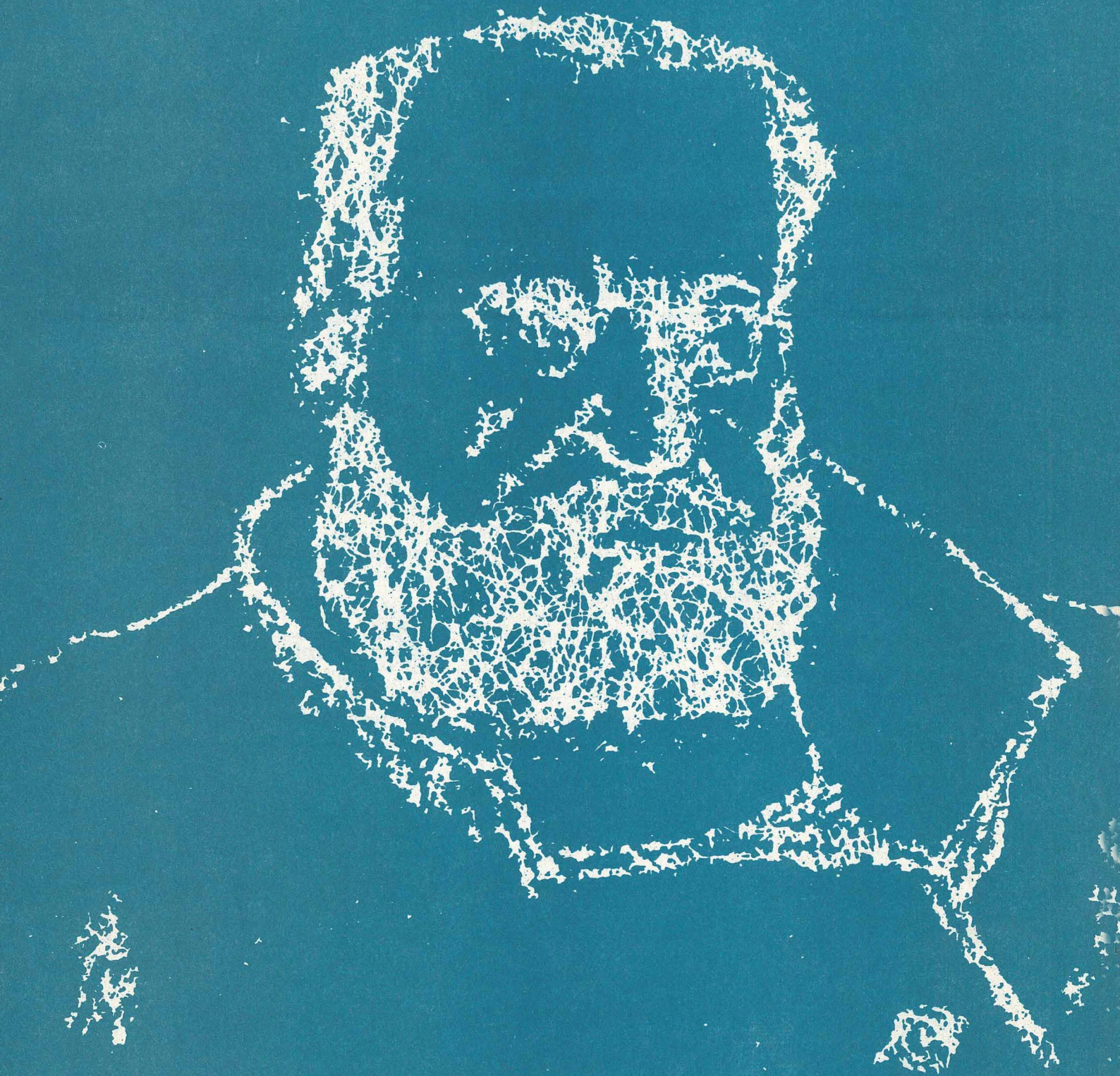


INDIVIDUALIST



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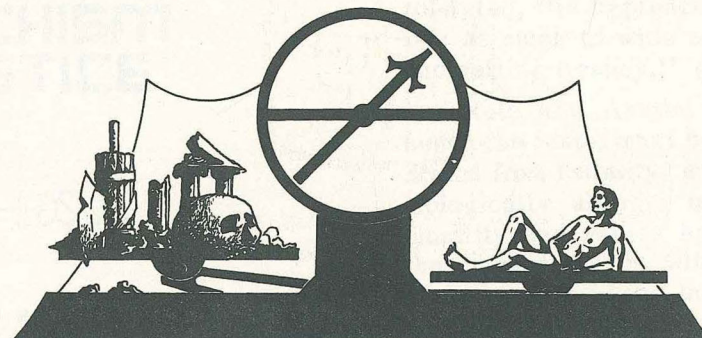
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ANARCHISM & JUSTICE

PART II

Contents

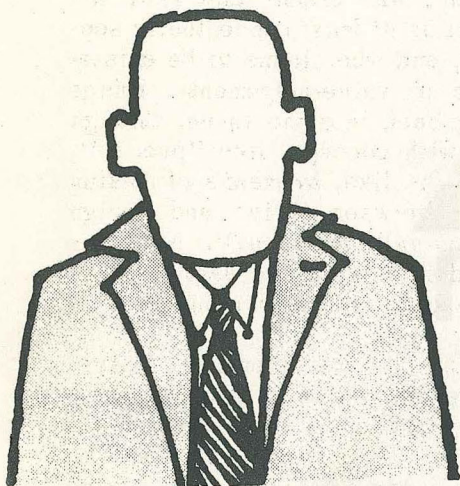
R.A. Childs, Jr.	3	Anarchism & Justice (II)
Dennis J. Chase	14	Westbrook Pegler: Libertarian Journalist
Jesse K. Knight	19	Purpose and Responsibility in the Novels of Victor Hugo
Frank Mintz	24	Herbert Hoover: Recent Historians' Appraisals

Editor: Jarret B. Wollstein, Managing Editor: David Ross Webb, Associate Editors: R.A. Childs, Jr., Frank Mintz,
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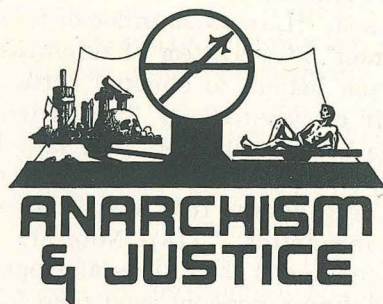
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VI Legal Positivism

Legal positivism is a school within the ranks of legal philosophy which upholds a complete and radical separation between what is *legal* (law) and that which is *moral*. In an attempt to rebel against natural law tradition, positivism attempts to construct a purely *descriptive* theory of law and the State, without reference to moral concepts. Why then discuss it? Simply because legal positivists, like most "value-free" social scientists, manage to smuggle in moral principles and evaluations in the midst of even the most technical arguments, thus objectively *functioning* as moral philosophers in the field of law.

I shall briefly consider two representatives of legal positivism: John Austin and Hans Kelsen. I shall concentrate on Kelsen, since it is he who has been confronted with the modern rebirth of natural law ethics in legal philosophy — and thus he who has had to confront the issue of *justification* to a much larger extent.

John Austin was a British philosopher (1790-1859), the first exponent of modern analytical jurisprudence; his major work is *Lectures on Jurisprudence*. (14) I want to discuss two aspects of Austin's system: his opposition to natural law, and his theory of legal obligation.

Natural law theory holds that there is a body of moral principles outside of the State which determines what is just and unjust, and that these principles should be used to judge the existing *status quo*, and to evaluate its legitimacy. Austin opposes this. He attacks the natural law tradition for holding that if the sovereign of a country promulgates a command (which is Austin's concept of the *essence* of a law), then that sovereign's command is *not* a valid law — it is naked force. In answer to this, Austin states that "to say that human laws which conflict with the Divine law (natural law) are not binding, that is to say, are not laws, is to talk stark nonsense...But this abuse of language is not merely puerile, it is mischievous. When it is said that a law ought to be disobeyed,

what is meant is that we are urged to disobey it by motives more cogent and compulsory than those by which it is itself sanctioned." What would this lead to, Austin asks. His response — without reference to any value-judgements (so he believes) is that to proclaim that the State should be subordinated to morality, to natural law, and that if it is not its commands are not binding and are not to be tolerated, "is to preach anarchy, hostile and perilous as much to wise and benign rule as to stupid and galling tyranny." (15)

Note how Austin, who claims that law, and hence the State, must be *at least* conceptually separated from morality, and who claims to be epistemologically allergic to value-judgements, brings morality and values back into the issue, through the basement door, with concepts like "puerile", "mischievous", and the like, by means of making a *moral* distinction between "wise and benign rule" and "stupid and galling tyranny". Needless to add, presupposed in this *is the very point in question*, namely that the State is a justified or valid institution.

I want to bring up just one other point — Austin's theory of "legal obligation". Austin *begins* his non-ethical investigation of the State and its legal system by *postulating* a body of men who habitually yield obedience to persons from among them, who do not themselves obey any authority. (Note that he does *not* consider the actual historical origins of the State, which one might expect of a consistent positivist. Yet for one concerned with the actual inner workings of the State apparatus and its system of commands or laws, this would seem to be a key issue.)

Now in traditional political philosophy, ethics and the philosophy of law, the term "obligation" and "legal obligation" as a subset of obligation *per se*, are meant to delimit actions in conformity with a rule which one *ought* to follow. Austin retains the term, but switches meanings, in order to avoid the realm of the "ought", i.e. of values and ethics. Since Austin does not claim to justify the State, we shall take him at his word. But why then does he state of a law that it is a "command which obliges a person or persons"? *Obliges*? By what standard? The essence of law, according to Austin, is that it is a *command*. Why should I obey such a command? Because the sovereign will punish me if I do not. "Being liable to evil from you if I comply not with a wish which you signify, I am *bound* or *obliged* by your command, or I lie under a *duty* to obey it." If this is any kind of a justification for anything, it is surely a strange one. Why should not the subjects of such a sovereign rise up at the earliest possible mement and see to it that his capacity to "inflict evil" upon his subjects is crushed and halted, once and for all? For, after all, *this* is the whole question at issue — why *should* anyone obey the commands of the State?

The point is that if Austin was sincere in wanting to avoid ethics in dealing with the law, if he merely wanted to describe what the State did, why didn't he refrain from using terms in such an equivocal manner? My own theory is that the legal positivists in general have no intention of avoiding values — and indeed they *cannot*. For values are the motivating power of human actions, they are one's means of choosing among alternatives in reality. Without values, then, there can be no choosing or action. Yet the positivists, including Austin, have always been eager to work in "reforming" the law, and in "advising" the State on different courses of action. Thus Austin himself was "first on the list" of members of a commission in Britain in 1833 which was nominated to revise Britain's penal law code. This being true in most cases of legal positivists who rose to any stature whatever, I think that we can say that the *real* motive of such people is to *exempt values from the realm of reason*. This constitutes a rebellion against the entire Aristotelian tradition, part and parcel of which has always been the belief that values and purposes are kinds of facts, are factual matters pertaining to man's nature and its relationship with reality — that facts do not exclude the realm of moral principles, and that these last are *kinds of facts* themselves. Positivists reject this approach contemptuously, but we still see them smuggling values and moral principles through the back door.

With Austin, then, we have nothing except the positivistic attempt to "analyze" legal concepts — without reference to any moral principles — an attempt which is *not* successful in steering clear of morality.

With Hans Kelsen, we find that we have gone a step further. Kelsen is a legal philosopher (born in 1881) who works from within a Kantian theory of knowledge, and attempts to espouse what he calls a "pure theory of law". (Kelsen was a fellow student of Ludwig von Mises, another neo-Kantian, at the University of Vienna.) The "pure theory of law" was only concerned with analyzing the institution of law as it is, without any reference to moral principles. W. Friedman, in his book, *Legal Theory*, writes that "No theory of justice can form a part of the pure theory of law. Ideals of justice must be uncontaminated by politics, ethics, sociology, history. Its task is knowledge of all that is essential and necessary to law, and therefore freed from all that is changing and accidental in it." In his book *General Theory of Law and State*, Kelsen writes that "Every political ideology has its roots in volition, not in cognition; in the emotional, not in the rational, element of our consciousness; it arises from certain interests or, rather, from interests other than the interest in truth...There is no possibility of deciding rationally between opposite values." (17) Thus Kelsen is in the same class

as Ludwig von Mises, who will be discussed later, and who also denied the possibility of values being based on reason.

To Kelsen, "Law is an order of human behavior. An 'order' is a system of rules....Every rule obliges human beings to observe certain behavior under certain circumstances. These circumstances need not be human behavior; they may be, for instance, what we call natural events. A rule of law may oblige neighbors to lend assistance to the victims of an inundation." (18) Note his use of the word "obliges", and then his statement that "any attempt to define a concept must take for its starting point the common usage of the word in question." (p. 4)

One of Kelsen's major purposes in his work is to determine the meaning of the concept "legal validity", to determine when a law or command of the State is "valid". Let us first look at a few of his statements, and then at a more coherent argument.

"By 'validity' we mean the specific existence of norms...A 'norm' is a rule expressing the fact that somebody ought to act in a certain way...The statement that an individual 'ought to' behave in a certain way means that this behavior is prescribed by a norm...A norm expressing the idea that something ought to occur...is 'valid'." Note that validity is defined in terms of norms, norms in terms of obligations, and obligations in terms or norms. On the face of it, this is not convincing.

Kelsen first states in his work that a command or law is 'valid' if it coheres with a system of laws based ultimately on a *basic norm*, which is *similar* to a constitution. Now this norm is taken by Kelsen to be the "ultimate hypothesis of positivism", namely "the norm authorizing the historically first legislator. The whole function of this basic norm is to confer law-creating power on the act of the first legislator and on all the other acts based on the first act....The basic norm is not created in a legal procedure by a law-creating organ...but is valid because it is presupposed to be valid because without this presupposition no human act could be interpreted as a legal, especially as a norm-creating, act." (20) This means that a legal system is *presupposed* to be valid because unless it were, it would not be valid! Let us look at Kelsen's own systematic statement:

This basic norm establishes the validity of positive law and expresses the hypothetical-relative character of a system of norms clothed only with the validity of positive (i.e. State) law. It is not just the hypothesis of a special theory of law. It is merely the formulation of the assumption necessary for any positivistic grasp of legal materials... (Referring to the commands of the State

which he calls "norms", Kelsen states that) Why should such an act be considered a norm and not merely an event in reality? Why should the subjective meaning of this act also be given an objective meaning? Why, in other words, does one not simply say that a certain human individual demands that another act in a specified way, but actually contends that one is *entitled* to prescribe and the other *obligated* to act in accordance with the prescription?....The answer of the positivist jurist is: because this individual human act is based on a norm, on a general rule, a statute, because the statute prescribed that one is to act as the parties have agreed in their legal transaction (!), or, as the judge has ordered in his decision. One may still inquire, why this "statute" represents a norm, why it is *objectively valid*. *Prima facie*, the "statute" is a mere factual matter, namely, the event of several people having expressed their will that other people should henceforth act in a certain way. *But why should the will expressed by these people under these particular circumstances signify a "statute", while, if it were done by others under other circumstances, it would by no means have the same significance?* Here the answer will be: The event which we interpret as the making of a statute is in accordance with a still higher norm, the constitution, because these persons have been entrusted (!) by the constitution with the power of making laws. This "constitution" is, in turn, nothing else but a *prima facie* event whose normative meaning can only be found by recourse to the prior constitution according to whose rules it has been created. This recourse must ultimately end in the original constitution which can no longer be derived from a still earlier one. *The positivist jurist, who cannot go beyond the fundamental facts, assumes that this original historical fact has the meaning of "constitution", that the resolution of an assembly of men or the order of a usurper has the normative significance of a fundamental law.* Only by making this assumption can he demonstrate the normative meaning of all other acts which he comprehends as legal acts simply because he ultimately traces them all back to the original constitution. The hypothetical basic norm which established the original legislator expressed this assumption; it consciously formulates it, nothing more. This means that legal positivism does not go beyond this original constitution to produce a material and absolute justification of the legal order. It stops at that point. (!) *The basic norm is an indispensable assumption because, without it, the normative character of the basic historical*

event could not be established. (my emphases)

Here is an excellent instance of the truth of Thomist philosopher Etienne Gilson's quip that "natural law always buries its undertakers." It also reminds me of positivist philosopher A. J. Ayer's statement that the laws of logic are true simply because we never allow them to be anything else!

The path that this attempted justification has taken has not been that of positivism, with "empirical verifiability" being the ultimate criterion of justification, but that of *subjective idealism*. From our previous analysis of justification, we can see that the mind does indeed have an *active* role in coming to justify statements, that thinking is a dynamic, active, integrative process, rather than a passive, static, "mirror-like" event, but this is far and away from becoming a variant of subjective idealism. Subjective idealism grants to consciousness not merely an *active* or *dynamic* role in apprehending reality, but a *legislative role*, as it is called, and rests ultimately upon the premise that reality is consciousness-dependent for its identity — which is a variant of the fallacy of holding the primacy of consciousness over existence. Yet *this* is the premise and root of Kelsen's argument.

Note the tortuous route that his argument has taken. Here we have a value-free positivistic philosopher making the bald-faced statement that he has "assumed" the State and its entire legal system to be "valid" because without this assumption his theories would make no sense! This is arguing backwards, to put it mildly. What makes a law valid, a State command binding, is that it is part of a grant and integrated hierarchical system of such commands which ultimately grounded on some "basic norm" *which is assumed to be valid*, so that the validity of the command with which we began could be established. Now if Kelsen were going to go this route, why didn't he simply eliminate the idea of a "basic norm" and simply begin by asserting that "the commands of the State are valid," or that "all laws must be obeyed"?

Note also his question-begging device of talking about a constitution as if it were the sort of thing which needs no justification and has the supposed power of "entrusting" command-making power to those who run the State. Also, note his frequent use of terms such as "entitled", "obligated", "objectively valid" and the like — comparing it with his former statement about taking the common usage of terms for granted. He has simply assumed the point to be proven, in an attempt to fit reality into his preconceived theoretical model. He has, in effect, said that he cannot ultimately justify the commands of the State, nor differentiate them from the commands of a robber band. Everything which he has said in alleged "justification" of the State could apply equally well to a con-

quering band of criminals whose basic act of conquest would be, no doubt, regarded by Kelsen as "the original historical fact which has the meaning of 'constitution' " or is to be *considered* (whether it is or not) as identical to the basic norm which *justifies* the entire political order.

William L. McBride has a telling criticism of Kelsen and the other continental positivistic legal philosophers in his essay "The Acceptance of a Legal System": "(They have) equated the quality of being in force with 'validity'; but either they intend to thereby to express approval of those legal systems that are in force, in which case they are resorting to an ethical judgement which may now be examined on ethical grounds, or else they do not intend to express any such approval, in which case they are distorting the previous meaning and logic of the word 'validity' so that it is left with no independent role in their languages." (22)

Kelsen, then, in attempting to do away with ethical principles, and with the natural law approach to politics, has merely succeeded in begging the question. His analysis may be taken as purely hypothetical: *if* the State and the legal system are to be regarded as *valid*, then the basis or *basic norm* must be valid as well. But this proves precisely nothing, for it is *that fundamental legitimacy* which is in question. Thus, we must look elsewhere for *justification* of the State. We do not find it within legal positivism. (23)

VII The Ideology of Ludwig von Mises: The Morality of "Wertfreiheit"

Ludwig von Mises was born in Austria-Hungary in 1881; he received his Ph.D. at the University of Vienna in 1906. Mises represents the integration of many of the dominant ideas in social philosophy from 1890-1910 in the same manner as Karl Marx represents the integration of the dominant strains of thought from 1840-1860. If Karl Marx can be said to represent the height and triumph of "scientific socialism", then Ludwig von Mises can be said to represent the height and climax of "classical liberalism". In both we find not only a grand power of organization and systematization, but all the virtues and flaws, the insights and limitations, of both schools of thought. It is therefore my intention to dwell somewhat more on the ideology of Ludwig von Mises than I have been and will be on the ideologies of other social philosophers, so that I might consider aspects of his ideology which are generally neglected.

We find in Mises an integration of "wertfrie" or value-free methodology in the social sciences, a neo-Kantian epistemology, utilitarianism or positivism in morality, legal positivism in the philosophy of law, and Austrian economics as developed by Menger and Boehm-Bawerk (though greatly added

to and systematized by Mises himself), and the other positions which were part and parcel of classical liberalism throughout the nineteenth century. Here we shall predominantly be concerned with the social philosophy of Mises. His value-theory, ideas about morality and justice, are necessary preconditions to an examination of his attempted justification of the State.

The title of this section reflects the general character of what I see as the paradox of Ludwig von Mises — a supposedly rigorous devotee to value-free economics, he is one who freely smuggles in the *kind* of assertions which he claims are unjustified. In general, Mises shares the problems which Hans Kelsen (a fellow student at the University of Vienna) has in legal theory. But Mises's own position is worse: vehemently opposed to value judgements which claim to be based on reason, he himself upholds a utilitarian theory of justice. Adamantly opposed to State intervention, he likewise opposes any attempts to define principles to limit the State's power.

Directly and indirectly, Mises is a major influence on the libertarian movement. When representatives of classical liberalism are mentioned, it is he and his student F. A. Hayek who are chosen as key representatives. He, more than anyone else, except possibly Milton Friedman of the Chicago school of economists, is responsible for the convictions which most libertarians hold in economic theory. He is the major intellectual upon whom such organizations as the Foundation for Economic Education build their social philosophy. In short, Ludwig von Mises and his works serve as one of the major intellectual forces within the libertarian and conservative movements. It is for these reasons that we must devote so much space to examining his beliefs.

Since the question of values, morality and justice are logically prior to the question of the justification of the State, let us briefly look at Mises's positions here, and then watch him build his justification of the State.

What are the views of Ludwig von Mises on morality and justice? Specifically, what is the relationship between reason and values? Is there such a thing as a rational ethic?

Mises holds that all values are subjective, that there is no such thing as a rational ethic, that reason applies only to the choice of *means* to attain previously (and arbitrarily) established *ends*. In *Theory and History*, he states that "With regard to (judgements of value) there cannot be any question of truth and falsity. They are ultimate and not subject to any proof or evidence." Also "what the theorem of the subjectivity of valuation means is that there is no standard available which would enable us to reject any ultimate judgement of value as wrong, false or erroneous in the way we can reject an existential proposition as manifestly false."

(pp. 19 & 22)

With regard to ethics *per se*, Mises writes in *Human Action*: "Ethical doctrines are intent upon establishing scales of value according to which man can act. They claim for themselves the vocation of telling right from wrong and of advising man concerning what he should aim at as the supreme good. They are normative disciplines aiming at the cognition of what ought to be. They are not neutral with regard to facts; they judge them from the point of view of freely adopted standards." (p. 95) This should be contrasted with the Aristotelian-Thomistic view (as well as the view of Rand and, I believe, Rothbard) that ethics or morality is a science, that normative matters, or ought-statements are a kind of facts, that they are statements of relations between a certain kind of entity (possessing the capacity of choice, and which can be harmed or benefitted by choices and actions) and the reality with which it deals.

On the subject of justice, he says that "There is...no such thing as a perennial standard of what is just and what is unjust. Nature is alien to the idea of right and wrong." He says, regarding those who take a natural law approach: "from the notion of natural law some people deduce the justice of the institution of private property in the means of production. Other people resort to natural law for the justification of the abolition of private property in the means of production. As the idea of natural law is quite arbitrary, such discussions are not open to settlement." And "it is nonsensical to justify or to reject interventionism from the point of view of a fictitious and arbitrary idea of absolute justice."

However, at the point at which he brings in his utilitarianism, he also brings back in the notions of morality and justice. "Morality consists in the regard for the necessary requirements of social existence that must be demanded of each individual member of society....Everything that serves to preserve the social order is moral; everything that is detrimental to it is immoral." (*Free and Prosperous Commonwealth*, pp. 33-34) In *Theory and History*, he states that "the ultimate yardstick of justice is conduciveness to the preservation of social cooperation. Conduct suited to preserve social cooperation is just, conduct detrimental to the preservation of society is unjust." (p. 54) And "social utility is the only standard of justice. It is the sole guide of legislation."

So far, therefore, we find Mises taking both a positivistic position with respect to values and morality and a utilitarian one. His utilitarianism is emphasized in his critique of interventionism: "The problem of intervention is not a problem of the correct delimitation of the 'natural', 'just', and 'proper' tasks of State and government. The issue is: How does a system of interventionism work?" (*Human Action*, p. 722)

His justification of the State also proceeds along utilitarian lines. "In order to establish and preserve social cooperation and civilization, measures are needed to prevent asocial individuals from committing acts that are bound to undo all that man has accomplished in his progress from the Neanderthal level. In order to preserve the state of affairs in which there is protection of the individual against unlimited tyranny of stronger and smarter fellows, an institution is needed that curbs all antisocial elements. Peace...can only be attained by the establishment of a system in which the power to resort to violent action is monopolized by a social apparatus of compulsion and coercion and the application of this power in any individual case is regulated by a set of rules — the man-made laws as distinguished both from the laws of nature and those of praxeology. The essential implement of a social system is the operation of such an apparatus commonly called government." (*Human Action*, pp. 280-81)

"Government," he writes, "is in the last resort the employment of armed men, of policemen, gendarmes, soldiers, prison guards, and hangmen. The essential feature of government is the enforcement of decrees by beating, killing, and imprisoning." However, this is the "price" of having a free market, and Mises states "it is an arbitrary value-judgement to describe it as an evil in the moral connotation of the term." (*Human Action*, p. 719)

Although this is Mises's justification for the State, it does not follow in his case, as in so many others, that he believes in rigidly restricting the functions of government. In fact, as a utilitarian and anti-natural law philosopher, Mises vehemently opposes any attempts to define the limits of the State. He says that "various schools of thought parading under the pompous names of philosophy of law and political science indulge in futile and empty brooding over the delimitation of the functions of government. Starting from purely arbitrary assumptions concerning allegedly eternal and absolute values and perennial justice, they arrogate to themselves the office of the supreme judge of earthly affairs. They misconstrue their own arbitrary value-judgements derived from intuition as the voice of the almighty or the nature of things. There is, however, no such thing as a perennial standard of what is just and what is unjust. Nature is alien to the idea of right and wrong. 'Thou shalt not kill' is certainly not part of natural law." (*Human Action*, pp. 719-720) Notice the almost sneering attacks on those who believe in principles to guide men's choices and actions, construing their beliefs as being derived from 'intuition,' claiming to represent 'the nature of things.' But in order to refute the basic tenets of natural law, and natural rights, one must first misrepresent them. Perhaps if we distill a few corollary arguments we will begin to get a better glimpse of Mises's position.

First, in attacking those who believe in using the principles of a rational ethic, of justice, to evaluate the laws of the State, Mises lets his legal positivism in through the door. "For those not deluded...it is obvious that the appeal to justice in a debate concerning the drafting of new laws is an instance of circular reasoning. *De lege ferenda* (with respect to the law that has not yet been made) there is no such thing as justice. The notion of justice can logically only be resorted to *de lege lata* (with respect to the law which has *already* been made). It makes sense only when approving or disapproving concrete conduct from the point of view of the valid laws of the country. In considering changes in the nation's legal system, in rewriting or repealing existing laws and writing new laws, the issue is not justice but social expediency and social welfare. There is no such thing as an absolute notion of justice not referring to a definite system of social organization. It is not justice that determines the decision in favor of a definite social system. It is, on the contrary, the social system which determines what should be deemed right and wrong. There is neither right nor wrong outside of the social nexus." (*Human Action*, p. 721)

Now that he has justified the State, what about its means of finance? "The maintenance of a government apparatus of courts, police officers, prisons and of armed forces requires considerable expenditures. To levy taxes for these purposes is fully compatible with the freedom the individual enjoys in a free market economy." (p. 282) And the draft? "He who, in our age, opposes armaments and conscription is, perhaps unbeknown to himself, an abettor of those aiming at the enslavement of all....If the government of a free country forces every citizen to cooperate fully in its designs to repel the aggressors and every able-bodied man to join the armed forces, it does not impose upon the individual a duty that would step beyond the tasks the praxeological law dictates." (p. 282)

So much for Mises's own doctrines. Let us quickly put these positions in order, and see what sense can be made of them. Mises believes that there is no such thing as right and wrong, as a rational ethic; yet he is a utilitarian, upholding a utilitarian standard of justice. How does he bridge the gap between the two?

He claims that he does so in a purely value-free manner. He is the scientist, the technician, without personal values, who merely advises others on the appropriate means to *attain their own ends*. He notices that the vast majority of men desire peace and prosperity. The free market can attain these ends. Therefore he recommends to these people that they adopt the free market, free trade, and so forth. The institution of the State is necessary for this to be established, so he recommends a State. Likewise with taxation and the draft. Note that all these recommendations are purely hypothe-

tical and teleological in character; they assume a set of values already established, attempt to show that the free market is a necessary means to these, and then goes on to deduce the rest. If the initial hypothesis or premise is undermined, then so is the entire train of arguments following behind it. That there is no such thing as justice outside of a legal system Mises holds as a doctrine imported from legal positivism. This being so, the only test of a law before it is passed is not any ideal of justice or rights, but the concrete welfare of the citizens, measured in terms of whether or not the law safeguards the social system (whatever that is). It is on these grounds that Mises opposes government interventionism, and on this basis that he builds his case for the free market, and his justification for the State. Simple enough; is this case *valid*?

What I will attempt to do in this short critique is to pick up the essential points in logical order. The thrust of my argument will be to maintain that a value-free economist cannot recommend anything whatever, with the corollary point being made that without reference to ethical principles, one cannot even *define* such key economic concepts as "voluntary exchange" and "State intervention." If ethics is needed for the definitions of these concepts, then it will be seen that economics does in fact have to rely on ethics for *at least* these premises, and thus *can never be purely value-free*. The importance of this contention for economics as a science should be obvious. (24)

Perhaps the greatest consequence of modern philosophy (at least since Descartes's 'revolution' and the breakdown of a stagnant Thomism) has been a disintegration of two interrelated fields: epistemology and ethics, and of most of the sciences (especially the social sciences) which depend upon them. Nominalism and conventionalism have reigned in epistemology; subjectivism and positivism have likewise ruled in ethics or value-theory. Basically, I think the belief of Rand and the Aristotelians regarding the relationship of the 'cognitive' and 'normative' realms are correct. Man is an integrated living entity, an organism whose consciousness has three basic biological functions: cognition, evaluation, and regulation of action. These are all interrelated functions, and an attack on one cannot leave the others unscarred for very long. Thus, I agree with Rand when she says that the fundamental fact in post-Renaissance philosophy is its unity in attacking or undermining the objective cognitive validity of man's conceptual faculty. Mortimer Adler, the distinguished Aristotelian philosopher, makes the same point when he claims that the unifying element of most "empiricist" trends and schools is the attempt to reduce man's cognitive powers to the sensory level. It is this which is responsible for the death of normative ethics in this century, for the decay and decline of value-theory. Cognitive and normative abstractions (is and ought statements) are closely related, both in

an individual's psychology and in philosophy proper. The principles which define the proper manner of concept formation can also serve, with a few alterations, as principles defining the proper manner of value-formation. This is said to make the link between concepts and values clear. *The attack on the objective validity of man's conceptual cognitive powers is simultaneously an attack on rationally derived and formulated values and purposes – and vice versa.* This point cannot be stressed enough. Value theory, then, as much as epistemology, is profoundly in need of rehabilitation in this century, and without it a rebirth of the social sciences cannot occur. The desire to exempt the social sciences from the sphere of moral considerations is, I believe, profoundly doomed to failure – and justly so. The stock in trade of today's social scientists (whether they be economists, sociologists, political scientists, or whatever) is at least the announced attempt to proceed in a completely value-free manner, the simultaneous claim that value-judgements cannot be "scientific" or rational, and the subsequent *smuggling in of value-judgements in order to make policy recommendations to the government or other organizations.*

It is here that the critique of Ludwig von Mises must begin. As great as Mises may be in technical matters of economics, and as much as we should respect this great man for his achievements and his heroic lifelong stand in support of *laissez-faire*, this should not blind us to his flaws. Too often libertarians have merely been contented to dismiss a few out-of-context flaws such as his advocacy of the draft with the assertion that, well, he's so good in other areas that this can be ignored. But what they fail to realise is that such positions of Mises are *not* isolated: they are part and parcel of his approach to economics and social philosophy, to his attack on the very attempt to define the limits of proper State functions. These all follow logically and consistently from his utilitarianism, his positivism in value-theory and legal philosophy, and from his attempt to place economics outside of ethical considerations. The central part of this is his doctrine that all values are subjective and arbitrary. (25)

It should be an obvious fact that from the premise that all values are arbitrary, that no justifications for anything whatever can ensue. (26) An analogy from logic should make this clear. Suppose that one were to assert that the laws of logic, or all factual statements, were arbitrary. Suppose further that somewhere down the line we heard this same person assert that this or that was "justified." Our immediate response should be: *justified by what means?* For the very concept of justification does not apply once we dismiss the very things which make the concept meaningful as "arbitrary." Justifications of actions are like justifications of statements and beliefs; in the case of beliefs about matters of fact, our standards are epistemological law or logic, which are used to integrate and judge the evidence. In the case of evaluations and actions of

man (institutions are the products of these), justifications must proceed in terms of moral or ethical standards, which perform the same function by the same means as evaluation as logic and epistemology do in strictly non-normative cognitive matters. Once we make the claim that all values and moral principles are "arbitrary" and "subjective," there is nothing to justify subsequent actions or institutions in terms of.

If we begin with the premise of subjectivism in cognition, then that is where we end. If we begin with the premise of subjectivism in evaluation, then that is where we end there as well – there can be no sneaking in of "justifications" in actions which are somehow devoid of value-judgements. To use the term of the Objectivists, it is a *stolen concept*: a concept which the writer *is not entitled to use*, given his own premises and epistemological law.

It is Mises's subjective theory of values which invalidates his own social theory.

To begin with, let us consider Mises's theory of justice, which lies somewhere between that of utilitarianism and that of legal positivism. We have already considered legal positivism, so all that we need state at this point is that one cannot postulate that the system itself, the State and its legal system is just or valid, and then go on to deduce further cases of justice or injustice in terms of the interior working of the system. The legal system must be justified by reference to principles outside of itself, which are *ipso facto* moral principles. Therefore, if Mises's theory of justice is taken as being predominantly that of legal positivism, it is invalid.

Since Mises himself, in *Theory and History* and elsewhere, presents his own value-free system as "utilitarianism," we shall regard *this* as the school to which he belongs. To Mises, utilitarianism does not succumb to the diseases which plague other systems of morality, which claim to set up a code of values proper for man. Utilitarianism, and Mises's entire approach, take values and purposes of individuals for granted, and work only from *within* a previously, and arbitrarily established system of values. Once we have a hierarchy of values, then Mises can go to work recommending this alternative and bidding us to avoid that. Utilitarianism, to Mises, is *only* concerned with establishing means to ends, once the ends themselves exist. There is, however, no conceivable way in which one can build a social theory, given this approach.

For let us first note that Mises is a methodological individualist, and upholds the metaphysical reality of the individual person, and him alone. There is no such reality, for Mises, as the nation, group, or race. There is only acting man – individual man, and it is he alone who has values.

Given this approach to values, there can be no such thing as interpersonal welfare comparison. This particular doctrine is a standard part of Austrianism, promoted by such economists as Lionell Robbins, Hayek, Rothbard and Mises himself. But its conse-

quences have not been carried out by Mises in his social theory. For according to the theory of values laid down, all values are *ordinal*, existing in a hierarchy; this being so, there can be no *cardinal measurement* of values, since there is no quantitative unit which can serve as a standard. Now when we are concerned with two or more people, if one person loses from a change in existing states of affairs, and another gains, then we cannot say that there has either been a net increase or a net decrease in "social utility" or social welfare, for there is no interpersonal unit which can serve as a standard (and hence no *measurement* is possible). Further, since they are two different value-hierarchies, no comparison is possible at all, there being no common denominator of the things to be compared. The clearest statement of this fact concerning interpersonal welfare comparisons can be found in an essay by Murray N. Rothbard entitled '*Toward a Reconstruction of Utility and Welfare Economics*': "We can only say that 'social welfare'...has increased due to a change, if no individual is worse off because of the change, (and at least one is better off). If one individual is worse off, the fact that interpersonal utilities cannot be added or subtracted prevents economics from saying anything about social utility. Any statement about social utility would, in the absence of unanimity, imply an ethical interpersonal comparison between the gainers and losers from a change. If X number of individuals gain, and Y number lose, from a change, any weighing to sum up in a "social" conclusion would necessarily imply an ethical judgement on the relative importance of the two groups."

Now from this we can infer that so long as one single individual, from the standpoint of his own value-scale (which is all that Mises is concerned with) is harmed by any change in society, then we cannot say that there is a net social benefit. It cannot be done in any manner without sneaking in the kind of value-judgements which Mises claims have no place in economics. This comes out most strongly in Mises's urging that those who would destroy the social order must be *beaten into submission by the State*. (The phrase is his.) Why are the values of the criminal or misfit to be judged as being of less importance than those of the producer? For remember that all values are arbitrary.

Why is this crucial to undermining Mises's case? Because as a utilitarian, he is committed to some variant of the principle of "the greatest utility of the greatest number." "It is a fact," he writes in *Theory and History*, "that almost all men agree in aiming at certain ends, at those pleasures which ivory-tower moralists disdain as base and shabby." But almost is not good enough — not if we are to be 'scientists.' Those who do not share such values, who share values such as conquest, domination of others, subjugation of others to their own will, cannot be said to be wrong by Mises. Their values must remain as unimpeachable as those of the men whom Mises sees as functioning well in a free market. Those who value

destruction and war cannot be censored by Mises for being evil — for without an ethical standard there can be no means of deciding between conflicting value-scales. Mises holds that *all* values are arbitrary; it is therefore quite meaningless to suggest that there is something wrong about any particular value-scale. If *all* values are subjective and ultimate givens, not to be questioned by reason, then *by what standard* can Mises reject one value-system and adopt another, acting as an "advisor" who is value-free? If all values are arbitrary, then that a *particular* value is arbitrary cannot be held as a complaint or objection against it.

One should remember that Mises's discussion of justice is utilitarian: "Social utility is the only standard of justice. It is the sole guide of legislation." If this is so, then given our above analysis, we are left with the view that Mises is a nihilist, with *no* theory of justice or morality whatever, and that Mises has no *justification* for the free market at all. (27)

So long as there are conflicting value-systems, and so long as it is impossible to rationally criticize one value-system by means of a standard of value, one can make no judgements about social utility. Thus it is just as "arbitrary" to come out in favor of the values of the majority as it would be to come out in favor of those of the minority. How, then, is Mises justified in dismissing the values of those who cannot attain their values *without* infringing on the free market? Why is *their* utility so blithely dismissed? *By what standard*? And where is our value-free technical advice when it comes to advising Statists as to the most efficient means of extermination, regulation, and so forth? If Mises invokes, like Murray Rothbard, the concept of "demonstrated preference," then it must be replied that many people have been demonstrating *their* preferences for centuries — they prefer coercion to liberty, confiscation to trade. And if Mises responds by saying that their means are inappropriate to their ends, we can only respond by saying that he is presuming that they uphold coercion *only* as a means to ordinary ends. Why cannot they uphold values or ends which *require* coercion as a means? Such as enslaving others? Mises cannot object or even frown at them qua economist, for *all* values are arbitrary.

Rothbard introduces at this point the unanimity principle, but *presupposes* that violence is not a unit of the free market. The point which I would like to make here is a crucial one: remembering our previous analysis of justice in property titles, and of the means of defining such concepts as "voluntary" and "aggression," we must note that the *very concepts* of voluntary and involuntary, of aggression and coercion, depend upon and presuppose the concept of justice in property titles. Without such a concept and standard, there is no means of DIFFERENTIATING between aggression and the voluntary, and hence no means of defining such terms as voluntary exchange, interventionism, unanimity and so forth.

In other words, and to repeat, without a theory

of justice, of property titles, there can be no means of differentiating between voluntary and aggressive actions. These concepts *cannot* be defined in a value-free, behavioristic, positivistic or praxeological manner. And since an act of government intervention into the market is a species of coercive action, *the very concept of government intervention, so crucial to economic science, cannot be defined without reference to an explicit or implicit theory of justice.* And that brings us back to ethics and morality.

Note that if we are to take such things as "voluntary actions" or property titles in a purely praxeological sense, then the exchange of one's title to another human being will be on the same level as exchange of different goods, i.e. one would not know whether or not *slavery* was a unit of the free market. For exchange in the praxeological sense means that purely physical control is being transferred. And exchange of stolen property titles is also a 'unit' of the free market. This means that slavery could be considered a unit of the free market *unless* we presupposed the judgement and ethical premise of self-ownership, i.e. unless we *presupposed* the ethical premise that people are not property in the same manner as other entities. But once this presupposition is made, then we are no longer value-free; in fact we have laid the groundwork for a rational and radical ethic of man in society.

What *this* means in turn is that *economics can never be a purely wertfrei or value-free science*, because there is no means of defining intervention or voluntary exchange in a value-free manner.

We have earlier distinguished between three alternative concepts, and hence means of defining, property titles: the praxeological (whatever a person actually does exercise control over at a given time), the juristic (what the State or some other social group says he should control) and moral ownership (what a man has a just title to control).

Let us briefly see why the first two fail as a means of defining the property titles which economics is concerned with—remembering that exchange is exchange of property titles, or of titles to ownership, and hence cannot be analyzed without reference to them.

If we adopt the praxeological approach to defining property concepts, then whatever a man exercises control over he *ipso facto* owns. If this is the case, then it is impossible to differentiate between voluntary and involuntary exchange, between theft and trade, and hence to investigate the consequences of coercive interference with the network of exchanges. Why? Simply because this theory does not allow for an evaluation of the *means* by which one obtained his title; all that matters is that he can control the property involved. For theft means the taking of another person's *just property*, i.e. it implies some kind of a differentiation between concrete possession and rational entitlement. Whether the particular means of making the distinction is correct or not is irrelevant in this context. But unless we make such a distinc-

tion, we are simply describing that someone holds and controls something. If someone should happen to 'steal' it from him, well, then, the property has just changed hands, as in what we are inclined to call an 'exchange'; and that is all that we can say about it.

If we adopt the juristic method, which such economists as Milton Friedman apparently do, then whatever the State defines as a man's property *is* his property, pure and simple. What this would imply is the impossibility of defining government interventionism. For if we are to allow the State a monopoly on defining property titles, than any act of confiscation, redistribution, regulation or prohibition is merely the State's act of changing its mind about what property belongs to whom, i.e. the State is choosing to redefine property titles in some manner or another. Restriction of production or sale of commodities amounts to the State changing an unlimited title to the property to a limited one, i.e. it is merely redefining the limits to which the property can be put. Confiscation and taxation are merely the State's deciding to place titles in its own hands instead of leaving them with the previous owners. In fact, as Murray N. Rothbard has brilliantly pointed out, with this concept of property, the State can retain *de facto* confiscatory taxation and in fact, *any* regulations it wants, through the simple process of assuming the title to all the *land* in the country, and proceeding to act as an owner, collecting *rents*, placing restrictions on actions permissible on its property, etc. (More on this shortly.) Thus with this concept of ownership, *there can be no distinction between intervention and non-intervention*, for all intervention can be analyzed in terms of property redefinitions by the State. *And there can be no outside standard by which to judge or criticize the State's actions, for that would be a natural law or ethical approach to property, which is not admitted by the juristic approach to be valid.*

The third concept, of course, is the moral concept of property, and must uphold some theory of justice in defining and establishing what is or what is not a man's property. This is of course blatantly value-full, a matter for ethics and the philosophy of justice to consider.

But what is not generally recognized is that to uphold either of the previous theories of property *also* involves an ethical judgement. Mises gives this point away when he discusses ownership in his *Socialism*, only differentiating between the praxeological and the juristic concepts (as I have called them). He himself seems to use both, depending upon the context. But his earlier discussion of justice and law make it clear that he really upholds the juristic concept. Whether he upholds this or the praxeological concept for the purpose of economic analysis is not important. What is important is that without ethics, he cannot define what constitutes intervention, or "private property." He, like most right-wing economists, wishes to make the fundamental distinction in property between private property and public pro-

perty, speaking of "private ownership of the means of production."

But this is truly inadequate, and shows what happens when one attempts to define things in terms of non-essentials. For anything which the State now holds could very easily be turned over to a 'private' lackey for management and decision making and preserve *de jure* private ownership and control of industry while actually maintaining *de facto* State management. Anything which the State had been previously able to bring about through the tool of "public property" it could easily bring about by transferring titles to ownership from one group of individuals in society to another privileged group which, by virtue of its *LEGALLY UNOFFICIAL* connection with the State, would be considered, by Mises or anyone else with his approach, to be truly private owners of property and the means of production.

As an historical aside, this is precisely what has happened in the United States in many key industries. The RAND Corporation, a so-called 'think-tank' for the U.S. government, was set up purposefully as a non-governmental agency so that it could evade civil service laws; General Dynamics, a so-called 'private' corporation, takes in over 90% of its income from the government. Instances of the integrated nature of this brand of American statism can be multiplied enormously. But my point here is that Mises's error is far from being academic, and blinds him to the actual nature of many political societies resting on the foundation of 'private property' which is coercively acquired. I believe that this is one of the major reasons for the general ignoring of Austrian economics today by radicals interested in understanding economic reality.

It is clear at this point that the *essential* distinction is not between private and public ownership, but between just and unjust property titles, and that to retain the public/private property dichotomy robs one of the ability to make any analysis of intervention. If the State seized all the means of production and transferred (juristic) title to an elite not officially connected to the State, then *this* would have to be regarded by Mises as being "private property" when it would actually be *de facto* SOCIALISM. Is a criminal's possession of a piece of property to be regarded as private property? Either way, one has made a choice between alternatives, between values, and hence has smuggled in ethics.

Yet all of these distinctions are essential to the science of economics; without them, and without the ethics upon which they rest, economics would be robbed of many, if not all, of its key concepts. And how one can conduct a science without concepts fundamental to it being defined is beyond comprehension.

Now if such concepts can only be defined by reference to a theory of justice in property titles, and if Mises's own theory of utilitarianism is invalid, then this means that Ludwig von Mises has no justification for the free market, that his preference for the free market is just as much an arbitrary value-judg-

ment as any other, and that Mises, who has spent his entire life combatting government intervention into the market, can logically have no DEFINITION of what constitutes intervention.

The structure of the remainder of Mises's arguments should now be clear: since it was values which were the given, the irreducible, and since it was supposedly the values which most people held which made the free market necessary (in a strictly teleological and hypothetical sense), and the free market which made the State necessary (and taxation, the draft, etc.) Mises has no justification for the State, on his own terms and by his own premises.

I must hasten to add that I do not concede that if Mises had justified the free market that he would therefore have been successful in justifying the State as well — most of his arguments here for the State and against anarchism have the character of mere assertions. What would he have had to show if he were to prove that the State was a necessary condition of having a free market? That the State was completely *consistent* with the principles of justice and non-aggression which we set down earlier. Since no State in historical reality has been consistent with them, the burden of proof lies *doubly* on him. Can the State exist without aggressing against non-aggressors? Can it exist without violating people's rights to freedom of action over property which they morally own? These are the questions to which Mises would have to address himself. But, as we have seen, he even goes so far as to repudiate the very attempt to define the limits of State power.

One point remains to be considered in this vein: why cannot Mises play the role of the value-free economist and technician, advising a group of the appropriate means to attain its ends, and why does this have to involve value-judgements? This is also answered brilliantly by Murray Rothbard, in the above mentioned essay:

This view holds that someone else may set the ends, while the economist is justified in telling that person (and to be hired by that person) the correct means for attaining these desired ends. Since the economist takes *someone else's* hierarchy of ends as given, and only points out the means to attain them, he is alleged to remain ethically neutral and strictly scientific. This viewpoint, however, is a misleading and fallacious one. Let us take an example suggested in a passage in Professor Philbrook's seminal article; a monetary economist advising the Federal Reserve System. Can this economist simply take the ends set by the heads of this System, and advise on the most efficient means to attain them? *Not unless the economist affirms these ends as being positively good, i.e. not unless he makes an ethical judgement.* For suppose that the economist is convinced that the entire Federal Reserve System is pernicious. In that case, his best course may well be to ad-

vise that policy which would make the System highly *inefficient* in the pursuit of its ends. The economist employed by the System cannot, therefore, give any advice whatever without abandoning ethical neutrality. If he advises the System on the best way to achieve its ends, it must be logically inferred that he supports these ends. His advice involves no less an ethical judgement on his part if he chooses to "tacitly accept the decisions of the community as expressed through the political machinery."

This brings our argument against Mises to a close. He cannot even function as a technician or advisor without inserting *his own* values into the picture.

There are many other arguments which could be made against Mises's position at this point, but the essentials have been covered. What we have shown is that once we begin with the thesis that all values are subjective, there is no such thing as a rational ethic, there is no place to end up except a dead end. Mises begins by regarding every man's values as ultimate givens. But if that is so, since values are the motivating power of human action, the present state of the world, which is a product of human action, is *also* a given. There is no way to change the world short of by reference to moral principles, and standards of evaluation. Evading that, one ends up nowhere. Mises can have no justification of anything. Value-free social sciences are a dead-end for man.

Thus we must look elsewhere for a justification of the State.

FOOTNOTES

14. Analytical jurisprudence is a school whose main focus is to determine the meaning of legal terms.
15. Quotations from Austin here are from the selection "Law as the Sovereign's Command" in M. P. Golding, *The Nature of Law*, New York, Random House, 1966.
16. W. Friedman, *Legal Theory*, London, Stevens & Sons, 1960, p. 228.
17. Hans Kelsen, *General Theory of Law and State*, Cambridge, Harvard University Press, 1945, p. xvi.
18. *Ibid.*, p. 3. Kelsen's book is filled with tortuous circular arguments and obfuscations which I will take up in another essay.
19. Goldind, *op. cit.*, pp. 104-134.
20. *Ibid.*, p. 129.
21. Kelsen, *op. cit.*, p. 395-96.
22. McBride, "The Acceptance of a Legal System," in *The Monist*, July 1965, pp. 378-79.
23. It is interesting to note the similarity between the positivistic theory of law which Kelsen holds and the Hegelian or Idealistic coherence theory of truth in epistemology. Both maintain that the legitimacy of any one judgement (command in law) is derived from its consistency with and entailment by a coherent system of judgements (commands) which is internally self-consistent. What justifies the system itself, and on what foundation is it built? Nothing except the coherence of the system itself with each of its parts. This, I submit, is not a sufficient justification.
24. I shall be drawing heavily in my critique of utilitarianism, on two works of Murray N. Rothbard: *The Ethics of Liberty*, an unpublished work which also contains a critique of utilitarianism, and an essay entitled "Toward a Reconstruction of Utility and Welfare Economics"; in Mary Sennholz, ed. *On Freedom and Free Enterprise: Essays in Honor of Ludwig von Mises*. I would like to state that I have profited immensely from these and from private conversations with Rothbard on related issues, despite the fact that I here take issue with his and Mises's contention that economics can be a *wertfrei* or value-free science. All Rothbard quotations are from "Toward a Reconstruction", etc.
25. For works laying the *foundation* for a rational ethic, I recommend the following: A. Rand, *Introduction to Objectivist Epistemology*; Rand's essay "The Objectivist Ethics"; Mortimer J. Adler's *The Time of Our Lives*; Henry B. Veatch, *Rational Man and Two Logics*; Michael Cronin, *The Science of Ethics* (2 vol.); Nathaniel Branden, *The Psychology of Self-Esteem*; and Murray N. Rothbard, *Man, Economy, and State and Power and Market*, especially the chapters on ownership in the former, and the Chapter "Anti-Market Ethics: A Praxeological Critique" in the latter.
26. This critique will also hold true of other subjective theorists, including such anti-Statists as Robert LeFrivre.
27. Rothbard states that praxeology can criticize "Existential errors made in the formulation of ethical propositions" and that "ethical goals must be framed meaningfully." (*Power and Market*, p. 151). In essence, we have shown that both utilitarianism in general and Mises's specific formulation of it in particular is utterly meaningless and is thus a vacuous social philosophy.

Westbrook Pegler: Libertarian Journalist

Dennis J. Chase

Libertarianism, like psychology, has a long past but a short history. Its influence has been so inadequately covered that there is virtually no tradition to which a serious student can refer. The strains of free-market principles in Mark Twain or H. L. Mencken are buried in the mass of their work and are especially difficult to uncover during a period when libertarianism is still maturing. What this means is that there are pockets of ignorance about which libertarians must do their own research — from the foundation on up.

One such pocket is journalism, where there exists a libertarian tradition that is buried but occasionally smolders. When Murray Rothbard provided some interesting revisionist history about Mencken's work¹ he revealed the tip of an immense iceberg. Libertarian principles are as prevalent in journalism history as they are prevalent in American history and economic history.

The difficulty is getting to the man or event in time to save it for libertarian tradition, before it is snatched away — as Mencken was snatched by the liberals — and irretrievably lost. It may be too late for Westbrook Pegler. At one time America's most controversial journalist, Pegler's name has been pretty much expropriated by conservatives, with whom Pegler aligned himself.² In addition, his writings deteriorated in later years to a point where libertarians could no longer associate themselves with Pegler. But one point is certain: the evidence is overwhelming that the dominant strain in Pegler's work is libertarianism. Mencken even acknowledged a certain affinity for Pegler, calling

him a "distinguished linguist", no light comment coming from Mencken.³

There are hints of libertarianism in Pegler's background: he was a self-made journalist who abhorred all formalities that stood in the way of his driving passion for the truth. Frequently Pegler's columns received the kind of treatment usually reserved for today's politicians. In 1943, he was accused of promoting disunity between the fighting men overseas and the people back "home". He called those in the merchant marine "riff raff getting fantastic pay" and they surrounded the New York World Telegram with pickets. For two hours they chanted: "We're out to win the war. What the hell is Pegler for?" A group entered the building and marched to the office of Lee B. Wood, executive editor. "You'd better watch out," one said. "If you don't remove this guy you'll have more than picket lines around this office."⁴

Here is a career to which libertarians can retreat for the excitement and glamour of non-sacrificial individualism and the rational search for truth. Pegler began work at sixteen for the United Press news service. His rise was fast, and soon after he was shifted to St. Louis with the title of bureau manager. In 1916, at twenty-one years of age, Pegler rode the crest of a United Press youth movement to a job as war correspondent, and he sailed to London.

It was in London that Pegler's controversial future was foreshadowed. First, in Queenstown, Pegler refused to tip his hat to the King and Queen.⁵ He filed stories about the jealousy of the British toward the easy way American naval officers spent their money on women. Finally, he wrote an account of the first sinking of a German submarine by an American, which turned out to be a planted false story served by the United States Navy. Pegler was called back from London and United Press, after talks with naval officers, decided to send Pegler to France.⁶

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Pegler's attitude in France is described by Oliver Pilat in "Pegler: Angry Man of the Press":

Censorship bothered all the correspondents but particularly Pegler...Most of the correspondents realized that there were fifteen thousand newspapermen back home eligible to replace them if they talked themselves out of a job. Pegler, at twenty-three the youngest and most insecure of the Neufchâteau aristocrats, showed least caution.⁷

Angered by what he considered the lying of United States Navy officers, Pegler sent a letter to the head of his news agency Roy Howard exposing the inadequate army supply and inspection system, and documenting the hardships suffered by the soldiers — "leaky barns, porous shoes and inadequate supplies of underwear."⁸ Soon afterward, Pegler was replaced.

After a stint in the navy, Pegler began writing sports for United News, a branch of United Press. In a stunning success story, Pegler rose from a \$125-a-week reporter to a \$250-a-week writer for the Chicago Tribune News Syndicate which hired him away. Pegler's ability as a sports writer has never been disputed, and even here he blazed new trails. He once stated that his purpose was to "deglamorize sports in rebuke to grubby box-office mercenaries."⁹ A boxing contest was described as one "in which it ought to be possible to stir up the wildest possible disinterest."¹⁰ His diverse subject matter, and novel treatment of an activity ridden with clichés and myths, are now considered a "new" trend among sportswriters. But in his day Pegler stood alone while he "launched a morally indignant one-man crusade against the fakery of fight managers, wrestling promoters, and the slobbering praise handed out by sportswriters."¹¹

Grantland Rice, long-time dean of the sports-writing community, has listed Pegler as part of the "finest group to grace American journalism."¹²

In 1932, one year before he went to work for Scripps-Howard, Pegler wrote about his impressions of Washington when a Gridiron Club dinner failed to yield anything newsworthy.¹³ It was so impressive that Pegler was asked to do more.

From that point, he was off. Starting in 1932 and continuing non-stop through World War II, Pegler scored point after point on targets that other columnists ignored. He criticized the income-tax evasion of public officials, saw the law changed and won a "Headliner's Club" award.¹⁴ He criticized labour unions and won a Pulitzer Prize — the first awarded to a journalist — for helping to send two labour union racketeers to jail. As a war correspondent, he wrote eloquent anti-Fascist copy that pleased both liberals and conservatives alike. He created a fictional character named George Speilvin, who represented Pegler's Everyman. Speilvin was constantly harassed by union organizers, government tax collectors, and his boss Mr. Nilly.

None of these columns, incidentally, are examples of textbook libertarianism, but Pegler's tar-

gets were the right ones and reveal a concern over the one issue about which libertarians are concerned: freedom vs. force. No other columnist writing in that period was as anti-coercion as Pegler.

Pegler's later career, starting in the late 1950's was a letdown, and this is where most of his critics get their ammunition. He lost a libel suit to Quentin Reynolds, a magazine writer and former war correspondent, whom Pegler called "yellow" and "pro-Communist" in a 1949 column. Pegler quit the Hearst-owned King Syndicate in 1962 over "censorship" charges. He quit working for the "American Opinion" magazine, a John Birch Society quarterly, over the same charges.¹⁵

Pegler's philosophy about column writing is confusing. At one point, he writes that there are too many "deep-thinking, hair-trigger" columnists,¹⁶ and yet another time congratulates himself for being a "Sears Roebuck thinker, which is to say that I think in enormous volume on an amazing variety of subjects."¹⁷ He writes: "My hates have always occupied my mind much more actively and have given me greater spiritual satisfactions than my friendships...The wish to favour a friend is not as active as the instinct to annoy some person or institution I detest."¹⁸

The strains of libertarianism were always prevalent in Pegler's career, and caused a major break with the Left. He broke with the liberals ostensibly over their advocacy of compulsory unionism, but in fact over their statism and anti-individualism as he makes clear in "Evolution of the Liberal":

The day came when liberals who had fiercely hated the goose-step, goose-stepped in a sort of prisoners'-march before premises struck by minority vote to revile individual men, stone them and beat them, for their refusal to submit to regimentation and discipline.¹⁹

To recall Pegler's positions on issues is to reveal a profound anti-government attitude. It was more than skepticism; it was a distrust of power and a deep hatred of those who would not allow people to walk separately. He challenged J. Edgar Hoover — "a night-club fly-cop"²⁰ — and the Central Intelligence Agency — "A mysterious American gestapo (engaged in) dirty work"²¹ — long before these became fashionable targets. He wrote admiringly of Lucille Miller, sentenced to one year in prison for encouraging draft evasion.²² Pegler predicted that, if basic problems were not resolved, public opinion would "boil up in mass anger over basic grievances" and there would be "violent revolution...either bloody or political."²³

Pegler often stood alone in defending individual rights. In 1957, when police arrested Frank Costello, an alleged racketeer, then rifled his pockets and found secret memos indicating gambling deals, Pegler defended the Constitutional rights of Costello and criticized the police.²⁴

In his own way, Pegler presaged Women's Lib

by questioning the double sexual standard. In a column about unemployment, he wrote:

We somehow do not think of women at all in considering the down-and-outers. They are scarce in the breadlines, they rarely are seen begging in the streets. And they are not recognizable in crowds by the same plain signs which identify busted men...²⁵

Pegler's anti-traditionalism was evident even when it was not libertarian-oriented. During a period when persons under twenty-one were treated like (in Pegler's words) "imbeciles, felons, and foreigners," Pegler proposed that eighteen-year-olds be permitted to vote, and he did it with a fervor not equalled in his day — a time of benign neglect for youth. On this point, he is eloquently quotable:

Youth can hang for murder, for there is no law which says that a boy of 19 or 20 is too young to pay off when he is taken in the crime of homicide. And in time of war he can carry a rifle or fly a plane, but he is too young to be trusted with the solemn responsibility of voting against the war. This seems to bring me to point of suggesting that when they are smart enough they are old enough to vote and that many a man and woman arrives at three-score-years-and-ten without reaching the age of citizenship.²⁶

Perhaps the biggest misconception about Pegler is that he was anti-union because of a Communist-paranoia. Consequently, Pegler's comments about unions are usually treated as the "red herring" variety. The truth, however, is that Pegler was simply anti-coercion, and against the "goose-step" that required union membership for employment. This is substantiated at every turn:

The record of labor trouble in this country shows that many labor leaders are parasites who, living by their union racketeering, have much in common with the most brutal employers. It is bad when the workman is spied upon and denied his human rights by agents of a soulless corporation. But it is worse when he is robbed of his earnings and coerced into strikes by men who cleverly appear to be acting in his own interest.²⁷

And again:

I have proposed that violence and terrorism of other kinds by union pickets and goons be forbidden by law in the same way that employers are forbidden to employ anti-union spies and thugs...

Pegler has said he had no "war" against unionism, but rather a "war against exploiters of unionism and enemies of labor."²⁹ He criticized the Supreme Court for agreeing that union representatives had a "legal right to commit criminal acts" by enforcing union membership as part of job requirements.³⁰

Nothing more need be said about Pegler's stand on unions, except this: he never backed down. To

those, like Pilat, who charged that Pegler was a "company man," he demanded evidence, and wrote to one: "You great big gorgeous pious friend of the workingman, under what bridge at what time of night did what enemies of labor pay me how much to smear the movement?"³¹ And he was consistent, refusing to endorse any union "because they all believe in coercion and force and are subject to no restraining laws."³²

No other journalist opposed coercion as Pegler did. In a time of burgeoning trade unionism, Pegler broke with the American Newspaper Guild, saying: "I am pro-labor, but anti-racketeer..."³³ When all critics of labor were looked on with suspicion, Pegler uncovered an old, unserved prison sentence of one Hollywood labor leader, and wrote that the head of a building service employees' union had stolen union funds, and saw both imprisoned. For the latter, Pegler was awarded a now-forgotten Pulitzer Prize. So much for the "red herring."

Pegler's view of foreign affairs was close to libertarianism. He opposed America's entry into World War I ("What if the Kaiser had won? Would his government been any worse than what we've seen in Europe since?"³⁴). He wrote highly critical columns about German Nazism and Italian Fascism during the period of America's pre-World War II (while most commentators avoided the subject). "The other writers were very well aware of what was going on," he explained later. "They became wildly anti-fascist — but not anti-dictator. I've been anti-dictator all along."³⁵

Businessmen, too, did not escape Pegler's wrath. He accused them of robbing their stockholders: "The executive pension racket has become so greedy," he wrote, "that something will have to be done to control or stop it lest the corporate officials, who are, in theory, the employees of the stockholders, walk off with all the profits and assets."³⁶

Pegler's style was hard, bombastic, often unfair. He was anti-philosophy and admitted it. His inconsistency, uneven praise for dictatorships, wild rhetoric, homespun ethics and propensity to libel are all well-documented, but he also had the ability to spot a principle at one hundred yards and head straight for it. For example:

During the famous Chicago 7 "conspiracy" trial the defendants were found guilty of crossing State lines with intent to incite riots, and of various contempt-of-court violations. The local Black Panthers cranked out an angry denunciation of the treatment accorded to Black Panther Bobby Seale, who was gagged and bound to his chair by Judge Julius Hoffman.

"The chain of fascist events at the hands of a blatant racist echoes the terror of Hitler's gas chambers and prison camps," they wrote. "Everyman (sic) and woman in this nation is entitled to an attorney of his or her choice and to deny this is a direct violation of the so-called Constitution..."³⁷

Back in 1957 Pegler was saying the same things

— but in better prose — when he criticized the process that was repeated in the Chicago courthouse:

I keep asking my lawyer why I can't have some kind of trial before an impartial tribunal when I call some judge a bum and he belts me for contempt of court. The judge actually means that I insulted his own majesty and that is the case too, because the bum is a bum.

...What is a court anyway? Why is a court sacred? It is a room where people commit perjury and lawyers outsmart one another at the expense of individual chumps who get pinched or sued...

It is mighty darn strange to me that when a bum on the bench gets his nose out of joint at some citizen and cites him for "contempt", the judge becomes complaining witness, aggrieved party, prosecutor and judge, all in one.

I contend that the defendant should be able to transfer into some other court, draw a jury, and say: "Yes, I called the bum a bum because he is a bum and I am going to prove it to you."³⁸

In an uncomplimentary obituary, writers for *Newsweek* magazine noted: "Pegler excoriated his victims with epithets that today rarely appear outside the underground press." It is to the underground press that Pegler, if alive and practicing today, would have to retreat if he continued to exercise his name-calling: Vice-President Henry A. Wallace was "Old Bubblehead"; Eleanor Roosevelt was "La Boca Grande", "the Gab", or "the widow"; the mayor of New York City Fiorello LaGuardia was a "bulldozing four-flusher (who will) tin-can it and back away, squealing like a pig under a gate if you carry it right to him and never let go..."

But Pegler's targets were almost always government officials (a fact not usually noted by his detractors) and his criticisms were usually based on the principle that a man who lives off of or controls another's income is a looter. A favorite target was Secretary of the Interior Harold Ickes:

I don't wish I was running for President, but I tell you one thing — if I were I couldn't ask for sweeter luck than to have them send Ickes after me. Inside of a week you would read that Mr. Ickes had been compelled to drop out of the campaign and put himself away in the U.S. Naval Hospital in Washington, his favorite rest cure, at \$3.25 a day.

I wouldn't keep reminding the citizens that Mr. Ickes is so cheap that when he gets sick or wants a rest he muscles into the Naval Hospital, where he has no legal right to put himself, not merely because he considers himself too good and precious to take a chance in the regular civilian hospitals in Washington, as the taxpayers must, but because the service is practically free.³⁹

Pegler is simply more than he is portrayed. He fought censorship, "brutal employers", corrupt labour leaders ("parasites"), communism, fascism and nazism ("all the common enemy of democracy, all alike...").

It is now unfortunately necessary to go over all this ground for libertarians, because here is a friend whose reputation is based on misrepresentations. Pegler's critics dwelt on his name-calling, but only when the epithets were directed at "safe" targets, as *Time* magazine reports:

Columnist Pegler's standing with the double-dome Babbitts has shifted often. They have never forgiven him for an early column in which he indirectly justified lynchings in San Jose, California. But two years ago when he went to Europe and wrote a series of searing attacks on Hitler and Mussolini, his standing was ace high. They deplored his sneers at "Mahatma Sinclair" and his "Brainstorm Trust", reveled in his fury at Huey Long, and cooled off again when he began taunting the New Deal about the "Second Louisiana Purchase". Today "Old Peg" is in bad odor among the intellectuals because of his attacks on the C.I.O., his open red-baiting, his disrespect for Franklin Roosevelt — "mama's boy."⁴⁰

Few of the critics mention Pegler's heroes, but they were usually men of achievement whose accomplishments were often ignored by other columnists. For example, it was not Lou Gehrig's batting average that Pegler praised, but the fact that Gehrig "was a simple soul, with no affectations, who didn't have to work at being good and kind."⁴¹ Walt Disney scored points with Pegler because Disney "has created more hours of complete, detached happiness than all the rest, and apparently not with grim intent to spread joy, but only because that is the sort of man he is."⁴²

the rest. In 1962, Pegler was fired by King Feature Syndicate, a Hearst corporation, after arguments in Pegler's copy. Liberal columnist Murray Kempton, an admirer of Pegler, wrote that Pegler ended his career as he lived it, by "(cursing) the Hearsts in public for defiling the product." Who else, Kempton would ask later, ever attacked his publisher?

Kempton is the only reviewer who has ever captured the essence of Pegler's career. In his review of Pilat's book, Kempton writes:

Mr. Pilat tells us a sad story, one often distracted, confused and lonely; but the dignity of its subject endures because there was in this life not one act of real betrayal. Pegler damaged himself, he wasted himself on the irrelevant, but he never told a lie that he had told himself first.

I used to be depressed when radicals talked about Pegler and said how they wished they had him on their side. If the radical impulse is some dubious but lovely notion from one's youth and the radical faith a struggle to preserve it, chipped but whole, against every distraction of maturity, then Westbrook Pegler WAS on their side.⁴³

Objective history has not been served by the manner in which this important journalist has been treated. There is a libertarian tradition, and Pegler was part of it. It is a tradition of individual

liberty, distrust of government, isolationist foreign policy, and an uncompromising hatred of any system that enslaves its constituents.

Following Pegler's death, Bob Consodine wrote: "At his best, he was the most skillful handler of the English language we had — leading you through an 80-word sentence and you would never lose your way. But in later years you wondered where he was leading you."⁴⁴

To libertarianism, Consodine. Straight to libertarianism.

FOOTNOTES

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Purpose & Responsibility in the Novels of Victor Hugo



Although the Romanticists did not, for the most part, think of their work in terms of volition, their basic attitude — exemplified in Victor Hugo — is revealed through several aspects and characteristics that are, in fact, attributes of volition. Specifically, I would refer to purpose and to responsibility. As they pertain to the faculty of volition, purpose is that which is derived from the ability to direct one's consciousness, to select a value, to determine a goal and to determine a course of action to achieve that end; and responsibility implies that consciousness is capable of making itself felt in reality, that actions, taken to achieve goals, do indeed have ramifications and consequences in reality. To put it in slightly different terms — purpose is that aspect of volition which pertains to consciousness; and responsibility, as it pertains to reality.

Jesse K. Knight

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For the Determinist – and for his literary counterpart, the Naturalist – such concepts as purpose and responsibility are either meaningless, distorted or entirely irrelevant to their work. And this is why their literary output has gradually descended into today's nightmarish incoherency.

Any discussion of purpose and responsibility must focus on the works of the Romanticists, and necessarily so, for it was they who gave an (implicit) literary expression to the concept of volition. And from this implicit expression there arose an altogether new kind of character – one whose actions were goal-oriented, who defined their purpose and sought their values; men who realized that if they were indeed masters of their fate then they had to be willing to accept the justice of reality; they had to be willing to accept the responsibility for their actions.

It was this sort of attitude that Hugo instilled in his charac-

Purpose

There is present in the works of Victor Hugo the underlying attitude that man is by his very nature a purposeful being, and that it is natural that man should conceive of himself as goal-oriented and his actions in the context of the end he seeks. In the play *Hernani* the hero makes this declaration to his love: "You think me, perhaps, a man/Like others, one with sense, who knows the end/At which he aims, and acts accordingly." The purposeful man, for Hugo, was the rule and not the exception.

Though he considered man by nature to be purposeful, nevertheless, Hugo realized that purpose is the result of a volitional act, that it required a conscious effort. If conscious control is not exerted, the result is liable to be a man such as *Hernani* despairs of being, when he says, "Where shall I go?/I cannot tell. But I am urged, compelled/By an impetuous breath and wild decree;" this is a fine, artistic

rendition of how such a non-conscious man would feel – a description that has been amplified in the last few years by Objectivist writers on psychology, when they speak of a non-conscious man being controlled by unknown whims.

The purposefulness with which Hugo endowed his characters is not confined to any particular value-system, nor to any particular type of character, high or low, villain or hero. Instead, he dealt with all levels of intellectual awareness, refinement and development – from, for example, Quasimodo, *The Hunchback of Notre Dame*, to Claude Frollo, in the same novel, who "had, from his youth, gone through almost the entire circle of human knowledge,..." As would be expected, such a wide diversity of characters would necessarily display various goals and values and various levels of awareness of those goals and of their very own purpose.

The more concrete purposefulness, limited in range to one specific goal, without the character's generally being aware of any larger implications, Hugo used for those characters he created who have a lesser intellectual range. A good example of this type of character is the woman Michelle Flechard in the novel *Ninety-Three* in her search through the war-torn countryside of Vendee during the French Revolution for her children. It is also, by the way, a good example of Hugo's ability to instill in the lowliest of his characters an inherent nobility that a modern-day Naturalist couldn't begin to give a king.

...All her days were the same: she walked straight ahead and never stopped. Her exhausted sleep, wherever she could find a place to lie down, was no more rest than the morsels she ate here and there, as birds forage, were food. She ate and slept just enough to pre-

vent herself from falling dead.

...She thought of the adventures she had gone through, of the encounters, the indignities, the conditions laid down, the bargains proposed and submitted to, sometimes for shelter, sometimes for a piece of bread, sometimes merely for information as to how to find her way....Her wanderings were horrible, but nothing mattered to her provided she found her children.

The woman's purpose is concrete and extremely limited. She seeks her children – that and nothing more. But within her limited means she exhibits as profound a commitment to her goal as any character of a more intellectual concern. Though her intellectual range does not extend very far, it can certainly be said that her sense of purpose runs deep.

It is for those characters of a larger conceptual framework, whose intellectual abilities allow them to grasp abstractions, whom Hugo reserved for a more generalized and abstract purposefulness. This, however, does not mean that the sense of purpose guiding Hugo's characters becomes in any way diffused or lifeless simply because the goal is on a more abstract level. In fact the very opposite is true. The emotional commitment of his characters to their goals becomes all the more passionate as the issues grow more complex and abstract and the goals of a longer range.

Using once again the novel *Ninety-Three* as an example and looking at the major protagonists, I can illustrate this point. The novel deals with the French Revolution and its adversaries. On the one side is the Marquis de Lantenac, committed to the re-establishment of the Monarchy. His devotion, though, is not for one particular king, but rather to the institution of Monarchy itself. His equals, on the opposite

political side, are Gauvain and Cimourdain, both as devoted to the Revolution as Lantenac is to the Monarchy (though Gauvain and Cimourdain each have a slightly different conception of what the Revolution should be, stand for and accomplish). These men are committed to a specific goal only in so far as it will further their larger objectives; nor are they dedicated to individuals, only to institutions, ideas, ideals, concepts — in a word, abstractions.

In highlighting Cimourdain we can perceive how their purposeful action goes beyond the range of the moment, or an attachment for any individual, when it is motivated by — and takes place on — a higher, abstract scale. Hugo characterizes Cimourdain thusly: "He had the absolute in him"; and "He had the blind certainty of the arrow, which sees nothing but the goal and goes towards it." Cimourdain readily grasped the ideals of the Revolution to his bosom and becomes a formidable and purposeful agent of the Convention. Cimourdain's loyalty in maintaining his purpose, the ideal he sees the Revolution as being, Hugo reveals late in the novel, showing us to what extent his characters are willing to go to keep that integrity of purpose, to gain the end towards which they strive.

At the climax of the novel, Cimourdain is faced with the alternative of freeing the young commander of the republican forces Gauvain, whom he has raised and loved as his own and trained in the ideals of the Revolution; or Cimourdain can sentence him to death. To free Gauvain would mean, however, for Cimourdain, betraying the Revolution; to sentence him to death would mean losing the only man he has ever felt any emotion for. A lesser perhaps would have relinquished his ultimate purpose; but Cimourdain goes "straight ahead, fatefully", displaying a strength of will, character and purpose that makes his concep-

tion heroic. Holding intact his inviolate purpose, Cimourdain sentences Gauvain to death, then commits suicide himself.

Toilers of the Sea, thematically, deals quite explicitly with the issue of man and purpose. Additionally, it is a congenial novel for several other reasons. First, the villainy of Sieur Clubin and Rantain is, for the most part, extraneous to the central conflict, which is Gilliatt's struggle with nature. Consequently, there is no clash of value systems. Hugo was free to be simply on the side of man (which, in fact, he basically always was) and did not have to choose which value-system he considered virtuous. Second, Hugo's occasionally exasperating Christianity does not intrude to any great extent on Gilliatt's battle to save the steamship. It is only near the very end, where Gilliatt must deal in the realm of man once again, that Hugo felt it necessary to bring a tragic ending to his story.

Book II of the novel, the section in which Gilliatt struggles alone in the middle of the sea to free the stranded steamship so that he might win the woman he loves, presents the very essence of Hugo's image of a purposeful man.

That solitary position Gilliatt had more than accepted; he had deliberately chosen it. ...The overwhelming enterprise of saving the steamship, the risk, the danger, the toil multiplied by itself, the possible destruction of the savior in his work, famine, fever, nakedness, distress — he had chosen all these for himself! Such was his selfishness....

Hugo realized that if Gilliatt were to go to the magnificent lengths he would have to, if he were to undergo the necessary hardships to achieve his goal, then Gilliatt had to be willing

to accomplish this task willingly. It had to be an act of volition, and further it had to be in his own self-interest. "Such was his selfishness," Hugo exclaims, and we must agree with him. It is a magnificent selfishness, indeed.

Exhaustion of the bodily strength does not necessarily exhaust the will....All that Gilliatt lost in vigour, he gained in tenacity. The destruction of the physical man under the oppressive influence of that wild surrounding sea, and rock, and sky, seemed only to reinvigorate his moral nature.

Gilliatt felt no fatigue; or, rather, would not yield to any....

Bodily needs become rather trivial beside this strength of will. Not that Gilliatt does not recognize the pain and agony he is going through; he does, but he refuses to succumb to it. Beside his all-consuming purpose, his physical needs are unimportant.

Other writers, such as Jack London, have also portrayed such characters as Gilliatt with an indomitable will to live. But whereas London's characters fall to an animalistic level in order to survive, Hugo's characters become nearly superhuman. London wonders how far his men will descend to remain alive, and Hugo wonders how high his men will climb. London seems to be looking down; Hugo, up.

Only the most concrete-bound reader would claim that *Toilers of the Sea* is simply another Robinson Crusoe story, for it is far more than that. It is a drama on the most profound metaphysical level: of man against nature, the mind struggling with the universe, moving inanimate matter to its will. It is on this level that the full significance of the novel becomes apparent; it is on this level that the full impact and magnificence of a purposeful man reaches the reader. It is on this level the heroic is born.

He endured all this suffering without any other thought than is comprised in the word "Forward". His work flew to his head; the strength of the will is intoxicating. Its intoxication is called heroism.

Responsibility

The term *responsibility* has become such a vague, misused, ill-defined word that I think it might be worth while to examine the idea more closely before I deal with it in the works of Victor Hugo. But keep in mind that my purpose is not to give the concept of responsibility an exhaustive analysis but only to indicate the general outline and direction in which Hugo used the idea.

According to the Determinist, responsibility in terms of the individual is essentially meaningless. Since he does not think of man as being a volitional being, able to choose and select his values, able to determine his own course of action, it is ludicrous to think of him as being responsible. What is the determining factor in human action must take the responsibility, and today credence is given to the idea that responsibility can be established on a collective level. Consequently, it is not at all unusual to hear that society is responsible for educating children and taking care of the sick. A literary expression of collective responsibility can be found in much of the work of Emile Zola.

On the other hand, there is a variation that sees responsibility as an interlocking web (usually of guilt) of which everyone, by virtue of being human, is a part. An act has certain consequences; those consequences, in turn, give rise to further acts, which in their turn have consequences, and so on and so on and so on. Of course, the original act itself is only a part of a larger network. Caught in a network of interdependent responsibility, we must all be willing to accept partial blame for every act that

is committed.

It is easy to see, however, that if everyone is to be held responsible for every other individual's acts, then ultimately no one will be held responsible. From a literary standpoint this attitude usually resolves itself into the protagonist accepting the guilt of the universe as his own. Faulkner, in his portrayal of Temple Drake in *Requiem for a Nun*, leads one to this kind of conclusion.

Both attitudes cited above ignore the faculty of volition — ignore the fact that volition is a precondition of responsibility. (I am assuming here that consciousness has been established.) Certainly there is interaction among men, which sometimes makes it difficult to establish responsibility. But if a causal relationship can be found and if the action was freely taken, then responsibility can be fixed. Hugo, of course, didn't put it in quite so explicit terms, but such an attitude, I think, can be discerned. It is with this viewpoint in mind that I can turn to the Romantic expression of responsibility.

"This man was a compound of two sentiments,...respect for authority and hatred of rebellion; and in his eyes, theft, murder, all crimes, were only forms of rebellion." "In his strong and implicit faith he included all who held any function in the state,..." How would a man who held a profound commitment to authority, in all its many and varied guises, react when he discovered that the very authority he so admired was being undermined? Further, how would he react when he learned that it was he himself who had done the undermining?

The description above is of Javert, of course, the tenacious inspector of *Les Misérables*. And he is confronted with just this dilemma. He has discovered that he has been undermining the authority of the state. The important question is, What will he do

to rectify the wrong he has committed? To what extent will he be willing to accept his responsibility?

..."There has been a criminal act committed, Monsieur Mayor."

"What act?"

"An inferior agent of the government has been wanting in respect to a magistrate, in the gravest manner. I come, as is my duty, to bring the fact to your knowledge."

"Who is this agent?" asked Monsieur Madeleine.

"I," said Javert.

Javert had been suspicious of the Mayor for some time, and finally, in a fit of anger, he had denounced him to his superiors as being a former criminal who was still wanted on several counts. Had Javert's suspicions been correct he would have felt himself vindicated in what he had done, for he was bringing a criminal to justice. But his superiors told him he was mistaken. Javert realizes that, according to his own standards, he has committed a wrong — that is, by questioning a superior. Faced with this dilemma, Javert accepts his responsibility and reports — denounces! — himself.

"As is my duty," Javert tells the Mayor. But "duty" to what or to whom? To himself, of course; to his own conscience. For Hugo makes it abundantly clear that Javert's questionings would have never been discovered, had not the Inspector taken it upon himself to denounce his own actions.

Javert goes on:

"...I have often been severe in my life towards others. It was just. I did right. Now if I were not severe towards myself, all I have justly done would be injustice....I have caught myself doing wrong. So much the worse! I must be sent away, broken, dismissed, that is right....I simply ask the dismissal of Inspector Javert."

Javert realizes that to deny his responsibility now would negate the whole of his past and all of his actions as a police officer. He recognizes the hypocrisy that would exist should he reject his responsibility. It is this consistency — so natural in Javert — that strikes one as being so out of place in modern fiction.

Finally, Javert carries the denunciation of himself to the final step.

"You will say that I might tender my resignation, but that is not enough. To resign is honourable; I have done wrong. I ought to be punished. I must be dismissed."

Javert asks for something much more difficult than forgiveness; he asks for justice.

Keep in mind that Javert is a man who feels a deep and profound passion for his work. Quite literally, it is all that he has to live for; his whole life has been bound up in his performance as a law officer. And yet, in this scene, he demands not only that he lose the only thing that gives his life meaning but that it happen in utter disgrace. This is what makes Javert's actions so impressive. He alone demands that the wrong he feels himself to have committed be corrected by destroying all that is meaningful to him. Is this not a full acceptance of responsibility?

The novel *Ninety-Three* also offers an illuminating example of this sense of responsibility by which Hugo's characters distinguish themselves.

To place the following section in context: After a long and difficult struggle, Gauvain, the commander of the republican forces, finally captures the elusive leader of the royalist forces, Marquis de Lantenac. Gauvain manages this, however, only because the Marquis has returned to the

scene of battle to save three children caught in a fire. Now, Gauvain feels that to sentence this man to death would be a betrayal to the Revolution. Knowing full well that the sentence for aiding the enemy is death, Gauvain frees the Marquis and takes Lantenac's place in the cell to await trial.

Cimourdain raised his head, folded his arms, looked at the door and called out, "Bring in the prisoner."

A man appeared in the doorway, between the two gendarmes.

It was Gauvain.

Cimourdain started.

"Gauvain!" he cried. Then he said, "I asked for the prisoner."

"I'm the prisoner," said Gauvain.

"You?"

"Yes."

Cimourdain, having raised Gauvain from a boy and instilled in him his own dedication to the Revolution and its ideals, finds it difficult to believe that Gauvain could be involved in any way in the enemy leader's escape.

"...He must have found a way to escape; he wouldn't have needed anyone's help."

"He was helped," said Gauvain.

"Helped to escape?"

"Yes."

"Who helped him?"

"I did."

Cimourdain, through an entirely sincere belief his former student could not do such a thing, tries to find alternative methods Lantenac could have used to escape, and by doing so he gives Gauvain every opportunity to deny his part in the escape. But Gauvain steadfastly refuses to deny his own responsibility; he lays the blame squarely on his own shoulders.

Finally, though, Cimourdain is convinced of Gauvain's guilt in

the matter, and he stammers:

"Then you deserve..."

"Death," said Gauvain.

After establishing his own guilt, Gauvain is willing to pronounce what he knows should be his sentence.

You will notice how spare and uncomplicated this scene is (in rhetorical terms). Hugo is most eloquent when the dialogue he gives his characters is at its simplest. In other scenes the characters are much more verbose, but it is this scene that provides the most eloquent statement of Hugo's estimate of the nobility of man.

Gauvain, fully conscious of what he has done and is doing, accepts the responsibility for his act; he establishes his own guilt and names his sentence. Like Javert, he seeks only justice.

..."I'm guilty. In speaking thus, I seem to be speaking against myself. I'm not. I'm speaking in favor of myself. When a guilty man acknowledges his guilt, he saves the only thing worth saving: honor."

"Is that all you have to say in your own defense?" asked Cimourdain.

"I'll add only that since I was the commander it was my duty to set an example, and that since you're now judges you have the same duty."

"What example would you request?"

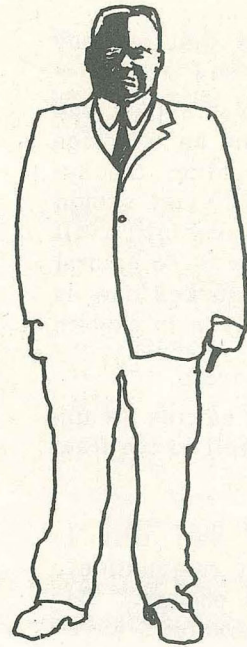
"My death."

Certainly Hugo was wrong in much of his philosophy, but it is acts like Gauvain's and Javert's, done with such resolute calmness, that will endear Hugo's artistry, for long to come. As with Hugo himself, underlying their conscious philosophy often, purpose and responsibility illuminate his characters' being, suffusing the whole of their fictional existence with light.

HERBERT HOOVER

RECENT HISTORIANS' APPRAISALS OF HERBERT HOOVER'S DOMESTIC POLICIES

FRANK MINTZ



(The author stresses that, except where indicated, the opinions expressed in this article are those of the historians cited — who, in many cases, are on the Left.)

I

Did Herbert Hoover's departure from the White House in March, 1932, mean the end of an epoch in American politics? During the Roosevelt era, "liberals" sensed that Mr. Hoover was the epitome of laissez-faire — a doctrine which had its last fling in the 1920's and ultimately brought disaster in its wake. In contrast, the New Deal came to symbolize a profound, but necessary, change in American social mores, replacing the outworn credo of unhampered free enterprise with an ethic of social responsibility. This view quickly passed into the folklore of Democratic propaganda.

Since the late 1940's, however, most historical studies on Hoover tended to revise this thesis. In some cases the modification looked slight indeed; in others, it became total. One group of writings seemed closest to the standard theme. These studies identified Hoover as the apostle of a basically laissez-faire philosophy. Nevertheless, this "school" usually conceded that, during the Great Depression, President Hoover had to jettison many cherished free enterprise policies and employ unprecedented federal intervention. A second interpretation, perhaps the most popular among historians, viewed Hoover as always a transitional figure — neither a New Dealer nor a laissez-fairist, but an exemplar of an advanced "business" philosophy which by no means opposed all forms of State intervention.

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Finally, a few writers liked to stress Hoover's statism: his ties with the Progressives, distrust of the free market, or even his affinity with the New Deal. Some historians in this category differed only by degree from those in the second; but at least one writer pressed revisionism to its extreme and concluded that Hoover, not Roosevelt, founded the New Deal. Most studies in this last group appeared in the 1960's.

II

With his chapter on Herbert Hoover in *The American Political Tradition* (1948), Richard Hofstadter offered the most comprehensive discussion of Hoover from an almost "traditional" standpoint. To those who still wondered why Herbert Hoover, self-made millionaire, engineer, and humanitarian, could become an inspiration to so many and then fall so rapidly from favour in the early thirties, Hofstadter had a clear answer: Hoover's world and the philosophy which made it simply collapsed. To Hofstadter, "Hoover was the last presidential spokesman of the hallowed doctrines of laissez-faire liberalism and his departure from Washington marked the decline of a great tradition." (1)

This traditional philosophy of self-reliance and free enterprise built the United States in the 19th century and caught the imagination of millions in that earlier time. By the 1929 Crash, this outlook was hopelessly outdated; yet Hoover continued to cling to it with a stubborn persistence that defied public opinion. The world groped for something more relevant than laissez-faire liberalism.

What accounted for the tenacity of Hoover's

"economic theology"? Perhaps the obvious fact that Hoover personified the self-made myth, rising as he did from humble birth to multimillionaire. Then too, Hofstadter noted, the system seemed secure: no serious recessions occurred from 1893 to 1929, and in the early years of the 20th century, the American people began to enjoy many positive economic benefits. Finally, the teachings at the universities – and certainly Hoover's Stanford – inculcated laissez-faire orthodoxy.

Firm as Hoover's economic credo supposedly was, Hofstadter conceded that he "had been a mild Bull Mooser in 1912." Moreover, Hoover always advocated tariffs, became reputed as the "most liberal" of the Harding-Coolidge cabinets, and greatly expanded the Commerce Department. Later, as a Presidential candidate, Hoover insisted he did not propose laissez-faire. Still, any exceptions only proved the laissez-faire rule. If Hoover endorsed State regulation of business enterprise, he understood this form of control to be much milder than Federal intervention. And, "even as a bureaucrat in Washington he had made it his concern to prime the pump of private business initiative rather than play a paternalistic role."

Confronting the Great Depression, however, Hoover finally made a distinct break with pure laissez-faire. Hofstadter admitted that Hoover took unprecedented steps to bring Federal initiative to bear on a domestic economic crisis. Through agreements with business and labour, he attempted to maintain wage-rates; eventually, he created a Federal mechanism to shore up the banking system – the Reconstruction Finance Corporation (R.F.C.).

But ingrained loyalties to the free market prevented Hoover from following a truly effective course of action. Convinced that the American economy was basically sound, he wasted time seeking out foreign sources of the Depression. When he brought himself to grapple with the domestic crisis, "...like a timid beast he shied away from any federal compulsion over business, when compulsion was necessary even to his own modest program." This timidity eventually reached its summit when Hoover tried to hold back from appropriating Federal funds for unemployment relief.

Hofstadter judged that, out of office, Hoover resumed his role as laissez-faire spokesman. Supposedly, he built his entire career on the premise that "unmanaged" capitalism functioned smoothly. Destroying the premise meant destroying his public image. Therefore, in books and in speeches to Republican convocations, Hoover inveighed against economic planning and championed the traditional mythology: "Perhaps if we were...spartan enough...we might leap out of the fading world of the twentieth century and land in the one that flourished so brightly in Hoover's mind." (2)

Two years later, Harold U. Faulkner's *From Versailles to the New Deal* gave readers roughly

the same Hoover portrait that Hofstadter made. Faulkner observed that "Hoover was a humanitarian, but a devotee of classical economics." (3) Again, he became an essentially laissez-faire liberal. During the Depression, however, Hoover sloughed off inaction and attempted a series of half-measures which were generally ineffective – though the R.F.C. proved an exception which the Roosevelt administration came to rely upon. (4)

By the mid-fifties, many historians attempted to reinterpret Hoover's ideas and policies, but some representatives of the "Hofstadter school" remained unmoved. For example, in the June, 1960, issue of *Current History*, Victor Albjerg wrote that Hoover was "a nineteenth century whig in a twentieth century economy." (5) This Jeffersonian advocate of limited government rigorously circumscribed what Federal aid he might offer – to farmers for example – by a stern adherence to laissez-faire principles. Albjerg also stressed that to Hoover, "the business cycle was a normal characteristic of American individualism as it applied to economics."

So, when the Crash came in 1929, Hoover at first pledged commitment to the American "folklore" of non-interference. Such actions as increased public works, conferences on wage-rates, and the lowering of the rediscount rate merely reflected a desire to "ease" the evils of the panic. However, as the Depression wore on, the President began to take a more active course, establishing the R.F.C. to authorize Federal emergency loans. Albjerg concluded that Hoover, against the grain of his own convictions, abandoned laissez-faire and became a transitional president: his tenure marked a dividing point between non-interference and positive action. (6)

As late as 1966, another article, appearing in *Ohio History*, identified Commerce Secretary Hoover as a friend of laissez-faire. (7) Supposedly, Hoover's dispute with Harding's Secretary of Agriculture H. C. Wallace revealed an ideological clash. Wallace advocated the McNary-Haugen farm bill in order to give positive aid (export subsidies) to American farmers; but Hoover, "staunch opponent of measures to increase the role of government," desired his own plan, which involved Federal support for private cooperatives. Of course, adoption of Hoover's plan meant that Federal agriculture programs would come under the purview of Hoover's own department. The Wallace-Hoover dispute came to an abrupt end when the former suddenly died in 1924. Nevertheless, Hoover could not put his program through until he became President in 1929.

III

Surprisingly – as he always displayed strong partisan support for the Democratic Party – Arthur Schlesinger, Jr., offered a more revisionist interpretation than the one presented above. In his

Crisis of the Old Order (1956), Schlesinger saw Hoover as the prime spokesman for a "New Era" business creed. He contended that, by the twenties, prominent business leaders disclaimed against the "crude" individualism of an earlier day. The New Era philosophy emphasized social cooperation, service to the consumer, low prices and high wages.

Hoover emerged from his philanthropic missions to Europe imbued with the new gospel: "His return had precipitated in his mind a philosophy of American society.... This philosophy animated the rest of his career." (1) As Hoover explained, our *American Individualism* (1922) tempered itself with the ideal of service and equality of opportunity. Ideally it envisioned a business culture moving toward benevolent "cooperation" rather than blind competition. Hence, the American creed repudiated both strict laissez-faire and egalitarian socialism.

After the war and during the first years of his stay at the Commerce Department, Hoover tried to put his ideals into action. Schlesinger reserved special praise for Hoover's interest in stabilizing the business cycle. Far from favouring a let-alone policy toward the economy, Hoover — through his special conferences — proposed a rather modern program of government "stabilization": in periods of "slack", government would finance extensive public-works projects by borrowing credit; during inflation, it would curtail the works program. Governor Brewster of Maine finally presented the plan before the National Governors Conference of 1928.

Still, despite some of the more advanced views of Hoover and his business colleagues, Schlesinger judged the American economy to be gravely ill in the twenties and in need of stronger aid than the New Era philosophers could muster. Productive capacity and production apparently continued to grow while sales outlets could not keep pace — consumers just didn't have the buying power to purchase sufficient numbers of goods at the prices charged. Eventually, businesses with so much unsold production had to face severe losses — and this spelled depression on 1929.

Schlesinger concluded that only a massive attempt to reduce structural imbalances in the economy could have prevented disaster. Our society needed a strong labour movement to increase workers' buying power, an activist program to stimulate farmers' purchases and stepped-up progressive taxation to transfer wealth from the heavy savers to the active spenders. Therefore, the Republican policy of the twenties, which maintained unequal incomes, and the New Era theoreticians, who continued to think in business terms, had to prove inadequate to the task.

With this view of economics in mind, Schlesinger wrote that no President besides Hoover "could have provided a fairer test of the capacity of the business community to govern a great and multifarious nation...." When the Depression struck,

Hoover rose to grapple with it, but he failed the test — and quite badly. Hoover initially put a variety of New Era principles to work. To preserve labour's purchasing power, he conferred with leading industrialists and secured a series of agreements for the maintenance of current wage-rates and the expansion of investments. His Federal Farm Board also began to buy up surplus crops in an effort to raise farm prices. But the depression deepened and Hoover faced the choice of pressing for new government commitments or retreating.

Schlesinger advanced the thesis that in 1932 Hoover beat a hasty retreat to laissez-faire. Instead of stepping up new public works through deficit spending, Hoover became obsessed with a balanced budget, calling for tax increases and spending cuts. He also abandoned the operations of the Federal Farm Board and fought against Federal appropriations for direct relief.

What of the new program of 1932, the R.F.C., which seemingly contradicted laissez-faire? Schlesinger believed this was still a "Manchestrian" approach because it was designed to protect the banking system, and, ultimately, the gold standard. Aside from his criticism of Hoover's economic programs, Schlesinger also attacked Hoover for political insensitivity in both his reluctance to meet with labour representatives and in his handling of the Bonus March. (2)

Regardless of the supposed inadequacy of Hoover's initial measures and despite the alleged return to a policy closer to classical liberalism, Schlesinger did not deny that Hoover greatly strengthened the powers of the Federal Government. He remarked, "Hoover breached the walls of local responsibility as had no other President in American history."

Harris Gaylord Warren published his *Herbert Hoover and the Great Depression* in 1959, three years after *The Crisis* was released. His general assessment of the economy in the twenties paralleled Schlesinger's strong opposition to the system; but Warren also took pains not to categorize Hoover as a mere partisan of laissez-faire. In addition, he plainly indicated that his criticisms of Hoover didn't imply a pro-Roosevelt bias.

While Schlesinger described the stress on equality of opportunity in *American Individualism*, Warren explained the political implications of this concept. As Hoover saw it, government promoted opportunity when it protected the individual from political, social, or economic domination by any group. Warren noted that the government, to prevent such domination, was "to umpire and regulate, to encourage cooperation, and to coerce where necessary...." (3) All in all, nothing really new appeared in Hoover's social philosophy except the boldness "with which he attempted to reconcile rugged individualism and individual responsibility."

Warren — in contrast to Albjerg — demonstrated how Hoover's concept of the Presidency was broad

enough to grant considerable scope to executive action. He listed Federal programs which Hoover pushed for, such as waterway development, enlargement of national forests and parks, and conservation programs — for Hoover “did not believe in allowing individualism to be expressed through plundering the common heritage of natural resources.” The two and a half billion dollars spent on public works from 1930 to 1933 also (in large measure, at least) bore testimony to Hoover’s thinking. These projects came as part of a program of mild, beneficent reform, and yet they were thoroughly compatible with conservative Republicanism.

The arrival of the Great Depression rudely frustrated Hoover’s program, but the President quickly developed emergency plans “nicely calculated to create a broad pattern of action.” Basically, the anti-depression plan meant labour and industry cooperating to maintain wages and output, reforming banking and agriculture, keeping a balanced budget. The Federal Government might supplement relief expenditures to some extent, but aid for the unemployed had to remain the basic responsibility of private, state, and municipal agencies.

Like most historians, Warren judged Hoover’s measures unsuccessful because they did not go far enough; but he did not charge, like Schlesinger, that Hoover returned to *laissez-faire*. He praised the Farm Board as a departure in the right direction, but believed that Hoover did not use the coercive controls he knew to be necessary. He castigated Hoover’s relief philosophy and felt that it lost him the 1932 election. Further, in concluding his book, Warren claimed that Hoover would have become very popular had he really developed the New Deal policies; but then — those “did not stop the depression either.”

A more recent study on Hoover and the Depression, Albert Romasco’s *The Poverty of Abundance* (1965), stressed Hoover’s belief in “voluntaryism” (Romasco’s word). In contrast to unhampered *laissez-faire* or bureaucratic statism, this approach involved voluntary association on a scale massive enough to insure human welfare in a complex society. Labour unions, business trade associations, farmers’ cooperatives, and civic associations all promoted cooperation, yet operated in the private sectors. As the defender of voluntaryism, Hoover became the spokesman for “the new individualism — an individualism adjusted to the demands of modern conditions.”

Government assisted voluntaryism with education and public works programs and also by promoting foreign trade and conservation. In addition, whether through suasion or some modest aid, government put cooperative groups on a self-sufficient basis — and then retired from the scene. Some months before the Crash, Hoover launched the Federal Farm Board, which neatly embodied voluntaryist precepts: government was to help farmers

establish their own cooperatives and thus gear up for mass production; the Board’s other provision — Federal purchasing of “surplus” crops to raise prices — remained in reserve for emergency use only.

When the financial panic hit, President Hoover employed voluntaryist suasion to prop up the economy. In the past, such panics scared businesses into cutting back on investments, slashing prices and wages, and dismissing workers. But, supposedly, these actions only spread fear and encouraged still more businesses to cut back. Hoover believed that if he could forestall the initial retrenchment, he might short-circuit the entire downward spiral. Therefore he moved promptly to get businessmen to freely refrain from curtailing projects and to maintain their work forces. At the same time, the Administration continually urged households to spend more, rather than hoard cash.

Romasco denied the effectiveness of the voluntary agreements on wages and investments: within two years, wages and output apparently dropped to startling lows, while unemployment sharply increased. Private charities and local governments, meanwhile, proved pathetically unable to meet the growing relief burdens. In short, Herbert Hoover seemingly pumped the “well of voluntaryism” bone dry during the first half of his tenure.

Voluntaryism gave way to more extensive coercion during Hoover’s last two years in office: the Federal Government assumed the responsibility of saving the financial structure and extending some indirect unemployment relief. Yet Hoover’s commitment to the traditional balanced budget hamstrung the new activist phase.

Nevertheless, in summarizing the entire range of Hoover’s efforts, Romasco wrote: since “the autumn of 1929 and during the next four years, the national government had broken away from the fatalism...of the past.” Though Hoover’s programs bore no fruit, they at least prepared the public for the New Deal’s “forceful use of federal power.”

Besides the books of Schlesinger, Warren, and Romasco, several articles published in the fifties and sixties discussed different aspects of Hoover’s alleged “voluntaryist” or “New Era” predilections. James Shideler, for instance, wrote about “Herbert Hoover and the Federal Farm Board Project” (1956) (5) and observed that Hoover began courting the farmers’ favour in the ’teens with articles on ways they could reduce costs and increase profits. Hoover later thought in terms of a “Farm Board” to parallel the Federal Reserve Board: this agency was to assist a farmers’ cooperative movement in the same way Hoover’s Commerce Department fostered business trade associations. Interestingly, in the early twenties, when Hoover backed legislation providing governmental assistance to farming cooperatives, many extant private cooperatives repudiated his efforts as paternal or socialistic.

In the Summer, 1967, issue of *School and Soci-*

ety, Raymond H. Muessig outlined Hoover's continuing interest in education. Commerce Secretary, it later turned out, advocated laws against child labour in order to keep children in school. Later, President Hoover sponsored several commissions dealing with the role of education in society: the National Advisory Committee on Education, which met in 1929 to study the relationship of the Federal Government toward education, and the Research Committee on Social Trends (1929), which prepared directives for Federal planning in education. Muessig believed that the Government would have followed through on these proposals had the Depression not intervened. But Hoover did convene the "Citizen's Conference on the Crisis in Education" to help keep the public schools going in the midst of the economic collapse. Muessig wrote: "Conditions did not immediately improve in many areas, but it appears that the conference kept them from getting a great deal worse." (6)

A year later, Ellis W. Hawley considered Hoover's private and public memoranda on the "bituminous coal problem" of the twenties (*Business History Review*, Autumn, 1968). According to Hawley, overcapacity, chronic losses, and labour violence plagued the coal industry during Hoover's years at the Commerce Department. To deal with part of the problem, Hoover initially proposed a government-sponsored statistical agency: presumably, publication of the (bad) business statistics

would discourage small firms from entering the market, thus restricting production and raising prices. Smaller firms naturally fought this scheme.

Hoover later considered proposals for a long-term solution to the "coal problem", one involving stable prices and harmonious labour relations. His ideas centered on unemployment compensation and voluntary arrangements to keep certain mines shut down during part of the year. Commenting on the nature of these plans, Hawley remarked that "Hoover was a transitional figure, an embodiment of a conflict in values" between laissez-faire and government control. (7)

Lastly, Gerald D. Nash's "Herbert Hoover and the Origins of the Reconstruction Finance Corporation" (1969) (8), stressed that the R.F.C. was the brainchild of Eugene Meyer, rather than Hoover. The President, instead, wanted to maintain his "National Credit Corporation", a quasi-"voluntaryist" agency which provided for wealthy private bankers to extend emergency loans to weaker banks. He did not adopt Meyer's plan for a Federal corporation until December, 1931; yet Meyer had already drawn up legislation for such an emergency institution as early as 1929. Nash showed how Meyer based the R.F.C. on the World War I War Finance Corporation, an earlier example of emergency Federal intervention.

(to be continued)

FOOTNOTES

SECTION II

1 Richard Hofstadter, *The American Political Tradition* (New York, 1961, second edition), 286.

2 *Ibid.*, other quotes, in order: 295, 295, 303, 313; and see also, 286, 294-295, 301-303, 313.

3 Harold U. Faulkner, *From Versailles to the New Deal* (New Haven, 1950), 64.

4 *Ibid.*, see 365.

5 Victor L. Albjerg, "Hoover: The Presidency in Transition", *Current History*, 39 (Oct., 1960), 214; additional quote, 216.

6 *Ibid.*, and see 219 for conclusion.

7 Edward L. and Frederick Schapsmeier, "Dis-harmony in the Harding Cabinet: the Hoover-Wallace Conflict", *Ohio History*, 75 (Spring/Summer, 1966), 126-136; quotes: 134.

SECTION III

1 Arthur M. Schlesinger, Jr., *The Crisis of the Old Order* (Boston, 1956), 82; additional quotes: 88, 246.

2 *Ibid.*, see also chaps. 10; 11, 85-87; chaps. 9, 20, 25-26. (Actually, in charging Hoover with going back to laissez-faire, Schlesinger followed a course unique among the positions dealt with here. But it is still convenient to link him with the second group of historians.

3 Harris Gaylord Warren, *Herbert Hoover and the Great Depression* (New York, 1959), 35. Additional quotes: 36, 65, 294, 295. See also: chaps. 2, 4, 19, 12, 13, 10.

4 Albert Romasco, *The Poverty of Abundance* (New York, 1965), 19. Further quotes: 231, 234; see also chaps. 1, 2, 6, 3, 7, 8, 11.

5 See James H. Shideler, "Herbert Hoover and the Federal Farm Board Project", *Mississippi Valley Historical Review*, 43 (March, 1956), 710-729.

6 See Raymond H. Muessig, "Herbert Hoover and Education", *School and Society*, 95 (Summer, 1967, 309-313; quote: 313.

7 See Ellis W. Hawley, "Secretary Hoover and the Bituminous Coal Problem," *Business History Review*, 42 (Autumn, 1968), 247-270; quote: 248.

8 See Gerald D. Nash, "Herbert Hoover and the Origins of the Reconstruction Finance Corporation", *Mississippi Valley Historical Review*, 56 (Dec., 1969), 455-458.

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