

The bankruptcy of conservatism - A reply to Frost

It is probably the fate of all unfamiliar ideas that they should be put into the straightjacket of conventional wisdoms and popular stereotypes. Libertarianism, particularly anarcho-capitalism, is no exception. The average classical-liberal-sympathising conservative puts our ideology in a liberty v. order straightjacket, where freedom is seen to be achieved at a cost in social order and security, and where those values can only be achieved at the price of liberty. This is a typically conservative viewpoint in which freedom and order are in tension with one another, and the remedy for social chaos is the state.

Gerry Frost's critique of Libertarianism falls into this trap. His argument covers many points but its two main thrusts are that liberty alone is incapable of providing a safe and secure society, and that the state alone is capable of upholding social mores.

LIBERTY AND ORDER

"I take the view" says Frost "that a strong state is a necessary precondition of individual liberty ... Individual liberty along with order and justice is one of the achievements of civilised modern states." He continues, "Supposing (the state) was somehow dissolved ... What would prevent the most powerful, charismatic among us from leading a faction which would tyrannise, or exploit, the rest? What would prevent rival factions from settling their disputes violently, like feudal barons or rival protection gangs?"

Madame Roland's famous words on the way to the guillotine, "Oh liberty, what crimes are committed in thy name!" should, perhaps, be re-phrased: "what misconceptions are presented in thy name!"

Libertarians are as concerned with social order, with the defence of life and property

as anyone. What makes them distinctive is that they propose Libertarian solutions to the problems which led Hobbes, Burke and their followers to advocate the strong, centralised authority of the state.

Anarcho-capitalists think that the best way of achieving 'law and order' is by removing the monopoly of a single coercive agency from the provision of restitutive, protective and adjudication services, and putting those services into the hands of competing, commercial organisations.

The reasoning behind this belief is not particularly new; it has been applied to other important areas of human life for the past two hundred years. It is simply a logical extension of pluralism - the idea that the best way to safeguard the individual's security is to divide power, to deny it a monopoly so that a many-headed hydra has to work that much harder, and be that much more determined, if it desires to take over society.

No anarcho-capitalists are naive enough to believe that the power-hungry will disappear in a stateless society. What will happen is that they will be denied the monopoly institutions, the automatic routes to power, which provide them with the instruments of coercion even in democratic societies.

The existence of just two competing security agencies, receptive to consumer demand, can do far less harm to the individual and be more motivated to defend his/her interests than monopoly agencies in even multi-party systems. For a change of party in democracies usually signifies no more than a change of 'management policies' for the police, the forces and the judiciary; the structure of the provision of these services remains the same: they reflect the imbalance of a disarmed society 'protected' by an armed monopoly. Despite Frost's attempt to portray Libertarians as 'starry-eyed' dreamers he, like all advocates of non-market, 'political' institutions subscribes to the hopelessly optimistic belief that agents of the state will achieve a personality transformation so that they will be more able to exercise civilised and ethical judgement than private organisations and individuals. This

assumption, usually hidden but made explicit in, for example, the work of Hannah Arendt, is the basis of most modern forms of statism. Libertarians take a more realistic, hard-headed view, often inspired by their reading of Mises and other economists on the science of human action. We believe there is no magic formula that will make state adjudication more "independent and impartial" than that performed by private individuals. If all power corrupts, as Lord Acton observed, then coercive monopoly power is a dangerous thing indeed.

THE MARKET FOR LAW

History furnishes numerous examples of 'core' state activities, clung to by liberal conservatives and minimal-state Libertarians, being performed 'privately', that is, voluntarily by individuals and agencies who do not claim to represent anything more than themselves.

The entire merchant law backed by a court system was founded and developed by those individuals who had an interest in its development quite independent of the state. The same applies to admiralty law which deals with seafaring, shipping and salvage. T. Anderson and P.J.Hill in their essay, 'An American Experiment in Anarcho-Capitalism: The *Not So Wild, Wild West*' (*Journal of Libertarian Studies*, Vol. III, No. 1, 1979) have argued that the so-called 'Wild West' was not, in fact, without a system of law and order before the state stepped in, and that a crime wave only occurred after the state replaced the private agencies.

Anthropologists and other scholars have provided evidence of how ancient societies had highly developed non-state legal systems. Iceland and ancient Ireland are particularly good examples, the latter dealt with by Joseph Peden in 'Stateless Societies: Ancient Ireland' (*Libertarian Forum*, April 1971) and 'Property Rights in Celtic Irish Law' (*Journal of Libertarian Studies*, Vol. 1, No. 2, 1977). Other notable works are *Tribes Without Rulers* edited by J. Middlelton and D. Tait (Toutledge, London, 1968); 'Stateless Society' by A. Southall in the *International Encyclopaedia of the Social Sciences*, Vol. 15 (Macmillan, 1968); and *Society Against*

the State by P. Clusters (Blackwell, Oxford, 1977).

Far from being a bastion of order and security, the state has proved to be not only society's greatest thief, its biggest threat to security and to peace, but also usually a poor counter-force to violence and theft by others. Not least of the reasons for this is the fact that monopoly state agencies can afford to be less responsive to demands for adequate protection and penalties that actually work, for exactly the same reason that British Telecom provides such a shoddy, inefficient service.

One important consequence of taking protection, law and adjudication out of the market is that these services cease to be consumer oriented. They cease to be concerned with the victim, a feature of modern 'justice' which is becoming increasingly apparent. The principle of restitution, in which the offender as far as possible paid back the victim, was enshrined in English common law, which evolved independently of central authority (See Bruno Leon, *Freedom and the Law*, Nash, Los Angeles, 1972).

CONFLICT IN AN ANARCHO-CAPITALIST SYSTEM

The possibility of violence between competing protection agencies, and of attempts to seize illegitimate power, is a question which naturally exercises anarcho-capitalists. There is no absolute guarantee that this will not happen, any more than there is a guarantee that governments will not abuse their powers, or that there will not be fighting between different branches of the government. However, a society in which power is very diffused is far more able to resist violence and tyranny than a society where power is exercised through monopoly agencies and where individuals are disarmed. Some economists now believe that it is in their nature for all states to grow more oppressive.

There are in anarcho-capitalist societies structural checks, balances and brakes on the acquisition of coercive power that would be far more efficient than those in liberal democratic regimes. These are discussed in

detail in Rothbard's *For A New Liberty* (Collier-Macmillan, New York, 1973); David Friedman's *The Machinery of Freedom* (Harper and Row, New York, 1974); and J. Wollstein and M. and L. Tannehill's *Society Without Government* (Arno Press, New York, 1972).

Any commercial, consumer-oriented organisation making a bid for coercive monopoly power would lose far more than just a battle if the attempt failed (as it is likely to do in a heavily armed society prone to litigation): a functioning business is dependent for survival on its reputation and goodwill.

The role of private arbitration would be even more important in an anarcho-capitalist society than it is in our own, where it already resolves a great many business disputes via social and economic sanctions and the bonding system.

TRADITION AND THE STATE

Frost's second main thrust of argument concerns the role of the state in defending custom; he implies that Libertarians are not sensitive to the importance of traditional mores. In fact, many Libertarians would agree with him on the importance of customary restraint and precedent in setting a standard of civilised behaviour. But as the conservative Oakeshott has pointed out, tradition and law are not the same thing and they do not necessarily support one another.

If custom is to function at all it must be spontaneous, that is, freely held. Given the way that Frost uses tradition as an argument for statism, it is ironic that about two hundred years ago conservatives were defending spontaneous 'folk-ways' against liberal-rationalist legislation! One of the greatest twentieth century Libertarians, Albert Jay Nock, was an ardent defender of particular traditions, and of the role of tradition in history. In his great work, *Our Enemy, The State* (Free Life Edn., New York 1973) Nock stresses the conflict between what he terms 'social power' and 'state power', the former the nexus of customs, trends and institutions evolved by the people to serve them, the latter the brute force of the state, the tool of particular groups and

individuals to impose their values and goals upon society. Frank Chodorov explored similar themes in *The Rise and Fall of Society* (Devin-Adair, New York, 1959).

Unlike other social theorists, Libertarians do not have a moral blueprint ready for their ideal society (except, of course, for the non-aggression principle): such a blueprint would be incompatible with the spirit of Libertarian pluralism. It seems likely that most people will retain a blend of cautious conservatism and adaptability to change, while more *avant garde* minorities will have complete freedom to follow their lifestyles, as long as they are non-coercive, on their own property and in their own communities. That state and custom do not have to go together is evidenced by the many stateless societies of primitive tribes which were nevertheless rigidly bound by traditional rules of behaviour.

Frost supports the claim that the state is a "natural extension of man's social character". Quite the reverse is true: it is an extension of his anti-social character, because it attacks 'social power', the many ways in which individuals and communities organise their activities.

What Libertarians seek is a framework of justice and liberty - provided by the free market in the anarcho-capitalist version - in which individuals and groups can pursue their distinctive traditions and mores in so far as they do not violently interfere with others. As Nozick put it in *Anarchy State and Utopia* (Blackwell, Oxford, 1974): "Wittgenstein, Elizabeth Taylor, Bertrand Russell ... Picasso, Moses, Einstein, Hugh Hefner ... Frank Sinatra, Freud...Ayn Rand ... Bobby Fischer, Emma Goldman ... you, and your parents. Is there really one kind of life which is best for each of these people?" (p.310).

Frost's concept of a moral state enforcing morality or tradition can only cause conflict between different groups and individuals, all of whom battle for control of the state in order to defend themselves or attack others, to impose their 'social context' or resist the imposition of others. Which contexts, which values, which traditions, Mr. Frost? Libertarians prefer the social context of liberty, a context which allows all sorts and

conditions of people the space to pursue the good -- or the bad -- life as they see it. As Judy Englander said in a previous *Free Life* article ('Killing Freedom by Stealth', Spring, 1980), "... freedom's special character is negative. It is a complete vacuum, a 'space' in which a variety of options, circumscribed only by 'The Possible', are open. 'The Possible' includes natural and human obstacles. Freedom is not the ability to do something in particular or be something in particular."

ALLEGED LIMITATIONS OF REASON

Frost makes the tired old Burkean claim that "The consequence of man's intellectual limitations require that he avail himself of the bank and capital of ages when deciding political and social issues, rather than relying on his own strictly limited stocks of reason." This argument remains the same hot air now as it was when Burke first emitted it. The intellectual bank and capital of ages is the product of past individuals strictly limited stocks of reason. Which particular deposits are we to draw from this bank? The wisdom of Marx or Adam Smith, Burke or Paine, Keynes or Hayek, Plato or Aristotle? Why are past attempts to understand the world superior, on principle, to our own? What alchemy will turn our reasoning into an acceptable deposit in the bank of ideas in a hundred years' time? Tradition, if it is to be saved from fossilisation as mere *traditionalism*, must be an evolving thing in the present, subject to criticism and modification.

ECONOMIC DETERMINISM

Frost accuses Libertarians of monomania about freedom especially economic freedom, citing an alleged statement by one of the greatest twentieth century liberals, Ludwig von Mises, as proof of his economic determinism and ignorance of history's complexity. The fact that Mises devoted a considerable part of his many writings to refutations of economic determinism (see especially *Theory and History*, Cape, London, 1958, pp 73-177) renders this a rather strange accusation. Unfortunately Frost, like Roepke (the original reporter of Mises's alleged statement) does not understand Mises (if the statement was made

in the form reported). He meant that the rise of nationalism and protectionism signified the eclipse of the peaceable, productive and internationalist ideals of liberalism and the creation of an institutional context in which (quite unlike the free trade context) it became advantageous for powerful interest-groups to press for aggressive expansionist policies. It is not 'determinism' to attribute the world wars to the intellectual, political and economic consequences of nationalist protectionism; it sounds more like determinism to assert that these wars were bound to occur just the same because of inexorable yet unspecified historical influences, if modern nationalism had not arisen.

In his *Omnipotent Government* (Arlington House, 1969), written during the Second World War, Mises strove to analyse in detail the causes of the crisis. His own words in the introduction effectively refute Frost's - and Roepke's - claims: 'It is the task of this present book to trace the outline of the changes and events which brought about the contemporary state of German and European affairs ... It deals both with history and with fundamental issues of sociology and economics. It tries not to neglect any point of view the elucidation of which is necessary for a full description of the world's Nazi problem ... Whoever wishes to understand the present state of political affairs must study history. He must know the forces which gave rise to our problems and conflicts.' (pp 8, 14).

FREEDOM AS A PANACEA

It is not true that "every conceivable social ill is attributed to lack of freedom" by Libertarians. One notable example springs to mind immediately: Rand's critique of the ethical and cultural values of altruism and Christianity.

Lack of freedom is the cause of countless problems, social disharmonies and suffering (for example, the explosion of organised crime as a result of the prohibition of alcohol in the USA: the increase in drug addiction as result of anti-drug laws; the corruption of the Metropolitan Police as a result of laws against prostitution and other 'vices'). Nevertheless, for Libertarians freedom

remains the precondition, the necessary but not sufficient, basis for the pursuit of other values. The achievement of those goals I deem desirable - the end of bigotry and superstition, the creation of the polite and orderly society and sexual enlightenment - are quite clearly not achieved automatically by the creation of a free society. Such values are the product of persuasion, education, and agreement.

ULSTER, BRIXTON, PERSIA

Frost cites Northern Ireland and Brixton as examples of situations where "an extension of individual liberty will not ... solve problems". In both cases the issue of freedom is very relevant. The British state has shown little enthusiasm to defend the lives, liberty and property of the majority of the population from the aggressive war waged against them by a minority aiming to bomb them into a united socialist Ireland. As I have pointed out before, the free society is the orderly and secure society; in it the full weight of its protective services falls upon those who destroy lives and property; unfortunately this committed defence of individual liberty is not evident in the British state's actions in Northern Ireland.

In Brixton government agencies have proved particularly inept at protecting the lives, liberty and property of citizens, black or white. While policemen waste their time bursting into private houses and coffee bars hunting for cannabis, old women remain prey to violence on the streets. The list of central and local government restrictions of freedom which have exacerbated Brixton's problems is endless: rent control; high rates; council housing; planning controls; victimless crimes such as smoking cannabis which help to alienate blacks from the police; non-market policing which can afford to be abusive to the black section of its 'customers'; few alternatives to poor state education; and last but not least, a lack of political will on the part of those who make the decision, to do what is necessary to give adequate protection from genuine crime to the ordinary people of Brixton.

It does not take a Libertarian to point out the error of Frost's third example of cases where individual liberty has not worked. Frost says

that the Shah of Iran attempted to extend individual liberties, resulting in "the collapse of traditional bonds which held that country together".

The Shah followed a vigorous policy of technocratic, Keynesian statism, backed by the ferocity of the SAVAK secret police, estimated at between 30,000 and 60,000 strong. It has been well documented that under the Shah's regime tens of thousands of individuals were imprisoned, tortured and murdered.

Iran's modernization consisted of massive taxation, explosive inflation, centralised banking, an army of western and western trained Keynesian economists, macro-economic fine tuning, price controls, Soviet-style 'five year plans', centrally directed investment, prohibitions on private housing, and large state building schemes. This statism brought in its wake a network of graft and corruption, conferring unearned privileges and wealth on those with power and influence.

The reasons for the return of militantly traditional values in Iran are no doubt many and varied; what cannot be held responsible is individual liberty, for the simple reason that under the Shah vast areas of personal freedom did not exist. It is far more realistic to see the past eighteen months' events in Iran as the product of a power struggle between westernised, secular statists and the religious authorities, a tension which is common in developing countries.

Roy Childs made an important contribution to analysis of the Iranian revolution in his essay, 'The Iranian Drama' (*Libertarian Review*, Feb. 1980). Here Childs points out that when the Shah tried to promote genuinely modern values (for example, the liberation of women) he did so gun in hand; this, predictably, created the bigoted, reactionary backlash that occurred.

Far from providing an argument for statism, Iran underlines my earlier argument against the conservative idea that the state can be used to enforce morality, social behaviour, and mores. In Childs' words, "This indeed is the continuing contradiction which lies behind so much of the 'modernization' or

'Westernization' which is taking place in the Third World ... There are in fact always two routes to progress: the path of free, spontaneous development, of free men and women engaging in voluntary exchanges, producing economic growth through their own voluntary savings and investment, changing their own social mores through their own growing understanding; and the path of state coercion, violence and planning, which imposes a preconceived notion of progress on men and women at the point of a gun. The Pahlavi dynasty has always followed the second route, backed by Western governments anxious to use Iran's oil resources for their own benefit." (p.32)

LIBERTY AND ITS CONTEXT

Frost claims that "Unlike libertarians, conservatives believe that liberty flourishes in a particular kind of context. They tend to work for the elimination of concerted evils rather than the realisation of abstract goals". Nothing could be further from the truth. Libertarians have always been well aware that particular values, traditions or mores are conducive to the degree of liberty that societies are capable of achieving. From Smith, Ferguson, Millar (the Scottish Enlightenment thinkers), through Charles Comte, Dunoyer, Thierry and Spencer to Mises, Rand and Rothbard, liberals and Libertarians have never ceased being concerned with the cultural and ethical environments conducive to liberty, and their inter-relationship with the economic structure.

Equally untrue is Frost's claim that Libertarians are concerned only with abstract, idealised freedom, and not with anyone's freedom in particular. A passing acquaintance with Libertarian literature would disabuse anyone of such a fallacy. From Spencer's *Social Statics* to Mises's *Liberalism*, from Rand's *Capitalism: The Unknown Ideal* to Hoper's *Libertarianism*, from Rothbard's *For A New Liberty* to Machan's *Human Rights and Human Liberties*, Libertarian works are replete with analyses of specific freedoms or our lack of them. The diverse American Libertarian press - *Reason*, *Libertarian Review*, *Libertarian Forum*, *Liberty*, *Libertarian Vanguard*, *Free Texas*, *New Libertarian*,

Objectivist Forum etc. - presents an ongoing spectacle of the application of Libertarian analysis to countless specific issues such as the railways, education, private health insurance, urban renewal schemes in New York, and so on.

In contrast, consider conservatism. Here we find little more than a rag-bag of phrases about liberty and tradition, with very little specificity and analysis. At their best, conservatives like Powell and Frost appear to want to pick and choose in a supermarket of values, taking a little liberty here, a little authority there. The logic of their choice seems arbitrary, based on the easy principle: freedom for anything I like or am indifferent about; no freedom for anything I dislike.

When it comes to abstraction, Frost's typically conservative consignment of the non-Western world to backwardness and statism on the grounds that it is not ready for liberty (or does he think they can never be free?) is a spectacular example. I wonder if Frost has ever taken the trouble to consider what this inhumane principle actually means in concrete terms for the people of the poorer countries? The prolongation of poverty and despair, of hunger and disease, of torture and other violence, of endless toil under landed and industrial magnates and political masters, the condemnation of independent-minded women to purdah and ceaseless child-bearing ... this is what Frost's abstract traditionalism means in practice.

Frost apparently shares Enoch Powell's unabashed relativism which in effect takes the attitude 'I'm all right Jack' with respect to ourselves in the West, and condemns the rest of humanity to poverty and suffering because they were not lucky enough to be born within the pale of Britain's traditional liberties. In other words, the 'good life' is for those of European descent only, because they thought of it first. In this way, conservatives like Powell and Frost raise historical accident to an inhumanely abstract principle. What could be more cut off from concrete reality than the consignment of millions of individuals to backwardness and despair in the name of an assertion - relativism - found in sociological textbooks?

POLITICAL AND SOCIAL VALUES

Frost argues that Libertarians see liberty "as the single object of all political endeavour, almost of all human endeavour". The first part of the statement is correct. This is what Libertarianism is all about, the claim that human interests are best served by the abolition of legitimised coercion and violence. The second part of the statement is incorrect. Libertarians have many views of what constitutes the good or virtuous society, from Rand's atheistic egoism to the Christian Libertarianism of the Gallatians Fellowship. But we all believe that an orderly society, let alone a free one, can only be attained or maintained by the pursuit of other moral, intellectual, social or cultural goals. As Tibor has put it: "Libertarianism is, put plainly, the view that the task of politics is liberty, nothing more or less, and the task of virtue, human excellence or happiness, is a task that only the individual on his own can strive to fulfil either alone or in personal and voluntary association with others, never by force or coercion." ("Libertarianism and Conservatives", *Modern Age*, Winter, 1980.)

ABUSE AND ARGUMENT

Frost claims that Libertarians "speak and behave" in objectionable and unpleasant ways: "They dismiss their critics as fools or cretins or crooks. They describe people as 'sound' or 'unsound'. They employ vocabulary of right-wing Stalinists. They attribute foul motives. Read their tracts and pamphlets - many are full of the most extreme vituperation."

Since Frost does not give specific examples I find it somewhat difficult to deal with his claim. From my very wide reading of Libertarian literature I have noticed that the tone is usually serious, courteous and scholarly. It is a mistake frequently made to confuse vigorous argument with abuse.

Individuals vary in their tastes and temper, and in their propensity to refer to spades, bloody shovels or agricultural implements. It is probably true that Libertarians use stronger language than conservatives, but we do not think that conservative moderation is something to emulate! If Frost had observed Libertarians at work and play more closely

he might have noticed that friends and colleagues can engage in vigorous debate with one another without ceasing to be friendly afterwards.

Frost is not immune from the use of vituperative and immoderate language when referring to Libertarians; we have, he says, a 'mystical glaze' in our eyes, Ayn Rand is 'ghastly' (no reason given), reasoned argument is traduced as "furious protestations" and our 'utopian' visions will lead to 'nothing but the gallows'. Even conservatives find it appropriate to employ abuse at times; what a pity it should be directed at exponents of liberty rather than liberty's enemies.

UNLIMITED FREEDOM AND UNLIMITED DESPOTISM

Frost informs us that "if one demands unlimited freedom one ends up with unlimited despotism". This is an assertion unsupported by a shred of argument or evidence. A moment's thought will remind us that the world's most despotic regimes - in the USSR, Eastern Europe, China and South America - are those with authoritarian traditions often centuries old, and certainly predating communism and fascism. It is odd that someone as sensitive to tradition as Frost should not have noticed this. Apart from this point, I cannot think of one political movement in history that has called for 'unlimited freedom'. Libertarians, with their concept of a society constrained by rules founded on property rights, certainly do not.

UNIONS AND THE STATE

Frost ends his essay by citing trade unions as an example of a problem that only the state can remedy. He fails to see that the state is the problem. It is precisely the state that has conferred upon trade unions their uniquely privileged position, by granting them legal immunities.

The remedy is the *removal* of the state from its role as patron and benefactor of the unions, not more legislation creating further inequalities under the law between citizens. As a Libertarian Alliance leaflet says, 'Trade unions should be voluntary associations (like chess clubs, charities, churches or business

corporations), free to run their internal affairs as they please [they] ought to be treated by the law just like any other voluntary association, without privileges or special disabilities".

Frost claims that we need an "authoritative state", a state which 'commands respect, allegiance and affection' in order to deal with the unions and other problems. In his view this is incompatible with the minimal, night-watchman state and with liberalism. It is difficult to see why a state, limited in the areas in which it is allowed to intervene, should not nevertheless be vigorous, authoritative and respected in its own domain. Anarcho-capitalists, of course, accept no function for the state at all, but they still recognise the importance for an anarcho-capitalist society of respect and affection for its institutions (if you like, a nationless patriotism). No society can persist for long, not least a Libertarian one, without a positive commitment on the part of its members to its way of life and to its system of authority and justice. This is a concept - "legitimacy" - which can be found in any political science or sociology textbook, and is not an insight peculiar to conservatives.

CONCLUSION

Most of Frost's criticisms of Libertarianism could be more accurately applied to conservatism, which seems to be suffering from a bad case of what Freudian analysts would call projection - the attribution of its own characteristics to its opponents. While Libertarians reveal an appreciation of tradition as a living and spontaneous force in the present, it is conservatives - many of whom are concerned with little else - who try to fossilise and thus destroy the tradition. While Libertarians believe in leaving tradition alone, conservatives want to interfere with it by enforcing those traditions they approve of. While Libertarians believe in a vigorous defence of life and property, conservatives help to undermine just law and order by sanctioning non-market protective and adjudicatory services and the concept of the victimless crime.

Gerry Frost's essay suggests that conservatism is ideologically bankrupt, and

that it has no claim to the interest of those seeking individual liberty.

CHRIS R. TAME