

File Clancy letters

NOMOS

Tragedies and tolerance

In his article "Musings on a Tragedy," printed in the Fall/Winter 1988 edition of *Nomos*, Howard McConnell laid bare the (as yet unbloodied) fangs of Objectivism. Following the textbook positions of his philosophy that all of existence is objective and can be thoroughly understood by the human intellect, Mr. McConnell determines that he has done so regarding human physiology and attacks the religious beliefs of Christian Science parents as vile irrationality.

It is easy enough for Mr. McConnell to advocate the tolerance required of a free society as long as his naive belief that Christian Science as a sect will cease to exist within one generation if left to its own design holds true ("no court orders, no inveighing of the law..."); but how long will a man who believes he knows right from wrong, good from evil, rational from irrational, tolerate the investigative differences of others when their differences don't snuff them out—as the practice of unconventional religious beliefs has not done to Christian Scientists for well over one hundred years?

Objectivists and Marxists have always shared the claim to absolute knowledge, but at least the Marxists are honest enough to admit that they don't tolerate anything less.

J. Powers Potter
Oneonta, N.Y.

Georgism and work hours

In his letter in your Fall/Winter 1988 issue, Bob Black asks: "What puzzles me...is why massive, technologically-powered increases haven't reduced the hours of work." He suggests that liberal economists have not given an answer. Neither have conservative, libertarian, or socialist economists.

But over a century ago, the American economist Henry George tackled the question in a larger context: Why, in spite of increase in productive power, does poverty persist? Not merely a puzzling question; he called this the central problem of modern times, the "riddle of the Sphinx." The paradox is summarized in the title of his book *Progress and Poverty*.

Not belonging to any school of economics, George analyzed the problem

independently. He concluded that the monopoly of land was at the bottom of it. Land (in its broadest sense, including natural resources) is the most fundamental requirement of life. Denied equitable access to land due to its ownership by a few, most people must continually seek jobs and struggle to live. All progress goes not to labor in the form of higher rewards, but to the owners of land in the form of ever higher rents and prices.

George's analysis is borne out more and more by developments in modern times. Poverty is on the increase, the gap between rich and poor continues to grow, there are more and more "moonlighters" and working wives, land commands an ever higher price, and people are finding it harder and harder to find a place to live or operate an independent business, with a growing homeless population.

George concluded in favor of a free enterprise economy, free trade, and a minimum of government. But it must be an economy that eliminates the land monopoly by the public collection of rent for the benefit of all—the Single Tax—and the elimination of all taxes on labor, industry, enterprise, and trade.

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Who is truly protected?

Chris Brockman does well to hearken back to what parents teach their children, as it is on mother's knee that we learn that the policeman is our friend. He frets that Truth is subordinated to Justice by the exclusionary rule which provides that illegally obtained evidence is inadmissible against a criminal defendant. This assumes that positive law is the same as Justice, something no libertarian can concede. To the extent that positive law diverges from Justice, the exclusionary rule protects the just as well as the unjust.

In fact, it protects the just *more* than the unjust. The just are the tax evaders, the drug dealers and buyers, the unlicensed entrepreneurs, the draft non-registrants and many others. The unjust are murderers, rapists, robbers and such. The exclusionary rule is the remedy which effectuates the Fourth Amendment

right to be free of unreasonable searches and seizures. Search and seizure law is almost entirely the product of government action against victimless crime, from Prohibition on forwards.

It's when government declares something "contraband," like drugs or guns or alcohol that criminality turns on possession of property. Violent crimes rarely depend on "physical evidence" for conviction, but victimless crimes often do. Right now we need all the legal protection we can get against government.

But even if the positive law coincided with Justice, we would still need protection of our property and therefore still need a means to make that protection real. Brockman is not just against the exclusionary rule, if he takes his "Truth" trump seriously he is against governmental legality altogether. It would be okay, for instance—everything I will mention is the subject of a real case—to torture an accused into confessing; to pump someone's stomach to recover swallowed evidence; to impersonate a priest and elicit a "confession" in every sense of the word

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