

INDIVIDUALIST



ANARCHISM & JUSTICE

R.A. CHILDS, Jr.

May 1971

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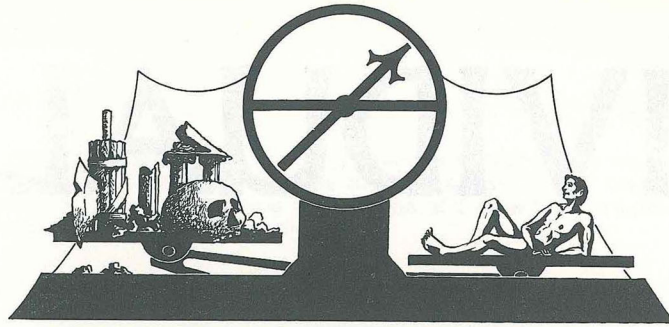
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ANARCHISM & JUSTICE

R.A. CHILDS, Jr.

I. Preface

The twentieth century has in many ways seen a reversion to an earlier period of human history. Before the eighteenth century, there existed everywhere in the "civilized" world an identifiable "Old Order", a regime of caste and privilege, of feudalism, monarchism, despotism — of statism, where the ruling castes of each political society governed by the alleged "right" of conquest and divine inspiration, and ruled by means of military might. But in the seventeenth, eighteenth, and nineteenth centuries, for the first time in mankind's history, there arose a number of revolutionary movements designed to overthrow the "Old Order", to abolish the society of status and replace it with the society of contract, to establish a society of liberty, free trade and individualism, where only stagnant regimes had existed before. At the heart of these revolutionary movements was the ideology of *classical liberalism*, the ancestor of libertarianism. At the heart of the opposition, in defense of the Old Order, was *conservatism* as a social and political force.

The United States was a product of this early libertarian movement, and the American revolution was the first violent breakaway from Western mercantilism and imperialism in history — to be followed later by a great many others of somewhat lesser libertarian bent. (1)

R. A. Childs, Jr., is a contributing editor to this publication. His exploration of Objectivist and libertarian philosophy has raised a storm of comment over the last several years.

But for many reasons, which cannot be detailed here, the nineteenth century witnessed the decay and near-death of this libertarian movement, and its replacement by *socialism* as the key radical movement of the day. Socialism had originated as a confused offshoot of both libertarianism and conservatism. It originally aimed at the libertarian ends of peace, free trade, and prosperity, but attempted to attain them, for the most part, by statist conservative means: centralization and State planning. (2) Socialism was, in addition, an offshoot of classical economics — an economics which attempted to replace the older natural rights analysis of social relationships with a confused doctrine of "utility" to society as being their main standard of social evaluation, dropping the mantle of *justice* completely, leaving it for the socialists to assume.

Unable to provide a rigorous defense of their pre-natural rights position against the positivists and utilitarians, and unable to show the justice of such key economic categories as interest, rent and profit (and individual ownership of land), the school of classical liberalism lost title to the banner of true *radicalism* — which was then assumed by the socialists.

Whatever their faults, and these were indeed many, socialists in the nineteenth century were vitally concerned with upholding the ideal of *justice* in social relationships, to apply theoretical principles (however wrong) in judging the justice of existing regimes. The result was that socialism became the dominant intellectual movement of the nineteenth century — and that classical liberalism slowly died, first attempting to survive as utilitarianism, then as positivism, then as evolutionism and "Social Darwinism". By the end of the nineteenth century, the former radical battle

cry of "laissez-faire!" was heard infrequently, if ever.

Thus it is that we in the twentieth century face a rebirth of the Old Order, in form if not in substance. The twentieth century has seen the rebirth of statism as an alleged ideal; the rebirth of the society of status, of militarism, imperialism, protectionism and war. The twentieth century has witnessed more wars and bloodshed, more deaths at the hands of State armies and weapons, than any other single century in the history of man. Because of the inner contradictions in state socialism, because of the necessarily strong and centralized State which it requires to conceive and implement central planning, of the failure of earlier libertarian attempts to place limitations on the power of the State, and of the rise of fascism and "national socialism", the twentieth century has in fact been the century of the all-powerful State — armed with the technology made possible by the industrial revolution.

Thus, the problem of the State has again become of central concern to political philosophy, a political philosophy, I might add, which has in the twentieth century been all but dead, under the thumb of positivism, analytic philosophy, and "Wertfrei" social sciences in general. (3)

There have been many reactions against the sterility of modern philosophy and social sciences with respect to values. Some reactions, such as Existentialism, have counseled despair. Some people have returned to a more radical Marxism. Others have readopted mysticism, which had faded in the nineteenth century "age of reason and science." And some, in an ultimate union of activism and despair, have turned to nihilism. But few have taken the time to re-examine the premises of the existence of the State and of social organization in general.

It is my purpose in this essay to examine the justifications for the State offered by a number of diverse philosophies. In one short essay, one cannot possibly examine the entire course and history of political theory, so I must limit myself to examining positions immediately relevant to libertarianism — such as legal positivism, traditionalism, limited-government libertarianism, objectivism, and a few others.

My own position is that of free-market anarchism, arrived at from within the philosophical framework of the Aristotelian-Thomistic-Lockean tradition, which is *basically* the same as the framework of Objectivism. I shall concentrate on a few major issues, and shall attempt to prove that the institution of the State is *not* justified, and, as a corollary, that anarchism is a necessary but not sufficient condition for the establishment of justice in a social context. Since I maintain that justice is a fundamental need of man, my thesis can be stated: *anarchy is a necessary condition for man's proper survival in a social context.* There are doubtless other needs, but this shall be my focal point.

I shall consider, in different contexts, such issues as the justification of the State *per se*, the legitimacy or source of its specific authority, its jurisdiction, structure, and financial base. Before these issues are reached, much later on in the essay, I shall consider the necessary ethical base of the discussion.

II. The Nature of Justification

Since we are to consider the issue of the State's justification, let us briefly ask just what is justification. To justify a claim is to offer objective evidence on its behalf to a rational consciousness; to *prove* something, to make it evident to a human consciousness possessing and exercising the faculty of reason.

The nature of the objective evidence relevant to one question may differ from that relevant to another — thus mathematical proof will differ from historical proof and so forth. Why does anything have to be rationally justified? There are several reasons for this, all of which cannot be detailed here. But first of all, if we do not rest our concepts, values and actions on rational justification or evidence, then there are only two alternatives: acceptance of something on the grounds of *authority*, or on the grounds of *mystical insight*. But these are in turn accepted either because of reasons or without reasons. If the former, then the reasons turn out to be the *ultimate* ground of our belief. If one or the other is accepted *without* reasons, then the contradictions wrought are insoluble. Brand Blanshard's argument against the appeal to authority is equally devastating against the appeal to mysticism: "...if one person is justified in appealing to authority without reasons, then others are similarly justified. They would even be justified in accepting authorities that said precisely the opposite of what is said by one's own authority. But it is obvious that in this event one or other authority is wrong, and therefore that whatever justified appealing to it must similarly be wrong. In the light of its consequences, the unreasoning appeal to authority is thus self-destructive." (4)

But something will be noticed of all this: in fact it *presupposes* the very point in question, namely that beliefs have to be justified. The ultimate answer to this question must be, therefore, that beliefs have to be justified because man is not born with knowledge, and thus has to *acquire* it. *The process of justification is the process of connecting man's beliefs to reality*, which is necessary so that his values and actions will be in harmony with reality. Beliefs thus must be founded upon *objective evidence*, which is *reality as it is presented to the intellect*.

Since my primary thesis involves demonstrating that something is a fundamental *need* of man's proper survival and well-being, a few things must be said about the concept and nature of needs. (5)

The concept of "need" is not a primary. On

the very simplest level, needs have to be defined in terms of *purposes* or *ends*. The question which must be raised when "needs" are asserted is: "Necessary to whom and for what?" Now I am maintaining a question which deals with what I have called a fundamental need — and a fundamental need is that upon which other needs depend, which makes them meaningful. If needs are dependent upon purposes, then fundamental needs must be defined in terms of fundamental purposes or ends, the *most* fundamental of which (the existence of it alone makes all other needs and purposes *possible*) is *life*.

From Branden: "The existence of life is conditional; an organism always faces the possibility of death. Its survival depends on the fulfillment of certain conditions. It must generate the biologically appropriate course of action. What course of action *is* appropriate is determined by the nature of the particular organism. Different species survive in different ways. An organism maintains itself by exercising its *capacities* in order to satisfy its *needs*. The actions possible to and characteristic of a given species, are to be understood in terms of its *specific* needs and capacities. These constitute its basic behavioral context. 'Need' and 'capacity' are used here in their fundamental metaphysical sense....; in this context, 'need' and 'capacity' refer to that which is innate and universal to the species, not to that which is acquired and peculiar to the individual. *An organism's needs are those things which the organism, by its nature, requires for its life and well-being — i.e. for its efficacious continuation of the life-process....*(my emphasis) 'Need' implies the existence of a goal, result or end: the survival of the organism. Therefore, in order to maintain that something is a physical or psychological need, one must demonstrate that it is a causal condition of the organism's survival and well-being." (6)

This is the concept of a "need" upon which we shall be building. Branden has discussed physical and psychological needs; we are discussing, or emphasizing, political or social needs. What I will have to demonstrate, therefore, is that anarchy, the absence of the State, follows from conditions of existence which are causal conditions of man's survival and well-being, in a social context. (7)

Now if we derive notions of what is right for men from the standard and purpose of life and the causal conditions necessary to sustain it, then we can see that what is right for man, what is moral, and what is "practical" or necessary for man to survive and prosper *are all coextensive*. Thus, I shall not be discussing the issue of the *necessity* of the State apart from or without reference to moral principles defining the social needs of man.

On a fundamental level, there can be *no* conflict between the moral and the necessary (or "practical") since that would entail a conflict between what is necessary for man's survival and

well-being and *itself*, which is clearly impossible. Furthermore, the *only* way in which something can be determined to be necessary for man's proper survival and well-being is by reference to *principles* which will enable us to *define* such concepts. Another way of stating this is: we cannot determine what is and what is not a necessity of man's survival and well-being *without a standard*, a criteria, a principle of evaluation.

Thus, I will be concerned with briefly establishing such principles, and then with investigating the various alleged justifications for the State.

III. Justice, Property and Rights

We have established what we meant by a *need*. Now I want to uphold the thesis that justice, and the recognition of rights, are needs of man in a social context. I will not discuss in any detail all the numerous benefits to man of living in society (the division of labor, trade, etc.). These have been detailed by Mises, Rothbard, Rand and many others. What I want to focus on is the fact that man needs liberty or freedom, in a social context. We have identified the fact that in order to survive and prosper, man's ideas, values and convictions must be tied to reality by a process of thought. To live and benefit himself, to attain his own needs and values, man must use his mind to identify the nature of things in reality, including his *own* nature. He must identify the relationships between himself and other things in reality such that he develops a scale of preferences, or values.

Men do not in fact "discover" values in the universe any more than they "discover" ideas already existing in extra-mental reality. But this does not mean that knowledge and values are purely arbitrary products of man's consciousness. In truth, both knowledge and real (beneficial) values are *constructed* by man's consciousness in accordance with an objective, extra-mental *foundation*, that foundation being the facts of reality. Man's mind *integrates* data into new mental entities such as concepts and laws. The structure of man's *consciousness*, its *nature*, and the nature of reality, will determine the basic principles of epistemology. The structure of man's *life*, his nature *as a living organism*, and the nature of reality, will determine the basic principles of ethics. (8)

Since everything which exists in reality is individual and particular, there is no such thing as a collective mind, and no collective *qua* collective can think about things in reality, make decisions and so forth. This means that if each *individual* is to survive and prosper, to act to benefit himself, that *he* must think about those aspects of reality *relevant to his own life*, make decisions, choose between alternatives, and act to attain rationally-derived ends. Each man, in other words, must retain *intellectual independence*, checking the values

ideas and conclusions of others against his own knowledge. If he does not, then he is in the same position as the person who attempts to evade the necessity for justification *per se*.

To act to attain values, every man must think about himself and the world, establish what things are of value to him, and then proceed to implement his choices by means of action. In a desert island situation, there is nothing to prevent him from forming concepts and then testing them out to see if he was correct or not, there is nothing to prevent him from acting on the basis of his knowledge and values. If he is right, then he generally succeeds with his plans, if wrong, he may fail. But there is nothing to interfere with the relationship between his decisions and reality, nothing to stop him from attempting to implement his choices through a process of *action*.

In society, there is. We know of the immense possible benefits of living in a society – of the benefits of living with and interacting with other people. We are aware of the benefits of trade, the division of labor, comparative advantages, and of voluntary relationships in general. But there is another aspect of social existence which confronts man: *the possibility of aggression against him*, which *does*, unlike the case on a desert island, interfere with his implementation of his choices through action. Yet what makes the attainment of every individual's values *possible* in a social context is precisely this ability to implement one's values, otherwise one cannot benefit oneself (this, however, is no guarantee of success).

Since society is only a group of individuals interacting according to their various purposes and plans, society has no "good" apart from that of the units of which it is composed. This is important to note because it means that the only means by which one can judge what *kind* of a society is proper to man, right for him, is to determine what *individual* needs men possess, and to construct an appropriate ethical model on that basis.

I have shown that it is only the possibility of attaining of values by individual men in a society which makes society "valuable" to men, and that a precondition of attaining such values is the ability to implement one's values and decisions through actions. Since the only thing in society which could *prevent* this, literally, is the physical interference of others, we can conclude that freedom from physical interference is a necessary condition of man's acting to attain his values, to implement his choices, in a social context. Since it is only by means of *principles* that we can define such freedom of action as it is proper and possible for man to have in a social context, we can thus bring in a new concept: the concept of *rights*. Rights have been defined (by Ayn Rand) as principles defining and sanctioning man's free-

dom of action in a social context. (Other statements about rights, such as that they are "conditions of existence necessary for man's proper survival in a social context," (Rand) and that they are "principles which morally prohibit men from using force or any substitute for force against anyone whose behavior is non-coercive," (Tannehills) are *true statements about rights*, but they are not *definitions*.) But notice that we have only stated the concepts of rights in the most abstract terms, and that there are no criteria stated for determining whether or not any *specific* action is an action *by right*. The way we develop such additional and co-relative principles is by examining what is involved in freedom of action in a social context.

Freedom of action, being a species of action *per se*, must involve *things* to act on. All actions are the actions of *entities*. Man is a specific entity, and he must use other entities in action, including such things as land for standing room. **THERE CAN BE NO ACTION WITHOUT A THING ACTING, OR A THING ACTED UPON.** When we speak of *freedom* of action in a social context, therefore, we automatically speak of the areas which are subsumed by the concepts of *ownership*, of *property*, of *justice* and of *rights*. These words all overlap in meaning, deriving their meanings from our identifications of real and possible relations between men and things.

Ownership involves the relation between a person and anything (including his own body) subject to use, control and disposal. A *property* is any entity which is actually owned. A *right* is a principle defining and sanctioning a man's freedom of action in a social context. *Justice* is a code of principles which defines what is *due* to a man, what he *deserves*, what he is legitimately entitled to.

My conclusion at this point is that since man needs freedom of action in a social context, and since it is the principle of *rights* which defines and sanctions man's freedom of action in such a social context, that every man *needs* to have his rights respected. (Thus rights are the fundamental means of making the transition from individual ethics to ethics in a social context. Rights are the means of applying the concept of rational self-interest to society – they are a *function* of rational self-interest in a social context, the means of identifying what is fundamentally to man's benefit in society. But this shall be discussed further below.)

Now since actions involve things, or entities, *freedom* of action will necessarily involve claims to the entities involved in the action, i.e., *we cannot discuss freedom of action or rights without reference to property and ownership*. And the widest principle of all is *the principle of human social relationships* – the principle of *justice*.

It is the philosophy of justice alone which will enable us to fill in the skeleton, so to speak, of the remaining principles.

In other words, to fill in the meaning of the concept of freedom of action, which has been shown to be a condition necessary for man's survival and well-being in a social context, we must consider the issues of property, rights, ownership and justice.

Ownership and property can be referred to in three senses: what a man actually does to exercise the power of control over (*praxeological* ownership), what some group (such as the State) that claims a man should exercise control over (*juristic* ownership), and what a man *actually has a legitimate claim to*, as defined by the principles of *justice* (*moral* ownership). These can overlap, but for the time being we will be considering the third category alone, since that will enable us to make sense out of all the rest, and which we shall use as a standard to judge, criticize and evaluate both the *status quo* — what actually exists — and other theories as well.

I have explained that all actions involve entities. Therefore, every claim to freedom of action must include as part of its *meaning* a claim to use the entities which must of necessity be involved. All rights, therefore (*justified* claims to freedom of action) must refer to actions over such entities. Since we have called these entities in such relations to men *property*, we can conclude that all rights are so-extensive with *property rights*. In other words: CLAIMS TO RIGHTS ARE TRANSLATABLE (CONCEPTUALLY) INTO CLAIMS TO OWNERSHIP OF PROPERTY OR A DERIVATIVE (SUCH AS A JUSTIFIED PERMISSION). *To claim that one possesses a right to something without simultaneously claiming a legitimate title (derivative of just ownership) is a contradiction in terms.*

Thus, the fundamental *need* of man in society is freedom of action, which means: recognition of his *rights to actions over property which he morally owns*, i.e. has a justifiable claim to, which means: JUSTICE.

This is the fundamental need of man, and this is the framework from which we shall evaluate the arguments and alternatives offered by various theories.

Now some people might maintain that while I have shown that every man has an objective need for justice, for *his* rights to be respected, for his property to remain inviolable — I have *not* shown that he must therefore respect the rights or property of other men, i.e., that he should act justly *towards them*. While a full answer to this problem cannot be given here, I can sketch one answer to this objection: namely, that *consistency* demands that each man respect the rights of others.

Note first of all that the only way in which any *given* person can maintain that *he* has an ob-

jective need for justice, to have his rights respected, *is by reference to abstract principles* which enable him to define what is right for man, what conditions of existence and actions on their part are necessary for them to maintain and sustain their lives as rational beings, to further and promote their own objective well-being. It is *these principles* which enable him to define and establish the fact that *he* needs justice, to have his rights respected, to have his property remain inviolable. Therefore, it is only by reference to these principles that he can assert such rights, and such entitlements to justice. But if these principles are to define and sanction the sphere of freedom of action proper for him, *by the very nature of the method by which such a principle was derived*, they must also apply equally to other people.

Therefore, *he cannot consistently claim* that the principles apply to him but not to others, for they were derived by reference to the *kind* of organism which he is, by reference to his *identity* or *nature* which other people also possess. (9) Thus to claim the sanction of the principles for himself but not to allow and recognize their application to others constitutes an inconsistency in his arguments for and recognition of his own needs in a social context.

The only way, the only means by which, an individual can attain, sustain and promote his own life and well-being as a rational being (and that is the only way that he can act to gain and keep what is *fundamentally* in his self-interest in a social context) is to act to attain, maintain and sustain a social system proper to man. It is thus only by recognizing the rights of others, by acting justly towards them, that a man can consistently claim rights and justice for himself, without contradicting reality. I conclude, then, that the recognition of the rights of others is a key aspect of *authentic* concern for one's own rational well-being in a social context. It is on these grounds (among others) that I maintain that consistency demands the recognition of rights of others on the part of each and every member of a society. Not to recognize the rights of others is to refuse to manifest an authentic rational, *reality-based* concern with one's own *needs* as a rational being.¹⁰

IV. Justice in Property Titles

I have shown, briefly, why justice, ownership and property rights are necessary for man's prosperity, survival and well-being in society. This might be called a proof of the abstract *justification* for the institution of property rights. Now we will cover a corollary issue: the principles by which we can define specific legitimate property titles. (It should be noted that this distinction between the justification of the institution and

the legitimacy of any specific title is very close to a distinction which will later be brought up with regard to the State: a distinction between the justification of the State *per se*, and the means of determining the legitimacy of the specific authority which a State possesses.)

What we have done so far is to sketch out the basic *form* which a valid theory of ownership would have to take. Here I will consider the *content* of such a theory of justice. What principles shall we apply in determining what a man justly owns?

A large body of libertarian and other authors maintains that the reason that the State is necessary is to provide a means of defining property titles and establishing a code of justice in titles. Thus, the Friedmanites, utilitarians in general, followers of "wertfrei" economist Ludwig von Mises (as well as innumerable others) do *not* have a theory of property titles. In effect, they claim that we must have *some* means of determining what a man justly owns, but that it may be *any* means; whereupon they rely very heavily upon the State to do such defining.

Now while it is admitted that we must have some means of defining actual property rights, it does *not* follow that it may legitimately be *any* means that we arbitrarily choose. Indeed, I maintain that this approach is profoundly anti-libertarian. For if it is to be left up to the State to define property titles, then cannot the State simply divide up the land surface of a given territory among several privileged lackeys, or institute the practice of slavery, simply by handing over the title of one man to another? (11) But if this is *not* acceptable, then it is clear that we need a *standard* by which to judge what is and what is not a man's legitimate property. And this standard must indeed be anterior to the State's decisions, an outside standard by which one can judge both the State and traditions. Again, this is really nothing but the approach of *natural law* theory, as against the positivist tradition in legal theory which denies the existence of rational standards by which to judge the legitimacy of laws which the State enforces.

One test which we shall apply in building our theory of property titles is its applicability *in principle* to all men. This is because a code of moral principles is derived from the nature of the *kind* of organism that we are talking about, and hence will apply to every organism of that *kind*. If it *cannot* be applied to all men, then it is not, by that fact alone, a set of moral principles.

Since *man* is the organism and entity which we are concerned with, we can state our first principle of justice and social philosophy thus: *every man owns himself*. This is a *meaningful* statement, and the opposite is possible, e.g., slavery can exist. Thus we can also state it this way: *no man*

owns the body of any other man. Not only is this universal in applicability, it is the only conceivable and practical statement of its kind.

It is the only universal and practical statement and principle of its type simply because ownership implied decision-making power. Now if we attempted to look at the principles which are logical alternatives to this, we would find ourselves trapped in countless webs and mazes. For example, the principle that "All men own the bodies of every other man", if we can even conceive of it as being meaningful, would lead us into an infinite regress in decision-making, with each person needing someone else's permission before he could make any decision whatever, or else every person would need *everybody else's* permission before making a decision. But then how could these others give their permission without permission from someone else?...*ad infinitum*.

(Thus, as an aside, only this ethic of non-aggression does not split men into camps: the rulers and the ruled, and thus only libertarianism is truly consistent with a *classless society*, politically speaking.)

One can also show, by using the same sort of approach, that each man has an unlimited *right* to acquire unowned natural resources, by making use of them, for the only principle which could limit one's freedom of action in such a situation would be someone *else's* rights. But, *ex hypothesi*, since no one owns those resources in question, no one's rights are violated when a man makes use of them. (12)

One can deduce from this the entire body of the principles of justice in property titles. One can deduce an immediate implication in the right of *exchange* of property titles, of giving people *gifts* of one's justly acquired property, the right of *rent* (the unit hire of a good or service), the right of *contract* (exchange of property titles over a period of time), of *interest*, of *profit* from voluntary exchange, and so forth. The right of *wages* is derived from one's right to hire out one's own labor services. All in all, this process can be continued until we have deduced the entire *corpus* or structure of the principles of *justice* in property titles. (This is not meant to imply that all existing titles are justified; that must be determined by applying these principles to *specific contexts* by means of *reason*).

It should be noted at this point that all we have done is to sketch out the basic principles of ownership, property, rights and justice, in order to lay the foundation for a discussion of the nature and justification of the State. One further important conclusion should be drawn here. Many libertarians in actuality attempt to justify the free market, perhaps unwittingly, by reference to utilitarian principles such as "the public good," "social utility" and so forth. This, I believe, is a grievous error,

and can produce no limit to the confusions wrought (as classical liberalism witnessed in the last century.)

The correct approach to the proof of the legitimacy of the free market (its *morality* as a kind of social organization) would be as follows. The free market is a network of exchanges, a system of human cooperation according to the principles of justice in property titles and voluntary exchange of such legitimate titles. The *legitimacy, justice* or morality of the free market must be derived from the nature of its *units*, and its units are *acts of exchange*. The legitimacy of acts of exchange, and of any particular act of exchange, is in turn derived from the legitimacy of the *property titles* which are being exchanged. And *this* is judged by reason, in accordance with contextually objective evidence, and with the principles of justice, of the philosophy of ownership, as a guide. *This* is the means of establishing the justice of the free market.

Note that *exchange of unjust property titles are not units of the free market*. When one stops a thief from trading his stolen loot with another, one is not infringing on the free market, one is stopping a man from multiplying the effects of injustice. (13)

Secondly, let us bring up another concern at this point. The basic libertarian social principle has often been stated as: "No man or group of men may initiate the use of force against others." Ayn Rand, in her essay on "Man's Rights," states that "to violate a man's rights means to compel him to act against his own judgement, or to expropriate his values." Neither of these is adequate – for one can stop a murderer from acting according to his judgement, and one can expropriate a value from a thief without violating the rights of either. What *is* true is that one violates the rights of another, i.e., one uses aggression against him, or initiates force against him, when one compels him to act against his judgement in a respect in which he was *entitled* to act thus, and to expropriate a value to which he was entitled. In short, one can have no concept of what it is to violate the rights of others, nor can one even make the distinction between aggressive and defensive violence, without having an implicit concept of justice, a code of principles which defines *what* a man is entitled to, and in what sphere he is entitled to act according to his judgement. In short, the very distinction between aggressive and defensive violence, between invasive and retaliatory violence *depends upon and presupposes* a theory of justice in property titles. Only once such a theory has been established can one *define* aggression, namely as any use or threat of violence against another's just property claims (and thus justified freedom of action).

Much of this is presented now not only to lay the foundation for a discussion of the legitimacy of the State, but to anticipate points which will be brought up later in our discussion of conservative and libertarian-oriented writers.

V. The Epistemological Status of the Issue

A few comments on the epistemological *status* of the discussion are in order. What *is* anarchism, anyway? Anarchism is the doctrine (as theoretician Benjamin R. Tucker has stated it) that the State should be abolished, and that all the affairs of men should be handled by individuals or voluntary associations. Anarchism is thus *the opposition to and denial of the legitimacy of a positive belief*; namely, that the State is moral and necessary. It is alleged that anarchism is a *need* of man only in the sense that the absence of a specific disease is a need of man, or a precondition to health. (This should only be taken as a metaphor.)

It is important to note, in other words, that *epistemologically* anarchism is a *negative* proposition, not concerned *per se* with advocating positive institutions. Like atheism, it need prove *nothing* positive. All that it has to do is to consider the doctrines and arguments of the advocates of a State, and attempt to prove them to be invalid. If it succeeds in this attempt, then it has itself been established.

What is the basis of this claim? As Nathaniel Branden has said in "What is the Objectivist View of Agnosticism?" (OBJECTIVIST NEWSLETTER, April 1963): "Rational demonstration, an appeal to facts, is necessary to support even the claim that a thing is *possible*. It is a breach of logic to assert that that which has not been proved to be *impossible* is, therefore, *possible*...When a person makes an assertion for which no rational grounds are given, his statement is – *epistemologically* – without cognitive content. *It is as though nothing had been said.*"

Thus, the burden of proof is always on the proponent of any position. If a man makes a claim about the existence of something, then it is up to him to make out his case. This is true for *any* hypothesis, whether scientific or moral. If I disagree with him, then my intellectual opposition to his position will take the form of refuting his evidence. Likewise with anarchism: the burden of proof is always on the advocate of a State. Surely this is not only true by epistemological law, but *especially* true and *relevant* in this case, in this historical period, with States threatening man's very existence.

Since every State which has ever existed (and thus *every* existential *referent* of the concept State) has used aggression to exist and function, those

advocating a similar institution have to show and *prove* that theirs is *fundamentally different*. This cannot merely be asserted. It must be argued for with objective evidence.

Thus we must *start out as anarchists*, and have the advocates of the State make out their case. Surely with a historical context to look at we must be skeptics concerning the alleged need for such an institution. And since mankind must have started out without a State, it had to be created historically as well. Thus on every ground, we must start out as anarchists to begin with!

Furthermore, since man is not omniscient, he can deal only with the specific arguments given for any specific positive assertion. An anarchist cannot be required to refute arguments which don't exist, which have been propounded by no one. What this means is that *I need only prove the defenses of the State which exist to be inadequate*. In this essay, I shall also be attempting to show that the concept of the State held by many theoreticians is an *invalid* one.

Since I have already stated my thesis (that anarchy is a necessary condition of man's proper survival in a social context) my premises, and my method, I will now go on to consider the positions held by advocates of a State.

(to be continued next issue)

FOOTNOTES

1. On this point, see Arthur A. Ekirch, *The Decline of American Liberalism* (New York, 1969) Chapters 1-4; Murray N. Rothbard, "Left and Right: The Prospects for Liberty," in *Left and Right*, Vol I, No. 1; and Part One, "Revolutionary Origins of Capitalist Democracy," in *Social Origins of Dictatorship and Democracy*, by Barrington Moore, Jr. (Boston, 1966).

2. I have not included various phases of the voluntaristic socialist movements here.

3. The "Wertfrei" social sciences are those which claim to be 'scientific' and *therefore* completely divorced from any concern with value-judgements. It is an interesting side-note that if we look closely at these supposedly "value-free" and "scientific" practitioners of value-free social sciences that we find them often acting as advisors to the States which are engaging in domestic regulation, foreign imperialism, and war.

4. Brand Blanshard, *The Nature of Thought*, Vol. 2, p. 217. See also the whole of Chapter XXV, as well as: Ayn Rand, *Introduction to Objectivist Epistemology*; Peter Coffey, *Epistemology and The Science of Logic*, for treatments of human knowledge.

5. In this, I shall be drawing heavily on Nathaniel Branden's *The Psychology of Self-Esteem*, (Los Angeles, Nash Publishing Co., 1969).

6. *Ibid.*, pp. 15-16, 18.

7. One of the minimum qualities which something must have in order to be considered a "social context" is the absence of conditions (such as those of the much-heralded "lifeboat" case) which make it *metaphysically impossible* for two or more persons to simultaneously survive. I do not consider the so-called "lifeboat" situations to be a proper part of any social philosophy.

8. For a more detailed presentation of this view, see Ayn Rand, *Introduction*, etc., and Francisco Suarez, *On Formal and Universal Unity*. Suarez was a highly original philosopher of the 16th and 17th centuries, following in the Scholastic tradition, whose views on this and other important topics have been unfortunately neglected.

9. This is substantially the same approach to ethics as the natural law position of the Aristotelians and Thomists. See, e.g., A. P. d'Entreaves, *Natural Law*.

10. In a strange way those denying that one ought to respect the rights of others are committing the reverse fallacy of *the fallacy of self-exclusion* which characterizes arguments for determinism and the like. It might be termed the fallacy of *other-exclusion*, and consists in refusing to recognize the application of principles to others when one has claimed their application to oneself.

11. I owe this insight, and indeed much of my approach to property, to Murray N. Rothbard, especially his unpublished manuscript *The Ethics of Liberty*.

12. This is discussed in a great deal of libertarian literature. See: Lysander Spooner, *The Law of Intellectual Property* (Vol. III, Collected Works, M & S Press, 1971); Murray N. Rothbard, *Man, Economy, and State*, Chapter 2, Section 11-13 (Van Nostrand, 1962); "Eric Dalton", "Private Property and Collective Ownership", in *Left and Right*, Vol. II, No. 3; See also lengthy discussions by by innumerable Scholastic philosophers. For somewhat different views, see Morris and Linda Tannehill's *The Market for Liberty*; Robert LeFevre, *The Philosophy of Ownership*, and an essay by Jarret Wollstein, "Intellectual Property Rights and Social Action" in *The Rational Individualist*, April 1969.

13. I acknowledge the suggestions of Ronn Neff for clarifying this point.

THE LIAR IS A THIEF

RONN NEFF



If a man contends that communication is impossible (and he is not speaking metaphorically or ironically) he contradicts himself, for he both affirms (in trying to communicate an idea) and denies (in what he tries to communicate) that communication is possible. This fallacy of generating a contradiction between use and meaning was discovered and identified by Ayn Rand who called it: "the fallacy of the stolen concept".

According to Objectivist epistemology, concepts are first formed by abstracting characteristics from percepts. Thereafter, concepts are integrated into wider concepts or subdivided into narrower concepts.¹ Because of this process and because concepts are usually defined in terms of other concepts, concepts stand in hierarchical relationships, with concepts of irreducible primaries (such as "existence") and sensations – both of which are metaphysical primaries and are defined ostensively – standing at the base of man's knowledge – just as the referents of those concepts stand at the base of his experience. What is crucial for this essay is that the ordering of this hierarchy is logical, reflecting which concepts must be grasped before certain other concepts can be grasped.² If a concept is to be meaningful, its presuppositions must be accepted while that concept is being used.

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Since the whole of man's knowledge must conform to it, this principle is easily exemplified. The concept "to eat" presupposes and depends on the existence of such concepts as: "living being" and "hunger"; the concept "to lift" presupposes and depends on the existence of the concept "motion"; the concept "slavery" presupposes and depends on the existence of such concepts as: "man", "coercion", and "ownership". The nature of this dependence can be more thoroughly appreciated when one realizes that, for example, divorced from the concepts "man", "coercion", or "ownership", "slavery" would never arise and would be meaningless. Even its metaphorical value would be lost. The concept "metaphorical" arises only in contradiction to the concept "literal", and the two presuppose one another. Any metaphorical value of "slavery" derives from that concept's having literal content, and divorced from the mentioned concepts "slavery" can have no literal content. Generally, if a concept is dependent on another concept, the referent of the first is metaphysically dependent on the referent of the second. Thus, slavery could not exist if there were no men to do the enslaving, no coercion to be initiated by them, or no such thing as ownership claimed by men over men.

The presuppositions of a concept are like the goose of fairy-tales: when the goose was killed the golden eggs it produced vanished. The fallacy of the stolen concept consists in not accepting the appropriate presuppositions while using a concept, i.e. in killing the goose, but wanting to keep the

eggs. It resembles the fallacy of circularity: circularity is the use of a concept to validate itself (e.g. defining lines and points in terms of coordinate systems, forgetting that coordinate systems presuppose lines and points); the stolen concept is the use of a concept to *invalidate* itself.

To examine the fallacy in closer detail, consider the statement "All concepts are stolen." This sentence commits the fallacy in at least three different ways: (1) A stolen concept is an invalid concept. If all concepts are stolen, then all concepts are invalid, from which it follows that the concept "stolen concept" is invalid. Since logic does not permit the use of invalid concepts, the speaker may not use the concept "stolen concept"; he has already affirmed its invalidity, and logically must agree that he ought not use it. (2) The concept "invalid concept" presupposes the concept "valid concept", to which it is intended to stand in opposition. If, as the sentence implies, there are no valid concepts, there would be no concepts from which to differentiate invalid ones; there would only be concepts, and the question of validity would never arise. Nevertheless, the statement relies on this distinction to obliterate one of the components of the distinction, thus obliterating entirely the distinction on which the statement depends. (3) The sentence itself can be intelligible only if it is composed of valid concepts, and this contradicts the content of the sentence. All these contradictions accrue because of a single fallacy, and because they do accrue, the sentence generating them is, to say the least, indisputably false.

One of the 'problems' posed in ancient philosophy is a subtle instance of the stolen concept called the "Liar Paradox". Its first formulation emitted from Epimenides the Cretan (c. 600 B.C.E.) who asserted: "All Cretans always lie." Actually this is not a paradox. To be sure, if the sentence is true a contradiction does result — for then all Cretans always lie, from which we can deduce that Epimenides the Cretan is lying, and his sentence is false, i.e., if it is true it's false — no paradox obtains if the assertion is false, as, we may be sure, it is.³ Other philosophers have 'corrected' Epimenides's error with such formulations as: "This sentence is false" (hereafter, TSIF). The Principle of Bivalence holds that all sentences are either true or false, but in either case a contradiction is alleged to result.⁴ If TSIF is true, what it says is true. What it says is that a certain sentence is false, so if it is true, that sentence is false. The sentence is TSIF, so if TSIF is true, TSIF is false. On the other hand, if TSIF is false, what it says is false. It says that a certain sentence is false, so if TSIF is false, the sentence of which it speaks is true. That sentence is TSIF, so if TSIF is false, TSIF is true. Thus, a contradiction results whether the sentence is true or false.

There have been a number of attempts to solve this paradox, to locate its origin and discover some principle the sentence violates. A ready 'solution' is the denial of the Principle of Bivalence, to assert that some sentences are neither true nor false, but have instead the status of requests, commands, etc. The error of this 'solution' is too obvious and mean to warrant discussion. Far more respectable was the solution of Diodorus Cronus, who, according to an apocryphal tale, hanged himself after failing to solve the paradox.

The 'solution' most widely accepted today is Bertrand Russell's theory of types, which asserts that a sentence must not be a part of the subject-matter of itself, i.e., a sentence must refer to a collection of things in which it is not included. This 'solution', however, commits the very error it should have corrected, and in so doing commits its adherents to the fallacy of self-exclusion. When a man talks about *all* men, he includes himself; likewise, a sentence about all sentences refers to itself. Type theory ignores this fact. The theory of types is expressed by the sentence: "All sentences must refer to collections of which they are not members, i.e., in which they are not included." But is *that* sentence to be bound by the theory of types, or can *it* refer to collections in which *it* is included? That it does refer to such a collection is incontrovertible; why then is it supposed to be exempt from the theory of types? Either it is included in the theory of types, in which case it violates the fundamental principle of the theory, or it is not included, in which case the principle it expresses is false, for it says that all sentences must have a certain characteristic which it, a sentence, does not have. If a sentence expressing type theory is true, type theory is false. It follows from that sentence's being the expression of type theory that if type theory is true, then type theory is false. Type theory cannot be proved, because to prove it, it must first be named, and to name it one must contradict himself. The type-theorist must hold a theory to be true while violating the fundamental principle of that theory. His assertion of the theory's nature contradicts that nature.

To uncover the Liar's secret, it is necessary to examine the concepts of which it makes use. These are: "particularity" (in the word "this"), "sentence" (and, hence, "language"), and "truth" and "falsity". The crucial concept, the one whose generic roots are denied, is: "sentence".

A sentence is an assertion. To assert is to assert as a fact. When one makes an assertion he claims what he asserts as fact, whether it is a fact or not. Such qualifications on assertions as expressions of belief, possibility, or probability do not alter this view. When one asserts that something is probably (or possibly) the case, he does not assert as fact that it is the case, but he does

assert as fact that it *probably* (or *possibly*) is the case. If one asserts that he believes that something is the case, he does not assert as fact that it is the case, but he does assert as fact that he believes it. That to assert is to assert as fact makes such phrases as: "It is true that..." and "It is the case that..." redundant. Thus, *TO ASSERT IS TO ATTRIBUTE TRUTH*.

To attribute truth to that which is asserted does not, of course, guarantee that what is asserted is true; men are not omniscient and can mistakenly attribute characteristics to existents; truth, being a characteristic of some sentences, also may be mistakenly attributed. But there is no escaping the attributing of truth to a sentence that has been asserted; the attribution is entailed in the act of asserting. If this were not so the rejoinders "That's not true" and "That's false" would be senseless, for most assertions contain no explicit claim to truth. Those rejoinders, however, even if not coherent as philosophical or scientific theses, are at least coherent as rejoinders, regardless of what sentence they are meant to contest.

That to assert is to attribute truth makes communication possible. Consider how rapidly man's knowledge and technology could advance if saying attributed falsity to what was said. If Einstein wished to publish his discovery that E equals mc^2 , he would have to write "E does not equal mc^2 ," and his assertion would impute falsity to the published claim. A fellow physicist would read "E does not equal mc^2 ," and would think: "Aha, since he has said it he means it to be false, so he means that E does equal mc^2 . But since *I've said that*, I mean that he doesn't mean that E equals mc^2" It readily becomes apparent that if to assert were to attribute falsity, man could never encounter this particular problem: he could never even reach a level of knowing what "E" stood for; or even learn that to assert was to attribute falsity. No man could ever consider another's ideas because no one could think about his own ideas long enough to discover in what form he should express them that others might consider them.

Even if only some sentences were such that to assert them were to attribute falsity to them, rational discourse would be impossible, for there would be no means of discovering which sentences were and which sentences were not of the nature that to assert them was to attribute falsity to them. Any principle distinguishing these would itself be open to the question of whether to assert *it* was to attribute falsity to it; the principle itself could not be invoked to answer this question, since what an assertion of the principle meant would be what was in question. The same difficulty would obtain with respect to any principle answering this latter question. Moreover, any sentence of such a nature that to assert it was to attribute falsity to it would be

closed to consideration because of the regress that would inherently accompany any attempted consideration. This would be tantamount to asserting that the truth of such a sentence is unknowable in principle, a self-contradictory claim.⁵

Nor can it be that the asserting of a sentence attributes neither truth nor falsity to the asserted sentence. In that case, one could never express agreement or disagreement; he would have no way of knowing whether his agreement was with the assertion as true or as false (and likewise for disagreement), since, as has been said, most assertions contain no explicit claim to truth or falsity.

There is yet another important implication of assertions. From any assertion that something is it follows that it is possible (if it were not possible, it could never have been). From an assertion that two different things are the case, it follows that they both be the case. Since to assert that something is and that it is not (at the same time in the same respect) is to assert a contradiction, it follows that to so assert is to assert that contradictions. Because contradictions are not possible, the assertion of a contradiction is false.

With the foregoing knowledge at hand, the Liar can be successfully cross-examined. The content of "This sentence is false" asserts that a particular sentence is false; at the same time, the nature of the sentence attributes truth to that same sentence. The sentence therefore says that one and the same sentence is both true and false. It asserts a contradiction, from which it follows that contradictions are possible. But since contradictions are not possible, the sentence is false. Contrary to an earlier argument, it does not follow from TSIF's being false that TSIF is true. That resulted from the position that since the sentence is false, what it says is false, and that it says a particular sentence is false. *But that is not all TSIF says!* It says that a particular sentence is true *and* that that sentence is false. To infer from TSIF's asserted truth and falsity that TSIF is true is just illicit. Analogous would be the argument that, since it is false that God exists and so does the world, God exists (or: the world doesn't exist). The Liar can therefore be judged to be false without generating paradox.

The Liar has taken many guises, and this analysis is adequate to deal with them all. One is:

- G: Sentence H is false.
- H: Sentence G is true.

G, a sentence, asserts: (a) that G is true (because it is an assertion and truth must be attributed to it), (b) that H is false, from which it follows (c) that G is false. G thus asserts a contradiction and is false. Once again, it cannot be inferred that H is true, for H's falsity is only one of at least three things that G asserts, and from G's falsity it does

not follow that all three of them are false. H, in fact, is also false. It asserts: (a) that H is true (because it is an assertion), (b) that G is true, and therefore (c) that H is false, thus asserting a contradiction. (Once G is determined to be false, H is false even without the contradiction it generates: it asserts that G is true. But neither this nor something similar would obtain if H had been shown false before G; G says that H is false, and that much of what it says is true.)

The only way any of the Liar-propagating sentences can be understood as false, without falling into contradiction in so maintaining, is by understanding that to use a concept (in this case, to use sentences) one must accept the presuppositions of the concept (in this case, that to assert a sentence is to attribute truth to it). Failure to do this constitutes the fallacy of the stolen concept, and can only result in a myriad of contradictions. That he commits this particular fallacy is the Liar's subtlety; for centuries he has confessed himself a liar, and philosophers have believed him, not questioning his ethical nature further. Had they, they would have found him to be a thief as well.

Author's Note

The preceding is derived from discoveries I made during the summer of 1969, and the solution itself is original with me, though it is based on principles discovered by Ayn Rand and Nathaniel Branden, and published in "Introduction to Objectivist Epistemology" and *The Objectivist Newsletter*, Volume 2 Number 1 ("The Stolen Concept"). I was aided in the writing of the essay by my friend Michael Ferguson.

I discovered after having solved the paradox that, though my solution is original in that I independently formulated it, it is not chronologically original. A similar solution was published in the late 15th century in *Sophismata* by Jean Buridan. In Chapter VII, Section D, subsection 7, he writes:

...Every proposition virtually implies another proposition, so that of the subject standing for it, there is affirmed this predicate "true". I say it implies virtually just as an antecedent implies that which follows from it. Thus, any proposition is not true, if in this consequent affirmation, the subject and predicate do not stand for the same. For example, we could posit that this proposition of Socrates "No proposition is true" is properly called by the name "C". And then it follows that no proposition is true; therefore C is not true. And thus, unless it is as is signified by this consequent, it follows that the predicate in the given proposition was virtually implied in that proposition. The proposition is not true.

It is a sad commentary, but many modern logicians simply are not familiar with the work done in logic between the 4th century B.C.E. and the 17th century C.E., and those that ignore it. (One of my own professors had a hand in producing a current translation of *Sophismata*, yet he teaches type theory and not Buridan.) This is unfortunate, as a great deal of work must now be rediscovered that otherwise would have been readily available, as the existence of this essay testifies. Not only did Buridan correctly solve the Liar Paradox six centuries ago (though he failed to integrate it into a correct epistemology), but his discussion of it was so thorough that he corrected an error I had made in an early draft of this essay.

I suspect that this sort of thing is more common than many philosophy students realize, and they would do well to read Mortimer Adler's *The Conditions of Philosophy*. Though Adler is notoriously inept in dealing with ethics and dikeology (— the philosophy or study of justice) his other works are very instructive. He does an excellent job of identifying the nature of philosophy, and his admonishments for its conduct, had they been known and heeded in the 17th century, could have spared the world a great deal of philosophical woe.

FOOTNOTES

¹For a brief presentation of the Objectivist epistemology, see Ayn Rand's "Introduction to Objectivist Epistemology".

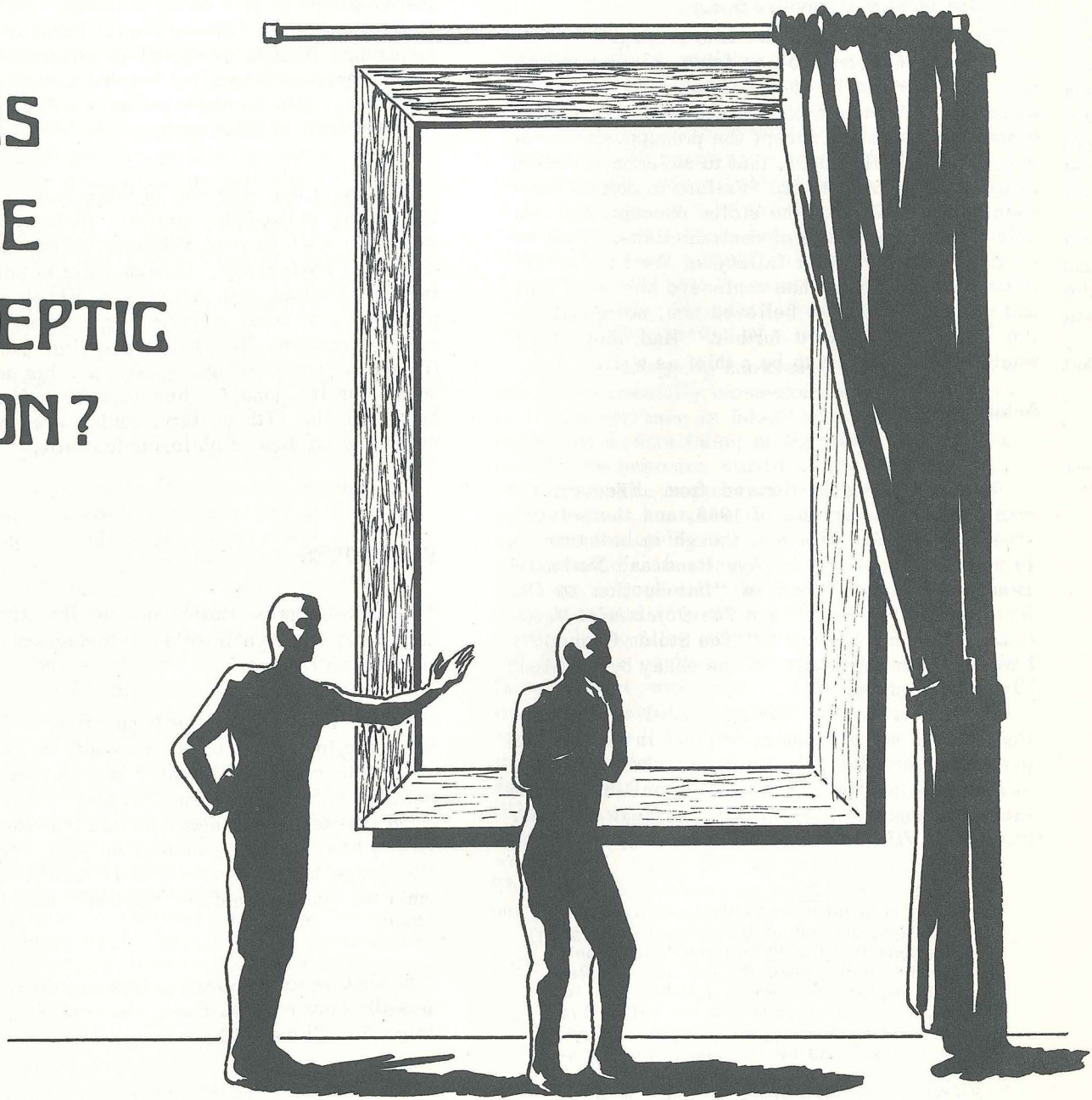
²Though I have used the temporal term "before", this ordering is not to be construed as chronological. The concept "justice" may be grasped temporally before the concept "surgery"; this does not mean that the one is dependent on the other. "Justice", however, does depend on such concepts as "to judge", "character", and "man", and these must be grasped before "justice" can be understood.

³Interesting to note is that this assertion was supposedly known to St. Paul, who considered it to be true. See Titus I, 12-13.

⁴"Sentence" is understood in this context to refer only to declarative sentences, and not to questions, prayers, commands, etc.

⁵See Nathaniel Branden, "Are Certain Things Unknowable?" *The Objectivist Newsletter*, Volume 2 Number 1.

HAS
THE
SCEPTIC
WON?



TIBOR MACHAN

Let's take into consideration some matters which have concerned a number of libertarians lately. Briefly, most libertarians know that at the foundations of their activities, either as advocates of a political philosophy or anything else, lie a number of judgements loosely referred to as moral, ethical, or political. It is with the character of these and related judgements that many have been concerned.

There is a tradition to virtually all fields of study, including philosophy. Epistemology, the study of human knowledge, is part of philosophy and happens also to enjoy a rather well discernable tradition. The following is a brief sketch of the tradition which has influenced epistemology, that is: to an understanding of how man knows. Obviously the present treatment will be open to revision and criticism in view of its extreme brevity. Still, it will be a helpful *sketch*.

Two important traditions in the theory of knowledge have prevailed in Western philosophy (though both have counterparts elsewhere). Pejoratively we may call one *dogmatism* and the other *skepticism*. More neutrally, the former is *rationalism* with its varieties of *platonism*, *idealism*, *a priorism*, etc., while the latter is *empiricism*, with *pragmatism*, *operationalism*, *positivism*, and so forth as related views. Not all these are the same, but the general point of the first group pertaining to the theory of knowledge is that the primary and often exclusive avenue toward the attainment of knowledge is pure, unaided reason, innate ideas, the knowledge of eternal and fixed ideas or forms, etc. The latter group, on the other hand, opts for experience, sensation, observation, practice, testing, or impressions of sense as the primary or exclusive road to knowledge.

Rationalism and its associates do have something very basic in common with *Empiricism and Company* – more basic than what they disagree about. Each group has, to a more or less explicit degree, the same model of what must be achieved in order to have knowledge *proper*. In other words, the model both *rationalists* and *empiricists* have about *what knowledge would have to be* (if it were available or possible at all) is *essentially* the same. Briefly, the model which theories of knowledge have been striving to satisfy has been the model of the *picture*. Pictures, it should be noted, are static; they are timeless and unchanging; pictures themselves can erode; but what they depict does not erode or change *as depicted*; once we *have* the picture, we don't need to do anything; we needn't revise it, modify it, alter it, update it, etc. *we have it*.

The activity of depicting something, either by stone carvers or portrait painters is as old as philosophy, if not actually much older. We have more data on early *depiction* than on early *philosophy*. What is important is that as we look back upon various attempts to give an account of human knowledge (or to demonstrate the invalidity of such attempts and, thereby, arrive at the position of complete epistemological and philosophical skepticism) – as we investigate the activities of philosophers in this regard, we find that the overwhelming majority of them had *the picture as the model* for what it would be *to know*. Note that pictures are fixed, while 'to know' indicates a dynamic, active sense. Instead of *knowing x*, one was thought to *depict x* in one's mind. These philosophers considered knowledge not as knowledge of things, events, acts – that is, of reality – but of *pictures of reality*. From Plato's belief that to know amounted to know the *form* of things, *that is*, the *nature* of things, to Kant's belief that to know is to know the appearances of things (which cannot be known 'in themselves'), to Russell's view that to know is to be *acquainted with that which we know*, that is, to be in *total contact* with it – all these fascinating attempts to arrive at an adequate and true theory of knowledge failed because they viewed knowledge as the knowledge of a (*static*) *picture*; they did arrive at the characterization of what it would be to know pictures of things, as it were, but, because pictures get outmoded and old, they failed to arrive at a correct characterization of what it is to know that which is, instead of the pictures of those things that are. Though we always knew that we knew, we didn't know what precisely that involved.

Because *rationalists* have always taken this as their model of knowledge and because such a model simply did not *accord* with human experience, skeptics had a jolly old time of knocking off *rationalistic* accounts of knowledge. And they had a perfect right to do so; if knowledge *had to be* what this model dictated, then knowledge could never be obtained. After all, reality, experience, things, in general, are all in time; i.e., there is the undeniability of change, motion, development, and, therefore, the need for revision, modification, and updating of what we know and have known. Since we could never exclude the possibility of further additions to a given picture of something – say the picture we have of man (i.e., our *knowledge* of human nature) – the model of the static picture being an inadequate one for purposes of developing a theory of knowledge which could escape the challenge of skepticism.

For instance concerning knowledge of knowledge itself; *if* we fail to realize that *what* knowledge is and *what* it could be are open to the possibility of change, then we have restricted ourselves to an inadequate view of *knowledge* a picture of knowledge. After all, have we the (logical) right to exclude from the realm of possibility that what the future has to offer may require the

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updating of our conception of knowledge itself? Have we the logical right to close the door forever on what will count as knowledge? We don't; for what is *in the future* we do not know and as a result we *cannot* say whether or not the future *will* require us to update our present understanding of what human knowledge is. (Consider some plausible suggestions about telepathy, etc.) Maybe it would be better to say that we shall discover some additional forms of knowledge.

We have seen why the skeptic's criticism against the *Rationalists and Company* has always succeeded: their model of knowledge was that of a static picture while in fact a dynamic model was needed. But *empiricism*, which most often took off from where skepticism rested its case, fared no better. *Empiricism*, in the main, accepted the static view and argued simply that, instead of trying to gain knowledge through the use of 'pure reason', we ought to be satisfied with what our senses can give us. Experience, not reasoning, is the ultimate ground of knowledge.

But what prompted the *empiricists* to say this? Simply because they accepted the static picture and, seeing that the *rationalists* could not go anywhere with it as rationalists, they tried to go someplace with it as worshippers of 'pure sense' or 'pure experience'. To the empiricists everything which had the right to be called knowledge had to be reducible, without remainder, to so-called sensible components. Similarly, operationalists, pragmatists, instrumentalists, positivists and others believe that unless a knowledge claim — that is, a claim which purports to be able to convey information about reality, about the world and man — is ultimately reducible to either certain ostensible or sensible components, or certain tests which we can all see, or the operations of instruments, or facts which have been posited in terms of a well-accepted but ultimately arbitrary logical/formal system or language — unless reductions can be carried out, the claims must be regarded as without meaning; at best they could carry poetic or emotive content, at worst they must be regarded as the mutterings of the insane and feeble-minded.

Why do *empiricists* believe this? Because they have accepted the *model* discussed above and found only *one* candidate which would satisfy it: impressions of sense (or sense data, or experience, or perhaps even perception) the *nonrational, non-conceptual awareness* human beings (and other animals) have of their world. If, in other words, reason does not come into play, we are left, ultimately, with our sensations, the (type of) awareness of our senses. And this form of awareness, when *had*, is static, final and indubitable. A sensation simply *is* — we don't doubt it, just *have* it, much as we thought knowledge was to be had. We doubt only what it is we sense or what a sensation is, not that we have one. It has become the only one which would satisfy the model followed in the

attempts to give an account of the nature of human knowledge.

The skeptic could now attack the *empiricist*. Is the form of awareness we are capable of with our senses *knowledge*? Can knowledge be based on that form of awareness *alone*? Must it be true that claims which purport to convey or express *knowledge* must be reduced, without remainder, to refer to sense-data, to 'pure sensation' or 'pure experience', unaided by reason, by conceptual thinking? *In short, could man know without thinking?*

From Plato, to Descartes, to Hume and to Wittgenstein philosophers have answered 'no' to this question. Though they may not have been successful in their attempts to offer an alternative analysis they realized the utter futility of attempting to base knowledge on 'pure experience'.

Yet this did not dissuade them from continuing to propagate the ideal conception of knowledge as that of pure experience of immediate contact with *what is*. Science (because it deals with 'pure facts', tests, well-specified operations, and unattained experience) became the paradigm of human knowledge and, of course, intellectual respectability. Fields of study which did not manage to identify with this 'scientific turn' were relegated to the status of speculation and poetic or metaphysical nonsense. A. J. Ayer, the earliest of the disciples of the positivism of the Vienna Circle, announced to the world, in his *Language, Truth, and Logic*, that only those assertions, propositions and statements could claim intelligibility which could satisfy the *verifiability theory of meaning*; which meant that only those linguistic activities (statements, propositions, etc.) made sense which (if they were intended to be true) could be tested and verified in accordance with certain formal procedures. As to *what* made the *particular* formal procedures which the positivists specified so sensible, Ayer never said. Nor did any of the positivists say it — which is precisely what led to their departure from the philosophical scene. After all this hue and cry about the nonsense of traditional philosophy — including, of course, all of the *rationalists* and some others, for good measure — the worshippers of scientific factuality left themselves in a position of having to rest their account of all philosophical issues on an *arbitrary* choice of some formal system. Goedel, who was surely no metaphysician, saw through this grand attempt and promptly, though ironically, constructed a formal argument which rendered it formally impossible to have a *purely* formal system which is both fully consistent and complete, i.e., one which did not require extra-formal elements. Positivism had no way to account for its choice of the Whitehead/Russell system of (propositional) calculus as the one which did, in fact, accord with reality. So the positivist could get us no closer to knowledge of reality than have any of the earlier attempts — furthermore, they have taken us further away because of their self-righteous pronouncements that no field

of study other than those of the 'natural' sciences – physics, chemistry, botany, etc. – could offer us knowledge of the world.

With this legacy, the various so-called humane or social sciences – (is economics really so unnatural; or psychology and ethics?) – ran to acquire membership within the pure scientific community, as this was understood by 'intelligent men' everywhere (especially in Anglo-American circles). Psychology became behaviourist, law and ethics degenerated into sociology and nihilism, while economics was more or less hanging in between. Inasmuch as economists deal with the activities of human beings, and inasmuch as what men *will* do is not predictable in the fashion as what rocks or even mice *will* do, the positivistic empiricism of economics amounted more to a creed than a practice. Economists, after all, work with such concepts as 'social cost', 'property', 'value', 'public or private goods', 'taxation'; none of these concepts can be reduced, without remainder, to purely empirical components – simply because the concept as 'purely empirical' is itself a 'floating abstraction': there *is simply nothing* of which we can have purely empirical knowledge, *even* if agreement about the conceptual framework in terms of which we handle various matters is pretty universal; for example, some could say that the statement "there are four buttons on your shirt" is a paradigm case of an empirical statement; since I don't know what 'empirical' statements are, except in that I know of *attempted accounts* for such statements, I wouldn't and couldn't know if this was right; I know, however, that without a *prior* understanding of the sense and possible contexts or, to use Wittgenstein's phrases, 'language games' of 'your', 'four', 'button', 'being', 'shirt', and others which make it possible for us to understand these, the statement in question would have been unintelligible. Furthermore, without understanding the context within which the statement was made – for example that it was not made on a stage but in earnest, that it was not intended to tell anyone anything about shirts and buttons but to serve as an illustration, etc. – without these (nonempirical) factors, the utterance would not have been able to accomplish its intended aim; it would, in short, have been without *meaning*.

But what follows from this? It doesn't follow that *what* economists and other social scientists do, (because it is not 'purely empirical'), is either meaningless, or pointless, or even poetic. It is on most occasions simply *ill-described and explained* by economists; it may be (and hopefully *is*) *done* well, often by economists, namely economic analysis.

Where problems arise is the point at which economists become concerned about their own conception of *what* they are doing. Some, like the Austrian economist Ludwig von Mises, build a philosophical system out of specifically *economic* tools of analysis; von Mises noted that prices are the re-

sult of the interaction of human decisions based on human valuations, and devised a *subjectivist theory of market valuation*; then he proceeded also to assert that all judgements of value are subjective, a view which not only has nothing to do with economics, but is plainly false.

From some economics departments we hear it said that one's 'property rights' are goods, whereas the concept of 'property rights' is a concept of *political philosophy* and human rights theory and, as such is embedded in a view which renders the suggestion that *rights* themselves are on par with other goods is a mistake. Even the Founders realized that the right to property was "unalienable" and, as such, could not be lost other than by depriving a person of his humanity. The mere fact that the laws fail to recognize the unalienability of human rights, including property rights, need not induce economists to help them even by simple default. Some say 'property rights' function as 'controls' or 'resources.' This would help keep out the issue of morality or legality and require that property rights be assumed as part of any economic model asserting the fact of controls or resources as a feature more or less present in all actual markets.

Let us admit that value theory as an enterprise is not in good shape. Neither, however, is any theory (least of all logical positivism, the philosophical foundation of positive economics) which holds that judgements of value ("X is valuable") *cannot* be true or false. The prudent thing to do for social scientists is to stop acting as if they could incorporate within their own analyses ethical and political problems.

At this stage of the history of philosophy, when, perhaps due to the extreme dogmatism of both the political right and left, the dominant attitude is ethical and political nihilism, there are signs that we are developing a sound approach to morality. In short, following much advance in epistemology and understanding and easing of the skeptic, the outlook for defending moral knowledge is good. Not that we don't *already* know a lot of things that are good and bad – we simply do not yet understand *how* we know. Through the account of truth and knowledge, in general, the prospect for discovering what counts as *moral* truth and knowledge, in particular, is also in sight. This is good news not only for libertarianism – so that the idea that freedom is good need not be viewed as a mystical, poetic or feeble-minded daydream – but also for the various fields of the *humane* studies; it'll now be possible to sort out those aspects of human life which are the domain of ethics and which lie in other fields. We may also look to discoveries of the right connections between ethics and other fields of investigation.

The *present skepticism* about the status of value judgements is unfounded: it rests on *bad* philosophy.

MY LAI & THE MORALITY OF WAR

Jarret Wollstein

It is a curious and sad mentality which holds that ethical principles are valid, and then fails to apply those principles to reality.

The fundamental principle of the libertarian social ethic is that no man, regardless of his station, can morally and with impunity *initiate* force against other innocent men. It does not matter if the victims are rich or poor, white or non-white, American or foreign. Libertarianism holds that *every* man, in every country, has an absolute and inalienable right to his own life, liberty, and property, which no other man can morally violate. Furthermore, if a man *does* initiate force against another, he is then properly subject to retaliation.

Of all the various forms of initiatory force, premeditated murder is clearly the most heinous. Unlike theft, which only deprives the victim of part of his property, and unlike the draft, which only deprives the victim of part of his life, murder is the negation of the totality of an individual's existence. Thus, properly, the penalty for murder in every civilized society is the greatest of all criminal penalties. When the crime of murder is compounded by multiple victims, the criminal assumes the status of a true moral barbarian, and forfeits his claim to his own life many times over. In fact, the mass murderer excludes himself from the realm of civilization entirely, and becomes a dangerous beast in a society of generally peaceful men. At the very least, such a creature should be totally ostracized; at most he should be subject to the same painful torture which he has inflicted upon others. The willful mass murderer of innocents, regardless of his rationalizations, is not a moral hero, but a moral monster.

Consider these principles applied to Lt. William Calley, Jr., the butcher of My Lai. On March 16, 1968, Lt. Calley willfully and with pre-meditation rounded up at least one hundred South Vietnamese civilians in the village of My Lai, and, after holding them at gunpoint for several hours, had them

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thrown into a ditch and ordered the men in his command to open fire. Lt. Calley personally killed at least twenty-two, including many women and children. Those who tried to escape were shot in flight.

As Calley's trial was later to reveal, these civilians did not give any indication of being hostile or a threat to Lt. Calley or his men: Lt. Calley was *not* suffering from temporary insanity at the time; and he was probably *not* given an order to massacre the village. Even if he had been given such an order, it would have been (in the jargon of the military) an "illegal order" which he would have been both morally and legally obligated to disobey by the Army's own code of justice. Thus there was no question about Calley's committing mass murder under the threat of personal harm, and there was no question about the innocence of his victims.

The men who pronounced these judgements and found Lt. Calley guilty of first degree murder were not hippies, or ivory tower intellectuals, or even libertarians. They were rather themselves career military officers, who found the evidence for Calley's guilt so overwhelming, and the crime itself so despicable, that even they could not evade the facts and countenance Calley's actions (though, as several jurors have expressed, they initially just refused to believe that the crime occurred.)

The motivation for Calley's actions was clearly revealed by a psychiatric report describing his state of mind: "He did not feel as if he were killing humans, but rather that they were animals with whom one could not speak or reason."¹ This is collectivism in its naked essence; collectivism as it is practiced, rather than as it is preached. It is an ugly concretization of the same mentality which enables the great majority of U.S. servicemen in Viet Nam to regard all Vietnamese as "gooks", sub-human beings without either feelings or rights.

Whether or not Calley was given even an indirect order to commit his monstrous crime we may never know. Calley testified that he was ordered to "kill every living thing" in My Lai. His immediate superior Captain Ernest Medina denies ever having issued such an order. But what is more important than the reality of the order itself is the fact that Calley was so indoctrinated by the authoritarian military system that he believed that the mere existence of such an order would free him from all blame and moral responsibility. That is, Calley regarded an order as an irreducible moral primary of his existence, as a fact beyond question or dissent.

Calley's mental corruption (which, revealingly, the Army regarded as a 'normal state of consciousness'), does not exonerate him, however, any more than the fact that one was born in a slum absolves one of all blame for becoming a criminal. Despite their understanding of the nature of their acts or their ignorance, men remain morally responsible for what they do. It was, in the final analysis, *Calley*

who decided that he had the right to kill over a hundred innocent Vietnamese; it was *Calley* who had never thought to question; and it was *Calley* who had volunteered to be in the Army in the first place (and hence made himself liable to be placed in a My Lai).

In view of Calley's clear guilt, in view of the fact that the massacre which he supervised had nothing whatever to do with military objectives in Viet Nam (not that that would free him from blame), the public reaction to his conviction has been nothing less than appalling — a frightening reminder of the present state of our culture. Within a week after its appearance, "The Battle Hymn of Lt. Calley" (which depicts Calley as a sort of "Davy Crockett of Viet Nam") sold over one million recordings. A poll conducted a few days after the "guilty" verdict showed some 79% of a representative sample of the American people to be against Calley's conviction (with 12% abstaining, and *only* 9% actually in favour). And the White House has been deluged with mail at the ratio of 100 to 1 *demanding* Executive clemency.

Most heart-warming of all (if you are a vampire) was the quick reaction of many veterans declaring that 'they had killed many more innocent people than Calley' had and 'if he were guilty, then so were they.' After all, what is a paltry hundred Vietnamese? The clear implication of their statements is that they are not guilty of any wrongdoing, and therefore neither is Calley — that war is hell, so anything goes. But if murder, rape, torture, and genocide are all par for the course, one might well ask what is America attempting to defend in the first place? Certainly not human rights.

What is being advocated here, by conservatives this time, is the old "we are all responsible, so let's not blame anyone" theory. It is the same pseudo-ethical nonsense which enables sanctimonious liberals to assert that "we" were all responsible for the death of John F. Kennedy and Martin Luther King. Well let me here go on record as stating that I deny any responsibility whatsoever for these assassinations or for the crimes of Lt. Calley. In Calley's case in particular, I did not support the draft or taxation which made the War possible, nor did I pull the trigger in My Lai. But Calley did, and that is precisely the point.

Lt. Calley *is* morally responsible for his crimes.

The arguments variously asserted for mercy and/or Calley's innocence range from inane to outright mentally sick. "The innocent-looking South Vietnamese in My Lai might have had concealed weapons", some say. Well then, why didn't Calley search them first during the several hours that he held them at gunpoint? In any case, if the Army has declared "open season" on all South Vietnamese, including two year olds, who the hell are they protecting in the first place? There are only

two possibilities: either everyone in Viet Nam is an enemy, or they are not. If everyone is an enemy, then what is the U. S. fighting for? If not everyone is an enemy, and they are really protecting someone, then the Army had damn well at least try to determine who is who.

Of course, it is *possible* that a two year old Vietnamese child is carrying a concealed hand grenade or a satchel charge, but two year old American children have also been known to blow their father's heads off with a sporting rifle. Should we therefore also declare "open season" on American children? If you think not, don't you dare think that the life of a Vietnamese child is one bit less sacred than the lives of your own children.

In reality, there is little doubt that the military has declared "open season" on the Vietnamese long ago. According to *Time*, some 5,000,000 people in Vietnam — nearly one-third of the population of South Vietnam have become refugees. And an estimated 1,000,000 civilians have been injured and 300,000 killed.² This is a very strange way to "protect" people.

Next there is the argument of anti-war groups that Calley should be freed because he is a scapegoat, and even if guilty, his punishment will simply divert public attention from the more basic and important issue of the immorality of the Vietnamese War itself. Even if true, this argument is morally irrelevant. If a man is guilty of a crime, he deserves to pay for it, period. Further, I contend that the belief that Calley's conviction will reduce criticism of the War is in error. In point of fact, I maintain, his conviction, regardless of whether or not it is later overturned (probably by Nixon during prime time in the '72 campaign), has *already* done more to arouse rational anti-War sentiment and thoughtful reconsideration of what the U. S. is fighting for in Vietnam than all of the anti-War rallies put together.

The exact reason that the "red-blooded Americans" are screaming for Calley's release is that they *do* get the idea. They see that if it was wrong for *him* to murder innocent civilians, then so too was it wrong for them or their husbands to firebomb Dresden and Hamburg during World War II, and for their sons to napalm Vietnamese villages. That is, compelled to confront the issue of the morality of war as it is presently conducted, they have only two alternatives: either admit that war is wrong, totally wrong, wrong *in principle* — and that therefore they or their relatives are guilty or of premeditated murder — or they can evade. And clearly most Americans *are* evading; in fact they are screaming their evasion — in protest letters to the White House and in pompous rallies in Calley's defense and "honour". They are screaming their evasion in the futile hope that they can drown out the sound of their now-awakening consciences.

Finally, there is the argument that it is not "fair" to convict Calley when so many others are guilty of even more heinous crimes. The concept being asserted here is the "fairness" of uniform tyranny or of the grave. It is the opposite side of the argument which holds that "since the draft is immoral, everyone should be drafted." That is, the principle being advocated here is, "If one instance of an action is wrong, then it becomes right when made universal." If you detect a logical flaw in this argument, congratulations: you are one of the minority of 9% who endorsed Calley's conviction.

Rationally, if an action is wrong, it should be abandoned totally, not generalized. There is no "fair" way to administer an injustice. In the case of the draft, the point is that since it is involuntary servitude or slavery *no one* should be drafted. In the case of Calley, the point is that others should indeed be punished as well,³ and not that Calley should be set free. If you have 1000 Calleys roaming the street, it is far preferable to have *one* brought to justice. At least the remaining 999 will then have some second thoughts about their immunity to retribution.

What the Army is therefore saying by convicting Calley, and in its subsequent order to field commanders to disobey illegal orders, is that there are some acts which even the war machine considers too monstrous to sanction or allow. The situation is analogous to living in a barbarous society which regularly has virgin sacrifices, kills every second infant, and eats its enemies. If the leaders of that society suddenly decide to outlaw virgin sacrifices, but keep the remainder of their pagan rites, the society is not any the worse for it. On the contrary, they have taken a step in the right direction, and so is the U. S. Army by attempting to prevent future My Lais.

The beneficial effects of Calley's conviction are already in evidence. SP/4 Jimmy White of Columbia, Tennessee, has been quoted in *Time* as stating, "Since the word about Calley got out, everybody's been watching a lot closer what he shoots. That's one good thing about the incident. Everybody's definitely more careful now."⁴

Most importantly, the conviction of Lt. Calley has initiated a nation-wide discussion of the morality of modern war itself. David Lawrence's April 12 editorial in *U. S. News and World Report* is typical in calling for "a definition of the kind of fighting permissible in reprisal against attack." If, as a consequence of the controversy which Calley's trial has generated, only 1% of the U. S. population decides correctly, that is, decides that mo-

ality does indeed limit the actions of men in war far more drastically than previously imagined, it will be a major cultural victory for incipient libertarian thought. After all, when is the last time that professional libertarians managed to change the minds of *two million* Americans on some fundamental issue?

As I have often stated, modern warfare is a monstrous evil which no libertarian can sanction. It was wrong for the United States to fire-bomb tens of thousands of innocent German civilians in World War II; it was wrong to drop the bomb on Hiroshima and Nagasaki; and it was wrong for Lt. Calley to kill twenty-two innocent Vietnamese civilians. The rights of all men — Germans, Japanese and Vietnamese — are no less sacred and absolute than our own rights. It is only the most crass collectivism and racism which allow anyone to think otherwise.

Yes, in this world of collectivists, communists, and dictators, we need to have means of defending ourselves from aggression. But *proper* defense does not require or entail the mass immolation of innocents. Between lying prostrate before our enemies and abandoning morality by declaring war to be outside of its province, stands the third alternative of libertarian metawar.⁵ Between pacifism and aggression there stands true defense.

If you still believe that Lt. Calley should go free, I suggest that you make one simple experiment. Substitute for My Lai the name of your own hometown, and substitute for the unpronounceable names of some Vietnamese peasant children, the names of your own children. Then ask yourself if you still think that morality doesn't apply to war.

FOOTNOTES

1 "The Clamor Over Calley: Who Shares the Guilt?", *Time*, April 12, 1971, p. 18.

2 *Ibid.*, p. 19.

3 Though, practically speaking, it is neither possible nor desirable to attempt to try everyone guilty of some war crime, since there are neither enough policemen, courts or jails to do the job; and the resulting civil war from the attempt would certainly do much more to harm the cause of individual liberty than to further it.

4 *Op. cit.*, p. 20.

5 I discuss the philosophy and strategy of *metawar*, "conflict in which violence and destruction are minimized", in "The Philosophy of Defense", *The INDIVIDUALIST*, July 1970.

A MODEL FOR PRIVATE COLLEGES

Charles Koch &
George Pearson

In our opinion, there is no reason why the taxpayer, wealthy or destitute, should be burdened with the financial responsibility of training and educating the future employees of industry, be it the education industry or the automobile industry. Those who benefit directly from educated employees should be charged with the financing of their education; logically, those who benefit indirectly or not at all should not be held directly responsible. Implying that indirect arrangements do not work, numerous companies, in spite of the costs, are themselves preparing employees and potential employees for positions in their organizations.

One such effort is the General Motors Institute (GMI). GMI offers a five-year cooperative program leading to the bachelor degree in engineering and industrial administration. A large percentage of all General Motors executives are GMI graduates and of the 8,000 cooperative graduates GMI counts as alumni, approximately sixty percent are currently employed by General Motors. Many of the remaining forty percent have gone on to positions of key responsibility in other organizations or started their own businesses. There have been three Ford Motor Company vice-presidents who graduated from GMI.

While visiting with GMI officials, we inquired about GMI accreditation and the acceptance and recognition of its engineers by professional organizations.

During our interview, we also sought information on student unrest, charges of irrelevance by discontented students, operational interference by generous, but interfering patrons, governing board uninvolvement or indecision, squabbles over athletic programs, lack

of support for the funding of its operation, difficulty in placing graduates in periods of economic downturn, and other problems that are specifically of major concern to most colleges and universities.

We learned that at GMI recognition of excellence by graduate schools and employers preceded accreditation. Before GMI became accredited by the North Central Association of Colleges and Secondary Schools, a Bachelor/Masters Program had been instituted with the Massachusetts Institute of Technology at the request of MIT. Through this program, qualified GMI students enroll in the MIT graduate engineering curriculum even before receiving a bachelor degree at GMI.

Presently, forty-one of the top graduate schools accept GMI students into Bachelor/Masters Plans similar to the original Bachelor/Masters Program at MIT. GMI graduates have also earned the recognition of the National Society of Professional Engineers and the Ontario Society of Professional Engineers making them eligible for professional registration in the various states and Canada. Although GMI lacks accreditation by the Engineers Council for Professional Development, a Chapter of the Tau Beta Pi Association, national engineering honor society, is to be established at GMI in May of 1971.

Interestingly enough, GMI was recognized by employers and first-rate engineering schools before it was endorsed by professional associations or accredited academically. Its first interest was, and continues to be, the preparation of technically trained and educated people. Successful pursuit of this interest has earned GMI recognition of its graduates and accreditation.

One of the most important aspects of GMI is its pursuit of specific goals and objectives. It is not, nor does it attempt to be, "all things to all people." It is, and it tries to remain, a source of technically trained personnel, competent in dealing with problems of a specific nature. In accomplishing this, it does not cater to the whims of students, faculty, or outsiders; for in adopting popular programs and passing fads, it would fail to achieve its stated goals and objectives and consequently lose the support of GM and the interest of other firms who have recognized GMI's success in preparing students for responsible positions. Continued support and interest is indicative of GM's belief that GMI is producing something that is unattainable elsewhere: training and education that is superior to the extent that it provides

a satisfactory return on the millions of dollars GM has invested.

Obviously, continued existence is subject to GMI's ability to satisfy GM's demands; therefore, catering to GM is a natural function. GMI must be sensitive to the needs of GM and thus bears a constant pressure to meet these needs better than anyone else. The eagerness of other companies to employ GMI graduates testifies to its success in providing a unique and functional education.

It seems worthwhile to consider what makes GMI education so unique and functional. Certainly, the cooperative segment of the program is of primary importance. As with most cooperative programs, in-plant time on the job is essential; however, as is not always the case with other cooperative programs, the company for which the student works is the same company that subsidizes his education.

It is not surprising to find GMI's educational experience to be truly functional since it is designed to expedite transition from the role of a student to that of a member of a production team. Since most GMI students become GM employees, the value of the training and education to GM (a true measure of its utility) is constantly being weighed against the cost of continuing the program. GM naturally expects the costs to be offset by increased productivity or reduced costs elsewhere.

The strikingly unique characteristic of the institution is its ownership. Unlike ninety-nine percent of all other educational institutions, GMI is owned by those who actually expect to receive the direct benefit from the training and education at GMI, General Motors. Since the governing board is comprised of General Motors vice presidents and general managers, it can be held responsible for the performance of GMI.

A distinct arrangement at GMI is the contractual relationship between GMI and its faculty. Faculty members do not have tenure. Any faculty member can resign or be discharged with thirty-days notice. Faculty security depends solely on performance, yet the length of teaching careers at GMI is considerably above average.

A professor can ill afford to be unresponsive to students in the GMI cooperative program. His job is to present theoretical material and relate it to the students' work experience. Helping a student gain engineering and management skills that prepare him to later accept a responsible position is a primary function of the

teacher and parallels GMI's own goals. The instructor is hired according to his potential and is secured in his position according to his performance.

As should be the case, the instructor is present to answer students' questions arising from their desire to understand more. The work experience is instrumental in arousing the students' curiosity. GMI provides not a regimented, artificial program, but a true learning experience where the object is to solve problems that are real in the minds of the students.

Still another unique feature of the program is the requirement that the student qualify both for the job and for the classroom. After being accepted on both counts, the student must perform satisfactorily in both places. He is subject to a dual evaluation throughout the five-year program. Failure to perform satisfactorily in either or both of the institutions results in dismissal from the program. Each student represents a capital investment to GM and his potential individual contribution is weighed against the cost. At any point that the potential return is considered to be greater than the outlay, all efforts are made to retain the student. Throughout the student's stay, GMI builds a vested interest in him which it is reluctant to relinquish; dismissal of any student represents a loss that cannot be recovered.

The student is, of course, paid while working. With judicious management of his earnings, he can meet the total charge for room, board and tuition at GMI (\$2845/year). However, if total self support is not possible, as it may not be during the first year or two when earnings are less than \$5,000, the student can apply for part-time work or a loan from the General Motors Institute Loan Fund.

To supplement the academic work, an expansive program of extra-curricular activities is offered to encourage the student in social, spiritual, and physical development. Although every student has an opportunity to participate in intramural sports, there are no intercollegiate events on campus. These extra-curricular activities are presided over by a student government.

Among other concerns, we have very briefly dealt with questions of financing, operation and curriculum by doing an abbreviated "case study" of an institution that is not entirely conventional. Our premise is that with innovation sadly lacking in education, the examination of a successful unconventional educational institution is in order.

the marketplace

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An Appeal To Our Readers. . . JUSTICE FOR FRED WOODWORTH

"If and when the public opinion of a free country accepts a distinction between political and non-political criminals, it accepts the notion of political crimes, it supports the use of force in violation of rights — and the historical process takes place in reverse: the country crosses the borderline into political despotism."

— Ayn Rand, *The OBJECTIVIST*, May 1970

Americans like to think of their country as a "land of liberty and justice for all", but as Objectivists and libertarians are well aware, there is a vast number of laws which violate, rather than defend, the rights of the individual. It is therefore not surprising that a very large portion of the arrests which take place are for activities that are none of the government's business, such as gambling, curfew violations, and possession of firearms. In fact, during 1967, easily 75% of all arrests (based upon the FBI Uniform Crime Report) were for moral non-crimes, crimes without victims, acts which the government violently disapproves of, but which do not violate anyone's rights.

Even more sinister is the increasing trend of government to arrest, try and imprison men NOT FOR THEIR OBJECTIVE ACTS, BUT FOR THEIR THOUGHTS ALONE. That is, increasingly government is trying men for their POLITICAL beliefs. I regret to announce that the heavy hand of the State has now begun to descend upon libertarians.

On Thursday, January 21, 1971, at six o'clock, Fred Woodworth (a contributor to the INDIVIDUALIST and officer of the Student Libertarian Action Movement) was waiting for his wife Cheryl at the University of Arizona Student Union, when several friends rushed in and told him that she had been beaten and arrested by police in what was later to prove to be a riot area in the vicinity of the University main gate. As Mr. Woodworth was later to discover, Cheryl had NOT in any way participated in the riot, but had simply screamed when she saw several policemen beating students, thereby attracting attention to herself. For this she was arrested, literally THROWN into solitary confinement, and charged with "rioting".

When he drove to jail to find out what happened to his wife, Mr. Woodworth discovered that the situation was worse than he had imagined: Not only did the police refuse to let him see her, or reveal any information about the extent of her injuries (her foot had been badly cut, and her leg was later infected and paralyzed due to lack of medical treatment), but at one point a campus policeman asserted: "I didn't beat up your wife, but I goddamn wish I had."

When he and his friends persisted in their attempt to find out what

had happened to his wife, the police ordered them to leave. However, the nightmare was just beginning. As Mr. Woodworth and his friends were about to leave in their cars in the police parking lot, the policemen (who had just told them to leave) fired a warning shot at them and commanded them to stop. Then, according to Dean Ahmad who was with Mr. Woodworth, the following took place:

"The police were swarming about my car. One jumped in front of me and I slammed on the brakes. He jumped about gleefully. 'Did you see that? Assault with a deadly weapon!' There's a knocking at my window. It's (officer) B (who had said he wished he'd beaten up Cheryl)

'Open it!' he snarls.

'Why?'

'Pull out his distributor cap!' he shouts. . . (An officer) does.

'You asked us to leave and I'm leaving,' I pleaded. 'Why are you stopping me?'

'I can't hear you,' he mocked. 'Open the window.' A uniformed (officer) on my left and one in front of me began banging against the glass with their gun butts. (An officer) at my right aimed his gun carefully at my head, then momentarily lowered it again. Then he too was smashing at my window pane. I opened the door.

I was yanked from the car, frisked and cuffed. Fred and I were thrown into the booking room. Fred gazed at my neck with a look of nausea. 'What have they done to your neck?' he whispered.

'You,' said the booking clerk, 'are under arrest for aggravated assault.' "

Thus two young men, whose only "crime" was that they attempted to find out what had happened to an injured wife, were beaten and then, incredibly, THEMSELVES charged with assault. (These events have been fully documented since many took place in front of a half-a-dozen witnesses.)

One might expect that the defendants would easily be found innocent, but the fact of the matter is that they probably will not be: In the aftermath of the University riot the local citizens are out for blood, willing to condemn students simply because they are students. Further, the word of a policeman is al-

most always taken by judges and juries over that of a private citizen, even when there are several witnesses. Most importantly, there is much evidence that the trial this fall will be largely based upon the defendants' political views; that is, it will be a political trial.

At the initial hearing for Mr. Woodworth and his wife, the great majority of the questions asked by the State attorney concerned their philosophy, and they were constantly berated about their belief in a libertarian society. Mr. Woodworth now faces one felony charge of assault against the police, and his wife two charges. The trial is now set for September 21, 1971.

It is understandable that police become tense and overexcited in a riot situation. But this can be no justification for the persecution of the innocent. The physical assaults of the police upon Mr. Woodworth, his wife and friends, and the subsequent charges against them constitute the most foul perversion of justice imaginable.

Mr. Woodworth is now in desperate need of funds to legally pursue his defense and the defense of his wife. Using the only legal recourse left to him, he has initiated a suit against the State of Arizona. Unless funds for Mr. Woodworth's case are forthcoming, he will quite possibly be jailed for as long as twenty years for a crime which he did not commit. The brutal attacks upon Mr. Woodworth and his wife, and the utter disregard for their most basic rights are of themselves sufficient reason for your aid. Add to this the fact that his trial is apparently going to be largely based upon his libertarian political beliefs, and it becomes imperative that every libertarian and Objectivist reading this do whatever he can to free Fred Woodworth.

The editors and staff of the INDIVIDUALIST are therefore appealing to you for funds to help Fred Woodworth defend himself. Any amount will help: \$20, 10, even \$1.

The trial of Fred Woodworth constitutes a grave threat not simply to him and his wife, but to everyone as well. If they can convict THEM for their beliefs, they can convict YOU as well. If you have been wondering what you can do to help restore justice to America, you now have one concrete answer: HELP SAVE FREE WOODWORTH.

**PLEASE SEND YOUR CONTRIBUTIONS
TO MR. WOODWORTH DIRECTLY AT:**

**Fred Woodworth Defense Fund
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