

Controversy

Foreign Legion?

Ernest van den Haag's proposal for an American Foreign Legion ("An American Foreign Legion?" Fall 1981) is a fine example of the creativity automatically rejected by decadent politics (and politicians) as "unthinkable," "unacceptable," and so on. Contrary to the usual reaction I get when I try this idea on unsuspecting friends, a Foreign Legion would be squarely in American traditions. It would rescue the tradition of voluntarism, always awkward to reconcile with periodic conscription. It would integrate it with the tradition of immigration, sustained and indeed strengthened in recent years without much obvious regard for national welfare or interest. And it would provide a refuge for the principle of merit, currently endangered for domestic political reasons.

Foreign Legions are not as rare as is generally believed. Currently the most prominent is probably the army of Libya, financed by petrodollars and swelled far out of proportion to the desert state's size by Moslem—and now, it appears, American—mercenaries. But historically not only the French but also the British Empire was largely built by hired soldiers. In the case of Britain, the troops were employed by the Chartered Companies who actually represented Britain in their respective franchises. The British Army's famous Irish-Catholic regiments—the Connaught Rangers, Munster Fusiliers, and so on—all traced their origin to the largely Irish

force recruited by the East India Company about 200 years ago.

(While we're being creative, maybe we should consider reviving the Chartered Company-state monopoly concept. NASA would be an obvious candidate. The efficacy of the profit motive was surely emphasized by the fact that it was Ross Perot, and not President Carter, who rescued his employees from the Ayatollah.)

There is a sense, however, in which an American Foreign Legion would be unique. America is not only a nation but also an idea. It has adherents in every country on the globe. Its legionnaires would be idealists, and their volunteering would be a standing reproach to their governments: a sort of inverse human rights policy.

Of course, we must make some concession to contemporary taste. "Foreign Legion" sounds imperialistic, but what hearts could be melted at the idea of an "International Brigade."

Peter Brimelow
BARRON'S
New York

Ernest van den Haag replies:

Peter Brimelow has done something I also thought impossible: he has greatly improved on my original idea and its elaboration. I am grateful.

Radical Academics

Guenter Lewy wrote a superb piece ("Academic Ethics and the Radical

Left," Winter 1982). As someone who teaches Marxism and has been attacked quite often by leftists for daring to do so without being a Marxist, and as one who often does face to face ideological "combat" with Marxist intellectuals, I can add very little to what the article offers. But a few points are worth stressing in addition to those already covered by Mr. Lewy.

First, although perhaps the fact/value distinction can be upheld with some fruitfulness regarding some subjects in university curricula, the task is almost impossible when some of the social sciences come to mind. For instance, what are the facts concerning political science? Are they not all framed within a normative political outlook, as not only Marxists but also Strausseans have argued for decades? Can one simply describe the workings of a democracy or do such "descriptions" import certain values which can be unearthed with some conceptual digging? And what about economics? Does not the very idea of a market presuppose, as Marxists are eager to point out, the existence of a value-laden legal framework in which property rights are accepted as just, morally legitimate? Yet those who teach political science and economics would rarely admit that they are involved in a value-laden enterprise or are in fact engaged in indoctrination. Marxists, then, are not entirely off the mark when they retaliate by saying that at least they are honestly engaged in advocacy, while students of Milton Friedman merely posture as scientists as they in fact inculcate the ideology of the free market. Of course, the appropriate response would not be to engage in combative indoctrination but to treat the various approaches to studying economics as competing hypotheses with normative content.

Second, while it is important to consider the professional ethics of university level educators, it is also important not to lose sight of the difficulty presented to the professional by the fact that most universities are funded by the public, via taxation. By the principles of public administration and taxation with representation certain problems arise in education that Mr. Lewy did not discuss, including whether *the will of the people* or *the standards of due process* should take precedence in the determination of what approach will be taken to handling various subjects. A Marxist engaging in revolutionary indoctrination can claim that since Marxists pay taxes as do others, Marxists are entitled to provide their input into the university curriculum. In a liberal society one simply must accept pluralism in the way teachers conceive of their tasks, including Marxist "teachers." This may conflict with the popular will, of course, and that's just the trouble. (The libertarian has the right solution. Let us separate education and the state just as we do education and the church! Then at least no problem of *public policy* will arise in the field of education.)

Finally, in fairness to the Marxists we usually find in American universities—so-called "democratic" Marxists, e.g., Loyd D. Easton, G. A. Cohen, Alan Gilbert—they do not align themselves with Cuba, the Soviet Union or China, just as Milton Friedman, F. A. Hayek, and Ayn Rand, defenders of capitalism, do not uphold contemporary U.S. society as characteristic of the society they regard as best suited to human beings. So empirical evidence from Poland, the U.S.S.R., Albania, and the like will no more deter these Marxists from having confidence in the ultimate workability and justice of their preferred ideal than it would

deter Milton Friedman from being a free marketer that unemployment in the United States was around 9 percent in 1981 or that the post office is inefficient.

The confrontation between those who defend Marxism and those who reject it must be on substantive issues and proceed by a very deep comparative approach, all the way to examining the dialectical method, materialism, behaviorism, collectivism, etc., etc. No mere citing of so-called empirical data will do the trick.

Tibor R. Machan
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Thank you for Guenter Lewy's article. It was a welcome addition to a growing literature on what I find to be a dreary but necessary topic. George Orwell pointed out many years ago that there is a general leaning among Left intellectuals toward "smelly little orthodoxies," and I only wish Professor Lewy had made more of his concluding remark that the unethical and unprofessional conduct of a certain stripe of Marxist academic extends also to "some of those who call themselves liberals and who often hold very similar negative attitudes toward the traditional values of American society."

Professor Lewy acknowledges that it's difficult to tell how much influence radical teachers may exert, and he's rather vague about "political disillusionment and cynicism, attitudes displayed by many students today." But my own experience impels me to bring up a rather touchy point. Like Professor Lewy, I have no precise idea of the influence wielded by the academic mountebanks he describes; but I do have an *impression* of the sort of *student* likely to be victimized by the intellectual charlatan.

Once a year I teach a writing course that deals specifically with the techniques of research and the rhetoric of controversy. Every year—without fail now for ten years at two different universities—I have had at least one and as many as three students (out of 25 to 30) in that course whose work exhibits advanced symptoms of intellectual victimization: political dryrot, ideological fever, reductive or monistic purviews, etc. A few years ago, for example, I got a "research paper" from one such student on the topic of "liberation theology": an astonishing performance—a blistering, uneven, thinly supported screed; a veritable compendium of Marxist invective and cliché. When I asked her about her sources, she told me incidentally that she had picked up on the topic in one of her "religious studies" classes.

Now here's the touchy part. This student shared one salient trait with every one of the other students with whom I've had similar encounters: quite aside from her new-found political views, she struck me as being horrendously, fabulously, hermetically *neurotic*. Not that I'm strictly qualified to make such a judgment; but after ten years of observing a few thousand students at close range, one learns to spot the flakes *ad hoc*. I have never once encountered a student of high intelligence or emotional security or both who showed any signs of being taken in by Leftist academic quackery; by the same token, I have never encountered a victim of such quackery who didn't strike me as very insecure and emotionally quite vulnerable.

In his engaging "Foreword" to Arnold Beichman's *Nine Lies About America*, Tom Wolfe refers to the radical intellectuals in Mr. Beichman's study as "serious-minded, morose, morbid to the point of gangrene, some of them . . . and quite out to lunch." I

think Wolfe's description is on target, but I can't find the characters quite so hilarious as Wolfe does, nor so threatening as Professor Lewy apparently does. I find the characters nauseating, that's all — because of their fundamental cowardice: they are intellectual bullies who prey on the ill-informed and the emotionally weak. I don't believe they are a social threat of any significance; but I'm certain they can be a devastating personal threat to the few troubled kids who come under their sway. Unfortunately, education in clear thinking is of no avail to the sort of insecure student most likely to be intellectually victimized.

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Guenter Lewy replies:

Tibor R. Machan's comments touch upon basic epistemological assumptions and questions of method to which it is difficult to do justice in limited space. I agree that the social sciences are "soft" sciences, that much of their terminology involves value-laden terms, and that they operate within a legal framework that often is taken for granted. But that does not mean that all social scientists indoctrinate in the same manner as do Marxists who teach Marxism as *the* science of society. It is possible for social scientists to acknowledge as well as to question the framework within which they develop their generalizations and many indeed do just that. Moreover, even in the soft social sciences there are facts that can be established as facts. Figures on party membership, the percentage of citizens voting, the outcome of elections, statistics on production, income, housing, and much else are facts which the social scientist can ascertain without too much diffi-

culty and from which he can derive insights into the political and social processes of a country. This was the kind of scholarship to which Max Weber was committed and where the fact/value dichotomy has a place. In attacking Weber on this basic issue, neither Marxists nor Strausseans have provided arguments that I find convincing.

Second, while universities should be open to different schools of thought, the education of revolutionaries has no place in the curriculum. The pluralism of approaches that should exist can accommodate scholars who are Marxists but not those doctrinaire believers who claim to have a monopoly on the truth and who insist on using the classroom for the propagation of their gospel of secular salvation. A state university, it seems to me, can implement this principle no less effectively than a private institution. Indeed, it probably will have to do so because the people who support public higher education with their taxes will demand no less.

As to those whom Mr. Machan calls "democratic" Marxists and whom I have referred to as Marxist scholars, such persons are entitled to have confidence in the ultimate workability of their preferred ideal society as long as they honestly acknowledge the empirically demonstrable shortcomings of the so-called socialist countries. The problem of a "due regard for truth" arises only in the case of those radical teachers who intentionally close their eyes to the severe economic and social problems and the grave violations of human rights that characterize countries like the Soviet Union, Cuba, and China.

John R. Dunlap's comments regarding the type of student likely to be victimized by radical indoctrination are suggestive, but my impressions do not fully correspond to his. I have encoun-

tered many students of great ability who were being taken in by leftist demagoguery, and not all radical teachers are intellectual bullies. More importantly, and perhaps fortunately, the discovery of a remedy for the unethical and unprofessional conduct of such teachers does not depend on correctly assessing the personality type of either the perpetrators of this kind of intellectual mischief or their victims. What is called for is a reassertion of integrity and professionalism on the part of members of the academy. The neurotics will always be with us, the Marxist charlatans who abuse academic freedom can be repudiated and cast out.

Government Evades Taxes

While it may be theoretically true that whatever ends a state may seek through the tax and expenditure process may also be pursued by direct commands or regulations over its citizens, it does not follow that constitutional constraints on taxing and spending are ineffectual. The "straight-forward" lesson drawn by Professors Bennett and DiLorenzo ("How the Government Evades Taxes," Winter 1982) that, "the balanced budget amendment is likely to be a totally ineffective constraint on federal spending" misses the point that much government activity could only with great difficulty be carried out "off-budget" or without explicit monetary transfers.

The authors also fall to the error of assuming that what is known as the "balanced budget amendment" actually deals in the terminology of "budgets." In fact, S.J. Res. 58, the version of the amendment supported by the National Tax Limitation Committee, the National Taxpayers Union, and approved by the Senate Judiciary

Committee, contains the following definition in order to cover "off-budget" items: "Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for repayment of debt principal."

There are presently no institutional constraints on spending and taxing—constraints that would force tax-consumers to compete against each other for a limited amount of tax dollars. Prior to the 1960s such a constraint existed in the unwritten but adhered to rule that over time public budgets would be balanced, but that rule has been replaced by the general acceptance of fiscal and monetary manipulation by the federal government.

A mandatory constitutional restriction on federal spending would be the first step in bringing spending and taxing under control. While such an amendment would certainly not be a cure-all, it would make all taxation explicit, it would solve the problem of deficit induced inflation, and it would tend to slow the growth of federal spending.

Julie R. Herbert, Jr.
President

The National Taxpayers
Legal Fund

James Bennett and Thomas DiLorenzo reply:

We agree with Mr. Herbert on several points. First, it is indeed "... theoretically true that whatever ends a state may seek through the tax and expenditure process may also be pursued by direct commands or regulations..." We would add that this is empirically, as well as theoretically true, as ample economic research in the field of public choice demonstrates. Second, we also agree with

Mr. Herbert's conclusion that a mandatory constitutional restriction on federal spending would be a first step in bringing taxing and spending under control, although the historical record of attempts at budgetary control through constitutional means leaves us somewhat pessimistic over how far such a first step would take us.

Third, as Mr. Herbert correctly states, fiscal and monetary manipulation by the federal government has indeed left us with a federal government which is out of control. Our pessimism regarding the ability of a constitutional amendment to reverse this trend is perhaps best expressed in statements made by economist William Niskanen in a recent review of a very important book written by James Buchanan and Geoffrey Brennan (*The Power to Tax: Analytic Foundations of a Fiscal Constitution*). In Mr. Niskanen's words, "As with most of the new constitutional analysis literature, the authors assume that government is constrained by the constitution. It is not obvious, however, why a government powerful enough to maximize revenue would not also override the fiscal constitution. The analysis of why, when, and where governments are constrained by the constitution has yet to be performed." We believe that our article is a first step toward performing such an analysis, and are currently working on a book which deals with this topic. In short, the jury is still out. We are only beginning to understand how government can be expected to operate under the constraints of various tax and spending limitations.

Mr. Herbert states that our conclusions miss the point that "much government activity could only with great difficulty be carried out 'off-budget' or without explicit monetary transfers." Evading tax and spending limi-

tations most certainly involves much effort on the part of politicians and bureaucrats, but as we indicated in our article, such efforts have in the past been carried out routinely and effectively at all levels of government. Apparently, the marginal benefits to politicians, in terms of enhanced opportunities for empire building and assuring reelection, have far outweighed the marginal costs, in terms of time and effort, of inventing mechanisms for subverting constitutional limitations on taxing and spending. After all, what "better" things do politicians have to do with their time—solve the problems of inflation, unemployment, poverty, and so on—problems which justify their very existence? History would hardly bear this out.

Without exception, every type of constitutional limitation on taxing and spending we have studied thus far has been routinely evaded to some degree, and in many instances cited in our article, to an astounding degree. We do not expect a balanced budget amendment to significantly reduce the fiscal and monetary manipulation by the federal government—practices which have gained wide acceptance ever since Franklin Roosevelt abandoned the classical balanced budget philosophy and embraced Keynesianism. We sincerely wish that this were not true, but the existing evidence indicates that our hopes are not likely to be realized. What is needed is a better understanding of why, when, and where governments are in fact constrained by the Constitution so that we can accurately assess our options for effectively reducing the size as well as the growth of government.

Writers Congress

I have just read with a great deal of interest and appropriate dismay the

article by John Podhoretz ("A Confederacy of Dunces," Winter 1982). My dismay was two-fold; one, at the appalling disclosures of the dishonesty practised by the American Writers Congress; and two, at the fact that the author did not bother to check with Mobil as to its so-called support of the American Writers Congress.

The author himself states that "The Inviting Committee made it seem as though this was to be a real Writers Congress and would be an important event because it had the backing of America's best-known." And then he concludes "So the Congress was a fake—a monument to dishonest advertising, a form of bad faith...." One would almost think that he had had access to Mr. Robert Maxon's letter of October 21st, 1981, addressed to Ms. Ann Marie Cunningham, Project Director of the American Writers Congress, wherein Mr. Maxon points up the deceit of this organization and demands a return of the Mobil Foundation contribution. This was reported in *The Wall Street Journal* on December 23rd. Mr. Maxon wrote: "The meeting was not directed at preserving the character and quality of our literary culture—it was a political platform to advance causes contrary to the fundamental democratic ideals upon which America is based. The Congress was a forum for people like LeRoi Jones and William Kunstler to air their shop-worn grievances against society and for a person like Roberto Marquez to mouth the familiar charges of American 'imperialist exploitation' and 'open aggression against Cuba.'"

The *Policy Review* enjoys wide dissemination. The final paragraph of the article is probably more compel-

ling to the reader than the article itself, because by the time he has read the article, the reader is so incensed over the deceit and chicanery spelled out, he is looking for a scapegoat. The author's last paragraph gives him that relief and he then can vent his anger on Mobil Foundation, amongst others.

We have long criticised the media for not checking facts and I must say I am most critical of the editors of *Policy Review* and ask that an appropriate commentary be included in the next possible edition.

Edmund P. Hennelly
General Manager
Public Affairs Department
Mobil Oil Corporation

The Editor replies:

In the absence of Mr. Podhoretz, may I reply to Mr. Hennelly's letter. First, the journalistic obligation is to check facts, not whether people regret foolish actions. Mr. Podhoretz was perfectly accurate in reporting that the Mobil Foundation had given financial support to the "American Writers Congress." Second, *The Wall Street Journal's* report of Mobil's request for the return of its contribution appeared two days after the publication of *Policy Review* containing Mr. Podhoretz's article. He could hardly have foreseen Mobil's second thoughts. Finally, we are delighted that Mobil withdrew its support from the Congress and wish other companies would display similar sense. But it was surely a misjudgment in the first place to imagine that a Writers Congress organized by *The Nation* would bear some resemblance to a literary event.

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Privatizing the Environment

ROBERT J. SMITH

One of the little noticed, but possibly most significant, events which occurred during the brief Polish experiment with an open society following the creation of Solidarity, was the formation of the Polish Ecological Club. The heady experiment with freedom not only made it possible for the Club to be formed, but it afforded the opportunity for concerned scientists and ecologists to freely and openly exchange information, and then to disseminate this information internally and externally.

Prior to the rise of Solidarity, little factual information as to the degree of environmental degradation was available, and that was a closely guarded and strategic state secret. During the late 1970s an informal and secretive group of environmental scientists had met to discuss ways of circumventing the censor, and in September 1980 this quickly blossomed into the creation of the Polish Ecological Club in Cracow. By October 1981 it had become a nationwide organization of over 1,000 members.

The first information concerning the astonishing scope of environmental degradation in Poland reached the West in the Fall of 1981 following an environmental fact-finding tour of southern Poland sponsored by the Protection of the Environment Club of the Association of Polish Journalists. The participants included journalists from the five other Eastern European countries (the Soviets declined the invitation) and one Western news organization, Earthscan, a British-based environmental group. It was through the efforts of Lloyd Timberlake, editorial director of Earthscan, that the West has learned of the Polish problems. Mr. Timberlake reported, "Officers of the Polish Ecological Club claim that before Solidarity all information on pollution was censored, that scientific reports were filed away and ignored, and that scientists had to exchange information secretly."¹ The information that has now become available portrays Poland as suffering probably the worst pollution of this century.

1. Lloyd Timberlake, "Poland—the most polluted country in the world?" *New Scientist*, October 22 1981, p. 250. (The data on the degree of Polish pollution are from Timberlake's article.)