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The Key Question:

Do You Hate the State?

I have been ruminating recently on what are the crucial questions that divide libertarians. Some that have received a lot of attention in the last few years are: anarcho-capitalism vs. limited government, abolitionism vs. gradualism, natural rights vs. utilitarianism, and war vs. peace. But I have concluded that as important as these questions are, they don't really cut to the nub of the issue, of the crucial dividing line between us.

Let us take, for example, two of the leading anarcho-capitalist works of the last few years: my own *For a New Liberty* and David Friedman's *Machinery of Freedom*. Superficially, the major differences between them are my own stand for natural rights and for a rational libertarian law code, in contrast to Friedman's amoralist utilitarianism and call for logrolling and trade-offs between non-libertarian private police agencies. But the difference really cuts far deeper. There runs through *For a New Liberty* (and most of the rest of my work as well) a deep and pervasive hatred of the State and all of its works, based on the conviction that the State is the enemy of mankind. In contrast, it is evident that David does not hate the State at all; that he has merely arrived at the conviction that anarchism and competing private police forces are a better social and economic system than any other alternative. Or, more fully, that anarchism would be better than laissez-faire which in turn is better than the current system. Amidst the entire spectrum of political alternatives, David Friedman has decided that anarcho-capitalism is superior. But superior to an existing political structure which is pretty good too. In short, there is no sign that David Friedman in any sense hates the existing American State or the State *per se*, hates it deep in his belly as a predatory gang of robbers, enslavers, and murderers. No, there is simply the cool conviction that anarchism would be the best of all possible worlds, but that our current set-up is pretty far up with it in desirability. For there is no sense in Friedman that the State—any State—is a predatory gang of criminals.

The same impression shines through the writing, say, of political philosopher Eric Mack. Mack is an anarcho-capitalist who believes in individual rights; but there is no sense in his writings of any passionate hatred of the State, or, a *fortiori*, of any sense that the State is a plundering and bestial enemy.

Perhaps the word that best defines our distinction is "radical". Radical in the sense of being in total, root-and-branch opposition to the existing political system and to the State itself. Radical in the sense of having integrated intellectual opposition to the State with a gut hatred of its pervasive and organized system of crime and injustice. Radical in the sense of a deep commitment to the spirit of liberty and anti-statism that integrates reason and emotion, heart and soul.

Furthermore, in contrast to what seems to be true nowadays, you don't have to be an anarchist to be radical in our sense, just as you can be an anarchist while missing the radical spark. I can think of hardly a single limited governmentalist of the present day who is radical—a truly

amazing phenomenon, when we think of our classical liberal forbears who were genuinely radical, who hated statism and the States of their day with a beautifully integrated passion: the Levellers, Patrick Henry, Tom Paine, Joseph Priestley, the Jacksonians, Richard Cobden, and on and on, a veritable roll call of the greats of the past. Tom Paine's radical hatred of the State and statism was and is far more important to the cause of liberty than the fact that he never crossed the divide between laissez-faire and anarchism.

And closer to our own day, such early influences on me as Albert Jay Nock, H. L. Mencken, and Frank Chodorov were magnificently and superbly radical. Hatred of "Our Enemy, the State" (Nock's title) and all of its works shone through all of their writings like a beacon star. So what if they never quite made it all the way to explicit anarchism? Far better one Albert Nock than a hundred anarcho-capitalists who are all too comfortable with the existing *status quo*.

Where are the Paines and Cobdens and Nocks of today? Why are almost all of our laissez-faire limited governmentals plonky conservatives and patriots? If the opposite of "radical" is "conservative", where are our radical laissez-fairists? If our limited statists were truly radical, there would be virtually no splits between us. What divides the movement now, the true division, is not anarchist vs. minarchist, but radical vs. conservative. Lord, give us radicals, be they anarchists or no.

To carry our analysis further, radical anti-statists are extremely valuable even if they could scarcely be considered libertarians in any comprehensive sense. Thus, many people admire the work of columnists Mike Royko and Nick von Hoffman because they consider these men libertarian sympathizers and fellow-travellers. That they are, but this does not begin to comprehend their true importance. For throughout the writings of Royko and von Hoffman, as inconsistent as they undoubtedly are, there runs an all-pervasive hatred of the State, of all politicians, bureaucrats, and their clients which, in its genuine radicalism, is far truer to the underlying spirit of liberty than someone who will coolly go along with the letter of every syllogism and every lemma down to the "model" of competing courts.

Taking the concept of radical vs. conservative in our new sense, let us analyze the now famous "abolitionism" vs. "gradualism" debate. The latter jab comes in the August issue of *Reason* (a magazine every fibre of whose being exudes "conservatism"), in which editor Bob Poole asks Milton Friedman where he stands on this debate. Friedman takes the opportunity of denouncing the "intellectual cowardice" of failing to set forth "feasible" methods of getting "from here to there." Poole and Friedman have between them managed to obfuscate the true issues. There is not a single abolitionist who would not grab a feasible method, or a gradual gain, if it came his way. The difference is that the abolitionist always holds high the banner of his ultimate goal, never hides his basic

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Should Abortion Be A Crime?

THE ABORTION QUESTION ONCE MORE

The abortion question continues to be a difficult one for many libertarians, and hence deserves some extended analysis. The vital point to focus on here, as in all other applications of libertarian theory to the legal system, is simply this: Should abortion be a crime? For at issue is not the morality or the aesthetics of abortion, which are matters of general moral or aesthetic theory or personal judgment. 1. To the libertarian, who must always separate legal from general moral theory, the crucial question is always: shall such and such an action be criminal, shall it be licit in the free society? There are numerous actions, for example, which a libertarian may or may not consider "immoral" (e.g. drinking alcohol or yelling at one's neighbor) but does not consider criminal. The libertarian always concentrates on what is a crime, and for him, the conclusion depends on his general theory that crime (and therefore illegality) must be confined to acts of aggression upon the person or property of others.

The common pro-abortionist argument that anti-abortionists are trying to impose their religious (e.g. Catholic or Orthodox Jewish) values on other people therefore misses the mark. For if the anti-abortionists are right, and abortion is really "murder", then the libertarian, who believes in outlawing murder as a crime, must join in the outlawry of abortion. The "religious" argument, therefore, misses the central point.

Much ink has been spilled on this issue trying to define the exact point at which human life begins. Birth, indeed, seems to be an event of some importance at which we can conveniently demarkate that "human life begins here", but then the anti-abortionists are able to bog the argument down in biological technicalities, and the dispute can continue ad infinitum. As I have written elsewhere, the definition of the begging of human life is actually irrelevant to our central issue. For let us give the anti-abortionists their full argument: let us assume for the moment that human life begins at conception. Let us concede, for the sake of argument, that the fertilized egg, from the beginning, has all the rights of a full, adult human being.

But then, who will maintain that a full, adult human being has the legal, enforceable right to remain enclosed within the body of another human being without the latter's consent? Surely, that is absurd. But if no adult human has such a legal right, then a fortiori, the fetus cannot have such a right either.

To put the case another way: It is axiomatic for the libertarian that every individual has the absolute right to own, to control, his or her own body. But, in that case, a woman has the right to eject any unwanted entity from within her own body, whether that entity be a fetus or a non-human parasite. Hence, a woman has the absolute right to commit an abortion, or, therefore, the right to hire someone to perform the abortion on her behalf.

Abortion, therefore, should be looked upon not as killing the fetus but as ejecting it from the mother's body. The fact that the fetus might well die in the course of the ejection is incidental to the act of abortion. It might be objected, of course, that the fetus requires for its survival a continued lodging in the body of the mother. But this brings us to another fundamental libertarian axiom: that no human being, whether fetus, child, or adult, has the legal right to keep itself alive at someone else's expense. No human being can have a legal claim up on someone else to perform any actions to keep it alive.

In short, the libertarian sees a fundamental difference between murdering someone, and failing to perform an act to keep that person alive. The former is a crime and an aggression, the latter is not and is therefore perfectly licit. For example, A sees B drowning in a pool; if A fails to jump in or perform other actions to save B, this may be morally reprehensible, but it is perfectly within A's rights. Or if A sees B dying in the street, it is not a crime for A to ignore the situation and fail to take action to save him. The same applies to ignoring a baby who might have been abandoned in the street.

Consider, too, the implications of the contrary position. If any sick or helpless human is considered to have a legal claim to be kept alive, (a) upon whom can that claim be enforced? On the first person who comes

along? On everyone? And (b) how many actions, how many resources, should the ill or helpless person be able to command? Suppose that an ill person can only be saved by the use of 2 trillion dollars worth of medical equipment, which would impoverish everyone. Does the legal claim extend this far, and if not, why not?

In her defense of the right of abortion, Professor Judith Thompson put the case very well:

"In some views having a right to live includes having a right to be given at least the bare minimum one needs for continued life. But suppose that what in fact is the bare minimum a man needs for continued life is something he has no right at all to be given? If I am sick unto death, and the only thing that will save my life is the touch of Henry Fonda's cool hand on my fevered brow, then all the same, I

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Canadian Breakup

It seemed likely that the electoral success of the separatist Parti Quebecois would inspire other sections of Canada with the happy idea of breaking off from the swollen national Canadian government in Ottawa. Separatism, secessionism, feeds on and reinforces itself in a welcome type of "domino principle."

Now it seems that we didn't have long to wait. For the New York Times (itself violently anti-separatist on principle) reports (April 10) that advocates of an independent state in western Canada "have taken encouragement from the electoral victory of the separatist movement in Quebec Province." The idea is for an independent western state to include the currently western Canadian provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Yukon, and the Northwestern Territories.

The major grievances of the west are not linguistic, but politico-economic. There is, for example, the fact that federal taxes are extracted from the comparatively wealthy western provinces and siphoned into welfare payments and other subsidies in the east. Thus, for fiscal year 1973-74, a net of \$632 million was extracted by the national government from British Columbia. There is also a great deal of unhappiness with high federal tariffs, which confer privileges on inefficient eastern manufactured goods, making imports more expensive for western consumers. Nationalized freight rates keep the cost of transportation from west to east and back higher than they would be on the free market. And, finally, there is a minor but visible linguistic irritant in western Canada too: the fact that federal law compels bilingual signs on roads and in stores in an area where virtually no one speaks or understands French.

Who are the budding heroes of the western Canadian independence movement? There are three separatist organizations. One is the Committee for Western Independence, headed by a British Columbian, Douglas Christie. The Committee has 1,500 members, centered in British Columbia, a province which sells most of its mineral and forest products to the U. S. and Japan rather than to eastern Canada. Another such organization is the Western Canada Party, with 5,500 members in British Columbia, and led by Vancouver aircraft-parts salesman Edward G. Fleming. The Western Canada Party plans to field a full slate of candidates in the next provincial elections.

And, finally, further east in Alberta, there is the Western Independence Party, with 800 members, and led by Milton Harradance, former head of the Progressive Conservative Party in Alberta, and by Calgary oil man John Rudolph.

It should be pretty clear that, in the case of western independence, Canadian libertarians will not be able to use the Quebec excuse for not working with the movement that it is "socialist." The swollen nation-state of Canada is getting ripe for being toppled. Are Canada's libertarians going to miss the bus of an exciting and fundamental libertarian issue by not aiding in this historic task? □

Abortion— (Continued From Page 2)

have no right to be given the touch of Henry Fonda's cool hand on my fevered brow. It would be rightfully nice of him to fly in from the West Coast to provide it . . . But I have no right at all against anybody that he should do this for me."

Professor Thomson continues: "having a right to life does not guarantee having either right to life does not guarantee having either a right to be given the use of or a right to be allowed continued use of another person's body—even if one needs it for life itself."*

But, if no sick or helpless person, whether adult or baby, can have the right to coerce actions to keep it alive from the body or energy of another human being, if Judith Thomson cannot force Henry Fonda to save her, then, a *fortiori*, a fetus cannot have such a coercive right either. One person's need, however dire, cannot be used to sustain any coercion over the body or energy or property of another human being. And so the requirements of the fetus cannot take precedence over the absolute right of the mother over her own body.

One suspects that the anti-abortionists have not thought through the logical implications of their own position. If, indeed, abortion is "murder" of the fetus, because the fetus needs the environment of its mother's womb for its continued life, then what are the other obligations that we—can coerce upon the mother? For example, suppose that if the mother does not eat a balanced diet, or drinks liquor, or allows herself to get upset, the fetus will die, or, if not that, the fetus will be in some concrete way, injured? May we send in a Gestapo to coerce the proper diet, to coerce proper behavior, upon the mother? The "murder" thesis logically implies totalitarian control over pregnant women.

But suppose that technology has advanced to the point where the aborted fetus could be kept alive in a "test tube". Should the mother or the parents have a legally enforceable obligation to keep the now separated fetus alive? But, once again, this brings us to the general problem of the sick or the helpless. How much resources are the parents to be coerced into committing in order to keep the fetus alive? Two trillion dollars? We are back, in short, to the important lesson of the Karen Quinlan case—that there can be no legal obligation (though there may be a moral one) to keep "the plug" in place: that is, in short, a vital philosophical distinction—and one particularly vital to libertarians—between murder, a violent act of aggression, and "pulling the plug", that is, deciding not to commit resources—not to engage in further positive actions—to keep someone else alive. Murder is criminal, pulling the plug is licit. Even if, in cases as the fetus or Karen Quinlan, the distinction seems to make little difference to the dying person, it obviously makes a great deal of difference to the alleged "murderer."

Since libertarians often suffer from contract fetishism, there is a peculiarly "libertarian" variant of the anti-abortion argument: that the mother (and the father?), by conceiving the fetus, has made a "contract" with the fetus obligating the mother to carry through with the pregnancy. There are a large number of flaws in this argument. In the first place, it conflicts with the "murder" argument, which it is intended to supplement. For if it can be clearly demonstrated that no "contract" is involved, then the anti-abortionist must approve the right to abort, and surrender completely the claim that abortion is murder. Thus, clearly no "contract" with a fetus was involved if the fetus was conceived by an act of rape; hence, these anti-abortionists will concede the legitimacy of aborting a fetus conceived by rape. Yet, if abortion is "murder", isn't it just as illegitimate to murder a rape-begotten fetus as a voluntarily begotten one?

Secondly, the anti-abortionists don't seem to realize that more exceptions must then be granted than mere rape. What "contract" is involved, for example, in the case of a birth-control mistake? Such a fetus was also not deliberately conceived, but only arrived in error. So is such an abortion legitimate? But, in that case, the anti-abortionist is in bad practical shape, for how are the legal authorities supposed to decide whether a fetus was conceived because of a birth control mistake or whether it had been actively desired? Clearly, enforcement of this distinction is impossible, and our anti-abortionists would have to give up legal enforcement in practice, since the mother would only have to say that the fetus was a mistake, and it would be impossible to prove her wrong.

Thirdly, there are many grave flaws in the concept of "contract" involved in this argument. Surely, the fetus is scarcely a rational, willing entity, engaging consciously in a contractual relationship. Indeed, even the fetus was non-existent at the time when the alleged "contract" was made. And what obligations is the fetus supposed to be incurring in this contract? Any attribution of "implicit contracts" from human actions must be done with great care and circumspection; but here the "contract" is created hog wild, out of the whole cloth. But most important, this conception violates the proper, libertarian, property-rights, "title-transfer" theory of contract, the theory which declares (a) that a contract is only enforceable when it involves the transfer of a property title to another person, and (b) that a person's will, his body, is inalienable and cannot be surrendered in an enforceable transaction. But there is no property transfer in the alleged contract with the future fetus; there is only an alleged enslavement of the mother's body and will, an enslavement which cannot in fact and in right be made. In short, the mother, or anyone else for that matter, has the absolute right to change her mind with her own body and will, for the ownership of them cannot be surrendered. Even if the mother wanted the baby in the first place, she has the absolute right to change her mind, and the moment she does so, the fetus becomes an unwanted, invasive parasite upon the body of the mother. The right of abortion remains absolute.

*Judith Jarvis Thomson, "A Defense of Abortion," *Philosophy and Public Affairs* (Fall 1971), pp. 55-56. □

Exciting New Magazine: Inquiry

This fall there will be launched one of the most exciting new magazines in many years. It will be a bi-weekly, professional, real magazine-magazine, that will comment sharply and trenchantly on current political affairs. Its name is *Inquiry*. It will establish itself quickly as a rival of the *Nation*, *New Republic*, and *National Review*.

Politically, *Inquiry* will be non-sectarian, but that does not mean that the magazine will be value-free. On the contrary, *Inquiry*, as it says in its announcement, "will test all person and policies against the liberal and humanist values of peace, toleration and individual rights." Part of the excitement of *Inquiry* is that, in addition to its major focus on analyzing the broader issues, it will also do investigative reporting, exposing the specific wrongs and oppressions being committed by the U. S. government. In short, *Inquiry* will be "revisionist."

But, in addition to this, *Inquiry* will publish humor and political satire, and review books and the arts. In short, it will be broad-ranging enough to make a significant impact on the American scene, and on the opinion-moulders who will read it. A long list of contributors and contributing editors will include Nicholas von Hoffman, Robert Sherrill, Dr. Thomas S. Szasz, and the editor of the *Libertarian Forum*.

More importantly, the editors are distinguished libertarians. Editor is William M. Evers, doctoral candidate in political science, Stanford University, until recently editor of the *L. P. News*, and member of the platform committee of the Libertarian Party. Senior Editor is Ralph Raico, on leave as professor of history, State University College at Buffalo. Raico edited the excellent pamphlet series published by the Libertarian Party in the 1976 campaign, and is also on the *L. P.* platform committee. Both Evers and Raico have been welcome contributors to the *Libertarian Forum*. Publisher of *Inquiry* is Edward H. Crane II, former investment counsellor and outgoing national chairman of the Libertarian Party who piloted the breakthrough campaign of 1976. Crane is publisher in his capacity as president of the Cato Institute, a non-profit public policy research foundation which will publish *Inquiry*.

For more information about *Inquiry* or about the numerous other activities in the works at Cato, write to the Cato Institute, 1700 Montgomery St., San Francisco, California 94111. □

In Defense of Pirateering

by J. Michael Oliver

On the whole libertarianism has breached the traditional concepts of human social organization. It is a "clean" theory in that little or no effort has been made by libertarians to mold their ideas in such a way as to reflect socially acceptable political concepts and institutions.

However, in one area of libertarian discussion there does seem to be a conspicuous lapse of innovation. When discussing the defense of a free society from an aggressor state, anarchists have come up with a myriad of voluntarist alternatives to the present day armed forces—most modelled on existing and "acceptable" institutions. When asked by the curious how we would "defend the country" there is a tendency to quickly structure an institution along the lines of a voluntary armed forces, a large insurance company, community beach patrols, etc. There is another defense option which to my knowledge has not been discussed in libertarian circles. It differs from the above defense measures in two significant ways. The proposal does not rely on the financial support of the population which benefits from its activities, and the proposal will engender the initial negative response of "gangsterism."

Before presenting this alternative let me make a disclaimer. Much of the debate over defense has been unnecessarily compartmentalized into national defense and individual defense. Libertarians have long recognized that the concepts "the people," "public," "nation," etc. are nearly useless concepts at best. It is inconsequential whether my health or property is taken from me by an aggressor who crosses a "national" boundary to get to me or merely crosses the street. Such concrete matters as the size of the population to be defended, the size of the aggressor force and the geographic relationship of the victim(s) to the aggressor(s) are tactical matters—not significant theoretical issues. A discussion of how the non-state society can be defended should be seen solely as tactical speculation. Anarchist principles need not be validated by an endless string of answers to "what would you do" or "what if" questions. Libertarianism is best defended on a higher plane than that of concrete scenarios. Yet speculating about a prospective libertarian society can illuminate theoretical principles, and therein lies its chief value.

In his tightly reasoned essay *No Treason: The Constitution of No Authority* (1870) Lysander Spooner makes the case that the Constitution, the U. S. government and "the people of the United States" are all illegitimate concepts from the point of view of law. A summation of his conclusions is worth repeating since it pertains to the issue of defense. (From Section X):

"It is obvious that, on general principles of law and reason, there exists no such thing as a government created by, or resting upon, any consent, compact, or agreement of 'the people of the United States' with each other; that the only visible, tangible, responsible government that exists, is that of a few individuals only, who act in concert, and call themselves by the several names of senators, representatives, presidents, judges, marshals, treasurers, collectors, generals, colonels, captains, etc., etc.

On general principles of law and reason, it is of no importance whatever that those few individuals profess to be the agents and representatives of 'the people of the United States'; since they can show no credentials from the people themselves; they were never appointed as agents or representatives in any open, authentic manner; they do not themselves know, and have no means of knowing, and cannot prove, who their principals (as they call them) are individually; and consequently cannot, in law or reason, be said to have any principals at all.

"It is obvious, too, that if these alleged principals ever did appoint these pretended agents, or representatives, they appointed them secretly (by secret ballot), and in a way to avoid all personal responsibility for their acts; that, at most, these alleged principals put these pretended agents forward for the most criminal purposes, viz.: to plunder the

people of their prosperity, and restrain them of their liberty; and that the only authority that these alleged principals have for so doing, is simply a tacit understanding among themselves that they will imprison, shoot or hang every man who resists the exactions and restrains which their agents or representatives may impose upon them.

"Thus it is obvious that the only visible, tangible government we have is made up of these professed agents or representatives or a secret band of robbers and murderers, who, to cover up, or gloss over, their robberies and murders, have taken to themselves the title of being 'the people of the United States,' assert their right to subject to their dominion, and to control and dispose of at their pleasure, all property and persons found in the United States."

(To fully appreciate these observations the full essay should be read.)

We are aware of course that the state does exist. Its threat is as real as its guns and armies. But the point Spooner makes is that in a legal sense the state has no reality. In the case of the U. S. government, its operatives are ever changing, its alleged principals ("the people") are a secret body which remains always undefined, and the contractual document which presumably stands as the legal basis of the state is of "no authority."

This leaves us with a very interesting prospect—around which our discussion of defense will revolve. The property which has been expropriated by the state (which of necessity includes all government property) is "owned" by a legal nonentity. Spooner makes the following point about government property in *No Treason* when he writes that "this secret band of robbers and murderers . . . have no corporate property . . . They do indeed pretend to own large tracts of wild lands, lying between the Atlantic and Pacific Oceans, and between the Gulf of Mexico and the North Pole. But, on general principles of law and reason, they might as well pretend to own the Atlantic and Pacific Oceans themselves; or the atmosphere and the sunlight . . ." (from Section XVII). Thus if you take "government property," you cannot be said to have stolen it since there is no legally definable entity called "government" and therefore no owner.

Some libertarians contend that government property is rightfully the property of those from whom it was taken (e.g., taxpayers) and that ownership remains with the victims. Perhaps the best known proponent of this view is Ragnar Danneskjold (*Atlas Shrugged*) whom you will recall seized government gold and returned it to Hank Reardon and others on the basis of their previous tax victimization. Ragnar's assumption of course was that Reardon was entitled to only an amount equivalent to that which had been taken from him in the first place. There are problems with this restitutionist view.

1) The process of government expropriation extends over generations and centuries. Do I have a claim to my father's tax victimization? He has willed his estate to me, and property stolen from him is still part of his estate, is it not? And if I have a right to his portion of "government property" does not everyone else have a similar right to his parents' and even ancestors' share?

2) Government expropriation takes many forms—income tax, sales tax, property tax, conscription, eminent domain, etc. My records only cover income tax losses at the hands of government. Do I thereby lose my right to properties stolen by other means? If not, how do I document and calculate what amount of value is to be restituted to me?

3) A large portion of the wealth taken by government is destroyed either directly as in wartime or through inefficiency. This means that if all claimants put in for reparations there wouldn't be enough wealth in government hands to compensate its victims.

4) When an individual(s) is identified as an aggressor then responsibility can be assigned. Damages can be levied against him for his actions. In the case of government aggression, however, responsibility

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Pirateering — (Continued From Page 4)

cannot be so easily assigned, if at all. As Spooner explains, government is a "secret band of robbers and murderers." Government does not end with the first echelon of IRS agents, police, soldiers and Congressmen. There are also the rank and file government employees, those contracting to government, financiers of government (bondholders) and that invisible mob of voters and supporters. Only superficial responsibility can be assigned. In short we cannot define the aggressor.

The proponent of restitution is faced with the following circumstances. Wealth has been stolen or destroyed by government in so many ways over such a long period of time that any meaningful accounting is virtually impossible. Thus he cannot declare with any certainty how much has been stolen. Further, so many individuals and corporations have been robbed that a list of victims would encompass almost all citizens past and present as well as foreign victims of government wars. His final impossible problem will be to determine the amount of reparations due to the individual who has been both victim and aggressor (taxpayer and taxconsumer), a category which covers a greater number of people than one might at first suspect.

There is an alternative to the restitution theory. The "homestead" or "pirateering" theory holds that wealth in the hands of government is in an ownerless limbo. When stolen by the state it crosses the line from owned to unowned, and like all unowned wealth it is open to being claimed as property. "Government property" may be likened to a gold-laden Spanish galleon on the floor of the Caribbean. The original lines of ownership have been obliterated by time and circumstance. Just as there are individuals who will assume the risks and make the investment to retrieve the sunken gold, it is reasonable to assume that there will also be those who will take steps to claim government wealth. In the process these fortune hunters or pirates will do considerable damage to governments' capabilities for aggression. Their activities will constitute an efficient and "free" defense service.

There is nothing particularly novel about people successfully challenging the power of the state for political or profit motives. Terrorists and guerrillas of all political stripes have demonstrated countless times that government's veneer of invincibility and permanence is only veneer. Conspirators in coup d'etats have often toppled regimes overnight through careful planning and timing. On the profit side consider the art thief who targets "national" or "public" (government) art galleries, bypassing electronic defenses, security forces and later government investigators.

International art thieves, insofar as they prey upon government collections, are excellent examples of free market pirates. They remove objects of value from the state and market them to the highest bidders. The risk is very high but apparently not so high as to curtail the profitability of their business.

Any significant emergence of free market pirateering would probably not occur until a market (stateless) society appeared somewhere on the globe. At that point at least one haven for them would exist, and the degree of risk hanging over their activities would diminish. Of course any favorable change in the risk-reward ratio would attract a great number of people to pirateering.

What possibilities for success would pirates have?

- 1) The unsettling effects accompanying the birth of a stateless society would do much to irritate conditions in political societies. Pirates would undoubtedly find ready-made alliances with radicals inside the unliberated countries, thereby increasing the chances of success for both participants.
- 2) The pirate's objective is far more limited than that of a revolutionary. The pirate is not primarily concerned with dismantling, overthrowing or supplanting governmental power. He is not a "patriot." His objective is highly limited and the time of contact between the pirate and the state will probably be equally limited. In contrast, the revolutionary, regardless of his techniques, is engaged in a protracted struggle to the death. His objective is to abolish or take over the state, not to pick its pocket; consequently his risks are far greater. Despite these risks we know that revolutionaries often accomplish their goals. Given the pirate's more limited goals and exposure time we can assume a higher probability of success in the pirate's case.
- 3) In addition, pirates are as subject to the forces of the marketplace as

any business venture. Their operations are financed by investment capital and they must be successful if they are to remain in business. Their failures are not subsidized by a garrisoned population. The pressures for efficiency are very real. However, the governments which they attack are functioning on a typical level of inefficiency. The contest is between a small force(s) tempered to efficiency by market pressures and a large force relying on its size and brute strength.

In what manner does pirateering constitute a defense against state aggression? In the first place a pirate's selection of targets will be relatively unaffected by his conception of whether a government is or is not a threat to a free society. His objective is the largest prize posing the least risk. To him, and to all libertarians, the state is aggressing against someone if it is breathing. There is no such thing as a non-aggressive government. He needs no further justification to seize government wealth than the arguments presented above. The only question which gives him pause is that of accessibility.

Certain government assets are more accessible than others, just as some governments are more vulnerable to attack than others. Idi Amin's gold horde is a more likely target of pirate attack than the gold held by the U.S. government. Obviously the easier targets will be taken first. Pirates will concentrate on the less stable governments with particular focus on mobile and highly valued wealth—precious metals, foreign currencies, etc. News of the first few successful raids will attract many more people and corporations into pirateering. The vulnerability of government will have been demonstrated. As the easy targets fall by the wayside, the better prepared and bolder among the pirates (or pirate corporations) will begin to challenge the larger governments. The governments of the world will find themselves faced with a new type of opponent. Rather than dealing with the state on its own terms by confronting its soldiers and police, the pirate looks for the back way in. Unlike an opposing army or an internal revolutionary organization the pirate corporation is not a definable group. A conventional or a guerilla army must engage the forces of the state to achieve its goals. The first does this directly, usually on a large scale, while the latter is more selective and piecemeal; but both methods result in combat between the rank-and-file on both sides. Conventional and guerilla wars are usually drawn-out affairs involving the waste of lives, resources and time. Pirateering would function much along the lines of organized crime today (excluding of course organized crime's propensity to occasionally be an aggressor). Profit is the objective, and a businesslike approach governs methods. Probably the major difference between pirateering as conceived here and the Mafia is that the Mafia seeks only to operate its black market activities and to avoid the state; the pirate goes after the state.

There are a few likely similarities however. The Mafia is global. Pirate corporations would undoubtedly seek to establish a global network as well. "Going international" would facilitate smuggling of personnel, materiel and booty in or out of various countries; it would lead to a ready-made network of contacts and operatives; and it would better prepare the pirates to act on any unexpected opportunity which might arise in another country.

The Mafia has also been known to pay off government officials for favors or silence. A pirate corporation would also find it necessary to share profits and to offer an umbrella of protection and escape to any government insider who aided it in seizing government assets—such as a few guards and a banking official in the Bank of Uganda who guard or have access to Field Marshall Amin's gold.

Shades of SPECTRE, Goldfinger, Mission Impossible and Ragnar Danneskjold? Is pirateering a far fetched idea? I think not. There is sufficient evidence that widespread pirateering could be successful if preceded by the emergence of at least one free society (and presumably that is the proverbial free society which we are asked "how will you defend it").

From a libertarian perspective the methods of the pirate are not repugnant. He strikes at the heart of the state—its pocket and its undeserved reputation of omnipotence. He bleeds the state of its capability to aggress as well as its mystique. He strikes cleanly, avoiding physical combat as much as possible. (It is uneconomical). Can the same be said of conventional armies, nuclear weapons and guerilla warfare?

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Seeking the Political Kingdom: A Review Essay

by Justus D. Doenecke

Peter L. Berger and Richard John Neuhaus, eds., *Against the World for the World: The Hartford Appeal and the Future of American Religion* (New York: Seabury, 1976)

Rene de Visme Williamson, *Politics and Political Theology: An Interpretation of Tillich, Barth, Bonhoeffer, and Brunner* (Baton Rouge: Louisiana State University Press, 1976)

Paul Tillich, *A History of Christian Thought* (New York: Touchstone, 1973).

The church was full, indeed jammed, as the young priest began celebrating his first mass in English. When the cleric came to the part of the liturgy where he said, "The Lord be with you," one acolyte whispered to another, "He mean Dominus vobiscum."

The problem of updating Christian social teachings is a perennial one, and there has scarcely been an era in which modernization and tradition, prophetic protest and classical doctrines have not been in tension. Such tension was much in evidence when, in January of 1975, a group of theologians met at Hartford Seminary, there to protest against themes in contemporary Christian thought they found both false and debilitating. They represented a variety of schools ranging from Roman Catholic to conservative evangelical, and they included in their numbers such prominent names as social activist William Sloane Coffin, Jr., sociologist Peter Berger, and theologian George H. Tavard.

Their manifesto is formally entitled "An Appeal for Theological Affirmation." Informally it is called "the Hartford Appeal." In direct and hard-hitting language, the signers explicitly denied that the world, and its concerns, could ever set the agenda for the Church. While admitting that institutions are often oppressive, the drafters wrote that "the modern pursuit of liberation from all social and historical restraints is finally dehumanizing."

As the Hartford theologians continue their indictment, they challenge the claim that modern thought can ever be normative for the Christian faith, that God is humanity's most noble creation, and that Jesus himself can only be understood in terms of today's models of humanity. Sin, they assert, involves far more than the failure to realize potential, and salvation cannot be found apart from God. The Kingdom of God, after all, surpasses any conceivable utopia.

If the Hartford Appeal was long overdue in theological circles, it still made national headlines. The drafters received over a thousand personal letters. Some of the response was responsible, some was not, for the framers found themselves having to deny that they stood for a right-wing resurgence in the churches. The Berger-Neuhaus anthology is one effort to meet some of the more thoughtful criticism.

Berger launches this first-rate collection with an attack on secularity. Here the Rutgers sociologist calls upon the Christian community, both Protestant and Catholic, to avoid prostituting its tradition by adopting such fads as "human authenticity," "personal fulfillment," and psychological and political "liberation". Rather it must return to a sense of transcendence, and to the concept of the supernatural, for only then can it radically criticize its society. George A. Lindbeck of Yale Divinity School develops this point, noting that the Appeal reaffirms the possibility of formulating creative theology—this at a time when right-wing Pentecostals and leftist ecclesiastical technocrats have abandoned the theological quest.

Even that old bastion of orthodoxy, Roman Catholicism, is no longer immune to forms of culture-religion, a point ably made by Avery Dulles, S. J. of Catholic University. Dulles challenges tenets advanced by the World Council of Churches and by "liberal Catholics," while countering liberal critiques by stressing the Manifesto's attack on racism, war, and economic exploitation. Carl J. Peters, also of Catholic University, covers Roman Catholic responses to the manifesto. Peters notes that while the Catholic press is quite positive, some theologians—such as Gregory Baum—are critical. He calls upon Catholic theologians to seek "a creative alienation," one as rooted in faith and belief as in efforts to confront modernity on its own terms. Turning to Eastern Orthodoxy, Alexander Schmemmann of St. Vladimir's notes that orthodox rites and

theology still remain dependent upon the classical patristic tradition. However, the day-to-day life of both priest and layman is so immersed in American civil religion as to make the Hartford indictment a most telling one.

Just in case anyone doubts who the drafters of the Appeal had in mind, George Wolfgang Forell of the University of Iowa lets the reader know, and know in no uncertain terms. Forell points to such weird phenomena as the "Gospel of Christian Atheism," comparisons between Jesus and Che Guevara, and endorsement of all left-wing revolutions. And, argues Forell, if the Church's agenda is truly set by the world, the rightist culture-religion represented by Richard Nixon has as equal claim on the believer as the "hip" theology of Harvey Cox. Richard J. Mouw of Calvin College continues in this vein, showing how conservative Protestantism overstates the subjective elements of belief, reduces religious language to mere human experience, identifies salvation with peace of mind, and preaches an "American way of life." Little wonder that Richard John Neuhaus, editor of *Worldview*, calls for aiding the oppressed in a way that neither avoids political action nor baptizes one's cause in a "partisan church."

Since Augustine wrote *The City of God*, there have—of course—been efforts to build a positive political theology. Rene de Visme Williamson, a political scientist at Louisiana State University and Presbyterian layman, has recently attempted this task. Williamson draws upon four of the most influential theologians of our century—Karl Barth, Dietrich Bonhoeffer, Emil Brunner, and Paul Tillich—and then attempts his own political synthesis.

Barth, the Swiss theologian famous for stressing the gap between unredeemed man and a saving God, had a low opinion of the state. Indeed, it is Karl Barth, not Murray Rothbard, who called the state "a graceless order . . . in which human possibilities have been renounced."

Similarly it is Dietrich Bonhoeffer, the martyr resistant executed by the Nazis, and not the editorial board of the *Journal of Libertarian Studies*, who said, "The concept of the state is foreign to the New Testament. It has its origin in pagan antiquity." Bonhoeffer continually called for a decentralized society, be the system called federalism, pluralism, or checks-and-balances. The present could only be transformed, he went on, by converted individuals, not by theological liberalism or social activism.

The strongest anti-state sentiments of all came from Emil Brunner, an underrated theologian long overshadowed by Barth. Brunner wrote that "Every State represents human sin on the large scale; in the growth of every State the most brutal, anti-divine forces have taken a share, to an extent unheard of the individual life, save in that of some prominent criminals." In fact, it is Brunner, not Joseph Peden, who commented, "The true dominion of Christ, and what we call the State, are fundamentally opposed," just as it is Brunner—not Leonard Liggio—who claimed that "without private property there is no free personal life."

Even Tillich, the most unorthodox of Williamson's four subjects (and the only one who lived much of his life in the United States) is no particular friend of civil authority. The German-born theologian found civil law subject to so much change, and so ambiguous, that it is of little use in formulating decisions. History itself, according to Tillich, "has no aim, either in time or in eternity."

Yet, if Tillich deeply distrusted political institutions, Williamson shows that the positions of Barth, Bonhoeffer, and Brunner were not quite so simple. Although Barth was no admirer of the state, he asserted that it "serves to protect man from the invasion of chaos;" even more, is "is ordained of God, so that those who try to evade or oppose it resist the ordinance of God and the kingly rule of His Son." Barth's thought is a curious mixture: he asserted that "all reformers are Pharisees" but saw real merit in democracy and socialism, and he denounced Nazism as a pagan religion but told East German pastors that taking an oath to their Communist government was permissible. Denying that we can do anything about any crisis except await a divine "command of the hour,"

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he declared confidently that God was in full control and would turn all evil into good.

Bonhoeffer, while claiming that there is no sovereign but God, reflected Lutheranism's well-known passivity towards the state. In the 1930's, he went so far as to assert that the German Reich was "justified in adopting new methods" in dealing with "the Jewish question," and when World War II broke out, he joined the *Abwehr*, the military counter-intelligence organization established by Admiral Canaris. (It was his participation in the *Abwehr* plot to assassinate Hitler that later led to his execution). Brunner declared that the state needed power over life and death; otherwise society "would become the plaything of those who by no means abrogate their desire to kill, and there are such in every nation."

Williamson notes that the four theologians possessed one political doctrine in common: "a profound distrust of all ideological and political systems." In addition, they proclaimed that the Christian, by his ability to stand outside his culture, can judiciously appraise the strengths and weaknesses of all ideologies and policies, be they racial segregation or participatory democracy. Specific Christian insights, writes Williamson, include vesting ultimate authority in God alone, supporting proposals for decentralization of power, backing constitutional restraints, recognizing that all human faculties are affected by sin, and denying that the good society can come through structural change alone. It is sound advice.

The Williamson work is most valuable, especially those parts showing why the four theologians usually avoided specific policy recommendations. Rather, as Williamson notes, they give us something more valuable, norms to be applied when concrete decisions are made. Williamson could have done more with Barth's early Christian socialism, Tillich's flirtation with Kenneth Leslie's pro-Soviet magazine *The Protestant Digest*, and Bonhoeffer's hope for an entire culture permeated by Christianity. While good comparisons are made to Calvin, far more could have been done with Augustine, Aquinas, and Reinhold Niebuhr. Only primary works are used, except for two Roman Catholic studies on Tillich that stress Tillich's lack of kinship to the Christian faith. Because Williamson strongly concurs, and in the eyes of this reviewer somewhat unfairly, a closer look at Tillich's general contribution is needed.

By examining Tillich's lectures to students at Union and Chicago divinity schools, one finds a far more orthodox and political sophisticated mind at work. These lectures, now collected in his *History of Christian Thought*, compose one of the most significant works in intellectual history offered within the past quarter century. The work is not only essential to understanding Tillich's thought, but it shows with eloquence how Christianity's detractors often misunderstand the faith they attack. It is, in fact, most surprising that some historians still rely upon such superficial surveys as John Hermann Randall, Jr. and Crane Brinton when good and thoughtful writing is now easily available.

Although Tillich was long a Christian socialist, he denies that the Kingdom of God, or the classless society, could ever be established on earth. It is not accidental, Tillich noted, that the word "utopia" stems from the Greek *ou-topos*, or "no place." Once finding that there is "no place" for the Kingdom in temporal time and space, people will curb their "fanatic will toward political revolution and the transformation of society" and hopefully seek reform on more realistic levels.

Moving to Tillich's history, we soon see a master synthesizer at work. He begins by defending the concept of dogma, declaring that it is not "a suppressive power which produces dishonesty" but "a wonderful and profound expression of the actual life of the church." He holds the classical doctrines of the sacraments, the Trinity, and Christ in high esteem, while challenging the conventional myth that the apostolic fathers simply superimposed sophisticated Greek categories upon a primitive New Testament gospel.

Few theologians in fact have a greater appreciation of patristics. Tillich praises Justin Martyr for showing the presence of the Logos, or God's self-manifestation, beyond the boundaries of the Church. Origin for finding God as "being" itself (and here Tillich might be more careful), Dionysius the Areopagite for defining "the God above God," and Augustine for refusing to see God as a mere object besides other objects. Like the drafters of the Hartford Appeal, Tillich warned against the continual recurrence of Pelagianism; despite the teachings of the British theologian, religion is not sheer morality.

The Middle Ages, Tillich claims, were not the "Dark Ages" and should not be treated with contempt. The medieval church was open to many philosophical directions, bearing little of the rigidity associated with post-Tridentine Catholicism. Tillich shows that mysticism and scholasticism (which he much respects) went hand in hand and that much insight was lost when the realist sense of universals (i.e. the nature of things, the essences) was lost to the nominalists. He praises a variety of

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figures: Abelard of Paris for contributing a dialectical method, Bernard of Clairvaux for noting that faith can only become real through experience, Nicholas of Cusa for seeing the presence of the infinite in everything finite, and St. Francis of Assisi—"the father of the renaissance"—for showing God as the Father of nature and of all beings.

Approaching the Reformation, Tillich stresses the contribution of Luther whose "experience of God" literally "transformed the surface of the earth." The German reformer, Tillich writes, entered into an "I-thou relationship" with God; Luther did not speak of intellectual justification by an absurd notion—but rather the openness to divine grace. Luther's stress on total depravity, so Tillich notes, does not mean that there is nothing good in man, but that "man is distorted, or in conflict with himself, in the center of his professional life." Attacking a stereotype still expounded by such writers as William L. Shirer, Tillich denied that Luther advocated an tribal or racial ideology, or was in any sense responsible for the rise of Nazism.

Going on to modern philosophy, Tillich lauds Kant for stressing the finitude of man, Schleiermacher for emphasizing man's unconditional dependence. Hegel, says Tillich, is significant for his stress on God as the ground from which and to which all things exist; those philosophers and historians who stress the dialectic of "thesis-antithesis-synthesis" do him an injustice. Contrary to myth, Hegel never envisioned a centralized economy and government as the culmination of history. Instead, so Tillich claims, he called for a city-state, a Greek polis, that united religion and culture and fostered democratic participation. Tillich praises Kierkegaard for showing the "leap" of faith but sees danger in the kind of rootless existentialism that tells "someone to jump without giving him the direction."

Such a survey only samples the richness of Tillich's thought, just as Williamson only indirectly covers the insights of the four theologians. If Tillich's book has one drawback, it is this: Tillich turns many theologians of the past into progenitors of his own thought, and hence he must continually be checked against primary material. Relating the sacred and secular in ways that are neither glib nor incipid is a task still lying before us. Berger and Neuhaus indicate the problem, Williamson offers a method, and Tillich presents the heritage upon which to build. □

Pirateering — (Continued From Page 5)

And finally he does not require financial support from the population—only a few willing investors.

The pirate is at once a businessman, a defender and a revolutionary. And if we live to see a trend toward libertarianism in the world it will be he who turns aside to pick apart the remains of the statist order—for profit of course.

Hate the State? —

(Continued From Page 1)

principles, and wishes to get to his goal as fast as humanly possible. Hence, while the abolitionist will accept a gradual step in the right direction if that is all that he can achieve, he always accepts it grudgingly, as merely a first step toward a goal which he always keeps blazingly clear. The abolitionist is a "button pusher" who would blister his thumb pushing a button that would abolish the State immediately, if such a button existed. But the abolitionist also knows that alas! Such a button does not exist, and that he will take a bit of the loaf if necessary—while always preferring the whole loaf if he can achieve it.

It should be noted here that many of Milton's most famous "gradual" programs such as the voucher plan, the negative income tax, the withholding tax, fiat paper money—are gradual (or even not so gradual) steps in the *wrong* direction, away from liberty, and hence the militance of much libertarian opposition to these schemes.

His button pushing position stems from the abolitionist's deep and abiding hatred of the State and its vast engine of crime and oppression. With such an integrated world-view, the radical libertarian could never dream of confronting either a magic button or any real-life problem with some arid cost-benefit calculation. He knows that the State must be diminished as fast and as completely as possible. Period.

And that is why the radical libertarian is not only an abolitionist, but also refuses to think in such terms as a Four Year Plan for some sort of stately and measured procedure for reducing the State. The radical—whether he be anarchist or laissez-faire—cannot think in such terms as, e.g.: Well, the first year, we'll cut the income tax by 2%, abolish the ICC, and cut the minimum wage; the second year we'll abolish the minimum wage, cut the income tax by another 2%, and reduce welfare payments by 3%, etc. The radical cannot think in such terms, because the radical regards the State as our mortal enemy, which must be hacked away at wherever and whenever we can. To the radical libertarian, we must take any and every opportunity to chop away at the State, whether it's to reduce or abolish a tax, a budget appropriation, or a regulatory power. And the radical libertarian is insatiable in this appetite until the State has been abolished, or—for minarchists—dwindled down to a tiny, laissez-faire role.

Many people have wondered: Why should there be any important political disputes between anarchocapitalists and minarchists now? In this world of statism, where there is so much common ground, why can't the two groups work in complete harmony until we shall have reached a Cobdenite world, after which we can air our disagreements? Why quarrel over courts, etc. now? The answer to this excellent question is that we could and would march hand-in-hand in this way if the minarchists were radicals, as they were from the birth of classical liberalism down to the 1940's. Give us back the antistatist radicals, and harmony would indeed reign triumphant within the movement. □

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