Nixon's Second Term

In his first administration. The truce is not only in Vietnam but everywhere; but, in every case, what we have is a truce rather than a genuine "peace". In the immortal words of Dr. George Shultz and Dr. John Dunlop, the administration is "keeping its stick in the closet", ready to be brandished over the head of recalcitrants. And yet, for the libertarian this is, after all, a major step forward; we would prefer to abolish the stick altogether, but it is far better to have it in the closet than in active and aggressive use.

Let us observe this "armed truce" or retreat in every major arena: among them, Vietnam, the draft, price-wage controls and, more loosely, the new budget.

Vietnam and Indo-China. In Vietnam, of course, we have the official truce or ceasefire. It is not to wash away the blood of millions of innocent Vietnamese victims on the Nixonian and American record to hail the ceasefire that has come at last long. We must credit Mr. Nixon for finally ending the fighting, for stopping the bombing, for pulling out American troops. The truce came far too late, but, Happy Day! It came. The U.S. will be murdering no more people in Vietnam.

What did the war in Vietnam accomplish? Nothing, if we compare, for example, the situation after the truce of 1973 with the truce of 1954. Nine-teen years later, the Communists and their allies in the Vietnamese resistance are in far better shape, and control far more population and territory than they did after their misguided adherence to the Geneva Agreements, when they pulled all their troops out of the South. Betrayed after those agreements by the failure of the U.S. to conduct free elections, the resistance forces would of course never agree again to a unilateral disarmament and pullout of troops.

If the war was fought in vain, neither is the current ceasefire in very sturdy shape. Even the Nixon Administration has termed the truce "fragile", which is a hefty understatement. So while we hail the end of the fighting, we must remember that the American stick is very much in the closet; the task of the anti-war forces is to agitate to make sure that we don't pull the stick out once more and begin the tragic and bloody mass murder all over again. The stick is close by: American air power is near at hand, at bases in Thailand and elsewhere, our naval power is off the coast, and those old Kennedy-style "civilians advising" are still there to support the Thieu dictatorship.

There will undoubtedly be plenty of temptation for the U.S. to use the stick, to send bombers and troops back into that unfortunate country. Thieu has made it crystal clear that he has no intention of arriving at a political settlement with the PRG (Previsional Revolutionary Government), which means that no true peace in the area has been achieved. The political struggle of the civil war will continue, and could erupt at any moment into military conflict. In order to get the Americans out, the North Vietnamese and the PRG (to the probable unhappiness of the latter) made a remarkable concession: in contrast to every past war, when prisoners of both sides were exchanged at the end of the conflict, the North agreed to a unilateral release of American prisoners. This means that literally hundreds of thousands of Communists and other resisters will continue to rot in Thieu jails; and their fate remains fuzzy and unclear. The Thieu-Nixon excuse that these prisoners are not POW's but civilian dissenters because they didn't wear an official uniform is of course pure sophistry, and deliberately evades the very nature of guerrilla war, in which the civilians are the resistance forces. This truce, then, constitutes a monstrous injustice to the huge mass of prisoners of the Thieu dictatorship; and it is the big reservation that we must have to our joy over the end of the fighting.

The important point now is, that when and if armed civil war erupts again, whether over Thieu's prisoners or over any other issue, that the U.S. keep its hands off: that we at long last allow the Vietnamese to settle their quarrels themselves. We must see to it that Nixon does not re-enter the war; to do that, it would help enormously if he pulled air, naval, and land forces fully and completely out of the entire Asia area.

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The same, of course, applies to Laos and Cambodia, where the war continues. At this writing, a similar truce appears likely in Laos, where the Pathet Lao resistance forces are closely allied to Hanoi's pressure. In Cambodia, however, the situation is different, and here we should call for immediate American withdrawal from propping up the Phnom Penh dictatorship. The point here is that the Cambodian resistance forces, the National United Front, are led, not by Communists but by the deposed ruler, Prince Sihanouk, who is not likely to bow to any Communist desire for a ceasefire. Furthermore, the Sihanouk forces are far closer to total victory than were the opposition in Laos or Vietnam. Only massive American aid is keeping the Lon Nol dictatorship in power in Phnom Penh and a few other outposts; the rest of the country is already in the hands of the Sihanouk forces.

The Draft. Nixon's partial retreat from statism in Vietnam is matched by his decision to end — or sort of end — the draft. This monstrous blot on American life is at last over, and no longer will every American boy and every family be trying to live their lives with the sword of Damocles of enslavement to kill or be killed hanging over their heads. Libertarians must rejoice at the Nixon decision to stop the draft at last — a decision, by the way, brought about largely by the pressure over the years of free-market economists demonstrating that the "shortage" of enlistees in the Army can easily be cured by paying the GI's market wage rates.

But once again, our joy at the Nixon decision must be qualified: the stick is in the closet but it is still alive. We have a "ceasefire" and not a "lasting peace." For the damnable machinery of the draft is still intact, ready to be used at a flip of the Presidential switch: and every American boy will still have to register at the age of 18, endure the dehumanizing in-
The Sticks In The Closet — (Continued From Page 1)

dignities of the pre-induction physical, and receive his number on the roulette-wheel of the national lottery. Furthermore, the draft is not ended at all for the nation's physicians, who are still subject to the special penalties of the doctor draft. Libertarians should get behind the new bill of Senator Mark Hatfield to abolish the entire evil machinery of the draft: the registration, the draft cards, the whole shabang, lock, stock, and barrel. For Senator Hatfield's absolute firmness on the draft question, he can be forgiven much waffling on other issues.

And the stick is there in another sense: for President Nixon remains "hard nosed" on the amnesty question. The idea seems to be that American youth deserve some sort of "punishment" in the form of enslavement: and if they have managed to flee for their lives and avoid enslavement into the army, then at least they should be sent to jail (the conservative solution) or to compulsory bedpan service among the poor (the "Liberal" solution). Amnesty is not a question of whether "we" should mete out deserved punishment to draft evaders or deserters, or whether we should indulge in Christian forgiveness of crime. The draft itself is a supreme crime, and therefore draft evaders and deserters should be regarded not as criminals but as heroes, in precisely the same way as decent men regarded the slaves who ran away via the underground railroad. But the draft evaders and deserters disobeyed the law? Correct. and in precisely the same way as the slaves disobeyed the law; for let us never, never forget that slavery, until the 13th Amendment, was supremely legal.

The most puzzling and distressing aspect of the amnesty affair is the position of many so-called "libertarians" and alleged opponents of the draft who adopt the conservative view of upholding punishment for disobeying the law. Even when the law is enslavement! For some time I have wondered where many of our "libertarians" would have stood on the slavery question if this were 1858 instead of 1973. Would they really have been in favor of or to condone involuntary abolition? I wonder. Or would they have been griping about the slaves’ "disobedience to law", of the necessity of their abiding by the Constitution and of accepting due punishment? Would they have warned that the slaves must not be freed until the masters were "compensated" for their deserters, with perhaps a parade and a "brass band thrown into the amnesty is Unconditional Congressmen going to be less libertarian on this vital issue than Bella Ab-

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In this sense, the Nixon budget is a small step forward. It is an even bigger step if it means — which is not yet clear — that Nixon has abandoned his "moralistic welfare reform" plan and his burgeoning scheme for national health insurance. If he has, then his budget, coupled with the retreat on price controls, does constitute a significant partial retreat from domestic statism and a truce against its further advance.

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All in all, then, the second Nixon Administration has very swiftly developed into a new form which is far more promising for libertarians than anything we might have dared to expect as late as last November. Your editor's judgment in finally landing on Nixon's side seems at this point to have been vindicated. In foreign policy, we are now in curious waters, in some senses in a world which we have not seen since the 1920's.
Hospers Replies

It was something of a surprise to me that one of several dozen questionnaires which I rather hastily filled out during the recent presidential campaign (and not intended for publication) suddenly appeared in the Libertarian Forum (December 1972 issue), and even more that the remarks I made were taken out of context so as to produce a result very different from the one intended. I trust that the motive in doing this was something other than malice: but whatever the motive, I would like to clarify my point with reference to that questionnaire, without attempting here to discuss the whole of it.

I have profited immensely from reading the Libertarian Forum during the last few years, and Dr. Rothbard’s articles in particular have been unfaillingly incisive, clear and informative, often more so than any other written material on the same subject anywhere. These pieces alone are worth many times the cost of subscription. In general, I agree completely with the articles on economic questions: in fact, many of them have helped to shape my own views on these issues. Virtually my only disagreements have been on one issue, international relations — and then only on some aspects of that. Our differing attitudes toward the police force probably result in large measure from our differing attitudes toward the current international scene.

That a police force of some kind is necessary, given the present state of society, seems obvious: that a private police force (or forces) would be ever so much more efficient than a state or municipal one seems also too plainly true to require much argument (though the questionnaire gave me no opportunity to indicate this: one was given space only to answer the specific questions asked, and no others). And among police forces in this country, my own dealings and those of everyone I know with the F. B. I. have been far more pleasant, or should I say less unpleasant, than with any local or state police force I have ever had dealings with (partly, no doubt, because of the superior training and education of the F. B. I.).

Despite the fact that a national police force of any kind is always a great danger, I must admit that I would much rather deal with a member of the F. B. I. than with any local policeman I have ever encountered.

Now, unlike (apparently) the editors of this journal, I do believe that international threats to our security do exist — not merely threats to the United States government, but to the safety of individuals in the United States. I do not deny of course that the United States has committed its mistakes (in Vietnam). But among police forces in this country, my own dealings and those of everyone I know with the F. B. I. have been far more pleasant, or should I say less unpleasant, than with any local or state police force I have ever had dealings with (partly, no doubt, because of the superior training and education of the F. B. I.).

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The Sticks In The Closet — (Continued From Page 2)

For, with the truces in the Cold War which Nixon has in a sense concluded with Russia, China, and now in Vietnam, for the first time in a half-century our government is not holding up before our frightened eyes the spectre of a rampaging Enemy, just about to launch a dreaded attack upon American shores. Of course, the Cold War too is in the closet, ready to be trotted out again at any time that the Administration feels an acute need to conjure up a rampaging “Enemy” once more. But as of this moment, we are more at peace than we have been for a half-century. What will Mr. Nixon do with his all-round truce? Will he turn to something like the Eisenhower posture, and be content to nudge his way through the rest of his reign? Will we really be able to enjoy a relatively passive Administration for the next four years? Or will his restless nature lead Mr. Nixon into some new statist adventure, at home or abroad, to an arena where he can once again exert his potential power and might, where he can launch some new aggression? To paraphrase the old adage, we can hope for — and now even expect — the best, but we must be prepared for the worst.

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Hospers Replies — (Continued From Page 3)

in protecting us against threats to our life and liberty from both foreign and domestic sources.

I for one am not prepared to take that risk. At the very least, the proposition that there is no such risk is in no way self-evident, nor is it so obvious as to leave no room for argument. But the attitude of some libertarians appears to be: "I'm so convinced that I'm right (about there being no foreign threats to our safety) that I'm willing to risk not only my life but yours, by disarming, on the assumption that my calculations are correct." Such a person is welcome to risk his own life on that assumption, but I don't want him to risk mine along with it. It is possible, as some libertarians have said, that the chief danger to you and my liberty in 1973 comes not from Brezhnev or Mao but from Richard Nixon; but that no threat arises from these foreign sources at all, in view of their explicitly stated intentions, seems to me so plainly false that only by putting on intellectual blinders and seeing only what one wants to see is one enabled to put forward such an assumption.

My neighbors Smith and Jones may be so anxious to buy a new car that they will spend their money on it rather than on guns or burglary alarms for their homes, rationalizing their action with the consoling thought that the man across the street who has been uttering threats and buying lots of guns will take their example to heart, scrap his guns, and desist from any aggression. But Latvians and Czechs will not be so easily persuaded; they will wisely conclude that it is better to live without the new car than to be in constant danger of being robbed or shot.

— John Hospers

The Editor Rebuts

First, I should like to make it clear, to Dr. Hospers and to his many admirers, that I have nothing but the greatest esteem for him, both as a friend and as the outstanding theorist and spokesman for the "limited archy" wing of the libertarian movement. I wrote the article to which he is objecting ("Hospers On Crime and the FBI", Lib. Forum, December 1972) not out of malice — but out of sadness, sadness at the numerous violations of libertarian principle committed by the Presidential candidate of the Libertarian Party in the questionnaire. I am firmly convinced, moreover, that the numerous flaws, fallacies, and inconsistencies in Dr. Hospers' general position stem not from personal eccentricities but from the very essence of his "conservative libertarian" position. Between Conservatism and Libertarianism there are numerous and grave inner contradictions, and the attempt to mix the two will lead inevitably to grave problems and anomalies, as we have all recently seen, for example in the much reviled "Russiaphobia" in the questionnaire. But since Dr. Hospers is a man of great rationality, objectivity, and dedication, I have every confidence that he will eventually embrace the truth and jump completely over the conservative wall.

Now as to specifics. Dr. Hospers states that the questionnaire was not intended for publication; yet when a presidential candidate, in the heat of his campaign, answers a questionnaire designed for all the candidates, I wrote the article to which he is objecting ("Hospers On Crime and the FBI", Lib. Forum, December 1972) not out of malice — but out of sadness, sadness at the numerous violations of libertarian principle committed by the Presidential candidate of the Libertarian Party in the questionnaire. I am firmly convinced, moreover, that the numerous flaws, fallacies, and inconsistencies in Dr. Hospers' general position stem not from personal eccentricities but from the very essence of his "conservative libertarian" position. Between Conservatism and Libertarianism there are numerous and grave inner contradictions, and the attempt to mix the two will lead inevitably to grave problems and anomalies, as we have all recently seen, for example in the much reviled "Russiaphobia" in the questionnaire. But since Dr. Hospers is a man of great rationality, objectivity, and dedication, I have every confidence that he will eventually embrace the truth and jump completely over the conservative wall.

As for the "context", of course readers can only decide the merits of my summary by obtaining the questionnaire from the Friends of the FBI. But one notable fact is that Dr. Hospers makes not a single rebuttal to any of the points in my article or an explanation of any of his answers. Instead, virtually his entire reply is devoted to the "Russian Question", a matter irrelevant and out of context if there ever were one. As I recall, there was not a single mention, either in the questionnaire or in Dr. Hospers' answers of the Russian Question, nor of course in my article. Indeed: what in the world the Russian Question has to do with whether or not the FBI should be put under the jurisdiction of the draft to oil proration laws. Indeed, every such act has been justified by conservatives in the name of the Russian Question and of national defense."

And in these justifications, we can see how the State has for centuries used the "foreign threat" to aggrandize its power over its deluded subjects.

Before getting to the Russian Question itself, I would like to say that I fail to be impressed with the politeness of the FBI. That they are better than many local police is hardly a commendation; do we prefer Attila or Genghis Khan? In fact, on the score of education, intelligence, and suavity, the CIA has the FBI beat hollow; and yet the foul deeds of the CIA have become glaringly known. But the major point is the usual libertarian case for decentralization: that when we confront despotism by the FBI we have no place to go short of leaving the country; whereas to avoid despotism or brutality by, say, the West Waukegan police force all we have to do is to skip to East Waukegan: surely a far more comfortable choice.

But to get to the Russian Question. In the first place, whether or not Russia constitutes a critical military threat is strictly an empirical question, and therefore not a question that can be resolved in a few pages of philosophical or political controversy. For example, it is logically conceivable that Great Britain constitutes an imminent military threat to the U.S., and that Edward Heath is planning a sneak atomic attack on New York in 48 hours. Logic and evidence would be totally laughable — even though we could make out a case of sorts, citing the fact that we were twice in grave military combat with Great Britain, and so on.

Since it is an empirical question, I will have to be a bit high-handed and say flatly that it is in my considered view that there is not a single shred of evidence of any Russian aim or plan to launch a military attack upon the United States, either in the past, present, or future. In fact, the evidence is all the other way, even in the time of Lenin, and certainly in the time of Stalin and his successors. Since the time of Lenin and his magnificent (from a libertarian, pro-peace point of view) conclusion of the "appeasement" Treaty of Brest-Litovsk in 1918, the Soviet Union, vis a vis the other Great Powers, has consistently pursued a policy of what they have long termed "peaceful coexistence", in fact often bending over backwards to pursue a peaceful foreign policy almost to the point of national suicide. I am not maintaining, of course, that the evidence for this unswerving course was any sort of moral nobility; it is the supremely practical one of preserving the Soviet State at all costs to other aims and objectives, buttressed by the Soviets' firm Marxist conviction that, since capitalist states are doomed anyway, it is foolhardy in the extreme to court war. The Soviet policy has always been the defensive one of hankering, certainly they made no move whatsoever to make war to get the territories back. The Hitler-Stalin pact, much reviled by the uncomprehending Western press, actually made excellent sense for both major powers: from that pact, Germany got its old territories. with the exception of Finland. No dire Russian military threat to the West. Nor, with the United States, can be conjured up out of that.

The next crucial and unfortunately forgotten fact is this: that Hitler (Continued On Page 5)
The Editor Rebuts — (Continued From Page 4) turned brutally upon his ally and savagely attacked Soviet Russia on June 22, 1941. In this attack, Hitler was joined by the fascist regimes of Rumania and Hungary (Polish Poland and Czechoslavakia had by this time disappeared, or been swallowed up by Germany.) Why Hitler did this foolhardy act, an act that lost him the war and his head, is still a puzzle to historians. But we can say that his motives were compounded out of two factors: (a) his long-held desire to seize the “breadbasket” of the Ukraine; and (b) his hysterical anti-communism which barely matches the equivalent anti-communism of the American Conservative movement. In his hysteria, Hitler too, like our conservatives, thought he saw an imminent Russian Threat: and so he decided on what is now called a “preemptive strike.” But of course Hitler, like our American Conservatives, was deluded; for the events of the war revealed that Stalin’s unwise trust in his ally led him to neglect elementary preparedness and thereby almost lost him the war as a result. Stalin’s pacific policy was carried almost to the point of national suicide.

What of Stalin’s ‘expansion’ into Eastern Europe? This expansion was scarcely aggression in any rational sense: it was purely the inevitable consequence of Russia’s rolling back and defeating the German aggressor and his Hungarian and Rumanian allies. It is only by a grievous “dropping of the context”, of forgetting that Russia got into the war as a result of German aggression, that we can possibly point the finger of threat of “aggression” at Russia’s military march into the aggressor countries.

As his evidence for alleged Soviet “orders to advance” into Western Europe at the end of the war, Dr. Hospers cites only a paragraph from Professor Carroll Quigley. Yet Professor Quigley is not in any sense a specialist on the history of the Cold War nor does he command any respect whatever in the historical profession. And with good reason. The only place I have ever seen Professor Quigley cited as an authority is in several Birchite tracts, tracts which, whatever their devotion to in-house Trotskyite movement, let alone among the Communists in power, I think we can safely assure Dr. Hospers that the Posadas threat is about as critical as our hypothetical threat from the armed might of Prime Minister Edward Heath.

Curiously, Dr. Hospers seems to be most worried about a Russian attack during the period of transition to a free economy, when the U. S. State shall have been abolished. How Russia could see this development as “hostile to its interests” is difficult to see; on the contrary, the Russians would breathe a sigh of relief at being free of the threat of American aggression, a threat which they have felt deep ever since we invaded their country with the Red Army and with the Bolshevik Revolution in 1918-20. The Russians, indeed, have been anxious to conclude a joint disarmament agreement with the U. S., and have ever since they accepted the American proposal to that effect on May 10, 1955: a proposal which the U. S. itself promptly repudiated and has balked at ever since. Contrary to American propaganda, incidentally, the Russian proposal was for general and complete disarmament coupled with unlimited inspection; it was the United States who, while insisting on inspection, balked at any kind of effective disarmament.

To proceed to Dr. Hospers’ final point: what of those Americans who are not persuaded by our evidence, and who persist in fearing the Russian Threat? He accuses us anarcho-capitalists who wish to dismantle the American State of “risking not only my life, but yours, by disarming”. But the point is that, in an anarchist society, those who fear a foreign threat and wish to arm themselves defensively, are free to go ahead and do so. Dr. Hospers happily concedes that private police forces would be more efficient than the police force of government monopoly; so why not private defense forces or “armies” as well? Contrary to Dr. Hospers, anarchists do not propose to force those who wish to disarm to disarm: instead on the contrary it is he and other advocates of archy who are now forcing us to arm against a foreign threat that many of us believe does not exist. It is no more moral to tax someone to pay for one’s own defense, whether real or imagined, than it is to draft him for the same purpose. And, besides, if the FBI is really protecting us against the sabotage of Grand Central Station, then why couldn’t the owners of that station do a far better job?
Imagine, if you will, the problems of the real estate developer trying to supplant a whole city block of moldy decrepit tenements with a modern residential complex replete with gardens, swimming pools, balconies, and all the other accoutrements of fine living. Not so much all the government-made problems such as zoning laws, licensing requirements, bribes, permissions for architectural plans, etc.; to be sure, they are widespread, stultifying, and exasperating. Let us focus instead on the problems posed by the old curmudgeon who happens to live on the block in the most decrepit tenement of all. A building, however, that he is exceedingly fond of. Some might even go so far as to say overly fond of, since he refuses to sell the old homestead to the builder at any price. The builder offers hundreds, then thousands, and then even millions. But the old curmudgeon steadfastly refuses. The builder offers a paid trip to Europe, to Israel, to anywhere but to no avail.

As important as this instance may be, it is only one of the many cases where the old curmudgeon supposedly interferes with the well being of the multitudes. The old curmudgeon, who may be a little old lady, a wizened bitter old man, a great big fat jolly but stubborn person, has long been active, defending the old homestead against the inroads of highway builders, railroad magnates, mining companies, dam and irrigation control projects; indeed, we owe the plots of many of our Western movies to this theme. It is the old curmudgeon, or his spiritual soul mate, who served as the inspiration for the enactment of eminent domain legislation: a staunch human barrier to any and all progress, feet planted firmly at the crossroads. arms stubbornly crossed in front of his house, the motto of the old curmudgeon a strident, defiant “NO!”

So goes the popular view of the holdout. In this paper, however, I shall argue that the popular view is entirely mistaken: that on the contrary, it is the old curmudgeon, seemingly standing in the way of every progress, who actually stands for the greatest hope that progress has ever had: that this attack on the old curmudgeon who refuses to sell his property at the demand of some big builders is really a disguised attack on the concept of private property itself.

It is an attack on the basic concept of private property itself because according to that doctrine, each owner of property shall have the full right to decide its use, as long as this use does not interfere with every other property owner’s similar and equal right to the use of his own property. In the case of eminent domain, when the state forces the property owner to give up the rights to his property on terms that he would not voluntarily accept, the rights to private property are abridged.

There are two main arguments for private property: the moral and the practical. According to the moral argument, each man is the complete owner of himself, to begin with. So the primary object of property rights, the person itself, is the foundation of property rights, from whence all other property rights flow. But the ownership and control of each person by himself ineluctably results in certain fruits of that ownership and control. These fruits of man’s labor come under the ownership and control of each man in accordance with what he has produced, by the same principle under which he received ownership and control over his own body in the first place. The principle under which each person comes to control and own himself is the principle of homesteading, or of natural control or of natural regulation or of natural governance. That is to say, each person is the natural owner of himself because, in the nature of things, it is he, it is his will, that controls his body. Imagine if nature was different. If everyone I looked, you saw; if everyone I willed an arm to raise and scratch an ear, it was your arm that did so; if everyone you itched, I felt it. And if everyone you looked, I saw; if everyone you willed an arm to raise and scratch an ear, it was your arm that did so, not mine. If you rubbed my arm, I would not feel it, not even if you scratched. Then you would no longer own that body, and I would no longer own this one. Rather, you would own this one and I would own that one.

According to this principle of natural homesteading which justifies self ownership, man not only owns his own person, but he also owns the fruits of that person's labor, in other words, the products of his body, its productive existence. The moral way that these non-human properties can change ownership is either through voluntary trade or voluntary gift giving. This is because these are the only ways of changing ownership which are consistent with the original owners natural homesteading rights: they are the only methods by which the homesteaders maintain control even in giving up ownership rights, for they are the only methods by which ownership is given up on a voluntary basis.

The property now owned by the old curmudgeon was gained for him by just such a process. There was an original homesteader, there were sales of the land, perhaps the land was given in the form of a gift at one time or another. But the final result was that the land passed into the control of the old curmudgeon, if he is indeed the rightful owner, through an unbroken chain of voluntary events, all consistent with the principle of natural homesteading.

Any attempt to wrest it from him without his consent would therefore be in violation of the principle of natural homesteading and hence immoral. It would amount to an act of aggressive force against an entirely innocent party.

Many people realize this when it comes to resisting the demands on the part of a private business for condemnation of the old curmudgeon’s property. They realize, perhaps, that one private business has no legitimacy over another. But when it comes to state condemnation, through eminent domain laws, the story is very different. Here, there is very little opposition, even though in many if not all cases, there are still private interests, using the government’s eminent domain powers to their own ends. Much of the urban relocation programs, for instance, are at the behest of private universities, of private hospitals. Much of the condemnation of private property by the government’s use of eminent domain laws is done for the special interests of private lobbies and special interest groups. Done to benefit that part of the public that favors the aggrandizement of museums, parks, roads, public theatre, opera, and concert halls. The condemnation of land now used for Lincoln Center for the Performing Arts in New York City is a case in point. The former tract of land was condemned to make way for “culture”. People were forced to sell at prices the government was willing to pay, involuntarily. Whose culture can be made perfectly clear by reading the list of subscribers to Lincoln Center, which reads like a who’s who of the ruling class.

Now let us consider the second argument for private property rights: the practical argument. One practical argument for private property rights is that of stewardship; it is the claim that under the stewardship view of private property, the “best” care will be given to the property of the older generation that is handed down to the younger, and that the younger generation will “best” be able to add to its heritage. According to the stewardship view of property, it is not terribly important just precisely who gets control of any given piece of property. What is important is that all property be privately owned, and that precise delineations between who legally owns the property be clearly marked off.

According to the stewardship view, all property gets given out somehow (equally or unequally, it does not matter), no forced or involuntary transfer of the property is allowed, and each person works his property to the best or worst of his ability (it does not matter which). What does matter though, what is crucially important as a matter of fact, is that a market system be in operation so that those that “mishandle” their property eventually lose some of it and have less and less as time goes on, and that those who nurture and husband it well eventually gain some more and have more and more as time goes on. Thus, as these better able to maintain a good stewardship over property become responsible for more and more, those unable to maintain a good stewardship will have less and less, the general level of stewardship will rise, and better and better cartels will be taken of the property.

The way that the laissez faire market place works this out is simplicity itself. First of all, it defines a “proper maintenance” of property as that kind of maintenance or care-taking that maximizes the money return from or the value of that property. The market then tends to insure that the good caretakers earn more money than the bad ones. This enables the good caretakers, on net balance, to buy out the bad ones. For example, the “good” farmer, the one who maintains his crops and farm animals in good health, will produce more, says he, and in the long run, tend to be able to either buy out the bad farmer, or to be able to buy more land and more acres into cultivation. In any case, as time wears on, this stewardship system, in rewarding the good stewards, and penalizing the poor stewards, increases the average level of stewardship. And it does so (Continued On Page 7)
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automatically, without political votes every four years, without political purges, without fuss or fanfare.

Of course, this stewardship argument assumes a complete laissez-faire capitalist system. Any government infringements, such as loans and subsidies to prop up failing businesses (bad stewards who mismanage their property) such as the Lockheed loan, vitiate the whole effect. For then the mismanagers will not succumb to the more effective stewardship of the good managers. The government interposes itself between the bad caretaker and in effect, an outraged public, that one did not voluntarily choose to patronize the entrepreneur in question. Other forms such infringements can take are the granting of franchises, licenses and other types of monopoly advantages to one select individual, or group; the granting of tariffs and quotas to protect inefficient domestic “caretakers” against the competition of the more efficient foreign stewards; the awarding of government contracts which pervert the original consumption wishes of the public.

Why, it may be asked, if the goal of this practical argument for property rights is that it tends to promote good stewardship of the scarce resources of the planet, cannot the government help the process along a bit by transferring the control of resources from those who have proved themselves bad managers in the market to those who have proved themselves good managers? In this way, the vagaries of the market system would be suspended, and those who would eventually have been able to prosper in the ordinary course of events will be able to do so much more quickly. The problem with this, of course, is the insurmountable one that the market system works automatically day by day, to determine who are the good and bad managers each day. Past reputation and abilities count for nought. If the government attempts to hasten the process by transferring money from the poor to the rich, it will only succeed in transferring money from those who were poor managers in the past to those who were good managers in the past. (This is true on the assumption of a laissez-faire society: of our own society, we can make no such claim. Practically none of the current income transfer from the poor to the rich occurs out of a motivation to encourage good stewardship nor has that effect.) There is no guarantee that the future will resemble the past. That those who were successful entrepreneurs in the past will be successful entrepreneurs in the future. Also, what of the people who are now poor but are destined by their own efforts to be very good managers and in the future become rich? A governmental program whose purpose was to spur on stewardship based on past accomplishments would involve taking money away from these future good managers.

The reason it is important to discuss this question is that it is at the root of the original problem of the old curmudgeon who refuses to sell his property. For what is the old curmudgeon who refuses to sell his property? As small as it is, the old curmudgeon has a right to possession.

The praxeologist would say that the only scientific statement that can be made about such occurrences is that when a voluntary trade between two people takes place, both gain in the ex ante sense. The ex ante sense is the sense in which both parties to the trade, at the actual time of the trade, each value that which they gain from the trade at a higher level than that which they must give up in the trade. In the ex ante evaluation of the trade, it is therefore apodictically certain that both parties to the trade gain from it. We know this because the two parties would not have voluntarily agreed to make the trade unless, at the time of the trade, each had valued what he was to receive more than what he was to give up. Thus no one can ever make a mistake on a trade, in the ex ante sense. In the ex post sense, evaluation, which is usually contrasted with the ex ante sense, one can certainly make a mistake in trade. For the ex post sense evaluates the trade from the vantage point of the future. One most certainly cannot have received in trade more than one gives up — and then reverse one’s evaluation in the future, when it is too late to call off the trade.

Returning to the case of the old curmudgeon who refuses to trade his old homestead even for a million dollars so that the big real estate developer can supplant the whole city block of tenements with a luxury complex. The praxeologist would vehemently reject the contention that...
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there is any loss in welfare. stewardship of property. "proper” usage of property or whatever. For the praxeologist, as we have just seen, the only time that we can make a judgment about welfare, or good stewardship, etc., is when two people make a trade; and the only thing that we can say, as scientists, is that the trade is, that both parties to it gain from it in the ex ante sense (or else they would not have voluntarily entered into the trade). But the case of the old curmudgeon refusing to sell his homestead for a million is precisely not a case where two parties enter voluntarily into a trade. It is precisely a case where no trade takes place. We cannot therefore deduce that welfare or good stewardship was thwarted. If anything, the only thing that we can deduce from the failure of the trade to take place is that although perhaps the real estate developer valued the old homestead more than the million dollars he was willing to give up for it, the old curmudgeon decided not to so value these two properties. On the contrary, from his failure to sell, we can only conclude that he valued the old homestead more than the million dollars. And who is to say him nay? Since no interpersonal comparisons of utility or welfare can have a scientific basis (there is no unit by which such things can even be measured, let alone compared between different people) there is no one who can legitimately say that the refusal of the old curmudgeon to sell his property is "harmful”, or causes problems, or is "obstructive”. Of course the old curmudgeon’s choice is obstructive of the real estate developer’s goals. But then, the goals of the real estate developer are just as obstructive of the goals of the old curmudgeon. There is no scientific, let alone moral, reason to regard the curmudgeon’s goals and values as inferior to those of the developer.

A Libertarian Poll

Mr. Ferdinand V. Solara, an inveterate chronicler of things libertarian and conservative, has just released the results of a questionnaire polling the intensity of the respondents’ devotion to various libertarian individuals, publications, and organizations. It is scarcely Mr. Solara’s fault that the representativeness of his sample can be questioned; 155 answers are not a large sample of the movement, and perhaps his Colorado base helps account for the high percentage of objectivists and other “limited archists” among his respondents (approximately 30% of those answering were limited archists and ¼ anarchists.) Perhaps Colorado also accounts for the fact that 60% of the pollees were Libertarian Party members.

Mr. Solara asked his respondents to rate various magazines and organizations on a scale ranging from A to E. One interesting result is the picture of the intensity of devotion of members or subscribers, gauged from how many gave an “A” rating to “their” groups or journals. Of the organizations, there was generally a near 1:1 correlation between members and an “A” rating: that is, the two were roughly equal. One major anomaly is the Liberty Amendment Committee, which had only 4 members but which garnered an “A” rating from 24 respondents; this indicates that many people esteem the Liberty Amendment Committee who wouldn’t dream of joining the organization. On the other hand, the other leading anomaly was our old friend YAF, which had 29 members among those polled, but which only got an A from 2 of them. There are presumably a great many disaffected members of YAF, as well there might be.

Of the publications listed, we are happy to announce that a close A/subscriber correlation held true for only three journals: Reason, A is A News, and the Lib. Forum. All the other listed magazines revealed a severe falling off of ratings, presumably reflecting a severe disaffection among their subscribers. There is, however, an anomaly in regard to the Lib. Forum. That is, that while we have developed a high degree of subscriber loyalty, our number of subscribers among the pollees was relatively small, far smaller than several of our colleagues in dire loyalty trouble. In short, folks, we have a great product, but not enough readers imbibing all the goodies we have to offer. Let us remedy that, and round up more subscribers! Why deprive so many people of the blessings conferred by the Libertarian Forum?

Movement Magazines

Manny Klausner, the estimable young editor of Reason, chides us for our gloomy account of the stillbirth of Libertarian Review, (Lib. Forum, December 1972) and wishes to correct the record by pointing out that the monthly Reason now has over 5,000 subscribers and bids fair to rise to over 6,000 in a short time. Well taken, but I doubt whether this happy news is enough to cut the gloom about the current good health of the libertarian movement. For, on the other hand, we must consider that no less than three of our leading libertarian magazines have bit the dust in recent months, and a fourth is at least in serious trouble. The Individualist, formerly a fine monthly magazine issued under the auspices of the Society for Individual Liberty, has apparently expired. Libertarian Analysis, a quarterly journal that tried to be a home for scholarly articles, is dead. And The New Banner, an ambitious tabloid biweekly of high quality produced by the South Carolina movement, has apparently collapsed as well. And now Outlook, an organ of much of the New York movement which had achieved a high quality in recent issues, is, if not expired, at least in the throes of a bitter internecine conflict. It looks as if there is a good chance that we will soon be left with Reason as virtually our only magazine. Despite the many fine qualities of Reason, this means that the fortunes of the movement are in worse shape than we wrote last December, rather than better: apart from Reason, the libertarian publishing world is in a shambles.

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