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# Democrats Self-Destruct

The Democrat Party seems to have a veritable genius for self-destruction, at least on the Presidential level. Either that, or the fix is indeed in. Man for man, and dollar for dollar, they rival the Crane Machine for blithering ineptitude. And all of it done to the tune and the guidance of the Establishment Media.

## 1. Hart Had No Heart

Just as Mondale was moving smoothly toward his coronation, Gary Hart pulled the one interesting phase of the campaign, by making it a horse race, from Iowa to Florida. But Hart had no guts. "New ideas" or no, the guy turned out to be a wimp and a nerd. For what happened when the stunned Fritz Mondale, his crown a bit wobbly, lost his "Presidential" cool and went viciously for the jugular, making Hartpence's name and date changes sound like being caught *in flagrante* with a page on the steps of the Capitol? Hartpence, instead of replying in kind, wilted and wimped and whined. End of Hart.

Note, by the way, that once again the Establishment press lied through its teeth. It's a lot of nonsense (*pace* the analysis of Don Ernsberger) that the media created and virtually fabricated the Hart phenomenon to whip up interest in the campaign. You'd think *a priori* that's what they might do. But the press's action was just the opposite: as soon as they recovered from the shock of the Hart horse race, they were on the poor *schmuck's* back like a pack of barracudas, raking over his name and date and his cheating on some high school exam and his mother being a bot dotty, and all the rest. Not only that: the press always maintains sternly that, though it might be fun, negative campaigns always backfire at the one who hurls the smear. Bull! Mondale's negative campaign won the primaries for him, and this is now conceded by everyone. But poor Hart's brain or guts have apparently been softened by a lifetime of quiche and yogurt and American Indian mysticism and all-around yuppiness, and so he only dithered and called for his momma as Fritz the Pits raked him fore and aft. Where's the gut-fighter?

But Hartpence's actions *after* June 5 were the final straw. Even though he lost New Jersey — because of the media-blown up gaffe about how California is nicer than toxic waste dumps in New Jersey (the understatement of our epoch), he after all won California handily. He *still* had a fighting chance, *if* he'd had the guts. If he had the guts, he could have pulled the same stunt that the Eisenhower forces employed to steal the Republican nomination from Bob Taft in 1952. He could have howled about the "tainted" Mondale delegates, whom he'd already pointed to, and raised a big fuss, and

allied himself with Jackson, and gone into the convention fighting and scratching all the way. He could have yelled "Thou shalt not steal!" in his best Disciple of Christ manner, and he could have insisted that none of the tainted delegates (500-600 odd) be allowed to vote on any of the credentials fights. And he just might have pulled it off, because if he had won that fight, his momentum might have carried him to victory.

There was a chance of that, but immediately the goddam Media rushed in like a personal crusade—all of them, the Restons, and Krafts, and all the know-alls—and they virtually ordered Hart, day after day, to lie down and roll over. If he fought, they said, it would destroy the Unity of the Democrat Party. And, they went on, bitter fights are always counter-productive, because if Hart won the Democrats could never win in November, and if he lost, his name would be ruined forever as a "spoiler." What a lot of mendacious bilge! You'd think they'd forgotten that Unity is supposed to come *after* a convention not before, that the convention is *supposed* to be a time of savage bloodletting. The idea that conventions must always be boring coronations is very new. And as for a bitter fight ruining things, how come Eisenhower went on to win handily? How come, after "ruining" Ford by the bitter 1976 battle, Reagan's name was not mud in 1980? Etc. These sober, "scientific" political analyses were a pack of lies, designed to stop all struggle, to ensure Fritz's nomination, and to insure Fritz's going on to a quiet, dignified, landslide defeat in November.

Obviously, something very odd has happened to American politics. In the old days, you could count on a few things: for example, exciting fights at conventions, and the Establishment Press being liberals. Now this is all out the window, as we could have seen from the Press's supine failure to expose the galloping cretinism of Ronald Reagan. They failed dismally to hound Reagan out of office as they did the far less dangerous and more capable (or less incapable) Tricky Dick. Getting Gary to lie down and roll over was patently part of the fix, and, naturally, El Wimpo stood up to the pressure for something like 24 hours. And that was that.

## 2. Jackson at Bay

With Hart on ice, Jesse took front and center as the only really interesting legacy of this repellent campaign. Hart having prostrated himself in a satisfactory manner, the next step of the Media jackal pack was to humble the Reverend Jackson. Jesse, after all, was still acting feisty, several weeks after he was supposed to join the phony Unity chorus. Jesse, after all, of all this smarmy crew, had actually accomplished

something in the real world during the campaign. Notably, he had freed Lt. Goodman, and the several dozen Americans from Castro's prison camps. One would think that this would be a cause for rejoicing. No indeed. Gripes all the way. How dare Jesse talk to the bearded Butcher? And besides, they all grumbled, Jesse's speech in Nicaragua attacking the CIA and the *contras*, even though true, was, as one big Democrat politico put it, "well, tacky." What in hell do the Democrat Party bosses, whose very lives and beings are steeped in tacky 24-hours a day, what do they think they're doing getting uppity on *this* issue?

But riddling Jackson on *issues* might be dangerous, and so the pack pored over the weekly broadcasts of the famous Minister Farrakhan as they would Satanic Writ. And then the shock of it! How in the world could the Minister refer to Judaism as a "gutter religion," and then the Marx Brothers element was introduced as everyone wrangled for days about whether he had said "gutter" or "dirty." Now *there's* a textual and semantic lulu for you! All of a sudden, every cub reporter has become a linguistic analyst.

And a *philosophic* analyst, too. For weeks, months, the furor has raged: It's not enough for Jackson to repudiate the *statements* of Farrakhan, why doesn't he also repudiate the *man*? When Jackson reasonably replied that Farrakhan had not played a role in his campaign for months, the jackal pack grew impatient: "But why don't you repudiate the *man*?"

This bunch of clowns are refugees from a second-rate Woody Allen movie. What would they have Jesse *do*? What is the objective correlative of "repudiating the man?" Would they have Jackson go back to colonial days, and take an effigy labelled "Farrakhan" and stick pins in it, and stomp on it, and cut off its head, and set fire to it? Or would they have him read some kind of medieval damnation or exorcism procedure? "I curse thy bones and thy hair," etc. Or would they have him execute Farrakhan *for real*?

Jesse is smarter than the whole bunch put together. His reply to the press pests was that "Pope John Paul II denounced the attempt to assassinate him but forgave the would-be assassin, and Jesus Christ continued to love Judas, who betrayed him." Can Jackson do any less? Jackson emerges as the only one of the Democrat candidates with brains and guts and integrity, perhaps because he's not a professional pol. But whether he will survive the money and the power of the jackal pack remains to be seen. It's too bad the guy's a socialist. He has a little bit of the brains and charisma of Malcolm X, the the greatest black leader of our century.

There is more to be said about the philosophic point and about the hypocrisy of modern liberalism. Every liberal, every Christian (or at least every *liberal* Christian), every ESThole, every humanist, every shrink, every humanist shrink, every day of their lives, says: "I'm OK, you're OK, he's OK. Condemn the *actions* of a man, but never condemn the *man* himself." The Rational-Emotive shrink Albert Ellis holds this as central to his entire world-outlook: "Just because he lies a lot, doesn't mean he's a *liar*," etc. Now I have always held all this to be balderdash, and I have never understood any of it. It seems to be if a guy lies a lot, what else is he but a liar, and if a guy commits evil acts what else is he but evil? But it seems to me liberals should be stuck with their own petard, i.e. they should have to eat it. Presumably, this doctrine, if one holds it at all, applies to Minister Farrakhan as well as anyone else.

When Jesse Jackson attacked "the amazing degree of cynicism" on the part of the media, he was right on target.

As for Minister Farrakhan, why should everyone fall down and go boom because he condemns Judaism as either a "dirty" or a "gutter" religion? Farrakhan is the leader of the "fundamentalist" wing of the Black Muslims, and as such he believes that *all* whites, Jew or gentile, are "devils." Presumably their religions are diabolic as well. If so, why should anyone go into deep shock at the "gutter" reference? Why swallow an elephant yet strain at a gnat? Or could there be a curious double standard at work on the part of Jackson's band of persecutors: that reviling Judaism is infinitely worse than denouncing Christianity? And if so, how come?

### 3. The Woman Question

At this writing, a couple of weeks before the Democrat Convention, Mondale having been already crowned by everyone and Jackson forced, at least partially, to bow down, the Big Issue has suddenly become the enormous and surprising pressure to force Fritz to nominate a female Vice-President. The capacity of the Democrats for self-destruction has not been so patently, and hilariously, on public display since the ill-fated *hari-kari* committed by the McGovern convention of 1972.

It all started when NOW abruptly ended its vaunted non-partisanship and endorsed Fritz very early in the campaign. So much so that New York NOW participated in the savaging of poor Gary Hart, despite the anguished pleas of Hart's main female, Representative Patricia Schroeder. With Hart wimping out and the coronation in tow, Mondale decided to add a little spice to the June-July boredom by engaging in an ostentatious Interview Game with a bunch of *Veepables*. Something to fill the time, to get a little press, and to hand out little harmless kudos to various party stalwarts. A pleasant charade. And besides, Fritz clearly had a sentimental attachment to this crummy new process, since that is how *he* had vaulted from deserved obscurity to his present high eminence. So if you're going to see a bunch of *Veep*-types, how about throwing in a few women, blacks, and maybe an Hispanic? That way we can get a little old-fashioned balanced-ticket stuff going without having actually to *select* anyone.

One thing that has always marked the feminists: they are experts at upping the ante. (In more innocent days, the motto would have been, "give them an inch and they'll take a mile.") So all of a sudden the whole thing had turned deadly serious, and the relatively sane idea of the balanced ticket went out the window as "the old politics." The pressure turned intense: "It's either Hart or a woman!" and the muttering in many quarters was that even Hart—the obvious choice for Unity and coalition-mending—was becoming unacceptable.

Now, I refuse to feel sorry for Fritz the Pits for getting into this pickle. No one deserves it more. No one has played the dangerous game of pandering to the quota-system-Left as diligently as he. And even now, when the process began, he dared to answer critics who mildly questioned some of the political credentials of the women and blacks interviewed: that, since blacks and women have been oppressed, we can't apply the same criteria to their record as we do to white males.

Well, there we have it. Pick any boob, so long as he or she has enough characteristics of the Oppressed! Well, in that

case, why stop at a woman or a black? Why not go out and find someone who wears every one of the following Badges of Oppression: say, a Spanish-speaking, one-armed, black Single Mother who has converted to Judaism? That person, whoever she may be, will be not simply once-blessed (as would Geraldine Ferraro or Tom Bradley) or even twice-blessed (as is Dianne Feinstein), but five-times blessed! And using only a little more imagination will bring in someone even more strikingly "qualified" for high office!

What is there to say about all this? My God, is *this* the Real World? Have the inmates really taken control of the asylum? Compared to *this*, the Libertarian Movement begins to seem a model of sobriety and rationality.

By the way, I was not kidding about the "one-armed" candidate. It seems unbelievable, but several of our leading political pundits have seriously been pushing Senator Inouye of Hawaii for Vice-President, solely on the grounds that he is at the same time a Japanese-American and a one-armed war veteran. Are we to be spared nothing?

Another horse laugh is the stated reason why the feminists have moved in recent days from Dianne Feinstein to Geraldine Ferraro. It seems that while the masses are panting desperately for a woman Vice-President, they are not yet ready for the twice-oppressed (Jewish and woman) La Feinstein. On the other hand, veteran San Franciscans have scarcely been aware until recent weeks that Feinstein is Jewish at all. She had never trumpeted her being Jewish, and as a matter of fact, her bio would stress her having gone to a Catholic school (Catholic mother—three-times blessed!) But now that her big chance is here, she seems to have suddenly discovered Judaism, meaning that *she* thinks that the world is ready to embrace oppressions, the more the better. (If someone wanted to have some fun in this loony bin, he could start denouncing the Ferraro forces as "anti-Semitic." It would make about as much sense as anything else.)

As for the electoral impact of a female candidate, my guess is that it would constitute the final plunge of the samurai

sword in the quadrennial *hari-kari* ritual of the Democratic ticket. Left-feminists, after all, would have voted for Fritz in any case (or would have before they began to take the whole thing seriously). No votes to be picked up there. But let us not forget that the modal Mondale primary voters have been elderly, male, low-income, union members of the Northeast, Jews or Catholics, and that these elderly male Catholics are apt to take a walk *en masse* if confronted with a sassy, feminist veep candidate. The fact that Ferraro is Catholic is not going to swing it, especially since she is pro-choice on abortion. In the meanwhile, there is the danger that the Hart voters, the upwardly mobile WASP Yuppies and the Westerners, are going to take a walk themselves if Mondale does not pick Hart for Veep.

But, in any case, it looks very much as if the Great Cretin is going to waltz into a veritable landslide, and that only Divine Providence can save us from the horrible, gut-wrenching prospect of Four More Years. Four More Years of that smile, that folksy shake of the head, that soothing syrup of a voice. Oh Judgment, thou art fled to brutish beasts, and men have lost their reason.

Another word on the Woman Question: Why has there been no whooping it up for the highest-ranking female in Democratic politics, Governor Martha Layne Collins of Kentucky? Curious. One suspects it is because Governor Collins is pretty much of a southern conservative. And she is a right-winger on the abortion issue. One suspects, by the way, that just as in the old saying, one may be cursed by getting one's wish, that organized left-feminism may not be very fond of whichever female is the first of her sex to rule over us. Feminists are always looking for role-models. Well, there are some female rulers that come to mind. In the past: Queen Elizabeth, Catherine the Great. In the twentieth century: Golda Meir, Mrs. Bandaranaike, Indira Gandhi, Mrs. Thatcher, Sandra O'Connor, Jeanne Kirkpatrick. Why are there no feminist hosannas to these surely gutsy and powerful, even if a little *too* powerful, rulers? Why the silence? □

## ERIC MACK AND THE ANARCHIST CASE FOR WAR

### 1. Reason and the Case for War

At the Libertarian Party's first Presidential convention, in New York City in 1975, a titanic struggle, spearheaded by Bill Evers and myself, was waged in the Platform Committee and on the floor over the mighty issue of war and foreign policy. Against great odds, the struggle was successful, and ever since then the Libertarian Party has stood committed to opposition to all foreign as well as domestic intervention, to the warfare as well as welfare segment of the modern Welfare-Warfare State. Having thrown off the right-wing, Cold War heritage of much of the libertarian movement, libertarianism has since then stood squarely in opposition to the Leviathan State, whether it be stationed in the Pentagon or the Department of Education. Indeed, the Libertarian Party has, year after year, consistently strengthened its commitment to isolationism and opposition to the imperialism and militarism of the modern United States government.

A small minority, the ultra-right-wing of our movement,

the John Hosperses and Tibor Machans and Michael Dunns, they who stand in the murky zone where extreme right-wing libertarianism blends with the civil liberties "left" of Reaganism, have never accepted this consistent anti-statism, at home and abroad. The headquarters of this pro-war ultra-right has always been the engineers and technocrats clustered around *Reason* magazine. Until now, *Reason's* stance on foreign policy has been symbolized by editor Tibor Machan, who characteristically prefaces his pro-war, pro-foreign intervention lucubrations by remarking that he knows nothing about foreign policy, and then proceeds only to demonstrate this proposition at great length.

Robert Poole, editor-in-chief of *Reason*, has apparently decided that a pro-war libertarian stance needs an intellectual groundwork that goes beyond aggressive ignorance. He has put together what amounts to the *Reason* line on military and foreign affairs in a new book, published by the Reason Foundation, *Defending a Free Society* (Lexington Books). The eleven essays, by nine authors, dealing with such hard-

nosed topics as "Effective Land and Tactical Air Forces," are kicked off by an article on the moral case for war, and it is this attempt to ground a war-fighting stance in libertarian moral theory that will concern us here.

Some of the great opponents of war and imperialism in the past—such as Richard Cobden, John Bright, and Herbert Spencer—have been *laissez-faire* minarchists, and what has been true in the past could also exist in the present and the future. I simply don't know, however, of any leading minarchists of our time who are solidly opposed to war and foreign intervention.

On the other hand, while you don't have to be an anarchist to be opposed to war and mass murder, it assuredly helps. There are precious few anarchists who have been in the forefront of the Cold or Hot War crusades. In fact, the concept of "anarcho-war monger" boggles the mind. And yet, in our Movement all is apparently possible. As a case in point, note the major moral set piece and lead article in the Poole book: Professor Eric Mack's "The Moral Basis of National Defense." Eric Mack is a talented and productive young philosopher at Tulane whose world outlook may be best summed up as "anarcho-Randian." Here Mack attempts the notable feat of making a moral anarchist case for international war.

## 2. Substitutionism: Assimilating Man to the State

How does he do it? One critical device for Mack is what we may call "substitutionism" assimilating man to the State, and implying that if, for example, it is all right for Joe Zilch to do something in a free society, or for a Private Protection Agency to do so, then it is *ipso facto* all right for the State to do so. Now, Mack would agree with mainstream anarchists that the State should be abolished and all functions privatized; but, *failing that* he sees little wrong with the State and with what it does. In other words, the first deep flaw in the Mackian world-view is that he doesn't *hate* the State, he doesn't resent it from the very depths of his being. Like all other anarchists he regards taxation as theft; but like other *Randians*, who agree that taxation is theft, he unaccountably does not pursue the logic one more step. For if the very being of an organization—the State—rests on organized theft, then this makes the State simply an organization of thieves, a criminal institution. Unlike other robbers and criminals, the State, far from being scorned and reviled as are most other marauders, is admired and even worshipped as "sovereign." The State is the only socially legitimate organization of criminals. And yet, like other *Randians*, Eric Mack evidently regards taxation as a mere technical error, unfortunate perhaps, but not enough to hold the organization itself up to condemnation. So that he is able to apply to the State the same standards as to any private individual and organization; he lacks the state-hatred vital to any libertarian and which certainly should be in the bones of any self-proclaimed anarchist.

Note that I am not taking the absurd position that a person sanctions the State by walking or driving on government roads or by taking off in planes from government airports. Given the monopoly of roads or airports or postal service in the hands of government, and until they are privatized, we have no sensible alternative to using them. But this does not mean that we must blithely accept the State as an automatic proxy, or surrogate, for a firm in the private sector.

For example, suppose that, if roads were totally privatized, we would conclude that "private road firms would be embarking immediately on a \$20 billion program of repairing and expanding the interstate highways." Let us set aside the valid point that, without a market in operation, there is no way whatever—especially for an outside observer—to figure out how much firms on that nonexistent market would now be spending on roads. But let us assume for the sake of argument that private firms on the free market would now be spending \$20 billion on investment in roads. But this by *no means* implies that, as libertarians, we should now advocate that federal or state governments spend \$20 billion on roads. Even when the State is actually performing an important service that it has seized and monopolized, it does not follow in any sense that we are warranted in calling for more government spending. For we cannot do so without adding to the burden of tax-theft in the society. In short, even in the case of valid but monopolized functions, it is always impermissible for libertarians to support an increase in tax-theft. For the State is *not* a private firm. If people want more roads, they should be willing to support this activity privately and voluntarily, and blocking *at least* any more State funding might even give them the idea of privatizing roads entirely. We cannot substitute the State for a private person or firm because it is inherently unsubstitutable. It is unsubstitutable because the nature of the State differs totally and radically, and not just marginally and technically, from all other social institutions. The State's very being rests on theft and invasion of private property, and this theft and aggression must be reduced and hacked away at every way we can. At the very least, libertarians must never justify its increase.

The odd thing is that I can't see Eric Mack looking so benignly on the State postal service, or fire departments, or departments of roads. Certainly Robert Poole would not. Poole, and *Reason* magazine, have devoted considerable space and ingenuity to showing us how these State functions can and should be privatized. I can't see groups of Pooleans writing books on a "Global Strategy for \$100 billion for the Postal Service." Only when it comes to "national defense" does knowledge of inherent State theft drop out and is the government treated as equivalent to a large and benevolent private firm, busily and earnestly protecting our "freedom." And this "protecting" is supposedly being furnished by the largest and most aggressive group of criminal looters in our society!

The truth about the State is just the reverse. When it provides postal service, or roads, or steel plants, the State can only loot and miscalculate. It is monumentally inefficient and monumentally thieving. But, at least, in those functions it does not kill. It is precisely in war, in its active use of force outside its borders, that the State Murders. And murder is not something which may be properly done either by an individual or by a private defense agency in a free society. On this ground alone, in contrast to the right-wing libertarian view that the State provision of war and defense is less immoral than State provision of regular goods and services, it is far more so. For it is in the use of force, especially externally, that the State habitually murders. (And it is in the army, and *not* in local police, that the State conscripts, but we need not worry about *that*, because, fortunately, on this issue Poole and the Pooleans are true to their Randian heritage and are vigorously opposed to conscription-slavery.)

Since the State murders—that is, kills innocent people—and private defense agencies must not, we cannot simply advocate that the State, in defending us, do whatever a private defense agency would do. For one thing, precisely as in the case of roads or postal services, libertarians cannot advocate an extension of taxation. But, for another, a crucial feature of the State is that it always coercively monopolizes the exercise of coercion over a given territorial area. A private, free-market defense agency could not do so. So that when the French government takes a course of action in military or foreign policy, it willy-nilly commits all “French citizens” living in that area to that policy. If the French government attacks Spain, then all French citizens are implicated, at least in the eyes of Spain, which government will force its own citizens to retaliate. In this way, the subject peoples of every State are (a) forced to pay taxes for the war, (b) conscripted, and (c) forcibly subject to the retaliatory force of the “enemy” State. In our world, States cannot have enemies without dragging in their citizenry. Even Frenchmen who are opposed strongly to the war or who are ardent pacifists are coercively implicated in the strife.

Eric Mack, for example, asserts that there is nothing *a priori* immoral or untoward about State A making an alliance with State B, since, after all, in an anarcho-capitalist world, various Defense Agencies A, B, and C may well make alliances with each other, regardless of territory, in order to curb outlaw “Defense Agency” X, now turned aggressor, or simply for more efficient operation of their police functions. But the whole point is that, unfortunately, we are *not* living in an anarcho-capitalist society, and therefore States are *not* like private Defense Agencies. It is vital, then, that the two institutions not be conflated.

If Defense Agencies A, B, and C, for example, make an alliance, they do not thereby commit anyone else in any territorial area; they only commit their own members. But States commit *everyone*, willy-nilly, in the geographical area which they have grabbed and over which they exert sovereignty.

In short, it is impermissible to say with Mack that, given the unfortunate existence of the State, we should treat it as if it were a private defense agency. We must say rather that, given the unfortunate existence of the State, we must limit and reduce its power, anywhere and everywhere, and wherever possible. We must try constantly to abolish or at least lower taxes—whether for “defense” or for anything else—and never, never advocate any tax increase. Given the existence of the State, we must try to abolish, and if not abolish to limit and reduce, its *internal* power—its internal exercise of taxation, counterfeiting, police state aggression, controls, regulations, or whatever. And similarly, we must try to abolish its *external* power—its power over the citizens of other States. The criminal State must be reduced as much as we can everywhere—whether it be in its internal or external power. In contrast to the usual right-wing partiality for foreign over domestic intervention, we must recognize that foreign intervention tends to be far worse. For if State A invades or commits war against State B, it aggresses against the citizens of State B, in their lives and their property. And by expanding its activity, as we have seen, the State also *ipso facto* expands its aggression (tax and/or conscription as well as public debt) against its *own* citizens as well. And, finally, since States have the power to commit every one residing in

their territorial area, war by State A against the citizens of B automatically subjects the citizens of A to retaliatory death and destruction at the hands of State B.

Put another way, if we suffer from the very existence of States, we must *at least* see to it that the State confines itself to power over its own territorial area. At least let it not make things far worse and aggrandize State power everywhere by aggressing against the subjects of *other* States.

But, in addition to all this, the State, in its capacity to kill, is all too likely to commit the ultimate crime: the mass murder of innocent people.

### 3. Forgetting the Rights of Innocent Shields

Eric Mack has two defective, fallacious, pernicious arrows in his anarcho-warmongering bow. One, as we have pointed out, is the assimilation of man to the State, the substitutionism of treating this coercive, organized criminal gang as if it were a private individual or defense agency in the midst of a free, world-wide anarchist society. The second fallacy is on the “micro” level, in dealing with the individual groundwork for his doctrine. The scenario goes something like this: A, the victim, is being threatened by B, a criminal aggressor; but he cannot effectively defend himself against B because B is using C, an innocent person, as a “shield.” We postulate that A cannot use defensive force against B without also using force against the shield. *Therefore*, although consumed with regret at the tragedy of the human condition, A, the victim of aggression, is justified in himself aggressing against the shield. In this emergency situation, Mack uses the principle of “double effect” and claims that after all A doesn’t *want* to shoot or kill C; that effect is foreseen but not directly intended. If killing C is the necessary consequence of self-defense against B’s aggression then, says Professor Mack, so be it.

All this stems from Mack’s well-known theory of emergency, or “lifeboat,” situations. X and Y are afloat on the high seas, X grabbing on to a plank. Y, according to Mack, is then justified in pushing X off the plank, i.e., in murdering X. Why? Because, in the Randian schema, the rights of person and property, of self-ownership, are *not* absolute, but “contextual.” In short, they are not really natural rights at all, despite Randian protestations, for they can be cast off whenever things get truly hairy, i.e., when emergency situations arise. In those situations, say the Randians, rights *disappear*, and we are in a contextual war of all against all.

As someone who strongly believes that rights are absolute and inviolable, and that the “context” is the nature of man and the universe in all its aspects, I propose to examine the numerous flaws and problems in the Mackian approach. In the first place, “emergencies” have a way in political philosophy as well as in the realities of politics, of expanding and becoming permanent. If Professor Mack is willing to give his imprimatur to the killing of innocent shields, and to kicking people off planks and lifeboats in the name of the life and survival of A, the original victim or focus, then what about numerous other emergency situations where neither he nor otherfree society.”) The question is: to *whom* do we direct this regret? Or, whom do we kiss off in any given situation? I submit that, despite the fact that his life is at stake and the Thomson protagonist’s is not, no one has the right to claim someone else’s kidney in any circumstances, emergency or no.

And so on down the line. As Judith Thomson also states, if her protagonist is feverish, and she can only be saved from terminal illness by the touch of Paul Newman's hand on her fevered brow, she does *not* have the right to commandeer Newman and drag him to her bedside.

And then there is the inevitable welfare argument. Jones is starving, on the point of death; he sees a grocery store and rushes to steal a loaf of Wonder Bread and wolfs down the loaf. Isn't this an emergency situation? Isn't there, as there was in the Thomson cases, a contextual Mackian conflict of rights, don't person and property rights drop out, and isn't the thief justified in his theft? The answer is no, both for its own sake, and also because given one "emergency" argument, almost all other situations of theft and aggression can be justified. Criminals can usually come up with good and plausible reasons for their crime.

There may be various extenuating circumstances in each crime, so that we may hope that a victim will be merciful and forgive part or all of the punishment he can inflict on the criminal. We may hope, however, but not *require*. Crime is crime, and the victim is the victim, and he must always have the right to defend himself and to retaliate.

Another deep flaw in the Mackian approach is that it focuses solely on the actions of the original victim, A. Is it or is it not moral, in certain circumstances, for A to steal or commit murder? There are two problems with even focusing on this question. One is that we are interested in political philosophy, not in questions of personal morality. We are not interested in whether or not, for example, the ingestion of heroin is moral or not; we are only interested in whether or not one has a *right* to do so. Frankly, I don't particularly care whether or not it is moral, in some framework of personal ethics, to rob or to kill the guy on a plank or the innocent shield. I personally think it is not. But even if, on a self-preservationist ethic, one concludes that it *is* moral, such a conclusion totally misses the point. We are only concerned in political philosophy, and particularly in *libertarian* political philosophy, with rights and with crime in whichever or not the action by A is moral, he has definitely criminally invaded the rights of *his* victim—the storeowner, the man on the plank, or the innocent shield. These victims, therefore, have the right to defend themselves against A's criminal aggression. Rights are rights and crimes are crimes.

Let us now come to the case of the innocent shield, which is the most relevant to the problem of war and the State. A, an original victim, is being threatened with assault by criminal B. Let's say that B is threatening A with a rifle, and he hides behind innocent shield C, who for some reason cannot get out of the way. Does A have the right to shoot in self-defense? No, for this makes A the criminal aggressor against C, a fact dramatically revealed by asking the key question: Does C have the right to shoot A in self-defense? Absolutely. C is causing no harm, and he has the perfect right to defend himself. Shooting the innocent shield is murder, and C has the right to defend himself with force, and he or his heirs have the right to retaliate. Again, our regrets, our "that's the human condition," or "tough cookies" comments, must be directed to the criminal A and *not* to C.

Eric Mack and other political philosophers focus exclusively on A, on his needs and problems: they forget about C, the only person in this tangled triangle who is a pure and undoubted victim and not an aggressor. To borrow a

phrase from Sumner, in all this analysis, C, the innocent shield and his rights is the Forgotten Man.

If Professor Mack were to talk about the shield at all, he would admit that the shield has the right to defend himself against A, but then simply say that each person—A or C—has the right to shoot the other. In short, in Mackian emergency situations, rights are in inherent conflict. But this violates the very nature of libertarian natural rights. The whole point of natural rights is that they are eternal and absolute, and that every man's rights are *compossible* with the rights of every other man. In every situation of a seeming conflict of rights, the libertarian political philosopher must search to eliminate the supposed conflict, and to identify *whose* rights are to prevail, to find out who is the victim and who is the aggressor. In the case of A aggressing against the innocent shield, it is the *shield's* rights that are violated, and A who is the murderer. Compossibility is saved.

I like to think of the libertarian political philosopher as a kind of spiritual Lone Ranger, dedicated to defending rights and justice and to combatting crime against such rights wherever he finds it. Examining all the possible hypotheticals, the Lone Ranger descends from the sky with his six-shooters ablaze, interested in one and only one concern: defense of the victim's rights against aggression. He cares not for excuses, alibies, starvation, or emergency situations; he cares only for defense of rights. *He is*, in short, the spiritual Defense Agency in an anarcho-capitalist society.

Who, then, would the Libertarian Lone Ranger, the surrogate anarchist Defense Agency, defend—whose side would he take with his six-shooters—in all of the above situations? He would unhesitatingly leap to the defense of the storekeeper, the guy on the plank, the Thomson protagonist . . . and, of the innocent shield. He would pop the Mackian victim Mr. A, because he (though unfortunately not Professor Mack) recognizes that taking action against the shield, the original victim has now become a criminal aggressor and must be gunned down.

We have finished our analysis of Mack's anarcho-warmongering. The innocent bystander is the case most relevant to the question of war and the State. Except that we must postulate a mass of innocent bystanders or shields instead of just one. Ponder this: A is being threatened by B, a sniper, hiding in a crowd of hundreds of innocent people. For various reasons he can't simply leave and he also can't warn the crowd. A must either be shot or else he throws a bomb into the crowd, killing hundreds of bystanders along with the sniper. Is A's action, is mass slaughter of innocents, justified because A's life is at stake? It is hard to believe that any civilized person, much less any libertarian, would justify such an action—not simply because it would be profoundly immoral, but because it commits what for libertarians is the ultimate crime: mass murder. In this case, the Lone Ranger would be happy to pop A before he commits mass murder, and even do it with a Randian "mocking smile" rather than a sigh of regret.

And yet this is precisely what is involved in modern warfare, and is increasingly involved as weapons become more and more horrifyingly destructive. We must now address our final question to Mack, to the other anarcho-warmongers, and even to minarcho-warmongers like Bob Poole and the *Reason* group: If it is monstrous and criminal for *individuals* and anarcho-Defense Agencies to commit the

slaughter of innocents for any reason whatever, how much more monstrous is it for the modern criminal State to do so? Never has the phrase "*a fortiori*" been more in order.\*

\* Once I was arguing with a distinguished libertarian theorist who believed that one could sell one's liberty

permanently in an enforceable slave contract. When I pointed out that this was the classic defense of State tyranny, since the people were assumed to have sold themselves into perpetual slavery, he replied heartwarminglly: "That only applies to the market. *Nothing* can justify the State!" □

## New Crane Machine Floperoo!

In our last issue we wrote that the once dreaded Crane Machine had become a laughingstock, a thing of shame. Boy were we understating the case! The CM's latest *gaffe* is so outrageous, so odious, that one doesn't know whether to fall on the floor laughing or to reach for one's machine gun.

It turns out that the rumor we reported about the Craniacs playing footsie with John Anderson and his jerry-built Potemkin village, the "National Unity Party," only scratched the surface of this caper. Our farflung intelligence network reports the following:

After John Anderson decided to withdraw from the Presidential race, he announced that he would give his allegiance to his shadowy vehicle, the "National Unity Party," and that there would be a national convention of the NUP—whether in 1984 or not until 1988 was not clear, and that he would support the NUP but not run again for President. Well, either before or after this withdrawal—the chronology is not yet clear—the Crane Machine hatched its plan and began to carry it into effect.

The idea—get this—was to pack the convention of the NUP and take it over from John Anderson, and then use the \$6 million of the federal matching funds to run a Craniac candidate for President on the NUP ticket! At last, the Craniacs would have had their pipe dream: (a) they'd be able to use taxpayers' funds and not just Koch moolah; (b) Eddie Baby would be able to run a presidential campaign that the LP had deprived him of last September. Galvanizing their forces, the CM operation, the new Operation Unity, as we might call it, was run by Eric O'Keefe (the martyr *redivivus!*), Tommy Palmer, and Howie Rich, with the Boss, of course, pulling the strings. O'Keefe-Palmer-Rich contacted various people about ballot drives, and the plan (using taxpayers' funds) was to put the NUP on the ballot in 40 states.

The proposed Craniac candidate would have been one Martin Stone, a millionaire industrialist living at Lake Placid, who once owned Monogram Industries (makers of airplane

johns), and Golden West Airlines, and is still the publisher of the periodical, *California Business*. Whether Stone was in on this gig I know not, but I do know that the boys were very serious about the whole campaign. Not only that: but Roger Lea MacBride, now gloriously reconciled with Crane and the gang, and perpetrator of the notorious Biddeford Unity statement, called up at least one long-time LP activist and urged her to attend the NUP convention as delegate to vote for Stone.

What happened, however, is apparently that the boys needed at least one key element for this scheme to work, and that was to get ahold of the taxpayers' \$6 million. And the key to *that* was at least the benign neutrality of John Anderson, the Founding Father of the NUP. Our reports are that Crane went, himself, to Anderson in order to clinch the deal, and that Anderson in effect told him where to go.

End of the latest Unity Caper.

Well, what lessons can we learn from this rather unedifying caper? I suggest the following: (a) that whatever pretensions the Crane Machine ever had to libertarian principle are now long gone, and that this mucking around with Anderson and with our tax money demonstrates that *all* these bozos now care about are money, power, and being big shots in the political process—any political process. Any devotion to liberty has gone down the proverbial drain. We have seen the spectacle of genuine moral corruption at work, in the profound philosophical sense. Have they, at last, no shame?

(b) One hopes that none of these clowns will presume, ever, to set foot again in the Libertarian Party.

And (c) Boy, are they a pack of losers! What can be more demeaning than being, not only complete opportunists, but opportunists who are also totally incompetent? In a sense, this is a fitting Coda to our total victory, and to their total defeat, at the September convention. The next thing to contemplate is what would happen to these bozos if they should ever lose their access to Kochian subvention? Now *there's* a happy thought to while away the hot summer nights! □

## Prohibition Returns!

Prohibition is back, and with a vengeance. Actually, this infamy never really disappeared, and in the half century since the repeal of the monstrous 18th Amendment, we have had dry counties, dry states, Sunday blue laws, and outrageous taxes on liquor as well as cartelized licensing and regulation of the sale of liquor. Arguments have stressed different blends of the "moral" (drinking is a "sin"! to the "scientific" ("It's bad for your health.") The latter argument has been particularly virulent in this fanatically health-oriented age.

But there is enough libertarianism in the American people not be driven completely to prohibition by the arguments of paternalism. And so the final clincher is the seemingly

libertarian point that drinking (or smoking or whatever) "harms others."

If you push the chain of causation back far enough, however, almost any action you take can be said to "harm" someone. If people don't take enough Vitamin B1, it may be argued, they will become more irritable, and a higher level of irritability will lead to more fist fights and more aggressive behavior against others—to more assaults and batteries. Therefore—why not force everyone to take daily injections of Vitamin B1, and outlaw any attempts to avoid this coerced intake as committing harm against others?

The point cannot be stressed too emphatically: people must

be free to do whatever they want, and the *only* illegal action can be the initiation of an act of physical violence against another. There must be no preventive punishment, no preemptive first strike of any kind. Any such action is itself criminal aggression against the rights of others.

We are now in a position to evaluate the new prohibition. Specifically, there are now two assaults against the drinking of alcohol. First, President Reagan is now leading a bipartisan, nationwide drive to raise the minimum drinking age from 18 to 21. The rationale, led by Mothers Against Drunken Driving, is that drunken teenage drivers constitute the major proportion of those culpable in automobile accidents around the country.

But this legislation is idiotic as well as tyrannical. In the first place, 21 is a highly arbitrary age line. It is a date far later than the age of the onset of rationality and yet far below the continued existence of hopped-up youth. On the one hand, as the opponents of the legislation point out, if 18 is old enough to fight, or vote, why not to drive cars? And on the other hand, there are plenty of drunkards aged 22 or 23, or even 40. What about them? So why not raise the minimum age to 25, or 30? Or perhaps 95, and we will achieve full prohibition once more.

Secondly, statistics are a slippery groundwork for political action. If drunken teen-age youth is the focus of the traffic accident problem, it is almost always drunken *male* youth, and not female. So why not prohibit all sale of liquor to males under 30, while allowing all sales to females?

Furthermore, the minimum drinking law is not only monstrous and despotic, it is almost impossible to enforce. Once an adult buys a bottle of liquor, how large would the Gestapo have to be to ensure that the bottle is not resold, or given, to someone under 21? Who will police the nation's homes to prevent this transfer?

And finally, what of the hapless teenagers of America who don't have cars and don't even know how to drive? This may sound outlandish to Middle America, but in New York City, for example, where automobiles are generally a net liability rather than an asset, only one-third of teenagers drive cars. So why should the non-drivers be prevented from imbibing a bit of John Barleycorn?

This brings us to the second of the current assaults against liquor—laws against drunken driving itself. This at least has

the merit of focussing on the problem a bit more directly. There are laws against drunken driving *per se* and against *teenage* drunken driving, but the latter seems pointless and discriminatory, since if such laws are good and necessary, why single out teen-agers for special punishment? If X percent of drunken drivers are (male) teenagers, then they will be caught in the net proportionately to their deserts, and there is no need for special hysteria in their direction.

But the general drunken driving laws are deeply flawed as well. For, contrary to the media hysteria that liquor automatically destroys one's ability to drive, there are plenty of habitually drunken drivers who are so skillful that they never get into accidents. I know one libertarian who is one of the finest drunken drivers in the country; who has the uncanny ability to scoot around the dark and winding roads of the South at 3 in the morning, at high speeds and in unfamiliar terrain, totally tanked up, and never get or cause anyone a scratch. Why should *he* be penalized by the might of the law?

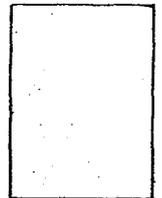
On the other hand, there are rotten drivers, who cause accidents habitually, whether or not under the influence of Demon Rum. Why should they go scot free, while the poor drunken driver, by virtue not of harm to anyone but simply of "potential" harm through imbibing, gets socked by the full majesty of the law, including in some states, instant jail terms just by virtue of driving around with an alcohol content in their blood of more than X percent? By what right, by what standard of justice, does a person's state of legality depend on the content of his blood? How dare it be a high crime merely to drive while drinking, and to receive a swifter and sometimes greater punishment than actually mugging or robbing or assaulting someone?

In short, there should be no penalties whatever on drinking, on the sale or purchase of liquor, or on driving while drunk, regardless of age or gender. On the other hand, if someone actually *causes* a real, honest-to-God accident, then penalties can and should be levied, based, for example, on the degree of voluntariness in causing the damage, and certainly the imbibing of alcohol, contrary to the blatherings of determinists, is a voluntary act. It is there, *after* an accident, after damages have been committed, that penalties or punishment can come into play. Anything else is simply a criminal invasion of the rights of the innocent, of those who have not committed a crime or damages.

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