

A Monthly Newsletter

THE

# Libertarian Forum

Joseph R. Peden, Publisher

Murray N. Rothbard, Editor

VOLUME XI NUMBER 4

JULY-AUGUST, 1978

US-ISSN0047-4517

## Camp David and After

Now that the hoopla and the hosannahs from Camp David have died down, we are in a position to evaluate what actually happened there, and what the agreements portend for the future of the Middle East.

One thing we are certain did **not** happen: peace for all time and justice for all peoples in a spirit of mutual concessions were **not** achieved. For the true meaning of Camp David has become increasingly clear: Egyptian President Anwar el-Sadat, in betrayal of his long-time commitments to the other Arab nations and to the Palestinian people, has made a separate peace with Israel. What Sadat accomplished was solely in the interest of the Egyptian State: the return of Egyptian sovereignty over the Sinai, and the removal of the Zionist settlements there. And even that sovereignty will be limited; for the Sinai will be virtually demilitarized, and there will be a permanent stationing of United Nations troops in the Sinai near the Israeli border. To top it off, Jimmy Carter has sweetened the deal even further for Israeli Prime Minister Begin by agreeing to build two air bases for Israel near the Sinai border at a cost to the American taxpayer of \$500 million.

Israel's gain from Camp David is enormous. In addition to preserving the Sinai as a buffer zone against any possible Egyptian attack, with the help of the US and the UN, Israel's major gain is simply the separate peace. For Egypt is the strongest Arab military power, and the peace treaty means that Egypt has abandoned the Arab struggle, making another conventional war virtually out of the question for the Arab states.

In return for these inestimable gains, all Begin had to give up was the Zionist settlements in the Sinai. This he accomplished very cleverly by throwing the problem open to the Knesset (the Israeli Parliament), and letting "democracy" decide. As the leader of the ultra-Zionist bloc in the Knesset, Begin was able to cover himself with his own party and to throw the onus for abandoning the settlements on all the political parties in Israel.

It is no accident that clearly the happiest men at the televised proceedings at Camp David were Begin and Carter. Begin has knocked Egypt out of the war. Carter has revived his flagging popularity, restored his image as a strong statesman, and has brought back Zionist funding sources for his reelection campaign.

Sadat, on the other hand, is in much shakier shape. Sadat's own Foreign Minister, Mohammed Ibrahim Kamel, thanked by Begin for his part in negotiations, resigned immediately in protest at the agreements. But just as Carter desperately needed an agreement—any agreement—at Camp David to restore his political fortunes, so Sadat needed some positive conclusion from his quixotic gamble in flying to Israel last November and returning empty-handed. To save his face, Sadat, too, needed an agreement. While Begin, sitting pretty on Israeli conquests, could afford to bide his time. Hence, Begin was able to wait and pick up all the marbles.

But Sadat desperately needed some way to cover himself in Arab public opinion, both for the betrayal of the Palestinians and for the betrayal of his allies. The consequent widely trumpeted "Framework for Peace in

the Middle East" is, simply, a grisly hoax. The Framework is merely a warmed-over version of the Begin plan for localized autonomy for the West Bank which Sadat had angrily rejected last December. Briefly, there is no assurance whatever that Israeli troops will ever leave the West Bank, or that the Zionist settlements there will not be expanded in the next five years, much less dismantled. Begin reaffirms his intention to assert eternal sovereignty over the West Bank, and only agrees to negotiate. Who the negotiators on behalf of the Palestinians will be, or who will represent them in the local government accorded them for the next five years, will depend on the veto of Israel. This means, of course, no role for the major Palestinian group, the Palestine Liberation Organization, as well as no role for the millions of Palestinians exiled from both the West Bank and from Israel proper. They will not even be represented, much less assured the right to return to the homes, lands, and properties seized from them by the state of Israel.

As for the other Arab nations, not a word is said in the "Framework for Peace in the Middle East" about Israel's returning the Golan Heights to Syria, or about restoring the holy Muslim places of East Jerusalem to the Palestinians. Jordan is merely allotted the thankless role of supervising the Palestinian "representatives". Despite its long-standing pro-United States and anti-PLO role, Jordan, the bulk of whose citizens are Palestinians, cannot afford to seem too eager to jettison Palestinian interests. Moreover, Jordan's financial and political mentor, Saudi Arabia, devoutly Muslim, has been angered by the failure of the Framework to resolve the problem of East Jerusalem. As a result, Jordan and Saudi Arabia have so far firmly though not very heatedly rejected the Camp David accords. Without Jordanian collaboration, it is doubtful that Egypt alone would try to implement the phony provisions for Palestinian autonomy. As a result, the "Framework" is probably destined to remain a dead letter although still providing Begin with a coverup to assuage American opinion, and Sadat with an even flimsier coverup for the Arab world.

In the short-run, the state of Israel is now in an excellent strategic position. Egypt, the strongest Arab power, has been taken out of the war and effectively neutralized, leaving Israel free to take an even tougher line with the other Arab states. Jordan on Israel's eastern flank, has always been militarily passive, and there are no PLO guerrillas based there ever since "Black September" of 1970, when King Hussein of Jordan turned savagely upon the PLO camps and massacred them. The PLO are mobilized only in Lebanon, but Lebanon, too, has been neutralized by this winter's invasion by Israel. Southern Lebanon is now occupied, partly by UN troops, and partly by anti-Palestinian Christian fanatics in an army organized by the fascistic Phalange and subsidized and equipped by Israel. Both serve as a buffer against any PLO incursion in force into Israel. This leaves only Syria, effectively in control of civil war-torn Lebanon and confronting Israel at the Golan Heights. But Syria is only one nation, far weaker than Israel. Moreover, rumor has it that

(Continued on Page 2)

# Abortion and Rights of the Child

by James Sadowsky, S.J.

Both Murray Rothbard and Walter Block have written articles in this review to the effect that abortion never violates the rights of the unborn child. The womb, being the sole property of the mother, the child becomes a trespasser by the very fact that the mother no longer desires his continued presence. Like any trespasser, they continue, he may be dislodged at the pleasure of the owner. The subsequent death is not intentional (desired as an end or a means) but merely an unintentional byproduct of his expulsion. That this is so is highlighted by Walter when he says that where possible a life-preserving means of expulsion must be used: if this is not done, we are confronted not with just knowingly causing death but with murder. I trust that this is an accurate summary of their position.

My first comment is that the majority of abortions do not fit the above description. What is wanted in most cases is precisely the death of the child. Most of those seeking abortions would be horrified at the thought that the child might survive his expulsion. Just ask your friends if all they are after is simply a premature birth. The recent trial of Dr. Waddil is a good indication of the pro-abortion mentality. He is on trial for the intentional killing of a child who had survived the termination of pregnancy. In a remark attributed to him he expresses his puzzlement about the fact that the same act is acceptable when the foetus is in the womb and is reprobated as infanticide as soon as it is outside. I must say that I share this puzzlement. All of this illustrates the fact that in the eyes of most people abortion is intentional killing although many of those who procure abortions do not realize that what they intend to kill are in fact human beings. Surely the above norms would rule out abortions for

eugenic reasons as well as those obtained in order to "destroy the evidence"?

Nonetheless, adherence to Murray's norms would allow for some abortions. A woman might simply wish not to be bothered with going through a pregnancy. On the other hand she may not care whether the child lives or dies. In this case the death would not be intentional: the mother is interested only in ejecting the "trespasser."

Let us grant for the moment that the child is indeed a trespasser. Does this of itself justify the draconian response that Murray and Walter permit? Does the mere fact that a man is a stowaway justify our throwing him out of the aircraft? Ought we not in the absence of overriding reasons to wait until the aircraft lands? Both traditional natural law theory and the common law have it that our response to aggression should be proportionate to our need to resist and the nature of the attack. Suppose that the inflicting of a lethal wound is the only way to recover a stolen nickel. Is that enough to justify such an act? Of course, one might say: "So much the worse for traditional natural law theory and the common law." But I should think that the burden of proof rests on him that would depart so far from what seems a commonsensical intuition.

At least the stowaway leaves the aircraft in the condition in which he arrived. If the abortion is successful, it is not a living, healthy child that leaves the womb. It is a corpse. Is this any way to treat even an unwanted house guest? While the death of the child may not be intended, this can

(Continued On Page 3)

## Camp David — (Continued From Page 1)

Syria's President, Hafez el-Assad, who has played a vacillating centrist role in the Middle East, may be mortally ill. If so, Syria will be weakened still further, at least for a while.

In addition to all that, it is true that such radical Arab states as Iraq, Algeria, and Libya remain fiercely anti-Zionist, but they can do little about it, since they are not front-line or "confrontation" states contiguous with Israel. They can offer financial aid and moral support to the Palestinians, but little else. Camp David has put the quietus, once and for all, to what might be called the official "dove" peace plan, sponsored by doves in the U.S. State Department and by various "soft" Zionists and the peace movement within Israel. The dove plan entailed Israel's withdrawal from all its 1967 and post-1967 conquests, including the West Bank, and the establishment of a genuinely independent Palestinian state in that area, in return for which the new Palestine would pledge to recognize Israel's post-1948 borders and presumably not serve as a base for further assertion of Palestinian rights to the remainder of Israel. The dove plan is now dead, buried by Camp David; and the Israeli peace movement seems perfectly content with the Begin-Sadat-Carter agreement.

In the long-run, however, Israel's situation is not that favorable. Instead, Israel is sitting on top of a cauldron of Palestinian rights to their property, homeland, and national self-determination which have been trampled on and remain as remote as ever. For the major burning question in the Middle East, the rights of the Palestinians, remains unresolved. The most hopeful development of the past decade for the Palestinians has been their resolution to rely, not on the weak reed of Arab nation-states, wedded to their own state interests, but rather on themselves alone, on their national spirit and popular unmilitancy. Until 1967, the Palestinians were content to have their interests fought for by the Arab nations, and the result was a tragic series of expulsions and defeats. After the 1967 rout, the Palestinians developed their own national consciousness, and the PLO emerged as the internationally acknowledged representative for the millions of Palestinians at home and in exile. It is the PLO's struggle, based on the widespread support of the Palestinian people, which offers the only long-term hope for vindication of their rights.

In the last few years, a grave split has occurred within the PLO and between it and other Palestinian political and guerrilla organizations. The PLO "moderates," headed by charismatic leader Yassir Arafat, are willing to accept the pre-1967 solution propounded by the State Department doves. The radicals have angrily spurned that solution as a sellout of the ultimate Palestinian aim: the restoration of the rights and properties of all Palestinians, and a consequent secular, democratic state (with freedom for all religions) in all of Palestine. In the last few years, conflict between the moderates and the radicals has led to armed clashes and the recent assassination of leading moderate PLO diplomats in Western Europe.

We can expect that Camp David, by putting an end to the dove proposal, will serve to unify the PLO and other Palestinians around the more radical program—at least until events might revive the old pre-1967 proposal. But there is another, less heralded but still important, reason for the split among the Palestinians, and this problem is not so easily resolved. For the Arafat wing believes that all Arab nations can be mobilized to aid the PLO in its struggle, that the Arab states can serve as a healthy rear zone to enable the Palestinians to concentrate their political and armed struggles against the Israeli enemy. But many of the radicals, particularly the "rejection front" headed by the Popular Front for the Liberation of Palestine and its leader Dr. George Habash, are far more pessimistic about any reliance upon the Arab nations, at least those in the front lines against Israel. They cite, in addition to the current sellout by Egypt, the Jordanian actions of Black September, and the Syrian crushing of the PLO-and-Lebanese Left during the recent civil war in Lebanon. The radicals hold that the quickest way toward victory for the Palestinians over Israel is actually the roundabout way: through safeguarding the Palestinian rear by first promoting the overthrow of the conservative, pro-U.S. governments of the Arab confrontation states, and their replacement by radical regimes which would be thoroughly anti-Zionist and pro-Palestinian. How this question will be resolved it is far too early to tell.

At any rate, regardless how the dispute over the Arab regimes eventually turns out, the PLO is bound to be unified and strengthened by the agreements at Camp David, and Arab support for it is bound to increase. Neither Begin nor Carter has heard the last of the PLO. As a PLO official in Beirut commented on Camp David: "It's true there can be no war without Egypt. But there can be no peace without the PLO." □

## Why Free Schools are not Free

by Frank Chodorov

Ed. Note: Frank Chodorov was one of the giants of libertarianism in the 1940's and '50's, someone whose courage, genuine individualism, consistency of thought, and felicity of style were an inspiration to us all. Chodorov was Albert Jay Nock's leading disciple, and brought Nockianism to us after Nock himself had passed from the scene. It is a shame that Chodorov is unknown to the current generation of libertarians. His collections of essays and other volumes, published during the nadir of libertarianism and scarcely read even then, are out of print and forgotten today. This essay, we hope, will do a little to bring back Chodorov from obscurity. It is reprinted from his marvelous one-man monthly broadsheet, analysis, October, 1948.

\*\*\*

DIXON is an obscure mountain village in New Mexico; population 1,200. Its obscurity is presently disturbed by a problem of democracy: the divorcement of secular and religious training in tax-supported schools. Reports have it that the Catholic citizenry, who seem to be politically in the ascendancy in New Mexico, have got hold of the management of the Dixon school system, introducing their catechism into the curriculum and putting the teaching nuns on the payroll. The Protestant minority vehemently denounce this as an abuse of democratic principle, as well as a misuse of public funds, and have brought the matter to law. Non-Catholic elements outside New Mexico have come to their support, and thus the contention becomes national in scope. Dixon is no longer a village; it is a new battleground in the old war between ecclesiasticism and secularism in education.

The issue will not be settled in the court of law, which can come up with only a temporary compromise, for involved is the larger question as to whether schooling is a proper function of the State. If we admit that it is, then we must also admit that the subject matter of education will be decided by those in control of the political machinery and will vary with the incidence of control. It is silly to think otherwise. The notion that a political institution can be divorced from politics is typical American jabberwocky.

Right now the group most concerned with getting control of tax-supported schools are the theologians. Catholics are particularly active in this effort—for reasons inherent in their faith—but that they have the support of other creeds was shown in the fight for "released time" in New York. Practically the entire clerical fraternity (except Jews, whose religious classes are conducted in the evening) joined in demanding that time be set aside for out-of-school religious education. Suppose the children prefer to devote this time to play, rather than the designated purpose, suppose they are encouraged to do so by their non-religious parents, will not the clericals carry on? Will they not strive to put religious training into the regular curriculum? In the matter of "released time," and in the demand that public funds be used to convey children to parochial schools, the clericals have shown that they can throw their political weight around. How can they be prevented from asking that their teachers be permitted to give religious instruction in the school buildings? Or, perhaps, that these teachers be put on the public payrolls?

Let us extend the doctrine of "separation" to other than religious subjects. Large gobs of Socialistic doctrine have seeped into our school text books and teachers of that persuasion are its protagonists. While Socialism is not organized along church lines, the element of faith in it gives the ideology a religious tinge, and the attitude of Socialists toward nonbelievers as sinful and wicked suggests a further similarity. Well, how did Socialism creep into the school curriculum if not by the political power acquired by its devotees? The outlawing of the teaching of evolution by the anti-Darwinians is another case in point. Then again, because the Constitutionalist were in the ascendancy in the beginning of our country, the Federalist point of view never got into our history books. How can it be otherwise? As long as schooling is a function of the State, the dominant political group will determine what and how the children will be trained. And for good reason.

\*\*\*

The business of education is the transmission of ideas from those who

have them to those who are lacking; that is, from elders to youngsters. But, all ideas acquire value, and those which carry the greatest weight with the elders are the ones which the pupils will be exposed to. Education, therefore, can never be free from the prejudice and preconceptions of elders; even if the teacher enjoys "academic freedom" he is not free from the values he has built up in his mind. Objectivity is impossible save with a mind that is incapable of weighing facts. A transcendentalist will somehow drag in the concept of "natural laws" even in teaching physics, and the pragmatist will go out of his way to denounce it; a collectivist cannot help insinuating that Jefferson's "natural rights" is an archaism,

(Continued On Page 7)

# IMPORTANT NEWS

We Are Offering For Sale A Limited  
Number Of A Handsomely Bound  
Single Volume Edition Of

## Libertarian Forum 1975-76

WITH FRONT PIECE AND INDEX

Stock Is Extremely Limited. Only One  
To A Customer. It Will Be Sent  
Immediately And Postcard Notice Of  
Mailing Will Be Sent Also.

SEND A CHECK FOR \$20.00 TO:

**Libertarian Forum**  
**Box 341**  
**New York, N.Y. 10010**

## Arts — (Continued From Page 3)

Apart from these novelty tunes, the rest of the records are fine and some are outstanding. It is, overall, an excellent and worthy collection. Some of my particular favorites: The Dorsey Brothers' "Home" (1931), featuring Wes Vaughn on the vocal, Tommy Dorsey on the trombone and Charlie Margulis on trumpet; the marvelous Ruth Etting's vocal on "When We're Alone" (1932), with the great Joe Venuti on violin; Eddie Cantor's "Look What You've Done" (1932); Gertrude Niesen's vocal, "You're Mine, You" (1933); the superb and underrated vocalist Russ Colombo's "Let's Pretend There's A Moon" (1934); Benny Goodman's "When Love Comes Swinging Along" (1934), with Benny on clarinet and Peter Cantor on vocal; Red Allen's "I'll Never Say 'Never Again' Again" (1935), with Red on trumpet and vocal and Dickie Wells on trombone; Mildred Bailey-Red Norvo's "Little Joe" (1937), with the marvellous Mildred vocal; Duke Ellington's "Lambeth Walk" (1938), with Cootie Williams outstanding on trumpet and Lawrence Brown on trombone; and Benny again in "Rendezvous Time in Patee" (1939).

But I must give special mention to several records by artists of whom I had never heard, and who turned out to be real revelations. Greta Keller's vocal on "I Wake Up Smiling" (1933) was one such revelation; as were Midge Williams and her Jazz Jesters, "Love is Like Whiskey" (1938), featuring Midge on vocal and Pete Brown on alto sax; and, another surprise, Jerry Kruger and her Orchestra, "Summertime"

(1939), with Jerry on vocal, and the great Buck Clayton on trumpet.

My Number One favorite, and revelation, from this stellar collection was a vocal by Carl Brisson, on a song I had never heard of, "Be Careful, Young Lady" (1935). Sung with what appears to be a slight but marked German accent, Brisson delivers a masterful blend of melody and lyric:

Be careful, young lady,

This is the only heart I own,

Be careful, young lady,

Your're stepping in the danger zone

Your eyes are saying

Things you know are indiscreet,

Why start in playing

Games you'll never dare complete?

Be careful, young lady,

The moon is dangerous and bright,

I'm warning you, lady,

I'm not responsible tonight

Watch out where you're heading

It's slippery ground you're treading,

Be careful, young lady,

Before it's too late.

(The Nostalgia Book Club can be reached at 165 Huguenot St., New Rochelle, New York 10801.) □

# Slaves Contracts and the Inalienable Will

by Sheldon Richman

In his letter to Thomas F. Bayard in 1882, Lysander Spooner, the individualist-anarchist and constitutional lawyer, wrote, "No man can delegate, or give to another, any right of arbitrary dominion over himself; for that would be giving himself away as a slave. And this no one can do. Any contract to do so is necessarily an absurd one, and has no validity."

I wish to argue here that Spooner is correct; that so-called slave contracts can have no rational legal standing.

At first blush, it may seem that the issue is of no importance outside the ivory tower. After all, how many people seek to become slaves? But I believe this issue is crucial for two reasons. First, it is of abstract philosophical importance because our solution will shed light on our conception of self-ownership and the right to life. Secondly, it is of concrete importance because our answer will determine our solution to such problems as military desertion, breach of personal service contracts, etc. If slave contracts are invalid, it shouldn't matter if the contract is for life or for a shorter period of time.

Spooner's statement may stop some natural-rights advocates short. If you can't "give yourself away as a slave," isn't this a severe limit on individual liberty? And if this limit can be demonstrated, why not others? In short, isn't this point of view profoundly anti-libertarian? Shouldn't one be free to give up freedom?

Stated this way the issue is obscure. Surely no one would argue that one has no right to work for another person under mutually agreeable terms. And those terms could conceivably RESEMBLE slavery in that A could agree to do whatever B commands. But as we shall see, the agreement, by logical necessity, is a qualified one. In other words, I intend to demonstrate, as others have, that the logical qualification to the agreement is "as long as A wants to."

Why is this so? The reason comes into view after a careful look at what a slave contract would mean. A slave is one who belongs—mind and body—to his master, one who doesn't own, i.e. possess the right of use and disposal of, his will and person. It is important to realize that all slavery entails the subordination of one will to another. The necessity of using the

possessive "his" despite the slave's status indicates the contradiction involved.

A slave contract would mean the willful giving up of one's will. The contradiction shows its face further.

How can one give up one's will? The will, after all, is the thing that makes a person a person. It is the self. It is that about a person which is aware, which intends, which values, which feels, which OWNS. Can one give up ownership to that about him which owns? What is giving up what? If the will is being given up, what's doing the giving? If the will is doing the giving, what is it giving up? To say the will is giving itself away seems a peculiar, if not an absurd, statement.

This becomes clearer when coupled with the fact that a person can never transfer control of his inseparable will. It is impossible for anyone to directly control another will. A will can only control itself and no other. If Jones commands Smith to perform an action, the action will be performed only if Smith wills it. Threats of force notwithstanding, Smith has to exercise his will to perform the action. Jones cannot exercise it for him.

(This by no means undermines the moral evaluation of coercive interaction. To say that an action is involuntary or "against one's will" doesn't mean that the aggressor exercised the victim's will. It means that the victim would not have exercised it in that particular way were it not for the threat of force. In this sense, all actions are voluntary.)

This has devastating logical implications for slave contracts. If you can't give up your will, how can you give up your right to exercise it? The right of contract is built on the foundation of the free and sovereign will. But if that's so, there can be no contractual obligation where there IS no free and sovereign will. To invoke such an obligation is to be guilty of a logical contradiction or, as the Objectivists say, of the fallacy of the stolen concept.

This means that an unfree and unsovereign will—if there were such a thing—could have no obligation to obey its master.

(Continued On Page 5)

## Slaves Contracts —

(Continued From Page 4)

We can take this one step further. Not only is there no obligation to obey, but an act of obedience would violate the contract because the slave would have to assume control, i. e. ownership, of the will. It may be objected that the master, in giving a command, is giving the slave permission to resume control of his former will for a specific purpose, just as you could give someone permission to borrow the car you just purchased for him.

But this objection doesn't hold. Because in order to give the slave permission to "borrow" his will, the slave would first have to exercise it to listen to and grasp the nature of the permission. But how could he legally exercise a will to which he has no right before being granted permission? He would first have to get permission to use the will for the purpose of getting permission to perform the action.

But that obviously leads to an infinite regress of permission-granting.

To sum up, if slave contracts are somehow construed as valid, the slave has no obligation to honor his master and, indeed, has an obligation to refrain from honoring his master.

That which makes the contract legally binding—the necessity of a sovereign will—is what makes it invalid.

The whole contractual structure collapses in ludicrous contradiction because the philosophical rug has been pulled out from under it.

It conjures up the helpful and clever image used by Williamson Evers in his article, "Toward a reformulation of the law of contracts" (*The Journal of Libertarian Studies*, Winter 1977). Writes Evers, "Using a piece of equipment mounted on the upper stories of a building to knock out the foundation of the same building will do nothing but bring down the entire edifice." (I recommend Evers' article and Murray N. Rothbard's "Man, Economy and State" for full discussion of the responsibility for certain damages when labor contracts are broken.)

The upshot is that one may not be forced to perform services regardless of promises made. Most important here is the absolute moral right to quit the armed forces even—or should I say especially—during war. □

## The Street Peddler

by Walter Block

The street peddler has always come under criticism. He is uncontrolled, unlicensed, under foot. He takes unfair advantage of the local merchants who have to pay rent. He cannot be easily taxed, so the city loses revenue. He clutters up the sidewalk, making it difficult for pedestrians to pass by. The street peddler is likened to the fly-by-night businessman who, having no permanent address, is able to cheat customers without risk of being caught.

The peddler is a convenient target for those who wish to rail against non-uniformity. When a Congressman, Ed Koch (D. N.Y.) seemingly based his entire re-election campaign on an anti-street peddler platform. He went out of his way to lecture the street peddlers (in front of the television cameras, of course), berating them for their supposed lack of respect for pedestrians, their greediness, their refusal to comply with the anti-peddler laws.

In spite of this sniping at the peddler, or perhaps rather because of it, we would do well to consider the case in favor of the street peddler. For we can never go far wrong on the principle that if a prominent politician is attacking a group, there must be something good about it. And in this case, as we shall see, there is much merit in the principle. For not "only" are there many beneficial effects of street peddling that have been overlooked, but it is also easy to show that the street peddler has as much right to be on the street as anyone else; certainly more right to be on the street than other groups who could be mentioned, such as the politicians who are so busy attacking them.

One good effect of the street peddler is that he serves as a natural inhibition of street crime. The street peddler has an interest in the prevention of crime because he is one of its principal victims. One of the great inhibitors of street crime, as Jane Jacobs has demonstrated in *The Death and Life of Great American Cities*, is the presence of many "eyes on the street". No one, it seems, is very comfortable committing a crime while being watched by other people. But the street peddler's self-interest keeps his eyes firmly focussed on the street looking for customers, thereby contributing to the stifling of crime. And yet it is the self-same politico who complains most bitterly about the street peddler for violating the commercial law, that is also a staunch advocate of law and order. We cannot have it both ways. Either we defend the right of the peddler to transact business and to hells with the lost city tax revenues, or we defend the "right" of the city to its tax revenues, and to hells with the safety and comfort of the people. One is either for the people or for the city government, and it is clear where the self-interest of the big politicoes lies.

Another good effect of street peddling is that it imparts a sense of festivity to our city streets. There is perhaps nothing that livens up 8th street in the Village, or 125th street in Harlem, more than its many peddlers, hawking their varied wares, putting on impromptu concerts, and generally entertaining the passers-by. Every time the police break up a steel band performance, or a jazz recital, or entertainment by a solo violinist, they earn the rightful enmity of the crowds and disrupt just a bit of the carnival atmosphere New York City so desperately needs. It is the bureaucratic impulse to control, control, control, that underlies city ordinances which limit such concerts to a very few restricted areas and completely stifle it elsewhere.

We have in New York City a severe unemployment problem and skyrocketing welfare rolls. Yet the reaction of the "responsible" politicians to the spectre of people taking the initiative to start their own businesses is one of repression. Instead of applauding the ambition, the pioneer spirit, the protestant ethic exhibited by the street peddlers, the full force of law is ready to swoop down and repress.

The option of going into business by renting a store is not really open to many poor people. One must pay sometimes up to six months rent in advance as security for a lease on a store. Surely a great obstacle to free enterprise. When we look at the pictures of New York City street life at the turn of the century, we are impressed with the omnipresence of the pushcart peddlers. What would be the fortunes of many of our present day store merchants had their parents suffered under the same repressive ordinances that burden the economic "outs" of today? Not very good at all. It is therefore the grossest hypocrisy for these beneficiaries of an earlier free enterprise system to complain about a later generation of free marketeers.

The argument that street peddlers take unfair advantage of the store merchants is likewise without merit. It is the duty and unique ability of the entrepreneur to bring to the customer the product at the lowest price possible. If the peddler can take advantage of cost savings to sell the product cheaper and take business away from competitors, that is all to the good. Efficiency and cost cutting best serve the public. It is no more unfair for the peddler to take business from the department store than it was for the supermarket to take business away from the grocery store. In each case a better product and better service was enjoyed by the public.

The origin of the problem, of course, is that there is no clearly defined owner of the streets and sidewalks. To say that they are publicly owned is really no answer at all, because if we all own it, no one really owns it at all. □

## Abortion and Rights —

(Continued From Page 2)

hardly be said of the lethal and brutal attack on his body. That attack is the means whereby the expulsion takes place; the foetus does not die as the result of the mother's failure to extend the means of life—it dies of the attack itself. This assault lies altogether too much in the background of the two articles I am criticizing; it is treated as if it were something that took place *en passant*. Clearly this is not the case. If with Murray and Walter you grant that what gets aborted is a child, a living human being; you must then ask yourself what conduct on the part of a human outside the woman would justify the response that occurs when an abortion takes place. It seems to me the one's trespassing must cause us the loss of something of enormous value if we are going to respond to it with a violence that is similar to that inflicted upon the foetus. Does mere annoyance, the loss of comfort justify such an attack on a trespasser? I think not. So even if we accept the trespasser theory, the only permissible abortion would be that which was required to preserve the mother's health. Perhaps, therefore, Sharon Presley is right in her contention that the position we have been discussing is fundamentally an anti-abortion one.

But is the infant a trespasser the moment his presence in the womb is no longer desired! Does he have no right to be there? Murray and Walter simply assume that the infant has no right to be in the womb. Yet it is by no means evident that their answer is the correct one. To say that *x* is trespassing is to say that he is somewhere where he ought not to be. But where should a foetus be if not in its mother's womb? This is its natural habitat. Surely people have a right to the means of life that nature gives them? If the home in which the infant grew were outside the mother's body, we should all see that to expel him from that home would be to deprive him of the nature-given means of life. Why should the fact that his nature-given home lies within a woman's body change the situation? What is a woman's womb for except to house the infant's body? It is nature that gives the child this home, this means of life. It is from his home that the helpless child is being expelled. When we cast him out, we are depriving him of that which nature gave him. To do this is to violate his rights.

### The Editor Replies:

In the first place, to correct a misunderstanding, while Walter Block and I agree on many things, we are not a monolith. In contrast to Walter, who agrees that the foetus is human, I simply made the assumption for the sake of argument, in order to grant the anti-abortionists their best case. In fact, if I had to "vote" on the issue, I would probably say that the foetus only acquires the status of human upon the act of birth. If so, then of course the foetus has no rights, and the thorny abortion question would be eliminated forever. It seems to me that the problem with the Block-Sadowsky thesis of asserting the foetus to be human is that that act of birth, which I had always naively assumed to be an event of considerable importance in everyone's life, now takes on hardly more stature than the onset of adolescence or of one's "mid-life crisis." Does birth really confer no rights?

As for the womb being the foetus's natural habitat, no doubt, but so is the body of the host the natural habitat of the parasite. Their two natures conflict, and so it would be impossible, even if the two beings could understand language and abstract thought, for either to agree to the natural rights of the other. If vampires existed, theirs and our natures would be in irreconcilable conflict, and we could not grant vampires any natural rights status. Similarly, when unwanted, the foetus simply becomes a parasite whose needs and interests are in irreconcilable conflict with the mother. And even if the foetus is considered to be human, no human has the right to reside unwanted within the body of another. If anyone has any rights at all, as Jim Sadowsky has acknowledged elsewhere, then each person must have the absolute right to own one's own body. If the foetus is unwanted, then it is violating that right, and, nature or no, the mother has the right to eject it posthaste. Even if a woman's womb is "for" the housing of an infant, human beings have, and ought to enjoy, absolute freedom of individual choice. We all have the capacity to do and be many things that we may not choose to undertake. I may have the capacity to jog every morning but I have the

right to choose not to do so. A woman has the absolute right to choose not to bring her womb into use.

Jim Sadowsky is worried about ejecting a stowaway on an airplane. Yes, I suppose that that would be "overkill", to coin a pun. But the point here is that, just as an assault on someone's body is a more heinous crime than the theft of his property, so the trespassing on or within a person's body is a far more heinous trespass than merely strolling on his land or stowing away on an aircraft. For the crime of trespassing within a person's body, any means necessary to evict the trespasser should be legitimate.

Jim Sadowsky asks what conduct of a human outside the woman would justify the response similar to the brutality of abortion. Judith Jarvis Thomson trenchantly offers an analogous case. Suppose that you are kidnapped and find yourself hooked up via a kidney machine to a pianist who needs continuous infusion from your kidneys in order to live (his "nature"). Furthermore, to complete the analogy, he only will need your kidneys for nine months, after which he will be unhooked, and there is no danger to your own kidneys or health in the meantime. I say that you would have the right, not merely to unplug yourself from his kidneys, but to be damned "brutal" about it if necessary to get your body out of its enslavement, even if it kills the pianist in the process. Would Father Sadowsky say differently?

Jim Sadowsky stresses the point that most mothers who commit abortion in fact desire not only the ejection, but also the death of the foetus (or, as he persists in referring to it, of the "child.") Here I don't think the intention of the parent makes any difference. If the objective act itself—the ejection of the foetus—is licit and not an act of aggression, then the subjective intentions of the parent make no difference.

Jim writes that "if the home in which the infant grew were outside the mother's body, we should all see that to expel him from that home would be to deprive him of the nature-given means of life". I'm not sure I know what "expel" would mean in this context. But in the relevant possible future case of a "test-tube" foetus, grown of course in a man-made means of life, it surely would not be "murder" to pull the plug, to cease investing resources in keeping the foetus alive. □

## Arts and Movies

by Mr. First Nighter

**Echoes of the Thirties.** In our May, 1977 issue, I reviewed "Rare Big Band Gems, 1932-1947", 6 LP sides issued by the Nostalgia Book Club, and available only to book club members. This marvellous set was selected by one of the country's leading experts on jazz and pop recordings of the era, Neil McCaffrey, until very recently head of the Nostalgia Book Club. Now, another set of records, "Echoes of the Thirties", has been selected by McCaffrey and issued by the Nostalgia Book Club on the same basis. Only membership in the club can give you access to these recordings.

"Echoes of the Thirties" is an even more mammoth contribution: here are ten LP sides, the recording arranged chronologically from January 1930 to December 1939. Once again, McCaffrey has selected good but obscure and forgotten contributions characteristic of the era. This time, however, McCaffrey has attempted, not so much to cull the forgotten bests of the great bands, but to convey to the listener a representative panorama of the pop music of the Thirties. He has succeeded admirably; but, as a result, there are several novelty and kitsch recordings which can well be skipped on rehearing. I think particularly of such well-deserved obscurities as: Smith Ballew and his "Sing, You Sinners"; the California Ramblers "The Peanut Vendor"; Connee Boswell-Glen Gray and "Washboard Blues"; the always execrable Phil Harris and "How's About It?"; Raymond Scott's "Twilight in Turkey"; and Slim and Slam's "Flat Foot Floogies" (and the floy, floy!) But if we count up these and other turkeys, they make up only 14 out of the 70 records in this set. (Unfortunately, the first two sides have a high proportion of the turkeys, so the listener may be well advised to start with the third side and work back to the first two after he has heard the treasures they contain).

(Continued On Page 4)

## Free Schools — (Continued From Page 6)

nor from extolling the modernism of Hamilton's centralization idea. Can the free-trader avoid berating protectionist history?

It is because of this value-emphasis that private schools are established and endowed. The parent selects for his son a classical school or a military school because he puts a higher value on that kind of education; he believes his son is deserving of what he considers better, even if "better" is mere ostentation. One may question the judgment of the parent, but one does not question his right; it is his son and his money.

When we get into adult education the heterogeneity of values is most confusing. There are schools for the teaching of anarchism, the mystic religions, existentialism, decentralism, every shade of Marxism, the ideas of Mary Baker Eddy, of Henry George—schools without end, to say nothing of purely vocational schools. Every enthusiasm has its discipline, and so as long as private opinion and private property are not outlawed there will be institutions designed to propagate it. Society is none the worse for this practice; in fact, it can be socially beneficial, so long as it remains a private purpose, for the more values flying around in the cultural air the less likelihood of its being fouled up with a uniformity.

The tax-supported school cannot permit such free flight to intellectual enthusiasm. By right of ownership every citizen feels that his values should be included in the curriculum, but by the same right others press their values and in the end somebody must be cheated. The monopolist objects because his line of business is disparaged in the economics course, the chauvinist denounces the history teacher for debunking national heroes, the classicist decries the emphasis on modernism, and—above all—the secularization made necessary by a diversity of creeds satisfies nobody except the irreligious. The tax-supported school is adomination to somebody, no matter what or how it teaches.

The State as teacher tries to keep to the middle road, which is a denial of all values and satisfies nobody. But, even as a compromiser the State is a failure, for it is compelled by political considerations to favor the values of dominant elements in the community. The Texas school reader glamorizes the oil industry, trade unionism must be treated gingerly in industrial centers, and in the South "white supremacy" is intimated even by the fact of segregation. Furthermore, the attempt to find a compromise is abandoned and bias reigns supreme when the State grinds its own axe in the schoolroom. In mentioning our fiscal system can the tax-paid teacher even hint at the immorality of taxation? Can he void the glorification of political scoundrels in the school books? And now that we have gone in for State-captialism in a big way, how can he question the correctness of TVA, public housing or the monopoly of the mails?

\*\*\*

The private school—the school in which you pay for what you want—would be ideal if it were truly private. But, as in all human affairs, the tentacles of the State reach out into this sphere of education and create disturbance and iniquity. Escape from political interference is impossible as long as men use political means to advance their private purposes.

In pushing their claim for tax-paid transportation for parochial school pupils, the Catholics maintained that under our fiscal system they were paying double for the education of their children; they taxed themselves for the kind of education they deemed desirable and were levied upon for the maintenance of secular schools. Though the transportation issue was finally decided by the weight of the Catholic vote, not by reason, there is an enticing plausibility in this argument; but, when you extend it you come to disturbing questions. Since the general taxpayer provides books and lunches and equipment for the public school pupil, as well as transportation, why not spread this largesse? Should not the private school teacher be put on the public payroll? On the other hand, if the taxpayer contributes anything to the maintenance of the private school why should he not have some say in the subject matter taught?

Furthermore, private schools forfeit their right to complete privacy by asking and getting tax-favors; exemption of their real estate from local levies for one thing. Not only is the property they use for educational purposes untaxed, but in some localities even the property they rent out to commercial institutions is similarly favored. The exemption amounts to a subsidy. For, the values of these properties, frequently located in city

centers, are enhanced by the conveniences provided by the taxpayers; the amount of this subsidy is sometimes considerable, as can be ascertained when a school, or a church, disposes of its old site.

There are other tax-favors which make the private school beholden to the State. Where sales taxes obtain, its purchases are frequently excused. If it carries on any commercial venture in connection with its educational business, such as publishing, that venture pays no tax profits. Then, of course, there is the big advantage of being able to advertise that under its "charter" contributions to its treasury are deductible in computing personal and corporation income taxes.

Thus, the private school sacrifices its integrity on the altar of special privilege. It cannot claim immunity for its values simply because it regularly sells out its immunity. Under the circumstances, "academic freedom"—vis-a-vis the State—is a specious assertion; no private school is likely to jeopardize its privileges by teaching what the State may consider "subversive," and should the State decide to make use of the school's facilities (including the faculty and the curriculum) for its own purposes it would be entirely within its rights.

In the full sense of the word, a free school is one that has no truck with the State, via its taxing powers. The more subsidized it is the less free it is. What is known as "free education" is the least free of all, for it is a State-owned institution; it is socialized education—just like socialized medicine or the socialized post office—and cannot possibly be separated from political control. As for being "free" in the sense of being without cost, that is one of those impostor terms we like to use to hide ugly facts from ourselves; our public education is fully paid for, with all its deficiencies and inadequacies. And it is paid for mainly by the poor, not the rich, because the poor in the aggregate constitute the largest segment of society and therefore pay the most in taxes. It would be an interesting, though useless, exercise to compute the number of private schools that could be maintained with the total amount exacted from us, locally and nationally, for politicalized education.

\*\*\*

The root-question raised by the Dixon affair is not the separation of the church from the school; it is the separation of the school from the State. The channelling of education along religious lines is a consequence of socialization. These days we associate the effort to introduce ecclesiasticism into the schoolroom with the Catholic church. But, the fact is that in the early history of our country the Protestant denominations fought bitterly against the secularization of all American institutions, including the school, and their lack of success was due mainly to their rivalries; wherever any sect was in the saddle its particular catechism was obligatory education. Even in the lifetime of the present writer, the reading of the New Testament in the daily school assembly was objected to by the Jews, who were promptly rebuffed with the assertion that this is a "Christian country." It should be recalled that only the agnostic leanings of several Constitutional Fathers prevented the official designation of the new nation as a "Christian country"—which, by a strange twist of bigotry, meant an anti-Catholic country; there were few Jews and fewer Mohammedans in the colonies.

If we start with the premise that education is a proper function of the State we must be prepared to accept the corollary: that the kind of education the State dispenses will be that which those in control consider desirable. For the State is not an impersonal or impartial deity; it is a committee of persons, replete with desires, prejudices, values. To the Catholic the highest values are embraced in the sacraments of his church—enjoying divine sanction—and his conscience impels him to promote acceptance of these values. For a thousand years, therefore, he has been preeminently a teacher. When the opportunity falls into his hands, as it has in Dixon, to use political power to advance his cause, he would indeed be lacking in integrity if he failed to take advantage of it. Would it be any different if a Hindu, a Baptist, an atheist or a communist fell heir to political power?

This wrangling over ecclesiasticism in education is a tweedledee-tweedledum argument. If we would reform our educational system basically we must de-socialize it. We must put it back where it belongs, in the hands of parents. Theirs is the responsibility for the breeding of children, and theirs is the responsibility for the upbringing. The first error of public schooling is the shifting of this responsibility, the transformation of the children of men into wards of the State. All the other evils follow from that. □

# The ABM Rises from the Grave

by Bill Birmingham

Picking the greatest Pentagon boondoggle of all time would be a difficult task—considering the competition (the B-1, Condor, C-5A, Matador/Regulus/Snark, TFX, Skybolt, the "atomic airplane", and so on according to the taste and stamina of the reader)—but the anti-ballistic missile (ABM) would surely head a lot of lists. In the late 60s the conservatives made support for ABM a litmus test of one's devotion to "national security", and proposed to spend as much as \$50 billion on it. Objections that no ABM system could be perfect, and that even a perfect system could be "saturated" by a sufficiently heavy attack, left them unmoved. But anti-militarist forces prevailed, and the proposed "thick" ABM system was scaled down to the "thin" Safeguard system.

Then came SALT I, and the US and the Soviet Union (whose own ABM efforts, such as they were, were naturally billed as proof positive of aggressive intentions) limited themselves by treaty to just two ABM sites each, one protecting each nation's ICBM's and one its capital city, with no more than 100 missiles at each site. However, someone noticed that Washington could not be defended by an ABM. Its coastal location meant that there would be almost no warning of a submarine-launched missile (SLBM) attack. The incoming SLBM could only be destroyed, if at all, at such a low altitude that Washington would be wiped out by the ABM's own nuclear warhead—a prospect that hardly pleased our rulers. So a new treaty reduced the US and USSR to one ABM site apiece with only 64 missiles—coincidentally the exact number the Soviets had at their one site guarding Moscow. (The conservatives, of course, have never given the Soviets any credit for this unilateral concession on their part.) The only American ABM site was built near Grand Rapids, N.D., at a cost of over \$6 billion. Eventually even the most rabid warhawks admitted that the 1054 American ICBMs couldn't be protected with 64 ABM missiles, and the Pentagon finally pulled the plug on ABM in 1975. (See "The ABM Slips Away", *Lib. Forum*, January 1976.)

Or So we thought! For according to the prestigious *Aviation Week and Space Technology* ("Quickened Pace Sought in Missile Defense", May 22, 1978), the Pentagon is hard at work trying to breathe life into the ABM's mouldering corpse. The Army (who is responsible for the ABM as part of its "air defense" function) is presently investigating new concepts for an "improved" ABM; and if you thought the old Safeguard system was a boondoggle, read on and see what the new ABM may be like.

Safeguard used a "layered defense"; the long-range Spartan missile (tipped, by the way, with an enhanced radiation warhead—a "neutron bomb") was to destroy incoming missiles above the atmosphere, while the short-range Sprint took care of those that got by Spartan. The new ABM is to be "layered" also. But under the Spartan/Sprint-type layer(s) may be such things as:

—A "single-silo intercept" system. The Army thinks that some of its current anti-aircraft missiles (Hawk, Hercules, etc.) can be "upgraded"

so that they are capable of hitting incoming ICBMs. Just give the contractors enough money. That also seems to be the reasoning behind:

—"Aimed projectile" concepts. Such items as "Porcupine" (lots of steel darts), light gas guns" (a glorified air rifle. Perhaps Daisy will get the contract), and "salvo guns" are under consideration. Existing air defense guns (perhaps firing "depleted-uranium projectiles"), cannon firing atomic shells, and terminally-guided artillery shells such as the Martin-Marietta "Copperhead" may also find a place in a new ABM system. True, shooting down a rocket with artillery is now thought to be impossible, but for \$X billion maybe some automatic fire-control system can be built to do the job. If not, there are still:

—Barriers". "Lollipop, an "unguided nuclear missile" (and wouldn't it be fun to live next to that?), will detonate at a preset altitude to blast anything that happens to be up there. Closer in, nuclear "rockpiles", atomic bombs buried like landmines, could throw up enough dirt and gravel (it says here) to destroy enemy missiles on the shrapnel principle. (Lots of fallout for the folks downwind, but *c'est la guerre*.) And for really close in defense, the Army is seriously considering "a bed of nails concept with 5-7 ft. steel rods deployed in ICBM fields to impale reentry vehicles before impact and detonation." (I swear by Rand, Branden, and the Holy Galt that I am not making this up. You can read it for yourself in *AW&ST*.)

You think it's funny, comrades? Well, maybe you'll stop laughing when I tell you that the Army will spend \$355.1 million in fiscal 1979 to study these things. Or when I tell you that they have the support of the House Armed Services Committee, which wants them ready for testing by 1981, two years ahead of the Pentagon's schedule. Or that "In some cases," as *AW&ST* puts it in the aerospace industry's spavined prose, "the ABM treaty . . . will have to be amended or abrogated to enable a deployment decision." And, to the best of my knowledge, the general media have yet to notice any of this.

Why is the ABM making a comeback? According to *AW&ST*, it's to counter that ever-popular bogey, the "Soviet first-strike capability." Supposedly, by 1985 or so the number and accuracy of the Soviet Union's nuclear missile warheads will enable her to destroy virtually all ("90%") of the United States' Minuteman ICBMs in a surprise attack. You or I might not think this very important (see "The 'Defense Gap' Mythology", *Lib. Forum*, April 1976), since the US would still have some 5000 nuclear warheads left on her SLBMs alone. Still, REASON's House Warmonger, the egregious R. J. Rummel, has said that "no American president" would use them to retaliate in the event of a Soviet first-strike. Alas, I don't know why Rummel said this, and can only quote Demeunier: "It is clear that this is nonsense, and one is not able to give a reason for nonsense." Which, in the last analysis, is also all one can say about the new ABM. □

## SUBSCRIBE NOW

Please enter a subscription for:

Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Subscription is \$8.00 Twelve Issues

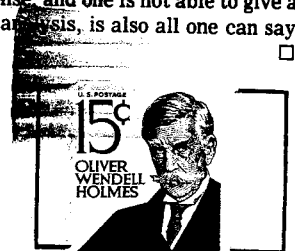
**THE LIBERTARIAN FORUM**

Box 341 Madison Square Station  
New York, New York 10010

**The Libertarian Forum**

BOX 341

MADISON SQUARE STATION  
NEW YORK, NEW YORK 10010



113 0280  
WALTER BLOCK  
2779 EAST 15TH STREET  
BROOKLYN NY 11235

**First Class**

Published Every Other Month. Subscription Rates: \$8.00 Twelve Issues.