The Dissolution of Social Order

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THE QUESTION of all questions in political economy not too long ago was: what should the functions of government be? Today it is: *will government be?*

Among the numerous, grave, and perhaps critical threats to the survival of civil order in the United States, one more ominous than the rest stands out: the movement in all the states and in the federal government to compel collective bargaining between our governments and unions acting as representatives of government employees. Although this movement rests upon a series of incredible distortions and misrepresentations of fact, it is propelled by premises, theories and arguments which cannot withstand serious examination, and creates chaos in every branch and sector of government where it takes hold, it is nevertheless gaining ground year by year, even day by day, in all our governments — federal, state, and local.

My thesis here is that this movement must be stopped if decent social order and effective representative government are to survive in this country. The nation, the states, the cities large and small, are already besieged by a horde of other destructive threats. Every-

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one knows this. Because understanding of these other threats is so widespread, however, there is at least room for hope that they will be dealt with more or less effectively. But profound ignorance at every level prevails on the issue of compulsory public-sector bargaining, and the powerful forces determined to inflict it upon the country therefore meet almost no resistance at all, let alone informed, determined, and effective resistance. My purpose is to stimulate such resistance, to inform it, and thus to contribute to its effectiveness. For if such resistance fails to appear, the virtually certain emergence of compulsory public-sector bargaining *universally* in this country — especially when this destructive institution combines with the other crises which are breaking the country apart — is bound to bring about chaos, anarchy, and, ultimately, tyranny.

Factual Distortions and Misrepresentations

The first thing we need readily at hand is hard and accurate information concerning the condition of public employment in this country, the status of our public servants, the way they are treated, the rights, powers, privileges, and immunities which they already possess. For among the most serious misrepresentations fueling the drive for compulsory public-sector bargaining are the contentions that our public servants are underpaid and mistreated, that they are denied the rights of "freedom of association" which prevail in the private sector, that they will never be satisfied till they have those same "rights," and that until they do there will be serious "unrest" in government employment, strikes, and all the other bad things which, the leaders of organized labor say, union representation magically causes to disappear.

The fact of the matter is that public servants in this country have always enjoyed the right of free association when that right is properly understood as meaning the privilege of joining any lawful private association. It is true that till recently in some states a person wishing to retain civil-service status might have to forego joining labor associations not composed exclusively of civil servants of the same governmental unit. However, this could in no proper view be regarded as an unconstitutional or even unfair disability. As Justice Holmes said, in upholding the authority of government to insist that its employees not play politics:

> . . . the petitioner may have a constitutional right to talk politics, but he has no constitutional right to be a policeman.

Be that as it may, civil servants

have now for many years in most states had a right to join full-fledged trade unions without endangering their government employment. Indeed for the last six or seven years they have enjoyed such rights, under the U. S. Constitution, even in the few states which positively prohibited public employees from joining unions. This result was reached without the benefit of any statute, state or federal, protecting the jobs of civil servants who wished to join unions. That being the case, it is accurate to say that the associational rights of civil servants are greater than – not inferior to – those of private employees. For private employees acquired such rights only from labor statutes like the National Labor Relations Act. Prior to those labor relations statutes, private employers were privileged to refuse to employ persons who insisted upon joining unions.

Failure to Join

In view of these facts and developments, it seems fair to conclude that what bothers the unions is not that public servants are denied the rights of free association *but that too few have availed themselves of this "right."* The latest available figures indicate that of well over 11 million state and local civil servants only a little over one million have chosen to join unions, while another two million have preferred to join associations of other kinds, despite their universally prevailing right to join unions without fear of loss of employment.

One of the reasons, perhaps, for this failure of more civil servants to join unions is that in a substantial majority of the states right-to-work laws are in effect for civil servants, even when they are not in effect for private employees. In those states more employees have not joined, probably, simply because they have not been forced to join.

We are now in a position to understand why unions are so anxious to have the states and the federal government pass compulsory public-sector bargaining laws. Those laws, at least in the version pushed by the unions, usually provide for either permissive or mandatory "union shops"; that is, they contain provisions imposing union membership as a condition of employment. The insistence upon such laws demonstrates that unions are not really interested in extending the right of free association to public employment. That right is already there. What the unions want is to demolish the right; they want to be in a position to force union membership upon unwilling civil servants.

As yet only a minority of the states have passed full compulsory

public-sector bargaining laws; and a still smaller minority (11 or 12) have passed laws under which union membership may be made a condition of public employment. This is the state of affairs which the public-sector unions find unsatisfactory. The contention that public servants are denied rights of free association is false – a smokescreen designed to conceal what is really going on.

Leaders Seek Power

To sum up: the union drive for compulsory public-sector bargaining laws has nothing to do with any desire to expand the rights of public servants. What it has to do with is the overweening lust for power which characterizes most union leaders, especially in the public sector. They want such laws because when they get them they will be in a position to arrogate to themselves, out of the fund of rights which now belongs to public servants, the power to compel all civil servants to accept them as exclusive bargaining representatives and then, on top of that, the additional power to make unwilling civil servants pay for the union services which they do not want.

Naturally, no public-sector union leader will admit to such impolitic objectives. He will move on, instead, to the second series of contentions which, he hopes, will convince legislators and an unwary public that compulsory public-sector bargaining laws are needed. Weeping copiously, he will lament the sad conditions in which public servants work, how terribly abused they are in terms of wages, hours, and other terms and conditions of employment. His contention will be that if only public servants have universally conferred upon them the blessings of collective bargaining all their complaints, all their troubles, will disappear.

Here again, what the public and the legislators need is a good strong dose of fact. The truth of the matter is that the wages of government employees have easily kept up with, when they have not materially surpassed, those of comparable private-sector employees. According to the U. S. Department of Commerce, while state and local government employment was rising by 151 per cent between 1951 and 1972, their monthly payrolls increased by 596 per cent.

The most detailed and authoritative private reporting service in the field, the *Government Employee Relations Report,* published by the Bureau of National Affairs, carries, almost each week news items indicating that government employees are by no means coming out on the short end. There is no need here to place undue emphasis

upon such extraordinary phenomena as the $17,000 annual wage recently extracted from the taxpayers by San Francisco's street-sweepers. The average hourly wages of all civil servants for actual working hours are: in Ohio, $4.94; Minnesota, $5.13; Michigan, $6.67; Alaska, $9.53.

Federal Employees

As to employees of the federal government, a December 1974 article in *The Washington Monthly*, interestingly entitled "Government Unions: The New Bullies on the Block," tells an even more dramatic tale concerning the generosity with which public employees are treated. All government wage scales – federal, state, and local – are by law required to be comparable with those prevailing in the private sector. (Incidentally, they have to be if government is to attract employees.) Perhaps the most suggestive fact pointed out by *The Washington Monthly* article is that at least federal government employees are quite markedly outdistancing their colleagues in the private sector:

> . . . [F]ederal employees are among the highest-paid workers in the country. One third of all federal workers on GS scale are paid more than $15,000, and receive supplemental benefits equal to a third of their salaries. Officially, federal white-collar employees are supposed to be paid salaries 'comparable' to what they would earn in private industry. But in practice, many federal employees, especially those in the middle grades and those just below the highest paid 'supergrades,' are paid significantly more than they would get on the open market. For example, the appropriate salary for all GS-13s is determined by examining only five professions – attorneys, chief accountants, chemists, personnel directors, and engineers. Each of these positions (with the exception of personnel directors) demands greater training and technical skill than most government GS-13s possess. And the federal government has become so top-heavy that, for example, 52 per cent of the employees of the Department of Transportation are GS-12s or above. The starting salary for a GS-12 is $18,463.

The Question of Happiness

We hear a great deal about how gravely abused public employees are under the civil service merit system – and how much they would be benefited by replacing that system with union representation. Two comments should suffice here. In the first place, the civil service merit system, now in effect in all public employment, represents the most serious and most comprehensive attempt ever made *anywhere* to insure just treatment of employees on the job. In the second place, the assertion that union rep-

resentation will insure better, fairer, more humane treatment for employees than the civil service merit system does is *only* assertion. All experience from the private sector seems to indicate that employees represented by unions are, to say the least, no happier or more contented than the vast majority of private-sector employees who have chosen to remain nonunion. By the latest count union members constitute considerably less than one-fourth of the private labor force. Moreover, it is reasonable to believe that a large number of that one-fourth belong to unions only because they must in order to keep their jobs. For something on the order of 80 per cent of all collective agreements contain provisions requiring union membership as a condition of employment.

The state of soul or mind called "alienation" may exist in government employment, but it is certainly not confined uniquely to nonunion civil servants. In all probability it is a permanent and ineradicable aspect of the human psyche. We live in a universe which we have not made and which we can remold nearer to our desires, apparently, to only a very small degree, if at all. The idea that the brutal, insensitive collectivism which animates unions will provide a cure for alienation is absurd and ridiculous. Alienation is a condition of the *individual* mind or soul; mass, collective action cannot cure it. By expanding the size and scope of the authority of large collectivities at the expense of individual autonomy, compulsory public-sector bargaining is more likely to increase alienation and individual discontent than to reduce it. One thing is certain: forcing civil servants to accept union representation when they do not wish to do so is not going to make them any happier.

Fallacious Premise: The "Private-Sector Analogy"

The factual misrepresentations, rank as they may be, are far less serious than the false premises and lame logic of the drive for compulsory public-sector bargaining laws. We must have such laws in government employment, we are told, because we have them in the private sector, because they have worked so well there to produce industrial peace and worker satisfaction (so they say), and because without them there will be great strife and unrest in government employment.

It is difficult to judge which is worse — the bold and brassy error in these contentions, or the profoundly significant omissions they tend to conceal.

Quite obviously it would not follow that we should have compul-

sory collective bargaining in the public sector merely because we have it in the private sector – even if the claims made for it in the private sector were true. One would have to establish (at least) that there are no material differences between the public sector and the private sector: no mean task, since, as we shall see, the public and private sectors are basically and radically different in all the ways that matter most.

Before going into that, however, I believe it desirable to make some brief observations about our private sector labor policies. In the first place, as already noted, only a minor fraction of private-sector employment is subject to collective bargaining, despite the fact that for forty years now the federal government – and especially the National Labor Relations Board – has been doing its best to induce all private-sector employees to accept unionization. Year after year hundreds of thousands of private-sector employees have spurned the NLRB's inducements. Moreover they have spurned them in the most definitive manner possible: in secret-ballot elections conducted by the NLRB itself under rules heavily weighted in favor of the unions.

One would need to be out of touch with reality to contend seriously that there is more strife, more labor unrest, or more alienation in the vastly preponderant nonunionized part of private employment than there is in the unionized quarter. In those sectors of private employment where they have taken hold, our compulsory collective bargaining laws have not produced labor peace and harmony, much less consumer-serving productivity. On the contrary, the results have been disastrous in at least six ways.

(1) Our private-sector compulsory collective bargaining policy has condemned countless thousands of working persons who actively oppose union representation to a condition of serfdom by forcing them to accept and to pay for union representation which they do not want.

(2) It has severely hampered and rigidified and thus made much less profitable and efficient many of our basic industries, to the enduring harm of the communities served by those industries.

(3) In the opinion of many if not most of the outstanding economists of this country and of Europe, it has done great damage to the market economy in general and to the interests of workers and consumers in particular.

(4) The industries most subject to union control may be characterized by high nominal wages, but, as in construction and the rail-

roads, they are likewise characterized by extensive and apparently permanent under-employment. A bricklayer's scale of $15 per hour is not all that great if as a result bricklayers are unable to find work.

(5) Our private sector labor policies have placed in the leaders of the big unions enormous political power, power which is normally directed in vicious, antisocial ways. Examples are minimum wage laws which make supernumeraries of our young people, especially young blacks; and the numerous types of interference with free trade which are pushed mainly by the big unions. In such instances – and in countless others which could be listed – the leaders of the big unions created by our compulsory collective bargaining policies have set themselves boldly and arrogantly against the best and most humane interests of the community as a whole.

(6) Finally, it is simply untrue to say that the introduction of compulsory collective bargaining statutes in the private sector brought labor peace where strife existed before. Take a look any year at the *Handbook of Labor Statistics*, prepared by the U. S. Bureau of Labor Statistics. Strikes more than doubled the year after the National Labor Relations Act became fully effective. This had to happen. As we shall presently see in more detail, unions are nothing at all if they are not highly professional strike agencies. Encourage unionization and you encourage strikes. It is as simple as that. To believe that this universal truth would not apply in the public sector would be to deny the validity of all relevant experience and assert that reason has become obsolete.

Remove the Coercion

If my all too abbreviated critique of our private-sector experience has any merit at all, it suggests that we should repeal the statutes compelling collective bargaining in the private sector rather than extend them to the public sector. However, even if we were to shut our eyes to that experience, even if we were inclined to agree that compulsory collective bargaining has "worked" in the private sector, it would remain true that universalizing compulsory collective bargaining in the public sector would be an extremely unwise and probably a fatally destructive move.

There is no proper analogy between the public sector and the private sector. Business is one thing. Government is, in every sense relevant to this discussion, entirely and categorically another. As Woodrow Wilson once said,

The business of government is to see that no other organization is as strong as itself; to see that no group of men, no matter what their private business is, may come into competition with the authority of society.

In his Farewell Address, George Washington said that,

The very idea of the right and power of the people to establish government presupposes the duty of every individual to obey the established government.

John Austin, one of the greatest jurists of the last two centuries, understood the concept *sovereignty* as few before or after him have understood it. His position was that "the all-powerful portion of the community which makes laws should not be divisible, that it should not share its power with anybody else."

What these great men were saying is that if government is to serve the role in society which must be served if there is to be *society* – civil order – it must have sovereign, supreme and undiluted, power: power greater than that possessed by any other person, or group, or group of groups.

Where the Analogy Fails

This is the fact which utterly demolishes the private sector analogy. There is nothing basically destructive of private business in a law, however unwise that law may be, which forces employers to deal collectively with employee representatives on terms and conditions of employment. To repeat: it may be wrong to force dissident private employees to accept unions which they do not want and to compel private employers to bargain collectively with unions when they prefer to deal with their employees individually.

However, no social breakdown occurs as a consequence of compulsory private-sector bargaining. This is true in part because employers are compelled by the nature of things in a free society to bargain with their employees individually or collectively, anyway, if they wish to have employees; in part because few private employers, if any, are inclined to yield without resistance to extreme, anti-economic union demands; in part because private employers rarely if ever provide goods and services which cannot stand interruption for more or less sustained periods; and in part, finally and most importantly, because no private employer occupies a role so central and so indispensable to the survival of civilized society as all our governments – federal, state and local – do.

Monopoly is normally a bad thing in the private sector. In the public sector undivided, monopoly,

sovereign power is absolutely indispensable to any civilized social order. Law is either universal, supreme, and exclusive – or it is nothing. Imagine two competing police forces, two competing armies, two competing judicial systems! The name for such a state of affairs is anarchy, not civilized order.

Because government is and has to be monopolistic in character, it also must perforce stand outside the market. Political considerations, not economic considerations, must direct its activities. The consensus of the whole community, not the private interests of individual producers and consumers, must determine the way in which government operates.

Political Decisions

Government cannot, as private business does, allocate its resources and expenditures on the basis of balance sheet considerations of profit and loss. All its decisions – as to how many police or fire stations or schools or garbage trucks should be bought or employees hired – all such decisions are political decisions. Ludwig von Mises has made the point:

> The objectives of public administration cannot be measured in money terms and cannot be checked by accountancy methods. Take a nationwide police system like the F.B.I. There is no yardstick available that could establish whether the expenses incurred by one of its regional or local branches were not excessive.
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> In public administration there is no market price for achievements. This makes it indispensable to operate public offices according to principles entirely different from those applied under the profit motive.
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> . . . [The government] must define in a precise way the quality and the quantity of the services to be rendered and the commodities to be sold, it must issue detailed instructions concerning the methods to be applied in the purchase of material factors of production *and in hiring and rewarding labor* . . . [Emphasis supplied.]
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> . . . It would be utterly impracticable to delegate to any individual or group of individuals the power to draw freely on public funds. It is necessary to curb the power of managers of nationalized or municipalized systems . . . if they are not to be made irresponsible spenders of public money and if their management is not to disorganize the whole budget.

It should be obvious by now that – and why – government cannot share with unions its power over the public service and at the same time retain its character as government, responsible to the community consensus alone. Even if decisions concerning the course of government and of government employment could be made jointly by duly elected or appointed offi-

cials and union negotiators, there would be a dissolution of sovereignty and a dissipation if not destruction of popular government. But the unfortunate fact is that under compulsory public-sector bargaining there will not be merely a sharing of sovereignty; common sense and experience indicate that the sovereignty is bound to come to rest, ultimately, in the public sector unions.

Strife Is Assured

I repeat: this is bound to happen. Proponents of compulsory public-sector bargaining contend that it is the only way to eliminate strife and unrest in public employment, but the fact of the matter is that such bargaining is a means of *insuring* strife and unrest, in the government service. From such strife and unrest the public-sector union leaders are bound to emerge in this country – as they already have in England and in Italy – as our ultimate rulers. For, as Henry C. Simons called them, unions are "battle agencies." They have to be. In order to get and keep members, they must continuously seek and bend every effort to get more than the employers of their members are willing to pay. By now, even the dullest observers of this field are aware that politicians and political officials tend to be far more generous with taxpayer money than private businessmen are with stockholders' money. Nevertheless, there comes a point, even in government, when the never-ending demands that unions are compelled to make must be met with a straightforward "No."

What happens then? Well, the history of the last decade is instructive. In order to keep their members, the unions must refuse to take "no" for an answer. Over the last decade the number of public-employee strikes has increased by well over 1100 per cent. This is what refusing to take "no" for an answer means among the public-sector unions: Striking. And the fact that until just the last year or so (and then in just a few states) public-employee strikes were (and are even now in most states) unlawful – this fact has neither discouraged the union leaders from calling strikes, nor made their members hesitate to participate in them.

If these facts prove anything, they prove that – not the law, not duty to the public, not respect for judicial orders – but union leaders have become for unionized public servants their sovereign liege lords. When I say that widespread adoption of compulsory public-sector bargaining laws will inevitably result in the destruction of popular sovereignty and in its replace-

ment with the virtual anarchy of a sovereignty split among the leaders of the more critically placed public-sector unions, these are the facts and the common sense analyses upon which I rest the prediction.

It is strictly speaking absurd to suggest that compulsory public-sector bargaining laws are needed in order to eliminate strife and unrest in public employment. Before such laws were passed in the late fifties and the sixties, there were no strikes to speak of and no other significant forms of mass unrest in public employment. Before public agencies, especially in such places as New York City, began bargaining collectively with unions representing their employees —i.e., began recognizing unions as exclusive bargaining representatives and thus abdicating to unions the sovereign powers of government — there were no public-sector strikes, none to speak of anyway.

The strife and the unrest have come since unions have been recognized in some states and cities as exclusive bargaining representatives. Significantly, the strife and unrest have been localized in precisely those jurisdictions. It is largely absent in the localities which refuse to recognize unions as exclusive bargaining representatives of public employees. And one may confidently conclude that it would be entirely absent if militant trade unions were excluded from public sector employment — as a proper respect for the duties and powers of government would require.

Such a state of affairs — leading to peace and harmony rather than chaos and war between government and their employees — would not require that the right of free association be denied to public employees. Public employees might very well join or even be encouraged to join associations confined to civil servants. Indeed, as we have seen, ever since the first civil service laws were passed in this country (and they are now universal), public servants have been free to form and join their own civil service organizations.

A Dubious Progression: Chaos to Anarchy to Tyranny

In a drastic reversal of former opinion, state courts all over the country have been upholding the constitutionality of recently passed compulsory public-sector bargaining laws. Less than thirty years ago, the consensus among judges was precisely to the contrary. All across the land they had been holding that for a public agency to bargain collectively on the terms and conditions of public employment would involve an unconstitutional abdication and delegation of gov-

ernmental power and thus a betrayal of representative government.

Nowadays, however, we read repeatedly in judicial opinions that there is nothing wrong in such laws. Some of the state courts have gone so far as to uphold laws providing for compulsory arbitration of public sector labor disputes. Going even further, some have held that public servants have a right to strike.

Despite these abrupt changes of opinion, however, a curious movement is afoot among the judges. Several of the courts which have gone furthest in welcoming the abdication of sovereign power implicit in compulsory public sector bargaining laws, have begun quietly and unobtrusively to see to it that *their* sovereign powers remain unimpaired! Some have been holding that court employees are excluded from the compulsory bargaining laws. Others have been holding that insofar as court employees are concerned, the proper party to do the bargaining with them is not a state or local administrative officer, but the presiding judge.

When the state or local administrative officers object to these decisions, contending, among other things, that they are scarcely likely to get fair hearings on the matter from judges who are themselves interested parties, the courts are brought face to face with the destructive and contradictory character of all compulsory public-sector bargaining laws. They are forced to see willy-nilly that such laws simply cannot be reconciled with any intelligible concept of sovereignty.

In one case the complaining county commissioner charged that the county was being denied due process of law and equal protection of the law because his opponent in the case was a member of the very judiciary which was deciding whether he, the county commissioner, or his opponent, the county judge, was the appropriate bargaining agent! The court could only reply, lamely, that it would do its best to insure a fair hearing.

Approaching a Critical Problem: Judicial Absolutism

Judicial absolutism has long been a problem in this country. Cases such as the ones we have just reviewed indicate that the problem is approaching a critical state. At the moment, the result of the compulsory public-sector bargaining laws prevailing in some of the states is that the ultimate power of government lies in the courts, the least representative branch of government. A number of considerations suggest, however, that this condition is strictly tempo-

rary: that before long the ultimate sovereignty will fall to the public-sector union leaders who, besides being representatives of only their own interests, not of the electorate, are not in the slightest degree a legitimate branch of government.

The authors of the *Federalist* knew what they were talking about when they referred to the judiciary as the weakest branch of the government. The judgments and decisions of the judiciary are meaningful only to the extent that the general public respects them and the executive branch of the government enforces them. What can judges do about public-sector strikes? If we are to take experience as our guide, the answer has to be: *nothing*.

To repeat, thousands of public-sector strikes have been called over the last decade – all illegally. However, the illegality made no difference: the unions called the strikes anyway, and, over the years, millions of police officers, firefighters, school-teachers, garbage collectors, highway-maintenance men (during blizzards, yet!) went out, apparently stirred only by contempt of the possible court actions against them. Indeed, when a New York court enjoined a garbagemen's strike, their union leader, John DeLury, instead of obeying the injunction, in the words of New York's highest court, "went to the other extreme, actually urged the men to make the strike 'effective 100%.'"

All competent scholars in the labor law field are aware that anti-strike injunctions are almost impossible to enforce, even in the private sector, where, at least, the forces of government are available to attempt to induce respect for the court orders. But what prospect is there for enforcement of a court order against a public-sector union when all civil servants are unionized, as they will be if compulsory collective bargaining laws prevail universally in this country? Who is going to enforce an injunction against a strike by a policeman? the National Guard? the Army?

The situation is even grimmer than the foregoing analysis suggests. In fact, public-sector strikes do such enormous harm in such a brief time that court actions aimed at enjoining them are usually an exercise in futility. Even before the legal papers are filed, the greater part of the damage done by a good many public-sector strikes is already done. The strikers have the community over a barrel. It has to give in. According to one study of events in the experimental laboratory of our subject, the City of New York, the vast preponderance of the public-sector strikes called there never reach the courts at all.

The harm they do is so vicious that the striking unions are in a position to extort, as part of the price for going back to work, an agreement from the city authorities not to prosecute the strike, despite its illegality!

The only conclusion possible from the foregoing discussion is that compulsory public-sector bargaining is incompatible with both representative government and the kind of sovereign governmental power needed if we are to live in a free, peaceful, and decently ordered society. Under a universal regime of compulsory public-sector bargaining, the sovereign powers will belong to neither the people nor their duly elected and appointed representatives. They will be fragmented and dispersed among the most power-hungry leaders of the public-sector unions. Those persons, not our elected representatives, will be our rulers.

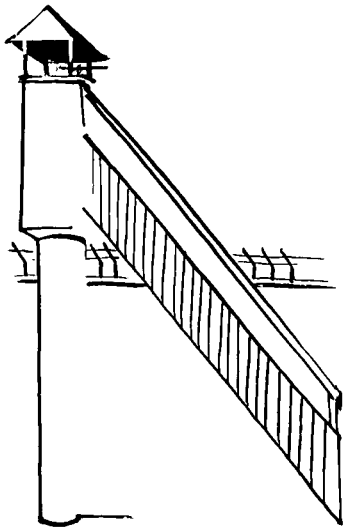
Not all of us will be willing to accept them as rulers; indeed, no one in his right mind would accept any of the present leaders of the public-sector unions as his sovereign authority. This being true, the result will have to be, in order: chaos, the situation prevailing when sovereignty is divided among the public-sector union leaders; anarchy, the condition resulting from the refusal by all sensible persons to accept the feudal lordship of the public-sector union leaders; and finally, tyranny, the state of affairs which generally succeeds anarchy because of mankind's insuppressible and ineradicable need of order if life is to proceed at all satisfactorily.

IDEAS ON LIBERTY

The Rule of Law

THE END of the law is, not to abolish or restrain, but to preserve and enlarge freedom. For in all the states of created beings capable of laws, where there is no law there is no freedom. For liberty is to be free from restraint and violence from others; which cannot be where there is no law; and is not, as we are told, a liberty for every man to do what he lists. (For who could be free when every other man's humour might domineer over him?) But a liberty to dispose, and order as he lists, his person, actions, possessions, and his whole property, within the allowance of those laws under which he is, and therein not to be the subject of the arbitrary will of another, but freely follow his own.

JOHN LOCKE, *Second Treatise*



The Evils of Nazism

I MUST BEGIN with a confession. I put off reading Gitta Sereny's *Into That Darkness: From Mercy Killing to Mass Murder* (McGraw-Hill, $9.95) for weeks because, having once spent a morning in the Museum of the Holocaust outside Jerusalem, where the horrors of the Hitler gas chambers are made unbearably explicit, I didn't think I could stand repeating a shattering experience. It was chicken-hearted of me to behave in such a way. Once I had conquered my queasiness and decided to take the plunge all over again, I must say that I was relieved to find myself reading a document that is as far above being a routine listing of horrors as Dostoevsky's *Crime and Punishment* is above a mere detective story.

There are fashions in contemplating the evils of Nazism. At the time of Nuremberg it was enough to say that Hitler, Goebbels and Company were moral monsters who deserved what they got, which was assuredly true even though the