

THE Libertarian Forum

Joseph R. Peden, Publisher

Murray N. Rothbard, Editor

VOLUME IV, NO. 2

February, 1972

75c

PHASE II CRACKING

Richard Milhous Nixon has achieved another "first": generally it takes a year or two of price-wage controls before they visibly begin to collapse, and the heady euphoria of the public turns to sour recrimination. But in his wisdom, Richard Nixon has managed to have Phase II visibly cracking before it has hardly begun. The bloom is off the rose, for the public, for unions, and even for the staunchest supporters of the controls, the nation's businessmen. As the ardently pro-control *Business Week* put it (Jan. 29) "The Phase II honeymoon is over." Prices skyrocket in the stores, coal miners gain a 17% wage increase, while other people's wages are frozen and rent controls are firmly imposed. Some businesses are allowed price increases; others are brought sharply to book. Throughout the land, there is a crazy patchwork pattern of discrimination, enforcement, and exemptions, and the early euphoria of the public has turned to disgust and anger. The controls were expected by the Administration to put an end to the "inflationary expectations" of the public; and of course they have not succeeded.

The Administration has, predictably, met this problem with a blend of ever more Byzantine evasions and rationalizations, combined with a Connally-led exercise in hard-nosed "toughness" directed against the controls' staunchest supporters: the businessmen. Herbert Stein meets rapid price increases with the declaration that this is great because he expected the post Phase I price "bulge" to be even greater than it is. Robert F. Lanzilotti, economist and member of the Price Commission, complains that consumers do not realize that raw agricultural products are exempt from controls, and therefore should not complain about their rapid rise. "I wish," he added wistfully, "we could get this message across to the housewives." (Lotsa luck.) (*Business Week*). In the meanwhile, the Administration has helped the food-price raising process along by boosting price supports for milk. Utility rates and postal rates - and of course - taxes go up, and, as we predicted, the quality and size of many products have declined, thus constituting a hidden price increase. Jergens Lotion in Denver, for example, now costs the same 59¢ for a bottle that has oddly diminished from 4 3/4 to 4 oz.

But the Administration is nothing if not "tough". While prices have been decontrolled for small business, the Justice Dept. suddenly lashed out at Time Saver Food Stores of New Orleans, suing the store for over \$100,000 in price control violations. Secretary of the Treasury Connally, too, has been addressing meetings of businessmen and denouncing them for not bringing about economic recovery. He attacked them for complaining about the vast uncertainty brought about by the patchwork price-wage controls, and for not being stimulated by the investment tax credit to increase capital spending (this in a time of

large amounts of excess capacity!) The problem, as acknowledged by Argus investment research, is that Phase I and Phase II "evidently had a more depressing effect on business spending for inventories and other requirements of economic recovery than anyone had expected" (not us!). Connally will find out that no amount of Texas toughness is going to induce businessmen to suffer losses voluntarily in order to pull the Nixonite chestnuts out of the fire. Finally, the Administration sternly insists that they will keep wage and price controls indefinitely; or as Connally told businessmen in a burst of madcap illogic that will make old pragmatist John Dewey turn over in his grave, they will keep the control program "until it works." In an age of socio-economic lunacy, this is probably the most lunatic statement of them all.

Finally, C. Jackson Grayson, head of the Price Commission, threatened that if the price-wage controls do not work, we will have to go over into "socialism"; there we have it - the final wormy promise in the Nixonite apple-barrel.

America, America! How much more of the Monster Milhous will we have to take before he is dumped?

But never fear; the nation's economic big-wigs, conspicuously including "free market" economist Milton Friedman, have declared their contentment with Nixon's economics. In a recent issue, *Newsweek* (Jan. 31) coyly asked their three-man panel of economists to give President Nixon "marks" for his economic performance for 1971. Right-centrist Nixonite Henry Wallich predictably checked in with the fawning: "President Nixon has clearly earned the top grade of honors." Liberal Paul Samuelson recorded a "69" or "C+" for Nixon, since the President's "new economic policy pulled up his average for the year." But what of Milton Friedman, who allegedly provides the "right-wing" balance to the other two? Curiously enough, his mark for Tricky Dick was almost the same as Samuelson's: "75." Why such a high grade, since Friedman added that Nixon's monetary policy was "terrible" (though he blamed this on the Federal Reserve Board), the deficit too high, and the wage-price controls a "major mistake". (Remember when the Communist fellow-travellers used to mildly deplore the "mistakes" of Stalin - like slave labor camps?) So why a mark as high as 75? Nixon's "bold", "highly desirable and long overdue" action in "closing the gold window" - that means plunging the country and the world into a totally fiat currency, divorced from the sound commodity money: gold. Apparently, in the eyes of Friedman, the boldness and beauty of Nixon's fiat declaration of bankruptcy was good enough to offset the other "mistakes".

If you had asked me, *Newsweek*, for my "grade" for Richard Milhous Nixon, I would have loudly and unhesitatingly given the correct libertarian answer: "F", and expulsion.

The Political Circus

I New Left Redux?

The tattered remnants of whatever debris remains from the defunct New Left have gathered themselves together in a "People's Party": their major mass base is the old Peace and Freedom Party of California (the other state PFP's have long since folded); the leading theoreticians and organizers are the intellectuals from the Institute of Policy Studies, in Washington; and their current national candidates are Dr. Spock for President and Negro civil rights leader Julius Hobson for V. P. Their "big names" are Spock and the acidulous Gore Vidal.

For many years now, the intellectuals of the New Left have been promising us some "new" form of socialism, a decentralized, quasi-libertarian, anti-statist system that would discard the bad old Leviathan State. Until now, the New Left intellectuals have contented themselves with cloudy rhetoric, some of it promising, while presumably hard at work cogitating and hammering out the concrete shape of their new concept. What, exactly, would any sort of "libertarian" socialism look like? And how could the free-market be suppressed without establishing a Leviathan State? And if the free market were allowed, how would this be "socialism"?

Well, after many years, we now have our answer: the platform of the new People's Party, a platform designed as a "transitional program to decentralized, democratic socialism." (Charles Briody, national chairman of the People's Party, in *The Guardian*, Feb. 2, 1972). There are one or two obeisances to decentralization: community control of the police, and "guaranteeing the rights of minorities (how about majorities?) to control their own communities." Launching his campaign in Washington, Dr. Spock added local control of schools, including opposition to compulsory busing. (*New York Times*, Jan. 28, 1972). But there we have it. For the rest we are offered:

A Federal Jobs Administration to provide "meaningful" work for the unemployed;

An end to the wage freeze, but a "real freeze on prices and corporate profits";

A vigorous campaign of federal trust-busting;

A guaranteed annual income of \$6500 a year for a family of four, plus a national pension adjusted yearly for cost of living increases for every American over 60;

A sharply progressive tax structure which would soak the very rich and the corporations, "along with legislation prohibiting the passing on of such taxation to consumers";

Prohibition of all discrimination against women, blacks, and homosexuals (but not against WASPS?);

Free medical care for everyone, "of the highest possible quality" (Wanna bet?);

Courts and prisons designed to "rehabilitate, rather than punish, criminals";

Governmental child care centers everywhere (the parents, however, to decide their policies);

Government provision of educational opportunities for all, "including the guarantee of free tuition and living expenses through the college, technical or professional school of one's choice."

What does all this amount to? Something unfortunately all too familiar to all of us. There is nothing libertarian, voluntary, or even decentralized about any of it; it is, purely and simply, our old friend Socialism, our old tyrant the Leviathan State. After years of flim-flammy, of soul-searching, of lofty talk about alliances with the middle class and with Goldwaterites and Wallaceites, the New Left magician has finally whisked off the cloak from his new product, and what we have is . . . just the Old Left. *Plus ça change, plus c'est la même chose.*

II Chisholm

When the great H. L. Mencken, libertarian and political satirist, lanced the pomposities and imbecilities of the America of his day, he - and the other great satirists of the past - had the advantage of being able to take existing reality and exaggerate and parody its less attractive features. In short, they had a healthy base in reality from which to work, from which to lampoon the absurd parts of society. But sometimes it seems that life *itself* has become a parody, defying in its buffoonery any attempt of the satirist.

What would Mencken have done, for example, with the entry into the Presidential race of Rep. Shirley Chisholm (D., Brooklyn)? Mrs. Chisholm, in the kickoff speech of her campaign, announced that not only did she "represent" all the women and all the blacks and Chicanos in America, but even "all the people of the United States." (Loud applause.) In the immortal words of Samuel Goldwyn, "Kindly include me out" of this "representation." Standard political hyperbole? Perhaps. But let us ponder Mrs. Chisholm's interview in the *New York Post* (Jan. 26). Striking what some objectivists might applaud as the right note of megalomaniacal "self-esteem" tinged with paranoia, Mrs. Chisholm asserted: "I am self-confident. Enormously self-confident. Otherwise I never would have survived those people who are looking to destroy me politically." Who, Shirley? Name names; how many billions, how much psychic energy is being poured into this nationwide plot? But the reporter adds that "she brushes aside the question of who they are." Yes indeed.

Mrs. Chisholm then pressed on to explain why she is more qualified than virtually all past Presidents to hold down the office. "Thirty-six or more persons have been President of these United States. Experientially (?) and educationally I am better than all, excepting six or seven (come, come, no false humility now.) I have four college degrees, I am 10 points away from a doctorate (Oh, wow!) and I have a near-genius IQ. Close to 160." (Mohammed Ali may be the "greatest", but Shirley is the "smartest.")

And still more: "I am a very brilliant-minded woman. I can *feel* political questions. And I am quick on the draw." (The fastest mouth in the East?) Of the other Presidential candidates Mrs. Chisholm likes best none other than that Lochinvar of urban problems, Mayor Lindsay. Why? Replied the near-genius. "We're both Sagitarians, with strong leadership traits."

H. L. Mencken, Where Are You Now, When We Need You Most? ■

Of Interest To Libertarians

Those who are seriously interested in the prospect of income tax evasion can now buy, for \$15.00, a packet called THE COMPLETE GUIDE FOR INCOME TAX REFUSERS. The packet has been put together by Lucille Moran who states: "If you are a serious tax rebel, this packet is your answer. This is a simple, tough assault that works because it strikes directly at the heart of the income tax strategy." The kit contains a step-by-step approach for those who no longer want to cooperate with IRS. The packet can be obtained by sending a check for the above amount to Lucille E. Moran, P.O. Box 641, Tavernier, Fla. 33070, and mentioning that you saw this information in the *Libertarian Forum*.

Another tax rebel, Gordon L. Cruikshank, has founded a new religion, akin to the Universal Life Church, for those seeking the political benefits of spiritual ordination. The church is the LIFE SCIENCE CHURCH, and you can be ordained by writing to the Rev. Cruikshank at 2207 Cardinal Drive., Rolling Meadows, Ill. 60008.

—Jerome Tuccille

For Croatia

The turbulent history of Yugoslavia, since World War II and indeed since World War I, can only be fully understood in terms of age-old ethnic and national struggles within the Balkans. The latest rioting and purges in Croatia are only the most recent chapter in a story that is just beginning. The major problem is that "Yugoslavia" is not really a nation; it was a typical misbegotten product of Woodrow Wilson's imperialism after the first World War. In the good name of "national self-determination", the U. S., the British, and the French created a group of ill-conceived client states. "Yugoslavia" was such an artificial creation, a geographical entity rather than a nation in which the Serbs constituting about half the total population were established as imperial dictators over the other ethnic and national entities in the new country. Backward and dedicated to statism within and without their own land, the Serbs tyrannized over the other national groups: the Croats, Slovenes, Hungarians, Albanians, Montenegrins, Macedonians, and Bosnian Muslims — each one of which constituted national, cultural, territorial and linguistic entities of their own. Of these oppressed minority nations, the most important were the Slovenes and the far more numerous Croats — progressive, Western-oriented, enterprising, and productive far beyond the other "Yugoslavian" nations. To add to their differences, the Croats and Slovenes were Catholics, while the others were Orthodox or Muslims.

During World War II, under German tutelage, the Croats, after centuries of struggle, achieved a truncated form of independent state under their leading independence and guerrilla organization, the Ustashi. But their independence was severely limited by German and Italian occupation, and especially by Italian annexation of large chunks of Croatia and the imposition of an Italian King. Furthermore, while the Ustashi slaughtered the Serb minority in Croatia and in the mixed region of Bosnia-Herzegovina, the Italians looked favorably on the activities of the Serbian terrorist organization, the Chetniks, who massacred Croats in the Italian zone. With the pacifist Croatian peasant leader Vladko Machek (representing the bulk of the Croats) refusing either to collaborate with the Germans and replace the fanatical Ustashi or to lead a guerrilla resistance movement against the occupation, the anti-Germanguerrilla movement in Yugoslavia soon divided into two groups: the exclusively Serb Chetniks, under Draža Mihajlovitch, and a multi-ethnic Partisan movement under the Croat Marshal Tito (Josip Broz). Tito's thundering success over Mihajlovitch was due not so much to his Communism, as to the fact that he had forged a movement of ethnic equals, while Mihajlovitch largely confined his activities to the age-old Serb occupation of slaughtering Croats.

Since World War II, and especially since Tito's courageous break with Stalin and the international Communist movement, Tito has led Yugoslavia into a remarkably rapid shift away from socialist planning and a strong central state into an amazing degree of decentralization and autonomy for the various nations, as well as toward an explicitly individualist social philosophy and a free-market economy of extensive private ownership, worker ownership of factories replacing state ownership, a free price system based on profit-and-loss, private control of investment and credit, the welcoming of private foreign investment, and freedom to emigrate abroad. So autonomous are the various Yugoslav nations, for example, that Slovenia is allowed to have its own consular treaties with Austria, treaties that do not apply to the rest of the country.

Leading the struggle both for political decentralization and for a purely free-market economy have been the Communists of Croatia and Slovenia, the most industrialized, productive, and thrifty areas, and particularly in the fore front have been the Croatian and Slovenian economists, whose writings sound

very much like Goldwater, Reagan, or Ludwig von Mises. The Croats, for example, have bitterly attacked the establishment of "political factories" by the Yugoslav central government, in which the productive Croats have been taxed to subsidize lazy and unproductive people in the Albanian region and Montenegro. And throughout this exciting period of rapid shift from socialism to freedom (a shift which soon envisions a free stock-market and ownership by *individual* instead of collective workers), it has been the Serbs — the "conservatives" — who have clung to the Old Order and been most resistant to this libertarian advance. It is almost exclusively the Serbs, for example, who staff the organs of the central government. To the extent that in 1967, Tito was forced to fire his Number 2 man and picked successor, Aleksandr Rankovitch, who had been in control of the hated secret police, after which that sinister agency of every totalitarian state was dismantled. And throughout the argument among economists it was always the Croats, centered in Zagreb, battling against the conservative crypto-Stalinists in Serb Belgrade.

The rapid and inexorable change in Yugoslavia pursued the logic of freedom; and it is characteristic of such an era of great change that the expectations of the people, especially in Croatia, rose to demand the pursuing of that logic to its conclusion. The Croats, led by the Croatian Communist League and more militantly by striking university students, came to demand: a wider free market, and abolishing the practice of the central government taxing Croatian earnings of foreign exchange in order to subsidize the rest of Yugoslavia. And looming behind these demands was the ultimate logic: Croatian independence at long last, after a thousand years of oppression.

Tragically, the aging Tito refused to pursue this logic the final step. Last December, Tito partially reverted to his Stalinist past. Over a thousand Croat students were arrested, and a ruthless purge has hit the Croatian Communist and intellectual leadership, many of whom are now awaiting trial for such high crimes as "counter-revolution" and "denigration of the state." The Croatian Communist leadership, headed by Miko Tripalo and Mrs. Savka Dabčević-Kucar, have all been ousted and may themselves be brought to trial, perhaps for "high treason." As one Croat woman lamented, "We used to feel that we were so different from the Poles and the Czechs, now we don't feel different at all." (James Feron, in the *New York Times*, Jan. 25).

Meanwhile, the old Ustashi movement lives on in exile, in West Germany, home of over half a million Yugoslavs, mainly Croats, working temporarily abroad. From there, the Ustashi conduct some guerrilla activities against Yugoslavia. The poor befuddled *New York Times*, failing as always to comprehend national liberation movements, can't make up its mind whether the Ustashi, and its current leader, Dr. Branko Jelic, are "Nazis" or "Communists." On the one hand, they ruled under the tutelage of the Nazis in World War II; on the other hand, they recently organized the "League of Croatian Communists Abroad", and are rumored to have accepted funds from Soviet intelligence. The solution to the puzzle should be plain, however; the Ustashi are simply Croat nationalists, and as Dr. Jelic candidly admitted, he would "sleep with the devil" is necessary to achieve an independent Croatia. (James Feron, and David Binder, in the *New York Times*, Jan. 28).

Last year, the *Lib. Forum* called for and predicted the rise of an independent Bangladesh. Our predictions were fulfilled. We cannot predict an independent Croatia so readily, but the logic of events is clearly in that direction. Marshal Tito cannot live forever, and the centrifugal forces which he himself set in motion make almost inevitable the collapse of the "collective presidency" representing each nation which is to succeed him, and the division of the misbegotten country of Yugoslavia into its constituent parts. Croatia will rise again.

Will The Real (Howard Hughes, Clifford Erving, Helga Hughes, George Holmes, Hannah Rosencrantz . . .) Please Stand Up.?

What a lot of glorious fun the Howard Hughes caper is! It has all the necessary ingredients: an unfolding, ever more labyrinthine tale of mystery, chicanery, high finance and high level intrigue, subject to numerous interpretations and endless speculation — and all of no importance whatsoever. For surcease from worldly care, it is just what we all needed to tide us over between the Super Bowl and the New Hampshire primary. ■

The Shaffer Dictionary

By Butler Shaffer

The following definitions comprise a part of my view of reality, in all its humorous—and often frustrating—manner.

ANARCHY: a chaotic system devoid of political government; hence, the absence of wars, depressions, and other manifestations of law and order.

CANNIBALISM: pre-capitalistic socialism.

MARXISM: a New Deal program for atheists.
A philosophy which would have won the overwhelming support of the Catholic and Protestant churches, and the Democratic and Republican parties, but for the strategic blunder of having endorsed atheism.

GENERAL WELFARE: that which serves my personal interests.

BOONDOGGLE: that which serves yours.

BANDIT: one who believes that even a little man can aspire to a political career.

WAR-HERO: a man who commits atrocities for our side.

INFIDEL: one whose judgment has been distorted by fact, reason, and logic. ■

The Movement Marches On

The distinguished English weekly, *The Manchester Guardian*, has published an article that will cheer the heart of every libertarian. (John Windsor, "A Right State of Affairs," *The Manchester Guardian Weekly*, December 25, 1971, p. 15.) The *Guardian* reports that the British libertarian movement, which it calls "guerrilla capitalism," "threatens to become the New Year's trendy political curiosity." While acknowledging that the British movement still has only about thirty members, it takes its future quite seriously. There are quotes and descriptions of the new movement, which centers around an American-style hamburger restaurant in Kingston-upon-Thames run by the American-

Recommended Reading

Rothbard pamphlets. Murray Rothbard has recently had two pamphlets published. One is *Freedom, Inequality, Primitivism and the Division of Labor* (50¢, from the Institute for Humane Studies, 1134 Crane St., Menlo Park, Calif. 94025.) This is a reprint of the article in *Modern Age* (Summer, 1971), attacking left-wing egalitarianism and the yen to crush the division of labor and therefore individual freedom and development. The other is *Education, Free and Compulsory* (available from the Center for Independent Education, 9115 E. Thirteenth, Wichita, Kan. 67206); the first part of this pamphlet appeared in the April, 1971 *Individualist*. The pamphlet is a history and critique of compulsory attendance laws, and outlines an individualistic philosophy of education.

Rule of Law. One of the most dangerous notions, which caught on in some libertarian circles in the early 1960's, was F. A. Hayek's grounding of political philosophy on the "rule of law." Now Professor Ronald Hamowy, a former student of Hayek's, has published a brilliant, thorough, and scholarly evisceration of the rule of law, and demonstrates that it provides no groundwork whatsoever for a libertarian political philosophy. See Ronald Hamowy, "Freedom and the Rule of Law in F. A. Hayek", *Il Politico* (Pavia), (1971, No. 2), pp. 349-77. *Cold War Revisionism.* *Cold War Critics* is a book containing an excellent series of articles on early critics of the Cold War. Of particular interest to libertarians is: Ronald Radosh and Leonard P. Liggio, "Henry A. Wallace and the Open Door", pp. 76-113; and Henry W. Berger, "Senator Robert A. Taft Dissents from Military Escalation." (Leonard Liggio is the historian, long-time libertarian, and valued *Lib. Forum* contributor). The brunt of the two articles is that Robert Taft was a far more trenchant and consistent critic of the Cold War and American imperialism than Henry Wallace, who was himself an imperialist of a slightly more pacific and sophisticated breed. See Thomas G. Paterson, ed., *Cold War Critics* (Chicago: Quadrangle Books, 1971, paper \$2.95).

Wage-Price Controls. Now that direct controls are once again upon us, the American Enterprise Institute (1150 17th St., N. W., Washington, D. C. 20036) has performed an important service by publishing a pamphlet, Colin Campbell, ed., *Wage-Price Controls in World War II, United States and Germany*, 73 pp., \$3.00, collecting and reprinting notable contemporary articles critical of the workings of American and German controls. Included are articles by Mansfield, Cherne, Keezer, Mendershausen, and Eucken.

born Pauline Russell, a graduate of UCLA. The restaurant, the Transatlantic Success, publishes the magazine *The Guerrilla Capitalist*, selling for ten pence, and the group is called the Radical Libertarian Alliance. Also mentioned in the article is Richard King, former Australian bee remover who ran a "guerrilla capitalist" postal service during the British postal strike, delivering magazines profitably at one-third the charge levied by the British Post Office. Other libertarians cited in the group are Chris Tame and the Indian Mansur Nathoo, editor of the *Guerrilla Capitalist*, who is studying for a Ph. D. at the University of London.

One happy note: the article declares that in the USA there are "an estimated 200,000 practicing libertarians." Well, well, well! We hadn't thought it was nearly that many, but who are we to correct such a distinguished journal?? ■

Immortality And The Law

By Jerome Tuccille

(an excerpt from a forthcoming book)

The legal problems created by extended life – not to mention immortality – would be overwhelming say the critics. We would have to rewrite the law books, probably redefine the entire question of death. Such items as suicide and murder would assume radically new meanings for all of us. Morality would be more thoroughly intertwined with politics, involving spokesmen from the various religious denominations and further eroding the wall dividing church and state. As government has gotten itself progressively entangled in moral issues – abortion; birth control; sexual customs; pornography; prostitution – it has penetrated more and more deeply into a province considered to be the exclusive domain of the religious authorities. One can imagine a life-death freeze in 1984 modeled after Richard Nixon's wage-price freeze of 1971, with a tripartite board of rabbis, priests and ministers advising the president. To be sure, Holy Rollers, fakirs, theosophists and whirling dervishes will all be clamoring for equal representation, charging the government with oppression for not adopting a "quota system" for religious minorities.

Insurance companies, too, are bound to suffer a dramatic upheaval. Do they pay off life insurance policies on people suspended in liquid nitrogen? Are they "dead" or not? What about inheritance? Does the estate of a suspended human being pass on to his family, or is it held in abeyance until he is reanimated? How about pension plans? It's one thing to retire an individual at sixty-five and pay him a salary until he expires five, ten or fifteen years later. But for sixty or seventy years? The whole question of "mandatory retirement age" will have to be re-evaluated.

Government has also gotten itself firmly entwined in the insurance business through social security, medicare and similar welfare measures. When our average life expectancy is increased to a hundred and twenty-five, social security payments will continue for sixty years instead of five or ten. Government pension plans are the most outrageous inexistence anywhere. In New York City it is possible for a man to join the police force or fire department at twenty-one and retire at forty-one with three-quarters pay until he dies. Presently, he can expect to live another thirty years and already the money paid out annually in pensions to retired New York City employees is equal to the amount paid in salaries to contemporary civil servants, and it is rising proportionately every year. With a major breakthrough in the anti-aging field the pension fund could double or triple in a matter of years, and the private wage earner in New York City will find most of his taxes winding up in the pockets of ex-cops and firemen.

No private industry in the world could survive for long with such corrupt and shortsighted policies. The government, with its stranglehold on the earnings of honest citizens, is not subject to market competition and can keep the fantasy going a bit longer. But sooner or later the bubble has to explode.

The error made by opponents of immortality from the viewpoint of legality is the old familiar one of putting the cart before the horse; they fail to comprehend that legal forms do not determine reality, that the case is quite the opposite. Any legal structure which does not conform to the reality of the world we live in is at best archaic and obsolete, at worst immoral and dictatorial. Since the reality of the world around us is fluid, dynamic, constantly changing because of experimentation and new discoveries, it is incumbent upon the legal system to adapt itself to the evolving reality of life.

Historically, legality has never been able to keep up with

the rapid pace of human achievement. It has always lagged two and three generations behind the times, and at any given moment there are laws on the books which reflect the thinking and social attitudes of fifty years before. In New York State today it is illegal to call a tavern a "saloon" – a hangover from the pre-Prohibition era when the word *saloon* identified a place where intoxicating beverages were sold without meals and was later outlawed. Today it is legal to operate such an establishment, but illegal to use the word which describes it. A well-known bar in New York City, O'Neal's Baloon, originally opened with the name O'Neal's Saloon in the late 1960's. The state liquor authorities stepped in shortly afterward and demanded that the name be changed. Rather than spending a lot of money having a new sign put up, the owner – actor Patrick O'Neal – merely took a can of paint and changed the S to an awkward B. Patrons still refer to the pub as O'Neal's Saloon even though the official name over the door conforms to the requirements of legislators in Albany.

There are many reasons why the legal code remains resistant to change while the reality of life progresses as a result of human ingenuity. The most obvious is the nature of the men who invariably control the structure of government. Those attracted to government seem to be, with few exceptions, the most cautious, shortsighted, conformist and authoritarian among us. Our journalists, media spokesmen and university intellectuals are constantly crying out for "new, young, progressive and charismatic" leaders to enter the breach and launch a New Great Frontier Deal to save the world. Yesterday's hero was John F. Kennedy; today's is John Lindsay; tomorrow's will surely be the anti-war veteran John Kerry of Massachusetts (with his initials J. F. K., his tousled hair and New England accent, how can he miss?). But aspiring politicians, however intelligent, charismatic or redolent of Camelot, must make deals along the way with czars of labor, business and the military who tend to be somewhat less than inspired. The drive to power breeds its own corruption, hence conformity and devotion to the status quo and the balance of political power.

Another, more subtle reason why legality always lags behind reality is that a large portion of the general population despises individual greatness and always acts to whittle it down to a less threatening level – a level it can readily understand and cope with. Any innovation is seen as a threat to tradition, the general standard of living and vested interests. Witness the hue and cry in recent years over the "tracking" of New York City public school students according to their level of development. The idea that someone else's child may be more advanced in a given area than one's own is unacceptable to many people. The fact that we are not all equal in capability and intelligence, that some people are more talented or able to make money than we are, is a subject guaranteed to turn any relaxed social gathering into an emotional free-for-all. Paradoxically, it is usually the Law and Order custodian of our so-called "free enterprise" system who is the first to yell for the gestapo at the first sign of Social Darwinism arising in his own neighborhood.

The fundamental question behind all this is whether the legal structure should concern itself with matters of morality in the first place, or whether it should limit its concerns strictly to aggressive social behavior. Early in 1971, when crime figures for the preceding year were released, a sharp distinction was drawn between "victimless crimes" and "crimes involving one or more victims." The overwhelming majority of legislation on the books deals with the victimless

(Continued on page 6)

Immortality and the Law — (Continued from page 5)

variety — things people do to themselves or do voluntarily with other adults: whom they sleep with; how they sleep with them; the books they read; the plays and movies they watch; the stuff they pump into their own arms or suck into their own lungs; the list is endless. Obviously, the subject of legality becomes extremely complicated as the law presumes to dictate more and more standards of behavior to the public.

But if one believes that the law should have nothing to say about non-aggressive behavior, as libertarians have long argued and many others now appear to be discovering, then the issue is seen from a different viewpoint entirely. If one maintains that abortion, birth control, reading matter, public entertainment, sexual practices, gambling, drug addiction, self-abuse in general, ad infinitum, ought to be left to the discretion of each individual, the issue of legality is separated from morality and confined to its only legitimate function: protecting the innocent from aggression.

Does this mean that there should be no way of determining the answers to the questions raised at the beginning of this chapter? That far-reaching issues like inheritance and pension payments should be left up in the air with each individual making up his own rules? Not at all. Over the years, for whatever reasons, we have become increasingly dependent on government to write our contracts for us. It's difficult to think of one major contractual agreement that is not regulated by government to one extent or another: marriage; divorce; alimony; wage-price contracts; buying and selling of businesses; domestic and international trade agreements; insurance policies; etc. Not only has government entered the moral sphere and regulated non-aggressive behavior, it has also become the major author or arbiter of virtually every contract signed in the United States; this is another activity that should be left to the exclusive province of the people concerned.

If an individual wants to have himself stored in a cryo-capsule rather than planted in the earth, he has a right to sign a contract with some "freezer plan" company stipulating that he be reanimated as soon as possible. What happens if the cryonics outfit pulls out the plug and has him chopped up for icecubes? The would-be *reincarnee* can minimize his risks by dealing with a reputable firm (just as he does with any product he buys) and avoiding the fly-by-night charlatan who operates out of his icebox, or he can appoint a third party — family or attorney — to protect his interests while he is suspended. A bank account of five hundred dollars, with compounded interest over a period of forty or fifty years, can buy a hell of a lot of protection, as the banks are quick to inform us. A willful violation of contract is an aggressive act, and it is at this point that the legal authorities should step in to safeguard the rights of the innocent. In this case it would be murder as well, since the suspended party would be deprived of all hope of biological life.

The question of whether an individual can have himself frozen *any time he wants to* also comes up. Should suicide be illegal? (If so, what is the proper penalty for a suicide — twenty years standing in the corner?) In any case, suspension with the possibility of reincarnation could not really be considered self-destruction. It may be that a depressed forty-year-old who wants to have himself frozen even though he is in good health needs a psychiatrist rather than a cryonics engineer, but no one has yet found a way of legislating sanity. Some governments have managed to legislate insanity by declaring radicals mentally ill, but that's another story.

If our frozen hero also happens to be well-heeled, we still don't need the law to tell us what to do with his estate. It's up to him to decide beforehand whether he wants to pass it on to his family, in which case he could leave a will, or keep it in his own name, earning interest to pay expenses

while he is suspended, which could be written into the contract with the cryonics company. There are any number of variations on these two options, all of which could be accounted for in a contract, with a law firm appointed as trustee. He might want to stipulate that, if he cannot be resuscitated after a hundred years, everything he owns passes on to his living descendants. Lawyers are very good at drawing up long, complicated, and extremely boring documents. The point is, we don't need politicians to tell us how to handle these affairs. What happens if he hops into the freezer without leaving any will or contract behind? This would probably be handled the same way it is today — the family takes the case to court and agrees to live with its decision.

A more delicate question is what to do with somebody who really does want to commit suicide. He decides he hates life completely and doesn't want to live another minute let alone three hundred years. So he turns on the gas jets and asphyxiates himself. But his family decides that he was nuts at the time and didn't know what he was doing, and they have him resuscitated. The poor guy wakes up in a hospital room and wonders, "what the hell am I doing here? I seem to be alive again." Every time he knocks himself off, somebody has him reanimated. Maybe his estranged wife wants him alive to keep making alimony payments. There's no way out for him. He can't even kill himself. If we really want to do ourselves in permanently, we may find it necessary to literally blow ourselves to bits.

The state of death will have to be redefined in legal terms to protect the interests of the living. If we can bring people back from what is considered clinical death today, then, obviously, the word "death" in its present context ceases to have any meaning. To keep abreast of evolving reality, the concept of death can only be applied to those beyond all hope of biological reanimation. We cannot force reality to conform to obsolete concepts. The concepts themselves have to change, and the body of law which "legalizes" them must harmonize with reality if the law is to be considered just. Death, simply, is the absence of life. At present, life ceases with clinical death. In the foreseeable future, it will continue

(Continued on page 7)

**158 LIBERTARIAN books
at 5 to 15% discounts
with same day service**

Now you can choose from among 158 libertarian books in economics, personal finance, fiction, biography, history, psychology, philosophy and politics. Authors include Mises, Mencken, Tucker, Rothbard, Rand, Browne, Hazlitt, Branden plus 74 others.

You save between 5 and 15% on each book. On our pre-publication and seasonal sales you save even more. No postage, shipping, handling or other hidden charges.

We ship your books the *same day* we receive your order. If, for any reason, we are unable to ship your books the same day we receive your order, you receive an additional 5% discount or an extra publication free.

For your FREE Winter Catalog listing 158 libertarian books available at 5 to 15% discounts with same day service, simply mail this coupon along with your name and address (no message is necessary) to:

LIBERTARIAN ENTERPRISES
1700 Clarkson Road
Richmond, Virginia 23224

Immortality and the Law — (Continued from page 6)

to exist until all traces of biological life have been destroyed.

When should life insurance policies be paid off? Every insurance policy has a list of insuring agreements, definitions, exclusions and conditions. Moreover, these various categories are in a constant state of change; almost every time we renew an automobile or a homeowner's policy, definitions have changed slightly, exclusions have been added or eliminated, agreements have been expanded or restricted to keep pace with changing social conditions. These contracts between insurer and insured are rewritten every year, and the question of death and payments can be redefined just like any other provisions in the contract. It is hardly a cataclysmic concern requiring action from the federal government. In fact, the easiest way to confuse the issue is for government and its legions of Think Tank "intellectuals" to "study the situation." Perhaps there will be a provision that partial payments are made to the family while a policy holder is suspended; perhaps the policy will cover the costs of his suspension; perhaps interest from his estate will be used toward premium payments until he is biologically dead; most likely there will be variations on all these alternatives, and a proliferation of different types of insuring agreements. If an individual merely wants to protect his wife and children from starvation when he is no longer earning a living for them, the old policy, payable on clinical death, will serve the purpose.

The most serious obstacles will probably lie in the field of pensions and retirement. The original pension plans were devised as a form of old age insurance, a means of providing people with an income when they could no longer support themselves. Inducing companies to take care of ex-employees

who had devoted most of their lives to industry was a major breakthrough for the trade union movement. Over the years, however, the concept of pensions, like that of "relief" programs for the hungry, has been perverted completely from its original meaning. When you reach a situation like we have with civil employees in New York City, described earlier, pension plans are really welfare programs for workers still in the prime of life. The idea of the overburdened taxpayer supplying a man in his forties with eight or nine thousand dollars a year, while he is earning a full salary on a new job, is nothing less than criminal.

(If you want to have a little fun sometime, walk into any bar in the Inwood section of Manhattan on a Friday night, and strike up a conversation with the nearest patron. Mention casually that you think the New York City pension system should be scrapped tomorrow, then sit back and watch the reaction. Don't get too comfortable, though. Chances are you won't be conscious long enough to finish your drink.)

Supporters of federal welfare measures talk about social security as though it were the greatest invention since the frozen daiquiri. In reality, any private insurer that operated an insurance program the way Uncle Sam does the social security system would be hauled before a Senate Subcommittee on Un-American Activities, then flogged on the steps of the Lincoln Memorial by Ralph Nader. Can you imagine Aetna Insurance Company, for example, *forcing* the public to buy an old age policy under the pain of arrest, and then *refusing* to pay on it if the policy holder had the audacity to earn more than X dollars a year past the age of sixty-two? It simply wouldn't be tolerated. Yet, when the government treats people in such cavalier fashion, it is heralded as a

(Continued on page 8)

From The Old Curmudgeon

I. *From the Personal to the Cosmic.*

It is becoming increasingly evident that one of the most important aspects of the sickness of twentieth century American culture is the tendency to "cosmify" the personal. By investing grand cosmic significance to every random personal *quetch* and petty complaint, the would-be intellectual easily acquires a swollen *efflatus* of unearned importance. Reality is short-circuited, and the desire of non-achievers for instant weight and moment without the need for brains or effort is thereby fulfilled. It is surely no coincidence that the cult of psychoanalysis achieved by far its greatest popular success in the United States. Every random emotion, every trivial dream, became pregnant with great moment and significance, and every analysand and fellow-traveller of analysis found himself possessed of an inexhaustible treasure-trove for meditation and discussion.

The Women's Lib movement has now gone psychoanalysis one better in the rush to pander to the *hubris* of every member and devotee. For now every random *quetch* and complaint becomes not only of great personal moment, but of world-historical significance; every petty squabble becomes another cosmic battle in the ten-thousand year struggle against the conspiracy of "male oppression." Psychoanalysis is now left far behind, as, in the words of one Women's Lib leader, "more and more women were learning that what was once considered personal and private was in fact part of a larger system of political oppression." (Gail Pellet, "The Dialectic of Sex: the Case for Feminist Revolution," *Socialist Revolution*, March-April 1972, p. 138.) Thus, one of the most vicious tendencies of the Left, the politicalization of life, marches on to a higher plane. Libertarians must realize with full clarity that their goal

is precisely the opposite — the total depoliticalization of life, including politics. Politicalization crushes the individual; depoliticalization frees him. Between these conflicting tendencies no quarter is possible.

II. *A Hostage to Censorship.*

It is time to blow the whistle on an argument against censorship of pornography that has been commonly adopted by liberals: that it is absurd to censor manifestations of sex (which is "clean and healthy"), while depictions of violence (John Wayne movies, etc.) remain uncensored. Instead of taking a stand on the absolute right of person and property to sell, buy, or possess any sort of literature, pictures, films, etc. that anyone may wish, the liberals shift the argument to maintaining that the depiction of sex is healthy and violence "unhealthy."

Clearly, the liberal argument is a two-edged sword that can result in more censorship rather than less. For the reaction of the authorities may well be to impose a new censorship on depictions of violence, either instead of or in addition to the traditional censorship of pornography. We would be no better off than before. The public has just as much of a right to see or purchase portrayals of violence as of sex, free of invasive interference by governmental censors. Arguments over "health" are necessarily inconclusive, ephemeral, and can differ from one expert to the next, from one year to another. Only the argument from the natural rights of the individual is absolute, apodictic, and eternal, cutting through differences of time, place, or expert opinion. Here is yet another lesson on why the libertarian must take his stand on natural rights rather than on the shifting sands of alleged "social utility."

Immortality and the Law — (Continued from page 7)

great humanitarian advance.
(If you want to have some more fun, attend a Golden Age Club gathering on the Grand Concourse in the Bronx and tell the assemblage that social security should be junked tomorrow. You're apt to be caned to a quivering pulp.)

The idea of forcing people to retire at a certain age, regardless of health or mental acuity, is another practice that needs to be overhauled. The psychology behind putting a productive human being "out to pasture" is devastating and self-fulfilling. Can there be anything more crushing for an individual than to think of himself as "useless," no longer "needed," his services no longer "required" by society? How many cases of premature senility have been induced by this measure? If the unions really want to do their membership a favor, they will fight for the right to work indefinitely instead of pushing for self-defeating wage increases that drive their employers into bankruptcy — as happened in the newspaper business in New York City. Discrimination based on age is probably the most far-ranging of all since it affects everyone, white and black, male and female alike. Extended youth and vigor into the advanced years will render "mandatory retirement age" even more anachronistic than it is today, and obligatory social security payments more ludicrous than at present.

The word *retirement* and all the psychology behind it ought to be retired to pasture.

Still we are faced with measures on the books that ought not be there, with people who have paid into a government program for forty years and deserve some return on their money, others who have labored for twenty or twenty-five years with the understanding that a pension would be theirs when their time was served. Admittedly, it would not be fair to bring everything to a halt tomorrow and start anew. All of us, to one degree or another, have been sucked into the system and the economic jolt would be cataclysmic for all but the wealthy.

The ideal way to handle the problem would be to declare an immediate "moratorium" on the salaries of politicians, from the president all the way down to the lowliest mayor, and pay back every taxpayer in the country on a dollar-for-dollar basis. If reparations are to be made to people forced to pay taxes against their will, they should be made by the parties responsible for the situation — elected officials — rather than by other victims. If A steals from B and C, it is A who ought to make reparations to both of them; asking B to continue supporting both A and C is immoral and supremely arrogant. Unfortunately, the ideal solution requires an act of revolution, with a revolutionary tribunal

in the catbird seat dispensing justice without interference. While such an alternative may be pleasurable to think about, it is somewhat less than realistic in the present political context. Most likely, we are going to be saddled with the existing political system until the end of this century. In the meantime we can launch a Do-It-Yourself Tax Reform Program by joining together and refusing to file for income tax, withholding property taxes, and fighting for federal revenue sharing and local control of public funds.

As far as civil service pensions are concerned, again it is the people responsible for this absurd situation who should be taken to account. Mayor X signs a contract granting retirement at three-quarters pay at age forty-one, or full pay at forty-six. The average wage earner, himself struggling along at \$7500 a year, then must pay additional taxes to supply a pension of \$9000 a year to someone who is now working privately for another \$9000 a year as a wire lather or insurance investigator. Clearly, the taxpayer is under no obligation to honor this agreement, and he has every right to resist with every means at his disposal. If anyone ought to pay it is the employer, in this case Mayor X and his appointed "advisors."

The problem is easier to handle in the private sector. With extended vigor, private firms will simply keep employees on the payroll longer. The question of how long an individual should be able to work, when he retires (if ever) and how much he gets, is best left for labor and management to work out themselves without interference from government. As political institutions continue in their steady decline, the functions of policing, fire protection, judicial services, sanitation, etc. . . ., will be handled by private companies. Government as we know it today is destined to collapse gradually, like all obsolete institutions, and eventually wither away — though not necessarily for the reasons anticipated by Karl Marx. Exactly how long it will take is impossible to say, but certainly by the turn of the next century the way the human race administers its affairs is going to be drastically different than it is today.

Our present concepts of legality are going to change accordingly. Law will be less a matter of morality and elitist rule, more a guideline to be followed by panels of arbitration. It will have nothing to say about how long we live and how we go about doing it. These decisions will be ours to make as free, autonomous individuals. ■

"It is not in the nature of politics that the best men should be elected. The best men do not want to govern their fellowmen, and, anyhow, there are not enough of them to fill the offices." — George E. Macdonald.

SUBSCRIBE NOW

Please enter a subscription for:

Name _____

Street _____

City _____ State _____ Zip _____

Subscription is \$8.00 per year.

Libertarian Forum Associate subscription \$15.00 or more.

THE LIBERTARIAN FORUM

Box 341 Madison Square Station
New York, New York 10010

The Libertarian Forum

BOX 341

MADISON SQUARE STATION
NEW YORK, NEW YORK 10010

Walter Block 472
505 W. 122nd St.
New York, NY 10027

First Class

Published Every Month. Subscription Rate: \$8.00 Per Year