicians (probably including Allende, although Straw's spokespeople deny this). So Straw may be biased. But he also has to consider British victims. These include a woman doctor (now practicing in the west of England) who was tortured by Pinochet's henchmen. She had electrodes introduced into her vagina. The pain was unimaginable.

Araujo and Cobin eloquently convey the feelings of many Chileans. But Mr. Straw has to consider actual cases of torture and murder carried out not in the heat of battle, but in carefully planned cold blood.

Nicholas Dykes  
Ledbury, United Kingdom

## The Beauty of Consequentialism

R.W. Bradford's analysis "The Rise of the New Libertarianism" (March) reports that libertarians are "abandoning" moralistic libertarianism and "embracing" consequentialist libertarianism, based on a recent *Liberty* survey of readers. Bradford's explanation for this trend is sound: because consequentialism is more effective in winning policy debates, more libertarians are adopting it. However, while more libertarians say they disagree with the non-aggression imperative now than a decade ago, it could be that many of these libertarians (like myself) disagree more with the way the non-aggression imperative is used in debate than with the imperative itself.

Relying on the non-aggression imperative as a universal fallback to all questions of policy is not only ineffective debate strategy; it constitutes a misunderstanding of the proper role of the

imperative. The non-aggression imperative is an indispensable corollary to the moralistic libertarian code of ethics expounded by Rand and Rothbard, but it is not the source of that moral code. The source is the acceptance of objective reality and rationality, which dictate that man's life be upheld as the ultimate standard of value. Without the non-aggression imperative, the individual's ability to actualize this moral code is hindered because his freedom to act is threatened. This context leaves open the possibility for a libertarian to support the non-aggression imperative as a critical safeguard of liberty, but to cease citing it as the ultimate justification of policy.

We are far from living in a free nation, much less a free world, and the battle over the importance of liberty continues. Libertarians of all moral persuasions have an obligation to fight for success in the realm of policy. This means convincing a new class of intellectuals, the public at large, and even — God help us — our politicians, of the need to create a free society. Consequentialism can win a wide range of adherents to libertarianism because it allows for a variety of moral justifications for freedom. For example, Christians can subscribe to consequentialist libertarianism but reject Randian rationalism as the source of their moral code; instead, they can cite God's will or the Bible as their source.

The beautiful thing is that libertarians of all moral persuasions can honestly expound consequentialism without suffering from the "dissonance" of "trying to hold both positions" that Bradford mentions, because consequentialism does not require adherence to any one particular moral code.

Candice Jackson  
Battleground, Wash.

## Selling Liberty

The analysis by R.W. Bradford, "The Rise of the New Libertarianism" (March) was quite interesting, and I hope *Liberty* will explore it some more before we all conclude that consequentialist libertarianism be embraced and moralistic libertarianism denied.

For years, the dichotomy has existed

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in various libertarian publications. In the '80s you had the Schroeder/Amador *The Pragmatist*. At the 1989 LP convention, Don Ernsberger's keynote acknowledged that "Liberty Works" and "Liberty is Right." The decline of moralistic libertarianism continued with the death of Murray Rothbard; after 1989 (where he was caught in a lie in front of the entire LP convention) he was no longer active in the Party and friendly with its leadership cadre. Nor did the average delegate any longer have a chance to talk and party with him. So it is hardly a wonder that today's average libertarian has less appreciation for the enormous influence that Rothbard had on the "movement."

It would be interesting to further explore your contention that moralistic libertarians are unconvincing as opposed to consequentialist libertarians. Over many years, I've used both approaches and found the moralistic approach better. Frankly, I've never had a listener challenge the principle of non-aggression by citing a "life-boat" type situation.

The trouble I've had with consequentialist libertarianism is that I seldom, if ever, carry an armload of think tank studies to social gatherings. Therefore, in

cocktail party discussions or after-church socials, the average libertarian has to go up against the "experts." While you argue that minimum wages cause teenagers to lose jobs, your listener can say, "Well, Peter Jennings last night reported that 204 top economists say raising the minimum wage won't cause unemployment."

Unless one is an acknowledged expert in a certain field, those you talk to are probably going to believe the editors of *Business Week*, or the Drug Czar, or the Governor's deputy, before they will believe you. I created the "Talking Points" column in *LP News* to give Libertarians the kind of expert ammunition they need to combat the experts, but those items are best used in news releases, white papers, op-eds, or in speeches where you are "the expert" for that particular audience.

Thanks again for starting a new dialogue on the most efficacious way to convince non-libertarians, or at least get them thinking.

Dave Walter  
West Chester, Pa.

### Special Interests vs. Liberty

In "Libertarianism made simple" (Reflections, April), Stephen Cox

describes three reasons why the government spends taxpayer money beyond belief, but totally ignores the main one: Politicians are paid handsomely by special interests to do so!

Cox recognizes that high taxes are caused by government overspending, but ignores the results from corporate giveaways and tax breaks for corporations and the wealthy, all of which result from special interest contributions to the politicians writing the laws.

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# Gun Control Would Make Us Less Safe

## by Jacob G. Hornberger



Government programs are notorious for achieving results that are the exact opposite of what they intend. If advocates of gun control get their way, there will be no better example of this principle. Gun control would result in a less peaceful, more dangerous society.

There are two major reasons for the right to keep and bear arms: so that citizens can protect themselves from the tyrannical acts of their own government and so that they can protect themselves from violent people. Proponents of gun control suggest that the first justification is baseless, since we live in a democracy. And by disarming everyone, the argument goes, violent crime against innocent people will plummet.

Let's address the second argument first. This argument for gun control is based on two alternative assumptions: either that violent people would obey gun-control laws or that gun-control laws would prevent violent people from acquiring guns.

Is either of these assump-

tions valid? If a murderer intends to break a law against murder, why would he have any more respect for a law prohibiting him from possessing a gun? It defies credibility that murderers, rapists, burglars, thieves, and robbers are going to say to themselves: "There's a law against my owning guns and, therefore, I should obey it."

What would happen instead, of course, is that innocent people that is, those who are the intended victims of violent crime would end up complying with the gun-control law. Therefore, they would have been forced to give up the legal means of defending themselves from people who themselves would have no respect for the law.

Would a war against guns really eradicate guns? Well, has the war on drugs eradicated drugs? For a good example of the results of gun control (and the drug war), check out Washington, D.C. And if you think the collateral violence associated with the drug war is bad, imagine what would happen if the stakes were guns rather than drugs.

The right to keep and bear arms actually makes everyone safer, even those who oppose it. If violent people do not know which people are carrying arms and which are not, they are much less likely to take a chance. The reason a mugger on the street feels safer than a burglar of a home is that the mugger knows that he is less likely to

encounter an armed defender. (Why don't gun-control advocates display window signs in their homes announcing "This is a gun-free home"?)

But as important as the right of self-defense is, it isn't the primary reason for unfettered gun ownership. Our Founding Fathers placed the Second Amendment so high up on the Bill of Rights because they understood the vital importance of this restriction on government power. They recognized that the greatest threat to the safety and well-being of the citizenry lies not with some foreign government but rather with one's own government.

Gun-control proponents suggest that that doesn't apply to the United States anymore because we can trust our government officials. After all, we do live in a democracy, they tell us. "We are the government." There's nothing to fear because democratically elected government officials don't do bad things to their citizenry.

But U.S. government officials *have* done bad things to the American people. They rounded up and incarcerated American citizens of Japanese descent without even the semblance of a trial. They conducted nuclear radiation experiments on unsuspecting American servicemen. They subjected African-American men to bizarre syphilis experiments. They shot and killed an innocent woman and her teenage son at Ruby Ridge,

Idaho. They used military tanks and dangerous, flammable gas on men, women, and children at Waco, Texas. Today, they regularly confiscate assets belonging to innocent people and then deny them the benefits of trial by jury.

And most of these actions have occurred in the absence of a national crisis. Imagine what government officials are capable of in an enormous crisis involving the security of the nation.

How does the Second Amendment protect the American people from the most militarily powerful government in history? It stands as an insurance policy. In a society in which the citizenry are armed, government officials must always consider the risks of armed resistance to massive tyranny. In societies where people are disarmed, government officials know that citizens must willingly obey orders.

The Second Amendment, therefore, accomplishes what gun-control advocates say they wish to achieve: a safer, more peaceful, and more secure society. Gun control, like most other government programs, would end up with a result that is opposite to that which is intended.

*Mr. Hornberger is president of The Future of Freedom Foundation in Fairfax, Va., and the co-editor of The Tyranny of Gun Control.*

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# Reflections

**War and remembrance** — Word has it that the first choice for the name of the Yugoslav war was: "Operation: Get me a Legacy." The report remains unconfirmed. —SLR

**Unimpeachable conduct** — How is it possible that a U.S. president is free to conduct a pointless war that is not sanctioned by Congress, the U.S. Constitution, or the United Nations? It is possible because of the Republicans' 1998 impeachment strategy. Since that effort failed so miserably, few members of Congress dare discuss impeachment today, when it is really needed (and deserved). Suddenly, Monicagate — which once seemed merely boringly irrelevant — now appears dangerously frivolous. —RO'T

**New York Torquemada** — On February 4, 1999, Senator Serphin Maltese introduced Bill S2167 in the New York State Senate, which would amend the penal law to make it a class B misdemeanor to ridicule religious beliefs or practices in a public place. According to this measure, "A person is guilty of ridicule of religious beliefs or practices when in a public place, he holds up the deity of the religious beliefs, practices, symbols, figures or objects of any religious denomination, sect or class of people, to ridicule, hatred, mockery, contempt or obloquy; or presents, portrays or depicts the religious beliefs, practices, symbols, figures or objects of any religious denomination in an obscene, lewd, profane or lascivious manner."

Questions abound. Will atheists receive similar "protection?" Or will atheist groups be banned from setting up literature tables on university campuses? Was the catalyst for S2167 really Monty Python's *Life of Brian*, as stated in the summary of the Bill? Will New York next favor the reintroduction of stockades and public dunking? Fortunately, even if S2167 passes, it is unlikely to survive the judicial review that would be occasioned by First Amendment groups.

If you have been teetering on the edge, this might be a good time to join the Howard Stern fan club. —WM

**Mr. Viagra goes to Kosovo** — Now that we're stuck in the Balkan tar baby, let's remember one man who was behind us all the way, and told us "Give 'em another one, right in the gut." That would be Bob Dole, emissary to the Kosovars, and their mouthpiece here.

He's been at this for a long time. Back in September and October, it was Dole who was lending his considerable dignity and nasal drone to calls for World War III. "The time is overdue for the United States to embrace a policy that will end the reign of terror of Milosevic," he intoned. "Let me be clear, the only language Milosevic understands is force."

This is Bob's ingenious conclusion after watching his fellow diplomats try to talk the Yugoslavian president into abandoning his national interests and sovereignty. He thinks Milosevic's failure to comply must stem from a language barrier. Fortunately, NATO speaks force fluently.

Bob's erudition on this score fits well with his legacy as a senator and presidential candidate. Here's the man who, as majority leader of the Senate, was actually less effective opposing Clinton's agenda than he had been as minority leader. Here's the man who, unable to mount serious intellectual opposition to Steve Forbes' program in 1996, resorted to a telemarketing campaign of lies about Forbes before the critical Iowa caucus. Here's the man who, having nefariously ensured his own nomination, utterly wasted what could have been a turkey shoot at the incumbent's constitutional malfeasance, to say nothing of ethical maldevelopment. Here's the man who, after this ignominious defeat, became the most important lobbyist in Washington, D.C., and used that position to get us into this replay of every bad foreign policy decision committed between Bosnia and the Gulf of Tonkin.

Bob Dole's unique biochemical marker is the mix of incompetence and evil that only a lifetime of public service can achieve. —BB

**The thick blue line** — When one of New York's Finest shoots someone in the line of duty, the officer is protected from conviction by an extraordinary set of rules. According to *The Wall Street Journal*, NYPD is unique among big city police departments in three ways:

- Investigators cannot even attempt to question the police suspects for two business days after a crime has been committed;
- After that two to five day period has expired, interrogation is allowed only with the permission of the District Attorney, which is routinely denied; and
- Police suspects may be questioned only with the permission of the defense attorney.

The net effect of these rules is that policemen accused of crimes are never questioned until and unless they choose to testify in their own defense at their trial. Civilians, on the other hand, are almost always separated from other suspects and witnesses upon the arrival at the crime scene by the police and questioned when their memories are freshest — and before they have a chance to coordinate their stories with others involved in the crime. And civilians are routinely questioned without the knowledge or permission of their attorney. And while civilians have a right to remain silent, doing so usually subjects them to considerably more hassle. In the case of police, they cannot even be questioned if they waive that right. Instead, they are given time off with full pay.

In sum, the NYC rules are outrageous class discrimination. These will make a conviction in the *Diallo* case (in which police fired 41 bullets into the body of an unarmed African immigrant) very unlikely.

But these special privileges are only part of the story. An ordinary person who kills another person may defend himself against the charge by proving that he acted in self-defense. To make this defense work, he must prove that the deceased was about to use deadly force. A policeman in

the same situation must prove only that he had reason to believe the suspect was about to use deadly force.

Thus a policeman cannot be convicted if he credibly believes the victim was reaching in his pocket for a gun or knife, whether or not the gun or knife even exists. So any time a policeman sees a suspect reach in his pocket, he has a license to kill.

But the policeman killing in mistaken good faith is as much of an aggressor as the civilian. The same innocent victim is dead. There is no principled basis for the distinction. This is a classic deviation from the rule of law. —MMS

**Forward to the past** — Al Gore strongly supports "sustainability." I gained some sense of what this means at a recent international conference on sustainable transportation held in Berkeley, California.

One pair of researchers compared the U.S.'s deregulated airline market with the still-regulated European market. They concluded that the U.S. market was unsustainable because deregulation allowed people to travel by air. To them, sustainability apparently means that only government officials and academic researchers get to travel by air.

In another session, two Swedes compared U.S. and European cities and found that Phoenix and Salt Lake City were unsustainable because they promoted automobile dependency. The ideal city, they argued, is Halle-Neustadt, a "new town" built by the East Germans during the Soviet era. The Swedes described it as a "good socialist city" in which everyone had to live in an identical apartment in an identical high rise, regardless of income or personal preference. The high rises were surrounded by green plazas, and any cars were garaged at the edge of town.

This claim was challenged by Genevieve Giuliano from the University of Southern California. She pointed out that European per capita car ownership is rising three times as fast as in the U.S., and that European cities are rapidly suburbanizing. Europe isn't ahead of us, it is about 30 years behind.

So when Al Gore says "sustainable transportation," you can translate it to mean immobility, central planning, and loss of freedom of choice — and stepping back to a simpler, poorer time. —RO'T

**Spend, baby, spend** — As surely as enough swallows return to Capistrano on St. Joseph's Day to justify a public relations binge, you can count on congressional Republicans to shoot themselves in the foot. They're at it again, backing off from a mild proposal to cut tax rates by ten percent across-the-board. And that's just the tip of an iceberg of ineptness.

The most winning issue Republicans have had vis-a-vis Democrats has always been taxes. When Republicans are perceived as the party of lower taxes, they have done well at the ballot box. When they get away from that message or allow it to be blurred, they do poorly because they are perceived by the public as differing from Democrats only in that they want to march a bit more slowly on the road to bigger government.

So when, in the wake of the failure of the Senate to remove President Clinton from office, congressional Republicans announced

that they would concentrate on passing a ten percent across-the-board tax reduction, it looked as if they planned to be competitive. Few observers believed the president would sign such a bill, but passing it and having it vetoed would give GOP candidates something to run on in 2000.

The strategy lasted less than a month. A February 23, *Washington Post* story reported that the leadership was backing away from the idea because of stiff opposition within Republican ranks. In addition, an aide to Speaker Dennis J. Hastert whined that "Our enthusiasm is tempered by the reality of how hard it is to get it all done."

Well, duh!

But the backtracking was already underway on an array of issues. A week or so earlier, Senate Majority Leader Trent Lott said in his weekly radio address that the top GOP legislative priorities would be a national missile-defense system and better military pay. Oh, and they wanted to weigh in on the Y2K problem and pay close attention to an expected commission report on revamping Medicare. And pass a federal law mandating that local schools give parents more say in local schools.

Tax cuts? Sen. Lott didn't mention them.

Then House Speaker Hastert announced that the caps on federal spending passed a few years ago that are widely credited (not altogether accurately) with creating the first budget surpluses in a generation might have to be — well, viewed with a bit of flexibility. "I'm not saying we are going to bust them or that we are not going to bust them," he weaseled. "We have to look at the whole issue." As if to illustrate their urge to splurge, Congressional Republican leaders threw their support behind a foreign aid bill that will include more than \$1 billion for aid to Central America and Jordan.

Abandoning tax cuts, busting spending limits, pushing for more spending? It's difficult to avoid the perception that the only difference between Republicans and Democrats these days is the identity of the constituency groups to which they want to give taxpayers' money. At a time when the federal government takes a higher percentage of the GDP in taxes than at any time since World War II, there's no effective move from either branch of what citizens should perhaps call the Government Party for lower taxes or reduced spending.

Pulling back from tax cuts is not only bad public policy, it's politically inept. A January 26, poll conducted by the independent polling firm Rasmussen Research found that 68 percent of Americans support a ten percent across-the-board tax cut and 52 percent would like to see an even larger tax cut.

No wonder polls now show that most people don't expect to see lower taxes in the near future and they see little difference between Republicans and Democrats on the issue of taxes. The Republicans seem to be setting themselves up to lose, and they certainly deserve to do so. —AB

## Rousseau and Kosovo —

Somewhere in *The Social Contract*, Jean Jacques Rousseau argues that declarations of war are of major importance for democratic societies. Declarations should make the case to the people who live under the government that is being attacked, and give them the opportunity to remove that government if it has behaved criminally.

## Liberty's Editors Reflect

BB	Brien Bartels
AB	Alan Bock
RWB	R.W. Bradford
BK	Bill Kauffman
WM	Wendy McElroy
SLR	Sheldon Richman
FLS	Fred L. Smith, Jr.
MMS	Martin M. Solomon
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I note that we in America live in post-Constitutional times, and that legal declarations of war are passé . . . And I also note that all the talk about "sending a message" with bombs is geared to sending a message to Slobodan M., not to his people. Not surprisingly, the people who are being bombed now rally around Slob.

Sans a careful Declaration, à la Rousseau, NATO and American intentions have not had the appropriate affects on Yugoslav policy, and could not have. —TWV

## ***Guilt by association with Bill Bennett***

— Ralph Raico's Reflection "Won't You Go Home, Bill Bennett?" (April) on the Center for Individual Right's challenge to race-based student admission policies suggests that CIR's efforts are anti-libertarian, in effect substituting one form of coercive arrangements (mandatory color-blindness) for another (mandatory race preferences).

Raico argues that a free society is preferable to either. He suggests, indeed, that the CIR must be up to mischief. I have to disagree.

CIR focuses on the constitutional and moral errors of current civil rights policy, a policy that seeks to create group rights in order to advance individual rights. CIR's strategy is to demonstrate that such race-preference policies are in conflict with the Constitution, which, properly understood, affirmatively forbids such policies at all public institutions.

If the world were libertarian, then Raico might be right to insist that CIR focus on freedom rather than steps toward freedom. But the world is far from libertarian. CIR, at worse, can be accused only of seeking to win one battle at a time. It uses the Constitution, which forbids all official or public racial discrimination, to attack federal and state affirmative action policies, which seek to advance group rights. This is a correct course. Before we can address the issue of whether there should be any law or regulation of private parties in this areas (a question easy for us libertarians to answer), it is necessary to defeat current policy. Only when compulsory affirmative action policies are eliminated are we likely to gain a favorable hearing for the policies that Raico and I favor.

Many liberals have been led to believe somehow that group preferences create no problems of fairness. As a result of the work that organizations like CIR carry on, however, many egalitarians are beginning to change sides. Recent electoral results indicate this shift in views. But most Americans believe that the government should do something in this area. Once current policies are cleared away, tolerance for voluntary help programs is likely to re-emerge, along with a willingness to eliminate the laws that now forbid it. The challenge is to show people that a freer world is also a fairer world. CIR is helping in that educational effort.

While the Constitution forbids public institutions from preferring one race over another, current policy requires (and current liberal ideology mandates) that student populations be racially and sexually balanced — so many men, so many women; so many blacks, not so many whites. As Raico notes, CIR's success means that color-blindness will be required of even such nominally private institutions as Duke and the University of Chicago as well as public institutions. But any institution can extricate itself from the influence of such requirements by avoiding taxpayer-financing.

Hillsdale, Grove City, and Bob Jones University have already done so. This, in itself, would be a very good thing. Truly private colleges and universities can set their own policies, but when taxpayers pay the tab, political judgments are inevitable; and what other political rule, save color-blindness, would one endorse?

I would note, however, that CIR has never challenged the enrollment practices of a private or even quasi-private college. Instead, it has mounted an inspired campaign against such state institutions as the University of Texas and the University of Michigan, and has won a number of major legal victories (the Hopwood case in Texas, for example). Each victory both addresses a specific injustice and provides an effective way of improving public understanding of injustice. CIR has effectively demonstrated that the constitutional safeguard of equality under the law is not yet obsolete. That demonstration, I believe, merits our support.

Raico's basic issue, however, remains: Should people be allowed to discriminate? Should a school or an employer be allowed to admit or hire only red-headed Irishmen, for example? To put it baldly, do even racists have rights?

To libertarians, the question is probably yes. Libertarians tend to believe, correctly in my opinion, that free societies are far more likely than political agencies to control discrimination. Still, we have not yet persuaded the American people of that fact. CIR's work is a powerful educational tool in that battle and should be valued accordingly. Nevertheless, Raico is right in believing that the case for letting truly private universities differentiate themselves remains strong. Indeed, as one scholar in this area has noted:

Perhaps, we should repeal the civil rights laws that tie private institutions to constitutional commands and let those institutions be truly private. Let each define its own mission and admission standards. Let there be institutional choice and (for lack of a better word) diversity.

Raico might note that these words appeared in the keynote publication of the conservative Heritage Foundation, *Policy Review*. Moreover, they were written by the Director of the Center for Individual Rights, Michael Greve.

In his critical work on cultural theory, Aaron Wildavsky suggests that a balance, a tension, between those favoring freedom (libertarian or individualists), those favoring order (conservatives or traditional values folk), and those favoring fairness (liberal egalitarians) is critical to the health of a society. Each value has its down side, so we are better if no one value dominates. In fact, our goal is less a libertarian world than a world of institutions that safeguard libertarian values; to achieve this, we must find ways of making our case to those who do not share our values.

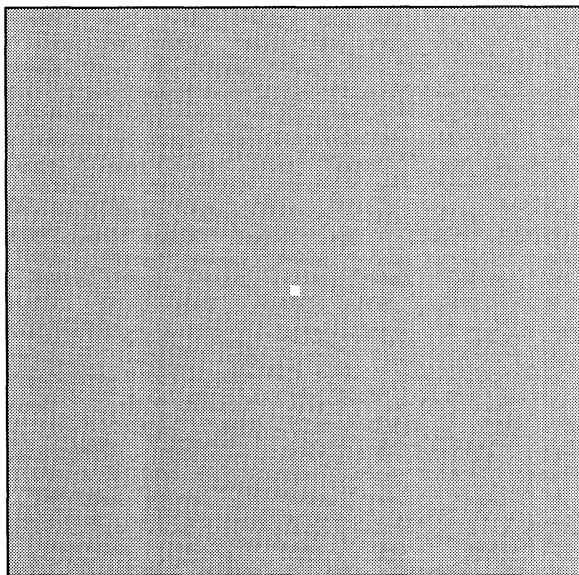
In *American Political Culture*, Richard Ellis observes that American opposition to the growth of big government resulted from the primarily skeptical view of politics taken by both individualists and egalitarians. But the Progressive capture of egalitarian values, beginning in the late 18th century, destabilized America and allowed government to grow. If we are to reverse this tendency, we must recapture the idea of fairness that is so important to egalitarians. CIR shows how this can be done.

Egalitarians do not really believe that one can be fair to one person by being unfair to another. The proponents of the

Civil Rights laws were forceful on this point. They explicitly denied any intention of promoting quotas that would disadvantage some people for the supposed good of others. By selecting poignant examples of individuals harmed by affirmative action, CIR gives a human face to the injustices of coercive egalitarianism, thus discrediting the policy among its most ardent supporters. Nothing is more likely to force a rethinking than the work of CIR.

Indeed, CIR's strategy should be taken to heart by all libertarians who are interested in actually promoting freedom. In our multicultural world, libertarians must find ways to show that people can favor a freer world because it would also be a fairer world. After all, people don't need to favor the whole philosophy of liberty if they are to endorse the institutions of liberty.

—FLS



### ***Let us now praise famous regulations —***

The graph above shows the final tally of public comments on the government's "Know Your Customer" initiative, which would have required every financial institution in the U.S. to keep tabs on every customer and report any unusual behavior to federal authorities. The grey area represents the 254,000 comments that the feds received in opposition to the measure, while the white area in the center represents the 72 favorable comments received.

On April 12, *The American Banker* published an article quoting 17 of those favorable comments. It's an interesting selection. Try this, from a certain Mr. Jack H. Peterson: "Pirates always need to hide their plunder." Or this, from Mr. Forrest W. Smith, who wisely opined that "people with something to hide are going to scream the loudest."

Some respondents were more, shall we say, laid back. "Sounds O.K. to me," wrote Ms. Della Summers. "I get Social Security only." Others plaintively pursued a party line. "Please don't let the Libertarians and others of their ilk stop you," begged Mike Summers. Still others envisioned a crack-down on opponents. "Implement the know-your-customer regs," urged Ray E. Potter III. "Investigate those opposed."

And in case you wondered whether federal bureaucrats appreciate irony, wonder no more. Among the comments counted as favoring the regulations were these:

"Don't let those little people push you around," wrote Scott Meredith. "You know what's best. Go for it, and I'll see you in the place where there is no darkness" — a subtle allusion to Room 101, the torture chamber in Orwell's 1984.

"Many [American subscribers] plan to expatriate," wrote the editor of *Caribbean Property List*. "When I ask why, some of them mention your new regulation. Keep up the good work."

—RWB

***Voting for your persecutor*** — In *Development Arrested*, a 1998 book about poverty and power in the Mississippi Delta, Clyde Woods argues that poverty is not a natural phenomenon; it "is a consciously and violently enforced societal practice." This seemed, at first reading, to be pretty silly. Poverty has been the natural condition of mankind through most of history, and even today the overwhelming majority of people living outside the capitalist west live in poverty.

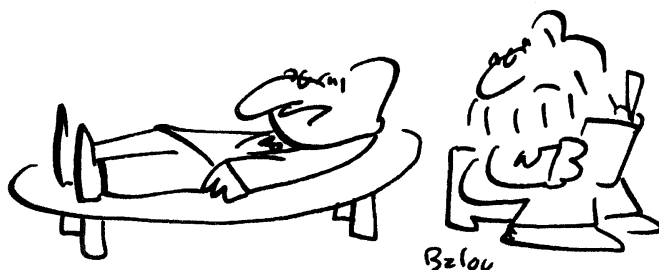
But as I thought more about the subject, it occurred to me that maybe Woods is on to something. Can anyone think of a better way to reinforce African-American poverty than the War on Drugs? It puts one out of three young black men in jail, gives them enormous incentives to become criminals, and overtly discriminates against blacks by imposing stiffer penalties on their drugs of choice than on drugs more frequently used by whites.

Blacks turned out in droves to vote for our president in 1996. Yet he served as chair of the Lower Mississippi Delta Development Commission, a federally sanctioned regional planning board made up solely of white men which was roundly criticized by local blacks for promoting policies that excluded them from any economic gains. Now, of course, Clinton is a strong proponent of the War on Drugs and the law that penalizes possession of crack cocaine (which is mostly used by blacks) more severely than possession of similar drugs used by whites.

Libertarians spend too much time treating the drug war as primarily an issue of freedom. I suggest we consider it also as a question of power. Doing so can enable us to reach out to blacks and other victims to help them understand that big-government Democrats are not really their friends.

—RO'T

***Defending the undefendable*** — America's "constitutional crisis" about Bill Clinton's misdeeds is over, and the following points have been generally agreed to: Clinton, by any reasonable standard, committed felony perjury and, most likely, felony obstruction of justice as well; he



"The IRS has taken possession of my body!"

has clearly violated current legal standards for sexual harassment in the workplace; and he may well be a rapist. But all of this led to his impeachment, not his ouster. The reason is generally agreed to, also: the man commands the support of the public, which rallies to his defense when it sees him being attacked.

Scarcely two months have passed since Clinton dodged his impeachment conviction even more cleverly than he ever dodged the draft, and now we're in a war against Yugoslavia. And while the U. S. government drops ordnance on this European state at an ever-increasing rate, American pundits are amazed that the Yugoslavians (who only last year were protesting against Milosevic) are rallying around their president while he is (literally) under fire by his enemies.

Why, they ask, would rational people ever do something like that?  
—guest reflection by Ross Levatter

**NATO *raison d'être*** — In a *Washington Post* op-ed supporting the bombing of Serbia, Bill Kristol asks, "What Is NATO For?" Ken Minogue, the British political thinker, supplies an answer. NATO is the military arm of Amnesty International. —FLS

**Conservatism kills**— Prominent among the offenses of conservatism is the self-congratulatory "tough-mindedness" of some conservatives about innocent victims of American ordnance. For conservatives like William Kristol and George Will, qualms about collateral damage reflect weakness of will, and smack of a "blame America first" attitude. When American credibility's at stake, woe betide the pesky foreign civilian who gets between us and our national interests.

A passage on Vietnam in Paul Johnson's overpraised *A History of the American People* puts the neocon view pretty starkly: "The experience of the 20th century shows that self-imposed restraints by a civilized power are worse than useless." According to Johnson, namby-pamby concerns about civilian deaths hampered the effectiveness of America's bombing effort in North Vietnam. Despite all the liberal handwringing, "the proportion of civilians killed, about 45 percent of all war deaths, was about average for 20th-century wars." Well, there you go. Fewer than half of the people we killed were noncombatants. And we killed fewer innocents than either Hitler or Stalin. Why the fuss?

Today, as bombs fall on Kosovo, Bill Buckley voices the familiar conservative refrain. In his March 25, column, "The

Only Way to Bomb Milosevic," Buckley espies insufficient toughness in America's approach toward the enemy-of-the-week. The one "obstinately unsatisfactory aspect" of NATO action, according to Buckley, is that bombs will be dropped only on "the fighting front." "The reasons we give," he notes, "are conventionally acceptable"; you don't endanger "innocent people." But, "there really aren't significant differences between civilian Serbs who are simply going about their duties in Belgrade, making shoes, or serving pasta, and Serbs firing artillery into Kosovo villages."

Of course, Buckley's faith, Catholicism, teaches that there is a significant difference, and has so taught at least since the time of Aquinas. Thus, the *Catholic Encyclopaedia* notes in its entry on war that "in the prosecution of the war the killing or injuring of non-combatants (women, children, the aged and feeble, or even those capable of bearing arms but as a matter of fact not in any way participating in the war) is consequently barred, except where their simultaneous destruction is an unavoidable accident attending the attack upon the contending force. . . ."

That "war is hell," in the sense that it inevitably carries with it a maximum of human miseries, is true; in the sense that it justifies anything that makes for the suffering and punishment of a people at war, it cannot be ethically maintained. The defense, that it hastens the close of war through sympathy with the increased suffering even of non-combatants, will not stand.

You needn't be religious to be appalled at the idea that distinguishing between soldiers and civilians is an unaffordable moral luxury. Americans of every stripe ought to recoil at some of the statements neocons blithely make on the nation's op-ed pages. They're telling us that American credibility demands the murder of innocent civilians, in countries with which we have no earthly quarrel. Well, chin up: "this is no time to go all wobbly in the crusade against genocide."

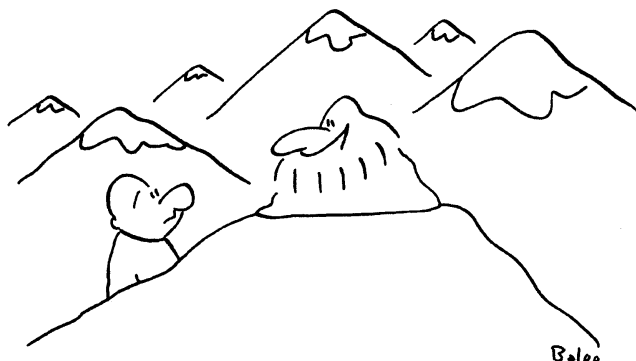
—guest reflection by Gene Healy

**Not an equal opportunity warrior** — The death toll for the civil war in Sierra Leone was about 3,000 during January. Wonder why NATO didn't threaten to lob cruise missiles at one of the parties, as it did in response to the civil war in Kosovo. —AB

**The discrete charms of the warmongers**

— 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."

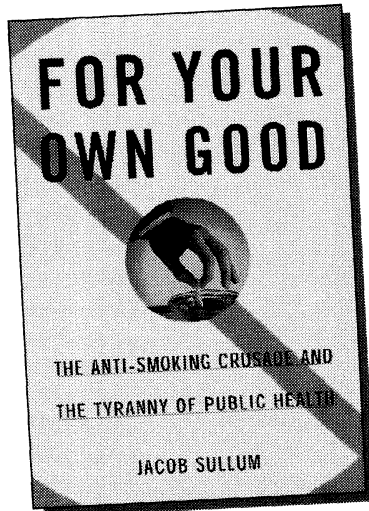
Hatred, bathos, historical lectures by 27-year-old *New Republic* writers who have spent an entire morning researching a subject: each undeclared war has its own special charms. There was Tom Brokaw asking a telegenic shrink if Manuel Noriega (my kingdom for a carton of Oxy-5!) had the same psychological makeup as Hitler; poignant tableaux of suffering Kuwaiti youth, keening and wailing that the Iraqi occupa-



"The meaning of life? Sure — you want the American version or the European version?"



**SURGEON GENERAL'S WARNING: This Book Contains Ideas And Information That Are Hazardous To The Health Of The Anti-Smoking Movement.**



Under the banner of “public health,” tobacco’s opponents say the government has an obligation to eliminate smoking. In *For Your Own Good*, award-winning journalist Jacob Sullum argues that such a use of state power is illegitimate and dangerous, threatening the freedom of anyone who dares to trade longevity for pleasure.

“Even Republicans who claim to be diehard protectors of liberty have proven flexible when the object of that liberty is sufficiently unpopular. For a cogent and thorough explanation of this contradiction, Jacob Sullum’s book *For Your Own Good* is a must-read.” — *Washington Post Book World*

“Jacob Sullum...sees [tobacco legislation] as a decisive infringement on the right to smoke and a vast extension of what he calls ‘the public health movement,’ which seeks to regulate our pleasures and legislate our risk-taking down to the smallest details of what we ingest or enjoy. Whatever you may feel about smoking, you can’t help being chilled by the implications of this newly triumphant public health philosophy.” — *The Wall Street Journal*

“Finely reasoned...meticulously logical...fair and balanced...It is to Mr. Sullum’s considerable credit that he has made us even think about totalitarianism in this most unlikely context.” — *The New York Times*

“[Anti-smoking] hysteria is more than repugnant, it is false. In *For Your Own Good*, a lucid and superbly researched new book on the antitobacco jihad, journalist Jacob Sullum pinpoints the deceit.” — *Boston Globe*

“Sullum is a thoughtful and remarkably articulate proponent of a position that it behooves all members of the health care professions to understand and contemplate.” — *The New England Journal of Medicine*

ing Kuwaiti youth, keening and wailing that the Iraqi occupation had disrupted their supply of Ecstasy; and callow hawks like Jonathan Alter and Bill Kristol, kids you'd choose last for your kickball team, trying to talk like so many nail-spitting Sergeant Strykers as they fidget with that thingamajig in their ear and coolly calculate how many ragheads/Slav slobs/spics the Indispensable Nation should kill today.

An early highlight of the U.S. war on Yugoslavia was

## Errata

Alert readers have noticed a dreadful discontinuity in David Friedman's "Rethinking the Data" and an abrupt end to Tom Palmer's "The Case of the Missing Premise" in the May *Liberty*. The two problems were related: somehow in the process of laying out the various essays in our "The Transformation of Libertarianism?" symposium, the final six and a half paragraphs of Palmer's essay were picked up and moved to the end of Friedman's.

Isabel Patterson observed that no matter how much effort goes into proofreading, occasionally "some particularly glaring mistake, probably in the front-page headline" will find its way into print. Somehow we managed to commit an even more glaring mistake. We actually managed to tear apart Palmer's essay mid-sentence.

On page 22 of the May *Liberty*, what appears to be the final seven paragraphs of Friedman's piece are actually the final six and a half paragraphs of Palmer's essay. And on page 26, what appears to be the final paragraph of Palmer's piece is actually only its first one and a half sentences.

Here is how that paragraph ought to have read:

I do not believe that there is a general trend, among libertarians or among members of our society generally, to adopt ad hoc utilitarianism and reject more extensive or wide ranging principles or axioms. An example of a principle widely invoked today that plays the role that rights and non-aggression should also play is the identification of a scheme or policy as "discriminatory," an identification that automatically condemns that scheme or policy unless there is some overriding purpose served by the discrimination. For most North Americans, at least, to point to a policy and say that it is "discriminatory," based on "unequal treatment," or "unfair" is to disqualify it and demand a change. At least when applied to the actions and policies of government, that's not a bad attitude. It is the application of a well-established general principle to concrete issues. In some cases the discrimination is, upon examination, found to be justified; examples might include excluding women from combat roles in the military if evidence is shown that putting women on the front lines would lead to a decline in national security, and differently weighted votes for the U.S. Senate for Nebraskans and Californians, if it helps to preserve federalism and thereby some limits on government power. Thus, the principle against government discrimination among citizens is a rebuttable presumption, but that does not rob it of its force, as anyone who reads the daily newspapers can attest. Natural-rights ("moralistic") libertarians believe that natural rights should have something like the status that the presumption against discrimination has today. Natural rights are imprescriptible — they are not gifts or dispensations from authority, but they are also defeasible, i.e., capable of being annulled or overridden by other considerations. Imprescriptible and defeasible are not contraries. Being defeasible does not mean that natural rights have no force, nor that they should be discarded whenever one finds it merely convenient or to one's liking.

The full text of both essays (as well as all other writing in *Liberty's* symposium on the changing face of libertarianism) can be found on the World Wide Web at:

[www.libertysoft.com/liberty/features/73symposium.html](http://www.libertysoft.com/liberty/features/73symposium.html)

*Liberty* apologizes to Messrs. Friedman and Palmer and to our readers.

supplied by the imitable *Newsweek*. Ripping a page from the "Rampaging Hun" stories of World War I, the weekly gave us "Vengeance of a Victim Race," in which we learned, "the Serbs are Europe's outsiders, seasoned haters raised on self-pity." Rewrite this for any other race and you'd find yourself in a Re-Education Camp faster than you can say Louis Freeh. One accompanying photo showed two frumpy women (no Renee Zellweggers, that's for sure!) dancing on the wreckage of a U.S. stealth bomber. The photo was titled "A Thirst for Revenge," as though only the most twisted and vindictive harpy would rejoice over the failure of a war machine that is trying to kill you and your family. Another photo caught "a Belgrade youth" tossing rocks at a McDonald's. (You deserve a brick today?) There, we may be sure, is a lad so far gone in moral turpitude as to doubt the very blessings of capitalism.

This, too, shall pass, and the unfortunately named Slobodan will join Manuel, Saddam, the Ayatollah, Muammar, Daniel Ortega, and the other Enemies of the Month in the Haunted House wing of the Gannett Corporation's Newseum. Who's next? My money is on people with slanted eyes, but as the New York Lotto ad says — hey, ya never know. —BK

**James D. McCawley, RIP** — Professor James D. McCawley, one of the world's leading linguists, died suddenly on the evening of April 10th, while walking home from a cultural event in Hyde Park, Chicago, where he lived. Apparently the cause of death was a heart attack. Jim had celebrated his 61st birthday only eleven days earlier.

As well as his academic achievements, Jim was a passionate and active libertarian anarchist, a gourmet and expert on cuisines of many cultures, and a highly knowledgeable music lover who played several instruments. Every 14th July he held a Bastille Day potluck, where guests were obliged to bring something from a country that had been ruled by France. (Almost anything really — I once took bourbon, another time tequila, and another time chicken tandoori — but you had to have your historical story straight.) Jim would always sit down at the piano and everyone would sing all god-knows-how-many verses of the Marseillaise — it seemed like around 500.

Among his better-known books are *The Eater's Guide to Chinese Characters* (to be reprinted soon) and *Everything Linguists Wanted to Know about Logic (But Were Afraid to Ask)*. Jim was one of the members of the first class of Ph.D. students under Chomsky at MIT, but he later helped to lead a theoretical revolt against Chomsky (described in *The Linguistic Wars*, by R.A. Harris). Most unusually for a libertarian, Jim was a strong epistemological relativist and admirer of Paul Feyerabend, whom he also knew personally.

Although he came to the U.S. at age six, Jim never lost a noticeable Scots lilt. He was sometimes mistaken for an Ulsterman because, as he pointed out, his combination of speech elements of Glasgow and Chicago sounded very like a Northern Ireland accent.

Jim possessed a quick mind, a vast store of erudition, an enterprising disposition, and a highly tolerant and equitable manner. The libertarian community, as well as linguistic science, has sustained a major loss. —David Ramsay Steele

# A Nice Little War

by R. W. Bradford

One disturbing aspect of the Kosovo War is its utter predictability. Like virtually every war of this century, it was launched as an effort to defend the innocent against a barbarian oppressor, and as it progressed, an elaborate public relations campaign sought to portray the opposite side in an ever more dreadful light.

Milosevic, a socialist and nationalist, hardly different from most other successful politicians, has been transformed into another Hitler. Refugees from Kosovo are portrayed as victims of horrible barbarism at the hands of the Serbs, never mind the fact that NATO planes are incinerating the Serbs' homeland. Reporters have no difficulty finding refugees who voice support for the NATO bombing and condemn the Serbs in terrible terms, but somehow never mention that ethnic-Albanian Kosovars support NATO for the unsurprising reason that NATO has committed itself to their cause. That cause is independence from Serbia, at the very least, and quite likely the expulsion of ethnic Serbs from Kosovo and the transfer of Kosovo to Albania.

Already the demonization of Serbs is so successful that news media routinely refer to them as terrorists, a word never used to characterize NATO warriors, who literally rain death and destruction on innocent civilians in Serbia's major cities.

The audacity of the propaganda campaign is astonishing. The other day I saw a military commander at NATO headquarters explain that the military's job — destruction of the Serbs — was relatively easy, and that the real heroes were the politicians who were winning the much more challenging job of engineering public opinion to support the war.

The most audacious argument to emerge from the war originates with Robert Dole: we must intervene in the Balkans because it is a powderkeg where major wars are always liable to grow out of small conflicts. He refers, of course, to the Great War (1914-18), which began when a Serbian nationalist assassinated an Austrian prince in nearby Sarajevo. Of course, the only reason why that minor act of political terrorism escalated into the world's most deadly war was because the Great Powers chose to inter-

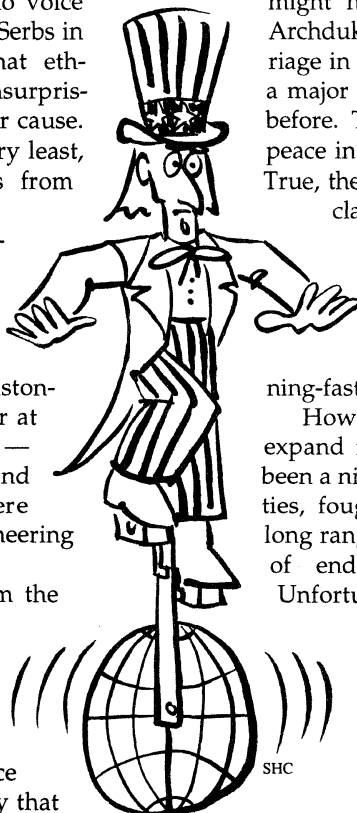
vene . . . which is exactly the course of action that Dole recommends today.

The Kosovo War is reminiscent of the Great War in another way: It is happening in a world that has largely forgotten the horrors of war, and is thus far less reluctant than it might have been to start firing cannons. When Archduke Francis Ferdinand was shot in his carriage in Sarajevo, Europeans had not suffered from a major war since the defeat of Napoleon 99 years before. The Kosovo war comes after 44 years of peace in Europe and 25 years of peace in America. True, the United States has engaged in many undeclared, minor wars during those years — in Haiti, Somalia, Panama, the Sudan, Afghanistan, Libya, and Iraq — but these wars were pretty much remote-controlled slaughter of hopelessly inadequate opponents or lightning-fast invasions and occupations of micro-states.

How far the war against Yugoslavia will expand remains to be seen, of course. So far, it's been a nice little war: one with no American casualties, fought by remote control with missiles and long range bombers, all for the humanitarian cause of ending the evil of Slobodan Milosevic. 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.

In the pages that follow, *Liberty's* editors and contributors take a closer look at this not-so-nice, not-so-little war.



# The Real Kosovo Tragedy

by David Ramsay Steele

I was standing with my wife and children near the Picasso statue. The priest was singing the prayer in Church Slavonic. There was a microphone, but it sounded as though he didn't need it.

Since it was Good Friday, we didn't get the usual sullen sidelong looks (*Why aren't those kids in school?*). There were not many more than a thousand people in the square. For nearly all of them, it *wasn't* Good Friday, because this year the Orthodox Easter (Pascha) falls a week later than the Western. Chicago, by the way, has the largest concentration of Serbs outside Yugoslavia. *We might be bombed.*

You don't think the Clinton regime would bomb an American city? I wouldn't count on it. They incinerated the residents of Mount Carmel, just for having slightly weird

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*Whom do you call when you're beginning to suspect that World War III has begun, and our side are the Nazis?*

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religious views and being prepared to defend themselves against armed assault. No one even thought of impeaching our lovable rogue merely for this mass murder of American citizens. He bombed a pharmaceutical factory in Sudan, announced he would very soon release the proof that this factory had some kind of connection with terrorism, and never did. The regime wasn't even mildly embarrassed by that.

The priest stopped singing in Church Slavonic and began singing the translation, into Serbian. Only a few years ago we called that language Serbo-Croatian. In Church Slavonic, or even in Serbian, the singing was piercingly beautiful. But for most people there, it was something routinely familiar. They had heard it on many a Sunday.

How did we come to be in this unlikely company? We had switched on our TV, and seen our tax dollars at work, raining down death and destruction on the Yugoslavs. We heard the talking heads saying: Why this namby-pamby approach? We have to exterminate the Serbs to get results. Let's do it! (My translation from Beltway Wonkspeak into English.)

We called both Libertarian Party numbers (Chicago and

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Illinois). Nothing doing. I sent an email to Senator Peter Fitzgerald, thanking him for voting against the bombing. I couldn't send him a second one, because then I would be revealed as a crank, and the minuscule value of my first email would be wiped out.

Whom do you call when you're beginning to suspect that World War III has begun, and our side are the Nazis? The Left? The Right? There was no visible sign of any anti-war activity from either quarter. The Serbian Orthodox Church, said my wife, Lisa, and called them. A demonstration? Well, a prayer vigil. Daley Plaza. Friday, 1:00 p.m.

So there we were. The younger of our children clapped when everyone else clapped, even when the speech was in Serbian. There weren't many in the throng who weren't Orthodox. About half of them carried icons and at least three quarters crossed themselves in the Orthodox fashion at appropriate moments.

Serbian flags. Greek flags. Only one or two Russian flags. A message was read from Yugoslav Jewish leaders denouncing the NATO bombing, then another from the Crown Prince of Yugoslavia, denouncing the bombing at greater length. Both messages were cheered.

Many in the crowd were carrying enormous pictures of a deep red flower, somewhat between a rose and a poppy. Others had a picture of concentric circles on their backs, a target, with the legend "I am proud to be Serbian. Kill me." A very few had more secular slogans: "Mr. Clinton! The Serbs Will Not Go Down On Their Knees Like Monica Did." Yes, we're still at the early stage where we call this specimen "Mr."

After the Serbian version, the English translation was sung. The priest was asking that all the Christians killed in the recent bombing be forgiven all their sins, "both voluntary and involuntary." So someone's looking after that side of things.

My thoughts scanned the heavens for help from a different quarter, possibly no more reliable. Will Russia do something? The Russians could start bombing KLA positions in Kosovo and Albania, for example. (This would be worth it, I think, just to hear Clinton's argument that there was some-



# The War in Kosovo

thing wrong with it.) They could announce publicly that any land invasion of Yugoslavia would result in a state of war between Russia and the U.S. They could put a token tripwire force of Russian troops into Kosovo and, while they're at it, into Montenegro, before the U.S. succeeds in annexing Montenegro as they have already annexed Bosnia and Macedonia.

I am very much afraid that none of this will materialize. The Clinton administration's statements seem to indicate that they are very sure of Russia. This would signify that the Russians have promised that they will do nothing to resist. The U.S. can invade Yugoslavia, and Russia will roll over for the sake of an IMF loan.

## Ethnic Cleansing and "Ethnic Cleansing"

The American public has been given one fundamental reason for the bombing: to stop ethnic cleansing. Ethnic cleansing is an interesting concept. Although the term was reputedly first used by Russians to describe relations between Armenians and Azerbaijanis, in English it instantly became, by definition, a crime only Serbs can commit.

When Gerry Adams's boys shot the occasional Protestant in places like South Fermanagh, to underscore their point that these areas ought to be homogeneously Catholic, no one called it ethnic cleansing. When the Quebec provincial government makes life irksome for Anglophones, and a few enthusiastic Francophones help out with the occasional slashed tires, no one calls it ethnic cleansing. When the American West was taken from the Indians, no one called it ethnic cleansing. When Israel encouraged the indigenous population to move out, handing over their property to newcomers from Eastern Europe and North Africa, no one called it ethnic cleansing. When France moved former Algerian *colons* into Corsica as a prophylactic against Corsican separatism, no one called it ethnic cleansing. When Turks massacred Armenians and Kurds, no one called it ethnic cleansing. When millions of Germans were dragged out of their dwellings at the end of World War II, and forced to move hundreds of miles away, no one called it ethnic cleansing. When Turkey invaded Cyprus, shipping over thousands of new Turkish settlers to seize the lands of the evicted Greeks, no one called it ethnic cleansing.

And naturally, when the victims are Serbs, no one calls it ethnic cleansing. The sad fact is that what is called ethnic cleansing (when Serbs do it) is a very common, almost a universal feature of the modern world. And the Serbs have been somewhat more "ethnically cleansed" than ethnically cleansing. (I use quotation marks to conform with the current semantic convention that only Serbs can, by definition, commit ethnic cleansing.)

If you doubt this, look at the score: the Serbs were the largest group in Communist Yugoslavia. The Communists instituted a federal system with considerable local autonomy. There was never any attempt to Serbianize the non-Serbs in the way that the Russians Russianized the non-Russians in the Soviet Union. With the breakup of Communist Yugoslavia, Slovenia, Croatia, and Macedonia seceded.

In 1995, thousands of Serbs in Krajina, Croatia, where

they had lived for centuries, were killed by Croats advised by Americans. As part of this hygienic operation, planes under U.S. direction bombed the U.N. "safe area" of Krajina. The entire surviving population of 250,000 Serbs, were forced to leave with what they could carry, and trek hundreds of miles. No one called it ethnic cleansing.

## NATO's Ethnic Cleansing

Before World War II, Serbs were over 70 percent of the population of Kosovo. Now they are less than 20 percent. How did this occur? Because of "ethnic cleansing" (not, of course, ethnic cleansing) by Albanians. This was promoted by Mussolini's plan for a "Greater Albania," the mantle of which has now fallen on the shoulders of the Arkansas rapist. In between, especially from the 1970s into the 1990s, the Albanian population of Kosovo grew rapidly, both absolutely and relatively, while hundreds of thousands of Serbs, encouraged by Albanian unfriendliness, left Kosovo. With them went many of the non-Albanian, non-Serbian groups in Kosovo. The province has 26 nationalities, all with centuries-old roots there. Virtually all of the non-Albanians, including the Turks, are pro-Serb and anti-Albanian. They know at first hand who has been initiating the "ethnic cleansing."

Clinton's bombing of Kosovo's Serbs, then, is the continuation of a long-term "ethnic cleansing" of Serbs. When the NATO powers began their bombing, a flood of refugees left Kosovo. In an amazing piece of theater worthy of Dr. Goebbels, the Clinton regime announced that the refugees were not leaving because of the bombing and its consequences, but because, coincidentally, the Serbs had started a

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*Ethnic cleansing is an interesting concept. Although the term was reputedly first used by Russians to describe relations between Armenians and Azerbaijanis, in English it instantly became, by definition, a crime only Serbs can commit.*

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campaign of ethnic cleansing against the Albanians. We were asked to believe that, abruptly, under NATO bombardment, the Serbs were doing something they had not done in decades of firm control of Kosovo.

Once the bombs were falling, the Yugoslavs sensibly moved against the KLA positions. No doubt there were some gratuitous atrocities, by local Serbs enraged by the NATO bombing, and no doubt clearing out the KLA fighters often involved displacing their families. It may be years before we can achieve a detailed objective picture, stripping away the propaganda of both sides. Let's recall that recently many thousands of Albanian refugees flooded out of Albania. Remember the overlaid boats and the hastily constructed camps in Italy? No one was ethnically cleansing them or even "ethnically cleansing" them; there was civil strife and social breakdown in Albania, that was all.

One piece of corroboration for the commonsense view (if

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you bomb hundreds of civilian targets in a country where there is already a secessionist war, you create refugees) is that Albanians fled Kosovo in all directions. Belgrade has a permanent Albanian population of 100,000. With the bombing, independent observers testify that new Albanians started arriving in Belgrade by the tens of thousands. It seems unlikely that they would do this if they believed the Yugoslav state was what they were fleeing from.

In recent years, Serbian moves against Albanians in Kosovo appear to have been either strictly concerned with defending the non-Albanian population against the KLA, or occasional isolated acts of brutality, comparable to the killing of unarmed blacks in New York City by white police — deplorable but sadly not unusual the world over, and hardly sufficient justification for bombing. Until quite recently the U.S. government officially categorized the KLA as dangerous

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*The rationale for bombing Yugoslavia is so threadbare, so ludicrous, so absurd, that it carries a simple message: anyone, anywhere in the world may be bombed.*

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terrorists with whom NATO could never deal. The U.S. bombed Khartoum because of some highly obscure and indirect connection with Bin Laden, but now works completely hand-in glove with the KLA, whose associations with Bin Laden are not denied.

The Yugoslavs claim the KLA was instigated and inserted into Kosovo by NATO, who trained the most bigoted Albanian youth they could find in camps in Germany, then brought them back to Kosovo with NATO-supplied guns and money. Prior to the rise of the KLA within the last year, the pre-eminent figure among the Kosovo Albanians was Ibrahim Rugova, hailed in the West as "the Gandhi of the Balkans." The Kosovo Albanians boycotted Yugoslavian elections and held their own. In these elections, Rugova was returned unopposed. When NATO started bombing Kosovo, Rugova went to Belgrade, met with Milosevic and denounced the bombing.

The NATO side immediately claimed that videos of Rugova with Milosevic were faked. But it came out that Rugova had had discussions with the Russian ambassador. By the time the story appeared in *The New York Times*, Rugova was referred to merely as an "Albanian pacifist," the *Times* not choosing to remind its readers that Rugova was, a few years back, the leading figurehead of the Kosovo Albanians. The *Times* also insinuated without evidence that Rugova might have been held under duress. (I can't prove that this is not so, though my guess would be that Rugova went to Belgrade to avoid being assassinated by the KLA.)

## The Acropolis in Rubble?

Now the U.S. has a new rationale for its presence in the Balkans and its coming invasion of Yugoslavia — to do something about the appalling "humanitarian tragedy" its

own bombing has created. Some European observers, such as Vaclav Klaus, speaker of the lower house of the Czech parliament, stated that it was clear that the humanitarian tragedy was a direct result of NATO bombing, but these statements were, to say the least, under-reported in the U.S. (And what does Klaus think he's playing at? Does he want cruise missiles on Prague?)

The rationale for bombing Yugoslavia is so threadbare, so ludicrous, so absurd, that it carries a simple message: anyone, anywhere in the world may be bombed. The only precondition I can see is that it's necessary to prepare American opinion first, but this is a simple matter, given the "oral-anal contact," to borrow a phrase from the Starr Report, between the genuflecting American press corps and the U.S. ruling class.

Milosevic has been compared with Hitler, the symbolic message being that a "dictator" must be stopped before he tries to take over the world. Aside from the fact that Germany was the world's second industrial power, whereas Yugoslavia is one of the poorest countries in Europe. Germany in the 1930s kept on adding territory, whereas Yugoslavia has been losing it. In the 1930s nervous people wondered, where will Germany strike next? Today, nervous people ask, whom will NATO bomb next? There has been talk of some NATO members leaving the alliance. But they must hesitate to do this, for surely any country that leaves NATO might very well be bombed.

This is how it would work. Greece leaves NATO. Immediately, or after a brief delay to cement the American decimation of the Serb population and occupation of Yugoslavia, there is a flurry of well-funded seminars about Greek treatment of ethnic minorities. With NATO funding, Turkish and Albanian troublemakers do everything they can to engineer incidents that will exacerbate relations. The thrilling intellectual exercise for the seminars is this: can Greek behavior be termed "ethnic cleansing," a term until now reserved only for Serb atrocities?

After six months of this, that question is quietly dropped, and references to Greek ethnic cleansing become regular and unchallenged. Now the question is: what shall NATO do about Greek ethnic cleansing? Shall we stand idly by while this mayhem goes on, or shall we act decisively? Every urban legend about the Greeks distributed by the Turkish or Albanian equivalents of the Roswell nuts is taken for gospel by the American media. On the serious TV talk shows, in the pages of *The New York Times* and other ruling-class house journals, all the blinkered apologists for mass murder, one robotic Kondracke or Barnes or Fund or Ingraham after another, raise this vital question which we neglect at our peril. On the many Beltway wonk circuits, plans are eagerly discussed for the bombing of Greece, incorporating all the practical lessons gained from the bombing of Serbia.

Then, one day, perhaps when the president is, quite by coincidence, facing a sex or an espionage scandal, we turn on our TV sets to see the Acropolis in rubble. (We never claimed these weapons had pinpoint accuracy. And, it so happens, we have just received a disturbing report that the Greeks were about to use the Acropolis for the mass killing of 50,000 Albanians.) It comes out that the French had raised an objec-

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tion to the bombing of Athens, but were whipped into line with a raised eyebrow. (Do you want to see the Louvre in flames?)

The model for this operation, and for today's Yugoslav war? Germany's annexation of the Sudetenland in 1938.

## What Is NATO's Objective?

When it became clear that NATO would not achieve Greater Albania within a week, we began to hear about the removal of Milosevic as a new objective. This is a particularly ignorant and idiotic rationalization for the war. Milosevic's election as President of Yugoslavia was quite narrow (53 percent of the vote). If most Albanian Yugoslavs had voted in Yugoslav elections, instead of boycotting them, Milosevic would never have stood a chance of election. (Imagine Israeli politics if virtually all Arab Israelis refused to vote.) Milosevic responded to the narrowness of his victory by inviting all the opposition parties to join his government, which most of them did.

Milosevic was twice elected as President of Serbia, then once as President of Yugoslavia. The respective constitutions require that the limit for President of Serbia is two terms, for President of Yugoslavia, one term. Therefore, at some time in the next couple of years (Yugoslavia has a movable-term democratic system, like the British) he would not have been able to run for the Presidency. Milosevic was therefore already riding out his last year or two in the Yugoslav leadership.

Many Serbs are opposed to Milosevic on many issues, but virtually none favors having Kosovo occupied by NATO, with the KLA given a free hand to escalate its ethnic cleansing — or rather "ethnic cleansing" — of Serbs, which is essentially what Rambouillet calls for. Rambouillet was a facetious document. It must always have been intended as something that Yugoslavia could never sign, a flimsy pretext for ethnically cleansing the Serbs and establishing Greater Albania Now.

So why is NATO doing it? If we extrapolate from the predictable results of their actions, 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. (Budget surplus? That's one problem you can now forget.) 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. Their function will be to "keep the peace," to terrorize the population into passivity by the threat of death raining down from the sky. And, I'm just wondering, are similar garrisoned colonies to be installed in several places on each continent?

Maybe I'm naively missing something, but I can't actually credit that this is what the policymakers intend, however much their behavior points to it. My hypothesis, perhaps simple-minded, is that these people actually believe what they say about the Serbs. Just as there are rumor panics and

outbreaks of mass hysteria among the uneducated population, connected with UFOs or Satanic ritual killing of babies, and just as there are domestic policy crusades of demented fanaticism, like the War on Drugs, with its preposterous lies about the pharmacological properties of various chemicals and its ferocious demonization of drug consumers and drug providers — so we have the international counterpart of these irrational movements of unruly religious fervor, leading to coercive conspiracies against millions of innocent people.

I don't conclude, however, that all that's necessary is to debunk these crazy systems of belief, though that has to be done. The fact that an international terror machine like NATO can fall into the hands of unreasoning fanatics whose dotty ideas make them desperately brutal, is merely one more reason why no such institution of mass destruction should ever exist.

Even if all the tales of atrocities laid at the door of Milosevic and the Serbs (tales disseminated more hysterically with every NATO setback) were true — just grant that premise — is it really so self-evident that the right thing to do is the terror bombing of eight million civilians, the vast majority of whom (even *ex hypothesi*) had no responsibility for these atrocities and (in fact) don't believe they occurred? Is it really the best we can do, to cripple the industrial infrastructure of a country, destroy religious shrines and ancient

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*The fact that an international terror machine like NATO can fall into the hands of unreasoning fanatics whose dotty ideas make them desperately brutal, is merely one more reason why no such institution of mass destruction should ever exist.*

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works of art, slaughter innocent people of many ethnicities, pulverizing even farms and livestock in the countryside? How do millions of people respond when you do all that to them? In the words of *The Mikado*, they usually object.

## What Is Humanity's Objective?

Our first objective must be the dismantling of NATO. NATO, or something like it, was (in my judgment, but let's not fall out over this now) necessary to deter and contain the Soviet bloc. NATO was formed as a defensive alliance against the Soviet Union's expansion. When the Evil Empire fell, why wasn't NATO dissolved?

When NATO went recruiting new member-states from the former Soviet satrapies, it told the Russians they had nothing to worry about, since NATO was purely defensive. NATO's own charter states that it will act only defensively. But now NATO has commenced the devastation of a small country, which has been losing territory, and which has not been threatening any other country, let alone attacking any NATO member.

## The War in Kosovo

NATO is largely an instrument of the U.S. Since Europe is much bigger, in both population and output, than the U.S., it might be embarrassing to explain to U.S. taxpayers why the U.S. should alone shoulder the costly burden of terrorizing and massacring people on every continent. But essentially, what NATO does is always the U.S.'s doing. The second immediate goal, therefore, is to scale back and reshape U.S. military spending so that it is adequate for just one role: the defense of the United States itself against military attack, thus incidentally yielding a substantial decrease in taxation and increase in living standards.

Though it may seem tactless to point it out while NATO is slaughtering the innocents, this hi-tech bombardment is not only mass murder and vandalism, it comes at the expense of American well-being. In Illinois we have recently had another fatal accident at the intersection of a road and a rail crossing. There are hundreds of these accidents every year in the U.S. Every rail-road intersection could be replaced with a bridge or underpass, completely eliminating any such accidents thereafter, for the price of a few cruise missiles, a tiny fraction of the cost of Clinton's war on Yugoslavia.

Ideally, we should also make sure that Clinton, Albright, Blair, and the rest of the contemptible terror gang are shipped off to Belgrade to be put on public trial as war criminals. Or, to be scrupulously fair, to some neutral country like Libya or Iraq.

Of the very few people by the Picasso statue who were not Orthodox Christians, one was a lone woman with her own banner. She made a loud remark about how "stupid" it was to conduct so much of the proceedings in Serbian. No, it's not stupid, just early. When a priest got up to ask everyone to keep watching for news of future events, he didn't bother to give a phone number. He must have assumed everyone would hear through their churches. The struggle against the NATO murder machine is no doubt in its infancy. The priest had no thought of an anti-war coalition with non-Orthodox.

At the end of the vigil, the priest asked everyone to hold up "your icons and your flags." The red flowers were Kosovo Peonies, a flower that, they say, grows only in Kosovo, and blooms abundantly on the battlefield, site of the proudest day in Serbian history. It was 28th June, 1389, the Battle of Kosovo. The Serbs were defeated, their entire aristocracy was slaughtered, and they were consigned to 500 years of subjection under the Ottoman empire. Now they are absolutely willing to face being butchered by the American empire, and knuckle down to another 500 years of, probably more oppressive, subjection. But they'd prefer to avoid it, and I'd also prefer that they avoid it.

"Come back, and bring your good Serbian Orthodox Christian hearts," said the priest. Yes, and just a very few good Anglo-Saxon atheist hearts, too. □

## More Guns, Less War

I remember a news report I saw in 1993. The fighting between Bosnian Muslims and Serbs was at its most savage, and the Muslims were getting the worst of it. A group of Bosnian Muslim soldiers were hiding their Soviet-made T-72 tank in a barn. The T-72 tank is one of the most sophisticated battle wagons ever made, capable of slaughter on a wide scale. So why were the Bosnian Muslims hiding their metal beast in a barn?

This particular T-72 happened to be the only one in their arsenal. Rather than risk losing their prized possession to a lucky artillery round, they stashed it away as a weapon of last resort. The news report went on to say that the Serbs had dozens of tanks at their disposal . . . and they weren't hiding them in barns.

Thanks to the United Nations, the only way the Bosnian Muslims were going to acquire new tanks, small arms, or even sling shots, was if Allah himself delivered them. A 1991 U.N. arms embargo on the warring nations in Yugoslavia emasculated both Muslims and Croats, making them easy pickings

for the Serb nationalists who had inherited the bulk of Yugoslavia's Communist-era military.

No doubt the U.N. embargo benefited the Serbs, and no doubt the U.N. bears some responsibility for the heinous crimes that took place during the wars in Bosnia and Croatia. With the signing of the Dayton Peace Accord on December 14, 1995, the arms embargo was lifted. At the time, Nugroho Wisnumurti, Indonesia's U.N. envoy, said: "There were sufficient grounds to believe that stark military imbalance in favor of the Bosnian Serbs had helped to sustain their aggression . . . It was therefore imperative to ensure that such conditions of sharp military imbalances were not allowed to repeat themselves."

Apparently, Nugroho's sage words were drowned out by popping champagne corks and laughter over the "how many capitalists does it take" jokes they tell at the U.N., because less than three years after Dayton, the U.N. placed another arms embargo on the Federal Republic of Yugoslavia, this time in response to fighting in Kosovo. Again,

an embargo worked to the advantage of the established military power, the Serbs, and to the disadvantage of their less established antagonists.

That was March 31, 1998. As I write, NATO's airstrikes are in their third week. *Jane's Defense Weekly* reports that both the Navy and the Air Force are running "dangerously low" on cruise missile reserves. The Air Force's air-launched missiles cost \$1.9 million a copy, and the Navy Tomahawks are a steal at \$750,000. Combine these with all the other expended bombs and missiles, add one downed Stealth fighter, and the defense industry has had three good weeks.

But for all the treasure we're throwing away, the people in whose name we started this nonsense aren't faring so well. Reports coming across my desk indicate that Kosovo is nearly empty of its ethnic Albanian population. Now that's military success for NATO. The inadequate Kosovo Liberation Army, or what's left of it, waits in the path of the Serbian beast. Not even the world's "greatest air power" can save the KLA from a thrashing. —Jonathan Ellis



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The War in Kosovo

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# Serbs Up!

by Stephen Cox

The Clinton administration — the administration of a peacenik who cheated the draft and made a political career out of his alleged sensitivity to other people's pain — has turned out to be one of the most warlike in American history.

This curious fact starts to dawn on you when you follow the old-fashioned custom of calling a war a war. When you do that, the wars of Clinton make quite a list:

The Somali War — an intervention in a local civil war; result: defeat and withdrawal of forces.

The War of the Haitian Restoration — an attempt to restore a socialist demagogue to power in Haiti; result: his restoration, and permanent occupation of the country.

The Second Mesopotamian War — an attempt to limit the ambitions of a middle-eastern dictatorship, which had lost to George Bush in the First Mesopotamian War; result: stalemate.

The Bosnian War — an attempt to establish an American protectorate in the Balkans; result: temporary success.

The War of Sudan and Afghanistan — an attempt to destroy terrorism in the middle east; result: failure.

The Yugoslavian War — an attempt to establish a second American protectorate in the Balkans; result: unknown.

President Reagan fought two wars in eight years (if you don't count his war on the air-traffic controllers) — the War on Libya, and the Liberation of Grenada. He won both. President Bush fought two wars in four years — the Panamanian War and the First Mesopotamian War. He won both. Clinton has fought six wars in six years, and even his wins look a lot like losses.

Anyone who believes in truth, or the constitutional balance of powers, will see the Yugoslavian War as a major setback. Former peace freak Clinton, suffused with a martial arrogance at least equal to that of Lyndon Johnson, went to war without asking so much as a by-your-leave from anybody (except the officialdom of NATO, which he controls). We then began to hear assertions, the very same assertions that we used to hear from LBJ, that the United States (not the president, mind you, but you and me) was now "committed" to go through with the war that its president had so wantonly started. The United States was committed to press on to total victory, whatever "victory," in this context, could possibly mean.

As for truth. . . The Yugo War (or War on the Yugo, in light of America's courageous bombing, on April 8, of Yugoslavia's sole automobile factory) began with Clinton's demand that nationalist Serbia grant the cherished wish of the nationalist Kosovo Liberation Army — which, I am sure, is composed entirely of sweet little dears, the same sweet lit-

tle dears who operate in the Serbian army. Clinton demanded that Serbia agree to the autonomy of Kosovo and to American occupation of Kosovo. In exchange, he offered to guarantee that Kosovo would remain "part" of Serbia for the next three years — a clear guarantee that it would be severed from Serbia at the end of those three years. And this ultimatum was portrayed to the world as an attempt to control aggressive nationalism.

Since then, the spring has seen a glorious blooming of the ironies that sprout wherever Clinton's stately shadow falls. This president, who turned a blind eye to China's successful campaign to steal his country's military secrets, proclaimed Serbia (of all places in the world) a threat to American security. He justified his war on Serbia by noting that World War I began in Serbia; what he did not note, of course, was that World War I began with the feckless attempts of outside powers to meddle with Serbian nationalism. Then he talked

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*The spring has seen a glorious blooming of the ironies that sprout wherever Clinton's stately shadow falls.*

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some more about "security," while spurning the diplomacy of Russia, the only European country capable of threatening American security.

He followed this up by lamenting the fate of the Kosovar refugees, driven from their homes by Serbs who took advantage of his meddling to escalate their intertribal dispute. Meanwhile, his henchmen in Macedonia were forcing miserable (and loudly protesting) Kosovar refugees onto planes embarking for a variety of places where they distinctly didn't want to go. Sensibly enough, they wanted to stay in Macedonia so that they could reclaim their homes across the border at the earliest possible moment. But Clinton had more benevolent plans. The refugees must be forced to leave.

And here's the finest irony. Back home, polls showed that the public increasingly supported the war policy and rationale of William Jefferson Clinton, the most famous liar in American history. □

# Balkan Quagmire

by Alan Bock

On a strictly human level it's not difficult to see how many people, especially given the media coverage, could come away with the impression that somebody really ought to do something about the situation in Kosovo. During the last year or so about 2,000 people have been killed and hundreds of thousands displaced as the rag-tag Kosovo Liberation Army, which seeks independence from what is left of Yugoslavia, has clashed with predominantly Serbian Yugoslav army and police forces. The civil war has featured ruthless massacres by both sides, with the Serbs probably coming off as more brutal, if only because of their superior weaponry and training.

So concern is understandable, but massive military attempts to clean up the Balkans are something else again.

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*An intervention by NATO or the "international community" into a battle in Kosovo — recognized by all the nation-states concerned as a part of Yugoslavia — could be an important move away from the reigning paradigm of national sovereignty in international relations.*

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As Congress considers whether or not to try to rein in an administration bent on massive use of force by the United States and the North Atlantic Treaty Organization, numerous questions remain, few of which have been discussed and debated fully, let alone viewed in light of their possible consequences.

Why should the international community (whatever is meant by that fuzzy appellation) concern itself so closely with this civil war? Does a multilateral intervention in a civil war represent a long-term threat to the concept of national sovereignty? How serious an instance of "mission creep" would a Kosovan occupation represent for NATO? Does the United States have any real primary national security interests in Kosovo? Why should U.S. troops be placed on the ground to enforce a peace treaty, especially if it's a treaty brought about by international pressure, threats and missiles instead of war-weariness and a desire for resolution on the part of the combatants? Is it desirable to have U.S. troops under the command of foreign nationals, even if they are putative U.S. allies?

The standard argument for NATO intervention was pre-

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sented rather cogently by John Gimblett, First Secretary of the British Embassy, when he visited California last month and called on the editorial board of the *Orange County Register*. Yugoslavia, he explained, is one of the unfinished pieces of business left over from the Cold War, an area in which the hoped-for transition to democracy and freer markets has gone rather badly, in a throwback to 19th-century nationalism.

Simply allowing direct participants to sort things out, Gimblett went on, could lead to large-scale humanitarian problems. It could also lead to a war that could spill over into neighboring Macedonia, which has an unstable government and a large Albanian minority. This, in turn, could eventually draw Greece, Turkey and other NATO-member countries into conflict. Just the outflow of refugees from a war in Kosovo could create problems of resettlement, absorption, and social-welfare spending in other European countries and eventually in the United States. (We already see some of those problems.)

The United States has an overall interest in the Balkans, stemming from its participation in the world economy. It has some direct stakes, symbolized by the Serb-Yugoslav takeover of California-based ICN Pharmaceutical plants in Serbia, valued at around \$179 million, or perhaps \$240 million, the amount that the company has written off. A small U.S. military presence would be important to the credibility of any international contingent, if only as a symbol of the importance which the sole remaining superpower places on supporting its allies as they seek a peaceful and productive Europe. The NATO-led intervention in nearby Bosnia, though it has dragged on longer than U.S. president Bill Clinton foolishly promised, has kept the formerly warring parties apart and taught international peacekeepers some lessons they can apply in Kosovo.

So even if it takes a few bombing raids to persuade the disputatious locals, it's up to the more enlightened members of the international community to drag these stubborn, backward nationalists into a stable new world order.

So runs the case for intervention. How shall we assess it? On humanitarian grounds, it may seem compelling, though the geostrategic case requires the acceptance of certain prem-

# The War in Kosovo

ises that deserve more explication and critical examination than they have received to date.

For starters, there's the question of why it is essential to intervene in this particular civil war. During the period last summer when clashes in Kosovo attracted headlines, Turkey was killing thousands of Kurdish rebels during an aggressive phase of a civil conflict that has cost the lives of 34,000 Kurds over the last six years or so. Turkey is a NATO member. NATO has not sought to intervene in that conflict, nor has it sought a role in civil wars in Northern Ireland, Palestine, Algeria, Afghanistan, Chechnya, or Somalia (in recent years, anyway). In the Sudan, some million non-Muslims, mostly Christians, have been killed during the past ten years in a civil war; thousands of Christian Sudanese have been sold into slavery. China continues to oppress Tibet. Civil conflict continues in Pakistan and Indonesia.

If we view Kosovo from a strictly humanitarian perspective — assuming that each human life is equally valuable and that a Western or great power intervention really could save the lives that need saving — other conflicts would seem to command more urgent attention. The most compelling case for intervention in Kosovo seems to be that the province lies in the heart of Europe, the cradle of Western civilization, a continent with which the United States is allied through NATO and through countless less formal ties of sympathy and history.

The Balkans, however, have been a center of conflict in Europe for hundreds of years. They are so contentious and disputatious a place that they have made "balkanization" a synonym for irresolvable disputes and unremitting divisiveness. Kosovo itself has a tangled history.

Most Serbs consider it the cradle of their history and religion. In Kosovo the Serbian Nemanjic Dynasty fell gloriously to the Ottoman Turks in 1389. The Pec Patriarchate, one of Serbia's oldest religious sites, is located in Kosovo. Today, most media report that 90 percent of the 2 million or so inhabitants of Kosovo are ethnically Albanian Muslims. (Businessman William Dorich of Los Angeles, a leading member of the Serbian Unity Congress, disputes the figure, contending that the correct one would be something like 50 percent. He acknowledges that Serbs now constitute about 10 percent of the population, attributing recent reductions to anti-Serb "ethnic cleansing," and notes that there are also Gypsies, Greeks, Turks, Montenegrins, and others in residence.)

When the renegade communist Tito ruled Yugoslavia — an inherently unstable country cobbled together by the great powers after World War I — he was shrewd enough to grant a measure of local autonomy to regions like Kosovo, Croatia, Bosnia-Herzegovina, and Vojvodina. But after Tito left the scene and Slobodan Milosevic (unlike Tito an ethnic Serb) entered, Croatia, Slovenia, Macedonia, and Bosnia declared independence. In 1988 the Yugoslav constitution was changed to reduce the independence of remaining provinces like Kosovo and Vojvodina.

Since then, a peaceful and passive resistance to Serbian rule has continued in Kosovo. One response to its apparent failure is the Kosovo Liberation Army, which was formed by

people impatient with what they perceived as minimal progress toward the goal of Kosovan independence through peaceful means. Originally a largely improvised resistance, it has increased in numbers and sophistication of weaponry in the last year, especially since last summer's cease-fire following a heavy crackdown directed from the Serb capital in Belgrade. Financing comes in large part from Kosovan exiles in Switzerland — a minority of whom are said to be active in the heroin trade — and elsewhere in Europe.

Meanwhile, Slobodan Milosevic's Yugoslav-Serb government has announced that it has no intention of granting autonomy to Kosovo, that the dispute is a civil war within the borders of an internationally recognized sovereign nation, and that it will not tolerate foreign troops in Kosovo.

NATO has responded by endeavoring to get Serbs and Kosovars to the bargaining table. As part of this peace campaign, NATO made threats of airstrikes against Serbia. Even though that would mean NATO's entering the conflict on the side of Kosovar independence (which western diplomats say they don't support), the Kosovars were for a long time reluctant to sign the agreement crafted by NATO diplomats and presented to the two sides during negotiations in Rambouillet, France.

The intervention of former Republican Senator Bob Dole, viewed in the region as a long-time ally of Albanians and a foe of Serbian interests, may have been helpful in convincing the Kosovars to sign an agreement as a prelude to NATO bombing in Serbia. But it's unlikely that, even if the two sides signed an agreement, there will be a genuine peace, a peace agreed to because the two sides believe that it is in

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*Intervention in Kosovo would ratchet NATO's mission up to another level. Yugoslavia is not in NATO, so sending troops there would mean taking on a police-military-political function outside of NATO proper. NATO would become the benevolent imperial ruler of this less enlightened region of the world.*

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their own best interest. The KLA has built itself into a more formidable force than it was a year ago and its new volunteers are hardly war-weary. The Serbs might be cruise-missiled into affixing a signature to a piece of paper, but they won't be reconciled to Kosovan independence.

It is highly likely, then, that any agreement signed in France will be unstable, posing serious long-term dangers to foreign troops posted in the region to keep a "peace" that neither side really wants.

Besides the real danger of pouring U.S. troops and resources into what could be just one more politico-military quagmire in a region noted for being full of them, the NATO-U.S. desire to intervene raises other questions about the future of international relations and the growing role of NATO.

# The War in Kosovo

To some extent the traditional European concept of the nation-state, which came into full flower about 400 years ago, is a fiction when applied to parts of the world whose histories involve less formal, more tribal, more intensely ethnic forms of rulership. But the nation-state is the reigning myth of the international system as currently conceived. The theory is that nation-states recognized as such by other nation-states are sovereign within their own borders, and that the chief duty of international bodies is to try to prevent the changing of borders or rulers by force or violence.

The system is not without creative ambiguities. China claims that Taiwan and Tibet are properly subject to its sovereign power, but others dispute its claims. Other low-level border disputes exist. But by and large the international system is built on the myth of the nation-state with sovereignty inside its own borders.

An intervention by NATO or the "international community" into a battle in Kosovo — recognized by all the nation-states concerned as a part of Yugoslavia — could be an important move away from the reigning paradigm of national sovereignty in international relations, one that could have far-reaching implications. It would be unlikely to provide a rationale for the international community to demand that Great Britain grant independence to Scotland or Wales, for example, but Northern Ireland might be an interesting target if it is still a violent center of conflict in another few years.

Or consider this. If, as some demographers claim, California has a majority of Spanish-speaking people of "Hispanic" descent sometime late in the next century, might the Kosovo precedent provide a rationale for UN intervention to secure independence from the United States or union with Mexico? It sounds far-fetched and it probably is. But Serbs consider the rationale for international intervention on behalf of Kosovan independence rather far-fetched now.

Then there's the matter of how NATO's mission is devel-

oping as we move into another century. The alliance was formed as a defensive military alliance against the Soviet Union and its empire shortly after the end of World War II. That rationale was eliminated by the disintegration of the Soviet Union and the end of the Cold War. But the desire to maintain a self-important secretariat and a joint U.S.-European military force was not eliminated. The first NATO impulse has been to expand membership to some former Soviet domains (Poland, Hungary, the Czech Republic), making it a seal of approval certifying true "Europeanness."

Intervention in Kosovo would ratchet NATO's mission up to another level. Yugoslavia is not in NATO, so sending troops there would mean taking on a police-military-political function outside of NATO proper. NATO would become the benevolent imperial ruler of this less enlightened region of the world. It would also mark the first time when German troops would be deployed outside German borders since the end of World War II. That may or may not be significant, but it involves issues of deep sensitivity in Europe and the surrounding regions that haven't been discussed and may raise fears.

On balance, then, the proposed intervention in Kosovo represents a more dangerous prospect than has generally been acknowledged, involves international intervention in a civil war that could create precedents that others will not like, and means an almost invisible, almost undiscussed but possibly irreversible conversion of NATO into an international police force.

Enthusiasm for such world-fixing, nation-building intervention is reminiscent of the mixture of arrogance and ignorance one used to encounter in late-night bull sessions in college, when highly intelligent but less than half-educated undergraduates drank copious quantities of beer and confidently solved the problems of a stubbornly stupid world. But the arrested-development undergraduates who constitute the "international community" of professional diplomats play with real weapons and real lives. □

## Sauce for the Goose

A civil war began when ethnic Albanians living in the Kosovo province of Serbia began to seek separation from Yugoslavia and incorporation into Albania. The Serbs didn't care for this notion, especially since Kosovo is the site of critical events in its national legend. As the civil war escalated it was not surprising that the Serbs, being both richer and far more numerous, prevailed. And as in all civil wars, there was considerable cruelty by both sides.

So the NATO powers decided to intervene, first to bomb the Serbs and eventually to send in ground forces against them. The powers demand that Kosovo become "autonomous" from

Serbia and that Serbs accept NATO occupation of this province.

Let us consider how the U.S. would have reacted if the great world powers had followed a similar policy in the 19th century. Consider our more-or-less genocidal war against Native Americans. The Nez Perce were hunted down in their homeland, chased across the continent, forced into submission, and deported to a foreign land. Suppose Britain had reacted as we have toward the Serbs. Suppose they had sent ships of the world's most powerful navy into American harbors to bombard government buildings, munition factories, and the like, while providing

heavy artillery and ground troops to help the Nez Perce. How would Americans have reacted to such a situation?

Pretty much as the Serbs reacted.

Or suppose that Britain objected to the conduct of Union troops in Georgia during William Tecumseh Sherman's infamous "March to the Sea." Or suppose, 50 years from now, southern California has a Hispanic majority (as some demographers today predict) that wants to leave the U.S. and join Mexico. Would the U.S. object? How would we react if NATO decided to start raining bombs and missiles on our cities and land troops at Long Beach?

—R.W. Bradford

# The Case for Intervention

*by Luis García Dopico*

It is clear that the Western world cannot and should not commit itself to solving every dispute in every land for every pair of quarreling groups. Attempting to do so would be a vain, misguided and costly return to Kipling's colonial burden, one that in practice degraded both the colonized and the colonizer. Western observers, public opinion, media and policy makers have to accept that other parts of the world do have different cultures and mores and that trying to impose our values will only incite renewed hatred against former colonial powers, which is what after all most Western nations, the US included, still are.

However, respect for the ways in which other cultures conduct political processes and recognition of the immorality and physical incapacity of molding other cultures after our own do not mean that we should never respond to calls of moral obligation or that there are no cases in which military intervention may be justified. One such case may easily be the prevention of physical and imminent genocide.

The different occurrences of genocide during this century (against the Armenian minority in Turkey, against Jews and gypsies in Nazi-occupied Europe, against the Tutsis in Rwanda) have not been cases of sudden ethnic revolt or maliciously predicated racial wars, but the result of an organized political command giving orders as to which neighborhood to empty next, or which ethnic group it is safe to loot with the connivance of "police" forces in not defending life and property rights. Genocide is not a spontaneous individual or social phenomenon based on inevitable historical and tribal hatreds, but a governmental action. Genocides are not fated to happen when ethnic communities are mixed. Mixed communities do live in reasonable peace for decades and centuries (supposedly brewing the hatreds that lead to inevitable slaughter that media experts tell us about).

Each time that genocide has struck, the local political process had recognizably come under the control of people who cannot be called other than thugs and who not only persecuted their ethnic foes but attacked those in their own ethnic group who dared to differ. In Serbia, the government has spent the last few years purging any independent or moderate voice in the media, politics, academia, the military, etc. The thugs came out on top, and now they are trying to carry out their lunacy. Perhaps it is blind hope, but something demands us to believe that not all Turks wanted to kill off their Armenian minority, that not all Germans wanted to exterminate six million Jews and half a million Roma. One longs to believe that not all Hutus wanted to slaughter the Tutsis.

Perhaps it is a misguided hope, but one wants to think that, in the cases where genocide or ethnic cleansing is about to happen, what really is going on is that a few lunatic nationalistic thugs, who do not really represent their nation at large, have hijacked the political process. In just those cases, and with the limited goal of stopping ethnic eradication, we may feel justified in succumbing to a moral call for military intervention, the replacement of current governments by other domestic alternatives, and if necessary — if we dare call things by their own names — the establishment of temporary Western protectorates.

In the case at hand, despite all the criticisms, NATO action does not seem to have forced the deportation of the Kosovars. Rather, the threat of NATO action may have prevented holocaust and delayed deportation. One could chalk up everything that humanitarian agencies on the ground say to Western propaganda, but if there is one shred of truth to their version of events, the deportation program that we have witnessed was of a very organized nature. This implies that the current human disaster had been carefully planned. Besides, thousands of people had already been forcibly evicted from their homes and neighborhoods before the first NATO bomb fell. To argue that NATO caused the deportations seems but an attempt to find something to criticize on both sides.

In all humbleness, the calls to be made during each humanitarian catastrophe are extremely hard to make. It is not enough to want to be seen doing something. Often militarily and politically we may judge that it is impossible to improve a situation, and then we should stay out. However, the case for preventing the slaughter or deportation of 800,000 people (as in Rwanda in 1994) cannot but seem rather strong. Ethnic hatreds do exist, and all politicians respond to public-choice constraints; but genocides occur only when governmental leadership makes it clear that it is acceptable to kill those who are different and that some citizens' lives and property have suddenly become fair game. The Western world cannot and should not attempt to settle every dispute on the face of this Earth. Preventing imminent genocide, however, does seem like an appropriate goal for NATO today. □

# Learning From the Balkans

by Leland B. Yeager

I'll comment on the morality of intervening in Kosovo, wonder about the objectives sought and means employed, and draw some lessons for the longer run.

My reading persuades me that foreign intervention in Yugoslav internal affairs was of dubious legality. Yet occasionally the demands of morality may override law and ultimately bring changes in it. The precept of benevolence applauds aiding endangered people if the rescuers can act effectively without serious repercussions and without great risk or cost to themselves. The question does arise of sending other people to do the rescuing, but a partial answer is that nowadays the US armed forces are composed of volunteers. True, the volunteers are paid from compulsorily collected taxes; but overstressing this point would flirt with anarchism and invite spuriously easy answers to all sorts of policy questions.

U.S.-led intervention expresses pique with Milosevic. It provides still another example of politicians' professional anxiety to show that they are alert to events and ideas in the world around them, that they feel the pain and share the concerns of other people, that they know how to invent remedies, and that they are ready to take action, even if sometimes only verbal or symbolic action. This stance of politicians combines with their illusion of omniscience or universal adequacy. It helps explain much, including agricultural subsidies, minimum wage laws, wars against drugs and pornography, legislative responses to bad weather and other tragedies, tax breaks for child care and many other good things, the proposal for the admittedly mostly symbolic Equal Rights Amendment, and even such trivia as governmental horning in on the meals-on-wheels program. Al Gore provides examples in displaying his supposed concern for the environment and attunement to high technology.

Quite similarly, the air strikes against Yugoslavia advertise concern about an unsatisfactory situation. It is nothing new that they were evidently launched without due attention either to just *how* they were supposed to work or to unwanted side effects. Indeed, even the end sought was left fuzzy, at least at first. Fuzziness preserves wiggling room for the spin doctors to use later. (I hope the end was not to maintain poll numbers through the appearance of a cheap triumph.) Forcing the enemy to the bargaining table is not a genuine end. Neither is merely degrading his military strength.

What, then, is the actual end sought, whether through bargaining or through bloodier means? Wishing peace and security for the people of Kosovo is not definite enough. No one has a direct handle on any such outcome. All one can hope to manipulate is institutional arrangements, political and other. Well, what arrangements, attainable by means

they are prepared to employ, are the NATO policymakers aiming at? (International administration of the area would be an example of a fairly definite answer.)

In line with the vagueness of the end sought is the compromise nature of the means employed. Action limited to air strikes falls lamely between "hands off" and committing the necessary military power. Examples in several fields show how a compromise line of policy may lack the coherence possessed by either of two (or more) policy extremes. In international monetary arrangements, either thoroughgoing monetary unification (as in the euro area) or free floating of exchange rates among independent national currencies makes sense, but the compromise of fixed-but-adjustable or officially managed exchange rates combines the worst features of both extremes.

Economic sanctions against an evil regime are seldom effective in removing it; instead, they symbolize doing something, even though the people who suffer personally are not so much the evil leaders as innocent people in the target country and elsewhere. Vietnam was an example of compromise policy: instead of either staying out in the first place or using enough military force to assure South Vietnam's independence and security, the United States employed gradual escalation and later the wishful thinking of so-called Vietnamization.

People casually responding to pollsters' questions cannot be expected to formulate a coherent policy in foreign affairs or in any other area. Policymakers cannot achieve coherence by following the polls or by compromising between extreme positions. Sometimes leaders have the duty of leading.

In Kosovo, it is said, the United States and NATO are already committed. We must not now wash our hands of a tragedy, ethnic cleansing, that we ourselves have inadvertently speeded up. Our credibility and, so far as credibility counts, ultimately our own security are at stake, especially given the handicap of a mendacious president. I do not say that one should never abandon a policy that has proved mistaken; but welshing on what has become, however thoughtlessly, a national moral commitment would be a dishonorable way out.

At least we can salvage some lessons for the longer run. (What is the point of making mistakes if we don't even learn from them?) As Ludwig von Mises explained in *Nation, State,*

*continued on page 42*



# Uniformed Code of Silence

by Steven Philbrick

The men and women who defend our freedoms don't enjoy them.

Major Shane Sellers referred to President Clinton as an "adulterous liar" in *Navy Times*, and Reserve Major Daniel Rabil described Clinton as a "lying draft-dodger" who has "always had contempt for the American military" in an article he wrote for *The Washington Times*.

The two men stand accused of violating Article 88 of the Uniform Code of Military Justice (UCMJ). Under Article 88, "Any commissioned officer who uses contemptuous words against the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of Transportation, or the Governor or legislature of any State, Territory, Commonwealth, or possession in which he is on duty or present shall be punished as a court-martial may direct." For use in this specification, contemptuous means "insulting, rude, disdainful or otherwise disrespectfully attributing to another qualities of meanness, disreputableness, or worthlessness."

The foreboding prospect that two officers could face court martials for exercising their free-speech rights constitutes a loyalty test, and emphasizes the need to revise the antediluvian Article 88. As the UCMJ rules on adultery are being changed to accommodate the prevailing social mores, so too should Article 88 be considered as another outmoded and needless restriction on civil liberties.

## A Gift From the British

Article 88 is a descendant from the British Articles of War of 1765, with modified wording in The Articles of War adopted by the Continental Congress in 1775 and revised in 1776. In 1806 Congress enacted new Articles of War with an Article 88-like provision that was reenacted by subsequent congresses in 1916 and 1920. The Articles of War were revised after World War II and this provision was reenacted as Article 88 of the UCMJ in 1950.

Two Vietnam-inspired cases, close to 30 years apart, demonstrate the fervor for prosecution and punishment that

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Article 88 spawns. They also display the irrational and selective repression of individual freedom in our society.

*United States v. Howe* reflects how Article 88 was employed during the Vietnam War. In 1965, Army Lieutenant Henry H. Howe Jr. was court-martialed for exhibiting disrespect to President Johnson after displaying a placard during an anti-war rally that read: "Let's Have More Than a Choice Between Petty Ignorant Fascists in 1968" on one side, and on the other, "End Johnson's Fascist Aggression in Viet Nam." He was sentenced to dismissal from the service, total forfeitures, and confinement at hard labor for one year.

The second case involved Air Force Major General Harold Campbell. After Clinton's successful bid for the presidency in 1993, Campbell described Clinton as "draft-dodging, pot-smoking, womanizing" and "gay-loving" to an audience of 250 Air Force maintenance workers at an awards ceremony in the Netherlands. One might think Campbell's statement of fact could not get him in trouble. After all, Clinton did aggressively and successfully elude military service, his reputation as a womanizer was well established in the pre-Monica days of 1993, he had confessed to smoking marijuana, and had close political associations with gays. But Campbell was not accused of slander, for which truth is an absolute defense.

Astounding as it seems, the truth is an inconsequential matter when it comes to Article 88. The UCMJ states, "The truth or falsity of the statements is immaterial." It took only about 40 days to investigate Campbell's "crime" before he

was fined \$7,000, reprimanded, and forced to retire.

With the veracity of the statements made by Campbell rendered moot, then-Air Force Chief of Staff General Merrill McPeak announced Campbell's fining and forced retirement, opining, "The chain of command has to be almost pollution free." Pollution? The Air Force chief of staff implied that pointing out the indecorous behavior and dubious character of the president constitutes "pollution" in the chain of

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*When a person takes his oath as a soldier, there is no reason for him to abandon his constitutional right as an American citizen to tell the truth about his commander in chief.*

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command. Under the twisted logic of Article 88, the individual who points out disreputable acts is the one who faces prosecution, not the perpetrator of the acts.

### The Civilian-Military Relationship

Undisputed civilian control over the military is imperative for a democratic society. However, the concept of total, unquestioned, and blind subservience to civilian authority and docile acceptance of the actions of civilian leaders engendered in Article 88 reflects the existing civil-military relationship in a country like Iraq. Article 88 is inconsistent with American notions of individual freedom and democratic values.

In a 1962 lecture on the Bill of Rights and the military, Chief Justice Earl Warren noted that the U.S. has avoided military rule throughout its existence because an active vigilance has been, "bred into us that the perpetuation of free government depends on the continued supremacy of the civilian representatives of the people." One strength of our nation is that the military operates under firm civilian control. Soldiers swear to follow the lawful orders of the president and their leaders, and are subject to severe penalties if they violate those orders. If a president directs or orders, the military obeys. Period. But, that should not mean that a military officer must forfeit a basic right of expressing personal convictions or even speaking widely acknowledged truths, as in the case of Major General Campbell. Disrespect of public officials is not a threat to the effectiveness, good discipline, or maintenance of order in the military or to the civil-military balance.

Some argue that servicemembers' disparagement of the president might lead to a military coup. This view overlooks the fact that irreverence permeates our culture at every level. Academics and activists deconstruct U.S. history to denigrate accomplishments and denounce cultural norms; an "artist" can put a crucifix in a jar of urine, reap praise for his "art," and garner support for his right of expression; the symbol of our nation, its history, and its people, can be burned and spit on in public; and organized groups intent on replacing our democratic government have been allowed to foment revolution openly. So long as Congressman Henry Gonzales can compare President Reagan to Adolf Hitler, or when Senator and Medal of Honor recipient Bob Kerrey can make headlines by saying "Clinton is an unusually good liar," then the

individual sentiments of uniformed personnel, no matter how distasteful, are no threat to the perpetuation of our system of government.

### Chickens Come Home to Roost

For Majors Sellers and Rabil, a monumental irony shrouds their prosecutions, for it was the object of their scorn who was weaned, nurtured, and indoctrinated in a popular culture that used vociferous dissent often bordering on anarchy. The mantra "question authority" was fundamental to the dominant under-30 counterculture doxology that exhilarated, if not intoxicated, the president (and vice president) and his valued circle of friends, confidants, advisors, and activist fellow travelers who now preside in politics, law, education, and the arts. A number of those same baby boomer public officials who enjoy the excessive protection Article 88 provides were once part of the throngs that routinely used disparaging personal attacks to advance their convictions. The type of sentiments that Lieutenant Howe displayed in 1965 were common and tame by the standards of the day. Any credible anti-war demonstration of the time, including those that the president and other current political elites participated in, displayed far harsher messages and even contained people who were members of subversive groups that sought the violent overthrow of our system of government.

Now is an especially appropriate time to change Article 88. Any sincere apostle of the Sixties Generation surely would not object to, let alone allow punishment for, exercising the right of free speech. Now that they have become the establishment, it is only fair that they endure the criticism

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*The Air Force chief of staff implied that pointing out the indecorous behavior and dubious character of the president constitutes "pollution" in the chain of command*

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and personal attacks that come with power. They can provide no reason to prohibit one segment of American society from exerting the fundamental right they themselves actively employed.

### The Evil of Silence

Article 88 breeds collateral and far-reaching effects. Reactionaries and alarmists maintain it is detrimental to good order and discipline to allow an officer to utter "contemptuous words" against any of a host of public officials. However, it is far more damaging to the welfare of the military and the health of the nation for soldiers to remain meekly silent in the face of ethical dilemmas. During the Vietnam War, not one general openly questioned the direction or state of the war. Former Defense Secretary Robert S. McNamara admitted a few years ago that he knew the war was unwinnable, yet he continued to send young men to their deaths. Surely there were generals in the field who were equally aware of the war's futility. But with Article 88 in place, is it any wonder that none spoke out? Was this

*continued on page 42*

# Sympathy for the Stones

by Sarah J. McCarthy

If it's only rock 'n' roll, why does it upset feminists so much?

*Entertainment Tonight* this week featured a spot on Mick Jagger's tryst with MacKenzie Phillips, daughter of John Phillips of the Mamas and Papas. One night during the '60s, when things were psychedelic and free love was in the air, and Jagger and the Mamas and Papas lived in the same apartment building, Mick and MacKenzie and John Phillips were making tuna fish salad sandwiches in Jagger's apartment. Sly old Lucifer told Papa Phillips that they needed mayonnaise for the tuna salad and sent him upstairs to get it. As soon as Phillips left, Jagger bolted the door, told MacKenzie, then 18, he had been waiting for this moment since she was 10(!), and took her to bed.

Most people would think Mick Jagger was a "wham, bam, thank-you-ma'am type of lover," said MacKenzie, but he "wasn't at all." He was "very sweet," she said, bringing her tea, toast and fresh strawberries in the morning, and advising that she better call her dad who was probably worried about her. (Gasp, gasp, chortle, chortle.)

I laughed when I heard that story (I laugh at everything Mick Jagger does). My husband said they'd have to scrape me off the ceiling if I heard Bill Clinton had sent someone's dad to get mayonnaise and then bolted the door behind him so he could have his way with the guy's daughter. I couldn't deny that was true.

It's just that everything Jagger does is cute. Everything Keith Richards does is cute too. The Stones have always been my Achilles Heel, my example, to use the currently voguish term, of Compartmentalization. If I met Jagger, I'd be reduced to a speechless, inarticulate, babbling melt of mush, worse than the most disgusting of groveling groupies. When I observe his antics, I feel the last smidgen of outrage dying in my soul. When I was a feminist/activist in the '70s, my sisters, incredulous, would exclaim, "How can you like a rock star who is so sexist that he sings 'Under My Thumb,'" a song that any real feminist would hate.

Like Camille Paglia, who was ejected from the women's

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movement because of her adoration for the Stones, I came close to being kicked out myself. I was active in Women Against Sexist Violence in Pornography and Media. Even while criticizing the Stones in an article that I wrote for *The Humanist*, "Pornography, Rape and the Cult of Macho," taking them to task for a billboard that read "I'm black-and-blue from the Rolling Stones and I love it," I loved their music, their wit, their talent, their dancing, their freedom, their rebelliousness, their sense of irony, their sense of humor, their faces, their verve, their guitar and drum skills, their incredible talent, and the life force that makes stadiums shake!

"By the time the women's movement broke forth in 1969, it was practically impossible for me to be reconciled with my 'sisters,'" explains Camille Paglia in her book, *Sex, Art, and American Culture*:

And there were, like screaming fights. The big one was about the Rolling Stones. This was where I realized — this was 1969 — boy, I was bounced fast, right out of the movement. And I had this huge argument. Because I said you cannot apply a political agenda to art. When it comes to art, we have to make other distinctions. We had this huge fight about the song "Under My Thumb." I said it was a great song, not only a great song but I said it was a work of art. And these feminists of the New Haven Women's Liberation Rock Band went into a rage, surrounded me, practically spat in my face, literally my back was to the wall. They're screaming in my face: "Art? Art? Nothing that demeans women can be art!" There it is! There it is! Right from the start. The fascism of the contemporary women's movement.

Like Camille, I love "Under My Thumb" and consider it a work of art, authentic and ironic. It's the authentic voice of the Honest Male (or maybe, more accurately, the authentic voice of the Honest Human). I loved it when the Stones opened with "Under My Thumb" in Richfield Coliseum near

*If I met Mick Jagger, I'd be reduced to a speechless, inarticulate, babbling melt of mush, worse than the most disgusting of groveling groupies.*

Cleveland in the '70s. It was the first time that I saw, live, the greatest rock 'n' roll band in the world.

Charlie Watts came out first and sat alone on the darkened stage, quietly drumming the opening notes. One by one, he was joined by the other Stones, until Mick Jagger came out, the strobe lights and search lights circled the coliseum, and the song reached a crescendo. Since then, I've seen the Stones in Washington (where Jagger joked derisively about Bill Clinton, and the Stones were no-shows for their personal White House invitation), Philadelphia, Pittsburgh, Atlantic City, and, last year, two nights back-to-back at Madison Square Garden. I'm going to see them again on Thursday night in Pittsburgh where, due to recent surgery, I tried to get a space in the handicapped section. No such luck. Handicapped is sold out! "They're so damned old," said my husband, "that they sold handicapped out first." Well, never mind, forget the wheelchair, I'll crawl

to my \$150 seat if that's what it takes.

When I saw the Stones re-emerge at a Philadelphia concert after their long "retirement," back in the days when Mick and Keith weren't speaking, when Jagger was trying to hold to his promise not to be singing "Satisfaction" when he was 40, we had second-row seats that we'd bought on the streets of Philadelphia from a scalper, so close to the stage that when the show opened with 30 foot high blasts of fire, we could feel the heat. My husband jumped out of his skin, and a drunken bare-chested 20-something male behind me leaped in the air and landed on my head. "I'm sorry, I'm sorry," he mumbled. "Just don't let it happen again," I snapped. The guy, of course, had no idea that I didn't care if I died at a Stones concert.

Once, in Pittsburgh, I was standing on a folding chair with my daughter-in-law on the floor of Three Rivers Stadium, swaying to "Tumbling Dice" with the crowd. I'm no lightweight, definitely not folding chair material, and we had no control over whether we would tumble like some over-sized dice ourselves, or whether the chairs would hold, but we kept on keeping on. Usually I'm claustrophobic in situations like that, but Rolling Stones music zooms me right over the top, transcending me right into Fearless. That was the last time I'll ever take floor seats (unless, of course, everything else is sold out).

At a Stones concert, I usually wear something appropriately Stoneish, something like a black velvet jacket with a purple scarf with gold threads running through it. This year, I'll be wearing a colostomy bag. I'll feel old and decrepit, 'til I get to the concert. It'll be the first time I ever give myself a shot in a ladies room stall, but I have medicine to take. At

first, I was afraid to give myself a shot. No matter how often the visiting nurse reminded me that the insurance company wanted me to give them to myself, I couldn't do it. Finally, I realized that I couldn't go to the Stones concert unless I could do my own shots. In a flash, I learned to shoot up like a common street junkie. I just hope I don't get arrested by an undercover narc who might think I'm shooting up something that Keith might have done in the '70s. Once at the concert, I'll watch Mick and Keith cavort, and gray-haired Charlie smiling and drumming, and I'll know that if Mick Jagger had a colostomy bag he'd still be doing "Jumpin' Jack Flash." He will be singing and dancing when the Stones are even older and grayer, and as long as they're around to perform, I'll be there to watch them. This year, if some young stud behind me lands on my lap, he might get more than he bargained for. When I get older and life gets scarier, I will play "Gimme Shelter," my all-time Stones favorite, even more than I do now. In a recent interview, Keith said, "I'm a grandpa. You can do it better than me? Let's see you come out and try." It's only rock 'n' roll, but we love it. □

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LIBERTY  
or give me  
DEATH!**

Patrick Henry

Item #T122

# The Dictator as Hero?

*by Adrian Day*

Was Augusto Pinochet a dictator or a savior — or both? Political morality may not be as easy as it looks.

The convoluted ruling by Britain's House of Lords in the Pinochet extradition case illustrates the extraordinary nature of this saga. Little about the affair is straightforward or as one might expect.

The House of Lords, Britain's highest court of appeal, ruled that former Chilean president Augusto Pinochet does not enjoy immunity from prosecution. But it also ruled that he could be extradited to Spain only for alleged crimes committed after 1988. This reduced the number of charges to three — one of torture and two of conspiracy to torture.

In comments barely reported in the United States, the Lords issued a thinly veiled plea to the British government to abandon the long-running farce. "This matter will require to be reconsidered by the Secretary of State," said the senior law lord. That's British understatement for "let's forget it."

Clearly, no libertarian believes that government officials should be free to commit crimes. But apart from the complex legal issues, there are other factors that make this an unusual case. It is not a straightforward case of a dictator torturing and killing people. Indeed, many within and without Chile consider Pinochet a hero.

A dictator a hero? The very idea is anathema to libertarians, even those who regard democracy as "the tyranny of the masses." But Pinochet, the unelected military dictator of Chile throughout the latter half of the 1970s and 1980s, is different. How he assumed power, how he exercised power, and how he relinquished power, all are unusual for a dictator.

## The Arrest and its Consequences

It is easy for many — conservatives and libertarians, Chileans and foreign legal scholars — to find fault with the circumstances of his arrest and detention in Britain.

He notified Britain of his intention to visit the country, yet, contrary to convention, was not forewarned of the possibility of his arrest. He was given an official welcome at

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Heathrow, then arrested in a hospital bed. Leading British ministers, while proclaiming the affair a judicial one which would proceed without political interference, expressed public glee at the old general's arrest. Civil servants refused to meet with leading Chilean opposition politicians who came to Britain on a mission of protest in Pinochet's favor. These facts, and the fact that a respected law lord, Lord Hoffman, did not feel the need to reveal his interest (reflected by his association with Amnesty International) illustrate the overwhelming bias that runs through much of the British ruling classes, weaned on anti-Pinochet demonstrations when they attended left-wing universities 25 years ago.

Further, there are serious concerns about the threat to Chile's stability posed by the arrest. Recent months have seen a reopening of the quarter-century-old wounds that Chile was doing its best to heal. Even more relevant perhaps, the arrest in Britain on a Spanish warrant is a slap in the face to the sovereignty of Chile. How would Britain react were a British politician arrested in Chile? Serious arguments arise concerning the authority of Britain to arrest Pinochet, who travelled on a diplomatic passport. It is, surely, up to Britain to say that it does not recognize his diplomatic passport before he is officially welcomed to the country, not after.

Former British Prime Minister Lady Thatcher, protesting Pinochet's treatment, has made much of the support provided by the general to Britain during the Falklands war. A country should surely remember those who helped it, when few others did, and whose actions helped save many of its citizens' lives. Surprisingly to some, the Vatican has also urged Britain to release Pinochet and return him home to Chile. The current

Pontiff, no friend of authoritarian governments, realizes the potential harm to Chile's delicate democracy.

One can also point to the fact that, at the very moment when Pinochet received his Spanish arrest warrant, Cuban dictator Fidel Castro was receiving a warm welcome in Madrid. One could argue whether Gorbachev and a host of other former leaders, and also Castro, who are responsible

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*This is not a straightforward case of a dictator torturing and killing people. Most Chileans still believe that Pinochet and the other military leaders saved Chile.*

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for many more deaths than Pinochet is accused of causing, should be arrested — or would be arrested.

Britain's reputation for fair play has received a sharp black eye; that much is clear. But that may be true, of course, without affecting the question of Pinochet's guilt. What about that?

### Attaining Power

Pinochet was never some tin-pot dictator, out to grab power and wealth for himself. As far as can be determined, he never sought political power. He saw it as his patriotic duty to overthrow Salvador Allende, who was destroying the country.

Allende, painted as a hero by many and called the first communist to be elected peacefully, was no moderate statesman. Standing as a socialist, he won only one-third of the vote, and was just 40,000 votes ahead of his rival. Moreover, his extreme plans, including confiscation and nationalization of land and major businesses, were not disclosed ahead of the election. Thus, though he did win the election, it is not true to say that his communist agenda received any mandate from the people.

Within three years of Allende's assumption of power, Chile was on the verge of economic catastrophe. In August 1973, shortly before the armed forces acted to take over the government, more than one million Chilean workers — over half the work force — went on strike, urging Allende's removal. The nation was paralyzed, there was growing poverty, there was chaos in the streets, and Cuban troops were slowly invading the country.

Many of the intelligentsia protested against Allende, saying his actions were destroying the rule of law and the constitution. He was attacked by the Supreme Court, the Chamber of Deputies, many officials of his own party, and both the Bar Association and the leftist Medical Society.

Former Chilean president Eduardo Frei, father of the current liberal democratic president, also came out against Allende, saying that the country was undergoing "a veritable catastrophe."

The military acted reluctantly, out of a sense of duty to prevent a total collapse and the takeover by Cuban troops. Allende killed himself. After the coup, the military were heroes to at least two-thirds of the Chilean people.

This was clearly no power-grabbing military coup of the type we most commonly think of in connection with Latin America. Again, Frei, a Christian Democrat, not a conservative, proclaimed publicly that "the military have saved Chile," saved it from civil war and disaster. All living

ex-presidents joined Frei in his sentiments.

### Maintaining Power

Unfortunately, outside forces began to interfere with Chile's quick return to democracy. Supported by leftists around the world, but particularly in Europe, Marxist guerillas began a campaign of terror, helped by armed terrorists from Cuba and other Latin countries. In response, the government established an anti-terrorist unit, which was responsible for most of the alleged abuses. (By the use of the word "alleged," I do not imply that no abuses took place, only that many are unproven.)

It is true there were excesses in the war against the Marxist guerillas and terrorists, as perhaps is inevitable in this kind of internal strife. People do resent armed terrorists' killing and maiming innocent people, attempting to create havoc and chaos. Chilean communists as well as Marxists around the world proclaimed their intention of turning Chile into a communist country by guerrilla warfare and intimidation. It is no surprise that opponents hit back hard.

It is also probably true to say that, all in all, the abuses in Chile were not as bad as those that took place in many other countries in Latin America at that time, for example, in Argentina, or indeed in other countries at other times. This does not excuse individual actions, but puts them in context.

We do not know the extent to which Pinochet personally is responsible for some of these abuses. No doubt much went on without his knowledge. We do know that after he emerged as the supreme leader of the Chilean military government, he abolished the intelligence agency. Once the guerrillas were defeated, political activity was legalized and became quite active. It included forces opposed to the continuance of the military government. The government of Pinochet set about the reform of the economy, including the well-known and radical free market reforms that included

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*Pinochet was given an official welcome at Heathrow, then arrested in a hospital bed.*

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the privatization of the social security system.

Pinochet was more advanced in this way than statesmen in most Western countries, many of whom were still toying with socialism. The defeat of the communists and the free market reforms made him more popular in Chile than ever.

### Leaving Power

Perhaps the most unusual part of his career, however, was the manner in which he was removed from power. He had promised to step down and reinstate elections as soon as conditions warranted. True to his word, he held a plebiscite in 1989 on whether he should continue in power as a dictator. Can you imagine? He asked the people to vote on that!

After he was narrowly defeated — with 43% of the vote, a greater percentage of the population voting for him than voted either for Allende or for Clinton (although admittedly not the 99.5% of the vote that communist dictators regularly achieve!) — he voluntarily relinquished power and stepped down.

*continued on page 42*



# The World's Only Remaining Superpower

by Leon T. Hadar

What kind of foreign policy do you get when you cross  
Republican faux-isolationism with Democratic ersatz  
pacifism?

It is refreshing to notice how Rapist-in-Chief Bill Clinton has transformed many veteran Cold Warriors and global interventionists on the political right into born-again isolationists. Not only were some of them “shocked, shocked, shocked” that a U.S. President would try to divert attention from those Oral Office blowjobs by blowing up a few Iraqis and Moslem “terrorists” for lunch. Some Republicans have even raised doubts about the former draft dodger’s plans to send more U.S. troops to the Balkans to help “establish peace” between those Serbian and Moslem chiefs who have been butchering each other for hundreds of years and who now hope to get the Americans into all this mess so they can extract this or that payoff for agreeing not to butcher each other for a few days.

Not that any leading Republican lawmakers are calling on the Clinton Administration to “bring the boys home” (sorry, sorry, “the boys and the girls”). Instead, they are demanding that the Pentagon provide them with a coherent “exit strategy.” But politicians are not in the business of unilaterally giving up power and resources (whether it’s a welfare program or a military expedition) unless they are forced to do so. Remember, we are still in Korea although the war there ended many, many years ago and we have just expanded NATO (with the strong support of Jesse Helms and Trent Lott and the other Republican anti-war activists on Capitol Hill) despite the fact that there is no Evil Empire. And we would be still in Vietnam if not for the body bags and, yes, for those draft dodgers . . . (Thanks Bill!) It’s the body bags, stupid! That’s what ends up forcing the politicians to adopt “exit strategies” whether it’s in Southeast Asia or the Balkans.

No, don’t expect any Republican or conservative to propose that Clinton be impeached for the illegal use of American military power abroad. Why should they? Why set constraints on the ability of President George W. to nuke Pyongyang or Teheran (and there will be a lot of that stuff in the coming Republican Administration). No, the current

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“isolationist” trends that some have detected among Republicans are phony. In fact, when it comes to U.S. foreign policy and national security there is only one political party in Washington these days. Call it the Imperial Party or the WORS (World’s-Only-Remaining-Superpower) Party. Both the Clinton Administration and the Republican Congress are committed to an aggressive strategy of applying military, diplomatic and economic pressure — bombing Iraq, embargoing Cuba, condemning China, democratizing Haiti, de-nuclearizing India — to force everyone, from emerging superpowers like China, through crumbling superpowers like Russia, to small-time dictators like Iraq’s Saddam or Serbia’s Milosevic to recognize that we are the Bossy City on the Hill, so they do what we say or else we will have no choice but to starve them to death (we hate doing it, but they don’t give us any other choice). And if that doesn’t work, drop one of those “smart bombs” on them and watch the action on CNN (pass the popcorn, please).

No major figure in the Republican or the Democratic party has been raising his (okay, or her) voice to ask: Hey, what is this Hegemony stuff all about? First, who gives us Americans the right to establish “peace and stability” in Central Africa or Southern Europe or to tell other nations how to handle their domestic affairs? Is it really in our interest to become the ultimate boss of the world? Do the majority of Americans want the American hegemony called for by liberal Democrats and the conservative Republicans as reflected in the pages of both *The New Republic* on the left and *The Weekly Standard* on the right? Even the “isolationist” Pat Buchanan joins the global

interventionist brigade when it comes to imposing trade sanctions on China and Japan so as to assist his favorite American companies (and campaign contributors) that cannot compete with cheaper East Asian nations. And while Jesse Jackson and some of the peaceniks on the left oppose U.S. bombing of Iraq, they have no qualms about employing U.S. military force to bring democracy to Haiti.

In fact, foreign policy has become in the post-Cold War era the ultimate "insider game." If most Americans can't seem to figure out the legal complexities of the impeachment process, it's not surprising that very few of them can point to the difference between Macedonians, Bosnians and Albanians. They don't know and they don't care. That public ignorance, coupled with the fact that in the short run at least most of the foreign policy interventions are perceived as being very cheap, allows the inside-the-Beltway crowd to raise the flag of American hegemonism. Columnists and think-tankers who, like the president, were able to dodge the

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### *Foreign policy has become the Viagra of the aging American Political Man.*

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draft during the Vietnam War, are giving the marching orders to the troops leaving for the Balkans. Moral Majority types who have failed to force their abortion views on the American people are able to get Congress to impose trade sanctions on China and punish it (and indirectly the American consumer) for allowing Chinese women to have abortions. China, our bogeyman du jour, is also being attacked for its human conduct by the same officials and lawmakers who are calling to increase financial aid to Jordan, an undemocratic and repressive Middle Eastern monarchy. Its late King Hussein, a mafia-style tribal chief who for years was on the CIA payroll, is apparently considered by American leaders and journalists as one of the giants of the millenium. But Jordan is a friend of Israel, whose lobby in Washington is a central source of political support and financial contribution for our politicians. That Israel knows how to squeeze the balls of our lawmakers and officials and that Turkey buys our expensive weapons and helps us maintain our Pax Americana in the Persian Gulf explains why Israel's brutal treatment of the Palestinians and Turkey's violent persecution of its Kurdish minority are treated with benign neglect while the Serbian repression of the Moslems in Kosovo is compared by Washington to the Nazi Holocaust and calls for U.S. military intervention.

One can argue that foreign policy has become the Viagra of the aging American Political Man who finds it more and more difficult to compete for the hearts of the babes with the more virile Economic Man. At a time when the private sector is taking control of large chunks of our economy and social life and with the government having fewer and fewer resources to dispense to voters and favorite constituents in the form of welfare and other domestic spending, the Political Man can still use foreign policy as a way of wasting taxpayer money to defend our national security and as part of mobilizing the nation against this or that purported threat. Hence the growing preoccupation of our political elites with

China, a convenient target that allows all the rent-seekers in Washington — human rights buffs, environmentalists, veteran Cold Warriors, democratic crusaders, economic nationalists, pro-Taiwan lobbyists, Pentagon officials — to demand that the government "do something" — impose tariffs, apply trade sanctions, pass UN resolutions, raise defense expenditures, hire more spies, so we can "contain" the rising Chinese "threat."

But when the Political Man in Washington takes his Viagra he only makes Political Men in Beijing and other places around the world more nervous, which helps create that vicious circle that produces international tensions, leading eventually to conflicts and wars, and weakening the ability of the Economic Man to maintain the growth and prosperity that we all enjoy.

It also makes America look bad. Having traveled to Europe, East Asia and the Middle East several times this year, I can tell you that neither the Chinese and Japanese, nor the French and the Russians are appealing for American leadership. Foreigners (at least those that I've met) are in love with the America exemplified by Silicon Valley, the Internet, Bill Gates, rock music, MTV, Michael Jordan, fast food. You get the idea: Free markets. Freedom of expression. A dynamic and sexy culture. What they despise is the image of Bill Clinton and Jesse Helms lecturing them how to run their lives, telling them that they should not do business with Castro, that they should applaud every time the U.S. kills a few innocent Iraqis, that they should boycott Iran even as it liberalizes its internal policies.

In many ways, I miss the Cold War. Imagine if the Rosenbergs had not provided the Soviets with those atomic secrets. Without Russia's nuclear deterrence, there is little doubt that American troops would be stationed now in Prague, Helsinki and Riga following their "liberation" by the "allied forces" and U.S. military power would be helping maintain the British and French Empires in Southeast Asia, the Middle East and Africa. Now, without the Russian strategic counterbalance, the United States is moving in that direction: Notice how the Pax Americana designs in the Middle East and Central Asia follow the path of the British Empires in those regions or how Americans are now boasting about the way American influence is replacing the French presence in sub-Saharan Africa.

My guess is that in the coming years we will see Washington continuing its relentless efforts to impose its political will and expand its spheres of influence. Where there is vacuum, you can count on American military power to force itself in and in that way to prevent the various regional players from taking care of their security needs. But eventually, as any student of Realpolitik will tell you, any quest for hegemony by one power invites a reaction by other powers. There are many possible scenarios: Iraq and Iran will go nuclear; Europe will become more diplomatically assertive; Russia and China will form an anti-American alliance; Japan and unified Korea will compete for influence in North Asia. These and other competing players are bound to challenge the United States and to test whether the American elites and people are willing to play the role of the global hegemon even if the costs are very high. We will have to wait and see. □

# Libertarianism Transformed

In 1988, only 10 percent of libertarians responding to the Liberty Poll disagreed with Ayn Rand's dictum that "no person has the right to initiate physical force against another human being." In 1998, fully 50 percent disagreed with the proposition. Based on this and other data from the surveys of libertarian opinion conducted by this magazine in 1988 and in 1998, *Liberty* editor and publisher R. W. Bradford concluded that there had been a substantial decline in the sort of libertarian thinking that emanated from Rand's non-aggression imperative.

At the same time, the survey showed an increase of support for the other approach to libertarian thinking — that liberty is desirable because it maximizes people's ability to flourish, to achieve their goals, and to be happy. In brief, the *moralistic* approach, exemplified by the thinking of Ayn Rand and Murray Rothbard, has lost considerable ground to the *consequentialist* approach, exemplified by Milton Friedman, Ludwig von Mises and Friedrich Hayek.

In the past few issues of *Liberty*, R. W. Bradford, David Boaz, David Friedman, Pierre Lemieux, Tom Palmer, David Ramsay Steele, and Leland Yeager have discussed the meaning of this change and debated its implications.

In this issue, three new participants join the battle: philosopher John Hospers explores the problems entailed by the non-aggression imperative; social scientist Sharon Presley analyzes the validity of the Liberty Poll, and journalist Barry Loberfeld looks at the rise of anarchism. *Liberty's* editor R. W. Bradford, who started the controversy, comments on Loberfeld's argument.

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## Axioms and Egoisms

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by John Hospers

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According to "The Liberty Poll" (February), the Ayn Rand-Murray Rothbard model of libertarian thought — though the two are far from identical, both condemn the initiation of force as wrong — is slowly losing ground among libertarians. There are several reasons for this, of which I'll cite only one: a growing impression that the idea is not acceptable as it stands, but needs revision in the light of empirical facts.

But let's take a fresh look at this idea, and while we're at it, let's look at that other salient principle of Randian ethics, the idea of ethical egoism. For many people, these two ideas are the defining characteristics of libertarianism.

### Thou Shalt Not Aggress

The non-initiation-of-force idea must first be accurately stated. To qualify as "force," the force in question must be coercively used: force agreed to by all involved parties doesn't count; otherwise boxing and some other sports would have to be outlawed. And if a woman wants to be beaten up, there is no violation of the principle if someone grants her wish. In short, whoever is on the receiving end must *consent* to the action. Instead of calling it the principle of non-initiation of force, it might be preferable to call it the principle of consent.

This still leaves us with some troublesome situations.

A devotee of Christian Science refuses to consent to any medical help for her child, even to save the child's life. Physicians offer to take measures to save the child's life, but the parents refuse. The parents are libertarians and don't want anyone to initiate force (not even to administer a vaccine), even on the child's behalf; they just want their child left alone. It comes down to a question of who has authority to speak for the child, since the child can't speak for herself.

Many libertarians, such as Rothbard, assign to the parents the role of final arbiters of the child's fate. But not all agree; I once asked Ayn Rand about parents who physically abuse their children; and she replied, though without her usual high-voltage

energy, that presumably the children should be forcibly taken from the parents, to protect the rights of the children.

In his marvelous book *Miller's Court*, Arthur Miller presents many challenging examples. A man, age 65, I.Q. 60, has an incurable medical condition accompanied by constant pain. By doing nothing, his physicians can let him pass quickly and quietly from the scene. Is this what he would want? We cannot tell, for he is unable even to understand the question. Perhaps he would prefer to continue living for the short time he would have, even in constant pain.

*Informed that they are initiating aggression, they reply, "Of course we are, but so are you. You initiated aggression when you instituted a government."*

If that is true, the physicians should intervene and do what they can. But he has no family or relatives, no one to speak for him. It's up to the judge, who is required by law in Massachusetts, where the case was tried, to put himself imaginatively in the place of the patient and then decide what the patient's decision would have been. But of course there is no way to do this, and the patient is mentally incompetent in any case.

Should we say that if the physicians try to ease his situation, they are initiating force against him, since they don't have his consent? But they don't have his non-consent, either. He hasn't consented, nor has he refused consent. And the same for infants and small children. Children may consent to something in the sense that they can nod and say yes, but they cannot give what the law calls informed consent.

Thomas Szasz ("Alias Dr. Death," February, p. 41) correctly observes that the non-initiation-of-force principle is, in fact, "wrong in principle and impossible to practice; indeed, doing so is a dereliction of parental responsibility." A parent must sometimes initiate force to get a child to behave — for example, to keep him from running into a busy street.

Let's concede that one needs to use some coercion with children. How does the non-initiation principle stand in relation to other adults? Consider again our 65-year-old imbecile; he might as well be a child, for all he understands. It's very difficult to know where to draw the line in such cases. Even with adults of normal intelligence, presumably it's all right to reason with them, or to use the force of one's personality to "work on them" to get them to make the "right" decision. But what about conning them with statements which one knows to be false? Or what about using your mellifluous voice to hypnotize someone, so that he will unresistingly agree to any suggestion you implant in him?

This isn't the use of force, or even the threat of force, but it's hardly rational exchange either. There are many gradations between voluntary exchange (OK with libertarians) and force (not OK with libertarians) on the other. These intermediary steps require lots of attention, which they haven't received.

In the private practice of psychiatry, therapist and patient come together, let's say, as voluntary agents; whether or not

the therapy is beneficial, one could hardly complain of coercion in such a case. But, as Szasz points out, state psychiatry is different. Patients are on the receiving end of coercion — perhaps not physical attack, but threat of indefinite incarceration in undesired conditions if they do not submit to "therapy." And this, of course, if not the initiation of force, is a clear threat thereof; it is the threat that makes it coercive.

A therapist wants to give a patient an anti-psychotic drug, which has worked in thousands of previous cases to make violent patients calm and rational. But let's say the patient doesn't want the drug. "I know it will make you better," the physician says. "I've had lots of experience with it and I know it will help you." The patient still says no. I take it that Szasz would say that the therapist should not be permitted to administer the drug, and this for a powerful reason: giving it against the patient's will is a violation of the patient's autonomy. Also, if the physician does it again and again, where will the process end? That's why patients have to sign on the dotted line before surgery.

On the other hand, it seems to many therapists that administering the drug is a genuine service, something for which the patient will thank them later. They are shocked at the suggestion that they should not be permitted to perform such a simple act for the patient's benefit. Whatever the comparative merits of these alternatives, Szasz is surely right: the libertarian position is, "Don't let him do it," or better still, "Don't allow an institution to arise in which such an act is possible."

One wonders, however, whether the libertarian objection applies under all conditions.

What if the patient is prone to violence, a walking time bomb who wants to stalk and attack every girl who attracts

*And what if it is to your interest to kill me, or do me some grievous harm — assuming (as often happens) that you could do so without penalty?*

him? This patient poses an imminent danger to others even before he has been convicted of any act of violence. What if the slightest uncomplimentary remark sets him off into a spate of aggression? Are we justified in locking him up to protect the public safety? And if locking him up is justified, what about psychological treatment or counseling, at least those forms of it that have a good track record? Can we afford to neglect this important factor in public safety? And if treatment is out, should we let him rot in jail untreated?

What if the patient is underage and can't legally give consent? Is consent required for administering an anti-psychotic drug if the patient is a minor? What if the patient is under ten? Under five? Shall we say to the therapist, "If he's underage, you can give him pills that will calm him down, never mind about his consent; but of course if he's of age, he'll have to get along without your help until he consents"? There are many troublesome questions here, which test the limits of the non-initiation-of-force principle.

Turning now from the individual to society, some other

problems with the non-initiation-of-force principle emerge. As Bradford observes, even if government uses force only to protect citizens against aggression, it must still initiate force to collect the taxes required to keep the police and the judiciary going. Thus, the non-initiation-of-force principle would require the abolition of all governments — something that Rand, for one, never proposed. But her idea of financing the government voluntarily (through lotteries, for example) is pretty well conceded to be insufficient even for a Randian limited government.

Suppose that in the U.S. the law was used only to defend victims of aggression, never to assist aggression itself. Suppose also that the police power was never misused. Suppose in addition that somewhere in Montana a few hundred people take up arms (since we all have the right to bear arms) and use force and the threat of force to destroy the current government and institute some kind of anarchist new order intended to incorporate everyone. (With a superior morality to be imposed on the rest of us by force if necessary.)

Informed that they are initiating aggression, they reply, "Of course we are, but so are you. You initiated aggression when you instituted a government in the first place, and that is what we are trying to eradicate. We are violating your principle, but you violated it first by having government at all."

I daresay that most Americans would not be impressed by this argument. We would suspect that the initiation of aggression required to maintain a limited government does not compare with the aggression which occurs when the "new Mounties" try to enforce their morality on the rest of us. But the Mounties insist, "We are using aggression only to fight the aggression you initiated. Opposing its initiation by anyone is what libertarianism is all about!" But are the two alleged initiations comparable?

Let's try an authentic historical example. When Hitler retook the Rhineland in 1936 he was operating on bluff: the French could have retaken the territory in a week, and probably thereby have avoided World War II. If they had, would they have been initiating aggression? That depends on who is the aggressor — a matter of some dispute. Germany's action was a violation of the Versailles Treaty, but that treaty was as coercive as anything could be — why should Germany have accepted it? Were the Germans simply "retaking their own territory"? And what is the criterion for determining what constitutes "their own territory"?

The problem is endless. Peaceful takeover of territory from one tribe by another is the exception rather than the rule throughout history. Most of the world's land is possessed by those (or the descendants of those) who took it by force. Surely the European settlers in America initiated force against the native Americans. (Of course, it doesn't follow that "we should give it back now," hundreds of years later, when Europeans have meanwhile worked the land and built homes, and so on. And it doesn't follow that we shouldn't.) What tribe or nation hasn't initiated force at some time, and taken what didn't belong to it? That's why it's so depressing to see ancient ruins. They stand as mute testimony to the fact that while some people wanted simply to go on living peacefully, others who coveted their territory armed themselves

and took over that territory, killing or enslaving the inhabitants. Initiation of force against others has been the most consistent theme throughout human history (not to mention the history of the animal kingdom).

What should we do — desist from the initiation of force as of this moment? And should we do this without regard to past history? We can always claim with some plausibility that we are not initiating force but only retaliating against its prior use by others — and usually we'd be right. And they would probably be right in claiming that they were responding to the prior initiation of force by still others.

"Let's put an end to aggression right now" may seem like a good way to put a stop to the seemingly endless process of aggression, but ending it without reference to how it got that way may only pave the way for further aggression in turn. Surely if I have felled the trees and cultivated the land and someone takes it away from me, I am entitled to fight to get it back, am I not? Yet what is it that makes it mine, when previous occupants throughout the ages have also mixed their

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*It won't do to say that it never is to your interest to harm me; there are too many examples, not hypothetical but actual, of people profiting at other people's expense.*

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labor with the same land, only to suffer removal or extermination for their pains?

## Thou Shalt Serve Thine Own Interest

Our second example of a libertarian principle that many people consider in need of amendment or qualification — or at least more careful interpretation — is the Randian principle of ethical egoism. According to this principle, one should always act in such a way as to promote one's own interests — or one's own happiness, or maximum satisfaction, or rational fulfillment; there are many formulations.

Note its obvious limitation: the principle cannot plausibly say that you should do what *will* promote your happiness or well-being, since unexpected contingencies such as a car accident or the death of a loved one may intervene in one's course of action to prevent the desired happiness from occurring. At best, the principle can be stated in terms of probabilities: one can say that one should choose the course of action which *at the time of acting* will *probably* (in the light of the best evidence available at the time) maximize one's happiness.

Ethical egoism in some form is accepted by most Objectivists and by very many, but not all, libertarians. Presumably a libertarian can be as altruistic as he wants to: he can earn money and give it all away if he chooses, as long as he does not become a burden to others. Even so, of course, there would be limits to his altruism. Imagine a society of altruists in the light of this one example: A is given a ticket to a concert that she very much wants to attend; but she is an altruist, and others' interests always come before hers, so she gives the ticket away to B in an altruistic act of self-sacrifice. But B is also an altruist, and gives the ticket to C, who as an altruist gives it to D, and so

on. In the end no one uses the ticket. Presumably a consistent altruist would not even accept food if offered, because "the interests of others come first," and there are always others. A consistent altruist would not live long. By contrast, utilitarians hold that one should always do what promotes everyone's well-being ("the general good"), counting oneself as only one of many.

But suppose we try to be ethical egoists and always do what is in our own interest. Normally this is construed to

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*It is a highly modified version of egoism that Objectivists and many libertarians have in mind: that a person should do what is to his or her own interest only as long as doing so does not infringe on the rights of anyone else.*

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mean "long-term interest," although many people seem in fact to be short-term egoists: they form habits today which in the end will kill them or cause long-term painful illnesses. A wise egoist will weigh the short-term pleasures of smoking against the long-term danger of lung cancer and so on, and refrain from smoking. Attention to long-term self-interest is called *prudence*, and our egoist will be inclined to be prudent.

Such an egoist must be careful not to confuse ethical egoism with psychological egoism, as countless undergraduates do until the confusion is pointed out. It is often said that we are all psychological egoists, that we always do what we think will promote our own happiness or well-being. But as an empirical statement this is simply false. There are people who are knowingly bent on their own destruction, and many others who do what they know to be painful or excruciating to themselves, often out of a sense of duty. I may respond to the phone call of an acquaintance by going out and changing his tire ten miles away at 2 a.m., although I may get no satisfaction from doing it, either then or later (not even the satisfaction of thinking "Well, I've done my duty," supposing that I am an ethical egoist and didn't consider it a duty in the first place). There are so many exceptions to psychological egoism that as a theory it is simply hopeless. Nevertheless, ethical egoism might still be true.

Ethical egoism says nothing about the effects of one's action on others. Of course, if harming someone else brings you dissatisfaction or guilt, you might not do it, but in countless cases it has no such effect, and then there is nothing in ethical egoism to prohibit it. If A's harming B will in turn lead B to harm A, then A, out of self-interest, shouldn't do it; but of course there may be no such effect, and if there is no reason to believe that B will return the harm (for example if B doesn't know who has caused it), there will be no reason to refrain. People constantly cause misery to others, advertently or inadvertently, and often this doesn't bother them as long as they get what they want out of the situation.

Some principle of Karma is often assumed — that if you don't do well by others they won't do well by you — but if it works at all it does so by fits and starts. If I have committed a

crime for which someone who is innocent is now serving time, it may be to my interest to say nothing and enjoy life on the outside, leaving him to rot in prison for 20 years. Even if I feel guilty about this, can one be quite certain that the guilt-feelings I have would be so protracted and intense as to outweigh the misery I would experience if I turned myself in and spent the 20 years in prison in his stead?

Rand pointed out that an act should not be deemed a sacrifice if it is an exchange of a lower value for a higher one (in the person's hierarchy of values): it's not a sacrifice for the mother to do without new clothes if she values her daughter's education more than she does the clothing; she is acting in her own long-term interest in putting her daughter through college. Nevertheless people often do perform acts which are really sacrifices (wisely or not); for example they often help perfect strangers at great cost to themselves, or devote their lives to causes which bring them no joy.

An egoist — at least as described thus far — would probably say, "Why do it? If you don't get any benefit from it, don't bother." David Hume gave the classic hypothetical example: Why should I so much as bother to lift my finger in order to save a civilization, if the survival of that civilization means nothing to me? Many people would be shocked at the thought — they are not egoists; but shouldn't an egoist say just what Hume suggested? If so, what do you think of egoism now?

Now, however, comes a complication. Thus far, I as an egoist believe that I should always try to maximize my own interests. But egoism is not just for me — it's for everyone; it is presented as a *universal principle* of human action, a precept that everyone should follow. Not only I, but everyone, should be an egoist. You should do what is to your interest just as I should do what is to mine. And what if it is to your interest to kill me, or do me some grievous harm — assuming (as often happens) that you could do so without penalty? If it is to your interest to harm me, should you as an egoist do so? And should I as an egoist believe that that's what you ought to do? Maybe I shouldn't encourage you to do it, but shouldn't I at least believe that as a consistent egoist you should harm me to promote your own interest? Shouldn't you pursue your self-interest no matter what?

It won't do to say that it never is to your interest to harm me; there are too many examples, not hypothetical but actual, of people profiting at other people's expense. (Consider for example the victors in war.) No, it is a highly modified version of egoism (if one can still call it egoism at all) that Objectivists and many libertarians have in mind: that a person should do what is to his or her own interest *only* as long as doing so does not infringe on the rights of anyone else. The rights of others thus restrict one's own actions. And this is a severe restriction indeed: even if it would be to my interest to kill you or kidnap you or cheat you, I must not do so because by doing so I would violate your rights. If my rights protect me against your predation, your rights protect you against my predation; it goes both ways.<sup>1</sup>

But it is not always clear which acts are a violation of rights. If I have been waiting on my sick mother the night before the final exam, and I cheat a bit (in a class of 100 where it won't make much difference) so that I can graduate, am I



violating your rights, and those of everyone in the class?<sup>2</sup> If I cut down your elm trees (when you won't) to keep elm disease from spreading to my trees, am I violating your rights? Weren't European settlers violating the rights of American Indians by forcibly taking over land that the Indians inhabited? And so on. In any case, let us take a Randian view of rights, whatever that entails about particular cases, and present Rand's view as one of self-interest with the proviso that one's self-interest must never be allowed to violate the rights of others. Rand seems to have held this view right from the beginning of her career; here is a passage from a paper she wrote in 1940:

Either you believe that each individual man has value, dignity and certain inalienable rights which cannot be sacrificed for any cause, for any purpose, for any collective, for any number of other men whatsoever. Or you believe that a number of men — it doesn't matter what you call it: a collective, a class, a race or a State — hold all rights and any individual man can be sacrificed if some collective good — it doesn't matter what you call it: better distribution of wealth, racial purity, or the Millennium — demands it.<sup>3</sup>

In thus voicing her most deeply felt convictions, she does not mention egoism. There is no doubt that she believed that any society would be better off if it incorporated respect for rights into its constitution — the alternative, she thought, would be totalitarianism, with misery for everyone. But it is less clear that every individual case of rights-violation would be against the prudent and farsighted interest of the violator. In other words, it is more certain that rights-violation is always wrong than that it could never be to one's self-interest to violate someone's rights in a particular case. That is, respect for rights should triumph over egoism "when it comes to a crunch."

One can assert, of course, that "it never under any circumstances pays to violate the rights of another." But this, I submit, is fantasyland. People violate the rights of others all

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*One can assert, of course, that "it never under any circumstances pays to violate the rights of another." This, I submit, is fantasyland.*

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the time, with impunity, both in the short term and in the long. Stalin died in his bed, without being punished for the millions of his subjects who were tortured and killed at his command. Are further examples necessary?

Rand also presented her view in a somewhat different way: that (1) I must not sacrifice myself for others (this is the principle of "traditional egoism" from Epicurus to the present), and that (2) others must not sacrifice themselves for me. It is the second half that distinguishes Rand's view from traditional egoism, for in traditional egoism there is no reason why others should not sacrifice themselves for me as long as I can profit by their sacrifice. Indeed, the second half is so essential to the whole view that one may well doubt, however much of an improvement it is over traditional egoism, whether it should be called egoism at all. It is surely a far cry from traditional egoism.

It is important to end — or at least to bring under some humane control — the cycles of aggression and retaliation all too characteristic of human beings, and the inhumane sacrifices that ideologies across the spectrum seem bent on demanding. But as long as the enemies of coercion — that is, libertarians — present their views in a simple unqualified form, their efforts will lack full persuasiveness. □

#### Notes

1. Described in detail in John Hospers, *Human Conduct* (Harcourt Brace 1996), Chapter 3, "Ethical Egoism."
2. A related view, called rule-egoism, is discussed in op. cit., end of Chapter 2.
3. Ayn Rand, "To All Innocent Fifth-Columnists," in *The Journals of Ayn Rand*: New York, Dutton, 1997, p. 349.

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## Morality, State and Anarchy

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by Barry Loberfeld

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I don't want to argue the point. OK, so libertarianism's Mises-Hayek flank is waxing as its Rand-Rothbard flank is waning. Fine. I'm not even going to ask about the difference between a "general moral principle" and a "moral imperative." What interests me is what this development of the consequentialist vs. natural law conflict means for another dispute that has divided our movement — minarchism vs. anarchism.

The former was responsible for the latter. Ayn Rand first stated the natural law position in terms that no one could mistake: No man has the right to initiate the use of physical force against another man — which, we were told, left us no alternative to limited government.

Now, this didn't seem to cause too many people too many problems, at least not until a skinny kid named Roy Childs came along with an "Open Letter to Ayn Rand." With the boldness of youth, he challenged her to resolve the "contradiction in Objectivism": How could a (so-called) limited government maintain its existence, i.e., its "monopoly on the use of retaliatory force," *without* initiating force against others, viz., competing, private agencies of retaliatory force (e.g., free-market police corporations)?

Rand responded not by answering but by excommunicating. Childs's subscription to *The Objectivist* was canceled, his name was removed from the mailing list, and his money ("the unused portion") was refunded. This evasion was the "official Objectivist" line right up to *Objectivism: The Philosophy of Ayn Rand* (1991), in which Rand's "intellectual heir" Leonard Peikoff, while purportedly confronting the question of "anarcho-capitalism," failed even to recognize (let alone rebut) Childs's point (371-3). So for many Rand-flank libertarians, the choice was clear: join Childs in embracing anarchism — or share a hole with an ostrich.

But let's check that premise: can one *ever* coerce? Well, look at it this way: can one ever *lie*? Yes, according to Peikoff himself: "The principle of honesty, in the Objectivist view, is not a divine commandment or a categorical imperative. It does not state that lying is wrong in itself and thus under all circumstances . . . Lying is absolutely wrong — under certain

conditions" (275). But under other conditions, it is absolutely right. And the truth is that we all recognize this and are all aware of these conditions, from the trivial ("Honey, ya look great!") to the vital ("*Nein*, Commandant, there are no Jews here").

Now would one really care to claim that this approach undercuts the principle of honesty per se? Could it legiti-

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*Virtually every reflective young Objectivist whom I knew in those days — and I knew dozens of them — was troubled by the apparent contradiction between Rand's ethics and her politics.*

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mately be mocked as saying, "Never lie! Unless, of course, you really *need* to lie . . ."? Are we to concede that if you can lie to the Gestapo, you can lie to anyone? To answer affirmatively would be no less absurd than assenting to the notion that one must let go of the flagpole he has grasped to break his fall if the owner comes out and demands that one do so (or whatever the scenario was). The point is, what holds for the principle of honesty holds for the principle of liberty. To my mind, the real "contradiction in Objectivism" was Rand's welding of an intrinsicist valuation of noncoercion (though she did not recognize it as such) onto a contextual theory of value. Rand held that because principles must be applied contextually, in some cases it may be moral to lie. But, she argued, under no circumstances whatsoever can one "initiate force."

And the upshot of all this? For one thing, it transforms Childs' argument into (and thus buries it as) a *reductio ad absurdum* of Rand's ideas about the noninitiation of force.\* For another, it brings a measure of sense to the distinction between a "general (i.e., contextual) moral principle" and a "moral (i.e., categorical) imperative." But most of all, it means that we don't have to throw the baby of principle (natural law) out with the bath water of intrinsicism — and then adopt pragmatism. It is nature that generates (or "legislates," if you will) the contexts within which human action occurs — including both general conditions and "special situations;" it is the convention of intrinsicism that arbitrarily denies that distinction.

And pragmatism, as Peter Viereck used to say, just isn't pragmatic — how can we "go with what works" when we don't know what we're supposed to be working for? Am I the only one who remembers Rand's example of the school class who preferred a society in which all are equally impoverished over a heterogeneous society whose "poorest" member has more than any member of the other society would

have? How would a consequentialist, following Mises, respond? Would that person say, Stick with socialism, if that's your goal?

It's better for us to define a context for the morality of noncoercion than to jettison morality altogether. I'm not willing to tie the market for liberty exclusively to the market for bigger bathtubs: those who forget the history of laissez-faire advocacy are condemned to repeat it. Ah, but what if a contextually-applied noncoercion principle ruled out not only anarchism but minarchism as well? Then *good*: I don't believe in putting the cart of politics before the horse of ethics.

All right, so I did argue the point. □

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## In the Beginning, There Were Anarchists

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by R. W. Bradford

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Barry Loberfeld credits (or blames) Roy Childs for introducing anarchism into the modern libertarian movement by challenging "the contradiction of Objectivism" in a 1968 essay.

At the price of coming across as an old fogey, I confess to having been active in the "modern libertarian movement" well before Childs's essay was published, and I can assure you that both the Objectivist "contradiction" and the anarchism that was consequent on its identification existed in the movement well before his essay. Indeed, I believe that anarchism was more prevalent in the libertarian movement in the mid-1960s than it is today.

Its origin is easy to determine. Anarchism is directly entailed by the common libertarian assumption that it is always wrong to initiate the use of force. How can any group of people impose the rule of law on anyone without initiating force — let alone collect taxes to pay for the institution of government?

In the mid-1960s, the thinking of Ayn Rand was far more influential on libertarians than it is today. And Rand's ethical dictum that "no man may *initiate* the use of physical force against others" was widely accepted by libertarians. Rand derived from it the conviction that the power of government must be limited to the defense of individual rights. It was obvious to her and her followers that the dictum prohibited taxes. So the question arose: how was government to be financed? Rand rejected the notion of supporting it by donations, presumably on the ground that doing so would be altruistic and therefore evil and anti-life. Instead, she offered a couple of suggestions. Government might subsist on lotteries and on fees for the recording of contracts.

Neither proposal satisfied her more thoughtful readers. Why should all contracts whose signers refuse to pay an arbitrary fee to a monopolistic institution be considered unenforceable? And wouldn't a state lottery need to offer less lucrative payoffs than private lotteries, if the proceeds were expected to support a government? If so, why should anyone play in the state lottery? Yes, people might be willing to buy its tickets anyway, knowing that they helped support the government. But wouldn't that be an act of altruism?

Virtually every reflective young Objectivist whom I knew in those days — and I knew dozens of them — was troubled

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\* Childs himself eventually came to acknowledge the absurdity of anarchism. In an unfinished essay in the posthumously published *Liberty Against Power* (1994), he conceded that he had "never written anything about how free market anarchism would work." It was apparently the forever-fluid nature of this ideal that ultimately crystallized his "conviction that anarchism functions in the libertarian movement precisely as does Marxism in the international socialist movement: as an incoherent and therefore unreachable goal that inevitably corrupts any attempted strategy to achieve it" (p. 181).

by the apparent contradiction between Rand's ethics (her prohibition on the initiation of force) and her politics (limited government). A few were willing to accept her obfuscations on the issue, but the overwhelming majority were unwilling to evade the problem. Virtually all these people became anarchists.

I became an anarchist in late 1965 and remained one for perhaps a year. What sprang me from my anarchist prison was my commitment to reason. Like any good, young Objectivist, I was convinced that Rand's philosophy was logically rigorous, except for her peculiar error about government, and that any rational person would inevitably come to this conclusion if presented with the argument in a systematic fashion. Unlike most other boy Objectivists, however, I was studying philosophy and had the very good fortune of having a neo-Thomist as my academic advisor. While he and I (and Rand) had a great deal to agree about (i.e., nearly every issue in metaphysics and epistemology and even psychology), we disagreed radically about political theory. He

was a conventional left-liberal, while I was a wild-eyed radical libertarian-anarchist. I liked him a great deal, and, as a benevolent person, I wanted to share with him the truth and beauty of my own beliefs.

I realized that Rand's argument was a bit, well, poetic in nature; and since it was dispersed through a number of essays and passages in her novels, I could see that someone could have difficulty following it. So I set about to reduce the argument to cold, hard syllogisms.

It was tough going, but I had a lot of intellectual energy and time on my hands. Alas, I never finished the task. Along the way I discovered a critical obfuscation in Rand's derivation of the non-initiation principle: she changed the definition of "rights" in the middle of her argument. I won't bore you with the details; suffice it to say that I came to believe that the flaws in Rand's argument were fatal, and I left the Objectivist-anarchist fold. I still considered myself a libertarian, that is, an advocate of greatly increasing individual liberty and greatly reducing government power. But I wanted

## The Statistics Don't Lie

The recent Liberty Poll has apparently stirred up a bit of controversy. This is not surprising: given the controversial nature of the results, controversy is to be expected.

I have a few observations to make about the Liberty Poll that are unrelated to my opinion about the outcome. I am one of those old-time moralists influenced by Rand and Rothbard, so I found the results somewhat distressing. But I am also a social scientist trained in survey research methodology, so I can make a claim to some impartiality.

Basically, I think the survey is OK.

Unless a survey taker has the financial and organizational resources of a Roper or Gallup Survey (or a government grant!), something social scientists rarely have, certain rules of practicality must prevail. If only surveys with thousands of respondents were acceptable, very little survey research would be done! From a methodological point of view, a sample size of 600, as in the recent Liberty Poll, would be considered quite acceptable and its response rate of 35% excellent. Even the smaller 1988 sample is not *per se* problematic. In my judgment, those who decry the results on the basis of small sample size simply do not understand survey research.

The more important questions are validity (does it measure what it sets out to measure?) and representativeness (does the sample accurately reflect

the characteristics of the larger population from which it was drawn?). I doubt that there are too many people who think the questions asked were the wrong ones, so I'll pass over the validity question. I have no particular problem with the questions (although I would have preferred a 5-choice agree/disagree rating system rather than a simple yes or no).

So what about representativeness? Both the 1988 and the 1998 poll collected data from the same two sources: the readership of *Liberty* and the Libertarian Party. Since the 1998 survey used a combination of self-selection from the survey printed in the magazine (a common and accepted practice) and a random sampling procedure called systematic sampling (every *n*th subscriber), matched for geographical location and length of subscription, and had an excellent response rate, the criticism in regard to a self-selecting sample is weak.

So, does the Liberty Poll adequately represent the entire libertarian movement? No. Does it adequately represent *Liberty* readers, who constitute a significant and important part of the libertarian movement? Yes. (If I were doing a survey of the libertarian movement, it would be my first choice to sample). Since the main comparison was between readers of *Liberty* in 1988 and 1998, I don't see a problem.

As a social scientist, however, I'm a little troubled by the lack of sophisti-

cated statistical analysis. Reporting and comparing percentages isn't the whole story. Contrary to the layperson's common notion, just because there is a difference doesn't necessarily mean that the difference is meaningful, i.e., that it did not occur by chance. Statistical procedures to determine whether any differences found are a result of chance variation or meaningful differences unlikely to occur by chance are, of course, required by academic scientific journals. But *Liberty* isn't a scientific journal. Given that caveat, and given the relatively large sample size, I think it is safe to say that the larger differences (say, 5 percentage points or more) probably didn't occur by chance. Differences of less than 5 percentage points should, however, be treated with caution.

Bottom line: I think the Liberty Poll is a meaningful survey that adequately represents an important segment of the libertarian population. The fact that some of us (including me) are troubled by the results is just tough. Political movements are always and inevitably in a state of flux. The pattern of moving from a small cadre of purists to a wider range of more practical activists is the norm. That's why these results are not surprising to me. Perhaps the real question for the moralists and consequentialists alike is, can we all work together to make significant strides toward a freer society, even if it is not the perfect society?

—Sharon Presley

to do without the absolute moralistic prohibition on the initiation of force, and I wanted to do without anarchism. For my senior thesis, I wrote a lengthy paper explaining what I saw as the contradiction in anarchism and elaborating a quite different rationale for radical libertarianism. I won't bore you with that either.

The point is that all this happened well *before* Roy Childs's essay was published in 1968. Indeed, I was involved in several conferences (some formal, some informal) and a nearly infinite number of bull sessions with other young libertarians and Objectivists in which we discussed these issues at very great length. I was also involved in Objectivist study groups in two different Michigan cities, where anarchism was a frequent topic of discussion.

When I showed a draft of this comment to some of the young punk editors around here, they naturally asked whether any of the punk Objectivists of those olden days published anything about the matter before Childs did. I

don't know of any, for the same reason that I don't know of any who were busy publishing articles arguing that the sky is blue: the issue was simply not controversial. Most young libertarians or Randians understood the problem very well.

I am, however, able to cite one published discussion of the subject: "The Nature of Government," by Ayn Rand, published in the December 1963 *Objectivist Newsletter*, in which Rand notes that "some people are raising the question of whether government as such is evil by nature and whether anarchy is the ideal social system." She then criticizes that view. The only problem is that she entirely ignored the argument for anarchism — because, one suspects, it proceeded inexorably from her own premises.

Whether that suspicion is justified or not, one point is plain: a considerable number of people who read Rand and critically examined her political philosophy were committing the heresy of anarchism at least as far back as 1963, long before Childs entered the picture. □

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### "Uniform Code of Silence," *from page 28*

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"don't ask, don't tell" attitude healthy? Was the nation well served by the unquestioned timidity of its highest ranking military leaders? A somber granite wall in Washington, D.C. cries out it was not.

Article 88 creates a tormenting cognitive dissonance in officers who take their code of professional ethics seriously. The Army maintains a highly touted set of "Army Values" — honor, integrity, courage, loyalty, respect, duty, selfless service. The succinct West Point honor code that dictates a cadet "will not lie, cheat, or steal nor tolerate those who do" is but one expression of this ethical code. Many cadets in or just out of their teens have been punished or dismissed from West Point and other military institutions because a fellow cadet was sworn to report his classmate's impropriety. Yet once a

cadet is commissioned as an officer in the real Army, how can a cadet live up to these standards if his superior officers must supinely refuse to criticize the president? Are we to expect young cadets to be more principled, both in their personal actions and oversight of peers, than seasoned officers?

It is counter to professed Army Values to remain silent in the face of certain irrefutable truths and unacceptable actions. It defies logic, mocks justice, and insults the democratic ethos to maintain regulatory restrictions that proclaim, "The truth or falsity of the statements is immaterial."

When a person takes his oath as a soldier, there is no reason for him to abandon his constitutional right as an American citizen to tell the truth about his commander in chief. □

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### "The Dictator as Hero?" *from page 32*

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How many dictators have held a referendum to allow the people to decide if they should stay in power? How many, after receiving nearly half the vote to continue, would voluntarily step down? I cannot think of another example.

Nor was there a general amnesty to cover all alleged abuses of the era. Pinochet himself has immunity derived from his position as a Senator. But others were prosecuted; the secret police chief, General Contreras, remains in prison after his conviction for human rights abuses.

Towards the end, many Chileans thought that the military had achieved its purpose and had perhaps overstayed its welcome. But most Chileans still believe that Pinochet and the other military leaders saved Chile, politically, militarily, and economically. There is good reason to believe that, by example, he also saved Latin America from communism and economic chaos, helping it achieve the free markets and democracy that it largely enjoys today.

Whatever excesses he may be personally responsible for, abuses for which he will one day answer to God, Augusto Pinochet is a hero to much of his country, and he should be to the rest of the world. □

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### "Learning From the Balkans," *from page 26*

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*and Economy* (1919, translated 1983), activist government invites tensions in ethnically mixed territories; and democracy may only make matters worse. (Mises developed his points mainly with reference to the Austro-Hungarian Empire and parts of Prussia.) Where government has many jobs and other favors to grant or withhold and much power to redistribute wealth, controlling government is important. Even if ethnic groups do not hate one another, mutual fear can poison the atmosphere and prompt preemptive action. Collectivist thinking regards parcels of real estate as belonging to countries as such — to governments — rather than to individual private owners. (Israel's expropriation of properties of Palestinians sets a bad example.) A solution lies in protecting broad areas of life from state control. Separate church and state, school and state, arts and state, business and state. Protect individuals and their property by clear and secure law and an independent judiciary.

Preaching libertarianism will not solve the immediate problem of Kosovo. Libertarian ideas may never prevail, but they are the world's best hope; and showing their relevance to problems like Kosovo is instructive. □

# Reviews

*The Noblest Triumph: Property and Prosperity Through the Ages*, by Tom Bethell. St. Martin's, 1998, vi + 378 pages.

## A Paean to Property

Martin M. Solomon

My professor borrowed a student's watch during my first class of property law. Waving the watch in our faces, he taunted us to explain why he should return it to the student. We could not.

This little experiment was aimed at jolting our thinking: out with traditional modes and in with the social value of property! If property is not definable, then the rights of private owners can be controlled with zoning, progressive taxation, preservation, condemnation and other programs needed to ensure use in the public interest.

In *The Noblest Triumph*, Tom Bethell offers an antidote to my old professor's "deconstruction" of private property. And more: He takes on all comers, defending property on economic, political and moral grounds. He sees the war over property as a Manichean struggle between the forces of righteousness and the forces of sin. But his purpose is not merely defensive: He makes a positive case for property, synthesizing law, economics, history, philosophy, and political science into a comprehensive and generally coherent argument.

On page 3, he boldly states:

[W]hen we . . . make legal relations the bedrock upon which the bridge

of economic analysis must be based, we can look at many historical events through new eyes. The great explanatory hypothesis of history then becomes: When property is privatized, and the rule of law is established, in such a way that all including the rulers are subject to the same law, economies will prosper and civilization will blossom.

This may be powerful rhetoric, but even Bethell suspects it overstates his case. Only six pages later, he proposes a less sweeping (and more easily defended) thesis:

But there are four great blessings that cannot easily be realized in a society that lacks the secure, decentralized ownership of goods. These are: liberty, justice, peace and prosperity. The argument of this book is that private property is a necessary (but not sufficient) condition for these highly desirable outcomes.

Bethell shows how these four macro blessings flow from the "micro" effects of individual property transactions. "Property" is, after all, derived from "proprius," the Latin adjective meaning "own or particular."

Bethell laments that property has fallen into intellectual disrepute and suggests that one cause of this is the view that man is perfectible, and thus that selfishness can be eliminated under the "proper" conditions.

Examining the effects of communal and socialist arrangements, he finds that selfishness (in the sense of greed) is not reduced; rather, it is converted into murder and theft.

### Trinity of Property

Bethell broadly classifies property into private, communal, and state — the Good, the Bad, and the Ugly — and traces the history of its various forms. Of particular interest are his discussions of property under the Roman Empire, which had tremendous respect for private property, but tolerated slavery and other legal inequalities. The land reform of the Gracchi was the precursor of modern land reform. England, which shared the Roman respect for property, added equality

*The great classical economists revered property, but took it for granted. When the attackers came, property was undefended.*

before the law. Locke's theory of the sanctity of private property, the Enclosure Acts converting the commons to individual tracts, and the rule of law allowing an owner to act and retain the fruits of his work, combined to make England the world's wealthiest nation.

Bethell provides a sound operational definition of property in a desirable legal environment. It is a bundle of rights in a thing, including the five rights to use, to prevent others from using, change physically, to enjoy the fruits of, and to transfer title to (19). Only the owner controls the separation of these rights, and initially these rights are unrestricted (22). Bethell is aware that rights must be exercised so as not to interfere with the rights of others (22).

If private property is the Good, communal property is the Bad. Bethell describes the failures of communal

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arrangements at Plymouth and Jamestown. When all output went into the common store, the settlers starved. After individual plots were assigned, production greatly increased. (Thomas Dale of Jamestown and William Bradford of Plymouth are the privatizing heroes of this saga.) Bethell explains the economics of the commons, where people do not produce because they do not bear the costs and do not reap the benefits of their acts, and opines that most modern advocates of communes have a religious impulse transferred to a secular setting. Otherwise, they would see no benefit in their supposedly progressive cause.

Bethell then confronts the twin evils of communal and state property in pure form. Bethell considers the idea of common ownership Very Bad indeed. Robert Owen was a successful manufacturer who saw property, religion, and marriage as warping the development of humanity. His commune at New Harmony, Indiana collapsed because people had no incentive to work. In contrast, religious communes such as the Rappites' had long-term success, because their religious solidarity gave incentives to produce in place of self and family.

State property, exemplified by the Soviet Union, is the Ugly. The basic defect is that one person or a small group of people necessarily lacks the information to make rational planning decisions for a nation. Only prices, a concomitant of private property and the market system, can transfer the needed information about what needs to be produced, and in what amounts. With the related failure to tie rewards and penalties to production, instead of ideology or obedience, the Soviet Union was an economic fiasco.

## Battlefields of Property

The great classical economists revered property, but took it for granted. When the attackers came, property was undefended. John Stuart Mill began the onslaught by writing that human redistributionary laws could equalize distribution of resources without affecting production. Marx assumed that the abolition of property would occur, because of historical forces, and did not discuss the problems that might arise from state owner-

ship. Alfred Marshall, the most influential neoclassical economist of his day, concluded that property was not essential, because human nature could change to selflessness.

As Bethell shows, however, property institutionalizes justice, because it links benefits and costs to the owners' acts. The modern notion of social justice, in the market, is related to another principle — income distribution — an incoherent principle, because there is no distributor in the marketplace; you need a state for that, and state redistribution brings in all the problems of decision making to which I have just alluded.

State power also brings up the problem of state intrusions on individual rights; that is, on those aspects of persons belonging to them in consequence of their nature. Life, liberty and property are the most fundamental rights. Bethell aptly quotes Trotsky: "In a country where the sole employer is the state, opposition means death by slow starvation" (179). Civil liberties cannot exist without the private property to print and otherwise distribute opposing ideas.

Bethell's property analysis suggests to him the importance of patent and especially copyright law, particularly law occasioned by the computer revolution. Digital copying has called forth

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*Bethell sees the war over property as a Manichean struggle between the forces of righteousness and the forces of sin.*

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greater efforts to protect information from copying, thus keeping private property from becoming communized.

Bethell contrasts these generally successful adaptations of law with legal regression in the field of natural resources. Public ownership and regulation have increased, to the detriment of sensible resource management. Forest Service road-building to support uneconomical logging, prohibitions on the resale of subsidized water owned by farmers, strict anti-poaching rules "protecting" destructive animals, and lack of clear title for rainforest lands — these are all examples of the lack of stable and protected property rights



that would encourage thrifty husbandry of natural resources.

Natural resources are not the only problem. Statist (anti-property) trends include zoning, urban renewal, loss of respect for contracts, and environmental takings (especially to protect endangered species). Calling taxation a property issue, Bethell sees the intellectuals joining with officials to tax what they can, keep some of the proceeds, and redistribute the rest to privileged recipients.

But there is also good news! R.H. Coase shook up officials by showing that property rights in airwaves were feasible. Thus, Federal Communications Commission assignment of frequencies was not needed. Coase also showed that clear definition of property rights would resolve pollution and other tort problems, if there was no transaction cost. With Richard Epstein's *Takings* as an additional spur, the climate changed. The Supreme Court looked more seriously at property cases and in 1987 actually invalidated a law requiring an owner to give an easement in exchange for a construction permit.

Bethell's final chapter is mostly about China. Under nominally socialist rule, the Chinese people have moved toward private property for 20 years. In effect, they have had the biggest tax reduction in history. The change in agriculture was gradual, from pure state farms, to production teams (which kept all output that exceeded the quota), to family contracting, and finally to private plots. Similar development occurred in industry. There is still little political freedom, but that is acceptable to Bethell in part because the many poor Chinese might vote for welfare and other programs interfering with property rights.

### Missing Concepts

This is, on the whole, a very impressive book. But there are several areas in which I found room for improvement.

Bethell refers by name to property on most pages, to contract often, but to tort . . . never. He does refer to individual categories of tort. While he recognizes the importance of exchange along with use, he never explicitly states that by private property he means rights in ownership (property as such), contract (agreements involving services, real and personal property), and tort (protection

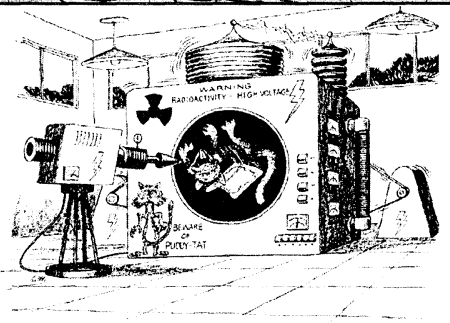
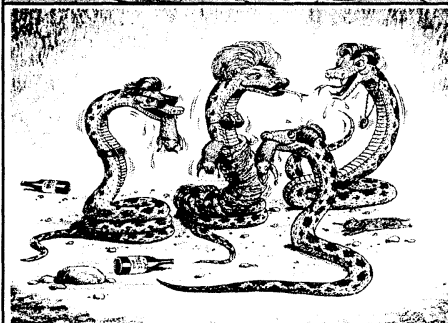
from damage by trespass or nuisance, or other things). This triad is, however, implied in Bethell's definition of property as a bundle of at least five rights (19), and Bethell links property rights, contracts and an independent judiciary (2). Add the need for a well-functioning criminal justice system and defense to protect property from aggressors, and you have something like the minimal state of *laissez faire*. So every time Bethell writes "property," you can think of the minimal state — although he

could certainly have made this clearer.

Bethell divides property into private, communal, and state (25). This classification is not satisfactory on two grounds.

Legally, title is either in the state or in a private person or persons. Private property is either owned in *severalty* (completely individually) or jointly (with various degrees of sharing of rights and duties). Communal property is either state property (like the *kolkhoz* in the Soviet Union) or private property (like Owen's New Harmony). In the lat-

## Jurassic Horde Whisperer of Madness County



This new novel by Titus Stauffer is a wacky tale of lawyersaurs, Quart Low Trackers, Ale Run Hubba-Bubba and His Church of Omnology, Panderwood, and officials at THEMNOTUS and NADGRAB run amuck. A tale so utterly bizarre as to defy all rationality. A tale beyond belief.

But then we get to the annotated end portion of the book and we see that *Jurassic Horde Whisperer of Madness County* is based on FACTS - facts too irrational, crazy and destructive to be pure fiction. Church, State, media, and Hollyweird have provided all the madness spoofed here. Fun, yes, but also a disturbing warning about how destructive irrationality runs rampant in our modern, supposedly enlightened scientific age.

Other works by Titus Stauffer: *Bats in the Belfry*, *By Design* is a near-future hard science fiction novel about a U.S. weapons designer who regrets helping a freedom fearing government. *Freedom From Freedom Froms* is a sequel which continues to throw pointed barbs at many who fear real freedom.

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ter, private parties choose to arrange their affairs with joint rights and duties to the same property, but the property remains *private*.

Second, there will be functional differences between the state-owned and privately owned communes. Bethell is correct in thinking that, absent extraordinary religious or other motivations, any communal arrangement is likely to be less productive than property held

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*Bethell broadly classifies property into three categories: private, communal, and state — the Good, the Bad and the Ugly.*

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individually. This follows from people's inability to internalize benefits and costs in a commune. But state-owned communal property is far worse; it is a hybrid subject to the additional deficiencies of statism.

The most frequently recurring theme in *Triumph* is the relationship of religion

to property. Bethell makes many fascinating observations about their diverse interconnections. Unfortunately, he never unified these observations, and the index did not list them in a useful manner. Beyond scores of direct references to religion, he also cites Adam Smith's reference (93) to the "sacred rights of property" and himself refers to "the great blessing of private property" (162). Rappites, Moslems, Catholics, dissenting Protestants and militant atheists are all treated separately. With all this religious content, a short synthesis would have been very helpful.

So would a sharper analysis of some issues connected with religion and morality. Bethell observes that one of the "trouble spots in the Koran" is its "countenanc[ing of] polygamy and divorce" (237). In what way is divorce inconsistent with private property? If a marriage is unsatisfactory to one or both partners, particularly when there is a large difference in their assets, the only resolution consistent with clearly defined property rights is a complete separation of interests by divorce.

Bethell makes an unsupported statement that monogamy is necessary for

capitalism (237). Thin gruel from an iconoclast! But David Friedman has plausibly argued that polygamy may be more productive than monogamy. It gives more men and women the opportunity to make a superior choice of a mate. Better choice means more happiness, and is reflected in greater economic output. Further, the libertarian non-aggression principle forbids any state role in banning or requiring plural marriage for consenting adults. But it is apparent that Bethell wishes to regulate at least one market, the market in marital partners.

And speaking of religious problems: Bethell provides an incisive analysis of the devastation wrought by weak property rights in the Middle East. He observes that the goat, a scavenger on the rockiest communal lands but able to be kept indoors at night, flourishes there because of insecurity or lack of property rights. Sheep (and cows) are preferred worldwide where private property is respected (239–242).

But times change. High demand for goat meat by recent immigrants to the U.S. has recently led to large-scale goat ranching in Texas and other states. (Another cause of the goat meat focus was the 1993 repeal of the Wool Act, which had subsidized producers of angora wool, which comes from goats. Removal from the federal trough led ranchers to look for alternative markets.)

In ancient times goats may not have been linked to weak property rights. The Bible offers three insights consistent with Bethell's overall approach, but differing in specific implications about the role of the goat.

Shepherds apparently kept both sheep *and* goats in the same field. In one of the parables, Jesus said, with respect to believers and nonbelievers: "A shepherd divideth his sheep from his goats" (Matthew 25:32). The Old Testament prophet says, "Mine anger was kindled against the shepherds, and I punished the goats" (Zechariah 10:3). Sounds like scapegoating to me! But if goats were disfavored, at least they were still kosher: "These are the beasts we shall eat: the ox, the sheep, and the goat." (Deuteronomy 14:4)

My query: Was it a coincidence that atheist Ayn Rand, who was born into the Jewish faith, chose the biblically disfavored goats as the animals to be sacri-

## Coming in *Liberty*

"Libertarianism as if the Other 99% Mattered" Why are 99% of Americans indifferent to liberty? *Loren Lomasky* answers.

"Liberty in N-Space" *John Goodman* proposes a new theory of private property that seems to solve a lot of thorny problems.

"In Search of Lysander Spooner" *Randy Barnett* searches the wilds of Massachusetts for traces of America's greatest native anarchist.

"Libertarians and the Constitution" *Gene Healy* explores the weird world of libertarian constitutional theory.

"Apolitical Life" *Richard Kostelanetz* tells how America's leading avant garde left-libertarian got that way.

"Why Johnny Can't Disobey" *Sarah McCarthy* wonders why Americans are becoming servile.

"Confessions of a Tax Collector" *Anonymous* tells how the IRS has turned over tax collection to private enterprise — i.e. to guys like him.

"The Libertarian of the Century" And the winner is . . .

ficed in *Atlas Shrugged?* (765) Her *Diaries* say nothing about this.

Moving from goats to natural resources generally, Bethell's chapter on the environment (282–298) is strong on conservation of natural resources, but barely mentions air, water and soil pollution. Pollution is an essential piece of the environmental issue; private property is an essential part of the solution of this difficult area.

Bethell offers a supposedly universal thesis, that prosperity, justice, liberty, and peace follow strong respect for property and the rule of law. A theory that cannot explain the economic success of nations such as China, Japan, Korea and Israel is not universal. Only for Japan and Korea does Bethell offer

an answer. He says the expropriation there was successful because it was done under authority of the U.S. as occupying power. But this does not follow. Why would people feel secure just because expropriation was due to U.S. occupation? Presumably they would fear reassertion of rights by the dispossessed after the occupation ended, or a further expropriation by other influential groups. And the expropriations in Eastern Europe during the occupation by the Soviet Union after World War II did not lead to stable private property.

Despite these problems, Bethell's thesis is compelling, and *Triumph* is a strong contribution to the literature of freedom. *The Noblest Triumph* is a vigorous blow on behalf of the Good. □

But it has been done; it is done all the time. Most books about the French Revolution assume that you already know the story and that the story doesn't count for much anyway. They assume that what counts is the proper social "analysis." They announce that in their preface; then they treat you to four or five hundred pages of statistics about peasant landholdings and the literacy rate in Lyons and the proportion of lawyers among representatives to the National Assembly and the approximate number of French couples who had access to birth control devices; and from time to time you are lectured about how important it is not to get distracted by accounts (mere "anecdotal evidence") of any actual human lives.

So much for the dull books. The interesting books are, as I've said, also strange books in some respect. Victor Hugo's masterpiece *Ninety-Three*, which takes its name from a crucial year of the revolution (but all its years were crucial), combines the most extreme idealism with an exact reproduction of mundane material reality. At one point in that novel, Hugo pauses to describe and even to measure the features of the revolutionaries' legislative chamber. But because he never neglects the relationship of mundane details to the incredible story of which they are a part, he is able to charge each of them with the meaning of the whole.

Dickens's *A Tale of Two Cities*, that elaborate conflation of the grotesque and the romantic, is another instance of triumphant strangeness. Still another is Crane Brinton's magnificent biography of Talleyrand, the nimble survivor of all revolutionary (and conservative) regimes. Brinton, moving like a dancer between comic irony and high moral seriousness, is simultaneously playful and magisterial — equal, almost, to his subject's slyness. The life of all these works lies in their ability to capture the bizarre vigor of an era in which moral purity constantly produced extremes of horror and filth, and even horror and filth aspired to moral purity, or the theatrical impersonation thereof.

Alan Jolis's new novel is the latest contribution to this great and strange tradition. To express the contradictions of the French Revolution, Jolis dares to cast as his protagonist Joseph Fouché,

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*Love and Terror*, by Alan Jolis. Atlantic Monthly Press, 1998, 337 pages.

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# The Great Revolution

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Stephen Cox

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There are two types of books about the French Revolution: dull books and strange books; or, to put this in another way, books that fail, and books that succeed, in matching the strangeness of that event.

The French Revolution is one of the most interesting and exciting things that ever happened. That a revolution should have happened was quite predictable; that it should have taken the weird, romantic, ridiculous, sickeningly crude, clinically insane, endlessly fascinating forms it did — that is the strange thing.

Within the space of 26 years, the French revolted against a king (who was by far the mildest of their kings), established a constitutional monarchy,

prohibited the monarch from exercising his constitutional powers, blamed him for trying to exercise them, arrested and then executed him when he tried to leave, established a radical democracy, established a puritan dictatorship, executed the dead king's wife, executed the puritan dictators who had executed the dead king's wife, established a dictatorship of crooks, established a military dictatorship, turned the military dictator into an emperor, conquered Europe, were conquered by Europe, exiled the emperor, welcomed the emperor back, exiled the emperor a second time, and finally welcomed back the brother of the king with whom they had started 26 years before.

The characters who performed these acts are as vital as life itself, as various as mankind in its most extended definition. How can you possibly make them dull?

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known to history as one of the vilest of all the revolution's *dramatis personae*, and to involve him in a serious and in some ways sympathetic moral struggle. This Fouché is often regarded as the inventor of the modern police state (although there's a lot of competition for the honor). He was a leading instigator of the Jacobin terror. He was Minister of Police under the government that succeeded the Jacobins. He plotted to keep Napoleon from power, meanwhile plotting to bring him to power. Napoleon made him a minister, fired him for conspiracy, rehired him, and received his own political coup de grace from him. Fouché then emerged as Minister of Police under the restored Bourbon monarchy. Napoleon is said to have remarked, "If I had hanged only two men, Talleyrand and Fouché, I would still be on the throne today." Associating any substantial moral struggle with a character like Fouché is itself a daring thing to do in literature.

Whatever else you can say about Fouché, he was at the thick of things. Jolis follows him through one (imagined) episode of his revolutionary career and draws in many other characters, some invented, some real. We meet such wonderfully diverse people as Thomas Paine, Marie Antoinette, Danton, Robespierre — all rendered vigorously and with great psychological insight.

Admirers of Ayn Rand will appreciate Jolis's highly romantic, complex, and stylized plot. Because this plot involves a good deal of suspense and mystery, I will say nothing about its specifics except to note that it concerns a love affair between Fouché and a class enemy and that it involves a conflict between the people whom certain characters imagine themselves to be, and the people whom they actually are. This conflict is symbolically reinforced by means of various devices of double identity and mistaken identity. Like some of Rand's plots and subplots, the story has a chesslike interest; and it is interesting that so abstract and stylized a plot can be so well adapted to the presentation of concrete historical reality.

As with *Ninety-Three*, so with *Love and Terror*: the sweep of history is suggested by innumerable evocations of historical and historically-typed scenes

and personalities. We are made to understand that these are the deformed social dramas, the deformed personalities, that emerge from the imposition of massive force on spontaneous human action. Libertarians of both capital-l and small-l varieties will well understand what happens in this book.

An example: a passage at the beginning of the novel shows, concretely and without sermonizing, how sordid life becomes when even the sainted People grasp at power:

On this dead Sunday in the dead of fall, as mist curls at the base of Paris buildings and along the wet cobblestones of the rue de l'Ancienne Comédie, the air is heavy. Sounds are muted. Except for a few souls rushing to get out of the October drizzle, the sidewalks are empty.

Suddenly a flow of patriots bursts onto the street singing *La Marseillaise*. Full of wine, drumrolls, and tricolored cockades, the *sans-culottes* demand price controls with their patriotism, tobacco at no more than twenty sous the pouch, a pound of salt for two sous, soap for twenty-five sous, and the

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*That a revolution should have happened was quite predictable; that it should have taken the weird, romantic, ridiculous, sickeningly crude, clinically insane, endlessly fascinating forms it did — that is the strange thing.*

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guillotine for émigrés, hoarding merchants, and royalist sympathizers. . . .

Once they pass, the street is quiet again, and a deathlike silence falls over the city. Rue de l'Ancienne Comédie is narrow and gray. Running parallel to it, the passage du Cour-du-Commerce is even narrower, and the back entrance to the Procope at number 13 of that streetlet has streaked and dirty windows. Here a crowd of informers waits to gain entrance.

If you read over that passage, you will see that the historical and atmospheric details are charged with sym-

bolic meaning, and within that meaning lies a deep political and moral significance. Here is an ambitious literary method, daringly pursued.

People who have been led to

assume that the historical novel is a literary backwater or to believe that the Great Revolution was, after all, a dull affair, should immediately consult this book. □

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***Born that Way: Genes, Behavior, Personality*, by William Wright.  
Alfred A. Knopf, 1998, 303 pages.**

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# Up From Behaviorism

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Bruce Ramsey

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In 1965, my eighth-grade teacher told me that all human behavior was based on "stimulus and response." We school kids were no different from rats in a Skinner box, pulling for pellets.

I'm not sure my teacher really believed this, but plenty did. Behaviorism was one of two dogmas that dominated human psychology for most of this century. To discern the nature of man, the Freudians studied dreams and the Skinnerians studied rats. Both agreed that we are born a blank tablet for our parents, peers, and society to scribble upon, and that we are purely products of our environment.

Said psychological theorist John Watson: "Give me a dozen healthy infants, well-formed, and my own specified world to bring them up in and I'll guarantee to take any one at random and train him to become any type of specialist I might select — doctor, lawyer, artist, merchant-chief and, yes, even beggar-man and thief. . . ."

That claim, though preposterous, fit in neatly with the illusions of the day: Take a bum out of the slums, give him a factory job, and he'll take care of his kids, pay his taxes, and vote Democratic.

Psychologists even applied "social

conditioning" theory to sex. In the 1970s they told us that little boys were more aggressive than little girls because we trained them that way. If your little boy was endlessly fascinated with cars at age 1, as mine was, and cared nothing for dolls, it was because you put him in blue jammies instead of pink ones. If the environment could plausibly explain something, you looked no further.

But the behaviorist theory has been shattered. In *Born That Way: Genes, Behavior, Personality*, William Wright tells the story of how behavioral geneticists challenged this view and eventually routed it.

Wright, a science journalist sympathetic to geneticists, examines the bitter argument among scientists in depth. He recounts the tale of Margaret Mead, who went to Samoa in the 1920s and returned bearing the titillating news that our sexual taboos were absent there — and how, in 1983, Derek Freeman, in his book, *Margaret Mead and Samoa*, showed that Mead had gotten it all wrong. "In virtually every instance," Wright says — violence, competition, chastity and sex — "the reality of Samoan life was the opposite of Mead's portrayal." It seems that Mead, who was 23, just out of graduate school and eager to please her mentor, Franz Boas, simply "saw" what was in her head rather than in

front of her eyes.

He tells the story of Sir Cyril Burt, who made a career of proving that intelligence is inherited. Burt was denounced in 1975 for falsifying his research. Actually he hadn't, and his conclusions were correct. But he was treated like Piltdown Man for 15 years.

Wright's account of the political objections to the theory of inherited differences is the highlight of the book. Positing such differences, objectors argued, undermined the quest for human equality, supported racism, and opened the door for eugenics. Wright denies that these consequences follow, and he is correct, though his political thinking is not the strong point of the book. His concern lies with science. He points out that we can argue afterward about the political implications, but the facts ought to be our first concern.

But the public argument has not been conducted this way. One side has argued science while the other has attacked motives, making the dispute, he writes, more like "the church-versus-science struggles of earlier centuries."

The rise of behavioral genetics paralleled in some ways Darwin's achieve-

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*Take a bum out of the slums, give him a factory job, and he'll take care of his kids, pay his taxes, and vote Democratic.*

---

ment in *The Origin of Species*. Skilled amateurs pioneered both by traveling to exotic climes and returning with conclusions drawn from animals and old bones.

In the case of behavioral genetics, the pioneer was Robert Ardrey, who was not a scientist at all, but a playwright. He traveled to Africa in the late 1950s, when Louis and Mary Leakey were digging up fossils of *Australopithecus* in the Olduvai Gorge. Ardrey came back and in 1961 published a colorful, exuberant and politically incorrect book called *African Genesis*. Man, he argued, had evolved as a combative and territorial animal. His modern

behavior showed it, and the evidence of his prehistoric hunting showed it, exposing the concept of *tabula rasa* as nonsense.

The scientific community reacted harshly. "Paleontologists and other academics," says Wright, "rose up in angry phalanxes to fight him with a territorial desperation that would have impressed Siamese fighting fish."

Ardrey had no academic credentials, but those who followed him did. In 1966 came Konrad Lorenz's *On Aggression*; in 1967, Desmond Morris's *The Naked Ape*, and in 1975 the blockbuster, Edward O. Wilson's *Sociobiology*. Like *The Origin of Species*, which spent far more ink on pigeons than on man, most of *Sociobiology's* evidence was about animals. But Wilson made an impressive case.

"The outrage was immediate and vehement," says Wright. "Harvard's Richard Lewontin and Stephen Jay Gould were among 15 prominent academics who signed a letter in the *New York Review of Books* that denounced *Sociobiology* and drew parallels with racism and Nazism." Opponents of the biological perspective "were so alarmed by what they saw as the [theory's] right-wing political consequences," Wright says, "that they dedicated themselves to attacking every advance."

Critics characterized the new theory as genetic determinism. It is not. It acknowledges the influence of nutrition, parents, peers, TV, teachers, national culture, and everything else we lump under the rubric of environment. It merely adds a new and powerful category called genetics. It holds that our bodies are hard-wired to have minds of their own. "As far as behavior is concerned," Wright notes, "there is no genetic determination, only genetic influence." That influence, however, appears to hold sway over many things, from intelligence to obesity to sexual orientation.

Even today, the scope of this idea has not been fully accepted. We accept a genetic component of I.Q., but when it comes to a trait like rebelliousness, Wright says, "the usual suspects are trotted out — rearing, home setting, education, role models and the rest — with little more than lip service to possible biological contributions."

But if one could inherit a tendency to get fat, how about a tendency to get mean? A tendency to empathize with others? A tendency to take risks? A tendency to reject the common view, and think for oneself?

And if genetics does account for these traits, could not one's innate political orientation be inherited? If some people vehemently believe that

abortion is murder, and others contend with equal passion that it is not, could it be that, to some extent, they are born that way?

Outrageous? Perhaps, and perhaps not. We simply do not know the full extent of genetic influence. This is a crucial question, not of values, but of fact.

Now that we know it's there, we are at least free to investigate it. □

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**Alexander Hamilton, American**, by Richard Brookhiser. Free Press, 1999, 217 pages.

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## The Man on the \$10 Bill

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Martin Morse Wooster

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Most of us have, at best, a sketchy idea of the political ideals of the Founding Fathers, and most of what we remember is low-level anecdote. When we think of George Washington, for example, we remember that he had wooden teeth and may have grown hemp at Mount Vernon. We all know that Thomas Jefferson might have had an affair with Sally Hemings, but we've largely forgotten the rest of his life.

Of all the founders of our country, Alexander Hamilton (1757-1804) has the cloudiest reputation. Some people know that he was illegitimate, that he had notorious affairs, and that he died in a duel with Aaron Burr, who at the time was vice-president of the United States. But we've forgotten what Hamilton believed in, or why anyone ever thought he was important enough to have his face on the ten-dollar bill.

Moreover, Hamilton's ideas remain obscure. He was a prolific writer (who founded the *New York Post* a few

months before his death), but with the notable exception of *The Federalist*, most of Hamilton's writings lie unread today. The last edition produced by a trade publisher appeared in 1957.

Libertarians in particular might be skeptical of Hamilton because of polite Buchananite Michael Lind's efforts to resurrect a political philosophy that he calls "Hamiltonianism," a toxic brew of nationalism and protectionism. If today's "Hamiltonians" (should there be more than one of them) are politically repulsive, could it be that Hamilton himself was too?

Both friends and foes can learn a lot from Brookhiser's careful reconstruction of eighteenth-century political life. *Alexander Hamilton, American* is a very good book about a wrongheaded man.

Brookhiser, a senior editor of *National Review*, was one of the better political reporters of the 1980s. He has now evolved into a political historian. His previous book, *Founding Father* (1996), an appreciation of George Washington, was roughly similar in shape and scope to this book.

Hamilton, as Brookhiser portrays him, had the virtues of a courtier. He joined Washington's staff at the age of



20 and, by all accounts, was an efficient and productive staff officer, good at rounding up troops and shaking down French and Dutch bureaucrats for loans. He married into the Schuyler family, one of the wealthy New York families, and started a lifelong quarrel with the Livingston family, another clan of powerful New York patroons. (Bob Livingston, briefly Speaker of the House designate, is the most important modern representative of the clan.)

But Hamilton's rise to power came as a result of the Constitutional Convention of 1787. After the other state delegates resigned for personal or political reasons, Hamilton emerged as the only New York delegate. This privileged position gave Hamilton many opportunities to plot, chiefly over how the new government should be organized. Hamilton's proposals — for two legislative houses (the upper one being elected for life) that would then elect a national governor, who would appoint state governors — were largely defeated. But his powerful networking skills ensured that he would be able to work together with James Madison and John Jay, his collaborators on *The Federalist*.

Hamilton's reward for helping to ensure that the Constitution was ratified was the opportunity to become, at age 32, the nation's first Secretary of the Treasury, apparently because he knew more about economics than any of his peers. Brookhiser enthusiastically supports Hamilton's efforts for a strong national government, but seems equally determined to prevent Hamilton's being portrayed as a protectionist. In 1791, Hamilton wrote the famous "Report on Manufactures," which called for government to give factory builders direct subsidies (which in the eighteenth century were called "bounties") and to erect protective tariffs. "Hamilton proposed to use protective tariffs more sparingly," Brookhiser writes, "so sparingly that some modern protectionists disown him as a false forerunner." He does not tell us who these "modern protectionists" are or why they decided to disown Hamilton.

Was Hamilton a big-government man? Most of the time he was, as Brookhiser reveals. His arguments for a strong central government in *The*

*Federalist* are passionate and enthusiastic. As Treasury Secretary, he helped to create the national debt and successfully argued for the creation of the First Bank of the United States, even though the Constitution does not say the federal government should be the nation's central banker, or authorize anyone else to be. When out of office, but not out of sympathy for government, Hamilton supported the Alien and Sedition Acts, which gave the state the power to expel foreigners and to jail

journalists who wrote articles that politicians didn't like. In 1798, for example, journalist James Callender was jailed under the Sedition Act for calling President John Adams "a hideous, hermaphroditical character."

But Hamilton left no political heirs. By the time he fought his fatal duel in 1804, his party, the Federalists, were only in power in New England. After the war of 1812, the party expired, and most of his ideas expired with them. Twentieth-century big government

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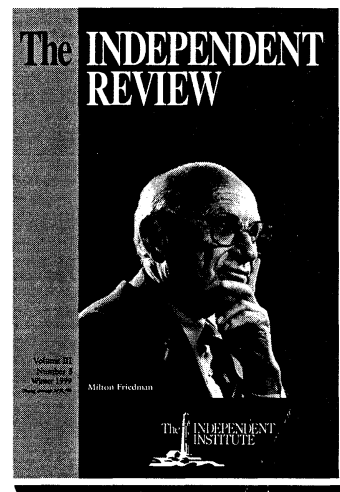
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advocates look to Europe and to the Roosevelts (Theodore and Franklin) for inspiration; except for *The Federalist*, they stopped reading Hamilton dec-

ades ago. Libertarians will find Alexander Hamilton much less congenial.

Nevertheless, Brookhiser — a lively writer who loves political arguments

and scandals — does a fine job of bringing his subject to life. Anyone who likes politics and American history will enjoy this book. □

## Letters, from page 5

Eliminate the system that allows cash payoffs and we'll have a (meaningful) balanced budget overnight. Clean up our political system and government will shrink rapidly.

Libertarians resist public financing of campaigns, and I do too. But the truth is, we already have them. We're just paying through the back door in the form of federal grants, tax breaks, subsidies, price supports and other government giveaways. Where willing contributors have a choice of where their contributions are directed, the unwilling contributors (those who contribute through the hidden tax system) are robbed of this constitutional choice. The former make their contributions on the front end, and the latter pay dearly on the back end. This is not what I

would call a fair system.

Jack E. Lohman  
Colgate, Wis.

## Health Along the Border

In R. W. Bradford's "The State of the Applause" (April), Bradford's final question is "When America's system is socialized, where will we go for decent medical care?" The answer is already here: along the border with Mexico. When I lived along the border with Mexico a few years ago I purchased a package of 20 eritromicina (antibiotic) tablets for \$8.00 U.S. On the U.S. side the same package would have cost me \$54.00. And in the U.S., I would have had to visit a doctor to get a prescription, which would have been an additional cost. Medical clinics and dentist

offices are continuing to develop along the border region to service those Canadians and Americans who can not afford or do not participate in Canada's full and America's semi-socialized medical system.

The continuing development of these clinics has even made front page news in the *Los Angeles Times*, March 11, 1999. Many patients using these clinics are satisfied with the quality of the treatments they received. I myself used Mexican medical professionals on occasion and have been quite pleased with the results. So the next time your favorite jackbooted thug tells you you're not eligible for medical treatment, the solution could be just south of the border.

David Hunter  
Downey, Calif.

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**The Sociology of the Ayn Rand Cult** by Murray N. Rothbard. Published in 1987, this essay is one of the most important scholarly works on Ayn Rand's inner circle. Rothbard was there, and what he offers is an unflinching, critical look at a cult that "promoted slavish dependence on the guru in the name of independence." Send \$4 to Liberty Publishing, 1018 Water St. #201, Port Townsend, WA 98368.

**Ayn Rand and Her Movement** — an interview with Barbara Branden. Ayn Rand's close friend discusses the inner circle of the Objectivist move-

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- researcher at the Cato Institute and Media Research Institute
- chief researcher for Canada's Reform Party

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# Terra Incognita

## Hungary

Tragic breakdown in comradery in the former Eastern Bloc, as reported by Reuters:

An elderly woman spent a month trapped in her pantry in Budapest, living on bottled fruit and tomato juice. She had accidentally locked herself in after pulling the handle out of the door when she entered the pantry. She was released by the fire brigade after a neighbor heard her cries for help.

## Turkey

Innovative automotive technique, reported by the Anatolian news agency:

Fire crews put out a blaze started by Nazim Canturkas when he tried to get his vehicle moving after the diesel fuel in his truck's fuel tank froze during an overnight stop on a mountain pass. Turkish officials said he used a "very dangerous technique" of thawing fuel by lighting a fire underneath the truck's fuel tank.

## Milwaukee

The return to basic education in the heartland, reported by the *Milwaukee Journal Sentinel*:

Flyers produced by the Milwaukee Teachers' Education Association supporting the candidacy of Theadoll Taylor for the Milwaukee School Board have a host of grammatical problems. The flyers include errors such as, "Theadoll believe a safe learning environment requires rules. . . . That's why Taylor support expansion of the Student Achievement Guarantee in Education program." A different flyer put out by Taylor's campaign notes that she was "prinicipal" of Webster Middle School.

## Washington

Heroic victory in the War on Drugs, reported by *The Source* magazine:

Upset that his family moved from upstate New York to Washington State, a 16-year-old boy called police and showed them his parents' stash of marijuana. The father pleaded guilty to misdemeanor possession and received a 90-day suspended sentence.

## Brush, Colo.

Progress in oral hygiene, according to correspondents of *Home Furnishings News*:

To add power to Braun Oral-B's historic promotion, it launched a unique advertising campaign in Brush, Colo. Braun recently passed out its 3-D Plaque Removers to virtually every household in the sleepy town of 5,000. In celebration of the town's change to power-assisted toothbrushes and to generate further publicity, it orchestrated the making of the first "living" power toothbrush. To do so, Braun gathered local residents in a stadium and assembled them into the shape of a giant plaque remover. The people who formed the head oscillated back and forth, and the town's mayor dubbed Brush "Power Brush" for the day.

## Mission Viejo, Calif.

Headway in the fight against youth violence, reported by the *Los Angeles Times*:

A 10-year-old girl was suspended from her elementary school for having a toy gun on her keychain. The third-grader was only the latest victim of a strict zero-tolerance policy forbidding students from bringing "weapons" to school. A 5-year-old was transferred to another school after bringing a disposable razor blade he found at a bus stop. A 12-year-old was expelled for possessing folding fingernail clippers.

## Portland, Ore.

Another triumph in the War on Drugs, reported by the *Oregonian*:

Implementation of the Campus Crime Stoppers program in all of Portland's middle and high schools is nearly complete. The program pays students as much as \$1,000 for anonymous tips to police on crimes ranging from drug possession to after-school hours drinking.

## Cambodia

Capitalism rears its ugly head, from *The Phnom Penh Post*:

Cambodian soldiers stationed near the grave of Khmer Rouge leader Pol Pot are cashing in on his notoriety by charging curious spectators \$5 to visit the site.

## Salt Lake City

Advance in public health in the Beehive State, reported by Reuters:

A Utah couple has filed a lawsuit to bar a neighbor from smoking in his home.

## Iraq

Victory over foreign moral degradation, from the influential *Babel*, paper of Saddam Hussein's estimable son:

Iraqi health authorities have called for banning the U.S.-made anti-impotence drug Viagra. Border guards are being urged to double-check incoming materials to prevent the entry of the "poison."

## Ithaca, N.Y.

Progressive environmental idea, from Professor Robert Frank, reported by *Cornell Magazine*:

"Frank answers libertarian objections to his proposal by comparing conspicuous consumption to environmental pollution. Just as the government can require motorists to install controls on their cars to limit harmful emissions, so too should it muzzle spending that harms society as a whole, he says. And, he argues, the things we're spending money on aren't making people happy anyway."

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

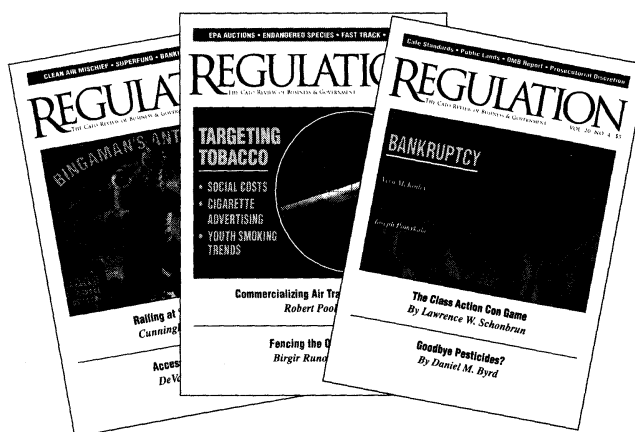
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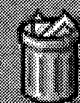
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