

Liberty

June 2001

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Clintons: The Final Legacy

Drugs & Violence: *The Real Connection*

by David Friedman

The War on Victims

by Dave Kopel, Paul Gallant & Joanne Eisen

Hitler's Anti-Tobacco War

by Bruce Ramsey

Take It to the Streets

by Kendra Okanski

A Guerrilla Capitalist in Guatemala

by Doug Casey



Also: *Timothy Sandefur* unravels the paradox of Thomas Jefferson, *R. W. Bradford* takes a reality check on the China "Crisis," and *Jan Narveson* and *Edward Feser* thrash out the rights of gays . . . plus other articles, reviews, and humor

"Man flees where there is no Liberty." — José Martí

So Much for Compassionate Conservatism

by Jacob G. Hornberger



During the controversy over Linda Chavez's appointment as secretary of labor, President Bush squandered an excellent opportunity to show some compassionate conservatism toward the tens of thousands of undocumented workers who have risked their lives to live and work in the United States.

In the 1960s, I grew up on a farm on the Rio Grande outside of Laredo, Texas, where we hired and housed Mexican illegal aliens. They were among the hardest-working people I've ever encountered. They were also religious, and they had strong family values. We worked, ate, and played together, and I counted them among my friends. Among my fondest memories is helping them hide from the Border Patrol.

Hiring illegal workers from Mexico was common on the border. Many middle-class families had a maid, who often became an integral part of the family, playing an important role in the upbringing of the children.

Both employer and employee profited. The workers received more money than they could have in Mexico. The employers benefited from the hard work and loyalty that Mexican workers traditionally displayed.

The only exploitation came from immigration laws. Whenever a maid became displeased with one job and moved to another, she faced the risk that the disgruntled housewife whose employment she had left would report the maid's new address to immigration officials.

One day, I asked the local sheriff whether my cousin and I could hold a Christmas show for the illegal aliens who were incarcerated in the local detention center. He agreed.

On the appointed day, we appeared at the center,

where about 150 undocumented workers were seated before a makeshift stage and a microphone. My cousin began strumming his guitar and singing some classic Mexican songs, such as "Cielito Lindo." (Both of us were fluent in Spanish.) After a while, he announced that he needed a break and handed the microphone to me. I said to the men:

"Despite the fact that you are here in jail, do not ever think that you are criminals, because you are not. For you have done nothing morally wrong. All that you have done is what God expects of you — to sustain and improve your life and the lives of your family through labor. Why shouldn't a person be free to cross a border to do that? The true criminals are the federal judges, the federal marshals, and the immigration officials who put you here and the guards who keep you here."

It was not difficult to see that we had brought some unexpected cheer into the

lives of men who were spending Christmas in jail for the "crime" of simply crossing a border in search of work.

President Bush may have been justifiably upset over Chavez's lack of forthrightness, but he could have overlooked that and used the opportunity to take a stand against the punishing of Americans who hire or harbor illegal aliens. He could have called for the repeal of these immoral laws and announced pardons for everyone who had violated them.

He could have taken a stand in favor of the free market, liberty of association and contract, the Statue of Liberty, the Sermon on the Mount, and God's second-greatest commandment.

Instead, President Bush stood quietly aside in the midst of the political storm. So much for compassionate conservatism.

Mr. Hornberger is founder and president of The Future of Freedom Foundation (www.fff.org) in Fairfax, Va.

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Letters

Hard-wired Sexuality?

Edward Feser's review of *Moral Matters* ("Liberty, Tradition, and Morality," April) is a good example of why I read *Liberty*. Your magazine publishes glints from all parts of the libertarian spectrum (and occasionally some wavelengths I can't classify). Feser's traditionalist flavor of ethical thinking is not to my taste, but I appreciate the update on the current thinking from that quarter.

Feser detracts from his persuasive thrust when he cites Michael Levin's view of homosexuality as "intrinsically dysfunctional and ill-suited to promote human happiness, so that the common revulsion against it is (itself very likely to be hard-wired into us) . . ." That parenthetical mention of "hard-wired" tendencies sends the reader's thoughts off toward current assertions about the innateness of sexual orientation, a subject to which Feser does not return. The commonly encountered revulsion to which he refers is more likely merely a facet of polarization in human sexual response — a formation of reactions that helps explain the extreme scarcity of "true" bisexuals, and the fact that some gays are reflexively repulsed by thoughts of heterosex.

Charles Flink
Fairway, Kan.

You Call Yourself a Libertarian?

I have always believed that the most important concept of the rich libertarian tradition was that of the supremacy of the individual. After reading David Boaz' underhanded right-wing attack on the concept of same-sex unions (*Reflections*, April), I realized that I must have been mistaken.

It would seem that libertarians are no more open-minded than such "elder" statesmen as Jesse Helms and Strom Thurmond. I am most disappointed that a self-proclaimed

libertarian would react so negatively to a concept which is the embodiment of the concept of individual freedom.

I must admit that I find it very hard to understand why anyone in today's world can find fault with same-sex marriage. To begin with, denying that two men, or two women, cannot possibly love each other as much as a man and a woman can is absolutely absurd. There is nothing inherent in the male-female relationship which would allow a love any stronger or any different from that in a male-male or a female-female relationship. While others may disagree with my belief that there is no emotional difference between same-sex relationships and opposite-sex relationships, and, while some may hold religious beliefs that do not allow such relationships, I am disgusted that these people are unwilling to allow same-sex couples to live their lives as they wish.

I am disappointed in Boaz' refusal to allow same-sex couples the same lawful privileges as opposite-sex couples. Someone who advocates so strongly that individuals be allowed to live their lives as they wish should be ashamed for automatically and unhesitatingly refusing this most basic of rights to such a large and diverse group as homosexuals.

Tucker Hughes
Poughkeepsie, N.Y.

Boaz responds: For the record, let me state clearly that I believe state benefits should be available on an equal basis. In *Libertarianism: A Primer*, I wrote, "As long as the state does grant marriage licenses, it should grant them on a nondiscriminatory basis. . . . It is wrong to deny same-sex couples the right to marry." (p. 242)

Mr. Hughes' letter points up the risks of using irony or sarcasm in a mass-market publication — or, maybe, just the risks of using irony if you're not very good at it. When I wrote:

But trying to get into the spirit of the new compassionate conservatism in Washington, D.C. — which I guess replaces the old constitutional conservatism — I'll just raise a specific bureaucratic question: Would the federal bureaucrats whose job is to *prevent* the *wrong* people from getting married — such as same-sex couples — be under the Office of Marriage Initiatives, or should there be a separate Office of Anti-Marriage Initiatives? It's very complicated to make rules for a whole country.

I was trying to *mock* both those who want a federal Office of Marriage Initiatives *and* those (probably the same people) who thought we needed a federal law to *prevent* same-sex couples from getting married. I should have been more clear. But the whole subject seemed to cry out for ridicule, not serious analysis.

Two Houses Are Better Than One

After reading Samuel Silver's analysis of the impact of women's suffrage ("Robbing Peter to Pay Mary," April), I got to thinking about how things would be different if women's suffrage had been implemented differently.

What if we had decided to split the House of Representatives into two houses, a Men's House and a Women's House? The Men's House is populated only by men voted for only by men, and likewise the Women's House. Only the legislation that passes all three houses — the Senate, the Men's House, and the Women's House — is sent on to the president.

Think what a difference that would make. We would not be going to war nearly as often — the Women's House would prevent it. We wouldn't have victim-disarmament policies (a.k.a. gun control) — the Men's House wouldn't allow it. And so forth.

Implemented this way, women's suffrage would have been an aid to freedom, rather than a detriment.

Paul Bonneau
Beaverton, Ore.

Talking the Talk vs. Walking the Walk

While I fully agree with Doug Casey's feelings (*Reflections*, April) regarding the sheep who so willingly subjected themselves to the paras in the

Liberty (ISSN 0894-1408) is a libertarian and classical liberal review of thought, culture, and politics, published monthly by the Liberty Foundation, 1018 Water Street, Suite 201, Port Townsend, WA 98368. Periodicals Postage Paid at Port Townsend, WA 98368, and at additional mailing offices.

POSTMASTER: Send address changes to *Liberty*, P.O. Box 1181, Port Townsend, WA 98368.

Subscriptions are \$29.50 for twelve issues. Foreign subscriptions are \$34.50 for twelve issues. Manuscripts are welcome, but will be returned only if accompanied by a self-addressed, stamped envelope (SASE). A writer's guide is available: send a request and an SASE.

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Hummer, I have to ask him this: What does he suggest we do?

We are not allowed to have firearms in our possession on aircraft. What do we defend ourselves with in a case like this? One false move and one of those trained dogs would cut you down faster than you could say "Bill of Rights." Your remains would disappear and the blood would be hosed off the Tarmac before the next plane landed.

If you were anything *but* ingratiating in the interrogation, what do you think they would do? Smile and be cordial? They'd "find" something on your person and you'd be off to the slammer.

As to capturing the paras and delivering them to the local sheriff, given today's law enforcement atmosphere, that sheriff is likely far more interested in what valuables can be taken from the passengers (or their corpses) to help fund his department.

Unless you have some concrete suggestions on how to defend ourselves from the actions of our own government, your commentary is at best nothing more than Monday-morning quarterbacking.

David J. "Bear" Mann
Carmichael, Calif.

Muddled About Abortion

The colloquy among Sarah McCarthy, Charles Rebert, and *Liberty's* readers is the most disappointing exchange I have ever read in your pages. I have only an undergraduate's philosophy training, but I can tell when there is fundamental disagreement over the definition of terms — notably, "when is a human conceptus a legal person." As someone who thinks some, but not all, abortions should be legal, might I recommend we agree on a few things?

1. Sperm and ova are not the equivalent of zygotes. Neither is going to develop into a human being without the other, a womb, and a lot of luck.

2. Unless one thinks that a seconds-old zygote has been "ensouled" by a divine act, we should be able to make distinctions between fetuses at different times of development. My personal opinion is that if the brain is not developed enough to allow feeling, an abortion is morally equivalent to ending heroic

efforts to keep alive a brain-dead adult. Personhood requires some rudimentary mental activity, if not consciousness. Terminating an 8-month-old fetus is too close to infanticide. Heck, I have siblings who spent less time than that in our mother's womb. But killing a group of cells that hasn't even developed a brainstem is hardly "murder."

3. The "life exception" makes perfect sense. While a woman may volunteer to risk death delivering her children, no one should force her to take that risk. However, it must be an honest "health exception." Certain groups have seen this exception to include relatively minor psychological effects with judges upholding that wide reading. This is why pro-lifers oppose the health exception so strongly.

I have long thought that *Roe v. Wade* is lousy law precisely because it does not grapple with the issue of human personhood, relying instead on "compelling state interest" as the justification for why anti-abortion laws remain illegal. It is as if 19th century jurists had decided slavery cases on the basis of the public-health risk of plantation housing.

Pro-choicers should have the guts to say "fetuses are never babies" or "fetuses aren't babies until time x." Some pro-lifers do say "fetuses are always babies," but they don't do a good job of convincing the non-religious on philosophical or scientific grounds.

Please, everyone take a breath and think again.

Kevin J. Robinson
Milwaukee, Wis.

Faulting Kopel

In "What the Second Amendment Means" (April), Dave Kopel provides us with definitions of the amendment's key words, then concludes that it means what it says. But invariably, such analyses add words that aren't there. Kopel states:

The Second Amendment aims to protect the security of a free American people, not just to protect their government. . . . The people are guaranteed the ownership of arms.

The Second Amendment doesn't guarantee the right to keep and bear arms. It just forbids the federal

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government from infringing on that right. It is part of a single body of law commonly known as the Bill of Rights. The Preamble to the Bill of Rights explained the reason for the amendments:

The conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added . . .

To "prevent misconstruction" means "to deprive of power to wrongly construe." "Further declaratory" means "additional clarifying of existing law." And "restrictive clauses" means "prohibiting negotiation of the subject." The Bill of Rights begins with "Congress shall make no law respecting" rights. The Ninth Amendment says that that includes all rights whether enumerated or not. And, the Tenth Amendment reminds Congress that "powers not delegated" are reserved.

Any analysis of the Second Amendment that doesn't include that background misses, or ignores, the purpose for the Bill of Rights. Specifically, that the just-created federal government was to have no power to legislate concerning rights. And that was especially true of the right to keep and bear arms.

As Kopel pointed out, most, if not all, state constitutions "recognized a right of citizens" to bear arms. Section 17 of the Connecticut Constitution reads "Every citizen has a right to bear arms in defense of himself and the state."

And none of those early state constitutions even mentioned the Bill of Rights, of just a few years earlier. The Preamble to Connecticut's Constitution stated its purpose was:

. . . more effectually to define, secure, and perpetuate the liberties, rights and privileges which they have derived from their ancestors . . .

That is, rights are defined, secured, or encroached upon, by state law. Today, Vermont has no laws regulating handguns. But mere possession of one in Massachusetts is punished by a one-year mandatory jail sentence.

Thus, dissecting the Second Amendment to ascertain its meaning back then is immaterial. It is a

restrictive clause that applies exclusively to the federal government, and means what it says: "Congress shall make no law" infringing on "the right of the people to keep and bear arms."

James Harrold Sr.
Springdale, Ark.

Education vs. Losing Elections

I want to thank LP-founder James H. Ward ("Making the World a Freer Place," May) for putting my mind at ease. In the mid-'80s, I, too, noticed the direction the LP was headed and lost interest. I had been under the impression that the LP's purpose was, as Ward describes it, education — a few "bully pulpits" and some press, to counter socialist-leaning notions that seemed to be so prevalent — and I felt that was a splendid idea. At the LP state convention in 1987, it was apparent to me that party members were serious about winning the election, but didn't really care about the attendant opportunities to share libertarian ideas.

I suspect there are many more people like me, who care about liberty, but are not interested in activism. In fact, probably the vast majority of voters do not find political activism satisfying. They might be fully content to just send a check — and an opinion or two.

Joe Dabulskis
Adams, Ore.

Lost in Space

Timothy Sandefur ("Crossing the Great Divide," May) bemoans the fact that politicians waste resources and hold back progress. It gets worse. The day is coming when this planet will no

continued on page 15

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Reflections

Don't forget the accrued interest — As the calendar rolled around to "Black History Month," the notion of reparations for slavery once again surfaced. I think it's going to be pretty damn hard to convince the rest of America, the majority of whose ancestors didn't even arrive on these shores until after the Civil War, that they owe African-Americans reparations. We might as well just make the payments directly to the Jewish community, because after this suit is over, the Jews are probably going to sue the blacks for reparations from their enslavement in Egypt 4,000 years ago.

— Tim Slagle

Going monopolistic — In the wake of the latest school shooting near San Diego, an NPR commentator wondered aloud if all of these school shootings don't by now constitute a syndrome. If NPR commentators have taught me anything, it is that every syndrome needs a catchy name. We refer to a similar syndrome among post office employees as "going postal." And each time I get news of the latest Amtrak derailment, also a bona fide syndrome, I remember the ad slogan and think of those poor folks as having "gone Amtrak." I propose that we herewith label the public-school-freak-out syndrome "going public." In fact, that phrase could describe all of the syndromes that somehow seem to afflict these government monopolies.

— Tom Isenberg

No lights, camera, action! — I think I have an excellent idea for the plot of a dark-comedy-type movie.

First, the state caps the retail prices for electrical power, but frees the prices for wholesale power (that produced by out-of-state generators) under conditions of high demand (augmented by low prices) and low supply (no significant new production capacity allowed to be built in twelve years).

Second, naturally, under these market conditions, the wholesale prices exceed retail prices and huge losses are accrued by the retailers (SDG&E, PG&E, and SCE).

Third, the state tells the retailers that it will pay for their losses if the retailers will give a portion of their assets (the transmission systems) to the state.

Fourth, the state will issue bonds to pay for all the losses, said bonds to be paid off, with interest, over ten years by the

retailers and the consumers.

Thus, the state gets the assets (transmission systems) for no out-of-pocket investment. Now they are free to manage the system with all the expertise they demonstrate with public housing, public transportation, public education, and the semi-public medical industry.

The time frame would be about six years. Meanwhile, there is not one additional kilowatt hour of power produced and the economy of the state staggers from boom into recession.

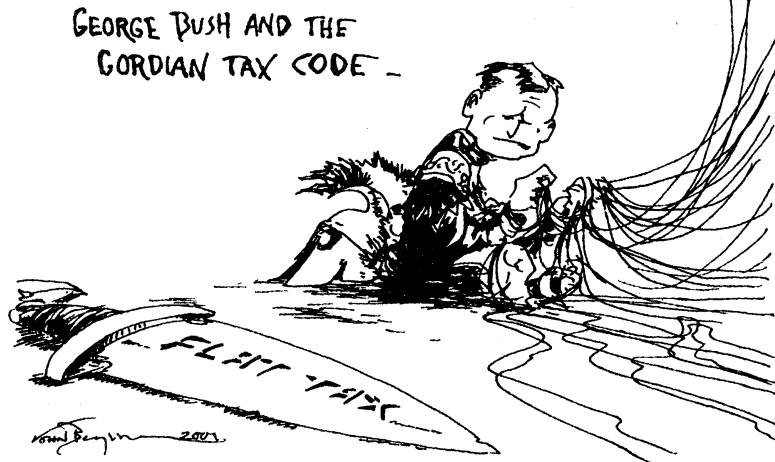
Of course, there would be a multitude of subplots involving posturing politicians, self-appointed consumer advocates, scientifically ignorant environmentalists, NIMBYists galore, media opinion-mongers, and self-interested industrialists. All would be portrayed as economically ignorant and/or in denial.

The script would make ludicrous misuse of the English language in the Orwellian genre. For example, price controls and forced divestiture of generators would be called "deregulation."

Woody Allen could play the feckless governor who is shown politicking with his intellectual equals at a grade school in Escondido when PG&E declares bankruptcy in self-defense.

I wonder if I could copyright this blockbuster concept? Nah, it's too surreal, no one would believe it except devotees of *Alice's Adventures in Wonderland*.

— Leon Weaver



Expelling common sense — A student has been suspended from a school in West Monroe, La. for drawing a picture of a soldier holding a canteen and (gasp!) a knife. "It had hand grenades, knives, and guns," said

Principal Edward Davis. "We have zero tolerance for drawings with guns. We can't tolerate anything that has to do with knives or guns." Keep in mind that, according to a report from the National School Safety Center, exactly six children have died from gunshot wounds in the 2000–01 school year, down more than 70% from ten years ago.

But just when you thought the idiots who run America's public schools couldn't get any stupider, the West Annapolis Elementary School in Maryland has banned the game of tag because it violates the school's "no touching" policy. "They

would start up and inevitably it got too rough," said Principal Joan Brisco, in an article in *HometownAnnapolis.com*. Teachers are permitted to "lead" groups of students in playing tag during PE classes, but not during recess. "There are good touches and bad touches that children are taught," said another school official. "What we're constantly trying to do is use structured-discipline policies and logical consequences to let youngsters know what the rules are."

Of course, no child can know what the rules are when they are irrational and constantly changing. Policies fueled by hysteria and foolishness are revealing the fact that the real purpose of public education has little, if anything, to do with educating, and much more to do with controlling children. Suggest to any public school teacher or principal that public education should be abolished, and the response is always, "But what would we do with the children? We can't let them wander on the streets." The response is never, "Who would teach the children?" or, "How would they learn?" In fact, this is hardly surprising, since so little teaching is being done in these schools.

But there is a bright side. The way things are going, eventually every child in America will be suspended or expelled. Then it will be far easier to privatize education.

— Timothy Sandefur

The Chinese connection

— I'll be perfectly candid: I don't like the Chinese communists. I don't like their attitudes, I don't like their uniforms, I probably wouldn't even like their liquor. I don't like anything about them, and I don't want anything to do with them. I don't want my political representatives to have anything to do with them, either. In particular, I don't want them making any apologies to the Chicoms on my behalf, and that goes double for any apologies about America's "spying" on them (i.e., trying to discover the facts that they habitually lie about).

I wish, in fact, that the United States would get its plane and its people back (if possible) and then follow a policy of creative disengagement with the government of China, leaving American business interests in China

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Randal O'Toole — opponent of city planners, environmentalist, and author of *The Vanishing Automobile and Other Urban Myths*

Victor Niederhoffer — legendary investor and best-selling author

R.W. Bradford — editor and publisher of *Liberty*

Robert Higgs — author of *Crisis and Leviathan* and developer of ratchet theory of government growth

Fred Smith — president of the Competitive Enterprise Institute, field marshal in the war of ideas

Justice Richard Sanders — member of the Washington State Supreme Court

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Durk Pearson & Sandy Shaw — life extension scientists, best-selling authors, and fearless opponents of government regulators

Tim Slagle — stand-up comedian and expounder of libertarian ideals

Alan Bock — writer for the *Orange County Register* and best-selling author

Ron Paul — fiercest defender of liberty in Congress and the Libertarian Party's 1988 presidential candidate

Dyanne Petersen — freelance writer and recently freed prisoner of America's War on Drugs

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to fend for themselves. I believe that when Americans trade with a communist country, a country that is self-evidently beyond the reach of rights and justice, they should know that they do so entirely on their own, that the American government will take no responsibility for bailing them out when their assets are seized or they're otherwise jacked around by the tin-pot corruptionists who run the local protection racket.

Nevertheless, it struck me as ridiculous that left-wing commentators and politicians should have raised a howl of protest against the Bush administration's recent negotiations with the gangsters from Beijing.

The claim was made that those negotiations were more about "the interests of American trade" than about getting our plane and people back. But tell me, please, why are trading interests such an excessively bad reason for negotiating, if negotiate we must, with a nasty, vicious, rotten foreign government? What is a better reason? To promote the welfare of the oppressed population? Trade does that. To loosen

I don't like the Chinese communists. I don't like their attitudes, I don't like their uniforms, I probably wouldn't even like their liquor. I don't like anything about them, and I don't want anything to do with them.

the hold of the oppressor state? Trade does that. In fact, trade accomplishes these laudable purposes with incomparably greater efficiency than the foreign aid that America lavishes, with warm approval from its left-wing citizens, on nasty, vicious, rotten little governments all over the world.

But suppose there were no "better" reason for promoting tolerable relations with China than the simple desire for American citizens to make money by means of trade. What, in itself, is wrong with making money? Or perhaps you think that the communist ideology is true after all. In that case, there's nothing to negotiate. — Stephen Cox

A smaller piece of the pie — President Bush's new budget would be good news, if enacted. The key figure is how much of the gross domestic product (i.e., people's work) is taken by the federal government. The historic high was 43.7%, at the height of World War II; the post-war high was 23.5%, in 1983. In fiscal 2001, now underway, the federal government estimates its take at 18.0%. In Bush's budget projections, that would drop by fiscal 2006 to 16.6%.

Sixteen percent sounds like a lot — and it is a lot. But the federal share of GDP has not been that low since 1956.

— Bruce Ramsey

Friends don't let friends commune with nature — Researchers in Pima County, Ariz., have examined about 100 hiking accidents occurring over 13 years, and discovered that about half were alcohol related. A fair number of the accident victims had a dramatic denoue-

ment, like drowning or falling off a cliff. I suppose that the Arizona authorities will soon provide park rangers with Breathalyzers, set up a hikers' licensing system complete with tests (both written and hiking), and mandate that all hikers equip themselves with cactus-protection airbags.

— Eric Raetz

Junk mail — Upholding its long-running tradition of mismanagement, the U.S. Postal Service announced a possible discontinuation of Saturday mail service this month. The move was pitched by officials as a cost-cutting measure aimed at closing an unbelievable \$2-3 billion budget gap this year — a gap caused as much by slowing business as accelerating waste and abuse.

Defending the move, S. David Fineman of the Postal Service's governing board told reporters, "As people begin to communicate with each other by means of the Internet . . . we're seeing declines in volume of first-class mail." Self-consciously trying not to sound like a bureaucrat, he added that mail delivery is a "\$65 billion business," — presumably because there's no competition — and recent losses are only a fraction of that. But what Fineman doesn't mention is the role of Postal Service ineptitude in all this.

Citing numerous examples of abuse, the General Accounting Office last month placed the Postal Service on its "high risk" list of departments most susceptible to waste and fraud. Apparently, the U.S. Postal Service ranks first in its peer group of the world's most wasteful organizations. According to the auditors, managers squandered away some \$1.4 billion over four years on everything from bad real estate deals to lavish perks for executives.

Among the gaffes: Postal Service officials spent \$4.2 million for a 20-year lease of a building in Charlottesville, Va., and then left it vacant for over two years before subleasing to a manufacturer. In Seattle, officials purchased an office building without bothering to inspect it first — only to discover it needed \$23 million in repairs. And while the postal monopoly was raising first-class rates last year, managers continued to gorge themselves on fraudulent perks and benefits, like personal use of chauffeured limousines. Yet in the face of projected losses and cutbacks, somehow the Postal Service still manages to work high-priority expenses into their budget — like their ridiculous sponsorship of the U.S. Cycling Team.

One would think the Postal Service would eventually learn to at least disguise their idiocy. Instead, every few months we are reminded in the media of what Leslie Paige of Citizens Against Government Waste calls "a whole culture of waste" at the Postal Service. "It goes right through the Post Office from the top down," she told ABC News, and the recent investigation launched by the government's own auditors confirms it.

The Postal Service's problems stem almost entirely from its crippling quasi-government status: it receives no tax dollars, yet its business decisions require approval by a congressional subcommittee — subjecting it to the worst of both worlds. Postal Service officials recognize this when they regularly complain how hard it is to change prices and offer discounts and new services. Yet they still cower at the prospect of postal privatization. Why? Maybe because — judging from their long record of bumbling — a free mail system

would be the end of America's last monopoly.

— Andrew Chamberlain

Neo-compassionate conservatism —

National Review Online has published an article explicitly laughing at the cruelties surrounding the murder and burial of noted atheist, activist Madalyn Murray O'Hair. Allegedly a magazine dedicated to Christian charity and decency, the article calls O'Hair a "publicity-crazed drum-pounder," and "a roaring sack of rage and mockery." Of course, *National Review* pioneered the use of the attack-obituary — a few years ago, its posthumous character assassination of Murray Rothbard sparked Florence King (by far *NR's* finest writer) to protest in writing to William F. Buckley. Now *NRO* writer Dave Shifflet accuses O'Hair's relatives of wanting to sell her body parts on eBay — without, it appears, the slightest bit of evidence except for his conspiracy-theory-style comment that "No one expects AA to admit to this, of course." To be embarrassed at Shifflet's low class, one needn't be a supporter of O'Hair's cause — one needs merely be Christian. Good old *NR*: they may not be able to beat you in the legislature, but they'll dance like hell on your grave.

— Timothy Sandefur

Funny business — Even the cartoons in the *Washington Post* are full of, um, misrepresentations of fact. On one recent Saturday, a Rogers cartoon from the *Pittsburgh Post-Gazette* depicts a senator asking, "Will the esteemed senator from the great state of Exxon yield to the honorable senator from Philip Morris who'd like to rebut earlier arguments made by the good senators from Microsoft and the NRA?" Cute. But of course, the cartoonist has just assumed that people he doesn't like must be the largest corruptors of our leaders. In fact, only one of the entities named there is among

the largest donors of soft money, according to the Campaign Study Group. Can you guess which one? Philip Morris was indeed the largest soft-money donor for the 1992–2000 period. But it barely edged out two unions, the American Federation of State, County, and Municipal Employees and the Service Employees International Union. Yes, that's right. The second and third largest donors of political money are organizations of government employees. Wonder why Rogers didn't point that out? Meanwhile, a cartoon by the Pulitzer Prize-winning Signe Wilkinson of the *Philadelphia Daily News* shows Uncle Sam talking about "pork" in Congress — with little pigs labeled "tax cut for the rich," "pro-biz bankruptcy law," and "no emissions curbs." So the good old political word "pork," with a clear meaning — actually defined by the Hawaii legislature as "government appropriations for a district designed to garner political sup-

port for the elected representatives of the district" — is now being distorted to mean "letting people keep their own money" or "making people pay back what they borrow." Alas, up till now, I thought I could still trust the *cartoons* in the *Post*.

— David Boaz

Getting the job done, Congress-style —

On April 4, the House of Representatives voted to repeal the estate tax, effective ten years from now. People in flagging spiritual health now have a reason for living. — Stephen Cox

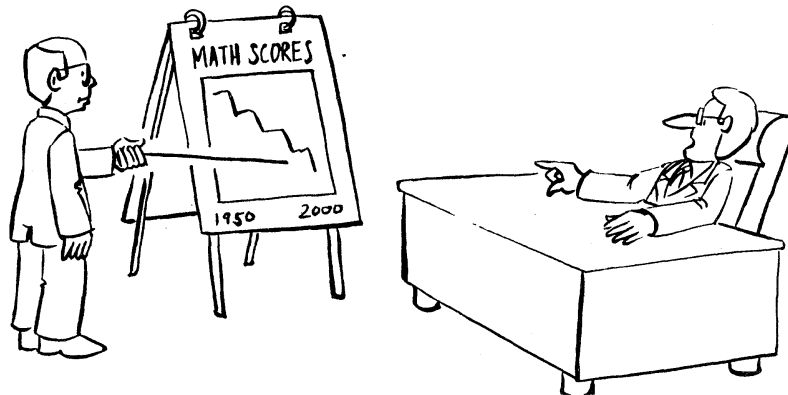
Twilight Zoning — The owner of a golf range in Fairfax, Va. — not far from where the American Revolution was fought and won — has been in jail for over a month now on contempt charges because he has refused to move 30 trees from one spot on his land to another. John Thoburn has already spent over \$100,000 to plant 700 trees required by the zoning board, but now they want him to move 30 of them to screen off the golf course from the land of an adjoining homeowner. That homeowner is John's father, Bob, who doesn't mind the trees not being there. Fox News quoted Bob as saying, "They want . . . my children to screen their own property from their own property. We own all the property across the street, too, every bit of it. So, it doesn't make any sense."

John Thoburn has been pretty patient with the zoning board so far. They banned him from using the cups golfers drank out of, so that only cans are now permitted on his

range. They told him a man-made hill is too short, but won't tell him how high they want him to make it. Strangely enough, another golfing range in the area, called Oakmar Range, has not been subjected to these, or any of the 23 other conditions the zoning board has applied to Mr. Thoburn's golfing range. Oakmar is owned by Fairfax

County. Thoburn will likely remain in jail until he gives in.

— Timothy Sandefur



SACHAMBERS

"Is that bad?"

Wisdom of the shoe — "If you can keep your head while those about you / Are losing theirs and blaming it on you. . . ." Thus, Rudyard Kipling. It's good advice for those of us now suffering through California's energy crisis. As blackouts roll across the hinterland, the brains of normally rational people flicker and grow dim, and even right-wing talk-show hosts are heard to join the mighty chorus of demands for immediate government action. Anyone who suggests that government should simply get out of the business of supplying and regulating power is likely to be labeled a dangerous lunatic — the same treatment that used to be given those poor, benighted libertarians who denounced the evils of government interference with

shipping, steel, agriculture, and television.

"What!" your neighbors will say. "Don't you realize that we're talking about an essential industry? It may be good for government to keep its hands off the Hula-Hoop factories, but can't you see that the economics of the electrical industry [or whatever else appears to be in 'crisis' tomorrow] is entirely different from that of every other human endeavor?" This, more or less, is what you'll hear if you're the one who keeps his head while those about you . . . etc., etc., just as Kipling says.

Now, the idea of an economics that governs only special, but "essential," cases is just as silly as it looks, when looked at dispassionately; but most people are never what you could call dispassionate, except perhaps when they're asleep, and even people of relatively calm disposition often think it's their positive duty to become hysterical when someone tells them there's a "crisis." Under these circumstances, I know of only one way to talk them down.

Mention shoes.

Shoes are every bit as "essential" as electric power, but no one suggests that when the price of shoes goes up, the government should seize the shoe factories and run them on its own. And everybody (well, everybody but United States senators and congressmen) will readily admit that if the government had done with shoes in California what it has done with power — create monopolies by regulation, then keep prices artificially low by fixing them at arbitrary levels; prevent any new production from taking place, despite substantial growth in consumer demand; "deregulate" the industry by letting prices rise on *some* of it, while keeping the rest of it from raising prices to pay the bills; use tax money in a futile attempt to rescue the controlled part of the industry from bankruptcy; and finally propose to run large parts of the industry itself — well, if government had done that kind of thing, there would soon not be a pair of shoes left standing west of the Colorado River. The remedy, of course, would be to put an immediate end to the government's having anything to do with shoes.

The fact that shoes are always in plentiful supply and available at prices anyone can afford is a demonstration of what happens when government minds its own business. Look down at your feet: there you see the beauty of free

enterprise and limited government. And if anyone tells you that this logic applies only to shoes, ask him why he thinks it does. If he's still talking to you, you'll find, at that point, that you've won the argument.

— Stephen Cox

The tourist strikes back — The final frontier of capitalism is being stolen from the United States by the space program formerly known as Communist: Russia has offered to sell passage to the International Space Station for \$20 million. If there is a better way to finance space exploration than with tourist dollars, I haven't heard about it. NASA and the other space agencies are refusing to allow tourists to travel to the Space Station as cosmonauts. They are claiming it is a safety issue, but I think the issue is capitalism. Space is owned by government agencies, and access to it shouldn't be for sale. However, this rule didn't seem to apply a couple years ago, when a ride on the shuttle was traded to Sen. John Glenn for his support of the president during his impeachment trial.

— Tim Slagle

Wagging the dog — One theme I've been developing in these pages is a skepticism about news reporting, as I've repeatedly suggested that something that seems persuasive isn't necessarily true. The classic example is, of course, the case of Tawana Brawley, a black teenager who testified more than a dozen years ago that white lawmen in a sleepy Hudson Valley town had sexually molested her. Exploiting the current myth of what white men "always" do to black women, Miss Brawley's story had a certain credibility in the press, until it was proven false.

Likewise, let me suggest that the myth of Bill Clinton as a rapacious seducer has minimal truth, if only for the lack of witnesses. Gennifer Flowers, credible though she is, is not enough. Monica Lewinsky, don't forget, was not screwed.

However, consider the truth that rapacious seducers usually make promises that aren't kept, thus leaving behind disappointed women eager to tell their stories, if not seek shameless revenge. So, why haven't the anti-Clinton investigators identified more warm bodies eager to tell about their disappointment? Paula Jones, I don't believe — not only is she appearance-challenged, to be generous, but the sound of her voice alone (so rarely heard in public) would prompt even a naked man to don his clothes and scamper away.

Similarly, we've heard about Osama bin Laden as an international mischief-maker for a few years now; but unless I've missed something, no one has interviewed him, no one has delivered him for an enormous reward, no one has even emerged to be his spokesperson. Even his whereabouts seem permanently unknown.

Could it be that this bin Laden doesn't exist, except as a superficially credible character whose name can be revived whenever none other is readily available? The world press needs a mischievous Muslim to account for a lot of evil whose causes cannot otherwise be easily identified, much as doctors need a "virus" to explain maladies that cannot be attributed to identifiable bacteria.

My hunch, to be frank, is that bin Laden was created in the press office of some intelligence agency with a pipeline to gullible reporters (who can be defined as those who will believe that the word "gullible" isn't in the dictionary if they were so told). Once a news medium accepts the "news" of



S. CHAMBERS

"Dad? I had a small budget surplus again this week and it led me to wonder whether this might not be a good time for a modest allowance cut."

Osama bin Laden, it can be fed more press releases purportedly about his latest evil activities. And as news media gain "credibility" only by agreeing with everyone else, more and more are coned into joining a bandwagon.

The Guevara was a human being whose body could be seen in both life and death; bin Laden hasn't yet reached that palpable state. The "rare" photographs I've seen portray someone who looks like any one of a million Muslim men. My own conjecture is that if the world press ever reports bin Laden's "capture," he will be "killed," and his "body" put away before it can be seen (or not seen).

I'll bet on it.

— Richard Kostelanetz

Thank God, nobody was listening — In April, David Boaz offered up the Heritage Foundation's proposal for a federal "Office of Marriage Initiatives" as the perfect example of conservatives' contempt for the Constitution when it conflicts with their social-issues socialism. Yeah, well, I've got one that beats it by a country mile.

In the 1996 platform of the U.S. Taxpayer's Party, the political organization founded by longtime "New Right" activist Howard Phillips, the following is presented under the heading "Family":

We affirm that the law of the Creator creates and defines marriage as the union between a man and a woman, and that same law creates and defines the family. We further affirm that no state may authorize marriage and family relations contrary to that law. Therefore, no state is obliged by the full faith and credit clause of the United States Constitution to enforce any state law governing marriage and the family which conflicts with the law of the Creator.

Since Phillips and Co(ngregation) evidently don't recognize what was wrong with this, I'll make it crystal clear:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. (U.S. Constitution, Article VI, Section 2)

By any measure, this doctrine of biblical nullification of provisions of the Constitution makes "penumbras," "natural law," and "substantive due process" look like actual clauses of Mr. Madison's document.

Oops, I almost forgot the kicker: For the 2000 election, Phillips changed his group's name to the Constitution Party.

— Barry Loberfeld

Dating for moderns — Back in 1975, Jack Hirshleifer (UCLA economics professor) convinced me that any even slightly important piece of paper requires a date on it. I'll add that the date should be complete and unambiguous, not just month and day. Certainly, it should not be the "Monday morning" of some Republican Party fund-raising letters, a heading whose patent phoniness casts suspicion on the contents as well. I am particularly ticked off by all-too-common abbreviations like 8/10/98 and 2/3/99. What do those dates mean, 8 October 1998 or August 10, 1998, 2 March 1999 or February 3, 1999? The latter meaning is apparently the more common in the United States, although the reverse is true in Europe. Furthermore, the order of time

units, "medium length/shortest/longest," is illogical. Either the European convention or year/month/day would be more logical. In writing dates in full, I am inclined, along with many other people, to use the style learned in the Army decades ago: 12 February 1999. Down with ambiguity! One European convention is to abbreviate the months with Roman, not Arabic, numerals. A still better one would abbreviate each month with two letters: Ja, Fb, Mr, Ap, My, Je, Jl, Ag, Sp, Oc, Nv, Dc, for example, 12 Fb 99. Each abbreviation is unambiguous, beginning with the first letter of its month's name and including a second letter not contained in the name of any month with the same first letter. This style is neat, avoiding slashes or dashes or dots between the time units.

— Leland B. Yeager

The First Amendment: flammable or inflammable? — "I believe that the societal interest in preserving the symbolic value of the flag outweighs the interest of an individual who chooses to physically desecrate the flag," said Sen. Max Cleland. "The flag unites Americans as no symbol can. If the American flag is not sacred, what in the world is?"

How about the First Amendment of the United States Constitution, which clearly stipulates, "Congress shall make no law respecting an establishment of religion . . . or abridging the freedom of speech." The Hon. Mr. Cleland has not explained how punishing people for desecrating "sacred symbols" doesn't violate both prohibitions.

— Tim Slagle

A legal monopoly — President Bush has decided not to give the American Bar Association advance warning when he chooses federal judges. For nearly 50 years, presidents have given the bar time to review candidates' names and pass judgment on their qualifications. The fact that the ABA is overwhelmingly leftist has rarely been mentioned by the press, which simply accepts that they are a group of pure and disinterested experts, evaluating a nominee's objective qualifications and experience.

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That myth has long deserved shattering. The ABA is a liberal lobbying group, and its reviews of prospective federal judges are only slightly more objective than would be reviews done by, say, the Christian Coalition or the Heritage Foundation. Imagine the media's reaction if the president announced that he would submit prospective nominees' names to either of them for review.

The ABA — and the state bar associations — are some of the most powerful monopolies in the marketplace today. In most states, the bar has managed to get laws enacted that require a person to graduate from an ABA-accredited law school before taking the bar exam. Why? If a person takes the bar exam and fails, it does not matter where he went to school: He still can't practice law. The same should be true if a person manages to pass the exam without attending school. But the ABA wants to maintain its monopoly status.

How does the ABA get away with it? Laws are overwhelmingly made by lawyers, so it's not surprising lawyers often benefit from well-designed loopholes. If a person makes a contract not to compete with someone else — say, as part of a severance agreement — that is generally acceptable. But not if he's a lawyer: That's contrary to "public policy."

The Supreme Court has even held that the practice of law is a "fundamental right," protected by the privileges and immunities clause — a privilege not accorded, say, to butchers. Yet the ABA, supposedly a non-governmental, private association of lawyers, has the ability to destroy any lawyer's career at any moment. And while the courts have recently struck down some monopolistic licensing practices of the American Medical Association — which attempted to destroy the quack science of chiropractic — the ABA has so far been immune.

— Timothy Sandefur

Rats, lice, and museums — My friend Paul and I were worrying about how to spend a rainy Saturday afternoon when I phoned the local museum and discovered that it was running a special exhibit called "Epidemic! The Natural History of Disease." "We'll have to see that," Paul said. "No one can resist the spread of disease."

We arrived at the site 15 minutes later, ready to be brought up to speed about all the nasty things that lurk inside us. And we were brought up to speed, all right, but more about the disease of public education than about anything else.

It's not that the exhibit — created by the American Museum of Natural History and supported by Bristol-Myers

Squibb — was worse than any other exhibit financed by big business and the big non-profits. It wasn't. But that's not a good thing.

There was the usual science-fair sloppiness: displays about microbes that preceded any definition of what microbes are; a discussion of conditions in "Kalingrad" (i.e., Kaliningrad), which was said to be "a tiny country [sic] between Poland and Lithuania"; the blond-on-blond storyboards that one associates with websites that haven't been updated for the last five years; the displays of kitschy junk — a dirty mattress (disease thrives in tenements!), a model of a cabin with a moving picture of a man sweeping mouse feces off the porch (disease thrives in mouse feces!) — the kind of junk that design consultants and other Thinking People believe will impress unthinking proles like Paul and me.

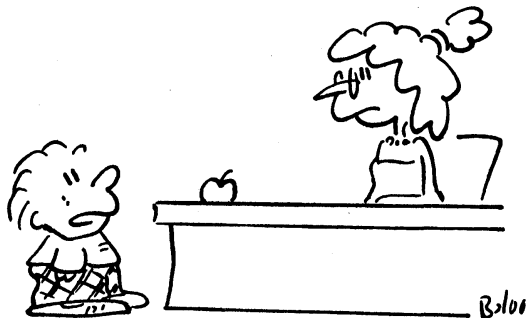
It won't surprise anyone to learn that political correctness was maintained throughout the exhibit. Crucial discoveries of modern science got approximately equal billing with the medicinal discoveries, or accidents, of aborigines. Third World countries were depicted as lamentably inadequate in health care, but no political or social causes of their inadequacy were brought to light; the problem appeared to result from the failure of the economically developed parts of the world to "take action" to end it. Is there a vicious circle here? Well, never mind.

Development itself was regarded with grave apprehension. The Romans' aqueducts, their great achievement in public health and welfare, were noticed only for their role in promoting disease: first you bring in water, then before you know it you have pools of water, then you have mosquitoes, and pretty soon, you're ridden with malaria. Of course, if the Romans had let themselves die of thirst, there would have been no problem.

Destruction of the rain forests simply had to be mentioned, somewhere. We knew that before we arrived. If you go to an exhibit about Mars, you'll probably be told that the deplorable conditions on that planet are a good example of what happens when you don't let rain forests grow wherever they want to. We just didn't know how, on this occasion, the topic could possibly be introduced. But we hadn't reckoned with those dad-gummed pools of water. The rain forest zone of the exhibit showed that the progression of events is as follows: trees are cut, rain falls, pools form, mosquitoes come, and the inhabitants find themselves just as bad off as the ancient Romans. True, they don't have any of the diseases that thrive in rain forests, and they can always drain the land (if the government lets them own it), but . . . never mind.

Now let's look at what happens when you *don't* harvest those precious trees. The exhibit made an issue of the fact that people in Connecticut have allowed agricultural land to go back to the forest and have thus, by meddling with nature's balance, promoted *Lyme disease*. As Paul remarked, these environmentalists have got you coming and going.

Eventually, however, my thoughts shifted from the displays to the spectators. Were they enjoying the exhibit, I wondered? Were they priding themselves on the "education" they were receiving, perhaps even preparing to "take action" on the problems that Confront Us All? Or were they, like Paul and me, gradually surrendering all hope of ever



"I didn't come to school last week because I was grounded."

learning anything in a place like this? From the stooped shoulders, shuffling tread, and vacant stares of the other guests, I concluded that the second alternative was distinctly more probable. Thank God.

— Stephen Cox

Dammit, where are my bellbottoms? —

I'm becoming even more confused over the electricity crisis here in California. Yesterday the state approved a 35% increase in the cost of electricity. This came on top of the bailout that was approved last month because the state would not permit the utility companies to raise the price of electricity! Is it just me, or are we living through the 1970s all over again? A disgraced former president lurks in the newspaper columns while a clumsy and addlebrained Republican president seeks stopgap measures to patch up a collapsing economy and skyrocketing energy costs.

— Timothy Sandefur

Count me out —

With release of the 2000 census comes a cry from the left to add to the official numbers persons who were not counted but are known to exist. I personally feel that what we need is an extension of the right to not vote, including the right to be left uncounted. The only constitutional reason for counting people is to apportion legislators. If an individual does not want to be represented in Congress, such is his right.

— Tim Slagle

Hack the vote —

The U.S. National Science Foundation has determined that the Internet is not yet capable of handling the intricacies of voting. It concluded that Internet voting would require more stringent security than, say, commerce, and that such a level of protection required won't be possible for years. Personally, I can't wait for Internet voting. If bored, yet technically savvy, teenagers thought stock-market hijinks were fun, what will they think about trashing an election? There are only so many credit card numbers you can post and only so many shenanigans you can pull on the SEC. Internet voting would provide an opportunity for every maladjusted adolescent to make a lasting contribution to

democracy. Best of all, after it's discovered that millions of votes have been counted twice, some haven't been counted at all, and yet others have vanished into cyberspace's murky abyss, what could your average government figure do? Conduct a study? Take a lunch break? Or count the hanging chads?

— Eric Raetz

The literary libertarians —

Since the intellectual orientation of this magazine seems based in economics with a dash of philosophy, I feel obliged to remind my colleagues and their readers of the literary models preceding us. In his classic book of profiles of radical American heroes, *Critics and Crusaders* (1947–48), Charles Madison reminds us that Benjamin Tucker (1864–1939), the founder of the original *Liberty* (1881–1908), saw himself as propagating not only individual anarchism, but international avant-garde literature: He translated and published Felix Pyat's *The Rag Picker of Paris*, Claude Tellier's *My Uncle Benjamin*, Emile Zola's *Money and Modern Marriage*, Octave Mirabeau's *A Chambermaid's Diary*, and Alexandre Arsene's *The Thirty-Six Trades of the State*.

In addition to publishing Lysander Spooner and Stephen Pearl Andrews, Tucker issued books by George Bernard Shaw and Oscar Wilde. Twice in the late 1880s and early 1890s, he started literary magazines that had short lives: *The Transatlantic* and *Five Stories a Week*.

This appreciation of Tucker reminds us that other libertarian progenitors were likewise literary people initially, though they tried to write about economics as well, usually late in their careers. Consider as examples Ayn Rand, Albert Jay Nock, Henry Miller, Robert Heinlein, Isabel Paterson, and H.L. Mencken. If you studied each of these writers closely, you might find that they developed libertarian sympathies initially through their understanding, not of economics, but of art. (Now there's a subject for a doctoral thesis in libertarian studies, when it is recognized as an acceptable academic field.)

— Richard Kostelanetz

Letters, from page 6

longer support life, due, perhaps, to a meteor collision or the expansion of the sun.

When that day arrives, among our descendants' last memories will be the sight of politicians the likes of Ted Kennedy, Al Gore, and the Clintons, escaping the planet in technology built and paid for by people left behind, who could have escaped, too, were it not for the actions of those same politicians and their predecessors.

Richard D. Fuerle
Grand Island, N.Y.

The Nationalist Reaction

Bruce Ramsey (*Reflections*, April) complains about name-calling directed towards libertarians. Fair enough. As a

nationalist, I will explain why libertarian economics inspires such name-calling, without engaging in it myself.

I support the generic principle of the free market. However, I do not support an unregulated free market. Some enterprises, like the airline industry and public utilities, are sufficiently vital to the public interest to warrant public oversight. Deregulation has helped to bring chaos to the airline industry; ticket prices now seem to arbitrarily vary according to the phase of the moon, the sign of the zodiac, and the biorhythms of the ticket agents. Deregulation of natural gas in Georgia brought billing chaos as many marketers were woefully

underprepared to service customers. Even partial deregulation of electricity in California contributed towards rolling blackouts. My favorite products randomly disappear from supermarket shelves for no apparent reason. In short, many of us are frustrated out of a sense of being helplessly buffeted about by incomprehensible and uncontrollable market forces; thus we occasionally lash out in fits of name calling.

I also perceive an economic imbalance between "earned" income and "unearned" income. The economy seems to be skewed in favor of "unearned" income. People once lost jobs primarily due to the normal ebb

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The Economics of Drug Violence

by David Friedman

The costs and benefits of drunken brawls, police protection, and shooting your business competitors.

One point on which almost everyone interested in drug prohibition agrees is the existence of a connection between drugs and violent crime. The disagreement is on the form of the connection and the sign of the correlation. Supporters of drug prohibition typically argue that drug use leads to violent crime and should be illegal in part for that reason. Critics of the War on Drugs argue that the attempt to prohibit drug use leads to violent crime and that that is one of the reasons drugs should be legal.

A glance at the figures for U.S. murder rates over the course of this century provides some support for the critics' position (Figure 1).¹ Murder rates were high during the period of alcohol prohibition, fell after repeal, rose again with increased efforts to prohibit illegal drugs, and remain high.

The impression given by the graph is confirmed by more sophisticated analysis. Jeffrey A. Miron has analyzed the relation between violent crime in the United States, as measured by the murder rate, and the enforcement of drug prohibition (including alcohol prohibition) as measured by expenditures by the federal agencies in charge of enforcing prohibition (Figure 2), over the entire period for which murder rates are available on a national basis. His statistical results "suggest the homicide rate is currently 25–75 percent higher than it would be in the absence of drug prohibition."²

The case of the United States is particularly interesting for at least two reasons. One is that the U.S. murder rate is anomalously high relative to other countries that are otherwise similar — about eight to ten murders per 100,000 population over the past two decades, compared to one to two for countries such as Canada, Australia, the U.K., and countries in western Europe. The other is that the available data on

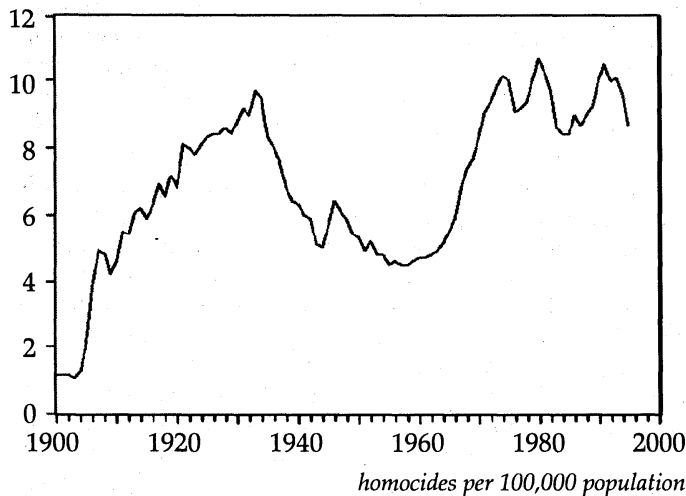
both the murder rate and enforcement of drug prohibition span a fairly long period of time.

The high U.S. murder rate is frequently attributed to the high rate of gun ownership in the United States, relative to most comparable nations. One problem with that explanation is that while it is true that there is a significant correlation in international comparisons between gun ownership and murder rates, that correlation is driven by a single observation — the United States. Regressions with the United States omitted show much weaker results, despite the existence of other countries with relatively high gun ownership rates — and without anomalously high murder rates. A second problem is that the behavior of murder rates over time, both in the United States and elsewhere, does not seem to be closely linked to gun ownership or legal restrictions thereof.

That suggests that U.S. murder rates are due to something other than gun ownership, and that the gun ownership rate is either unrelated to the murder rate or a consequence of it. Since U.S. drug prohibition, while similar on paper to the laws in most of the countries it is compared to, is much more strongly enforced, it provides a possible explanation.

Professor Miron has attempted to investigate the relation between violent crime and drug law enforcement across countries, in work that is not yet published but is available on the Web.³ While the results are consistent with the U.S. results, the evidence is very much weaker, in part perhaps

Figure 1:
U.S. Murder Rate



because of the lack of good data to measure drug law enforcement across countries.

How Drugs Might Influence Violent Crime

Broadly speaking, the link between drugs and violent crime could occur in three ways: violent crime by consumers of drugs, violent crime associated with the production and distribution of drugs, or violent crime directly associated with the attempt to enforce drug prohibition.

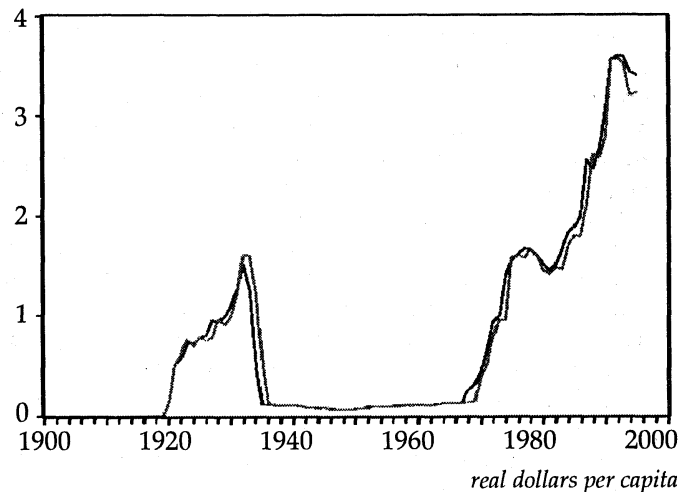
For the case of crime by drug consumers, two mechanisms are commonly asserted, with opposite implications.

One possibility is that violence occurs because people in the drug industry have wealth in highly portable forms — drugs and cash — which make them obvious targets for theft or robbery.

One is drugs as an input to violent crime — people under the influence of drugs committing crimes that they otherwise would not commit. This claim is made both for drugs for which it is pharmacologically implausible, such as heroin and marijuana, and for ones for which it is plausible, such as alcohol. If it is correct, the obvious implication is that drug prohibition, by reducing consumption of drugs, can be expected to reduce violent crime.

The other claim is that drug users commit crimes in order to get money to pay for drugs. If that is correct, the effect of marginal changes in enforcement is theoretically ambiguous. Making drugs more expensive increases the expenditure of drug users per unit of drug consumed, but decreases consumption, so the net effect on the expenditure of drug users depends on the elasticity of demand. If, however, as is widely believed,⁴ the price of currently illegal drugs would be very low if they were legal, then the effect of legalization via this mechanism is unambiguous, since consumption has an upper bound set by non-pecuniary constraints. A heroin user who maintains his level of expenditure on heroin when

Figure 2: Federal Prohibition
Enforcement Expenditures



its price falls by a factor of a hundred will no longer be able to commit crimes to pay for his habit, because he will be dead.⁵

Violent crime by people involved in the distribution network for drugs might also come about by a variety of mechanisms. One possibility is that violence occurs because people in that industry have wealth in highly portable forms — drugs and cash — which make them obvious targets for theft or robbery. Since calling the police is not a practical option, they must use private violence to protect themselves.⁶

A second, suggested by Jeffrey Miron, is that violence occurs as a form of dispute resolution among people who cannot use legal channels because their disputes are occurring in an illegal industry.

A third, and rather different, possibility is that violent crime represents rent-seeking in the competition among suppliers. Suppose, as much anecdotal evidence suggests, that drug distribution often occurs through local monopoly providers. Their profits depend in part on the area they control. So we would expect competition between adjacent firms for territory. One form such competition might take would be violence — by agents of one firm against agents, or possibly customers, of another.⁷

The final source of violence is the enforcement of drug prohibition. Part of enforcement is arresting people, seizing drugs, and similar activities — all of which carry with them the risk of a violent confrontation between law enforcement agents and people who they suspect of violating drug laws.

Strategies for Reducing Drug Use

There are a variety of ways in which a government might try to reduce the use of illegal drugs. Roughly speaking, they can be categorized as ways of reducing the demand for illegal drugs, ways of reducing the import of illegal drugs, and ways of reducing the (domestic) production and distribution of illegal drugs.

One way of reducing demand is by making substitutes, such as methadone for heroin addicts, more readily available. A more extreme version of that approach would be to legalize some drugs in order to reduce the demand for others. A different approach is to subsidize drug treatment centers; whether that works depends on whether drug users are

actually helpless addicts who would quit if they only had a little help, or rational consumers choosing to use drugs because they like the effects they produce.

Another way of reducing demand is by enforcing drug laws against users — spending law enforcement resources on identifying consumers of illegal drugs, prosecuting them, and punishing them. A weaker version of this approach is to make drug use more costly by encouraging drug testing by employers.

What about discouraging the import of illegal drugs? This strategy might take a variety of forms, ranging from more careful customs inspection to waging war against producing nations — all of which involve activities either outside the United States or on the border. From the standpoint of effects inside the United States, any such policy has roughly the same effect — it increases the cost of drugs to the distributors.

The final alternative is one that appears to consume a large fraction of the domestic law enforcement resources devoted to the War on Drugs in the United States: actions against domestic production and distribution. Here it is useful to distinguish between actions against small scale domestic producers, including those producing for their own use, and attempts to identify, arrest, and prosecute people in the business of mass producing and/or distributing illegal drugs.

Violence by Consumers

The most plausible mechanism linking drug use to violent crime, and one routinely observed in the context of alcohol use, is as a side effect. People who are drunk often have less control over themselves than they would when sober, so quarrels can become violent.

In terms of economic analysis, this means that there is a desired output — the pleasure from alcohol consumption — that is produced by two costly inputs. One input is alcohol, the other is risk of violent confrontation and the associated costs. If we assume a production function such that a given amount of alcohol necessarily produces a certain amount of pleasure and a certain amount of risk, then increasing the cost of alcohol via prohibition unambiguously reduces consumption, hence reduces risk, hence reduces violent crime. The same argument would apply for any other drug with similar effects.

Risk, however, is not a function only of consumption, since there are precautions that consumers can take to reduce the risk of violence, such as consuming their alcohol alone or with friends with whom they are unlikely to quarrel, rather than in a rowdy bar. Casual evidence suggests that much of the low level violence associated with alcohol use is actually viewed by consumers not as a cost but as a benefit, and occurs for that reason. People go to bars to get drunk and have fights.

To the extent that violence from the use of alcohol (or other drugs) depends on choices other than whether to consume the drug, it can be reduced by enforcement mechanisms that target the violence rather than the drug use. Doing so reduces violence in two ways. Most obviously, it makes it in the interest of people who consume alcohol to do so in contexts where consumption is unlikely to lead to violence. Less obviously, it makes it in the interest of people not to consume alcohol at all, because doing so may result in vio-

lence, which may result in punishment.

Consider a very simple model in which one act of drinking leads to a 10% probability of committing assault, in which all assaults are due to alcohol, in which the only cost of law enforcement is the cost of imposing punishment, and in which everyone is risk neutral. We can spend law enforcement resources imposing an expected punishment for drinking or for committing assault, or some mixture thereof.

Suppose we decrease the penalty for drinking by one dollar per act of drinking and spend the punishment costs saved on increasing the penalty for assault. Since each act of drinking leads to a tenth of an assault, we can increase the penalty for assault by ten dollars. Someone deciding whether to drink now faces one dollar less expected punishment for drinking, but he also faces a ten percent chance of committing assault, for which the punishment has increased by \$10. So the combined expected cost of the penalties is unchanged.

Now modify the model by allowing drinkers to reduce, at some cost, the chance that they will commit assault. It is then straightforward to see that the same expenditure on punishment will produce a greater reduction in assault if used to punish assault than if used to punish drinking.

Why? Individuals who drink, faced with penalties for assault, will bear some cost for taking precautions against committing assault.⁸ The result will be to reduce the probability of assault — say to 5% instead of 10%. The legal sys-

Since calling the police is not a practical option, drug dealers must use private violence to protect themselves.

tem then imposes an expected penalty of, say, \$100 for assault instead of an expected penalty of \$5 for drinking. The enforcement cost is the same either way, since the smaller penalty must be imposed on twenty times as many offenses.

With a penalty of \$5 for drinking, the cost to the individual of drinking is the price of the drink plus \$5 in expected penalties for drinking. With a penalty of \$100 for assault, the cost of drinking is the price of the drink plus \$5 in expected penalty for assault (5% chance of an assault, which leads to an expected penalty of \$100 if it happens) plus the cost of precautions. So the total cost of drinking is now higher than before, leading to less drinking. But, because drinkers are taking precautions, the probability that a drink will lead to an assault is also lower than before. We are spending the same amount on enforcement and reducing the number of assaults — in the example, to less than half what it was under the previous strategy.

This is not a new argument, merely a new application of an old argument for one advantage of ex post punishment — punishing the undesirable output — over ex ante punishment — punishing one of the inputs to that output.⁹

I have demonstrated the result for a simple model, but it holds more generally. It is not, however, true in all circumstances. It would not be true if the cost of imposing penalties on someone guilty of assault happened to be substantially higher than the cost of imposing penalties on someone guilty

of drinking. An obvious example is a tax on alcohol, since that both penalizes drinking and brings in revenue. And one could imagine circumstances in which prohibition of alcohol penalized drinking at a lower cost per unit punishment than laws against assault penalized assault.¹⁰

Another reason the result might not hold is that not all violence is due to alcohol. If much violence is due to other sources, and if for some reason the demand for such violence is relatively inelastic (the amount of violence does not fall

Much of the violence associated with alcohol use is actually viewed by consumers not as a cost but as a benefit. People go to bars to get drunk and have fights.

very much as we increase the penalty), while the demand for alcohol is relatively elastic, then a policy of punishing assault rather than drinking wastes most of the enforcement resources on punishing people who will not be deterred by punishment (people whose violence is not due to drinking).¹¹ In this situation, resources devoted to punishing drinking can produce a greater reduction in violence than the same resources devoted to punishing violence.

These arguments suggest that if the objective is to reduce violent crime, there is a presumption, although a rebuttal presumption, that drug prohibition is an inefficient way of achieving that objective — that one can get a greater reduction at the same cost by targeting violent crime directly.

Of course, drug prohibition may have other objectives as well, in which case the conclusion, although interesting, does not settle the question of whether we should have it or how strongly we should enforce it. We are then left with the observation that if violent crime is occurring as a side effect of the consumption of a drug, reducing that consumption via enforcement of prohibition of that drug can be expected to produce some benefit in the form of a reduction in violent crime.

This result must be qualified once we consider a world of multiple drugs. Different drugs are to some degree substitutes for each other. Different drugs are likely to have different side effects; some (alcohol) may make violence more likely, some (heroin) less. Enforcement of prohibition of the latter sort of drug may result in a substitution of the former sort and thus an increase in violent crime.

In a world of many alternative drugs, the argument for targeting violent crime rather than drug use becomes stronger, because one of the “precautions” that users can take in order to avoid committing violence and being punished for it is shifting to a drug less likely to produce violence. Reducing or eliminating enforcement of drug prohibition makes that more likely to happen, since it increases the range of alternatives faced by the user, and increases the incentives for producers to create and market drugs less likely to produce violent behavior.

So far I have been discussing violence by consumers of

drugs as a side effect of drug usage. Similar arguments would apply to the closely related case where the violence is deliberate and the drug use facilitates it — where drugs are an input to (desired) violence, rather than violence being an (undesired) effect of drug use. Here again, there are grounds for a presumption that targeting violence reduces it more than targeting drug use, but the presumption is again rebuttable.

The general result is that any enforcement strategy that increases the cost to users of drugs whose use is associated with violent behavior can be expected to reduce such behavior, although it is likely to be a less cost-effective way of achieving that particular objective than directly targeting the behavior.

We are left with the case of violence committed by users in order to obtain money for drugs. To the non-economist, this seems like an obvious and plausible scenario. For economists the situation is not quite so clear.

The problem is the central economic assumption of rationality. If mugging people produces a higher income for me than alternative occupations — driving a cab, say — then I ought to be mugging people already, whether or not I need the money for drugs. There are, after all, plenty of other things to spend money on.

That argument suggests that the existence of expensive but desirable drugs should simply result in an increase in effort. I have more uses for money, so I work harder to earn more. If my best paying activity is driving a cab, I work harder at that; if my best paying activity is mugging people, I work harder at that. The result is an increase in mugging with increased expenditure on drugs only if there is some reason why drug users are already supporting themselves by mugging people.

To get a stronger result than that, we need stronger assumptions about the production functions associated with alternative ways of making money. We might assume, for example, that the cost of earning more money driving a cab

Enforcement of prohibition of heroin may result in a substitution of alcohol and thus an increase in violent crime.

is more time, and that there is an upper limit to how many hours a day you can drive without being too tired to do so safely. We might also assume that part of the cost of earning more money mugging people is an increased risk of getting killed by one of your victims. That risk you can increase as much as you want, at least up to the point where you actually do get killed. The more valuable money is to you, the greater the risk you are willing to take to get more of it.¹²

Generalizing the argument, we observe that an increase in the value of money to the worker will result in a greater increase in output in some activities than others. If violent crime happens to be an activity which people shift into when money becomes more valuable to them, or if people who consume illegal drugs happen to be people who in any case

support themselves by violent crime, we would expect increased expenditure by consumers of drugs to lead to an increase in violent crime.

Under such circumstances, the effect of increased drug prohibition on violent crime depends on the elasticity of demand for the prohibited drugs. If demand is elastic, increasing the price results in a decrease in expenditure, hence a decrease in violent crime. If demand is inelastic, increasing the price results in an increase in expenditure, hence an increase in violent crime.¹³

A further point worth mentioning is the relation between the cost of drugs and the value of leisure. Most forms of drug use tend to reduce productivity in most income earning activities.¹⁴ Most ways of earning income tend to reduce the pleasure from consuming most drugs. Hence there is a tendency for drug use to be a leisure-time activity. To the extent that it is, lowering the price of drugs increases the value of leisure to drug users and so reduces their willingness to trade leisure for income. If the user happens to be a mugger, that means less time spent mugging people.

This effect strengthens the argument in the case where drug demand is inelastic. If stricter enforcement drives up the price of a drug, consumers spend more money on the drug, increasing their need for money and willingness to work, and have less of the drug, decreasing their enjoyment from leisure time. Both effects result in more muggings if the user happens to be a mugger. The effect weakens the argument in the case where drug demand is elastic, since then increased enforcement reduces the need for money but also the value of leisure.

What about the effect of efforts to reduce the demand for illegal drugs, whether by arresting consumers, providing

If mugging people produces a higher income for me than alternative occupations — driving a cab, say — then I ought to be mugging people already, whether or not I need the money for drugs.

treatment programs, or legalizing substitutes? A reduction in demand should unambiguously reduce user violence, whether it comes as a side effect of drug use or as a means of obtaining money to pay for drugs.

Violence by Distributors

Violent crime due to distributors of illegal drugs might occur through at least three different mechanisms: violence associated with attempts to steal and defend valuable assets, such as cash and drugs, violence associated with dispute resolution, and violent competition for territory.

The first case is the easiest. Suppose increased enforcement drives up the cost of drugs to distributors. The price of drugs rises. If demand for drugs is inelastic, total expenditure on drugs goes up; if demand is elastic, it goes down. The total value of drugs and cash held by people in the distribution industry will be roughly proportional to the total value of

drugs being sold. The amount of violence associated with attempts to seize and protect those drugs and cash will be an increasing function of their value. So we would expect violence due to this mechanism to increase with increased enforcement effort if the demand for drugs is inelastic, and decrease with increased enforcement effort if the demand for drugs is elastic.

The conclusion becomes more complicated if we consider alternative forms of prohibition effort. Suppose, for example, that almost all of the effort is devoted to preventing the import of illegal drugs; once the drugs are inside the country, domestic dealers are free to do as they like with only minimal risk of arrest. Since there is little risk, there is little reason to devote effort to concealing activities from the police or minimizing the amount of evidence lying around. But the relatively open nature of the illegal activity should make it easier for other criminals to observe it and attempt to profit by hijacking drugs and cash.

Now imagine that law enforcement switches its effort from import to distribution, while keeping the overall effect, as measured by the street price of drugs, unchanged. Drug dealers become more careful, drug hijacking is reduced, associated violence falls.

Finally, imagine that law enforcement itself goes into the hijacking business — as it has done on a large scale in the United States, by the device of civil forfeiture. The incentive to take precautions becomes even higher for the drug distributors, and the amount of hijacking and violence (not counting violence by or against law enforcement agents) decreases.

There is one more factor that remains to be considered.¹⁵ The preferred outcome of private protection of property is not conflict but deterrence, just as it is for public protection of property. If I can persuade all potential hijackers that if they try to steal from me they will die, nobody will try to steal from me and nobody will be killed. In a well functioning private system, as in a well functioning public system, people are protected mostly by the threat of violence rather than by actual violence.

How well such a system works depends to a considerable extent on the stability of the protection industry; the longer my firm is in business, the more opportunities it has to create commitment strategies and build a reputation. Hence to the extent that enforcement strategies successfully target and destroy well established criminal firms, increasing the instability of the industry, they are likely to shift private protection from threat to violence, increasing the total amount of violent crime.

So far I have been considering violence associated with attempts to seize and protect property unprotected by the law. What about violence associated with ordinary business disputes — the sort of disputes that, in other industries, end up being settled by courts or private arbitration?

Here again, we would expect (as Jeffrey Miron has suggested) that law enforcement efforts that reduce the stability of the industry and increase the information costs of its members in dealing with each other would tend to increase violence. We would also expect violence to increase with the amount at stake in such disputes.

One determinant ought to be the total value of drugs being sold, since at least some disputes will be associated

with such transactions; to that extent the conclusion will be the same as in the previous case. A second determinant might well be the total profit of the industry,¹⁶ since profits are what are at stake in some contract disputes, such as disagreements over market sharing agreements, or mergers, or the like.

Enforcement effort aimed at the import of drugs should raise the input cost of the industry, hence unambiguously reduce profits. Enforcement effort aimed at preventing small scale production, on the other hand, and especially production by consumers for their own use,¹⁷ may well result in

Drug prohibition is an inefficient way of reducing violent crime — one can get a greater reduction at the same cost by targeting violent crime directly.

increasing the demand for the services provided by the drug distribution industry, and thus increasing profits.

Enforcement efforts directed against the distribution industry itself have somewhat more ambiguous results. To the extent that they simply raise costs, they can be expected to reduce profits.

Suppose, however, that enforcement has a much larger effect on new entrants to the industry, who have not yet built up the necessary network of trust and expertise and the necessary portfolio of corrupt police officers and judges, than on existing firms. In that case it might increase profits, just as a tax on new construction of housing might increase the revenue of apartment owners by more than it increased their costs. If so, it might also increase the amount at stake in contract disputes and the associated violence. On the other hand, since such enforcement would tend to reduce industry turnover, it might also reduce violence for reasons discussed earlier.

Third and last, consider the possibility that, for some illegal drugs, the usual industry structure consists of local distribution monopolies, and that the violence associated with distribution is a form of rent seeking as firms compete for territory — turf wars. In that scenario, anything that decreases industry profits ought to decrease the stakes in such conflicts and so decrease the amount of violence. Hence we would again expect to see increased effort against imports associated with reduced violence and increased effort against home production associated with increased violence.

What about increased enforcement effort against the distribution network? Here again, the conclusion is ambiguous. On the one hand, such effort should make distribution less profitable, reducing violence. On the other hand, the violence is a conflict over monopoly profit, and the degree of monopoly may well depend, among other things, on the level of enforcement. One major source of economies of scale in the industry of distributing illegal drugs may be corruption — and owning your own police chief or judge is more valuable the more energetic the enforcement that he protects

you against.¹⁸

What about the effect on violence by distributors of policies that reduce the demand for illegal drugs? Here again, the effect appears to be unambiguous. Reductions in demand reduce revenue and reduce profit, hence should reduce violence via any of the mechanisms I have discussed.

Violence in Enforcing Prohibition

Violence may be due to drug consumers. It may be due to drug distributors fighting among themselves or with other criminals. It may also be due to conflicts between drug distributors and law enforcement.¹⁹

The most obvious determinant of the amount of such violence is the amount of law enforcement directed against drugs within the United States. This should include both efforts against the distribution network and efforts against small scale and home production, since either can lead to violent conflict.

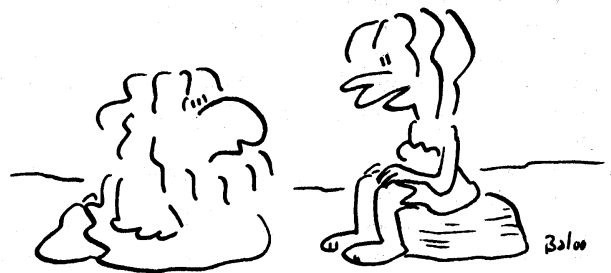
In addition, one would expect that the willingness of drug distributors to employ violence against law enforcement would depend on the amount at stake and so increase with both total revenue and profit. Similarly, to the extent that law enforcement efforts are aimed at seizing property, either as civil forfeiture or private theft, one would expect such efforts to increase with the value of the property available to be seized. So policies that raise the cost of bringing drugs into the country ought to increase such violence if demand is inelastic, decrease it if demand is elastic.

Here again, one might expect well established firms to successfully protect themselves, either by bribing law enforcement or by developing networks of trust. If so, enforcement efforts that destabilized the industry could be expected to increase the level of violence.

As in the previous cases, efforts that reduce demand for illegal drugs ought to reduce both revenue and profit, hence reduce violence. The one exception is demand reduction via law enforcement efforts targeted at users. Such efforts might result in violent conflict between law enforcement agents and suspects.

My purpose here has been to try to sketch out the possible mechanisms relating illegal drugs to violent crime, and how various enforcement strategies might effect each. The clearest result is that policies which reduce the demand for illegal drugs can usually be expected to reduce the violence associated with the sale and use of such drugs.

Policies that increase total revenues or total profits can



“It would never work out, Oog. I’m a hunter and you’re a gatherer.”

generally be expected to increase violence, while policies that decrease them tend to decrease it. Policies that decrease the stability of the illegal distribution industry are likely to increase violence. Generally speaking, increased enforcement of prohibitions on import can be expected to decrease profits; increased enforcement of prohibitions on home production can be expected to increase it.

Two more general points are worth making. The first is that, if one regards reductions in drug use as desirable,²⁰ the associated violence is not entirely a bad thing. Much of it is among people involved in the illegal distribution of drugs. The resulting risk is a cost for that industry, and so it raises the price and decreases the consumption of drugs. That effect must be balanced against the risk that violence creates for bystanders and the costs of violence committed against outsiders.

The final point is to observe that my discussion has been aimed almost entirely at the effect of marginal changes in the enforcement of drug prohibition. If we consider instead the effect of shifting from prohibition to legalization, the results are much more straightforward. With one exception, legalization eliminates all of the sources of violence I have been discussing.

That exception is violence by drug users as a side effect of drug use. Legalization can be expected to increase drug use, hence it could well increase such violence.

While it could increase it, it could also decrease it — for two reasons. The first, as noted earlier, is that different drugs are substitutes for each other. Legalization would improve both information and availability, making it easier for users to select drugs with fewer undesirable side effects — including the side effect of causing violent behavior. The second reason is that, in an illegal market, quality is likely to be more variable than in a legal market, making severe unanticipated effects, including violent effects, more likely. □

Notes

1. The very beginning of the graph is probably unreliable, since in the first few years only a fraction of the states were providing data. Alcohol prohibition began in 1920 and ended in 1933.
2. Jeffrey A. Miron, "Violence and the U.S. Prohibitions of Drugs and Alcohol," *American Law and Economics Review*, 1, Fall 1999, 78–114.
3. Both of Miron's papers are available from his home page at: <http://econ.bu.edu/miron/>. "Violence, Guns, and Drugs: A Cross-Country Analysis," the unpublished piece, measures drug enforcement by drug seizures. It finds a strong relation between enforcement and murder rates, but the relation is mostly driven by a single case — Columbia, which has a murder rate almost ten times higher than the United States. Since Columbia is a major producer of illegal drugs, the high seizure rate cannot be taken as a good measure of enforcement effort; there are, after all, a lot more illegal drugs there to seize than almost anywhere else.
4. But see Jeffrey A. Miron, "Do Prohibitions Raise Prices: Evidence from the Market for Cocaine," (unpublished, on his web page) for some evidence to the contrary.
5. Of course, the number of users might increase, but given the non-pecuniary costs of drug use it is hard to see how they could increase rapidly enough with a fall in price to keep the demand elastic at low prices. For some evidence on this point, it would be interesting to investigate the fraction of people in places where

marijuana is legal who smoke it — or usage rates for various drugs that were legal early in this century. Is there data?

6. This fits the description in Terence T. Williams, *The Cocaine Kids, The Inside Story of a Teenage Drug Ring*, Perseus Press, 1990.
7. The economics of such a situation are similar to those of the competition of nations for territory and the associated tax base described in David Friedman, "An Economic Theory of the Size and Shape of Nations," *Journal of Political Economy*, (February 1977). In that paper, however, my concern was with the equilibrium outcome, not the costs of getting and maintaining it.
8. Presumably, precautions would take forms such as drinking at home when it was more fun to drink at a bar, or locking up a gun and giving someone else the key before drinking, or merely exercising self control while drunk, at some costs in enjoyment. While none of these precautions has a cost paid in money, each of them is, considered as a cost, equivalent to some amount of money.
9. This issue is discussed at some length in David Friedman, *Law's Order*, Chapter 7, pp. 74–83.
10. Presumably, prohibition makes sense only when you want to impose a cost higher than any tax you can collect. Putting the argument differently, a tax so high that nobody pays it and all alcohol is smuggled is equivalent to prohibition.
11. Note that the demand for violence by people who are violent because of drinking cannot be less elastic than their demand for alcohol, because of the argument we have just sketched. But the total demand for violence can be if most of it comes from other people who are harder to deter.
12. This argument requires, of course, that there are no legal activities which provide similar opportunities to accept risk in exchange for money and provide a more attractive way of earning money than illegal activities.
13. Grossman, Michael, "The Economics of Substance Use and Abuse: The Role of Price," *Economic Analysis of Substance Use and Abuse: The Experience of Developed Countries and Lessons for Developing Countries*, edited by Michael Grossman and Chee-Ruey Hsieh. Cheltenham, United Kingdom: Edward Elgar Limited, forthcoming, provides empirical evidence on demand elasticity for a variety of addictive drugs. He concludes that demand elasticity may well be greater than 1, meaning that total expenditure may fall as price rises. Becker, Gary S., Michael Grossman and Kevin Murphy, "An Empirical Analysis of Cigarette Addiction," *American Economic Review*, 84 (no. 3): 396–418, June 1994 find a long-run price elasticity for cigarettes above 0.7.
14. Drug use by musicians may be an exception.
15. This is a point raised by Jeffrey Miron in a closely related context.
16. In equilibrium in a perfectly competitive industry, economic profit is zero. The profits I am considering here need not be economic profit in that sense. They include returns to sunk costs in human and organizational capital (strictly speaking, quasirents), monopoly profits, returns to specialized human abilities in scarce supply, and the like.
17. The obvious case is marijuana growing.
18. The Last Testament of Lucky Luicano claims to be based on first hand information from one of the leading criminal entrepreneurs of the prohibition period. While there seems to be no way of confirming the author's claim, I suspect it is true on internal evidence — the picture presented of the illegal market appears economically plausible. One interesting feature of the account is that criminal firms which were otherwise independent appear to have pooled assets for the purpose of purchas-

- ing the services of corrupt judges and law enforcement agents, suggesting that that was a, perhaps the, major source of economies of scale in that industry.
19. In 1995, 131 law enforcement agents were killed in the line of duty according to the Statistical Abstract of the U.S. Figures go back to 1980; there is no clear pattern, although the 1980 figure is high.
20. I should perhaps add that I do not regard reductions in drug use as inherently desirable. Following out the usual assumptions of economics, I assume that drug users, like other people,

are rational, and so tend, on the whole, to make the decisions that best serve their interest. Hence their decision to use drugs is evidence that doing so, on net, benefits them. That implies that drug use is more generally desirable, except to the extent that it imposes costs on others. Since most such costs at present are the result not of drug use but of drug prohibition, I see no reason to regard reductions in drug use as an unambiguously desirable outcome. I realize, however, that many people have rather different views on the subject, and have attempted to provide information relevant to their views as well as to mine.

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and flow of supply and demand. This was understandable, since this is an inherent defect of capitalism which cannot be remedied. However, we now also ask people to sacrifice their jobs in order to sustain astronomical stock prices, stratospheric CEO salaries, and academics' obscure and unproven laboratory visions of environmental protection. Millions of good production jobs have been exported to Third World nations where labor costs are exponentially lower. Yet, when their products are imported back into the United States, the prices are no lower than they once were. There is a difference between legitimate profit making and predatory profiteering.

We nationalists will support libertarians on constitutional issues such as asset forfeiture, censorship, and foreign policy, and we agree that the United States should get out of the U.N. posthaste. However, libertarian economics is a bit too Darwinian for our blood. America should be for all Americans, not just for the rich or the entrepreneur.

Carl J. Loerbs
Anchorage, Alaska

Reality Check

If *Liberty* is going to publish an anti-Israel diatribe, it should at least be an intelligent, informed one. Imad-ad-Dean Ahmad's "The Dark Side of Israel" (April) does not qualify. To take a few examples of inaccuracies in Ahmad's two-page article:

(1) The view that Jews who accept Jesus as the Messiah are not Jews, but Christians, is not "ultra-Orthodox," as Ahmad states, but a definition accepted by all Jewish factions, from secularists to the Reformed to the Orthodox. Being a Jewish believer in Jesus is like being a libertarian for statism — an oxymoron.

(2) Ahmad states that Arabs and Moslems have not historically been anti-Jewish, but oppose the state of Israel only because of its belligerent actions. Historically, Moslem states did, overall, treat their Jewish citizens better than Christian states; but, as Bernard Lewis and other historians have documented, Jews were almost always second-class citizens and were sometimes subjected to violence and expulsions. Anti-Jewish sentiment in the Middle East rose along with Arab nationalism in the last two centuries, to the point where the Mufti, Jerusalem's Moslem religious leader, collaborated with Hitler. Note that other ethnic and religious minorities in the Middle East — Bahais, Copts, Maronites — have not fared well under Arab/Moslem hegemony either.

(3) The United States did not, as Ahmad suggests, lower its immigration quotas for Jews from the former Soviet Union because of the "Zionist lobby." Soviet Jews were given special status in the 1970s and '80s because of their status as refugees from Communism. Once these Jews were citizens of relatively democratic, relatively liberal states, the American Jewish organizations that had previously supported refugee status could no longer justify doing so, despite their leaders' obvious interest in having more constituents.

Perhaps more troubling than Ahmad's ignorance of his subject matter is his unwillingness to even consider the basic reason for Israel's existence: For 2,000 years of exile, the Jewish people were kicked around by almost everyone for lack of a homeland — which culminated in the Holocaust. Israel gives automatic citizenship to all Jewish immigrants, religious or not, to

ensure that they have a place of refuge. (And, contrary to Ahmad's implications, non-Jews can and do become citizens, and 20% of Israel's citizens are non-Jews, mostly Arab Moslems.)

In a perfect libertarian world, there would be no need for an ethnic homeland for Jews. In the world as it actually exists, Jews have the need for a small land to call their own; Arabs will have to make do with twenty — plus larger lands for themselves.

David E. Bernstein
Arlington, Va.

Real Libertarians Don't Tolerate Disagreement About Israel

I love your magazine, but the pro-Arab dictatorship, pro-Hezbollah, anti-Israel article you published is so reprehensible that I will never read you again, nor will I be recommending you anymore. I'm ashamed that several Jewish friends of mine have picked up your magazine based on my advice, but fortunately I was able to convince them that this grotesque stance of yours is not representative of all libertarians, but only of your magazine.

Alan Lipton
Los Angeles, Calif.

Still Wondering

When the United States was pushing sanctions against South Africa, while simultaneously giving very generous aid to Israel, I asked a question of Attorney General Robert Kennedy. I received no answer then, and still have not received one from anyone else. The question: What crimes have white South Africans committed against non-whites that Jewish Israelis have not committed against non-Jews?

Erik Buck
Liberty, Mo.

The Positive Externalities of Bill and Hillary

by Jack McHugh

The unprecedented corruptness of the Clinton kakistocracy may have a silver lining.

Throughout the waves of federal government expansion that began with the Civil War, through the reform era of the early 20th century, the New Deal of the 1930s, and the Great Society of the 1960s, opponents of big government — be they conservatives, classical liberals, or libertarians — have shouted the same warning: Bigger government will bring corruption and replace the rule of law with the rule of men. Their cries fell on deaf ears. Now, as a result of the politicization of the executive branch brought about by the Clinton administration, these warnings may have more resonance. In the near term, the corruption brought about by the Clinton administration is a disturbing development for the republic. But in the end, it may provide rich opportunities for those who wish to reduce the size and scope of government.

The tremendous growth of government over the last century, far beyond the bounds set by the Constitution, was palatable in part because the public believed that civil servants in the vast new bureaucracies would use their extraordinary power in an impartial and just manner, conscientiously striving to do “the most good for the most people.” Americans saw themselves as having an innate sense of fairness. So they believed that American bureaucrats, insulated from political patronage by civil service reforms, would also be fair — they could be trusted to run new or greatly expanded agencies for the best interest of the nation and everyone in it. Bureaucracy would never become an instrument of oppression, used to punish political enemies and reward cronies of elected officials. America was different from other nations, and most Americans believed that our government bureaucrats could be trusted in ways that the minions of Asian, South American, and European governments could not.

In most of the Old World and all of the Third World, this

perception of government as trustworthy and disinterested is completely alien. Anyone suggesting otherwise would be considered naive or misguided at best. Government power is accepted as the inevitable spoil of political or military victory, to be used to benefit the victors and punish the vanquished. The very concept of “corruption” is alien — the natural order is that those with power use it for their own benefit. Power is generally used to enrich cronies, such as in pre-1998 Indonesia, where billionaires were created through favors from former President Suharto. It is sometimes used to massacre enemies, as in Somalia, Serbia, and Rwanda. These are extreme examples, but in most of the world, the rule of law is at best a fig leaf behind which the spoils and sanctions are doled out.

The exceptional feature of constitutional democracy, as practiced in the United States and Britain since the end of the 18th century, was that this view of government as an inherently corrupt institution was supplanted by the view that government can be bound by the rule of law.

Eighteenth-century Britain was ruled under a system of “interest,” where the path to success was to become a crony of the elite, thereby seeing one’s interest advanced by someone in power. The rewards could be sinecures in the military or government, advancement in commerce, the gift of valuable property at home or in the Colonies, or the grant of a monopoly on some aspect of trade. The American

Revolution arose in part as a consequence of abuses of this system. Our Constitution was crafted specifically to ensure that "interest" and "prerogative" could not take root on this continent. Among the Founding Fathers, there was a consensus regarding the evils of the "interest" system. That consensus remains largely intact today.

The persistence of this consensus is seen in the public's outrage over instances of corruption in America. The political reputation of Ulysses S. Grant was destroyed by his participation in shady railroad ventures. The governmental changes of the reform era, especially the creation of a civil service insulated from political patronage, was a reaction to government workers being used to benefit politicians rather than the public. The Harding administration was embarrassed by the involvement of executive branch personnel in the Teapot Dome oil scheme. Allegations that Richard Nixon used the IRS to punish his enemies were greeted with shock and genuine outrage, both in the media and the public at large.

That these events made news and history is evidence of our rule-of-law consensus, and a sharp contrast to situations elsewhere, in which such scandals are viewed as business as usual. Throughout American history, political leaders understood and accepted that there is a limit on how far they could

In the short term, Clinton's corruption was damaging to the nation and the democratic process. But the long-term consequences could be a change in popular perceptions of government.

use their position to reward friends and punish enemies. Politicians who deviated from accepted limits paid a heavy price.

Acceptance of these limits by the occupants of the White House came to an end in 1993, and this may be the most important legacy of the Clinton administration. Millions of words have been and will be written about how President Clinton used his office in a manner considered normal in dictatorships and Third World kleptocracies, but that was unprecedented in the United States.

Clinton used the powers of his office to reward cronies and punish enemies. The most notorious example was the transformation of the Justice Department into the Clinton Legal Defense Department. Another high-profile case was the conversion of the Department of Commerce into a wholly owned subsidiary of the Democratic National Committee. This was exemplified by selling seats on Ron Brown's trade mission to corporate contributors, the fundraising activities of political apparatchik and Commerce Department employee John Huang, and the sale of intercontinental ballistic missile technology to China.

Of course, Commerce Department corruption is not likely to cause any great change in the perceptions of most Americans regarding government legitimacy. Many consider it an unseemly, but not particularly surprising or objectionable, practice. In public opinion, no one seems to get hurt by

corporate welfare as a political reward (although permitting the sale of ICBM technology to China may alter this perception).

What Americans do find disturbing and contrary to their rule-of-law consensus is using agencies previously considered sacrosanct to punish Clinton administration enemies and reward cronies. It is these scandals that have the potential to change the way the average American views his government. Most ominous was the Clintons' use of the FBI and the IRS for blatantly political purposes.

The Shifting Consensus

Widespread voluntary compliance with the income tax is uniquely American. Citizens may grumble that the tax code is weighted against the middle class in favor of "fat cats," and many may claim dubious tax deductions. But when compared with other nations, the overall voluntary compliance rate is very high. In part, this is the product of fear, but even more, it is a function of a general acceptance of a duty to pay one's "fair share." Voluntary compliance is also based on the belief that the IRS is not a tool of any elected official; that individuals will not be punished or rewarded by tax authorities in response to whether they supported one party or another.

Allegations that President Nixon attempted to use the IRS to punish enemies were greeted with outrage. Since then, we have learned that President Kennedy also used the IRS inappropriately, perhaps more successfully than Nixon. But only under Clinton did evidence of a consistent pattern of IRS abuse become clear. The most headline-grabbing instances were reports that Paula Jones and Juanita Broderich were being audited. But more disturbing in the long run was the IRS practice of entangling right-wing think tanks and interest groups in expensive multi-year audits, or withholding tax-exempt status from non-profit opponents while giving free rides to similar institutions on the left. It remains to be seen whether awareness of this corruption will have a significant effect on voluntary compliance with the tax code. Fear of the IRS remains, but the legitimacy of the service has suffered badly. This can only help bolster efforts to "end the IRS as we know it."

FBI Scandals

Baby-boomers who grew up watching *The Untouchables* and all-American Efram Zimbalist Jr. in *The FBI* came to view the Federal Bureau of Investigation as the paragon of rectitude and efficiency. The peccadillos of FBI founder and longtime head J. Edgar Hoover, and more recent examples of ineptitude and corruption in the FBI crime lab have taken some shine off the badge, but these were perceived as isolated problems amenable to "reform," not systemic dysfunctions. In contrast, Clinton's use of the Bureau to pursue political goals posed a more dangerous challenge to its legitimacy.

Ironically, his first publicized abuse of the FBI was to give political cover for opening a patronage slot that most Americans would consider legitimate spoil: the White House press office. Puffed up with their own rhetoric about bringing in "the cleanest administration ever," the Clintons did not want the appointment of Hillary's cronies to look like

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China: The "Crisis" and the Facts

by R.W. Bradford

What do you do when facts get in the way of your prejudice?

April's Crisis of the Month came and went very quickly. On April 1, a U.S. airplane trying to listen to Chinese radio transmissions was intercepted by two Chinese fighter jets some 60 miles off the coast of China. One of the fighters collided with the American plane. The Chinese plane went down; the much larger U.S. plane was badly damaged. Its pilot transmitted a "mayday" and landed at the nearest airport, which happened to be on Hainan, a large Chinese island. China held the Americans captive and demanded an apology. The U.S. government, claiming that the collision was almost certainly the result of the Chinese fighter's flying into the path of U.S. aircraft and emphasizing that its surveillance craft had acted in a way that was perfectly legal, refused to apologize.

In the United States, some on the left called for the Bush administration to apologize and refrain from further surveillance of China, while some on the right claimed the U.S. should take affront at the Chinese insult and teach them a lesson, perhaps in the form of some well-placed bombs.

After twelve days of negotiations, the U.S. issued a Delphic statement that could be interpreted as an apology and the Chinese released their prisoners. President Bush followed up with some nasty comments about China, probably to assuage his party's right wing. But China was not bombed and Bush didn't capitulate. Common sense prevailed. The "crisis" passed. In another few years, it will be as forgotten as the Venezuela-British Guiana border crisis of 1896.

My own reaction was to hope the U.S. would react similarly to the way in which Britain is said to have reacted to a comparable indignity in 19th century Bolivia. During one of that country's perennial revolutions, a mob attacked Britain's embassy and dragged her ambassador through the streets of

La Paz. Britain reacted by announcing that it would no longer include Bolivia on maps of South America.

Not all libertarians share my view.

Lew Rockwell, a former Libertarian Party leader who was a close associate of Murray Rothbard during Rothbard's final years, and who remains head of the Ludwig von Mises Institute, wrote for Internet distribution a column titled "China is Right," which delineates a very different view of the mini-crisis:

The U.S. government has flipped its lid on this China spy plane mess. So have many commentators who are refusing to come to terms with some very obvious facts.

Let's take a look at Rockwell's "facts."

No. 1: The collision between the U.S. spy plane and the Chinese jet occurred along China's border . . . the U.S. claims it was in "international airspace," but backs up this claim with a rule arrived at unilaterally by the U.S. government and accepted by no one else. . . . The space where the collision occurred is normally used to facilitate commerce, not hostile military activities.

Well, this "fact" contains several factual claims, ranging from false to dubious. The collision actually occurred 60 miles off the coast of China, in an area open to ships and aircraft of all nations. That this is "international airspace" is accepted by nearly all countries. It's sort of true that this space "is normally used to facilitate commerce, not hostile

military activities," if, by that, one means that the majority of planes and ships that pass through this area, like almost all the other airspace and surface of the ocean, are commercial, rather than governmental. But so what?

No. 2: *The U.S. plane was a spy plane. Say it three times: It was a spy plane. It was not a commercial airliner. . . . The U.S. spy plane was seeking to intercept communications and rip off information for U.S. military advantage . . . This makes it an aggressor against China . . .*

Bertrand Russell liked to conjugate adjectives whose factual content was the same but whose connotations varied: "I am firm, you are obstinate, he is a pig-headed fool." What

During one of Bolivia's perennial revolutions, a mob attacked Britain's embassy and dragged the British ambassador through the streets of La Paz. Britain reacted by announcing that it would no longer include Bolivia on maps of South America.

one person might call "spying," another might call "surveillance" and another simply "research."

This is not to say that all types of "spying" or "research" are morally or legally equivalent. Normally, the pejorative "espionages" or "spying" is reserved for activity that is illegal or immoral. In his first "fact," Rockwell had suggested that the U.S. aircraft was acting illegally, though he offers no support for his claim. Now he claims that the U.S. activity is also "immoral": the U.S. plane is "ripping off" information, thereby engaging in "aggression."

Again, Rockwell merely asserts and treats his assertion as fact. Again, his distinction has no basis in reality or common sense. Organizations and enterprises often try to get information on competitors, and, unless they use force or fraud, their doing so is perfectly moral.

Suppose that you own a hamburger stand and want to find out about a competing hamburger stand down the street. There are several sources of information available to you. You could break into your competitor's office and photocopy his records. You could hire someone to apply for a job with the firm to tell you private information about its activities. That would involve using force or fraud to steal information. That would be wrong. And illegal.

But what if you hired someone to count the number of customers your competitor has each day? What if you read his newspaper ads and monitor television news reports about his business? That would involve no force or fraud. It would be morally right. And perfectly legal.

U.S. surveillance plainly falls into this category: the aircraft was traveling in international airspace, where it was engaged in perfectly legal activity. What it was doing was no more immoral or illegal than watching a competitor's businessplace and counting his customers.

But to Rockwell, it is an attempt to "rip off information," and, therefore, is "aggression." You'd think a libertarian would be more careful in using the word "aggression."

No. 3: *The U.S. spy plane landed at a Chinese military airport. The U.S. crew never asked permission to do so . . .*

The U.S. plane radioed "mayday," the international distress signal, which, under international law, obliges any facility capable of handling its landing to allow it to land. Technically speaking, the pilot did not ask permission. He did not need to, any more than people in a lifeboat need to ask permission to land the craft on the first available beach.

No. 4: *The Chinese pilot is dead. . . . Also still dead are the three Chinese journalists who died when the U.S. bombed the Chinese Embassy in Yugoslavia in 1999. . . . The carnage is beginning to mount, and, no surprise, that at some point the Chinese are going to decide they won't take it anymore.*

Let's see. Over a three year period, the United States accidentally kills four Chinese, out of a total of 1,125,000,000. It's not the "carnage" that is mounting up here; it's the florid rhetoric.

No. 5: *There is no mystery about how the U.S. treats such cases. In 1976, a Soviet MIG carrying a defector landed in Japan. The Soviets demanded the plane back. The U.S. complied after taking the entire thing apart. It was sent back to Moscow in packing crates.*

On another occasion in the 1970s, the U.S. secretly tried to raise a Soviet submarine from the ocean. We use any means possible to obtain military equipment from potentially hostile nations. So turnabout is fair play.

Hmmm. To discover how the U.S. customarily "treats" cases of emergency landings of foreign governmental aircraft, Rockwell looks back 25 years (when President Bush was still a coke-snorting party animal) and the U.S. was engaged in a protracted Cold War in which thousands of Americans had been killed, and cites the U.S. treatment of a military plane delivered to it by a defector and the U.S. salvage, at about the same time, of a foreign vessel abandoned at sea, to which it (or anyone else) had well-established rights to salvage.

No. 6: *The U.S. spy plane was not an innocent victim. No one can say for sure how the collision occurred, but it seems obvious that the U.S. version of events — a spy plane minding its own business gets bumped by a Chinese jet — isn't true. This was a case of the kind of cat-and-mouse that cars play on highways all the time.*

If it turns out that the U.S. is wholly to blame, it wouldn't be the first time. A couple of years ago, American fighter pilots cut ski cables in Italy, killing 20 civilians with their recklessness. And just recently, show-offs and goof-offs cruising the world in a submarine sank a Japanese school boat, killing nine, four of whom were 17-year-old kids.

Again, Rockwell mixes speculative claims to concoct a conclusion that the U.S. had acted immorally. He suggests that the U.S. plane was not "entirely innocent" because it was engaged in "the kind of cat-and-mouse that cars play on highways all the time." This sounds sensible at first, but the more one knows about the circumstances of the collision, the less plausible it becomes. The U.S. plane was a large, slow, propeller-driven craft that is very good at traveling long distances, but not very maneuverable. The Chinese plane was a small, fast jet that is very good at making quick maneuvers. The collision was like that of a speedboat and an ocean-going cargo ship. Almost certainly, it was the result of the Chinese pilot's acting either very aggressively or very recklessly.

From the slight possibility that the lumbering U.S. craft somehow purposely rammed the nimble little jet, Rockwell riffs to a couple of episodes of military “show-offs and goof-offs” who harmed civilians who happened to be citizens of American allies. Surely these episodes are to be decried, but what do they have to do with the China case?

No. 7: The U.S. has fulminated for years about supposed spying by China against the U.S. . . . For all of its bluster, it never went so far as to accuse China of flying spy planes around our borders.

True enough, but totally irrelevant. There are two reasons I can think of for the failure of the U.S. to accuse China of flying planes “around our borders.” The Chinese haven’t done so because doing so would be too expensive or would require technology not available to the Chinese, and they can get the information in other, cheaper ways. Or perhaps the U.S. realizes that if China wants to fly planes full of radio equipment 60 miles off our coast, there is nothing we can do about it anyway. Certainly other countries fly planes that close to our shores. Cuban military craft flying in international airspace 60 miles from the Florida Keys would be flying closer to Cuba than to the U.S.

OK, so Rockwell got just about everything wrong in his column. It’s not the first time a pundit has done this. Why make a big deal about it?

What’s interesting here is something that sportswriters have known for years: You get ahead by having provocative opinions, colorfully told. Hardly anyone cares about the logic or truth of your analysis. News personalities and columnists picked up on this truth long ago, as has anyone who has watched the talking heads on cable news channels, trying to break out of the pack and land a spot on “Crossfire!”

The formula for successful punditry is simple: get attention by stating an outrageous opinion as colorfully as possible. In this case, facts got in the way, so Rockwell replaced them with non-facts.

“Fox News Sunday,” or “The Capitol Gang.”

I first learned how well Lew Rockwell had learned this lesson over a decade ago. Back then I spoke with Murray Rothbard several times a week. Our communications usually touched on *Liberty* business (Murray was a senior editor at the time), but they covered just about every aspect of libertarianism and the libertarian movement.

One night, Murray told me that he and Lew had just attended the Michigan Libertarian Party’s annual convention. A short while before, an oil tanker operated by Exxon had run aground off the coast of Alaska, leading to what the media characterized as an “ecological disaster.” With lots of videotape of gulls covered with crude oil, the story had been getting plenty of attention — all of it unfavorable to Exxon. At the convention, Murray explained, he had given a speech urging listeners to “be sorry for Exxon” for all the bad publicity it had received. His talk had shocked the Michigan libertarians — some actually booed and others applauded

only politely, in contrast with the enthusiastic ovations Murray was accustomed to from LP audiences.

“Lew saw the reaction,” Murray told me, “and sent out a press release defending Exxon. And he’s been invited to appear on ‘Crossfire!’” It was plain to me that what got Rockwell on network television was his willingness to articulate an opinion widely regarded as outrageous. And it was plain to Rockwell, too.

Rockwell’s Internet column on the Chinese incident followed the same modus operandi: get attention by stating an outrageous opinion as colorfully as possible. In this case,

Why were so many libertarians seduced by Rockwell’s screed? The reason, I think, is that they like its conclusion — that the U.S. government is up to no good.

facts got in the way, so he replaced them with nonfacts and misdirection.

And how did libertarians react to Rockwell’s column? So far as I can determine, those that saw it thought it was great. A half-dozen copies were forwarded to me, most with notes attached singing its praises: “Fearlessly, point by point,” one especially gushing note said, “Lew refutes the U.S. government’s version of the event.” Not one person attached any comment on its fabrications or illogic.

Why were so many libertarians seduced by Rockwell’s screed? The reason, I think, is that they like its conclusion: that the U.S. government is up to no good in general, and, in particular, should not be doing this sort of surveillance on China.

I take a backseat to no one in advocating a non-interventionist foreign policy, but my isolationism is the product of my best efforts to determine the facts and to analyze the situation rationally. I reject the sort of thing Rockwell has done — whether it is the product of a conscious desire to pander to his audience or his own susceptibility to fallacy and falsehood.

As a journalist, I am always concerned that my own beliefs color my perception of facts. As an editor, I always worry that our writers will be as fallacious and careless about facts as are so many pundits, including Rockwell. As a libertarian, I hope that all libertarians will resist the temptation of supporting their beliefs with fallacy, mendacity, and sloppy thinking.

It’s high time libertarians remember that every action taken by our government is not criminal. Almost two centuries ago, Stephen Decatur famously toasted his fellow naval officers, “Our Country! In her intercourse with foreign nations may she always be in the right, but our country, right or wrong.”

For too long, too many libertarians have acted as if they should make another toast. “Our Country! In her intercourse with foreign nations may she always be in the wrong, but against our country, wrong or right.” □

The War on Victims

by Dave Kopel, Paul Gallant & Joanne Eisen

Welcome to Britain where criminals are aggressive, cops are vindictive and the government jails people who try to defend themselves.

To many residents of the New York metropolitan and surrounding areas, the new millennium started off with what appeared to be a protracted sex scandal involving Long Island's finest.

On Jan. 3, 2001, the *New York Daily News* reported that 27-year-old Angelina Torres had filed suit against the Suffolk County (the eastern part of Long Island) Police Department for \$15 million. According to Torres, a county police officer pulled her over for suspicion of drunken driving at 2:30 a.m. on New Year's Day. When she failed a Breathalyzer test, the officer handcuffed her, put her in the backseat of his cruiser, and drove around for more than two hours. Then, six blocks from her house, and after being told "I'm going to teach you a lesson," Torres was ordered to strip to her underwear and shoes, or "go to jail for a long time."

Just two days later, the *Daily News* reported that "a second woman says a Suffolk County police officer had ordered her to strip after she allegedly failed a sobriety test . . ." And one day after that, a third such incident made the papers.

On Jan. 10, the Suffolk County Police Department announced the creation of a special task force to deal with "complaints by three women who said they were forced to strip by a county cop who nabbed them for drunken driving."

By Feb. 9, 34-year-old police officer Frank Wright — a nine-year veteran assigned to the Highway Patrol bureau — had been accused of forcing at least ten women to remove various items of clothing during traffic stops in order to avoid arrest.

Just a case of kinky sex by a rogue cop?

That would have been a reasonable conclusion until 36-year-old Anthony Luciano came forth on Feb. 8 and accused Wright of forcing him to remove everything but his under-

wear, when Luciano was stopped for suspicion of drunken driving a year ago.

According to the Feb. 9 *New York Post*, "Luciano was . . . pulled over by Wright . . . in the early hours of the morning and given a Breathalyzer test, which he failed. He said Wright told him he could avoid arrest if he took off his outer clothing and walked home in the frigid weather."

Officer Wright told Luciano that he "does this to a lot of people" and he "was going to teach me a lesson . . . This way, he didn't have to do the paperwork tonight — it was five hours of paperwork." By acquiescing to Wright's demands, Luciano could avoid a more conventional punishment.

It was only when a second police officer arrived on the scene that Wright ordered Luciano to put his clothes back on, and instead issued him a summons for drunken driving. As a result, Luciano plead guilty in court and spent four months in jail.

A New York City highway patrolman who knows Wright by reputation said, "I'm sure it wasn't done maliciously or sexually. It was probably done as a lesson, even though that's not the right lesson to teach anybody."

Just another weird story from New York? For the British, it's about to become national policy. Prime Minister Tony Blair is committed to creating officially sanctioned, on-the-spot "justice."

Blair is facing an election in May, and skyrocketing crime

(notwithstanding his meanspirited and intolerant handgun confiscation) is one of the foremost issues he needs to address. An admission of failed social policies doesn't fit well into Blair's prospects for re-election. State-sanctioned vigilante justice does.

In a speech to the Global Ethics Foundation at Tubigen University, Germany on June 30, 2000, Blair declared:

Bizarrely, as the law stands, the police have the power in Britain to levy on-the-spot fines for cycling on pavements and dog fouling. And yet, they have to deal with drunks who get offensive and loutish and often can do nothing about it without a long, expensive process through the police station, the courts, and beyond . . . I believe that should change.

On Jan. 10, 2001, the *London Telegraph* reported on Blair's "10-year Battle on Crime." Included in his plans were "new powers for the police to levy on-the-spot fines for anti-social behavior."

According to the Jan. 19 *Guardian*, Blair's crime-fighting proposals, intended for "modernizing law enforcement," represented "the most sweeping extension of police powers

When a female tourist from Arizona was set upon by a gang in a London subway in 1991, she used a penknife to defend herself. The penknife was deemed an "offensive" weapon. She received a suspended prison sentence.

since Michael Howard's infamous 1994 Criminal Justice and Public Order Act."

Among the features of that law were expansion of government power to hold people in jail before trial (even when they pose no risk of flight), reducing evidentiary requirements for some crimes, allowing an accused person's silence to be used against him at trial, and granting police the power to collect biological evidence from a person without a warrant.

The Jan. 20 *London Telegraph* noted that, if Blair's proposed Criminal Justice and Police Bill is enacted, "Overstretched police will be able to issue penalty notices without having to arrest offenders. The level of the fine has yet to be set but the Bill allows them to be set by the Home Secretary at between £100 and £2,500 . . . Among misdemeanours covered are: drunk and disorderly behaviour; using threatening, abusive or insulting words or behaviour, or disorderly behaviour; being found drunk and incapable; buying alcohol for someone under age; damaging property; throwing fireworks; making hoax 999 [the equivalent of our "911"] calls; throwing missiles; and trespassing on the railway . . . Offenders would have the option of paying the fine . . . or going to court. If the fine is paid, there is no admission of guilt and no criminal record."

Home Secretary Jack Straw "dismissed any civil liberties objections to his new package, insisting the public would welcome the extra police powers because they were 'more interested in the arrest, prosecution and conviction of persistent offenders such as burglars through the use of the new powers.'"

Welcome, indeed, to self-defenseless, oft-victimized Brits.

And welcome, too, to many in Great Britain's law-enforcement community, as the new measures would eliminate the lengthy paperwork required — the kind Suffolk County officer Frank Wright so objected to — and ease the strain on an already overburdened criminal justice system.

The state benefits, the police officer benefits, and the perpetrator benefits, but the rule of law becomes the victim. The serious risks of corruption and bribery, and the shakedown of both criminals and non-criminals cannot be easily dismissed.

For many centuries, Great Britain was the paradigm of a "civilized" society; so civilized, in fact, that crime and criminality seemed to have been relegated to nothing more than a faded memory. At the dawn of the 20th century, violent crime was virtually nil, and the traditional rights of Englishmen were well protected. Now civil liberties invasions that would have appalled Sir William Blackstone (the great expositor of the Common Law) are routine, and crime is soaring out of control.

The reason is not hard to fathom. During the 20th century, the British were incrementally conditioned to accept the notion that self-defense — and the means to accomplish that end — is never acceptable. In 1953, the Prevention of Crime Act rendered possession of any article "made, adapted, or intended" for an "offensive purpose" . . . "without lawful authority or excuse," a crime. In British legal newspeak, an "offensive" weapon includes anything which the owner contemplates using for defense against a violent criminal.

That includes grandma's knitting needles. Indeed, during the 1953 debate, some Members of Parliament pointed out that an elderly woman who worked for Parliament carried a knitting needle for protection on her walk home. The British government indignantly interpreted her behavior as a statement of the failure of the government to maintain law and order, and not to be tolerated.

Fifty-six-year-old BP Chemicals executive Eric Butler learned that lesson the hard way. Butler was attacked early one evening in March 1987 on the London tube. As one witness stated, two men came after Butler and began "strangling him and smashing his head against the door; his face was red and his eyes were popping out." Not one single passenger on the subway came to Butler's aid. "My air supply was being cut off," Butler later testified, "my eyes became blurred, and I feared for my life." Concealed inside Butler's walking stick was a three-foot blade. Butler unsheathed the blade. "I lunged at the man wildly with my swordstick. I resorted to it as my last means of defense." He stabbed one of the attackers in the stomach.

The assailants were charged with unlawful wounding, but Butler was tried and convicted of carrying an offensive weapon. And while the court gave Butler a suspended sentence, it nevertheless denounced the "breach of the law which has become so prevalent in London in recent months that one has to look for a deterrent." The Thatcher government promptly banned even the possession of swordsticks.

An "offensive weapon" can be something as innocuous as a penknife, if carried with defensive intent. When a female tourist from Arizona was set upon by a gang in a London subway in 1991, she used a penknife to defend herself. While

the penknife was not illegal, per se, her intent to use it for self-defense in an emergency was deemed possession of an illegal "offensive" weapon. The woman received a suspended prison sentence.

Back in 1991, a person could at least carry a small knife for non-defensive purposes. But consider a report from the *Evening Standard* newspaper in London, dated Oct. 31, 1996:

A man who uses a knife as a tool of his trade was jailed today after police found him carrying three of them in his car. Dean Payne, 26, is the first person to be jailed under a new law making the carrying of a knife punishable by imprisonment. Payne told . . . magistrates that he had to provide his own knife for his job cutting straps around newspaper bundles at the distribution plant where he works . . . Police found the three knives — a lock knife, a small printer's knife, and a Stanley knife — in a routine search of his car . . . The court agreed he had no intention of using the knives for 'offensive' purposes but jailed him for two weeks anyway . . .

[The magistrate said] "I have to view your conduct in light of the great public fear of people going around with knives . . . I consider the only proper punishment is one depriving you of your liberty."

A well-founded public fear of violent criminals with knives has now become perverted into the punishment of innocent people.

Today, British law encourages victims to remain passive, dramatically lowering the cost of doing business for criminals. And if the perpetrator is injured by the intended victim, that victim becomes transformed into a "criminal." Last summer, an elderly rural man who shot a pair of career criminal burglars, killing one of them, was sentenced to life in prison. Like many Britons, he had been repeatedly victimized by

On one hand, British subjects have been rendered defenseless through the false linkage of self-defense to vigilantism. On the other hand, the police are today being steered down that very path.

burglars. As an item in the April 24, 2000 *Birmingham Post* noted, "too often more thought is given to the battered burglar than the frightened victim."

The *Birmingham Post* story further pointed out, "Too often the victim is put through the ordeal of a police investigation, being prosecuted by the CPS [Crown Prosecution Service] and facing the trauma of a jury deciding his or her fate on the flimsiest of cases."

The British government plainly considers preventing self-defense more important than preventing violent crime.

It should be no surprise that British fear crime, and British subjects will eagerly accept any remedy that promises them a less dangerous existence.

It is the natural result of the refusal of Blair and his predecessors, including Margaret Thatcher, to recognize that the traditional and natural right of self-defense is mandated by human behavior, and its elimination produces consequences that are entirely predictable.

Over the years, in order to shame the populace into

acceptance of victimhood, one of the tactics used by the British government was to equate self-defense with retribution or vigilantism. This same ploy is used today by anti-self-defense politicians here in the United States: On Dec. 7, 2000, the *Chicago Sun-Times* reported that Cook County State's Attorney Dick Devine threatened that "Anyone who wants to transport a firearm in a fanny pack in an attempt to bring vigilante justice to the streets of our city is sadly mistaken."

American criminologists Don Kates and Gary Kleck have noted that those who make "no distinction between murder-

The British government has the power to hold people in jail before trial when they pose no risk of flight, use an accused's silence against him at trial, and collect biological evidence from him without a warrant.

ers and victims lawfully defending themselves" have allowed "gun ownership for self-defense" to be condemned as "incipient vigilantism."

But self-defense is not retribution, nor is it vigilantism. Vigilantism involves punishment of a criminal after the crime has been completed; self-defense is resistance to a crime in progress. The hypocrisy of the British government should be obvious to all. On one hand, British subjects have been rendered defenseless through the false linkage of self-defense to vigilantism. On the other hand, the police are today being steered down that very path.

The British government's dystopian society, where victims can't resist and the police need not worry about due process, is the exact opposite of genuine civilization. Three centuries ago, John Locke explained that "the law, which was made for my preservation . . . permits me my own defense . . . and even . . . a liberty to kill the aggressor." Locke's enlightened thinking rebukes those who misuse the power of government to prevent people from protecting themselves from harm.

Yet the modern barbarism of Britain is the guiding principle of the American anti-gun movement. Sarah Brady, the head of Handgun Control, Inc., explains, "To me, the only reason for guns in civilian hands is for sporting purposes."

Almost everything on the agenda of the American anti-gun lobby — such as mandatory gun locks, lawsuits against gun companies that have made their handguns smaller and more powerful, and opposition to handgun carrying by law-abiding citizens — is premised on the lobby's abhorrence of self-defense.

"The British disease" used to be the French term for syphilis. But the real British disease is a steadily-advancing form of what Samuel Francis calls "anarcho-tyranny" — in which government forbids citizens to protect themselves, while stripping them of their rights. Whether the British disease will spread in America — beyond its current infected zones such as Chicago and the District of Columbia — is the real issue in the American gun debate. □

A Guerrilla Capitalist in Guatemala

by Douglas Casey

Central America is not just for bananas anymore.

It was my third trip to Guatemala in about 20 years. As I got off the plane, I felt a little like Ishmael in *Moby Dick*, when he first went down to the sea. The prospect of adventure is always invigorating, no matter how many times you've experienced it. Getting there packed in a flying cigar tube for hours isn't much fun. But we've got it soft compared to our ancestors, who spent weeks in rat-infested sailing ships and bouncing along rutted, dusty roads in coaches.

I could talk about all the nice restaurants in Guatemala City and about how Antigua (about an hour's drive from GC) is a great place to go to learn Spanish and hang with other gringos, or that a visit to the Saturday fair in the town of Chichicatenango is absolutely obligatory, or that smiling locals give you a lot of value for your dollar. But things that everybody knows are hardly worth knowing, so I'll zero in on a few things that you won't see in *Fodor's* or *Lonely Planet*.

Guatemala is the epitome of a banana republic, where U.S. imperialism met a local culture with weird religions, leading to vast plantations, guerrilla warfare, vigilantism, and military dictators. Banana republics have the makings of both melodrama and comedy. If you think I'm kidding, read Harold Robbins' *The Adventurers* and see "The In-laws", starring Peter Falk and Alan Arkin. Either could have been about Guatemala. So could Woody Allen's "Bananas."

Bananas: The Fruit, Not the Movie

As you look around GC, a metropolis of a little over a million people, you might ask yourself what these people do for a living, since there's no manufacturing to speak of in Guatemala. And, in fact, all the wealth comes from the countryside in the form of commodities like coffee, bananas, sugar, and cotton. There's increasing diversification into specialty crops, but plantation-style agriculture is what makes

this country tick. That's in no small measure because of the United Fruit Company.

United Fruit (which became United Brands in 1970) is an exemplar of what investing in the Third World used to be. Founded in 1899, it cut deals with most of the governments in Central America; in exchange for gigantic land grants, it made promises to establish plantations and build the infrastructure needed to run them. On the face of it, this was a simple quid pro quo where everybody benefited.

Unfortunately, because United Fruit dealt almost exclusively with governments, it inevitably enriched politicians and generals in return for their passing laws, granting monopolies, and using the military to rip off the people who lived there. Reformers would arise from time to time and, justifiably disgusted with the dog's breakfast of corruption, move to expropriate United Fruit's holdings, at which point United Fruit would induce the U.S. government to send down the Marines to replace the local government and restore the status quo.

The lesson to be learned from all this is not that giant corporations going into small countries enslave the natives and therefore should have their properties nationalized. It's that small, undeveloped countries are usually undeveloped because their governments are corrupt and socialistic. And the only way they can induce foreign capital to take the risk of building is by giving them what looks like a very sweet

deal. After which, the only way the foreigners can avoid expropriation is by massively bribing the people controlling the government. The problem isn't greedy foreign capitalists, it's the government, the political process, itself.

Politics in Guatemala today fairly resembles politics in democracies everywhere. The main differences among the roughly 15 parties are whose special interests they want to enrich (ex-guerrillas, the military, rich guys, the Catholic church, the urban poor, etc.) at the expense of people in general, or of one or another interest group. People vote for what they perceive as their best interests in GC, but in the country they don't have a clue what's happening, so they simply do what the local mayor tells them. It's usually something like "Listen, my friends, if the Frente wins, they'll put in a football field for the village, and all the children will get new pencils for school. If anybody else wins, we get nothing. So you must vote for the Frente on Saturday."

Soldiers

Since the country's independence in 1838, it's hard to count all the generals who have taken their turn at looting, pillaging, and brutalizing the opposition. It's hardly been an optimal situation.

Tradition is a powerful thing in every culture, and especially so in relatively backward countries. Change always comes slowly in places that the military has dominated for a long time, and in Guatemala the military has been more or less running the government since its inception. As in all Third World countries, the purpose of the military is not so much to defend the country against invaders as to protect the ruling classes and the government from the people. Insofar as that creates a form of stability, I suppose it can be argued that it's a good thing. The army also provides an avenue for people on the bottom to rise through the ranks, providing something of a social pressure release valve. And it serves as a vehicle for officers to enrich themselves, especially when they rise in the ranks. When I was there, the press reported that the army had elevated five more colonels to general, an astoundingly large crop for a country of 12 million. Coincidentally, the same week, the pope appointed five new cardinals. I pondered the possible parallels, but I hesitate to draw any conclusions.

The military in almost every country tends to be conservative, in both meanings of the word. They're conservative in that they want to keep the traditional social, political, and economic order. On a more philosophical level, they're conservative in that they believe in hierarchy (they'd be the last to favor a plebiscitary democracy), property rights (perhaps because of their pensions), and strict law enforcement (as in martial law). It's no accident that American military men tend to vote Republican. And the Guatemalans — like soldiers everywhere — do the local equivalent. On the one hand, there are worse things than having a strong military influence in a place like this. But perhaps Gibbon was right when he said that trusting the commonwealth to an order of men who are accustomed to a life of slavery and violence is an invitation to disaster.

Guerrillas

Guatemala's long civil war only came to an end in 1996. It had its origins with Jacobo Arbenz, who was elected president in 1951. One of his primary goals was radical land

reform, the redistribution of land from large landholders, like the United Fruit Company, to landless *campesinos*. The CIA conspired with the military to get rid of Arbenz, and this acted as a catalyst for rebellion among Indians, whose hopes of getting a plot they could subsist on, let alone grow a little extra for the cash economy, were dashed.

The Indians certainly had a justifiable beef. They used to have land, but at various times in the past the government had simply expropriated it and given it away to its cronies.

Guatemala is the epitome of a banana republic, where U.S. imperialism met a local culture with weird religions, leading to vast plantations, guerrilla warfare, vigilantism, and military dictators.

The Indians were left with subsistence farming, or with seasonal work revolving around the coffee and banana harvests (which currently pays somewhere around US \$2-4 a day). Worse, when employers gave advances on wages, an exorbitant interest clock started ticking. It wasn't long before Indians became serfs — especially since convenient laws dictated that debt survived three generations after the person who incurred it. When oil was discovered in the Peten, the flat, low-lying jungle in the north, the Indians were again treated as no more than a nuisance. Scores of thousands migrated to Mexico, something which certainly had an influence on the Zapatista movement there.

During the civil war, about 5,000 fighters were typically in the field, and they had hundreds of thousands of collaborators. But it's tough to stand up to a conventional army that is willing to be quite brutal. The civil war is estimated to have caused at least 150,000 deaths plus another 50,000 "disappearances" over the last 30 years, most of these courtesy of the army. To put that in perspective, it's the same as if 5 million Americans were killed in political violence over the same time.

When I was last there ten years ago, there were lots of roadblocks and checkpoints set up by the army. It's never pleasant to be stopped, especially at night, by a heavily armed, potentially trigger-happy, ill-trained teenager who suspects that you're a bad guy. Now the roadblocks are gone. I guess that's some progress.

I have a friend, an industrialist, who prudently renounced his U.S. citizenship decades ago to become Australian, then proceeded to live tax-free in Hong Kong. He was kidnapped in Guatemala in the mid-'80s, and kept in a tiny sub-basement for six months before ransom was negotiated. That type of thing still can happen here, but it is far less common these days, though some rich people still keep bodyguards.

Will the guerrillas reappear? Well, the elements for their reappearance are still in place. But I'm somewhat optimistic. Marxism and socialism have been discredited as ideologies,

and chronic backers like the USSR and Cuba are either dead or bankrupt. Perhaps more importantly for the long run is the creation of institutions like the University of Francisco Marroquin in GC. Founded in 1972, it's dedicated to free minds and free markets; buildings are named for Mises and Hayek. Its 5,000 students pay substantially more than stu-

Because United Fruit dealt almost exclusively with governments, it inevitably enriched politicians and generals in return for their passing laws, granting monopolies, and using the military to rip off the people.

dents at any other university in the country. There's still a waiting list to get in. As far as I know, it's the only college in the world dedicated to libertarian values.

As more people are exposed to the ideas they find at UFM, repressive legislation will be repealed and Guatemala's perennial problems — which are 100 percent rooted in its political system — will fall away. Every country should have a college (or a thousand, in the case of the United States) to act as a center of intellectual revolution.

Do You Believe in Quetzalcoatl?

Guatemala, like the majority of Central and South American countries, is a composite of several distinct cultures with little in common. Here (in fact, everywhere), it's the Indians on the bottom, and Spanish on top, with the Ladinos, a by-product of their interbreeding over the centuries, in the middle.

The Indians, descended from the Mayans, are really out of the mainstream, living in their own world. They engage in subsistence agriculture, dress in traditional garb, can't afford motor vehicles, and live in huts made of sun-dried brick, that are mostly devoid of electricity and plumbing. Over 50 percent of the country is purely Indian, and most of them, especially the women, don't speak Spanish. It's unclear to me what's really important to them besides land, but religion is certainly one thing that is.

The Mayans had quite a sophisticated religion at the time of the Spanish conquest, and over the next four centuries the Catholic Church did its best to convert the heathens. But just as the faith of Paul of Tarsus didn't make the transition from the Near East to Western Europe without picking up lots of extra baggage (Christmas, Halloween, the cult of the Virgin, etc.), it's pretty obvious it suffered some significant further mutations upon encountering the Indians. Old traditions die hard everywhere, but especially in pre-industrial cultures, and it appears that many Mayan gods have made the crossover to becoming saints and angels.

The situation is further complicated by the arrival of various evangelical and pentecostal sects over the past few decades, whose new churches now fairly dot the countryside. While Catholicism revels in mysticism, and the statues of its

saints meld nicely with images of Quetzalcoatl and his crew, the born-againists tend to be rather intolerant of that sort of thing. I wish I'd had the opportunity to find out how these new sects are melding with what was here before.

The government has strongly supported these new religions for at least two reasons. Latin American Catholicism had become highly political, with many young priests, especially Jesuits, buying into Liberation Theology. Liberation Theology is really something of another new religion, the mating of Christianity and Marxism. The revolutionary aspects of Liberation Theology don't wash with the military and have added heat to the ongoing civil war. The generals, with the active connivance of the CIA, decided that, since religion is such a big deal down here, one way to help win the hearts and minds of the peasants would be to get them involved in some non-revolutionary sects. So they actively recruited very conservative groups, who love to proselytize, from the heartland of the U.S. — kind of fighting fire with fire.

The military also appreciates the work ethic that the Protestant sects promote on the theory that material success is a sign of salvation or that salvation will result from the diligence that brings material success. Either way, it promotes economic progress.

My impression is that the Mormons are currently the most aggressive of the imported sects; Guatemala has a surprising number of fair-haired young men walking around in ties and white shirts trying to make converts. It was not clear to me how much progress they're making, in that you'd think there'd be quite a culture clash between tall, blue-eyed blonds promoting their home-grown faith to short brown Indians. How does the angel Moroni relate to Quetzalcoatl? And do either of them have any truck with the Virgin Mother? It must be quite confusing to an Indian who doesn't have ready access to a good theological library to sort these things out.

Actually, I've seen this sort of thing the world over, and while the trend toward globalization is both obvious and well known, a much less obvious but equally important trend is building among indigenous peoples to become

It's never pleasant to be stopped, especially at night, by a heavily armed, potentially trigger-happy, ill-trained teenager who suspects that you're a bad guy.

more ethnocentric, seeing themselves first and foremost as Mayan, or Zulu, or Maori, or Shan rather than as citizens of some nation-state. Almost everywhere there seems to be a growing resentment of outside ethnic groups that have appropriated their lands, undermined their culture, obviated their language, and dumped their ancestors' religion. The days of missionaries being boiled in pots are probably over, but being a missionary for a non-indigenous religion is

increasingly unlikely to generate warm feelings among the locals.

In that light, it is interesting to note the Chinese response to the pope minting 120 new saints from missionaries and converts in China a little while back. Chinese news agency Xinhua charged that the act glorified Western imperialism and accused at least two of the missionaries of being common criminals in their extra-religious activities. Who knows. I'm a Freedom Fighter; you're a Rebel; he's a Terrorist. But there's a trend here, and it's building momentum and with unpredictable implications.

I suspect the Indians of Latin America are somewhat behind other cultures in this trend, but it's hard to know. As a people, they impress me as being quite phlegmatic; they've certainly taken a lot of abuse from the Spaniards over the centuries pretty quietly. But these seemingly placid people are capable of unpredictable and explosive violence. Most is directed at local miscreants; the examples retailed to me entail the offender being abused, then stoned, then hung. After which his body is burned, apparently to discourage his spirit from hanging around. Not surprisingly, tourism is still a small industry here.

Tourism as a Blood Sport

Guatemala City is large and sophisticated; in some ways you'd think you were in Europe. But once you leave its environs you're in another world. GC has the only paved airstrip in the country. Quetzaltenango, the second largest city, with perhaps 100,000 people, gets a daily flight on a single-engine turboprop, landing on a dirt runway. Considering how bad the roads are, it's not surprising that few tourists get beyond the capital.

Tourism is the Holy Grail for all Third World countries. They need only remain their quaint selves, which alone is enough to induce rich foreigners to come and watch them and spend money, mostly in exchange for services. Guatemala would appear to be a natural in this regard, with its picturesque natives, quaint villages, and low prices. But they're not getting much at the moment. My United 767 probably had 300 passengers flying from LAX to San Jose, Costa Rica; no more than 25 people deplaned at its stop in GC. I've been to Costa Rica many times and find Guatemala far more interesting, and a much better value. But Costa Rica hasn't gone through a 40-year civil war; it hasn't had an endless string of military governments, and it's rare when something untoward happens to a tourist. In Guatemala, an American woman named June Weinstock was beaten to within an inch of her life in an outlying town in 1994, when she fell suspect to trafficking in babies. A couple of years ago a tour bus full of Japanese tourists stopped in a small village. One man got out to take a picture of a little kid. The villagers took umbrage, and stoned him to death before his countrymen who, I'm sure, were quietly sequestering their own cameras as they watched in horror.

In the countryside, people are rarely arrested and convicted for crimes by the authorities; the locals police themselves, and when outsiders come asking questions, nobody knows anything. Pretty much the way things can be in some places in America, like the ghetto or Appalachia. But then, with the rare, spectacular exception, there's almost no crime

in the countryside, either.

As I read over this article, I think I may have given too negative an account of Guatemala. Perhaps I give a less sanguine view of most countries than people are accustomed to; I'm here to tell you things the local chamber of commerce or the glossy travel brochures would rather skip over. But don't get me wrong. After all, if you think about the U.S. in the late '60s and early '70s, it sounds horrible — high inflation, gruesome urban race riots, the Manson family and the Symbionese Liberation Army, Vietnam protests — but I had a great time. It's all perception.

I have a number of Guatemalan friends, all of whom have lived here for decades, through good times and bad.

Old traditions die hard everywhere, but especially in pre-industrial cultures, and it appears that many Mayan gods have made the crossover to becoming saints and angels.

They love the weather, they have a great standard of living, and their lives are exotic, interesting, and profitable by reason of their living there.

Property prices in Guatemala, while far below anything comparable in the U.S., are surprisingly high for a country with such a checkered history. The reason is that title to small holdings of property is secure and people feel confident owning it, while the quetzal is an unreliable currency.

Are there opportunities for Americans thinking about expatriation? I suppose. I think GC and Antigua are both excellent places to live, if you're thinking about a second residence or a place to retire. But if you want to be in Central America (which has a great deal to recommend it), you'll find considerably better value in Nicaragua or Panama at the moment. Costa Rica is nice, but it's now quite expensive, and totally overrun with gringos to boot. □



"I'm not taking any chances, sir — you'll have to put your request for help in writing."

 Diary

Springtime in Minsk

by Stephen Browne

"Belarus is the Soviet Union. It's the rest of the country that disappeared."

The old hammer and sickle remains on many of the public buildings in Minsk. A huge statue of Lenin still stands in front of parliament here. They still have a secret police force called the KGB. "Belarus is the Soviet Union. It's the rest of the country that disappeared," so I was told by the head of the Organization for Security and Cooperation in Europe (OSCE) mission in Minsk.

I came to Minsk in March to visit a friend, Jaroslav Romanchuk, and deliver some funds from Acton Line, a British charity for the relief of families of political prisoners. Jaroslav is vice chairman of the United Civil Party and deputy editor-in-chief of *Belorusskaya Gazeta*, where he writes on economic issues from a strong Austrian position. The official purpose of my visit was to write a travel article for a Warsaw expatriate magazine. Jaroslav met me at the train station with, to my surprise, a Polish libertarian friend from Silesia.

Ignoring Benjamin Franklin's observation that "Fish and visitors stink after three days," Jaroslav put me up for five days with good humor, and arranged for me to spend them between the European University of Humanities (EUH), the Linguistics University, the headquarters of the United Civil Party and the offices of *Belorusskaya Gazeta*, along with a few restaurants and bars in Minsk. Two evenings he hosted gatherings of young people connected with the opposition; once for socializing and once to sit in on a strategy meeting.

Day One

In the morning, I briefly meet Ludmilla Karpenko, the widow of politician Gennady Karpenko who died in the hospital after apparently being poisoned at a meeting. She tries to keep the question of her husband's death open, but told me that she gets phone calls taunting her with, "We got your husband, and we can get you and your children."

Jaroslav tells me, "By the way, you're giving a talk day after tomorrow at the European University of Humanities in the morning, and at the Linguistics University in the afternoon."

"And what am I speaking about?"

"Ayn Rand."

"I haven't read Rand in years."

"Say something about her."

As it happens, Jaroslav has gotten both institutions to adopt *The Fountainhead* as part of the English Philology and American Studies programs.

I see a bit of Minsk, and it completely surprises me. The periphery has a lot of those depressing Stalinist-style block apartments, but the city center was rather delightful with broad avenues and a lot of neoclassical architecture. Minsk was, like Warsaw, almost totally destroyed in the war, but it has been rebuilt a lot more attractively. I ask why and am told, "Perhaps Warsaw didn't have the German prisoners of war to do the work."

Day Two

I spend some time at the offices of the United Civil Party and *Belorusskaya Gazeta*. I get some great pictures of Jaroslav and myself with the party logo (a red horse on a white field) and pictures of disappeared members of the opposition in the background. One member and I have a friend in com-

mon: He knows Ken Schoolland, longtime libertarian and fellow member of the International Society for Individual Liberty.

At the Linguistics University, I sit in on a presentation on feminism and feminist studies by an American woman. Yet again, I meet someone with whom I have friends in common:

That evening some young members of the opposition come over with news: Lukashenko has passed a decree that all funds donated from abroad for political, humanitarian, educational, or scientific activity must be approved by the government.

An elderly American woman knows two of my oldest friends from Guthrie, Oklahoma! This happens to me all the time in Eastern Europe.

In the evening, I meet a group of Jaroslav's friends at his apartment for tea and cakes and stimulating discussion on topics ranging from Austrian economics to Ayn Rand to the chances of toppling Lukashenko in the next election. A young lady working at OSCE says that the organization is training poll-watchers, but the regime claims that they are training commandos for a foreign takeover.

There is an American diplomat there with his Belorussian girlfriend. They have to be discreet about their relationship, not because of the regime, but because the American diplomatic corps still has a rule against liaisons with locals.

When the discussion gets going too fast it shifts into Russian, but Russian is such a lovely language that it's a pleasure to listen to even when you don't know what's being said. Tantalizing bits of it do come through, though, because of its similarities to Polish.

Day Three

Jaroslav arranges for a friend, Elena Rakova, to show me around the center of Minsk. Elena is an economist and a project manager at the Institute for Privatization and Management. Jaroslav had introduced her to free-market economic theory. Jaroslav, it turns out, goes to conferences and hangs out with the likes of Yegor Gaidar, Leszek Balcerowicz, Maart Laar, Vaclav Klaus, Maggie Thatcher, and Helmut Kohl.

Free-market economic theory is indeed making headway in the councils of power — the weight of experience is just too strong to ignore these days. So I ask Elena, "Why doesn't Lukashenko content himself with turning Belarus into an authoritarian capitalist state like Singapore? Why not tell the people, 'You all have fun and make all the money you like, just pay your taxes and never forget who's in charge.'" She tells me Lukashenko is an economic ignoramus, who has learned nothing about markets since his days of managing collective farms. (Later, I put the same question to the head of the OSCE delegation in Minsk. He thinks it's because all experience shows that as soon as people gain wealth, they

want a share of power.)

To express my thanks, I take Elena to lunch in a restaurant in the Old Town. We each have a full-course meal with drinks and caviar; our bill comes to \$30. To me, this seems like a bargain. Elena informs me that her month's salary is \$30.

That evening, some young members of the opposition come over with news: Lukashenko has passed a decree that all funds donated from abroad for political, humanitarian, educational, or scientific activity must be approved by the government. Organizations found in violation of the decree will be dissolved, and any foreigners involved will be deported.

Lukashenko has done this to assert total control over the financing of the country's poll-watchers and petition-signature gatherers; the opposition relies heavily on grant money from nongovernmental organizations, private foundations, and the governments of Russia, the United States, and several European nations. "In other words," one friend says, "he wants to get rid of this old-fashioned, mixed economy and set up a modern, up-to-date, absolute dictatorship."

We discuss possible ways to protest the decree. Raising an international outcry is a possibility, but Lukashenko cares nothing for anybody's opinion.

Day Four

In the morning I give a talk to a class at EUH that is reading *The Fountainhead*. In the afternoon, I give almost the same

I am pleased to confirm a friend's opinion that in any given gathering of young people in Belarus, about 20% of the girls will be of super-model quality.

talk at the Linguistics University to a class that will start reading the book in a few weeks. I surprise myself by actually having something to say about Rand after all. I am further surprised when I am asked to stay and give the talk to one more class.

In between the classes, I go to the offices of OSCE to interview the head of the mission in Minsk. He very generously agrees to fill me in on deep background, even though I tell him up front that I am only doing an article for an expatriate rag and a certain "journal of much passion and small circulation," in the pithy phrase of Prince Kropotkin.

The first thing he tells me is that everybody says that Belarus has no national character of its own, that it is only a part of Russia that became independent by accident during the breakup of the U.S.S.R. He denies this strongly. He said that there is a specifically Belorussian culture, and it became evident that he is passionate about it. It is easy for me to see why he is so proud of his country's character, as Belorussians are a very friendly and engaging people. He tells me that street crime is rare in Minsk and that if bystand-

Continued on page 61

Take it to the Streets

by Kendra Okanski

The struggle for freedom involves more than just a war of ideas.

Anti-globalization activists have turned protesting into an art form. Why do something constructive when you can protest, especially if you are a college student looking for a “cause” to embrace? Merritt College and New College (in California, which is no surprise) offer classes in activism. The Ruckus Society, funded by media mogul Ted Turner, trains young people in “civil disobedience.” Among the skills they emphasize are teach-ins, sit-ins, puppet making, hanging banners off bridges and buildings, avoiding arrest, and talking to the media.

Anti-globalization activism is in large part facilitated by a broad array of special interest groups known as nongovernmental organizations (NGOs). In recent years, NGOs have become intimately involved in the international political arena. They participate at U.N. meetings and international treaty negotiations as “observers,” but lobby delegates to vote for their agendas. NGO observers from wealthy nations often outnumber the small number of delegates who represent developing countries.

NGOs have also entered the corporate world, and not as firms producing something of value. They start by attacking international corporations as violators of environmental quality, labor standards, and human rights. Then they threaten corporations with lawsuits to “pay up” for their “misdeeds.” These corporations are sometimes required to pay settlements to fund the groups that attacked them.

The global NGO movement is largely funded by American foundations, European governments, and wealthy individuals. It can mobilize its resources (both human and financial) to wherever they are needed around the world — whether it’s an international treaty negotiation, a meeting of *Fortune* 500 businessmen, or a blockade of a shipment of genetically modified seeds. By no means do the members of these groups reject the technologies they oppose for everyone else in organizing their publicity campaigns: their Web sites are designed by topnotch designers, they use cellular phones, they wear Nike (gasp!) tennis shoes and drink Starbucks (gasp!) coffee.

What is perhaps most impressive to the uninformed viewer is that these activists are young people — young people who ostensibly “care” about the plight of the planet and

(to some extent) its people. No matter which international agency is meeting, activists in their late teens and early- to mid-20s are sure to protest. Groups like Students United Against Sweatshops, Students for a Free Tibet, and cooltheplanet.org (which sent a large group of students to participate at the U.N. COP-6 global warming meeting in The Hague this past November) all make use of young, impressionable minds to further their agendas. Environmental groups distribute flashy, image-oriented, emotionally compelling marketing materials on college campuses around the world to attract a generation whose attention span has been shortened by the Internet and multimedia.

April marks the first anniversary of the protests against the International Monetary Fund and World Bank in Washington, D.C. It is clear from talking to these protesters, and those at the World Trade Organization meeting in Seattle, that they barely understand the acronyms “IMF” and “WTO,” much less the function of these organizations. These young people engage in an odd form of imperialism by opposing the freedom of people in developing countries to improve their living conditions, while excoriating free trade and business for doing just that. Many of these young people haven’t experienced poverty firsthand, so they romanticize about the meager lifestyles of the world’s poor.

Why Our Opponents Succeed

The intellectual divide between libertarians and statistis is wide. Most non-libertarians believe that the political mechanism can be used to create a better world, by controlling people and society. Competing philosophical understandings of man, society, and the “good” life help to widen the divide.

Libertarian ideas are not widely accepted in our culture, suggesting we have not done a good job of communicating our message. We pride ourselves on consistency and dedication to principle, but we fail to reach people with our message

because we have failed to give it broad appeal. We have not found creative ways to express our ideas in forums where they might not otherwise be heard. We often "preach to the choir" — and sometimes the choir's disagreements on our approach to broadening our appeal means that we do not focus on bringing our ideas to a bigger congregation.

Our intellectual differences with our opponents do not mean we should spurn all of their tactics. As Randal O'Toole wrote in these pages, libertarianism and environmentalism started out as fringe movements at about the same time. From the very beginning, libertarians lost and environmentalists won because environmentalists used a variety of means to personalize their message: lobbying, street campaigning, advertising, slick-looking Web sites, anecdotal victims, street theater, protesting, teach-ins, witty sloganeering, sitting in trees, public-interest litigation, coalitions, etc.

Today, environmental NGOs and all of their anti-globalization counterparts continue to use these methods. They are also involved in U.N. meetings and treaty negotiations, and corporate shareholder meetings. They have coalesced with religious groups, human rights groups, labor unions, and anarchists. While many libertarians have used the Internet to their advantage, the NGOs' multi-level approach helps make today's environmental movement a highly salient political force, reaching far more people than merely those in cyberspace.

Being intellectuals does not mean that libertarians should give up on finding ways to market their message creatively. For instance, no wide-scale effort has ever been funded to bring the libertarian message to colleges. Some individual students have organized clubs or other such groups on a few campuses, but the Libertarian Party and other large libertarian organizations have made no effort to introduce college

Appeals to emotion may be contrary to the gut instincts of most libertarians. But we cannot afford to act as if once people have the right information, they will change their minds.

audiences to classical liberalism, nor to organize those who already are libertarians into activists.

Our opponents often only win because they have proper marketing materials and can attract big-name speakers to interest students. They make their politics personal by using emotions to motivate people into joining their cause. At the University of Florida in October, Libertarian candidate for Vice President Art Olivier attracted a good-sized group of college students one evening. But he delivered a memorized campaign speech and had a difficult time fielding questions that weren't part of his memorized rhetoric. He failed to have much impact because he simply could not talk about his ideas in a way that convinced his audience that he understood them and their concerns.

Our failure is especially discouraging because so many young people have libertarian intuitions. In their minds, Republicans and Democrats are members of the same party. They despise both corporate welfare and the war on drugs.

Meanwhile, the Green Party has succeeded in its endeavor to impress young people. I attended a Green Party rally in Washington, D.C., where 12,000 people (most under the age of 30) gathered in support of Ralph Nader. The Green Party made extensive use of its college groups and young election volunteers. It took the stuffiness out of politics and gave it a "hip" new image. It was stylish for young people to sport a "Nader/LaDuke" green-and-white campaign button or bumper sticker.

Many of the Green Party's ideas appall us, but we cannot deny that it has been very successful in cultivating support

We pride ourselves on consistency and dedication to principle, but we fail to reach people with our message because we have failed to give it broad appeal.

among young people. Free-market and libertarian activists haven't discovered the potential of campaigns to get youth on their side. In the long run, the Green Party may indeed prove to be a powerful political force and a threat to liberty.

College-age people have only recently been exposed to the ideas that purport to explain how the world works. They have little to lose from taking an ideological stance. Libertarians should take advantage of this in the same way the Green Party has. Otherwise, we risk losing a powerful constituency.

Experience: Counterprotest.Net

Some young libertarians, including myself, have worked since last June to put these ideas into practice. We copied the tactics of our green and anti-globalization counterparts, only changing the message. We have protested the Sierra Club, Friends of the Earth, the protesters in Philadelphia at the Republican National Convention, the environmentalists at the U.S. Capitol who support the Conservation and Reinvestment Act, and, most recently, the Department of Justice.

Initially, we were accused of being "corporate shells," funded by industries that stand to gain from free trade, even though we have self-funded all of our activities. Others presumed that by virtue of being libertarian, we could not care about the poor or the environment.

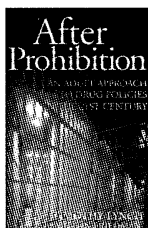
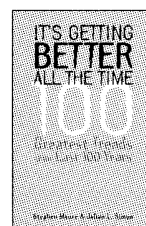
Our first priority must be to disabuse people of these notions. While this will be no easy task, we must emphasize that enabling poor people to take advantage of the gains created by exchange is the only way to help them lift themselves out of poverty; and we must emphasize that wealth promotes a clean environment. The point should be, "wealthier is healthier, and cleaner." We should point out that the policies anti-globalization activists promote would actually have the opposite effect from what they intend. Preventing trade with onerous regulations condemns the poor to poverty. The environment suffers, too, if people are prevented from using technologies that help save resources.

Our experience so far is that while libertarian groups may not have instant credibility with the media, we usually

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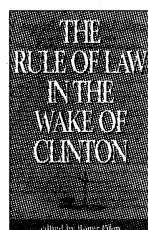
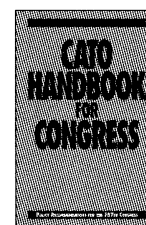


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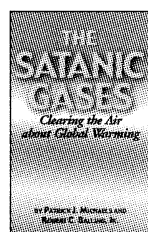
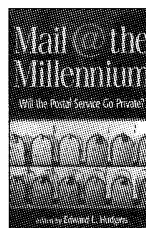


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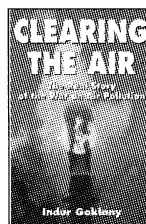


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receive a substantial amount of coverage when we show up to "counter-protest." We intrigue the media by being "counter protesters" — though sometimes they get it wrong. (The *Houston Chronicle* mistakenly reported our chant "more good, less evil" as "more guns, less people.") Despite this particular misunderstanding, slogans such as "up with people, down with government!" illustrate our ideas quickly and attract the interest of other protesters, and of reporters. Protesting, or counter-protesting, not only secures press for our views, but it also steals media attention away from groups we oppose. Over the past seven months, we have won the attention of MTV, several local Washington, D.C. news programs, radio programs, and a few newspapers and magazines.

While mass media appeal isn't everything, it is important to show that a feisty group of young libertarians care about the world too. A cadre of free-market protesters will help to put a human face on what some might see as old and dry ideas.

Communicating

Libertarians must develop a strategy through which to "sell" our ideas by adapting libertarian values to appeal to a generation of young people who despise politics and politicians, but who, as victims of public education, know only how to revere government.

An important part of this strategy is how we present ourselves. Our intellectual opponents have succeeded in part because they tug at people's heartstrings. Saving the whales,

vaccinating poor children, feeding the starving: who in his right mind could be against these things? Our challenge is to show that we do care about these things; we can be humanitarian and libertarian at the same time.

Appeals to emotion may be contrary to the gut instincts of most libertarians. But we cannot afford to act as if once people have the right information, they will change their minds. To be truly effective, we must change hearts. We need to make our arguments emotionally appealing. Randal O'Toole made the observation that environmentalists have been very successful at this; they gave a human face to otherwise sterile subjects.

This humanitarian approach is especially important because, I believe, one does not need to be an intellectual to be a libertarian. To give libertarianism a popular appeal, we must seek out those arguments which clarify why government fails at environmental protection, alleviating starvation, and making society "fairer." We can undermine statist arguments by showing how the policies they promote will have effects opposite to those they desire.

"Taking our message to the streets" is no small feat. It is certainly true that to understand fully the libertarian vision takes time and often comes only through dropping presuppositions about the nature of human interactions. But we should start to experiment, learn from our mistakes, and take advantage of the opportunities we have to influence the world. □

Spread the Word!

I've never been very good at telling other libertarians what to do. But I'd like to offer four notions I have for advancing liberty.

Be Generous

This issue of *Liberty* is not only a fine magazine, it's also a persuasive tool to convince others that we're right. I pass on nearly all issues of *Liberty*, *Ideas on Liberty*, and *Reason* after I read them. I like giving freedom-oriented publications to non-libertarians. Most are appalled at first. Then, they might think, "Hmmm, I like *this* part," and, eventually, they become more and more libertarian. I've seen it happen a lot over the years.

Be Tolerant

One of the reasons I never became an acolyte of Murray Rothbard was his notion that he was Lenin and we had to obey. Rothbard was a great writer, but a bad political strategist. To paraphrase Grover Norquist, all ways of shrinking the state are good ways. Hunting down deviationists and heretics while government continues to grow is a waste of time and energy.

We should also be tolerant of different lifestyles. I'm pretty conservative culturally, but I realize that the activists battling the War on Drugs are on my side. Similarly, those who became libertarians because they fear the state snooping into their bedrooms should get along with homeschoolers and gun owners. We're all in this together.

Be Funny

Two days before the election, I went downtown to attend

the Ralph Nader Super Rally. This had its unpleasant aspects — listening to Nader for an hour and a half is no treat — but one of the high points was an animated cartoon by Tom Tomorrow showing his ninja-penguin hero joining with Nader to sneak into the debates after going to the mountain-top to seek wisdom from a guru (who is, of course, Master Ventura). This sharp cartoon made Nader's case better than Ralph himself ever could.

We have P.J. O'Rourke and Dave Barry, but we need other libertarian humorists to make people realize that government is often ridiculous. Then, people will realize that they don't need the state to solve their problems.

Be Friendly

We've heard a lot about civility in politics these days. Often this comes from talking heads who promote a bland and mushy centrism. But often statist us as one of their main arguments the idea that market-oriented types are selfish meanies who delight in kicking the down and out.

Being pleasant towards pro-government types does a lot to eliminate their anger towards you. That does not mean that you should compromise your principles; it does mean that you shouldn't get mad at statist. Be civil, and you will smash the stereotypes they have of libertarians. And if you confuse statist, that's the first step towards persuading them that they're wrong.

Follow these four principles, and you'll do your part towards making the world a more libertarian place.

— Martin Morse Wooster

Liberty and Obligation

by *Ralph W. Clark*

Does liberty free us of obligation?

Nothing frustrates libertarians more than the extent to which their ideas are ignored by politicians, voters, journalists, and academicians. People do take more seriously the idea of "privatizing" some of government's traditional functions (for example, prisons and waste disposal) than they did a few years ago. Newspapers devote more space to discussions of "market solutions" for medical care and low-cost housing. Milton Friedman and F.A. Hayek, free-market economists, both won Nobel Prizes.

Still, no one in high public office is a genuine libertarian. Support for libertarian ideas among the general population is hardly greater than it was a generation ago. The news media seldom mention libertarian candidates for public office. Editorial writers, TV personalities, novelists, artists, entertainers — few are libertarians.

Part of the blame belongs to libertarians themselves. To the world at large, libertarians give the impression that an attitude of "leaving other people alone" pretty much exhausts a person's moral obligations. As a consequence, libertarianism is widely perceived as a cold, harsh philosophy. In fact, many libertarians dedicate their lives and careers to helping people and making their communities and countries better places. They accept moral obligations that go beyond respecting the basic rights that would be protected in the ideal libertarian society. They choose careers in "helping professions" such as teaching or medicine, or work for businesses that produce worthwhile products or services. They do not work for tobacco companies and the like, and not only because many of these companies engage in deception or fraud that is contrary to the principles of *laissez-faire* capitalism. Libertarians — most libertarians, I believe — want to have a positive impact on their fellow human beings.

Ayn Rand, a self-proclaimed egoist, spent much of her life trying to save the world. (She rejected the label "libertarian," but nevertheless defended libertarian ideas.) Milton Friedman said in *Capitalism and Freedom* that the only moral obligation of a business manager is to maximize profits for

stockholders in an open market without fraud or deception. But his own career shows that he is committed to broader values.

Doubtless, many libertarians fear that, were they to acknowledge the existence of strong moral obligations, they would undermine the libertarian cause, because non-libertarians would demand even more strongly that government should coerce people into fulfilling those moral obligations. Libertarians instead tend to say that moral obligations are entirely a matter of individual choice. Libertarians who accept such obligations know what this means: namely, that government ought to leave us alone to decide for ourselves the exact extent of moral obligations, and how best to fulfill them. Non-libertarians typically draw a different conclusion — that libertarians do not care about the welfare of other people except insofar as it bears upon their own self-interest.

What can be done?

The world is undergoing a revolution in its attitude toward moral values. There is a call for more ethical conduct in the world of business, a demand that politicians adhere to higher ethical standards, and a recognition of the need for values in education. Apart from a backlash effect caused mostly by government affirmative-action programs, there is a new respect toward minorities, women, the handicapped, children, gays and lesbians, and others who have suffered from discrimination.

I propose that libertarians should co-opt the "moral revolution." As a political philosophy, libertarianism is consistent with an acceptance of strong moral obligations to one's fellow human beings; these are obligations that go significantly beyond respecting rights to life, liberty, and property. Even better, I believe, would be for libertarians to argue that one

and the same moral foundation underlies libertarian thinking (the purpose of which is the protection of basic rights in the political sphere) and moral obligations (which lie in the private sphere). Libertarianism provides freedom and security under the law, as well as maximum opportunities to organize communities, create families, run charities, and develop businesses, all this while allowing for the imperfections of human nature, human knowledge, and human intentions.

Here, essentially, is what libertarians should say to non-libertarians: the moral revolution now underway is a blessing because people *should* exhibit more concern for one another — and they can do this while supporting libertarian ideals. On the other hand, the inherent danger is that people who accept these moral obligations tend to request government assistance to help them achieve their goals. The last thing we ought to do is to lock into place through government decree the ideas of one person or one group about how to achieve a balance among competing moral obligations. The pluralistic nature of moral values is a powerful reason for doing all we can to ensure that government does not “legislate morality.” Moral pluralism undermines any person’s or group’s smug assurance that their plans for improving society ought to be followed.

Not only are moral values pluralistic, but they are “linear” — part of their value lies in the reaching of them, not merely in their being reached. This idea is expressed by the maxim, “life is a journey more than a destination.” Freedom to make mistakes — even significant moral mistakes — and to learn

To the world at large, libertarians give the impression that an attitude of “leaving other people alone” pretty much exhausts a person’s moral obligations. As a consequence, libertarianism is widely perceived as a cold, harsh philosophy.

from them is of great value. Libertarianism provides such freedom. Thoreau says in *Walden*: “If I knew for a certainty that a man was coming to my house with the conscious design of doing me good, I should run for my life.” In a society where political and economic freedoms are guaranteed, Thoreau would not need to run for his life because he would be able to decide for himself whether or not to accept help.

Libertarianism is logically independent of ethical egoism: a strong defense of libertarian ideals need not appeal to ethical egoism. Such a defense leaves room for advocates of libertarianism to acknowledge the existence of moral obligations that are binding upon everyone. Of course, if an attempt is made to derive the principles of libertarianism from ethical egoism, then the resulting formulation will almost certainly be inhospitable to non-egoistic moral values. But a non-egoistic foundation for libertarianism is feasible.

Most libertarians are willing to agree that libertarianism is the best “system of systems” — where the exact nature and purpose of subsystems (businesses, foundations, charities, relief organizations) is left open to a certain extent. As thus conceived, libertarianism is clearly better than alternatives because it promotes “layers of systems,” the most basic of

which is constitutional law. The constitution in a libertarian society would set strict limits on the scope of government. It would prescribe the general form that the next “layer of systems” will take — laws that spell out the operations of police departments, courts, and military. Within the scope of freedom provided by the constitution and effective police, courts,

The same idea that serves as the moral foundation for libertarianism — the intrinsic value of all human lives — also serves as the foundation for moral obligations to others.

and military, the citizens of a libertarian society can produce within the private sphere systems and subsystems, all of which are easier to change than are any aspects of government. These private systems — corporations, trade associations, partnerships, foundations, charitable organizations, churches, universities, and so on — can change and improve in direct response to input from the people affected by them. Government need not change in order for these private systems to devise more effective ways to accomplish their goals, whatever the goals may be, as long as they are consistent with libertarianism. Any successful government, therefore, must support the goals of libertarianism, down to its deepest levels.

Why should we care whether the best system of government exists? The answer is perhaps obvious: we want people’s lives to go as well as possible. Human life has intrinsic value. From a religious perspective, all human beings are “precious in the eyes of God.” If we believe this (in either a religious or non-religious version), then we want everyone to enjoy the benefits that come from having the best government, one which protects basic rights.

But there is more to living a good life than living under the best government. If we take seriously the idea that all human life has intrinsic value, then we will want to help people and make the world as a whole a better place. In other words, the same idea that serves as the moral foundation for libertarianism — the intrinsic value of all human lives — also serves as the foundation for moral obligations to others.

Freedom and benevolence can be preserved only when each is restricted absolutely to its own domain: freedom to the impersonal “structure” of society under law, benevolence to the sphere of voluntary actions undertaken by individuals in the private sphere. Freedom must be supplemented by moral requirements that go far beyond the scope of libertarian thinking. It should not, of course, be undermined by them. Freedom should be supplemented by benevolence, which takes two major forms — an inclination to help people, and an inclination to make the world a better place. The responsibility to help those in need and to do what we can to make society a better place are moral responsibilities. They ought not be made into legal responsibilities.

Libertarian thinking is entirely consistent with a philosophy of moral obligations to others. Let us, as libertarians, defend both freedom and benevolence together, each in an equally loud voice. □

Controversy

Lifestyle, Liberty and the Pursuit of Happiness

In the April *Liberty*, Edward Feser challenged Jan Narveson's defense of libertarian ethics. Now Narveson strikes back — but Feser gets the last word.

The Trouble with Tradition

Jan Narveson

In the April issue of *Liberty*, Edward Feser made his review of my *Moral Matters* the occasion for a general defense of conservatism. I want to comment on his argument, not in a spirit of trying to defend my book (though, of course, I do try to do that), but more especially in a spirit of continuing the discussion of conservatism.

The problems begin when we ask, "What is conservatism?" That is a question not easily answered, and answered in decidedly unsatisfactory terms by all those I have seen taking a whack at it. I recently offered an analysis of conservatism in the context of political philosophy*, in which the term is most usually employed: A conservative, I suggested, is someone who believes that the appropriate rules for controlling and directing social behavior derive from a view of how to live — a normative view of human nature — that is not necessarily shared by those who are to be governed by them.

According to Feser, my book shows "a prejudice in favor of answering such politicized moral questions in a way which is decidedly leftist, 'progressive,' or otherwise resolutely hostile to traditional morality." Unless Feser has a pretty warped view of traditional morality, I deny this, and I especially deny the utility of the term "leftist," which can do

little but sew confusion in any discussion. But more importantly, there are, as Feser fails to mention, a great many traditional moralities in the world we live in. It does not seem to interest him, or even to occur to him, that the major problem of the day is that many important societies, most especially the one he and I live in, are composed of people from a considerable range of those traditions, and that the world is now our oyster in a way it never was before, and the need for a morality that makes sense to all has never been clearer.

Those many traditional moralities are, of course, mutually irreconcilable in many respects — that is what makes them different. So when Feser claims that "conservatism" in morals is to be identified with the embracing of "traditional morality," we should have to ask him which of these hundreds of distinct and incompatible traditions he proposes to embrace — and why people ought to embrace one rather than any of the others. Worse yet, what is he going to say to the members of those other traditions who do not share his values and sympathies?

Now, perhaps Feser will reply that this is a political rather than a moral question. I deny this, if it is intended to be an interesting criticism; and I do indeed deny, as he discerns, that questions of morality and questions of politics can be sharply distinguished. Questions of normative politics — of what politics ought to be — are not distinguishable from questions of morality. They are instead a subset of moral questions. The wrongness of killing innocent people, for instance, is surely to be incorporated into law if we are to have law at all, and its wrongness is a moral matter if anything is.

In our day, there are many things we can do to people who differ from us on points of importance regarding how to live one's life. I presume that Prof. Feser does not think that stoning adulterers in the city square is okay, but I don't

*Narveson, Jan. *Journal of Value Inquiry* 34 (2000): 2–3.

have much of an idea what he wants to do about all those homosexuals and others whom, I gather, he would classify as moral deviants. I imagine he would agree with me that he is perfectly free not to have them over to dinner if he feels that way about them. But what else? Does he, for

I presume that Prof. Feser does not think that stoning adulterers in the city square is okay, but I don't have much of an idea what he wants to do about all those homosexuals and others whom, I gather, he would classify as moral deviants.

instance, admire the music of Tchaikovsky or Benjamin Britten — both of whom were gay? Precisely what is the nature of the moral condemnation he apparently feels is their rational due? Does he cut them in the street?

What Feser wants to say about these people, it seems, is that they don't measure up to the right fulfillment of human nature — they don't "flourish." It might be useful, if space permitted here, to go to the writings of Aristotle to confirm that, contrary to the impression Feser conveys, his theoretical work doesn't even touch on the matter of homosexuality and indeed has nothing interesting to say about most of the moral matters discussed in my book and which are animating the social life of our time. Feser apparently thinks that it is impossible for homosexuals to be happy, a view I am in no personal position to assess, but which strikes me as not very plausible. What is true, and pretty obvious, is that if everyone were thoroughly homosexual, that would be that for the human race. And most of us would indeed regard that as a bad thing. But then, there's no serious danger of that eventuality occurring, any more than of us all becoming investment bankers so that no food would be grown and we would all starve to death. We need to say the same sort of thing about homosexuals that St. Thomas said about nuns: namely, that there's room for a certain number of people not having children; so long as plenty of other people do, there is no real problem.

More serious is the question of single-parenthood. But here again, is Feser really saying that it is impossible for single parents to be successful parents? (He does seem to think that the considerable incidence of single-parenthood in our time is a product of declining morals — paying no attention to the role of today's politics, which can reasonably be fingered as the real culprit, as Charles Murray has argued.)

Moral Matters, as Feser points out, concentrates strongly — but by no means exclusively, as he avers — on the matter of rights and their correlative duties. There is a tendency also, especially among professional philosophers, of whom Feser is one, to assume that the traditional associations with a given term of our art are always the right ones. I do indeed think that a contractarian procedure is the only one that can make sense of a universal morality, but I specifically deny that the point of view of each person is properly

described as "self-interest" in the usual sense of that term, and I specifically insist that morality does not consist entirely of rights and their correlative duties.

Nevertheless, I do indeed discuss the subject of duties, which are socially imposable constraints, via their generation from rights — I see our duties of that kind as the recognition of rights, which in turn are underpinned by a procedure of assessing interpersonal relations from the points of view of all those party to them. Not, note, from the point of view of most of those party to them, or of some small subset — such as, for example, Aristotelian Christians. A procedure of this universalist kind is bound to look warped to the dedicated Aristotelian Christian, or to the dedicated Hindu, or to almost any adherent of any of the innumerable traditions which abound in this world. But we live in a world in which Hindus and Aristotelian Christians, and any number of other types, encounter each other in the supermarket, on adjacent seats of a Boeing 747, or across disputed borders; under the circumstances, we had better have a pretty good idea of what those people, and we, may and may not do to each other. From the very broad perspective that our world forces upon us, there is going to be a problem about proposing to base morality on the special viewpoints of some rather than others. And I find it difficult to see how Feser is going to be able to represent his view without this consequence.

It is perhaps a bit of a surprise to many people that subjects such as abortion can be handled in a contractarian way, with results that make sense. Sometimes, of course, conservatives' hostility to liberal results is founded on mere confusion. Here is an example from Feser: "A rule against murder can, of course, be justified [on a contractarian basis], but that's cold comfort to the unborn." I am reminded of the signs that used to be put up by right-to-life advocates showing pictures of cute little children with the words "Would You Kill This Child?" emblazoned beneath. Unborn children are not around to be killed, of course; and the unborn

If everyone were thoroughly homosexual, that would be that for the human race. But then, there's no more danger of that occurring than of us all becoming investment bankers so that no food would be grown and we would all starve to death.

do not, as Feser well knows, take "comfort," cold or otherwise, in anything. If a rule against abortion is to be supported, it cannot be on the basis of the interests of the "people" whom abortions keep from becoming such, any more than a rule against sexual abstinence can be supported on the basis of the interests of all the people who don't even get conceived as a result of sexual inactivity.

Feser does take me to task on the subject of infanticide, which I claim is not intrinsically wrong, but which, I suggest, can reasonably be overruled in contemporary societies.

I argue that although in principle there can be no across-the-board objection to infanticide, in a social world in which a great many people are willing and eager to assume care of unwanted infants — and provided that their parents were perfectly able and welcome to have an abortion had they so chosen — it is acceptable to rule that the parents of those unwanted newborns not be permitted to destroy them instead of giving them over to the care of people who want very much to take care of them. According to Feser:

Narveson's appeal to the allegedly crucial moral difference between forbidding a woman to kill something still connected to her body and forbidding her to kill something no longer so connected does not help. A woman's new Mercedes or prized Vermeer is not connected to her either, yet Narveson would refuse to allow any rule that would forbid her from destroying either of *those*, however foolish she would be to do so (and however socially detrimental her destruction of the latter would be).

This is an important argument, and relevant. But I should point out, first, that I do not sanction the destruction even of privately owned Vermeers, though the human interest in such destruction is so slight (Vermeers being worth many millions of dollars each) that it is hardly surprising that I don't address myself to the question of what to do about it should it arise; and on the other hand, I do not think the penalties for early infanticide should be very severe. More important, however, is the nature of the intensely personal interest people take in newborns, not to mention the social importance of the children into which they soon grow. Few people are intensely and personally interested in having a Mercedes, but if someone who could not afford to satisfy such a desire were known to be ready to take Mr. Smith's Mercedes off his hands should it become a burden to him, I do think it would be unvirtuous of Smith to burn it instead, if that's all he wanted to do (as distinct from creating, say, an aesthetically interesting spectacle).

It is still more unvirtuous to refuse to allow some plausible potential adoptive parent to assume care of an infant not wanted by its own biological parents. By contrast, Feser apparently sees no problem in the community's invading the wombs of unwilling mothers, and pays no attention to my argument that, after all, you do have to invade the body of someone in order to force her to have an abortion, but there is no such problem about transferring an unwanted infant to someone who does want it. If he sees no serious difference here, perhaps he should ask some of the women of his acquaintance, and especially some who have had abortions.

Feser apparently thinks that all I need to do to reject the claim that there is a duty forbidding X is to note that there are some people who like doing X. If that were so, I would have no plausible argument that there is a duty not to kill people, as there are many cases where the killers enjoy it. But of course, that is not my argument. Rather, my argument is that if someone enjoys doing X, then we need a reason for intervening to prevent him from doing X, and that reason can only be legitimate if it be that by doing X, he will interfere with the liberty of others whose involvement is involuntary — his victim, say. So I clearly do not, as Feser

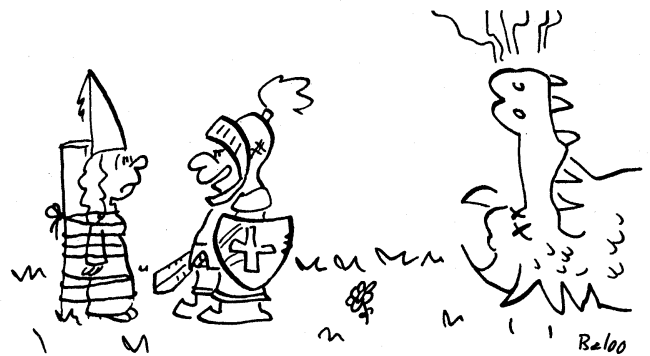
claims, make the fact that "there are rational individuals who favor homosexuality, extramarital sex, pornography, and so forth, sufficient to prove that prohibitions against such things cannot have even any moral (as opposed to legal) force." Now, phrases like "favoring homosexuality" usually have a moral ring to them, and I accord no moral weight to anybody's moral opinions about anything; so if that were what he was referring to, his summary of my view would be off the mark. Let's assume, though, that he meant something more like this: that the fact that there are people who like, enjoy, and even live by homosexual relations, and that some people enjoy reading or watching pornography, and some have and enjoy extramarital affairs, is what is in question. And now the question is: Of what nature must be the reasons that would nonetheless countenance disallowing these people from doing those things, or

It is in the interest of all, including successful thieves, that there be a universal attitude against theft. But it is not in the interest of all that there be a general attitude of disapproval toward homosexuals.

even from taking the attitude toward them that Feser means by "moral disapproval"?

The homosexual can credibly argue that his practicing these activities does not, or certainly need not, impinge negatively on anyone else — other, of course, than people who simply hate homosexuals. (Those having extramarital affairs have, of course, their spouses to worry about; but it is not out of the question that the worries are accommodated without jettisoning their affairs.) Homosexuals are perfectly capable of being useful, nonviolent people, instancing various other virtues — enterprise, discipline, care, politeness, and so forth. So if there be some kind of socially rational ground for either disallowing them or for socially shunning them, what is it?

At this point, perhaps, Aristotelian Christians (or whatever) will start talking about homosexuality being contrary to human nature, or some such thing. But how will they



"This is the third time! When are you going to learn to stay away from dragons?"

make their argument? If they claim that homosexuals are unhappy, it can be responded that this is likely to be denied by many homosexuals, and that if "happiness" is meant in any narrow way, then it is also of questionable relevance: we don't disapprove of Beethoven, despite his unhappiness (which was not caused by homosexuality), nor of Tchaikovsky, despite his unhappiness, and even though it perhaps was the result of his being homosexual. If you had your choice between being an unhappy Beethoven or Tchaikovsky, and being a happy but ordinary person,

It is perhaps a bit of a surprise to many people that subjects such as abortion can be handled in a contractarian way, with results that make sense.

would it be irrational for you to prefer to be Beethoven or Tchaikovsky? What, then, is Feser offering by way of a credible argument? My problem here is that I don't see one. The claim that homosexuality is "intrinsically dysfunctional," for example, is very much disputed by many people who know quite a lot about it. If it were true, presumably homosexuals would be queuing up to find out how to cure themselves of this ailment — an act not prevalent among homosexuals. And otherwise, we can be forgiven for suspecting that it's just plain question-begging rather than real argument (i.e., "People of type X are intrinsically dysfunctional" means "I and the people I associate with don't like that sort of people, and I don't want my daughter to become one.")

Again, Feser has some arguments of an importantly dialectical type to bring to bear here:

Perhaps Narveson would reply that there may well be *some* individuals for whom traditional sexual restraints would in fact *not* be beneficial, and that observance of such rules cannot be considered morally binding on all, because they could not be agreed to by those who do not benefit. But then, there are also *some* individuals (the very rich, perhaps) who may not benefit from rules requiring mutual aid, and Narveson does not take this fact to undermine the case for the moral requirement to respect *those* rules.

But Narveson does take this fact, firstly, to emphasize that the duty of mutual aid is not enforceable except on extreme occasions, and, secondly, to justify that some people, notably the very rich, are thereby less obligated than those of more ordinary circumstances. (That said, I also remind him that "the rich" tend, quite apart from taxation, to be much more charitable than ordinary folk, and my main line about charity is that we should all be supportive of charity, from whomever — rather than that we should be dumping on people who aren't donating money.)

I agree with Feser on a point with which he seems to think I disagree: that attitudes about the wrongness of mur-

der should be very deeply ingrained in us, to the point that few people ever even consider murder, or even theft. That is certainly the way it should be, but I don't think that in order to bring about that desirable result, we need to invoke some kind of mythology or religious considerations, and it would indeed make life (especially conceptual life) a good deal more complicated if we did. I do, however, have to take exception to one way in which Feser wants to apply this idea. He says, "Rules safeguarding private property, for instance, even if violating them would indeed be in the best interests of this or that individual, must still be respected in an absolute way if they are to serve their function of benefiting all in the long run." This suggests that Feser really thinks that I am advocating ethical egoism; if he didn't, he would surely see that it is not a relevant example against the sort of discussion I've been offering above, which has the effect that the moral rule against theft applies even to very successful, high-finance robbers. Indeed, the correct word is not "even," but "especially"!

It is in the interest of all, including successful thieves, that there be a universal attitude against theft. But it is not in the interest of all, including homosexuals, that there be a general attitude of disapproval toward homosexuals. Feser has not shown or even argued that there is something at stake for all of us in continuing to hold homosexuality in disgrace, even if he agrees, as I'm pleased to see he does, that we do not do right in proposing to jail people for it. He might have argued that there could conceivably be justification, if, for example, the social world were in real danger of depopulation owing to homosexuality. But it isn't, and there's little reason to think it ever will be. There is, on the other hand, an ongoing, continuing, general interest in the respecting of general liberty by us all, and that certainly includes the liberty of homosexuals to be such.

In this short discussion, I won't do more than note the fact that we can find plenty of traditions that differ from the

I do not think the penalties for early infanticide should be very severe.

Christian Aristotelian ones on the central political questions on which Feser and I, as I'm delighted to observe, do agree. How is a "conservative" to respond to those people? Surely the need for arguments that transcend the limitations of particular traditions is especially clear in those cases.

I am pleased by Feser's generous acknowledgement of the strength of my arguments on such familiar libertarian issues of public policy as affirmative action, population, and the environment. But I do think readers should be cautioned that he has somewhat misrepresented my views on the matters that concern him most, and, also, that just what he is proposing about them is not at all clear, and, insofar as it is clear, is not well supported. My "hostility" to moral conservatism is hostility toward a fairly well-defined kind of position, the kind that consists in holding up some model of human nature as preemptive over the differing ideas of par-

ticular people, regardless of those differences, and I do indeed continue, unabashedly, to be hostile toward such views. On the other hand, I am sure that he and I agree that families and associations practicing this, that, or the other tradition should be free to do so, so long as they do it without impinging on the persons and properties of their neighbors. □

In Defense of Virtue

Edward Feser

Professor Narveson and I are both libertarians, meaning that we regard as morally legitimate only a government whose power is restricted to that of protecting the life, liberty, and property of the individual citizen. He would defend this view on broadly contractarian grounds, and I on a combination of Hayekian- and Aristotelian-based natural rights grounds, and these different moral foundations lead to significant differences of opinion between us as soon as questions of politics are left behind. Narveson seems to believe that in most (not all) cases, what the state cannot coerce us into doing also cannot be regarded as morally binding. I believe, by contrast, that there are a great many things we are morally bound to do even though the state has no business forcing us to do them. For example, I hold that what I have called “the rules of traditional sexual morality” are binding on us, even though, as a libertarian, I would object strongly to the government, or anyone else, enforcing such rules via coercion. (And after all, virtue must be freely chosen if it is truly to count as virtue.)

Given my commitment to what are typically regarded as paradigmatically conservative moral views, I regard myself not only as a libertarian, but as a conservative — a libertarian conservative, if you will. It is quite true, as Narveson says, that “conservatism” is not a notion which is easily definable, but it is partly for that reason that I think there is no problem about whether I count as a conservative. Fuzzy though the conceptual boundaries are, it seems clear that my views fall within them. More troubling to Narveson is my claim to be taking “traditional” views, given that there are so many traditions out there to choose from. Part of the reason this is hardly as problematic as Narveson implies is that the relevant disagreements between various traditions are by no means as stark as he claims. It is, for example, a commonplace that despite their often radical theological differences, the major world religions are very similar at the level of day-to-day personal morality: one finds standard Ten Commandments-type stuff (minus, say, the rules against polytheism or idolatry) as much in Hinduism or Confucianism as in Judaism or Christianity. In particular, one finds a more or less universal commitment to heterosexual marriage as the optimal context within which to rear children, even if that institution is here practiced in a monogamous, and there a polygamous, fashion, and even if the

criteria for divorce are more or less lenient, (though never, in practice, as lenient as the typical modern Westerner would like) depending on which tradition we’re looking at.

Another reason why my position is not vitiated by the plethora of traditions is a Hayekian one. One must look, in evaluating traditions, not merely at which ones happen to exist, but, more importantly, at how long a tradition has survived and what the character is of the society in which it has survived. Those traditions which are most conducive to human well-being are quite likely to be those that have long persevered in societies which have expanded and prospered. It is for this reason that conservatives believe it is no accident that the civilization which has expanded and prospered the most, namely the civilization of the West, is precisely that civilization largely built on the Judeo-Christian moral heritage they are at pains to preserve. (Nor, I should add, need one be an “Aristotelian Christian,” as Narveson seems to think I am, to believe this. He is half right: I am an Aristotelian.)

Now, where sexual morality is concerned, one conservative worry is that any sexual ethic that tends to break the psychological and moral connection between sex and mari-

It is one thing for single parenthood to be an occasional exception to a two-parent marital rule. It is quite another for single parenthood itself to be raised to the status of an equally valid norm.

tal commitment is one which threatens the well-being of children — not because children will not thereby be produced, but because they are less likely thereby to be properly reared. Children thrive best in the stability of a two-parent home, where both parents are committed to one another for the long haul — a conclusion now so well supported by social scientific evidence that I need defend it merely by referring the reader to writers like Charles Murray and Barbara Dafoe Whitehead, who have nicely summed up these findings in popular form. That Narveson



“If you want the power lunch, sir, you’ll have to wrestle me for it.”

should himself cite Murray makes it surprising that he does not consider the obvious rejoinder to his rhetorical question about whether I really think "that it is impossible for single parents to be successful parents." It is one thing for single parenthood (which no conservative denies can, in some cases, succeed) to be an occasional exception to a two-parent marital rule (especially when the result of, for example, the death of a spouse or a spinster's kindly adoption of unwanted orphans). It is quite another for single parenthood itself to be raised to the status of an equally valid norm. There need be no bad social consequences of the first cir-

The moment one expresses the slightest disapproval of homosexuality, we are often assured, absurdly, that the sound of jackboots cannot be far behind.

cumstance, but the catastrophic results of the second are, if Murray is right, something we are now grappling with.

Narveson seems much more exercised by the traditionalist view of homosexuality than seems merited by the few references I made to it in my piece. And I must object to his over-the-top query concerning how the conservative should react personally to gays: "Does he, for instance, admire the music of Tchaikovsky or Benjamin Britten — both of whom were gay? Precisely what is the nature of the moral condemnation he apparently feels is their rational due? Does he cut them in the street?" This kind of thing is really unworthy of a philosopher of Narveson's caliber, especially as he must no doubt tire of leftist opponents of his libertarianism asking him how many old ladies and orphans he's prepared to starve, etc. No one who objects, say, to serial adultery or anti-Semitism is asked how he can consistently admire the music of Wagner, or whether he'd "cut adulterers in the street." Yet the moment one expresses the slightest disapproval of homosexuality, we are often assured, absurdly, that the sound of jackboots cannot be far behind.

Clinton, from page 26

patronage. So they unleashed the FBI on travel office head Billy Dale. They trumped up charges against him, and fired him, paving the way for Hillary to give the job to her pals, the Thomasons.

There were other Clinton FBI scandals, but the transfer to the White House of over 900 dossiers on individuals associated with the first Bush administration may have the greatest long-term resonance. Recall that a Nixon official went to jail for possessing a single FBI file. Despite congressional hearings and an investigation by independent council Kenneth Starr, no explanation was ever offered of how the Clintons acquired the 900 files. This is perhaps the most damning example of the direct use of a federal law enforcement agency for specifically political purposes.

Almost every single executive agency was used by the

There is no brief way satisfactorily to sum up the conservative view, but I can say with confidence that it has nothing to do with a fear that the human race might be unable to reproduce itself. It has instead to do with (a) a worry, given especially the tendency toward promiscuity among male homosexuals, that the normalizing of homosexuality will tend to reinforce the idea that sex is primarily a matter of shallow personal gratification, rather than of deep interpersonal commitment — thus undermining the marriage-and-children ideal as the norm, thus undermining the stability of that ideal when it is attempted, thus threatening the well-being of children; and (b) a suspicion that a homosexual orientation is psychologically and morally problematic in the way that, say, alcoholism is. With both alcoholism and homosexuality, the conservative would argue, we have something which, despite a possible genetic basis, and despite the fact that some exhibiting it can function quite well and happily, is in general dysfunctional, tends to lead to unhappiness, and the normalizing of which (since it would tend to increase the number of dysfunctional cases) would thus be morally inappropriate. We also thus have something which calls not only for tactful discouragement, but also for sympathy and understanding — rather than for persecution. But this merely scratches the surface of the conservative view of this issue, and for those who are interested in something more thorough, I commend Roger Scruton's *Sexual Desire* and Michael Levin's *Sexual Orientation and Human Rights*.

This is, of course, incomplete and woefully inadequate as a rejoinder to Narveson, but that was unavoidable given the space limitations placed upon me and the complexity of the issues that divide us, both on the level of abstract ethical theory and that of concrete moral problems. But hopefully I have said enough, both here and in my earlier piece, to show that a conservative approach to personal moral questions is by no means necessarily inconsistent with a libertarian approach to political ones — which is, I submit, a great relief, given that in the current cultural climate, both libertarians and conservatives need all the allies they can get. To paraphrase Franklin, where they agree, they must hang together, or they shall surely hang separately. □

Clintons in a blatantly political manner. A Clinton heckler in Chicago found herself under arrest and investigation by the Secret Service. Her crime? The bad taste of saying aloud to the president, "You suck." In 1993 the Treasury Department tipped off the Clintons on the progress of a Resolution Trust Commission investigation into their role in their failed Madison Savings and Loan. The Immigration and Naturalization Service improperly rushed aliens (including hundreds of criminals) through the naturalization process to get likely Democratic voters onto the rolls before the 1996 election. Not even Arlington National Cemetery, perhaps our nation's most hallowed ground, was safe from the Clinton spoils system. Following news reports that a burial

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Reviews

Understanding Thomas Jefferson, by E.M. Halliday. Harper Collins, 2001, 284 pages.

Jefferson Misunderstood

Timothy Sandefur

The great tradition in Jefferson biography is to call him an enigma, to say that his character is impervious to comprehension. Henry Adams, a severe critic of Jefferson, and great-great-grandson of a severer one, started this when he said that "A few broad strokes of the brush would paint the portraits of all the early presidents — but Jefferson could be painted only touch by touch, with a fine pencil, and the perfection of the likeness depended upon the shifting and uncertain flicker of its semi-transparent shadows."

Modern historians say the same thing. Merrill Peterson, the grand old man of Jeffersonia today, says that at the end of his studies, he still doesn't understand Jefferson, and Joseph Ellis, whose recent book was titled *Thomas Jefferson: American Sphinx*, makes it the theme of his scholarship that Jefferson is as impossible to understand as the Mona Lisa or the motivations of Hamlet. One is tempted to ask Ellis what he was doing all those years when he was supposed to be researching his book. But that wouldn't be entirely fair, because at a certain level, Jefferson is indeed a mystery — just as all human beings are essentially mys-

teries. Only the shallowest souls can be easily described or comprehended, and perhaps not even they can be. When we think we truly understand any person, it is really only proof that we don't know as much as we think. Friedrich Nietzsche wrote:

The grossest errors in judging a person are made by his parents; this is a fact, but how is one to explain it? Do the parents have too much experience of the child and can they no longer compose it into a unity? We notice that travelers in a strange land grasp correctly the common, distinctive traits of a people only in the first period of their stay; the more they get to know a people, the more they forget how to see what is typical and distinctive about it. As soon as they see up close, they stop being farsighted. Men tend to stop thinking about things that are closest to them.

How true this must be of Jefferson's biographers, who have such a wealth of historical material at their disposal! Jefferson wrote some 15,000 letters in his lifetime, kept commonplace books, farm books, account books, and scrap-books. He was in the public eye for over 50 years, from his first elective office in 1769 to his death in 1826. As a compulsive record keeper, he memorialized nearly every breath he took. I have at my disposal far more personal

details about his life than I do about my own grandfather's. Confronted with such a thorough and detailed history of any man's life, we should be surprised if he did not appear complex or paradoxical, particularly if he be as brilliant, as polymathic, as deeply romantic as Thomas Jefferson. One thinks of Walt Whitman's line, "Do I contradict myself? Very well, then, I contradict myself. (I am large; I contain multitudes.)" Jefferson did too. He led a long, varied, often deeply tragic life. No man is "easily understood," and certainly not this man.

Jefferson kept extensive records, but they are not exhaustive. There are some things we know very little about: Jefferson's brother, for instance, who seems to have been little more than a barely literate Virginia farmer. We have of their correspondence only 32 utterly unrevealing letters. And of Jefferson's wife we know far less. Only some scraps of her handwriting exist: inventory lists, some sketches of ducks, and one heart-wrenching quotation she copied out while on her deathbed. Presumably, Jefferson destroyed their letters. Why? He kept exact copies of most of his others, even relatively unimportant ones. He knew very well that they would be read by what he called "the prying eyes of biographers," and he wrote accordingly. Jefferson very often wrote, even in relatively uninteresting letters, in a style that gives one the undeniable feeling that he expected you to read this; that he wanted you to think this or that about him.

It was not so much duplicity as to project a romantic idealization of himself. He forged an image of What He Should Be, which he forced himself to match. Any break from that image was shameful, if not terrifying, and, as often as not, was to be completely ignored. Page Smith writes that "Jefferson shrank from looking full into the face of man bearing so plainly the stigmata of original sin. When his

nephews murdered a Negro slave for breaking a teacup, Jefferson could never bring himself to allude to the

episode. He could not indeed comprehend it. . . . Jefferson maintained a simple and characteristically American

optimism, refusing to face the dark spots in the human psyche. . . . "Perhaps this was not characteristically American, but it was characteristically Southern, and characteristically Jeffersonian. It was part of the dark horror that intruded constantly into Jefferson's life, heralded by the 18th century's constant themes of death, ignorance, and isolation; to "look it full in the face" was to flirt with insanity. This may sound extreme, but Jefferson lived in a time that we would consider intolerably extreme. To avoid looking full into the face of that horror — like some Joseph Conrad character — Southerners lived what a Northerner would have called hypocrisy — and a Southerner would have called civilization. Southern genteel manners forbade Jefferson, for instance, to campaign actively for the presidency, or even to publicize his political views without an ornate show of manners and self-deprecation. This was not really self-delusion, nor — and this is important — was it merely a Platonic "noble lie." The Founding Fathers did not wink knowingly at each other while disclaiming their desire to lead. They winked at themselves, perhaps. But Washington really did lay down his arms at the war's end, and really did retire after two terms, and really did turn down the offer to make him king. The code of the Southern gentleman may have been a myth, but it was not fiction. As Pauline Maier writes, "Successful revolutionary leaders are not violent and irresponsible anarchists, but persons of intense discipline and policy for whom the public cause purges mundane considerations of self." With Jefferson, the cause did more than this: it became identified with him.

This bears emphasizing, because Jefferson is so often portrayed as an Enlightenment figure that people lose track of the fact that he was also very much a romantic. A deeply passionate man, he had crushing migraines at tragic moments of his life (of which there were plenty: his father, his best friend, his dearest sister, his mother, his wife, and six of his seven children predeceased him). When his first love spurned him, he copied out passages of elegiac poetry — and of violently misogynistic poetry. He sat all day

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staring at beautiful Roman ruins "like a lover at his mistress," he said. This Jefferson was not a man who "lived only in the head," as some have suggested. He was a man always conscious of images, and of their expressive power — walking to his inauguration, for instance, was a bit of Jeffersonian theater that has remained powerful for two centuries. His idealism could be wildly impractical, but it

The Founding Fathers did not wink knowingly at each other while disclaiming their desire to lead. They winked at themselves, perhaps.

was always very human, and he is no more inexplicable than, say, Jesus or Socrates, who left us no writings.

This is the theme of Halliday's book, and he does a very good job of it. It is only unfortunate that his book is so short; that it focuses so strongly on sensational details. But of course, it is the sensation that draws the questions, and the sensation that makes us ask what really made him tick.

Sally Hemings, of course, takes up much of the book — this is among the first books to come out since the DNA test confirmed the likelihood of their liaison. But unlike historians who seek to use this as a means for attacking Jefferson (and by implication, American ideals), Halliday is sympathetic, and suggests that theirs was a monogamous and sincere connection. Perhaps. On the other hand, perhaps the deeply emotional man, hit by so many tragedies, then by his wife's death, and then by the embarrassing futility of his infatuation with Maria Cosway, decided finally to reign in his desires for love — and for his unavoidable male urges, he turned to Sally Hemings.

These are not, to my mind at least, reasons to despise Jefferson. Indeed, I admire him more than any man who ever lived, and I have spent a dozen years of my life studying his. But they show the deep complexities of a brilliant and deeply emotional man. These

complexities do not make him impossible to understand, except insofar as every human being is essentially impossible to understand; surely any reader of Dostoevsky knows that it is precisely a person's "uncharacteristic" actions that are most revealing about his character.

Halliday asks how historians could "have so unequivocally rejected the [Hemings] story in the face of several salient and undisputed pieces of evidence that have been conspicuously available for many years?" This isn't entirely fair, however. Halliday reviews the scorn poured upon Fawn Brodie — whose book *Thomas Jefferson: An Intimate History* revived the Hemings story in 1976 — but he doesn't note that she deserved a good deal of the scorn. The techniques of "psychohistory" she exhibited in her book occasionally bordered on the ridiculous, as when she claimed that Jefferson's use of the word "mulatto" to describe the color of soil he observed on a European trip revealed that he was secretly panting for his mulatto slave girl. As Gary Wills noted, Jefferson used the word "red"

even more often in describing the soil — was he pining away for an incestuous relationship with his redhead daughter? So long as Brodie's sort of argument was the strongest one offered, historians were justified in being at least skeptical toward the theory.

Halliday risks attracting a little of the same skepticism. He notes Jefferson's appreciation for a painting of the biblical story of Abraham and Sarah's handmaiden Hagar, and writes that Sally "had been Martha Jefferson's slave girl, and just as the biblical Sarah had given her slave Hagar to Abraham, Martha had given Sally to Jefferson — not, of course, to be his concubine; but Martha was gone forever." Perhaps, and Jefferson's mind did work along the sort of poetic lines that would have quickly drawn references to his own life in works of art. But it's dangerous to make such guesses. Halliday acknowledges this danger, however, and does not rest his entire argument on them.

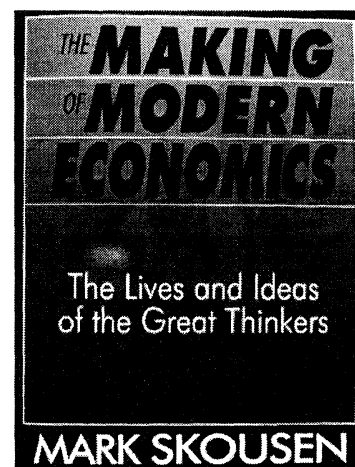
In fact, Halliday is quite adept at setting the record straight against biographers who have used Jefferson's life

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as a springboard for their polemics; for instance, Connor Cruise O'Brien, whose preposterous book *The Long Affair* blames Jefferson for the Ku Klux Klan and the Oklahoma City bombing. As Halliday notes, "this is an example of how Jefferson's recurrent penchant for rhetorical bravado, in the name of popular resistance to government, could lead to misunderstandings of his basic faith in democratic republicanism."

Halliday is doing precisely what biographers have not been trying hard enough to do: understand Thomas

Jefferson as he understood himself. To my knowledge, only Daniel Boorstin, in *The Lost World of Thomas Jefferson*, has tried this — and he succeeded brilliantly. Halliday does a fine job as well, to which he has added excellent passages on recent Jeffersonian scholarship and portrayals of Jefferson in popular media. I hope that this trend will continue. Jefferson is at the center of a heated debate because his character and ideals are so intertwined with the character and ideals of America. To understand him is, in some way, to understand our nation. □

The Art of Political War and Other Radical Pursuits, by David Horowitz. Spence Publishing, 2000, 203 pages.

The War of Soundbites

Jeff Rigenbach

The Art of Political War, the long essay on political strategy and tactics that takes up the first third of David Horowitz's latest book, was originally issued as a pamphlet and circulated primarily among Republican Party politicians and activists. It has since enjoyed wide distribution and considerable influence. At least one successful campaign for national office (for a House seat in Missouri) has been publicly attributed by the state GOP to Horowitz's strategic and tactical recommendations.

Horowitz's long career as a political journalist, commentator, historian, and activist has taken him from the editorship of *Ramparts* magazine — the largest and best-financed of the new left publications of the 1960s and early '70s — to the editorship of *Heterodoxy* and the on-line magazine *FrontPage*, with a side gig as the token conservative at

Salon.com. He has gone from writing books like *The Free World Colossus: A Critique of American Foreign Policy in the Cold War* (1965) and *Empire and Revolution: A Radical Interpretation of Contemporary History* (1969) to writing books like *Destructive Generation: Second Thoughts About the Sixties* (1989), *The Politics of Bad Faith: The Radical Assault on America's Future* (1998), and *Hating Whitey and Other Progressive Causes* (1999). His odyssey has taken him from the Black Panther Party to the GOP; from the left to the right. Though he addresses himself in *The Art of Political War* to his new comrades on the right, much of what he has to say should prove interesting and informative to many libertarians as well.

He devotes considerable space, for example, to the critical issue of how to pitch and package political messages. At what level — of education, of sophistication, of, in E.D. Hirsch's phrase, "cultural literacy" — should a campaign pitch its message? And in

what form — articles? speeches? printed slogans? sound bites? — should it package that message?

Republicans, he observes, often seem to regard political combat as they would a debate before the Oxford Political Union, as though winning depended on rational arguments and carefully articulated principles. But the audience of popular debate is not made up of Oxford dons, and the rules are entirely different.

A candidate has only 30 seconds to make his point. Even if he had time to develop an argument, he would fail to move the voters he needs to reach (i.e., the undecided and those in the middle who are not paying much attention). His words would go over some of their heads and the rest would not even hear (or quickly forget) them amidst the bustle and pressure of daily life. Worse, while he makes his argument, the other side is busy painting him as a mean-spirited, borderline racist controlled by religious zealots, securely in the pockets of the rich. Nobody who sees him this way is going to listen to him in any case. He is politically dead.

As an example, Horowitz considers the capital gains tax.

Most Americans do not know what "capital" is, let alone a capital gain. If you had an hour to tell voters why a capital gains tax is a double tax, it would probably make no difference at all. When you were finished, most of them would likely shrug their shoulders and say, "Let them pay it anyway. They're rich enough." Most people have no idea of how the economy works, what an incentive system is, or why the stock market is more than a gambling casino. Talk about cutting taxes on capital gains is only important to those who understand what a capital gain is, and most of those who do are already Republicans.

When you speak, do not forget that a sound bite is all you have. Whatever you have to say, keep it simple and short and say it loud and clear. Use a slogan and repeat it often. Put it on television. Radio is OK, but with few exceptions, it doesn't reach the voters who are electorally significant. In politics, television is reality.

Of course, as any candidate does, you have a base of supporters who will listen for hours to whatever you have

to say. These people also play an important role — they provide money and knock on doors. So what you say to them is also important, but is not going to decide an election. The voters who determine your fate are the voters you have to persuade. You have to find a way to reach them, to get them to listen to your message, and to get them to support you. With this audience, you never have time for real arguments or proper analyses. Images — symbols and sound bites — always prevail. Therefore, it is absolutely essential to focus your message and repeat it over and over again. This means maintaining the strictest discipline. If you make too many points, your message will be diffused and nothing will get through. The result will be the same as if you had made no point at all.

Horowitz writes that an advantage of Democrats' rhetoric is that it speaks directly to the American people about things they understand — the concrete lives of their fellow human beings. Speaking about women, children, minorities, working Americans, and the poor establishes a link between speaker and listener, so that the message appears to come from the heart. If spoken about with enough sincerity, these subjects immediately identify the speaker as a friend. Republicans, by contrast, tend to speak in abstract language about legalistic doctrines and economic budgets. They sound like businessmen, lawyers, and accountants. They argue the virtues of flat taxes vs. value-added taxes. They talk about capital gains tax cuts. They speak from the head.

As I say, Horowitz is addressing these remarks to conservatives, not libertarians. But let's face it: they are remarks that might as well have been addressed to libertarians, and probably ought to be.*

And to Horowitz, as to almost all conservatives, a libertarian is, if not just another type of conservative, then certainly, like the conservative, a member of the right, and therefore, properly, a supporter of the Republican

Party. "Republicans want to shrink government, reduce its tax base, and cut regulations," he writes. "Repub-

Republicans, Horowitz observes, often seem to regard political combat as they would a debate before the Oxford Political Union.

licans believe in economic opportunity and individual freedom."

This is, of course, laughable. If Republicans want to shrink government, why did newly inaugurated President George W. Bush go before Congress in early March — a Congress controlled by Republicans, mind you — to seek passage of a budget that, in the words of a White House news release, "increases spending for Social Security, Medicare and entitlement programs by \$81 billion, and increases discretionary spending by another \$26 billion, a four percent increase that means government spending will grow at more than the rate of inflation"?

If Republicans want to "cut regulations," why is it that, on virtually every budget item he mentioned in his first address to Congress, Bush proposed not only more spending but also more federal intervention?

If Republicans believe in economic opportunity and individual freedom, why is it that they so fervently support the war on drugs? Whatever else that war may be, it is first and foremost a violent crackdown on what Robert Nozick calls "capitalist acts among consenting adults." Is the economic opportunity of a dealer in marijuana and LSD less important than the economic opportunity of a dealer in cars? Is the individual freedom of a cocaine user less important than the individual freedom of a scotch drinker? If so, why?

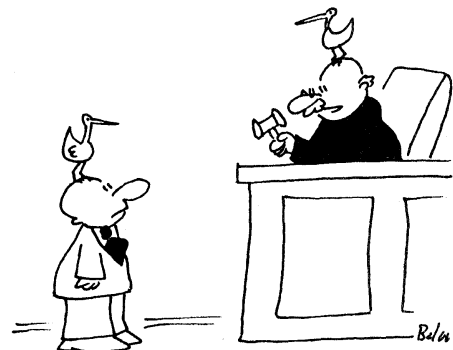
It is usually the drug

war that trips up those conservatives who want to pass themselves off as libertarians. For though there have been a number of defections from conservative conventional wisdom on the drug war over the years — William Buckley and the *National Review* crowd, plus a few others — almost all conservatives still support the war on drugs with great passion. Horowitz takes a somewhat different tack: he evades the issue entirely. He never meets it head-on in any way. He never even names it.

On the other hand, he tells us that "anticrime laws" are among the things "the American people want," that "excessive urban crime" is "oppressing poor people, minorities, and children, and cutting off their opportunities," and that providing "secure streets" is one of the "Republican policies and principles" that can provide the poor with "the necessary rungs in the ladder of success."

At a time when the rates of violent and property crime have been declining steadily for years, such talk is perhaps best understood as a sort of coded conservative cant. "Excessive urban crime" means drug deals — capitalist acts among consenting adults. "Secure streets" means streets on which drug dealers have been made to feel that such consenting capitalist acts as theirs are unwelcome. When they've been successfully encouraged to take their business elsewhere, the streets they've moved away from are "secure."

Horowitz's typically conservative anti-drug prejudice is perhaps most clearly on display when he begins discussing the problems that plague black, inner-city neighborhoods. He points out that "black civil rights leaders" have accused "white and Korean



"I'm afraid I'll have to disqualify myself..."

* Horowitz himself might tell you that he is addressing his remarks to libertarians. After all, he speaks of himself as "a conservative libertarian."

liquor vendors of 'invading' black communities and intoxicating their inhabitants. Boycotts have followed these charges, and anti-white, anti-Korean race riots as well. But who forces alcohol down reluctant throats?" Half a page later, he is discussing the dubious claims that gun manufacturers "are responsible for the disproportionate gun deaths of young black males. A gun — do I really have to spell this out? — is inanimate. It takes a human brain to pull the trigger. Firearms don't kill people. Sociopaths do. If young black males abuse firearms in an irresponsible and criminal fashion, why should the firearm industry be held accountable? Why not their parents? Why not themselves?"

Yet one page later, Horowitz is writing about the fact that "90 percent of crack cocaine dealers are black," which, he tells us, is "a moral stain on those crack dealers." And scarcely a paragraph after that, he is writing of "the villainy of the crack trade." Why does he not write of "the villainy of the liquor trade" as being "a moral stain" on liquor dealers? Who forces crack

down reluctant windpipes? A drug — do I really have to spell this out? — is inanimate. Drugs don't kill people or cause violent crime. Sociopaths do. If

Republicans tend to speak in abstract language about legalistic doctrines and economic budgets. They sound like businessmen, lawyers, and accountants.

some people abuse drugs in an irresponsible and criminal fashion, why should drug dealers and manufacturers be held accountable? Why not their parents? Why not themselves?

If Horowitz were any sort of libertarian, he would know the answers to these questions. But, of course, he isn't any sort of libertarian. Not only does he give the drug war his unstated but

clear endorsement; he also calls for an increase in the Department of Education budget (remember when the promise that he would abolish the DOE helped put Ronald Reagan in office?), and he defends George Bush père's Gulf War.

The problem is that Horowitz is so good when he's at his best — as he is in this book when he's excoriating his fellow conservatives for so frequently supporting censorship of one kind or another — that it's devilishly hard not to give him the benefit of the doubt. "He really is a libertarian at heart," you find yourself thinking. "He's just confused or uninformed on certain issues."

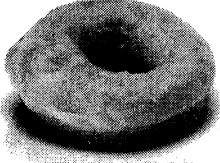
Be that as it may, one thing is certain. Horowitz is confused, profoundly confused, about the nature of the Republican Party. While insisting that it stands for economic opportunity and individual freedom and smaller government, he insists also that "Republicans need to remember their heritage as the party of Lincoln."

But what is that heritage? Under Lincoln's leadership, the Republican Party established itself as the original party of big government. Under Lincoln's leadership, the Republican Party unleashed the first income tax and the first military draft ever imposed upon U.S. citizens. Lincoln suspended habeas corpus and viciously trampled on the First Amendment rights of those who dared to question his completely illegitimate and monstrously bloody war to force the Southern states to remain in the Union. For generations after the Civil War, the Republican Party remained the party of paternalistic taxing and spending, while it was Democrats who fought for smaller government and individual freedom.

In the 1920s, when alcohol prohibition played the part played today by the war on drugs, Republicans supported Prohibition; Democrats opposed it. Toward the end of the decade, when the stock market crashed and the American economy fell upon hard times, Republican President Herbert Hoover moved quickly to deal with the crisis, implementing a series of government programs virtually identical to those that came to be known as the New Deal. For doing so,

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he was criticized severely by Democrats. In 1932, when he faced reelection, his opponent was the Democratic Governor of New York, Franklin Delano Roosevelt, who accused Hoover of deepening what had already come to be called the Great Depression through his big government policies. Roosevelt's own platform called for lower taxes and a balanced federal budget. He won in a landslide.

Once in office, Roosevelt reversed himself completely, launching the New Deal — a major expansion and renaming of essentially the same package of government handouts, bailouts, and public-works programs that Hoover had introduced three years before. He quickly proved that he could play the Republican game even better than the Republicans. In one form or another, he put virtually the entire populace on the dole. In doing so, he not only guaranteed himself an unprecedented four terms in office, but also a place in history as the harbinger of a major American political realignment. Within

The problem is that Horowitz is so good when he's at his best that it's devilishly hard not to give him the benefit of the doubt.

the space of a generation, under the leadership of one man, the Democratic Party came to represent the opposite of what it had stood for for more than a century: it came to represent the kind of intrusive, meddling, big-taxing, big-spending government that the Republican Party had pioneered in the 1860s and represented ever since.

What were the Republicans to do in the face of such a development? They could hardly hope to win elections by frankly offering a little less of the government largesse the Democrats were laying out so lavishly. They had to find a way to cast themselves, as in some sense, the opposite of the Democrats. And they found it — the Democrats' old castoff rhetoric about individual freedom. You never found a

Republican talking like that until the Depression. Before that your stereotypical Republican was somebody like Teddy Roosevelt, as meddling and larcenous and altogether heavy-handed about his "progressive" nanny state as any liberal Democrat of today.

The GOP adopted the rhetoric of free markets and individual freedom, but it certainly never made any meaningful attempt to implement policies of a kind that would advance either of

those supposed goals. Its four post-war presidents — Dwight Eisenhower, Richard Nixon, Ronald Reagan, and George Bush the Elder — all distinguished themselves as implementers of quite another sort of policy. Eisenhower continued the massive public-works programs of the two previous decades by building the Interstate Highway System; he kept the New Deal firmly in place; and, doubtlessly remembering that war is

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the health of the state, he decided to send U.S. military personnel to South Vietnam as "advisers" to prop up the corrupt regime of President Ngo Dinh Diem. Nixon vastly expanded the war that grew out of Eisenhower's decision about military "advisers," he imposed wage and price controls on the American economy to stem the inflation caused by the wholesale printing of money to fund the Vietnam War, and he made the newly launched war on drugs a major policy objective of his administration in the way that Prohibition had been for Republicans in the '20s.

Reagan swept into the presidency on a wave of hot air — his own gaseous emissions on the subject of reducing taxes, reducing spending, and reducing the overall size of government. Once he got into the White House, he did exactly what Republican presidents have always done (and exactly what he himself had done on a smaller scale as governor of California): he increased taxes, he increased spending, and he increased the size and intrusiveness of government. Federal spending increased 25% under Reagan; under Big-Government-Tax-and-Spend Bill Clinton, it increased only 11%. Total tax revenues grew by 20% under his watch. And for the average working American, the total tax bite (including FICA) exacted before one could even enjoy what was left of a paycheck grew during the Reagan years.

Clearly, thinking of a political party with this history as the last best hope for free markets, individual liberty, and smaller government is a monstrous absurdity. The Republican Party has always been the party of big government. Only its rhetoric over the past half century has ever even suggested otherwise. But those who believe that actions speak louder than words have not been fooled.

David Horowitz has been fooled. But never mind that. Focus on what he knows about the packaging and marketing of political ideas. You'll find he has a lot to say, and that his considerable talent for polemics makes him a lot of fun to read. Take from him what you can, and hope that he soon sees the error of his ways and comes over to our side, where it just may be that he properly belongs. □

The Nazi War on Cancer, by Robert N. Proctor. Princeton University Press, 1999, 380 pages.

The First Anti-Tobacco Crusade

Bruce Ramsey

In 1950, scientists in the United States published work showing that smoking and lung cancer were probably linked. In 1964, the U.S. government published the official and stronger conclusion that smoking caused cancer.

The same conclusion had been reached a quarter of a century earlier in Germany. In 1938, German scientists published three different studies, followed in 1939 by the world's first case-controlled epidemiologic study, which concluded that smoking was "the single most important cause of the rising incidence of lung cancer."

Germany was then under the dictatorship of the National Socialist German Workers Party. In 1938, the Nazi government banned smoking in government offices and hospitals and established non-smoking cars on the state railway. In July 1943, it forbade anyone under 18 from smoking in public. In the spring of 1944, on the personal order of Adolf Hitler, it banned smoking on all municipal trains and buses, ostensibly to protect the ticket takers from secondhand smoke.

Robert Proctor, a professor of the history of science at Pennsylvania State University, has unearthed the story and finds it troubling. The Nazi state killed millions. It corrupted science. And yet in cancer research, German scientists, some of them Nazis, had practiced good science, and the Nazi government followed it up with progressive social policy.

Proctor dismisses libertarian criticisms of the modern crusade against tobacco. At the beginning of the book,

he asks whether state-sponsored anti-tobacco efforts amount to "health fascism." No, he says. Why? Because "tobacco does cause 80–90% of all First World lung cancers, and none of this is diminished by the fact that Nazi-era scientists were the first to prove the point." Their work was scientific, therefore it could not be fascist.

At the book's end, he writes, "My intention is not to argue that today's anti-tobacco efforts have fascist roots, or that public health measures are in principle totalitarian — as some libertarians seem to want us to believe. My point is rather to show that the Nazification of German science and medicine was more complex than is commonly imagined." He does show that. But he also gives the reader reasons to conclude something like the first point, too. Today's anti-tobacco effort did begin in Nazi Germany, and both Nazi ideology and the power of the German state had something to do with it.

As did Germany's scientific heritage. Well before Nazism, Proctor says, Germany was the leader in identifying environmental causes of cancer. Germans were the first to show that cancer could be caused by coal tar distillates (in the 1870s), sunlight exposure (1894), and X-rays (1906). They identified cancer from uranium mining and from the manufacture of aniline dyes.

Nazism added a back-to-nature strain of romanticism. Nazis promoted whole-grain bread. Nazi prisoners at Dachau produced organic honey. The Nazi government banned yellow dye in margarine and the bleaching of flour. It banned lead-lined toothpaste tubes 50 years before America did.

Many Nazis campaigned against animal experiments and the eating of meat.

Part of the reason for this was that Hitler (as well as Himmler) opposed meat eating and did not smoke. During the war, anti-tobacco crusaders in Germany pointed out that Hitler, Mussolini, and Franco did not smoke, but that Roosevelt, Churchill, and Stalin did.

Proctor says there was "a kind of homeopathic paranoia pervading the Nazi body ethos, a fear of tiny but powerful agents corroding the German body." Hitler had his feces inspected regularly. There was also a Nazi belief that the individual belonged to the state. The individual had a duty to the state to keep healthy, so the men could fight and the women could bear

During the war, anti-tobacco crusaders in Germany pointed out that Hitler, Mussolini, and Franco did not smoke, but that Roosevelt, Churchill, and Stalin did.

healthy children. The citizen's mind, too, was supposed to belong to the Führer; tobacco was "an alien allegiance."

The Nazi state had new administrative tools. "What was new in the Nazi period," Proctor writes, "were augmented police and legislative powers to implement broad preventative measures, and the much-touted 'political will' to deploy those powers to strengthen the health of the nation." In another place, Proctor writes, "One way to look at the Nazi period, in fact, is as a time when the political center of gravity tilted slightly away from academic medicine in favor of a more public-health oriented approach to disease."

This, to Proctor, is good. Not once does he complain that the Nazi anti-tobacco crusade violated people's rights. He's not interested in people's rights in their capacity as smokers; he's interested in the public health. And he has to admit that according to the stan-

dard that America's public-health crusaders advocate — which is, simply, did it save lives? — the Nazis did a plausibly good job.

And to some extent, they did. That German scientists were the first to show that smoking causes cancer is to their credit. That they alerted their nation about it is also to their credit. Nazi Germany was not totalitarian about smoking; it did not try to ban it,

or to keep track of every cigarette or every smoker. Much of what it did about smoking could also be done by private parties in a free society. But not all of it. There is an officious, nanny-state, social-engineering aspect of the war against tobacco today. And while it is an exaggeration to call these but-tinskies "health Nazis" — there is a valid point there, even a historical one. □

Booknotes

An errant idealist— W.E.B. Du Bois is conventionally perceived as the quintessential crusader for black freedom. This is the Du Bois of the Niagara Movement and the NAACP, theoretician of Pan-Africanism, engaged in a ceaseless and passionate struggle for racial justice. This perception is not baseless, but W.E.B. Du Bois was a much more complex and disturbing individual, in part because he was a totalitarian apologist.

David Levering Lewis' *W.E.B. Du Bois: The Fight for Equality and the American Century, 1919–1963* completes the biography he began in *W.E.B. Du Bois: Biography of a Race, 1868–1919*. Superbly researched, this second and final volume presents a thorough portrait of its subject. Lewis writes of Du Bois' affection for Soviet Russia and Maoist China, his 1959 receipt of the Lenin Peace Prize, and his 1961 application for membership in the Communist Party.

When Du Bois visited the Soviet regime in 1926, according to Lewis, "Du Bois could have been at best only dimly aware of the momentous political tragedy unfolding in the Kremlin." Yet the Red Terror was not unknown prior to the *Black Book of Commu-*

nism. Du Bois himself asserted willful blindness: "I know nothing of political prisoners, secret police, and underground propaganda." Du Bois' 1959 trip to China in the wake of the Great Leap Forward is similarly disturbing.

Nevertheless, Lewis looks favorably upon Du Bois. (His subtitle indicates as much.) He writes:

An extraordinary mind of color in a racialized century, Du Bois was possessed of a principled impatience with what he saw as the egregious failings of American democracy that drove him, decade by decade, to the paradox of defending totalitarianism in the service of a global ideal of economic and social justice.

Lewis portrays Du Bois' embrace of totalitarianism as a deterministic consequence. This makes for ornate illogic, as if stating that yes, Du Bois behaved



"I'm not afraid of hard work — I'm just cautious about it."

shamefully, but only because he was an errant idealist, not an ideologue. This biography brims with scholarship; sadly, its attention to detail contrasts starkly with its author's lack of critical perception in regards to his subject.

— Myles Kantor

Sex and Violence — Having read Ken MacLeod's *The Stone Canal*, I decided to try another of his novels. So I read *The Sky Road*, MacLeod's fourth novel.

The Sky Road shares some characters and part of the same future history as *The Stone Canal*. Both novels center on the creation of an independent nuclear force in Kazakhstan which holds the balance of power and ensures some anarchy in the world. But Jon Wilde, the hero of *The Stone*

Canal, is killed early in *The Sky Road*, ensuring a somewhat different future.

MacLeod enjoys adopting different political personas with each book, so while *The Stone Canal* seemed to be written by a libertarian, *The Sky Road* seems to be the work of a rogue Trotskyist. For example, in *The Sky Road*, there is a secret Fourth Socialist International which hides in the background doing statist deeds. And MacLeod's heroine, Myra Godkin, spends much of her youth buying tracts in grungy leftist bookstores.

The Sky Road offers two parallel plots. In one, Scottish scholars of the 22nd century struggling to recover from the global technological collapse of 2045 try to find out what Myra Godkin did to cause the world's com-

munications systems to fail. A second plot shows how Godkin rose from socialist agitator to controller of the Kazakh independent nuclear arsenal.

If you're someone who believes that good science fiction must include a data dump of libertarian theory, you won't like *The Sky Road*. But readers who like fast-paced, intelligent political science fiction with plenty of sex, violence, and nuclear weapons will find MacLeod quite enjoyable. MacLeod is libertarian, and pro-space exploration, but he is intelligent enough to play with different political personas. He is one of the most important writers to emerge in the 1990s.

— Martin Morse Wooster

Suicide Guide — A person at the end of his rope kills himself. Another person at the end of her rope because of a terminal disease, kills herself. A third person with a condition that makes getting consent impossible is killed by a doctor. Death is the goal in each case, but the reactions that each of these acts will receive range from "prevention" to "assistance."

Thomas Szasz's *Fatal Freedom: The Ethics and Politics of Suicide* attempts to show the reader the strange and often muddled ways our culture treats suicide. As an introduction, he offers careful analysis of suicide's historical classification from choice to mental illness. Attention is also given to simply defining suicide, a difficult task given different cultural approaches to suicide throughout time and geography.

But if one looked hard enough, one could find most of this information elsewhere. The real meat of *Fatal Freedom* is an exploration of how current hot-button issues like physician-assisted suicide and euthanasia have made our cultural approach to suicide and the suicidal more convoluted.

An in-depth discussion of the Dutch approach to euthanasia is included and contrasted with recent American court rulings and public figures who have been tied in the public mind (accidentally in some cases) to suicide prevention, physician-assisted suicide, or euthanasia. But through it all, this book manages to keep the reader both sure of the point made and its importance in the larger picture. It is an intriguing, sometimes disturbing journey into one of the most reviled

Notes on Contributors

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Avant-Gardes in addition to a first edition of *Political Essays*.

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Leon Weaver is a scriptwriter currently working on a screenplay about a group of scientifically-challenged ecologists trying to cope with global warming in the dark.

Martin Morse Wooster is an associate editor of *The American Enterprise*.

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Belarus, from page 44

ers see that you are a foreigner and are being hassled, they might very possibly intervene on your behalf! He thinks the chances of this power struggle turning violent are slim to none.

Others are not so sure. Some of his friends tell me that they don't think that Jaroslav is likely to be "disappeared" because, "Lukashenko only kills his friends" — that is, only people in the immediate circles of power. This is sure to be a relief to Jaroslav's friends, particularly in the American Objectivist circles, who like to have him over as a speaker. But what a country it is where your friends actually have opinions about the likelihood of your being murdered by the government!

That evening, Elena takes me around to some nightspots that the head of the mission has recommended. The city streets feel safe, even late at night, but don't have the bustling energy of commerce you find in Warsaw. Nonetheless, there are some charming places. I am pleased to confirm a friend's opinion that in any given gathering of young people in Belarus, about 20% of the girls will be of supermodel quality. I try to get into the Madison, a fairly rowdy nightclub, but security wouldn't let me in because I don't meet its dress code (I am wearing blue jeans.)

Day Five

I am due to catch a train back to Warsaw in the after-

noon, so I go prowling around for a likely pub to soak up some local atmosphere before I leave. I find a great little hole in the wall near the University of Linguistics, and again meet someone I have a friend in common with! "When you get back to Warsaw, tell Hans that Frank says 'Hi,'" he says.

When the bartender finds out I'm American, he insists that I try Belorussian cranberry vodka. "Best in the world!" he says, "Better than Russian. Finnish vodka? Bah!" (Belorussians do acknowledge that Russian beer is better than their own, which explains why its importation is controlled by supporters of Lukashenko.) I return to my room, back in time for a nap before Jaroslav sees me to the train.

So, what impression did I get of Belarus? After only five days in a country where I don't speak the language, I hardly have the right to an opinion — but the lack of a right has never stopped me before, so here goes. Lukashenko is toast. Maybe not in this election, but soon. I admit, it's only a feeling, but these tired old eyes see victory. And the exciting thing about it is that there is a strongly libertarian group of dynamic, well-educated, young people with practical experience in politics from their work in the opposition.

Lukashenko can murder a few opponents, but he can't slaughter his enemies wholesale. He can try to steal the election, but in today's climate, he has to at least appear to follow the forms of democratic electoral politics — and people are watching. □

Clinton, from page 38

plot had been "sold" to a prominent Democratic contributor with no record of military or combat distinction, the administration was shamed into digging up the remains of the unworthy and moving them to a less sanctified plot.

One does not have to posit a vast government conspiracy orchestrated from the top to explain these abuses, although it's plain that a good deal of high-level conniving took place. It is likely that much of the corruption was independent actions of individuals in the government who perceived a common cause with the Clintons.

The rise of a vigorous anti-government movement in 1993 and 1994, culminating in the Republican "revolution" and takeover of Congress, certainly led to uncertainty and angst on the part of established bureaucrats. They worried that cutbacks would put them in the same unemployment lines as private-sector middle managers "downsized" out of jobs in the early '90s. Their natural reaction was to take advantage of opportunities to protect what was seen to be the strongest bulwark against the anti-government trend: the Clinton-Gore administration.

Whatever the source of the corruption, the faith of most Americans that government employees can be trusted to remain impartial has been shaken. The cynicism and partisanship of the media in downplaying these scandals (in contrast to its treatment of the more titillating, but less portentous, sexual shenanigans in the Oval Office) did not prevent most Americans from becoming aware of them. The consensus that government corruption is bad and the rule of law is good remains as strong as ever outside the media and

beltway elites. But the notion that big government can be trusted to exercise its vast powers in an impartial manner may be damaged beyond repair. The full effects of a decline in public confidence regarding the benign use of government power have yet to be felt.

In the short term, Clinton's corruption was damaging to the nation and the democratic process. But the long-term consequences could be a change in popular perceptions of government. This would be favorable for those working to roll back expansion of the leviathan state. Future attempts to expand government may face a hurdle that did not exist prior to the Clinton administration: a widespread sense that expanded government authority will likely be used in political ways to reward friends and punish enemies of the reigning elite. Big-government opponents who sounded the alarm with futility over the past century may finally have the evidence they need to demonstrate a pervasive threat to the rule of law. Moreover, they may have a public prepared to be skeptical regarding the disinterest of the governing class. □

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Terra Incognita

Issaquah, Wash.

Innovation in education, chronicled in the *Seattle Times*:

A local school held a "Peace Week" to draw attention to youth violence. The week included: "Compliment Day" for teacher and student praise, "Pledge for Peace Day" where students wore "purple and attend[ed] an assembly while surrounded by decorative paper cranes," and "Reality Check Day" where, throughout the day, 32 students symbolically died after donning "white shirts with a black X on the front."

Boise, Idaho

Progressive anti-crime measure in the Potato State, reported by the *Lewiston Morning Tribune*:

A measure has passed the House which would make it a felony for a prisoner or person in legal custody to "propel bodily fluid or waste."

Phnom Penh, Cambodia

Phenomenological note from Southeast Asia, from a *Reuters* dispatch:

A peacock possessed with the soul of a 28-year-old deceased woman is living with the woman's family. Villagers offer holy water and money to the peacock with the hopes it will heal their ailments.

Milwaukee, Wis.

Curious aesthetic development in the Cheese State, reported by the *Milwaukee Journal Sentinel*:

The Mitchell International Airport is going to place a 34-foot high sculpture of a blue shirt costing \$220,000 by its parking garage.

Santa Fe, N.M.

The quest for healthy organic products expands, from a retail outlet flier:

Natural American Spirit of Santa Fe, N.M., has introduced "100% Organic Tobacco Light Filter Cigarettes."

Missouri

Curious political development, announced in *U.S. News & World Report*:

Rep. Jo Ann Emerson is considering a run in a special election against Sen. Jean Carnahan in 2002. Carnahan's husband died just before being elected to the Senate in 2000, and Emerson's husband died while holding a congressional seat, which she won in 1996.

Atlanta, Ga.

Expanding the scope of the service industries, from a dispatch in the *Milwaukee Journal Sentinel*:

A convicted felon convinced another man to serve his 20-

month prison sentence by offering to pay him cash and free crack. The substitute spent his time in prison reading and earning a high school equivalency degree.

Massachusetts

The Thin Blue Line is a bit thick in the Bay State, as reported in *The Massachusetts News*:

A woman was pulled over after she displayed her gun at another driver who was tailgating her. A detective at the scene explained to two rookie police officers that having a gun in the car was against the law, and seized it. After being informed that such was not the case, the officer explained that he doesn't "know anything about the gun laws . . . because they are constantly changing."

Pennsylvania

Interesting legal case from the Keystone State, from a dispatch in *Prison Legal News*:

A death row prisoner who invested \$150,000 of his wife's money, which has grown to about \$1.9 million, is claiming a portion of the profit in a divorce case. The two married on death row in 1988. His wife claims that he is not entitled to the money because "I do not feel I'm married to him."

Munster, Ind.

Christianity demonstrates its ability to adapt to changing times as it begins its third millennium, as reported by the *Seattle Post-Intelligencer*:

A local church, with the goal of bringing "the way people worship . . . into the new century," contains a Starbucks in the lobby. Says the pastor, who occasionally holds a cup while preaching, "we have to change the method of religion for people."

U.S.

The empowerment of people through technology, written in *The Wall Street Journal*:

"The information age, however, isn't just about Web surfing. It's about living in a nation of people with the means to at last make individual choices — about their children's education, their health care, their retirement funds — indeed, about the appropriate uses of the nation's wealth."

U.S.

New frontiers in consciousness changing, announced in *Insight Magazine*:

In a recent interview with *Synergist*, the former director of OSHA's Safety Standards Program discussed her reasons for choosing her current career. "I was born to regulate. I don't know why, but that's very true. So long as I'm regulating, I'm happy. I think that is really where the thrill comes from. And it is a thrill; it's a high."

Special thanks to John Wenders, Sheldon Richman, Jim Switz, Ivan Santana, and Russell Garrard for contributions to *Terra Incognita*. (Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or e-mail to terraincognita@libertysoft.com.)

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a burning match, just like almost all of the mining stocks. And they'll meet the same fate — a 95%+ meltdown among the survivors, with many disappearing totally." — Doug Casey, 11/99.

The stocks below were our Internet short portfolio, initiated on 11/2/99, with the percentages they've fallen since:

| | |
|------|-----|
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| AMZN | 85% |
| AOL | 71% |

| | |
|------|-----|
| CMGI | 94% |
| KOOP | 99% |
| MPPP | 95% |
| PCLN | 96% |
| YHOO | 87% |

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|------|--------|
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Depression, and the mass murder of millions, among other things, world GDP still advanced at a real compound rate of 1.8%. Not bad. And most people managed to live pleasant and productive lives throughout, unless they just happened to be in the wrong place

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