

An Attack on the Realm: a Book Review

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(*In Defence of the Realm: The Place of Nations in Classical Liberalism*, by David Conway.)

This book has many arguments doing an excellent job of dismantling the positions of those who would have the state do considerably more than defend the national realm. Thus far, it is hard for me to fault it—which is more difficult when one is already in agreement: the ideologically opposed can often provide more useful criticisms. But, as the book's title indicates, it does not go all the way to anarcho-liberalism (in fact, it does not even fully embody certain basic tenets of classical liberalism). And as its criticisms of anarcho-liberalism—or private-property anarchy—are those to which I am ideologically opposed, I shall mainly concentrate on those.

David Conway objects to the view that “liberal states must open their doors to unlimited immigration, even where the number of immigrants exceeds that which resources can sustain or which is incompatible with the survival of the indigenous culture” (p. 35). Thus we have a version of the overpopulation scare in the first part of this objection to unlimited immigration. And then we have the idea that the indigenous culture cannot survive and, implicitly, that it has a right to do so.

Many involved with population studies, not least Julian Simon (1932-1998),^[1] have often pointed out that the entire population of the world could comfortably live in the space of a small country—the size of Yugoslavia, used to be cited by some—with the population density of a modern city—say, New York—throughout (though some resources might then need to be imported, as they are with cities). Thus it is hopelessly mistaken to think that the current UK or the USA lands are ‘full’ and that more people must simply mean fewer resources for all and lower output per head. On the contrary, the more that come in the more the division of labour will tend to raise the wealth of those in that area (even if we were not to have private streets and were to continue to have wasteful state ‘welfare’, etc.). In fact, if this Mad Hatter's “No room! No room!” thesis were true, then it would seem that all human reproduction beyond replacement level, at most, ought to be discouraged.

What right has an “indigenous culture” to survive? Such cultures inevitably change over time even within the territories of nation-states. However, if people choose to maintain a certain way of life then there is no reason that it must perish. The Amish in the USA, for instance, can happily continue as long as people wish to practice that way of life; no matter how few their numbers relative to the growing and heterogeneous cultures in the USA. Of course, many might choose to allow their culture to be changed by mixing with their new neighbours in terms of custom or even reproduction. That is their choice and it would be illiberal to prevent it. Conway says his real fear, which he elaborates later, is that the new illiberal cultures will crush the existing liberal ones or make the overall state illiberal. But this assumes a state is needed for policing and defence (rather than inevitably growing at the expense of liberalism and security), so we'll come back to this where he puts his arguments for these.

I should add, however, that many dislike the multi-racial society—including many of the people who have, nevertheless, chosen to migrate into such a society (but it is a modern taboo to admit to such popular ‘racism’ in the mass media). This external cost can best be internalised, albeit imperfectly, by allowing those who wish to do so to live separately by using private property, not least in the streets, to discriminate as regards who associates with them (for the civil liberty known as ‘freedom of association’ also includes the right *not* to associate with people).

Conway avers that “towards their own state and its public places, citizens stand in a significantly different relation than aliens do. Unlike aliens, citizens can be regarded as co-owners of these ‘public places’. ... no sound liberal principle ... [is] contravened by states that grant their own citizens the liberty to leave and re-enter their territories but deny that same liberty to aliens” (p. 39). Note first, that this rejection of the free movement of people (“aliens”) across national borders even flouts a standard tenet of classical liberalism. But a libertarian deconstruction of this position makes things clearest. Our state is our “own state” in much the way that a slave's master is his ‘own master’. The

slave's 'own' master actually owns the slave and the state approaches owning us: the state rules us; we do not rule it, despite very occasionally electing the oligarchy that rules us in the name of democracy. Neither do we state subjects (for a "citizen" in the political sense is still a subject of the state, albeit with some 'rights' the state allows him *pro tem*) own the "public places". Members of the public might be allowed to go there, but the state really owns them and decides on the rules, just like any private-property owner. By contrast, we ought fully to own ourselves and the 'public places' should be fully privately owned outside the state. Then the particular street owners, etc., would be able to decide what rules, and who, to allow in their streets, parks, squares, and so on. For though liberalism is clearly incompatible with restrictions on immigration into a state territory (the 'realm'), it is further required by libertarianism that the various private owners can then decide what suits them. Whatever it chooses, the state imposes on its existing subjects and any excluded would-be immigrants by using aggressive coercion (as it is not defending the persons and property of legitimate property owners) to impose its will.

In his criticisms of libertarianism, Conway first supposes a "state" set up by contract. Who could complain if this state were as effective in offering people protection as "it was reasonable to imagine any private agency could?" (p. 65). And who could complain if he were taxed for this? As I do not believe that concepts have essences, I suppose I should grant the assumption that a 'state' could conceivably be set up by universal contract (however implausible, in reality, that might be). Such a state would be entirely libertarian (with respect to the existing generation of contractors, at least), for those who contracted in would have bound themselves and not been proactively imposed on. In which case, even if the protection results were terrible and the taxes very high the contractors could not have a libertarian objection to it. But why on Earth suppose that the state would offer people protection as good as "it was reasonable to imagine any private agency could?" All the libertarian economic arguments for the inefficiency of state monopoly provision of anything, including law and order, still apply. Where are the answers to the specific efficiency criticisms of the state as provider here?^[2] They are simply and completely ignored. So there is nothing more for me to respond to. Maybe Conway thinks that he mainly needs to overcome absolute libertarian rights, and so can simply use such a thought experiment. If so, that is a big error.

Conway then continues with the modified supposition that, instead, "the vast majority of a society wish to affiliate politically with one another and have their rights protected and common good advanced by the same agency. Then, it would seem that part of the terms of membership of that society include a willingness on the part of its members to accept the political obligations attendant upon being a member of that society" (p. 65). Now, we need to distinguish "society" and 'state' here—which Conway appears to conflate. Society as such is a free and spontaneous association of people. A state is an organisation that proactively, in all known cases, imposes control on persons and property within some geographical boundaries. The "vast majority" (or even tiny minority) of a society has every right contractually to set up a 'state' over themselves ("affiliate politically ...") in the way imagined. But that state is a separate organisation from even their part of society, which is, *ipso facto*, not an organisation. Still less is that state the originally imagined society as a whole. It cannot legitimately impose its rule, or taxes, on those who did not contract in. Thus, by these connotations, Conway appears to have produced an erroneous argument for the legitimate majoritarian setting up of a state.

A strange assertion follows: "Contrary to what libertarians claim, most members of these societies do not consider themselves passively acquiescing victims of injustice at the hands of their states, but as their loyal and patriotic citizens" (p. 66). This view of libertarians cannot be right. Surely most libertarians would agree with me in freely acknowledging that the overwhelming majority of people see the state as fundamentally just and themselves as "loyal and patriotic citizens". That is exactly the practical problem. It is what we are trying to change. We know—following Étienne de la Boétie (1530-1563), David Hume (1711-1776), and Gustave de Molinari (1819-1912)—that the overall social system ultimately rests on popular support. Only a majoritarian, such as Conway, would think that this fact is somehow sufficient to defend the legitimacy of a state. Libertarians' precise theories can vary somewhat, but we are generally agreed that the state is the foremost destroyer of liberty and general welfare (causing all sorts of problems from mass unemployment to mass murder) through its proactive impositions on people and their property. That most people do not agree is beside the point

as regards the truth of this libertarian thesis, but not as regards the possibility of abolishing the state. These two issues need to be kept quite separate to avoid confusion.

An even stranger assertion then follows: “The apparent preference of Rothbard and other libertarians for protection within the conditions of anarchy rather than statehood seems based upon an almost wilful blindness to the amounts of organized evil to which human flesh is all too liable to fall victim” (p. 66). To be clear, “anarchy” here can only mean ‘society without a state’. It cannot mean ‘society without law and order’. Now, if we wish to consider “organized evil” where do we find the most egregiously heinous examples? Not in any criminal gangs but in virtually any state in history. Mass murder by the state is not rare. Many might assume that state wars are the biggest killer and, in any case, inevitable once one side attacks (so one side might have a *prima facie* claim to be killing in its own defence). But war is nowhere near as big a killer as the death toll exacted when states kill their own subjects. R. J. Rummel calculates that in the twentieth century alone, states murdered nearly 174 million of their own subjects. Rummel states that this is “over four-times those killed in combat in all international and domestic wars during the same years.”^[3] Thus it seems that the “almost wilful blindness” entirely belongs to statist. Where is there any sound argument or evidence that a society free of these states would be more bloody? Conway merely offers us his commonsense prejudice as a self-evident truth.

The events of 11th September 2001 show, for Conway, that the USA needs to be more vigilant to remain a relatively free society. He dismisses, without direct arguments, the view that the American state’s military interventions all over the world and some billions of dollars a year subsidy to Israel (a more precise figure risks being irrelevantly disputed) were the main spurs to the terrorism. As he does not criticise this position properly, as he undoubtedly ought, there is again nothing to which I can reply here. Instead, Conway cites World War Two and asks what would have happened to the USA had the German-state beaten the British and Soviet ones (p. 67). The clear answer is that American lives and wealth would have been preserved and the US world-hegemony curbed. However, the war is often defended—with the benefit of hindsight—as morally necessary in light of what the Nazi German-state was doing to the Jews (although the German-state invasion of Poland was the actual occasion for the UK-state to declare war). So a more useful question might be, what would have happened if the American-state and British-state had early on allowed free immigration, in the libertarian (and classical liberal) manner, instead of eventually declaring war on the German-state? More Jews would have been saved (although it was mainly east European Jews that died, often after choosing not to emigrate when they could have done so)^[4] British and American lives and wealth would have been preserved: there is good evidence that Hitler had no desire to attack Britain and the British empire (let alone the USA). The ‘thousand-year Reich’ might well have fizzled out or been considerably ameliorated after the death of Hitler, quite possibly by assassination, as fast as Spanish fascism faded after Franco. Either there would have been no more Soviet Union without American-state support or it would not have expanded. The mere statement of these views is not supposed to convince. The point is that such counterfactual-history has been much debated and cannot simply be ignored. Conway uncritically adopts the position of the court historians. And is this supposed to defend the death by cowardly bombing of more innocent Afghanistans than those people who died in the World Trade Center? And also, at a conservative estimate, somewhere around 100,000, so far, killed in Iraq?^[5]

We are told that classical liberals have “nationalistic attachments and affiliations” (p. 81). But these “attachments and affiliations” need be no more than patriotism: the love of one’s homeland and its people. Even libertarians can and do feel this. Nationalism, however, has a strong tendency to war at the worst of times and economic depredations at the best. Thus nationalism ought to be seen as the enemy of all true patriotism.

Conway sees multinationalism and multiculturalism as threats to liberalism (p. 90). An anarchist can immediately concede that multinationalism, like any nationalism, is a threat to liberalism. And having rival nationalisms in one area is likely to be even worse. Also, the state-imposed multiculturalism that we now have does not allow freedom of association or free speech and introduces new crimes based on race alone; all of which certainly tend to promote conflict. But where is the threat from multiculturalism as such? Apparently the state will be used for exploitation and oppression of and by the various alien cultures, some of which may be highly illiberal in the first place. But what if there were no state to use for this purpose? Then that argument also fails.

Contra Conway, it is entirely illiberal for the state to insist on all learning the national language (pp. 92-3). He suggests that “through fostering or even permitting linguistic apartheid, multiculturalism is sowing the seeds of future disunion and anarchy” (p. 93). ‘Apartheid’ was state-imposed racial segregation. It is grossly misleading to put this on a par with permitting people to speak different languages. Given that Conway wants the state to force people to learn the ‘national language’, it would be less inaccurate to say that Conway is advocating ‘linguistic inverted-apartheid’ (forced linguistic integration). And what is wrong with “disunion”? Why is it a problem if people choose to have completely separate ways of life as long as they do so peacefully? To assume that “anarchy” is undesirable (assuming he means absence of the state, as he ought in this context) is to beg the question. Later Conway states that “false individualism sees only chaos where there has not been deliberate order and design” (96). But this is just how Conway appears to see anarchism. Conway might even mean by ‘anarchy’ a Hobbesian war of all against all and have in mind such things as strife in the Balkans. If so, he is mistaken to think he can fairly assume this is the obvious and inevitable result of abolishing the state without, in this context, also addressing anarcho-liberal arguments to the contrary.

If any nation-state is legitimate then Israel is, says Conway, and particular Israeli-state crimes do not invalidate this general legitimacy. However, if, as some see it, repeated land theft is the particular crime that allowed the Israelis to become a majority, then Conway’s assertion is dubious by his own standards. The anarchist can offer, at best, vacuous agreement: because no nation-state is legitimate, Israel isn’t. That aside, how can liberalism be squared with the assertion that “the USA is to be applauded rather than condemned for having always continued to support Israel” (183). “The USA” here is not the people but the state that extorts money from the people it rules over and gives it to the Israeli-state (though giving it to the Israeli subjects would not be much better). How is that liberal? And how is the purpose of the expenditures really liberal either? The USA-state has provided uncritical support for the Israeli-state over the years. This policy has clearly undercut the broader interests of the American people. It is not clear that it is really in the interests of the Israeli people either.

One naturally suspects that Conway’s support for nationalism has at least something to do with his support for Israel. It is irrelevant to the soundness of his arguments that this might be so, of course. But it should be relevant to defend anarchy in Israel. Immediately, there would not be an Israeli-state (though people might individually still choose to call their state-less homeland ‘Israel’). And the Israeli-state is what Israel’s enemies object to most, not just what that state does. But then neither would the Israeli-state be able to do anything and so that objection would also fall away. The great fear of supporters of the Israeli-state is that the surrounding states would then simply invade to set up a Palestinian-state, probably slaughtering large numbers of people in the process; and possibly expelling any remaining cultural Israelis thereafter. This fear is based on the mistaken assumption that only a state can offer serious defence against bellicose aggressor states. But to abandon the state is not to abandon all one’s armaments and armies. It is just to make sure that these are financed by voluntary contributions and manned by volunteers, so unlikely to extend beyond what people feel is really needed to protect themselves. The fact that there would be no Israeli-state, that the culturally Israeli areas would still be mightily armed but now only for defence, and that this defence would probably target any particular foreign individuals (including by offering a tempting bounty) responsible for any attack, would make any aggression against the culturally Israeli areas *far less* likely than it is now^[6] If both sides to any historical disputes agreed to arbitrations on a private-property basis (not ‘Israel’ versus a potential ‘Palestine’) by a genuinely independent court system set up for the purpose, then that would also be a great move towards resolving the situation. But none of this is at all likely until people come both to prefer peace (wars are often popular with the majority of the public, despite public demonstrations against them by statist-liberal minorities) and to realise that the state’s ‘national defence’ is not the solution but itself the main problem. And I do not predict that this is likely any time soon. I am more concerned, in this essay at least, with the ultimately correct theoretical answer than with any immediately practical suggestions.

In sum, from a libertarian (and partly even classical liberal) perspective, I am inclined to think the relevant parts of Conway’s book might have been improved if he had taken advantage of some of the more radical libertarian critics known to him. But otherwise the book reads very well and I would recommend it as going in the right direction as far as most people are concerned.

Notes

[1] See his *The Ultimate Resource 2* (Princeton: Princeton University Press, 1996).

[2] For instance, see Bruce L. Benson, *The Enterprise of Law: Justice without the State* (San Francisco: Pacific Research Institute for Public Policy, 1990).

[3] <http://www.hawaii.edu/powerkills/welcome.html>. But on Rummel's error that 'democracy' is the best solution to this evil see James Ostrowski's "Does Democracy Promote Peace" (work in progress)

<http://www.mises.org/asc/2002/asc8-ostrowski.pdf>.

[4] "Although 85,000 Jewish refugees reached the United States between March 1938 and September 1939, this level of immigration was far below the number seeking refuge. At the 1938 Evian Conference, no country except the Dominican Republic was prepared to increase immigration quotas. In 1939, both Cuba and the United States refused to admit over 900 Jewish refugees who had sailed from Hamburg, Germany, on the 'St. Louis.' The ship was forced to return to Europe where, ultimately, many of the passengers perished in concentration or extermination camps." From the section on Refugees posted at: <http://www.ushmm.org/wlc/en/>

[5] Les Roberts, Riyadh Lafta, Richard Garfield, Jamal Khudhairi, and Gilbert Burnham, "Mortality before and after the 2003 Invasion of Iraq: Cluster Sample Survey", *The Lancet* [vol. 364, 2004, pp1857-64].

<http://www.thelancet.com/journal/>

[6] For essays on this key anarcho-liberal issue of defence, see Hans-Hermann Hoppe, ed., *The Myth of National Defense: Essays on the Theory and History of Security Production* (Auburn, AL: Ludwig von Mises Institute, 2003). <http://www.mises.org/etexts/defensemyth.pdf>