



## Writers Wanted for Our Autumn Forum: International Relations

by Roderick T. Long

How would a free nation interact with its more statist neighbors? Libertarians tend to raise this topic only in the narrow context of national defense, i.e., how a free nation might successfully resist foreign invasion. Indeed, the question of national defense has been discussed frequently in previous issues of *Formulations*. But there is, thankfully, more to international relations than war; yet there is very little libertarian theory that discusses the peaceful side.

The topic for our Autumn 1997 Forum (specific time and place to be announced next issue) will be International Relations. We invite our readers to think about this topic, and to submit papers to be presented and discussed at the Forum. Among the possible issues to consider are the following:

- Would we allow criminals residing in the free nation to be extradited back to their country of origin? Would we ask other countries to allow us to extradite fugitives from our judicial system back to us?
- We presumably wouldn't require anyone to have a passport to enter our country — but would we issue passports, so our citizens could travel to other countries? Would we have to require background checks and the like, to make other countries take our passports seriously?
- What would the border of our nation look like? Would it be patrolled in any way (other than by the owners of adjacent land)?
- Should we apply to join the United Nations, or stay gladly out? What are the

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## Foundation News Notes

- FNF has placed a full-page second-cover ad in the March '97 issue of *Liberty* magazine. It makes use again of our Liberty hitchhiking drawing. A line of large print across the top says "Liberty has no home" and across the bottom says "We can build her a new home." Like the ad which we placed in the November '95 *Liberty*, it uses testimonials from Mary Ruwart and Bruce Benson, introduces the FNF work plan, and invites participation.

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## Forum: Family Structure 19 April 1997

Come to the next Forum of the Free Nation Foundation. It will meet on Saturday, 19 April 1997, from 10 AM till 4 PM, at Oliver's Restaurant in Hillsborough, N.C. The topic will be "Family Structure in a Free Nation."

Five papers, which appear in this issue of *Formulations*, will be presented at the Forum by their authors. These are: "Free Families to Statist Societies and Back Again," by Philip Jacobson; "The Definition of 'Family' in a Free Nation," by Gordon Diem; "Bourgeois Families in a Free Nation," by Roy Halliday; "Beyond Patriarchy: A Libertarian Model of the Family," by Roderick Long; and "Unregulated Families: A Mixture of Old and New Forms," by Richard Hammer. In addition, two papers whose authors cannot attend will be discussed at the Forum, and also appear in this issue: "Families Become Clans in a Free Society," by Mary Ruwart, and "Family Values? Let's Stop Playing Politics!" by Ben Mettes.

The cost of the Forum is \$10 general admission, and \$8 for FNF Members. You may pay at the door. Oliver's Restaurant is on South Churton St., about 0.5 mile north from Interstate 85, exit 164.

If you plan to attend, you might call Rich Hammer a few days or more ahead of time, at 919-732-8366, and he will reward you with a computer-printed nametag.

During the day we will break for lunch. Oliver's gives us the room with the understanding that many of us will buy lunch, or something. Oliver's is a steak and seafood restaurant with a buffet. The buffet costs \$7. △

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# formulations

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## Statement of Purpose

The purpose of the Free Nation Foundation is to advance the day when coercive institutions of government can be replaced by voluntary institutions of civil mutual consent, by developing clear and believable descriptions of those voluntary institutions, and by building a community of people who share confidence in these descriptions.

## Board of Directors

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*Formulations* is published quarterly, on the first of March, June, September, and December.

Subscriptions to *Formulations* may be purchased for \$15 for four issues (one year). Membership in the Free Nation Foundation may be purchased for \$30 per year. Members receive: a subscription to *Formulations*, 20% discount on conference registration fees, invitation to attend regular meetings of the Board of Directors, copies of the Bylaws and Annual Report. Additional contributions are welcome.

FNF is a 501(c)(3) federal income tax exempt organization.

## Information for Authors

We seek columns, articles, and art, within the range of our work plan. We also welcome letters to the editor which contribute to our debate and process of self-education.

Our work plan is to work within the community of people who already think of themselves as libertarian, to develop clear and believable descriptions of the critical institutions (such as those that provide security, both domestic and national) with which we libertarians would propose to replace the coercive institutions of government.

As a first priority we seek formulations on the nature of these institutions. These formulations could well be historical accounts of institutions that served in earlier societies, or accounts of present institutions now serving in other societies.

As a second priority we seek material of general interest to libertarians, subject to this caveat: We are not complaining, we are building. We do not seek criticism of existing political institutions or persons unless the author uses that criticism to enlighten formulation of an improved institution.

All submissions are subject to editing.

Submissions will be considered for publication if received by the first of the month preceding month of publication. Thus, the deadlines for writers are: February 1, May 1, August 1, and November 1.

We consider material in *Formulations* to be the property of its author. If you want your material copyrighted, tell us. Then we will print it with a copyright notice. Otherwise our default policy will apply: that the material may be reproduced freely with credit.

Address correspondence to: Free Nation Foundation, [outdated street address], Hillsborough NC 27278. Or e-mail to: [roh@visionet.org](mailto:roh@visionet.org).

## **JOINT PUBLICATION ARRANGEMENT**

*Formulations* sometimes carries articles obtained through Marc Joffe of the New Country Foundation. These articles are distinguished by the line "for the New Country Foundation" under the author's name. Marc Joffe may be contacted at: [joffe@aptech.net](mailto:joffe@aptech.net), or c/o The New Country Foundation, P.O. Box 7603, FDR Station, New York, NY 10150.

The web site <http://freenation.org> maintained by Marc Joffe carries Free Nation Foundation documents, along with numerous other new country documents and pointers.

## Families Become Clans in a Free Society

by Mary Ruwart

What would a family be like in a totally free society? To answer this question, we should first examine our current concepts of family to understand how governments currently impact on its definition.

"Family" is a term we loosely apply to blood relations, adopted children, spouses, and in-laws. Our "extended" family may include individuals or groups outside of the "family" to whom we give honorary status. Strictly speaking, the individual determines who is family and who is not. The law does not provide a limiting definition.

Our current legal system, however, does define particular relationships in the family, primarily those of one's spouse and children. Marriage, adoption, child-bearing, and sometimes cohabitation have legal consequences in most parts of the world.

For most people, marriage is simply a promise to live together indefinitely. However, marriage is also a legal contract with terms dictated by local and national legal precedent that redistributes property and sets future financial obligations. The marriage is not just between the partners; the government takes a major role in defining the rights of each spouse and determining who is eligible for marriage. Most governments ban same-sex marriages, as well as those between individuals closely related genetically.

Elderly couples often cohabit to avoid losing their Social Security benefits or incurring liability for each others' medical expenses. Marriage also brings with it a tax penalty when both spouses work. Divorces that would be readily resolved by separating couples are complicated by government interference.

I experienced the potential impact of government meddling during my divorce hearings in the mid-1970s. My husband and I, both of us childless, had divided our property along lines that we could agree on. However, during our hearing, the judge repeatedly reminded my husband that he could, and presumably should, sue for alimony since I was making slightly more money than he at that time.

We had attempted to compensate for

such things in our settlement agreement; however, the judge seemed determined to withhold legal sanction for it. If my husband had had less integrity, he could have seized this opportunity to obtain alimony,



Mary Ruwart

which the judge would have been sure to grant. Instead of a peaceful separation, we would have been fighting each other. The amount in question was so small that any gain that my husband might have made would have been swallowed up in legal fees.

Thankfully, my husband was a man of his word, and insisted that he was satisfied. Clearly, however, the judge was ready to impose the legal definition of spousal duties upon us, even if we had never accepted them ourselves.

Today in the U.S., we depend on the government to provide definitions of relationships between spouses, as well as those between parents and children. Government frequently interferes with the adoption of children by eager parents because of racial differences. Discrimination based on color would be a thing of the past if white parents were permitted to adopt black children, and vice-versa. Instead, our middle class routinely goes overseas to China, Korea, or Vietnam to adopt. Because of the poor conditions in these countries, many of the babies have as many health problems as children here born of drug addicts.

Thus, the government greatly influences family structure, even indirectly. Welfare recipients, for example, are especially af-

ected negatively. In Michigan, where I rented to low income families, welfare was unavailable to mothers if the father of their children shared their residence. The government's logic was that the father was obligated to take care of his family; aid would only be offered to women who were abandoned. From the mothers' point of view, fathers were not only expendable, they prevented the family from receiving gifts of food, shelter, and medical care of greater dollar value than the take-home pay of two minimum wage earners! As a result, fathers were used by teen-age girls to sire children, but not invited to cohabit or become involved with their offspring. Having children and receiving enough welfare to establish their own residence was often considered the rite of adult passage, especially among minorities. Thus, current government policy can greatly impact family structure indirectly as well as directly.

In a free society, government would exist only to enforce the contractual agreements voluntarily entered into by family members. Government would have no role in defining the content of these contracts. Without government definition, formal marriage and adoption contracts would become expedient. Some marriages would be lifetime contracts. A spouse that wanted to leave might be expected to pay alimony for the privilege. Some marriages would be simply an agreement to live together, without co-mingling of finances. These contracts might terminate without penalty if either individual wanted to leave. Couples who wanted their initial idea of marriage to be upheld by the courts would be motivated to put their intentions in writing.

Same-sex couples could easily enter into marriage contracts if they wished. An individual could enter into marriage contracts that permitted more than one spouse. Group marriage could also be established by contract.

Adoption into a "family" need not be restricted to children either. Even as adults, brothers and sisters could be adopted into the family, formally or informally. Such adoptions might carry specific responsibilities; others might be nothing more (from a legal standpoint) than a name change. With all the permutations available to create marriages, adoptions, and families, what would the word "family" really mean?

I envision that the multitude of possibilities available to people wanting family affiliation would result in a social structure which we might more accurately call a "clan" or extended family. The clan might even include divorced spouses who have remarried alternative partners, a possibility made more likely when contracts are clearly defined and honored. A great deal of estrangement that occurs during modern divorce arises from the fight over finances. If this fight can be avoided by clearly defined marriage contracts, the bitter feelings that so often accompany separation could be lessened considerably.

Clans could be very structured, such as those entered into by contracts that specified the duties of each member. Clans could be informal without any legal obligations associated with membership, similar to the "extended family" of today. Eventually a preferred structure might evolve, but variety would likely be maintained to accommodate alternative lifestyles.

Some clans might actually operate similarly to "voluntary" governing bodies if their contracts called for contributions to clan activities (e.g., college funds, maintenance of clan meeting place, operation of an arbitration board, etc.). Other clans might simply expect members to support the "family" as they thought appropriate in times of crisis, much as happens in families today who need to finance care for elderly parents, for example.

Without government "safety nets," family ties are likely to be stronger and more meaningful than they are today. Individuals would create mutually beneficial contracts with their "families" instead. Liberty will bring about the close family ties that our government officials rave about, but cannot deliver. Δ

## Update on FNF Member Mary Ruwart

*A note from Rich Hammer: We in FNF are proud and lucky to have among our members Dr. Mary J. Ruwart, author of Healing Our World: The Other Piece of the Puzzle, and for many years a leading force in the Libertarian Party. Since I expect that many of our readers are curious about what is happening these days with Mary, I asked her if she could tell us. She writes:*

My life has changed dramatically during the last year. I've left the Upjohn Company and moved to northern Kentucky to devote myself to family, writing, and teaching. Raymond Carr and myself have married; I now have three stepchildren in their 20s, who come and visit us frequently. On our third move, we finally settled into a beautiful house which has a giant office, woods for walks, and enough room for visitors.

I've limited my convention appearances for a time. I'm trying to catch up on my sleep and exercise while developing and presenting workshops teaching experimental scientists how to prepare oral and written reports of their work. I have a monthly column on the web (<http://www.lightworks.com>) which presents libertarianism in a New Age perspective. I've joined the Boards of ISIL and FIJA as well.

I feel that I'm transitioning into a new era of my life and hope that new insights will follow. Δ

## International Relations (from p. 1)

pros and cons of U.N. membership?

- Should we consider entering into mutual-defense alliances with other nations?
- Could connections to other countries via train, road, or airplane service, phone and internet connections, mail delivery, etc., be done by private enterprise alone, or would we need the involvement of a government agency in order to interface with government agencies in neighboring countries who handle such matters? (Examples: who is authorized to pick up and deliver mail from neighboring countries addressed to people in the free nation? what kind of security procedures might other countries demand from our airports before they let planes from their country land in ours or vice versa?)
- Would we have embassies or consulates in other countries?
- What kind of diplomacy would the free nation engage in?
- Would we lend support to libertarian movements in other countries, or stay strictly non-interventionist?

- Would our government sign arms-control treaties, test ban treaties, or the like?
- How would we deal with other nations' complaints that our lax security policies make our nation a safe haven for drug dealers, terrorists, and money launderers using our territory as a secure base for operations in neighboring countries?
- Would visiting dignitaries be subject to our laws, or would they have diplomatic immunity? Would embassies from other countries be treated as being on free nation soil or on the soil of their country of origin?
- How would we deal with areas that seek to secede from the free nation? How would we deal with other nations, or areas of other nations, that desire to be incorporated within ours?
- From whom would our military purchase its weapons, and how would we get them into our country? Δ

## Philip Jacobson Joins FNF Board Rotating Terms for Board Members Instituted pizza fails as draw

by Richard O. Hammer

Philip Jacobson has joined the Board of Directors of the Free Nation Foundation. This was formalized at a regular meeting of the Board at Chris Spruyt's house in Raleigh, N.C., on 20 November 1996.

The Board also amended the Bylaws to institute fixed-length rotating terms for Board members. Previously the Bylaws had specified open-ended appointments to the Board which lasted till death, resignation or removal. Now Board members will serve three-year terms with, as nearly as possible, one third of the seats being filled each year. Since there are now six seats, two will be filled each year. In order to initiate the rotation the longstanding members divided up terms which end on 1 December in: 1997, '98, and '99. Philip Jacobson came on with a full three-year term ending in '99.

(continued on page 17)

# Unregulated Families: A Mixture of Old and New Forms

by Richard O. Hammer

## 1. INTRODUCTION

Once again we tackle a difficult question. What will become of families in a free nation? In theory families might take any shape imaginable. So can we assure ourselves that better family life, more whole-

I tell what I learned in reading one text about the family. In Section 4, I write about biases inherent in human language and culture. In Section 5, I present some formulations of what I think might occur in families in our envisioned free nation.

To complete the introduction of this topic, it may help if I list some laws which will not exist in a free nation. The accompanying table provides a partial list. Because we have lived all our lives in a government-twisted environment, even many libertarians fail to sense all of the distortions which exist in American families. Perhaps, before

in certain cases, on obtaining this certification.

The government's claim of a monopoly for itself in enforcement of family law, with the results that:

1. the only terms in marriage contracts which receive enforcement are those which the government approves;
2. many other government-created terms are forced upon members of families, even though those members never agreed to accept those terms.



*Rich Hammer (center) in 1951*

some and happy, awaits when we will be free to bond in ways we choose?

Probably you can guess my answer. Yes. Family structures will improve. Marriage will become a more honest and flexible institution, as partners in marriage will have more power to demand conformity with existing terms, and more flexibility to change the terms when both agree. And the lives of children will probably improve more than the lives of adults, as their lives will mix more readily with the work and play of adults, and they will spend no time at all under the harsh and arbitrary guardianship of government.

In Section 2 of this paper I will theorize about relationships in families. In Section 3,

we can start to formulate improvements, we have to see the distortions.

### **Common Acts of State Which Influence Family Structure these will not exist in our free nation**

Laws which allow only monogamy, and which prosecute people who openly adopt other forms.

Laws against prostitution, pornography, sex with consenting minors.

The government's claim of a monopoly on certification of marriage and divorce, and thus the imposition of great expense,

Tax laws and government handouts which select people for special treatment based upon their family status, and which therefore create inducements to: have children out of wedlock, marry, divorce, or assume other specific family forms.

Regulation of medical care, drugs and devices, which raises the expense and reduces the availability of: birth control, abortion, and other goods and services.

Court ordered custody of children with one or another guardian.

Court ordered payment of support for children by parents absent from the home



where the children live.

Zoning regulations which force separation of natural family functions, such as work, education, residence, commerce, and play, into different geographic zones, thus inadvertently increasing the need for commuting.

Compulsory schooling, with incarceration in government facilities as the default forced upon people who cannot afford private means.

Housing regulations and building codes which outlaw almost all living arrangements other than those which would be used by traditional two-parent families living autonomously from other families.

Laws which keep minors from gainful and educational employment (child labor laws).

Laws which prohibit minors from making certain choices without supervision of an adult guardian, and which shield minors from liability for damage they do.

Laws regulating day-care centers and nursing homes, greatly increasing the price of these services and decreasing their availability to families with modest means.

## 2. THEORY OF FAMILY AND RELATIONSHIPS

### 2.1 Self Interest: The Glue of Relationships

I assume that families form for natural reasons. We humans have needs, as individuals, which we find ourselves best able to satisfy in relationships which are close and continuing. But not all aspects of all relationships are positive. Most relationships impose costs on the parties involved. So, in the view that relationships must be voluntary, normally an individual can be expected to stay in a relationship only as long as he or she perceives that the benefits exceed the costs. Surely such forces govern families. Generally speaking we form families, and stay together in families, only so long as these relationships benefit us as individuals.

Now, some readers may object that a benefit/cost calculation ignores the humane side of humans, that loyalty and love also bind us humans in relationships. So let me try to head off this objection. I accept some findings from sociobiology: I agree that loyalty and love bind us in relationships, but I would include these in the benefit/cost calculation. As a living human I find that I have interests beyond the life of my body or the balance in my bank account. I benefit if someone whom I love succeeds, or if a cause which I support advances. And I assume other people experience similar emotions. These emotions enter the calculation of benefits and costs which we perform in choosing our relationships.

Let me also say that I do not think we can attain perfect relationships, or perfect families. I believe that conflict of interest among people is inevitable, because evolutionary forces have programmed us to be restless, to always want more. While we continuously seek more rewarding ways to organize ourselves, the task will never be complete. The family will continue to be a rewarding way to organize, but it will still impose costs upon its members.

### 2.2 Cultural and Economic Climate Inevitably Influences Family Structure

Given my assumption that individuals bond in response to the circumstances which they perceive, it becomes obvious that bonds formed by individuals will change when circumstances felt by those individuals change. The organizations which we call "families" will take different forms in different social and economic environments.

Libertarian literature overflows with illustrations about how state intervention into the lives of individuals has wrecked traditional families in America. But these illustrations do not help us in FNF much with the question which we now ask: what kinds of families would form, in this modern world, if government went away?

We can learn quite a lot, I think, from looking at history before government invaded the family in Western civilization, and from looking at present cultures in which government still refrains from invading the family. In these places we can find examples of what humans naturally tend to do in families. In Section 3, I will summarize some findings in this vein.

But I think our exploration here may need to account as well for modern wealth and

conveniences. I assume that our free nation will fairly quickly become prosperous. The inhabitants will, for the most part, employ the latest technologies for communication, medical care, and contract enforcement. As such the free nation will present an environment which has never existed before: free, but also wealthy and modern. We will find no examples, either in history or present-day stateless societies, with families existing in such an environment.

Since government programs can dissolve, in many circumstances, the traditional nuclear family, we should assume that new technologies and new voluntary economic organizations could likewise dissolve it. It is said, and I accept, that more people engaged in premarital sex when the birth control pill became readily available. Likewise simple economic logic tells us that ready availability of abortion increases use of that procedure.

Nostalgia alone cannot hold a family in traditional form. We had better assume that the form of family will change in response to economic and technological changes.

### 2.3 Networking to Satisfy Needs

When we get our free nation, I believe that we will protect most of our rights through networking institutions which both insure and enforce.<sup>1</sup> By pooling resources with others who face similar risks we can defeat, to our satisfaction, most threats to our rights. This sort of surety will provide protection, I believe, from most of the abusive violence which can occur in families. But let me digress to explain why I think rights can be protected by insurance.

First, consider this example. We libertarians would say that we have a right not to have our houses burglarized, and notice that in America we can purchase insurance to protect this right, or at least to repay our losses should we suffer burglary. For another example, we have a right not to be assaulted, and we are allowed to purchase insurance which will pay the medical bills should we suffer assault.

So, for some rights at least, we in America can protect ourselves through insurance. Government allows it. But why, I wonder, cannot we in America protect all of our rights through insurance?

Using a familiar definition of rights, that we have rights not to be assaulted or cheated

in person or property, it seems that rights could be protected by insurance because: 1. people will be willing to pay for such protection; and 2. people will be able to pay for such protection because security, in body and property, enables people to be economically productive.

The answer I find to my question, of why we cannot protect all our rights through insurance, will not surprise you: in most significant cases government stands in the way. If there is some right for which we cannot buy protection through insurance then government has probably either: given itself a monopoly in securing protection of that right; or regulated the insurance industry so much that no business could hope to profit by insuring that right.

Now, consider that class of women who might want to purchase protection from their husbands should their husbands start to batter them. This class could pool their resources and protect themselves better than government has ever done, if government would allow it. And people who sympathized with this class of women could contribute. The combination would make a force which could easily intimidate wife beaters. The wife beaters, I believe, would never have the gall to organize in response.

In the free nation entrepreneurs will be free to try to sell any sort of insurance. And as communications technology improves, and the cost of networking and sharing information decreases, I believe we will find insurance/security agencies offering protection for more and more rights.

#### 2.4 Knowledge of What Is Implied in Relationships Exists in the Culture

I believe we cannot specify completely ahead of time what is implied, or expected, in a given human relationship. We can and do strive to improve our lots by improving our understandings of our relationships through direct and open negotiation, point by point on each issue which we think might arise. But, I believe, at some point in each negotiation of a contract, the parties in the negotiation reach a point at which they feel satisfied enough, and then they take a leap of faith.<sup>2</sup>

But vicarious experience, as well as faith, comforts many who take such leaps. In most circumstances a person entering into a particular sort of contract receives affirmation of the acceptability of the contract from others in his family or soci-

ety who have entered into similar contracts, and who seem to be succeeding, or even flourishing, while so bonded. A young person standing at the brink of marriage receives affirmation for the decision in observing the successful marriages of elders and friends in the society. I think it could be no other way.

In a given society a norm regarding the meaning of a marriage contract comes to be accepted. Or perhaps a handful of optional norms come to be known. Such a norm includes so much cultural history that, if written in its entirety, it might fill a book.

People marrying probably accept one of these norms, and assume that their marriage will have the attributes of that norm unless otherwise negotiated. Negotiations preceding the contract probably focus more on a few differences from an established norm than upon all the terms of the norm with which both parties, by failing to mention these terms, evidently agree.

This observation shows how difficult it is, what we attempt in addressing this topic, to leap to a formulation of what family structures will result in modern society if all the laws of state are suddenly removed from the institution of marriage, and partners are left on their own to establish their own terms of contract. Indeed I believe an institution as complex as marriage, in any given society, can only grow and evolve with experience and feedback, and cannot be formulated successfully in abstract discussions. The American colonies, on start-up, imported already-complete systems of law from the European motherlands. Probably the first marriages in our free nation will draw heavily upon imported experience.

### 3. FINDINGS FROM SOCIOLOGY

As most readers of *Formulations* will know, we in FNF do not usually talk about things like family structure. Usually we talk about politics, economics or philosophy, whereas this subject is more like sociology. Since I have approximately zero education in sociology, upon which I can draw to teach you things, I decided to find and read one book to give me some grounding before I started to prepare this presentation.

From his substantial library, Philip Jacobson offered several books, from among which I picked *The Family in Cross-Cultural Perspective*, by William N. Stephens

(Holt, Rinehart and Winston, 1963). This book evidently served as a text for undergraduates taking family courses. It summarizes family customs in numerous societies other than America. Stephens, who was located at the University of Kansas, gathered this data by surveying anthropological literature. Evidently the book was used for some time, as I found a 1982 edition (nineteen years later than the one I read) listed in the online catalog of books offered by Amazon.com.

I have a bias about sociology, that probably most sociologists have socialist agendas. As such, I was leery of picking a book which I would find to be hopelessly biased. Fortunately, I found no biases in Stephens' book which ruined its value to me. I did sense a few biases, no doubt commonplace in the early '60s, but these just give me a few more things to write about.

The first slant in Stephens' book which I should mention, is that Stephens' method, in which he counted each society once, gives inordinate emphasis to small and dead societies and gives too little weight to huge and successful societies. A tribe of 500 souls which disappeared 300 years ago receives the same weight, in some of his tabulations, as American society.

Also I noticed that when writing of American society Stephens used the usual idiom, referring to it as "our" society. I believe that those of us who are earnest in our formulations will distance ourselves somewhat from the system of beliefs in which we were raised, and in using the word "our" will refer usually to our envisioned free nation.

In the following subsections, 3.1 to 3.15, I will list quotes that I took from Stephens and notes that I made while reading. I have not attempted to order these in any particular way, but they do represent a selection which I judge to be either interesting or, better yet, instructive to our questions about free-nation family structure.

3.1 In his first chapter, titled "Is the Family Universal?," Stephens gives a definition of family and answers his own question: yes, the family is almost universal. There are some borderline cases which Stephens describes but,

"As far as I know, there is no known society which clearly and unequivocally

'does not have the family' (by my definition)." (p. 19)

"People get married, live in families, observe incest taboos, and have ties with kinfolk. The details — of marriage and family customs, incest taboos, and extended kin groupings — show great intercultural variation; the essentials show little, if any variation." (p. 30)

So we do not need to fear that the free nation will have no families at all. Here is the definition which Stephens gives for family:

"I will define the family as a social arrangement based on marriage and the marriage contract, including recognition of the rights and duties of parenthood, common residence for husband, wife, and children, and reciprocal economic obligations between husband and wife." (p. 8)

Stephens elaborates at some length on what he means by the terms in this definition, such as "marriage contract" and "common residence," but I will not pursue this further here.

**3.2** He says this universality of the family is rather remarkable, because there are some other alternatives which should be perfectly logical. But these other alternatives do not occur. He describes two which never happen:

1. The freely cohabiting band, with no incest taboos or prohibitions against adultery, in which each woman cares for her own children, and all the men generally act like uncles.

2. A society without incest taboos, in which most marriages occur between people of the same generation, between siblings and between cousins, but in which parents can also marry their children. This would simplify life for many kin groups, as it would eliminate all the laborious arrangement of exchange of brides between tribes.

But, as far as Stephens knows, neither of these has ever happened. (p. 31)

**3.3** Polygyny, with the possibility of two or more wives per husband, is permitted

according to Stephens in most societies. (p. 33) But, because it is expensive to keep several wives, in these societies polygyny is not necessarily practiced by most people. Only wealthy men, or men of high status, generally have more than one wife, and the others, that is most men, have only one wife.

Strict monogamy is uncommon. Polyandry, with the possibility of two or more husbands per wife, and group marriage are rare.

Given Stephens' descriptions, I was struck that polyandry is practiced most by people who are so poor that their continued survival may be threatened. In a few of Stephens' examples a reason given to explain why one husband would welcome another husband into the household was the need to have the work of one more man to be able to feed the wife and children. (pp. 34-49)

Jealousy among wives in polygyny is evidently a much more significant problem than jealousy among husbands in polyandry. In polyandry jealousy is almost never reported (p. 56), but in polygyny it frequently becomes disruptive. (p. 57)

**3.4** Stephens makes the following observation about deferential behavior and where it occurs. By deferential behavior he means, for example, a custom in which all members of the family stand when the father enters the room, or in which junior members in the pecking order "never speak until spoken to."

"There is a very strong correlation between deferential (or autocratic) kin relationships and autocratic state. Where the state is democratic (as in the United States and most of Western Europe) or non-existent (as in most primitive tribes), kin relationships are fairly nondeferential and 'democratic'; where the state has been autocratic for a long period of time (with, perhaps, a very recent change to democracy), kin relationships tend to be autocratic too." (p. 86)

**3.5** Stephens evidently would share our libertarian view that the state can kill family relationships by taking over functions that historically have been served by families. But, in a way that jogged my thinking, in the following passage he lumps together government and private business (which he calls "economic specialization") when de-

scribing institutions which can supplant family structures.

"...various functions that are performed by economic specialization and government in our society are performed by groupings of kin in tribal, stateless societies." (p. 143)

This should raise our awareness that traditional family structures might be supplanted by businesses which, through specialization, provide services (say, for instance, child care and preparation of meals) more efficiently than families. I say more about this in Sections 2.2 and 5.3.

**3.6** Stephens points out that romantic love, used as a criterion for selecting a mate, appears more in Western societies than it does in most other societies. (pp. 200-206) In this discussion he affirms my observation, in Section 2.4, that the expectations which individuals bring to marriage are set largely by their culture.

**3.7** In several places in Stephens' book I noticed evidence of changing expectations regarding the institutions of family in a given society. While Stephens was not attempting to show the process of change, and while his whole approach was an attempt to present snapshots of family as though static in given societies, still, in several of his examples and extended quotations there were cases where stories told of the good old days, or of the way things are now (evidently in contrast to what used to be). (p. 230 has one example.)

This should help us see that marriage and family structures are always changing.

**3.8** Stephens says that divorce is frequent in some societies, and rare in others, but says that there is an overall trend across societies: Not surprisingly, the frequency of divorce decreases with children born to the marriage and time spent in the marriage. (p. 235)

**3.9** Stephens points out, as I might expect, that alimony is less essential in societies where family structures are strong.

"Apparently, where large kin groupings are well developed, the support of the children is no problem in cases of divorce. A divorced woman and her chil-



dren can always be provided for by other relatives." (p. 239)

**3.10** This observation surprised me:

"Primitive tribes tend to have greater sexual freedom than do 'civilized' communities. ... civilized communities more often try to restrict sexual intercourse to marriage, and they more often seem to be effective at it." (p. 256)

**3.11** And here is another:

"Marriage, in our [American] society, ordinarily involves a certain amount of intimacy and sharing between husband and wife: living and sleeping together; eating together; going together to parties, on visits, and to various recreations; jointly owning house, car, and other possessions; and so forth. This degree of togetherness is usually *not* [emphasis in original] found in other societies." (p. 270)

**3.12** On the division of labor between the sexes:

"The division of labor between husband and wife, as well as the more general division of labor between men and women, seems to have little to do with the biological capabilities and limitations of the two sexes. With the exception of bearing and nursing children, a man is biologically capable of doing anything a woman can do. Conversely, a woman should be able to do anything a man can do, including heavy physical labor. Since sex division of labor rests on little in the way of biological 'givens,' one might expect great intercultural variation in 'men's work' and 'women's work.' That is, there should be some societies in which the husband keeps the house and cooks the meals while the wife hunts buffalo and fights the enemy; where the wife does the plowing and the husband knits and embroiders; and so forth. As a matter of fact, there is much less intercultural variation than one might expect. Work around the house — cooking, cleaning, child care, bringing in fuel and water — is nearly always the province of the wife; the husband may or may not help her. Other tasks, such as hunting, herding large animals, handicraft with

metals or stone, and boat building, are nearly always done by men." (p. 281)

Stephens follows this with a two-page table showing a strong sex bias in most of about fifty essential family activities. (pp. 282-283)

However, he notes that strict division of tasks along sex lines is greater in tribes that have accumulated an intermediate level of wealth, enough to be called "peasant" communities, than it is in either poorer tribes or in modern Western civilization. (pp. 287-288)

**3.13** In the following quote Stephens shows a common cultural bias, about which I will say more in Section 4.2.

"In most societies, apparently, the more 'important,' honorific jobs and offices are the province of men; women are excluded from them." (p. 288)

**3.14** American society is unusual in its high frequency of isolated nuclear households, with the job of caring for young children left largely in the hands of the lone and isolated mother. (p. 366)

**3.15** About child labor:

"In nearly all societies ... children are put to work by the age of ten. ... in nearly all cases, the bulk of children's work is a clear-cut, specific apprenticeship to the adult occupational role." (p. 386)

#### 4. BIASES IN CULTURE AND LANGUAGE

We live immersed in a sea of biases, most of which I believe most people cannot see. I know that I live with assumptions, biases, about sex and family roles, most of which I have picked up from my surroundings.

In this section I will: theorize about the origin of bias; comment upon sex-role biases which seem ingrained in human culture and language; theorize about how these particular biases got into language; and speculate about whether cultural bias will persist in a free nation.

**4.1 Theory About the Origin of Bias**

First let me say that I do not think we will ever escape bias. I believe our nervous systems, in order to navigate us through

existence, have to: 1. assume that patterns exist in the world; 2. hypothesize what those patterns are.<sup>3</sup> We cannot steer through life without having, internally, a map of what exists outside ourselves.

Inevitably sometimes our map-making brains will be lucky, and will make good assumptions which survive the test of subsequent experience. Other times our brains will be less lucky, and will make assumptions which start to look faulty when experience produces contradictions. "Bias," when we use that word in a negative sense, I think simply names one of these assumptions which we recognize needs to be reformulated. If this theory of mine is correct we will never be rid of bias, we can only recognize it for what it is.

#### 4.2 The Idea of "Success" Seems Biased Toward Male Values

Warren Farrell,<sup>4</sup> along with others, has exposed a bias in the complaints made by some feminists in America.<sup>5</sup> These feminists complain that men earn higher wages, and men possess more power in business organizations. But in complaining that men have more of these things, these feminists overlook that men, on average, want these things more than women want these things. These feminists seem unaware that they have swallowed a masculine bias in the culture: the very idea that wages and power in business are good things to have. Women, on average, want other things, such as support without having to work outside the home to get it, and time to spend with children. If we reject the masculine bias in the culture, and instead measure success in terms of things that women value, such as hours of quality time spent with children, it turns out that women outperform men overwhelmingly. Thus men could have cause to complain about their relative poverty.

#### 4.3 How Language Might Come to Be Biased

But I must sympathize with these feminists, because I agree that the language of the American culture is biased in a masculine direction, and I think that we inescapably assimilate biases from the language of our culture.

Now I will speculate on how it might have come to pass, that our contemporary language emphasizes masculine values. I believe that language emerges where it is

needed, among people who need to talk about things. The language of a culture will therefore be biased toward the needs of the people who do most of the talking. If men do most of the communicating, the language will take a masculine slant.

For instance, imagine a societal arrangement in which nuclear families live separately from one another and in which men conduct almost all of the commerce and communication between families. In such an arrangement women, rarely having opportunities to express their uniquely feminine experiences with other women, may never develop words to express those experiences. Whereas men, in their discussions with other men, will discover words which express masculine values, and will carry those words into usage in their families. In this society any words which attain broadspread usage must have passed through men, with their poor ability to express feminine values.

This example may not explain the bias in modern American language, since American women talk to each other, but a bias may creep into the language nonetheless if, for some reason, jobs in the media are filled more by men than by women.

#### **4.4 Free Nation Biases Will Diminish, But Remain**

In a free nation I expect that biases in the language would diminish because I assume we will have modern communication in which women, as well as men, can network freely. And, as I describe in Section 5.1, with less state-forced division of family functions into distinct geographic zones I expect men and women will intermingle more in their routine daily activities.

But we cannot expect that all assumed differences between men and women will vanish from language and culture, because some of those assumptions appear correct. Men and women differ in many ways, and language will continue to reflect these differences. And still, if men more than women aspire to succeed in commerce, and if this aspiration carries men more than women into jobs in the media, then I expect the media will convey male values better than female values, and the language in the whole culture may keep a male bias. I do not think we could change this if we tried.

## **5. FORMULATION: FAMILIES IN A FREE NATION**

### **5.1 The Influence of Unregulated Housing**

As I have described before,<sup>6</sup> I believe that housing in a free nation will differ radically from the housing which we squeeze ourselves into in America. In America the set of buildings in which we live and work cannot conform in natural ways to our needs, because zoning and building regulations cripple market processes.

For the sort of neighborhood which I think evolves naturally, I imagine a city block, perhaps like one I have seen in a movie set in a bustling Mediterranean city. Within the space of this block I see: a dozen shops, an opulent manor house, a nursing facility, a super market, a few restaurants and pubs, a little factory, scores of apartments (some nicer than others), professional offices, a church, a few houses, two schools, a little playground. Many people in this neighborhood do not own cars, and do not need them.

In the free nation I believe we will see functions mix like this, in neighborhoods. Most residents in such a neighborhood can live most of their lives separated by no more than a three-minute walk from most members of their families.

Notice this benefit of a naturally-formed community: it offers a range of housing, from large to small, from rich to poor. People with wealth, and people who want wealth, need each other, naturally find ways to trade, and naturally live side by side.

In unfree nations zoning regulations prevent this mixing, and this separates families. When some members of the family prosper more than others, or when some need only a little apartment and others need space for teenagers and dogs, they are unable to find suitable accommodations within the same neighborhood.

But let us think happy thoughts, about our free nation. There it will be possible for an aging widow to move out of her house without moving out of her neighborhood. And notice how much easier could be that uneasy event: divorce with children. A woman separating from her husband could move, not twelve miles away to a different subdivision served by a different school district, but down the hall. The question of custody could become less crucial and painful, maybe not a question at all: maybe

the kids could decide for themselves on a month-by-month basis; probably they would go where someone feeds and loves them.

Another effect of deregulating the production of buildings in the free nation will be that buildings will decrease in price, as well as increase in quality. As Julian L. Simon has offered to wager, all commodities get cheaper with time. This is the direction of human industry, the result of enterprise. We apply our brains to making things better and cheaper, and succeed.

Notice the way that television sets, the manufacture of which has fortunately escaped much regulation, have gotten continuously better and cheaper during the past fifty years. The same should happen to housing. Better buildings can and will be mass produced cheaper, in the free nation.

And notice the way that basic foods, in spite of considerable regulation, have gotten relatively cheaper in America. Most of us can eat ourselves plump with the wages of only a few hours work each week. A similar trend would occur in housing in a free nation. While people with uppity attitudes will always want the next luxury, generic housing, the minimum with which monks are willing to live, will decrease in price, to the point where it too will probably be available for trivial expense.

In the free nation, your eccentric brother, your widowed mother, your divorced spouse, will all be able to find housing which suits their budgets and tastes nearby to you, assuming they want it.

### **5.2 The Influence of Free and Honest Contracting**

The decision to get married can, by itself, scare and intimidate a person. But government makes this decision harder in many ways.

#### **5.2.1 Entry into marriage**

Of all the ways that marriage will differ in a free nation, it may differ less upon entry than in other ways. In America government places few large obstacles in the way of people intent upon marrying, and pretty much rubber stamps their choice. In any nation, before getting married the partners hopefully talk at length about what their marriage will mean to them. But, in America, only rarely I think do they write the important terms of their understanding, because the writing would have no more

meaning than the probability that it would be interpreted as the partners had intended by a government court should that contract appear in court one day. In America most of the terms which might be enforced in court are decided by the state, irrespective of what one or both of the partners might have stipulated upon getting married and, assuming time has passed, irrespective of what terms the state might have been enforcing at the time the couple married. In America what it means to be married changes with legislation and court decisions, so a couple which invests much emotional energy in clarifying the crucial terms of their understanding often wastes that energy. The best they can do is hope, or just stay entirely out of the business.

In the free nation I expect the prenuptial discussions will be more complete and practical because, assuming the terms of marriage will be expressed in a contract, that contract will, as I describe in Section 5.2.3, actually be enforced. There will be, in the culture of the free nation, a different expectation about the institution of contract. Since slackers will not be able to prevail in court simply by presenting lame excuses or expensive lawyers, more people will invest energy in understanding contracts before signing them. However, as I said in Section 2.4, I think probably a few standard understandings regarding the meaning of marriage will evolve, and most marrying couples will choose one of these standards after discussing perhaps only a few of the particulars.

### 5.2.2 Exit from marriage

Divorce, when and if that happens, I believe will occur with less anger, bitterness, and expense in the free nation than it occurs in America.

In America, should either divorcing contestant see anything to gain by appealing to the government court, then the whole show, including division of wealth and division of kids, gets acted out in court. The end of the final act is usually postponed until one contestant declines to pay more money to lawyers. Then the court hands down a decision, perhaps partially guided by a contract if the partners signed one. But the uncertainty of decision assures that new contestants will be willing to pay, again and again, to see the show.

In the free nation, if a contract says something, and if neither party disputes

either the facts in the case or the meaning of what the contract says, then, if I understand the way courts in a free nation will work,<sup>7</sup> neither party will bring this contract into court, because everyone will know ahead of time what the court would decide — just what the contract says. If the contract is clear, and if one party is clearly defaulting, then the wronged party would approach not a court but an enforcement agency, or perhaps the agency which bonded the defaulting partner.

Because the partners will respect the effectiveness of the enforcement agencies, couples who see divorce in their future will refer to the contracts which they have signed, and make their plans accordingly. Disputes will go to court only when the parties differ on either the facts or on what their contracts mean. Divorce in the free nation will thus, I expect, be carried out by the partners themselves who understand, and merely fulfill, their contracts. It will be accompanied by emotional loss and pain, but not by uncertainty, surprise, outrage, and uncontracted-for expense.

### 5.2.3 Enforcement of the terms of marriage

In several of my papers in *Formulations* I have been building a case that contracts in a free nation will be enforced — firmly. Some libertarians start to fidget, justifiably, when they hear this line because superficially it appears to represent a loss of their liberties. Anyone who has matured in America knows that usually you can sign a contract which says one thing and then proceed to do something else. We in America know that ultimate enforcement of terms of contract must be carried through courts run by government, and we know that rarely happens. As such, many contracts are written not with expectation of literal compliance (often we waste our time if we read the fine print) but merely to bolster the case made by one side in the unlikely event that a dispute goes to court.

But this expectation that contracts can be ignored has grown in what I call public space,<sup>8</sup> in an environment in which the only law which receives enforcement is that which government enforces. And government fails to deliver law efficiently, as it fails to deliver anything efficiently.

Contracts, including marriage contracts, will work much better in a free nation than in America, because means for enforcement of contracts will be in the hands of

entrepreneurs. And entrepreneurs forever seek ways to improve the efficiency of their service.

Here is an example, eye-opening and perhaps extreme. Suppose it becomes technologically possible to have surgically implanted, in yourself, a radio tattler which sends a signal to your marriage partner in the event of your extramarital infidelity. In the free nation there will be no FDA to inhibit marketing such a device, no law against it. Indeed, only externally enforced coercion could stop it if two marrying partners agreed that they wanted it.

Marriage vows, you see, and contracts generally, might come to have literal meaning. As I think of public space, it is the only space in which a person can cheat or lie, to the nontrivial injury of another, and get away with it. In a free nation, there will be less cheating and lying, because enforcement of voluntarily assumed terms will be in the hands of private enterprise.

Please do not think that I am advocating such devices. I am attempting, with this example, to show again that in a free nation we will find ourselves better equipped to demand fulfilment of promises which have been made to us. Lying and cheating will shrink to a trivial scope, to a scope which the partners to an agreement voluntarily refrain from policing, even with inexpensive electronic monitoring devices.

### **5.3 What Will Bind Families Together?**

As I described in Section 2.1, I think people organize themselves into sets of relationships which we call "families" in order to satisfy certain of their individual needs. We should recognize that traditional family structure can be threatened by economic and technological progress as well as by government meddling.

For instance, consider the family meal. The tradition of all sitting down together was probably shaped by economic factors. It costs less labor to prepare one big meal at one-time than several little meals at various times. However, as the technology of serving food has advanced, and the cost has decreased, individuals can more readily eat on their own schedules in response to their own appetites. Consequently the number of times when the family all sits down together for a meal has decreased. The family meal in America is now a ceremony of nostalgia more than a necessity. And, evil though government is, I do not think



we can blame government for collapse of this particular institution.

Other advances in the free nation will threaten the traditional family even more. The decreasing cost of necessities will increase the ease with which a parent can fend alone. Basic shelter, food, medical care, and educational aids, will all decrease in price. As such, a single mother may be able to provide bare-bones necessities for herself and a few children with the wages of only one day's work per week. Spouses may become luxury items.

What forces will remain to hold the family together? Here I can offer only hope and speculation. First, continuing the economic arguments, I notice that most people seem to want luxury items as they become available. So even though it will be possible for a single-parent family to survive with spartan provisions, I expect some couples with only two Mercedes in the garage, and with only Masters'-level education prepaid in trusts for their children, will feel economically threatened and will stay together out of "economic necessity," even though straining in their relationships.

I like to think that many people will stay together because of that old thing which we call "love." And some lucky couples might share a sense of purpose, and stay together because they form an effective team. Many people I think, observing myself as an example, are idealists, and may be motivated to stay in a family as a way to propagate their ideals, implanting their memes in their children. Probably I picked this up from the family in which I was raised; I tend to think of family as a vehicle for transmission of values. (Unfortunately there is always a risk that kids will think for themselves.)

#### 5.4 Responsibility for Child Support in Event of Separation or Divorce

In the free nation I expect that child support, in the event of separation or divorce, will differ radically from what we experience in America. The pain which this issue causes in America I think can be blamed upon the government's arrogant insertion of itself into this already difficult arena. I expect that standard-form marriage contracts would address child support, perhaps by referring to standards published by the sort of voluntarily-organized standards-publishing organization that we have

often mentioned in FNF work.

Observing the present American experience, with the government's war on "dead-beat dads," I think few of these men would have voluntarily entered a contract which stipulated terms of the sort which the government now attempts to force upon them. So, in a free nation, in the market for mates, I believe many men, supported no doubt by their families, would demur to sign a marriage contract with such terms. Negotiation would occur, and agreement upon some terms acceptable to both partners would result. I guess that the resultant terms would tie together custody and financial support more than those are tied together in American court decisions, because it seems to me that few prospective parents would promise to pay for the upbringing of children the control of which had been completely removed from them by court order.

I think it is just natural for the important aspects of rearing a child to cluster. Whoever loves, houses, feeds, and educates the child also, quite naturally I believe, finds voluntary ways to pay the bills. As such, in this regard I expect a return to a traditional family form in the free nation: that children of divorce will often wind up living, for some time at least, with relatives who both support and raise them.

#### 5.5 What Sorts of Families Will First Inhabit the Free Nation?

I assume that self interest will determine which individuals will decide to move to the free nation. The ideal of liberty alone will not motivate many people to move there. People will move there if they believe that their lives will be better.

Adding to what I have argued before,<sup>9</sup> I believe that many of the first settlers in the free nation will be single men from America and other Western democracies. While many American women will go along with their men, and while a few single American women will go, I have the impression that many more American men than women feel that they could improve their prospects in life by risking such a move. There are many women, however, in poor third-world countries (no doubt you have seen the ads) whose prospects would improve in the free nation. So I expect a disproportionate number of brides for single men from America will come from poor countries.

America, as I understand history, was not populated from the comfortable upper

classes of the European fatherlands, but from the lower classes, from the people who had the most to gain by moving. So I think we should expect that most of the initial inhabitants will come from poor countries. I think, for instance, of all the boat people who we have seen in the news during the past few decades. These people will move without quibbling about the quality of the beaches or theatre.

Some wealthy people will move to the free nation because that is where they will establish their businesses. A high proportion of these people will probably move to the free nation with their families intact. And in the free nation I expect we will see a return of domestic servants, as wealthy business owners and managers will be able to establish large households which employ staffs of people from third-world countries who are happy to have any job at all.

As happened in America, I expect immigrants to form their own ethnic communities which support these people, and which persist for a few generations until the descendants meld into the larger population.  $\Delta$

#### Notes

1 See for instance the Proceedings of our Autumn 1994 Forum on "Security in a Free Nation."

2 This was called "satisficing" by Herbert Simon in "Theories of decision-making in economics and behavioral science," *American Economic Review*, 44:3, June 1959, pp. 253-283.

3 I studied this question of how nervous systems might drive successful organisms during the early '80s, insofar as I wrote computer programs to drive "learning" robots and strove to make this the subject of my doctoral dissertation in computer science. At that time I was unable to find faculty members in that department who shared interest in the subject. So what I learned through study of this subject was not expressed in a dissertation.

4 Warren Farrell, *Why Men Are the Way They Are: The Male-Female Dynamic*, 1986, McGraw-Hill.

5 Please note that not all feminists take anti-libertarian stances. Indeed there is the Association of Libertarian Feminists, P.O. Box 20252, London Terrace P.O., New York, NY 10011, which publishes *ALF News* for \$10 per year (four issues).

6 See the section titled "Notable Differences in a Particular Industry, Residential Building," in my paper "Business in a Free Nation," *Formulations* Vol. IV, No.1, pp. 5-6.

(continued on page 42)



# Free Families to Statist Societies and Back Again

by Philip E. Jacobson

## Introduction

What would families be like in a free nation? This question would take at least several volumes to explore thoroughly. And there is really no definitive set of answers. The biggest difference would not be that something new would be present, but rather that something would be absent — the influence of the state. The state's interference in society encourages some kinds of family behaviors and discourages others. In the absence of the state it is likely that some entirely new family traditions would emerge, but also that the previously established ones would continue to exist, including some which are currently rare. Overall the choices made by individuals in this matter would probably be more diverse and open than is the case in statist societies.

Rather than trying to provide a complete list of the alternatives, I will discuss how the history of human families indicates a wide variety of possibilities for family structure, then examine the state's historical relationship to families. In doing so I will be working under the thesis that in statist societies the family is in direct competition with the state for the loyalty and the control of the resources of individuals. Finally, I'll explore themes for just a few of the many modern opportunities that a free nation might offer families.

Contemporary discussion of the politics of the family often involves a notion of "family values," or what is good for "the family." In such discussions, "the family" is often held to be the basic social unit of civilized society. It is, however, a very specific kind of family which is being referred to, a family with one adult male and one adult female, who have a state-licensed marriage, and who are raising two or three children. The man and the woman typically have or have had a sexual relationship and are typically the biological parents of the children. The members of the family live in a single residence. They may or may not have blood kin nearby. But most of their social interactions are with persons with whom they are not related.

It is often assumed in discussions of social problems, that a society which fos-

ters this kind of family is desirable and that this kind of family is the most natural one for humanity. But these notions are clearly wrong. In the natural history of humanity



*Phil Jacobson*

the family mentioned above is a very recent phenomenon. Variations on the human biological type (characterized by, among many other things, the use of stone or more advanced tools) are thought to have existed for at least 2 million years. These, our ancestors, lived for most of that time in hunter-gatherer bands, in a social structure with very different characteristics from the "modern family" ideal.

## Mankind's Earliest Family Structure

The hunter-gatherer band was certainly a community, though usually a small one. It would typically be composed of fewer than 100 individuals of both sexes and a wide range of ages. It would roam the countryside in search of small to medium game, typically hunted by the adult males, and very small game, insects and edible plants, typically gathered by females and children. This was the most significant division of labor, producing in some ways separate environments and subcultures for men and women. Men might hunt individually or in groups. But when they cooperated, leadership was not based on official rank, but rather on one hunter proposing a group hunt and recruiting others to follow him. None were compelled to follow, however, and different hunts might have different leaders based on the relative charisma of different

individuals at different times. Women needed even less coordination. With them leadership would be more a matter of the wiser or more skilled giving advice as the need arose.

Evidence suggests that there were few if any persons we today would call "old" (over 50 years). Care of children was primarily the job of each child's biological mother, but all children were nurtured to some extent by all adults, especially the women. For most of humanity's existence the notion of fatherhood was non-existent, as the relationship between sex and pregnancy wasn't known. It is impossible to say when this discovery was made, but even after the notion of paternity was established there was a tendency for a child's kinship to be traced primarily or only through its mother as the biological father's identity was still doubtful. However, at any one time, a child's mother might have a special adult male friend within the band who had regular sex with her and who shared food with her and any small children she might have. This man's association with the mother would benefit her younger children, though he may not have been their biological parent. These smaller groups of individuals would be roughly approximate to the modern notion of "households." Each child would almost certainly know who was its mother, thus also who were its mother's other children, thus also who (on its mother's side) were its aunts, uncles, etc. If these persons were nearby, a certain affinity between such blood kinsmen would exist. Most of the adults would have been raised together and would to a large extent be raising their own children together.

However, blood kin (on the mother's side), while known, might not stay with the band. During most of the period when humans organized only as hunter-gatherer bands, humanity had not yet filled up the available habitable space. The total number of humans on earth rose extremely slowly. Great risk from disease or animal attack kept most children from reaching adulthood. Many women died in childbirth. Men could be injured in confrontations with animals. Getting enough food was not the biggest problem. But there would be times when the food in some specific area might be a little thin, motivating the band to split into two or more groups and go separate ways. None were likely to starve, but individuals might lose

contact with relatives. Loss of a group member might also occur when different bands met. Ordinarily they could afford a reasonable degree of cordiality. And as they went their separate ways, each band might lose a few members to the other. Sometimes, but not always, this would involve fresh sexual relationships, thus diversifying the gene pools of each group as is the case with great apes to this day.

"Anatomically modern" humans are thought to have emerged between 150,000 and 200,000 years ago. Yet most if not all humans continued to live as hunter-gatherers until at least 10,000 years ago. The older and longer period is referred to as the "Paleolithic" (or Old Stone Age). The newer period is called the "Neolithic" (or New Stone Age, covering the period up to the first use of metal). Only in the Neolithic did some communities begin developing other means of providing themselves with food. Slowly the number of non-hunter-gatherers increased until the vast majority of cultures were not of that type (though a few hunter-gatherer communities still exist today). So at a minimum, at least 90% of human history is characterized by social organization which was very functional but which did not include any institutions which were much like the "modern family" ideal. The hunter-gatherer group was a "family" but by modern standards a fairly large one, with loyalties that were as much socially based as they were biologically based, and which lacked entirely many of today's "family values." If there is any such thing as a "natural" family, this is it. But should we expect a re-emergence of this kind of family in a free society? Probably not.

### **New Food Sources Influence Family Structure**

When people first started associating in patterns other than the hunter-gatherer band, they still did not organize into modern families. During the last part of the Paleolithic age humans had become especially good hunter-gatherers. They became the dominant predators in most places, much less likely to be attacked by big cats. They'd even formed a partnership with some of the canines. The human population had begun to rise to an extent that in some places it was difficult to feed everyone in the traditional ways.

Three new types of economy emerged

— herding, fishing, and plant cultivation. These tended to produce new family patterns each distinct from the others, but none of them like the modern family. Indeed, even within each of the new economic traditions, a great variety of family structure existed. In many instances, the human communities formed were much bigger than hunter-gatherer bands, but this was not always true. There was also a greater tendency for family members to stay in contact, especially when communities settled in definite geographic areas, but this was not always true either.

When larger, more densely packed groups began to come into very regular contact with others, they became less fluid. As bands found it convenient to lay claim to specific farmland, specific herds of animals, or sites especially good for gathering seafood, the notion of group territory became more important. Group membership became more valuable for individuals. The little groupings composed of a woman, her small children, and her mate became true households. The children tended to keep closer contact with one another as adults, to help maintain and exploit common claims to food resources. Hunter-gatherer bands solidified into "clans" with clearer membership traditions based more strictly on blood-kin ties. The notion of a marriage, or lifetime sexual and child-raising commitment between adults of opposite sexes, while not completely unknown to hunter-gatherers at the end of the Paleolithic period, became very important to Neolithic peoples. Marriage confirmed the association between an adult born into one clan but living in another, and confirmed the clan membership of children born to the union.

In the larger and especially in the settled communities, there was a tendency for some division of labor beyond hunting vs. gathering. Peoples settled in one location could possess more material goods, which created a demand for skilled specialists who provided various goods in trade for food or other goods. These specialists might pass their skills to their children and thus establish family occupations. Additional value to family membership was created when traditional trading relationships formed between clans or between families within clans.

Yet the customs of the Neolithic, including traditions of family structure, varied widely in terms of specifics. The most

significant generalization that can be made about any of them is that they were significantly different from the families of hunter-gatherers. So among the few things that we can say about what is "natural" about the human approach to family structure (as opposed to, say, that of specific species of birds or of other mammals), is that human communities can thrive using a wide variety of family structures. Another thing that can be said is that economics can be very influential in determining what family forms a given human culture will adopt.

### **The Emergence of the State**

The concept of the modern family is not just a product of modern economic institutions. It is also a product of thousands of years of interaction with other social institutions, notably the one known as the state. A state is at its core a military institution which claims resources from the individuals in a society in exchange for providing defense from the predatory behavior of competing military institutions. Individual citizens of a statist society will abide by this relationship either because 1) they are afraid to challenge the military power of "their" state, 2) they fear a rival military power more, or 3) some combination of both. The state is not, however, "natural" to human communities.

It is not clear exactly when the state emerged in the natural history of humanity, nor exactly when the early military institutions which were clearly the ancestors of the modern state should be called "states." The hunter-gatherer band was not a state. There were few persons in each band, and no special military sub-group existed. When a band was attacked by animals or other humans, any group member capable of providing any kind of defense to the group did so. Often, however, the primary line of defense would be composed of the band's adolescent and adult males. Such a coordination of armed force was an extension of the hunting patterns used by the males, but would be supplemented by the women and children when they could provide support. This pattern can also be found in other social primates. But while the hunters can be viewed as a subsection of the band as a whole, they were not a separate community in the sense that modern soldiers and police are a separate group within a larger society. There was no clash of loyalty for individuals between "family"

and "military unit." The individual fighter did not have to leave the family to participate in the defense of the community as modern soldiers often do during active military duty.

Neolithic communities, with denser populations and often serious competition for food, modified the Paleolithic family structures to accommodate their environments. No modern-style military institutions developed in the Neolithic period, but many Neolithic cultures developed new ways to coordinate organized violence. Large military formations formed as warriors from several households combined under one leader. This war chief might hold the position formally and for long periods of time. Clan-sized military units based on a recognition of blood ties (sometimes via adoption, sometimes via marriage) became common among Neolithic peoples. Especially charismatic war chiefs might have been able to assemble several clans into a military alliance to defeat a common rival clan. These alliances would have been easier where the allied clans were thought to be blood kin.

Military and other advantages eventually encouraged associations of clans to form as "tribes," larger groups speaking a common language and thought to be descended from a common ancestor. Tribes are not completely "natural" to humans, but neither are they completely out of the "natural" Paleolithic context. Members of hunter-gatherer bands would have known of the existence of other bands which had blood relations to them, which spoke a common language, and which shared many customs. And such related bands would have been distinguishable from yet other bands with differing language and customs, to the extent that such were known. Paleolithic cultures, however, probably tended to think of "related bands" and "strange bands" rather than in terms of tribes. And they would have had no occasion to think of military units formed from alliances of bands, at least not while all humans were hunter-gatherers.

In the Neolithic, pockets of zero-sum and negative-sum political philosophy emerged on a regular basis, especially in the most densely populated areas. The new food sources could support many more persons on some lands than could hunting and gathering. But not always. Bad weather could hurt agriculture, especially. Some-

times people living in dense settlements found that the only alternative to starvation for their group was to force starvation on their neighbors. This was an ideal climate for the formation of statist attitudes and institutions.

The emergence of the fortified city as a basis of a "civilized" (no longer Neolithic) politics may have signaled the first instance of a statist institution. But there certainly were statist enclaves established in cities. The statist increasingly dominated towns and urban (walled city) areas. The largest military formations were either levies from the male population of the walled cities, or clan-sized raiding parties attacking the cities from herder populations. In the case of the herdsmen, the clans sometimes organized into tribal-sized raiding parties, but this was rare until military-based, patrilineal (descent of the child determined by established paternity) clans emerged to lead them. A man with sons and grandsons to follow him into battle could coordinate them best if he was thought to own their loyalty to him. As hereditary military leader of such a clan a charismatic war chief might recruit most of the warriors from a tribe into a single army.

### **The Rise of "Noble" Families**

The social structure of cities was influenced by overpopulation amongst neighboring herder groups. In times of strife amongst the herdsmen, wave upon wave of these tribes fell upon the walled cities. Few city-bred generals could defeat herder military formations in the open when the herdsmen were led by a skilled general of their own, though the cities were usually well protected by their walls. But across time herder commanders came to displace the military leaders native to the walled cities. Sometimes as mercenaries, sometimes via hereditary relationships, the descendants of herder clans forged clan-based proprietary claims to most civilized military institutions. In more recent times, this claim came to be termed "nobility." Noble clans — families often the size of the very largest Paleolithic gatherings (but no more) — allied with one another to become a tribal-based military institution, which became entrenched as the politically dominant force in many cities. Their generals administered, in addition to their kinsmen, an army composed of conscripts from most of the non-noble families in the city. They began to learn how to use non-military

institutions to control this kind of army. They learned to insure that all the military forces of their city (later their empire) remained under noble control. Amongst these non-military institutions were those of religion and law.

Early urban areas often evolved where families from separate clans met, tried to join together as a single separate tribe, and instead developed ethnic aversions to one another. Yet still they might have to make do (if there wasn't any place better to settle). So they would evolve legal institutions based on custom — but a custom born out of the relations between the separate clans. This system worked so well that it came to be used to form in each city political units from amongst many tribes' worth of "domesticated" non-noble clans (clans which had given up the hope of military revolt against the nobles). However, it depended on the lack of strong tribes other than the nobles themselves. So other tribal affiliations within the city were reduced to a minimum. The nobles encouraged as best they could customs and laws for the city which were biased against any rival tribal-sized groups. And adjudication of these laws would be kept from the hands of non-noble clansmen and placed in the hands of nobles.

Through most of the period since the rise of the walled cities (sometimes called the "Civilized" period), clans continued to thrive, despite the weakening of most tribal associations in the lands controlled by the cities (which always included a lot of farmland, not just the cities themselves). Tribal affiliations began to be associated in the minds of many with religious affiliations. The nobles came to see that they could not control the non-nobles except by allowing them a certain crippled form of tribal identity — domesticated tribes. Would-be rebel generals in suppressed clans learned that they could operate politically as members of a religious order. Peace was made with many priesthoods from many ethnicities by the nobles in each city. As long as the priests preached against political rebellion, they could attain considerable social prominence.

### **The Politicians: Leaders Without Noble Family Connections**

But clan-level family activity continued to thrive. In part this may have been because the nobles saw clan-level family as



more natural, seeing as they themselves stayed together as a tribe primarily in order to dominate the city. The nobles could also invigorate their own ranks by recruiting, as new noble families, clans without noble standing, from time to time. Eventually this happened to such an extent that leadership in many cities passed to a new class — the politicians. A politician might or might not be noble, despite the fact that hereditary wealth and influence was still a major factor in the politics of the community, but in any case his influence as a politician — that is, the influence of the class of politicians — began to exceed that of the non-politician nobles. Thus individual non-noble politicians could rule over individual noble non-politicians — eventually over individual noble politicians as well — perhaps over all nobles.

In some ways social mobility as politicians gave commoners tremendous opportunities for acquiring power. But such power had to be gained and held within the traditional order of the society. Hereditary power and wealth continued to wield considerable influence. Various institutional assaults were made against rival clans by the politician/noble tribes in association with the priestly tribes. Various programs of religious oppression were sometimes tried as well. Still rebellion was fostered from time to time against the political order by non-noble clans who would form criminal syndicates (thus rival tribes).

Over time the politicians learned how to deal with this in various ways. As powerful potential rivals were recognized, they were encouraged to form additional domesticated tribal associations beyond religion — but not beyond the law. Guilds of merchants, craftsmen, or professional associations were recognized, licensed, and sometimes subsidized by the state. A special domesticated tribe of bureaucrats was formed in many states to administer the details of the state below the highest policies controlled by the politicians. The notion of a corporation was conceived — an economic organization rivaling the clan or tribe in size, chartered by and answerable to the state rather than by ties of kinship, and able to operate in any field of activity. Individuals who joined these domesticated tribes were encouraged to involve themselves deeply in them, and to develop strong loyalties to them which would rival (and as often as possible push

aside) blood-kin loyalties. The politicians began to foster the notion that not only the tribe, but now also the clan, was undesirable. The politicians could not exactly outlaw clans. It wasn't practical. But they could do things to discourage behaviors which facilitate clan formation.

### **The Final Assault on the Family**

As more and more "self-made" politicians came to prominence without the aid of family connections, there arose amongst them a desire to eliminate the competition from all family-based power. Politicians began to draw support from the state's bureaucrats and from the members of the "domesticated" clans, especially the occupational groups and corporations (including "non-profit" corporate entities like universities). Eventually the noble families were driven from power in revolutions or via a slow erosion of their privileges. Families whose power derived from inherited wealth were subjected to increased taxation. Laws were instituted to discourage nepotism in the state's bureaucracy.

The notion of the "ideal family" mentioned above has been used primarily as a way to keep strong clans from forming. Clans (sometimes called "extended families") are portrayed as "old fashioned" compared to "modern family" patterns (sometimes called the "nuclear family"). In modern times various social forces were encouraged which would weaken all family connections, even between parents and small children. The most significant of these were implemented via the public school system. All citizens were taxed to support state schools, which conscripted any children whose parents chose not to, or simply could not, pay both these taxes and separate fees for private education. Within state schools children were encouraged to prepare themselves for work in a bureaucratic setting, one where their own family had little or no influence. Tax and regulatory advantages given to corporations and tax money given to state enterprises increased the numbers of such jobs greatly and increased the pay of those who worked in them. Meanwhile the increased tax burden required to fund these policies encouraged both parents in most "nuclear families" to work outside the home, giving parents less time and energy to supervise their children. The youngest children are sent to day care. Older children are recruited into sports teams

or the audiences for team sports where their tendency to form strong group loyalties is channeled towards state-assigned organizations. As adults, this training encourages individuals to view sports as the only appropriate way to vent a desire for group competitiveness until the state is ready to channel that energy into a war.

In modern industrial societies, the list of state-sponsored domesticated tribes has grown huge. Politicians have begun to see less need for religiously based tribalism and have begun to squeeze religious leaders out of the alliance at the top of the political hierarchy. In a counter-assault against the politicians, many religious leaders have begun to portray themselves as conservative defenders of "the family." But this can be as misleading as the politician's effort to divert individuals into state-supported pseudo-family relations. The emphasis on the married couple with children which religious leaders make tends to brush aside clan-sized blood affiliations. Instead, religious leaders want a structure wherein each nuclear family is associated with a clan-sized religious "congregation" which in turn is associated with a larger tribal-sized "denomination." No religious leader says that clans are bad, but they are quick to assert that loyalty to the traditions of the religious denomination should take precedence over loyalty to blood kin if a conflict between these two occurs. "Nuclear families" are not really the foundation of society in this model; they are just another example of a domesticated family unit. Basically, these "religious conservatives" are less concerned with building strong families than they are with building a political order to rival that of the politicians, based on religious social structures instead of state social structures. And they are not really opposed to statist dictates to individuals or to families. These religious leaders simply wish to reorganize the state so that it is dominated by their own institutions and so that the state is controlled by religiously affiliated politicians rather than the more general purpose politicians who currently dominate most industrial societies.

Thus concludes my discussion of the history of the family and of the influences on family structure which a free nation would not contain — the influences of a state. How would the removal of state influence make a difference?



## Families in a Free Nation

The emergence of a free nation will not simply be a matter of those believing in it choosing to create one. Technological and economic changes must, do and will continue to provide an environment increasingly suitable for stateless communities. We can see this coming since, worldwide, there is less and less the perception that one needs a military protector to keep from starving. And without the support of citizens who feel they must have military protection, it becomes harder for a state to instill the fear necessary to coerce support from everyone else. So voluntary associations, including family associations, will become more common.

It is likely that, in a free nation, some individuals would choose to form families modeled on the idealized nuclear family model currently promoted by politicians in many states. Others might adopt patterns very similar to those of hunter-gatherers. Still others will probably form new clan and tribal-sized family affiliations. We cannot predict just how this will come about. But we can observe how, in the absence of state coercion, many family patterns will appear more attractive than they do now.

Education was originally a very informal process, provided exclusively by the family. In most modern societies the state conscripts a majority of children into a government-run education system. In a free nation, more people would choose to provide their children with family-based education. The family may be organized as a nuclear family, but it might also be an extended family or clan. And if so, the clan might not be limited to blood kin, but might be based on ties of religion, residence, or occupational affiliation. Very closely associated clan-sized communities might even be organized simply to provide quality educational opportunities for the children.

Economic productivity has at many times and places been coordinated by families. Family farms, family businesses, and other traditional family occupations still play a reduced part in modern economies. It would be reasonable to expect more of these in a free nation. Clan-sized family businesses could become very common. Additionally, patterns of financial assistance between family members might become more common than they are in modern statist societies. Many immigrants,

especially Asians, with strong clan traditions find it possible to bootstrap themselves to prosperity in Western industrial economies by pooling their savings and investing these in family businesses. Yet Westerners rarely cooperate in this way, especially in low or middle income families, because their family ties are usually too weak to generate the trust required.

New technologies have increased the opportunities for individuals to prosper by conducting professional activities with business associates far away. Until very recently, individuals often needed to relocate their residences far from traditional family roots in order to pursue attractive careers. Now careers in virtual space allow business in the home. Persons wishing to keep in contact with blood kin or wishing to form new families with non-blood ties, can more readily reside with their choice of family members regardless of whom they do business with. For these persons, family businesses might not be appealing, but many family members might dwell within walking distance of one another. Clans based on common lifestyle reinforced by common residence might become popular in this way. The zoning of real estate by the state makes this impractical in most of the residential areas of modern industrial societies but a free nation could be quite different.

In addition to education and housing, clans might benefit from common purchasing for other goods and services. Consider, for instance, a group health plan for a very large family. Sheer numbers might get the group a better insurance rate. Additionally, various home care services could be arranged for more effectively. The care of all age groups would be enhanced by the fact that medical histories were common knowledge and by the fact that home care for incapacitated family members could be provided by having several of the other members take a little spare time each to help out. In modern nation-states laws often give groups with state-issued charters of incorporation favorable treatment which families could enjoy if allowed to negotiate fully voluntary arrangements with health care professionals and insurers.

Lifestyle issues will, of course, be much more open to individual choice in a nation where the state does not use taxes and regulations to favor one set of practices over another. We in America are all familiar with modern controversies over "alter-

native" marriage practices. But we must also consider as possibilities the many customs followed by human families since hunter-gatherer days. And as we do this we see that there will likely be a lot more innovations as new families emerge to meet the challenges of future times. If you're interested in stimulating your imagination on this point, just find a book on "kinship traditions" in the anthropology section of a good library. You'll see that, as I mentioned in the beginning of this essay, the list of possibilities is huge.

The point of a free nation, however, is exactly that — to make the whole list of what has been voluntarily chosen in the past as well as any voluntary arrangement conceived of in the future, available to each individual. Δ

*Phil Jacobson has been an activist and student of liberty in North Carolina since the early 1970s. For a living he sells used books, used CDs, and used video games.*

## Phil Joins Board (from p. 4)

Even though all FNF Members were invited to attend this meeting, and even though I advertised free homemade pizza as an inducement, the four Board members who attended were joined by only two others. Nonetheless these six showed altruism; they downed all of the three large pizzas.

As mentioned above this was a "regular" meeting as opposed to a "special" meeting of the Board. According to the Bylaws one of the differences between these two kinds of meetings is that for regular meetings Members of FNF are invited to attend and participate in the discussion, although Members do not vote. Another difference is that the most significant of actions, such as amending the Bylaws, can be performed only at regular meetings.

Phil Jacobson has also assumed the title of Editor of Web Publications.

Copies of the revised Bylaws, as approved on 20 November 1996, have been mailed to all FNF Members. Δ

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# Bourgeois Families in a Free Nation

by Roy Halliday

Despite the licentious connotations of the word *libertarian*, a free nation will not be characterized by widespread sexual experimentation and alternative life-styles. On the contrary, there are at least three reasons for believing that families in a free nation will be more traditional and less dysfunctional than modern American families:

(1) Those who choose to become the pioneers of the free nation will tend to be people who believe in relying on themselves and their families for support.

(2) Policies and programs of the governments in the USA and in other welfare states that undermine the traditional family will not exist in a free nation.

(3) The traditional bourgeois family works better than the alternative life-styles.

Before defending these propositions, let me describe the bourgeois family and give a brief history of it.

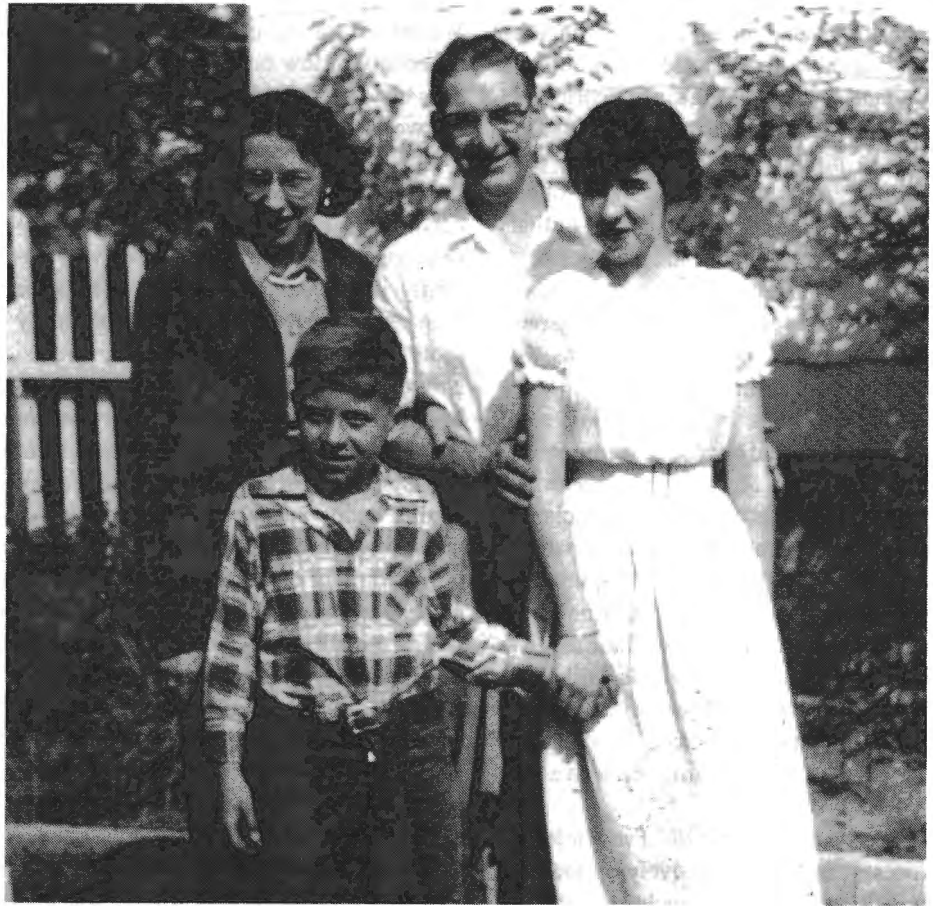
## The Bourgeois Family Ideal

The ideal bourgeois family (called middle class in the USA, Victorian in England, Biedermeier in Germany, and other names in other places) begins with the nuclear family: parents living together and sharing responsibility for their children and for each other. In addition to being a nuclear family, the bourgeois family has the following characteristics: an emphasis on high moral standards, especially in sexual matters; an enormous interest in the welfare of children, especially their proper education; the inculcation of values and attitudes conducive to economic success and personal responsibility; at least the appearance of religious faith; a devotion to the "finer things" in life, especially in the arts; a sense of obligation to redress or alleviate conditions perceived as morally offensive. [7]<sup>1</sup>

The ideal bourgeois father is a good provider for his family because he has the (historically, but not exclusively, Calvinist Protestant) virtues necessary for economic success in a free-market economy: frugality, enterprise, diligence, decency, common sense, abstinence, discipline, attention to

detail, reliability, politeness, respect, and fairness. [107] The ideal bourgeois mother is free from drudgery and is willing to be the companion and helpmate to her husband,

Bourgeois women took on a new role. They became the primary builders of bourgeois civilization. Bourgeois women, not their spouses, were the standard-bearers of



Roy Halliday (lower left) in 1954

the supervisor and facilitator of her children's development and education, and the arbiter of taste, culture, and all the finer things in life for the family. [102]

## A Brief History of the Bourgeois Family

The industrial revolution increased per capita income and allowed families to afford new interests and luxuries. Their homes became more attractive, and bourgeois families could now afford a new tenderness toward children, a greater interest in their development, and a prolongation of the period before children would have to go to work. Childhood as we now understand it was a luxury invented by the rising bourgeoisie of Europe. [92] The mortality rate for children fell dramatically from what was normal for most of human history and from what it is in underdeveloped countries today. [113] The adolescent was also invented as a social type in the industrial societies of the West in the 19th century.

the new consciousness, first of all within the home (where they were in charge), but then more and more in the public arena as well. Bourgeois women in England and America were the leaders and the foot soldiers of the various movements (for example, the Temperance movement) that sought to evangelize other classes with the blessings of the middle-class family. The Protestant clergy were an important ally in this mission. Families whose values and practices deviated from the bourgeois norms were seen as families with problems. [7] The origins of both social work and the welfare state lie in the missionary efforts by which the bourgeoisie sought to propagate its family ethos among the lower classes. [5] The bourgeoisie overstepped their legitimate boundaries by using the state to impose their values on others, for example, by establishing the public school system, by censorship of pornography, and by outlawing intoxicating liquors.

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Modernization put strains on the bourgeois family in the 20th century as more people moved to urban areas away from their old communities. Modern life became more mobile, city life became more anonymous and less constrained by what the neighbors might think, and relationships became subject to revision. [11] World War I, the Great Depression, and then World War II increased the size of government bureaucracies. Professional educators and experts in the new sciences of sociology and psychology began to take over more and more of the bourgeois mother's role in educating and socializing children.

The rise of the suburbs in America in the 1950s marked a brief family renaissance. [14] Adolescence became more prolonged as bourgeois parents overindulged their teenagers and failed to discipline them. Juvenile delinquency became a big social problem. Then the cultural movements of the 1960s brought new attacks on the bourgeois family. The feminist movement and other movements for equal opportunity and sexual liberation such as the gay and lesbian movements, the various cults of sensitivity and personal liberation (the "California syndrome"), the New Left (revised and rejuvenated Marxism), and the new counterculture (comprising psychedelic drugs, free love, and communes) all rejected and mocked the bourgeois values. [16] Meanwhile, the welfare state continued to grow and to take over more and more of the functions of the bourgeois family. In the USA, following the dictates of the Supreme Court, the government at all levels began to secularize public life at the same time as it was expanding the public domain and crowding out the private sphere. Regardless of the wishes of parents, moral relativism became the new dogma, and public school teachers began to preach to children that all life-styles and forms of cohabitation are equal. The public school system, which was originally designed to impose bourgeois values on the lower classes is now, ironically, being used to undermine those same values. The cultural elite has changed its mind about religious and family values, but it has not lost its missionary zeal to impose its values on the benighted lower classes. In another irony, it is now the moderate to low-income working class that has the strongest belief in the bourgeois family ideal.

As the various uplift programs wrought havoc on society, new programs were devised to deal with the unintended consequences of the previous programs. The financial costs of the welfare state, the Vietnam War, and the Cold War grew, and taxes were raised higher and higher. By the 1970s, the average wage earner could no longer afford to support a family at the old 1950s standard of living. More women, even mothers of small children, began to join the work force to pay the taxes so their families could maintain their middle-class standard of living.

In 1973, the Supreme Court barred states from prohibiting abortions in the first trimester of a pregnancy. A bloodbath of abortions followed, more than a million by 1975. This sparked a pro-life backlash, and, eventually, led to a more general pro-family movement. The predictable failures of the alternative life-styles and government programs became apparent as society suffered from rising divorce rates, single-parent households, working mothers with young children, illegitimacy, runaway children, teen-age pregnancy, teen-age drinking and drug addiction, teen-age crime and suicide, child abuse and spouse battering, learning disabilities, and old people living alone. [33] By the late 1970s, the pro-family forces were organized, and they began to mount a counterattack against the feminists, homosexuals, Marxists, pornographers, abortionists, and the so-called experts in the education and "helping" professions. This cultural war is still going on today, and people are still dividing into pro-traditional and pro-non-traditional camps. It even goes on within the libertarian movement as we divide into bourgeois paleolibertarians and anti-bourgeois neoliberalians.

#### **Families to Start a Free Nation**

Will the free nation be settled initially by traditional-style families or by free spirits? It is likely that the original pioneers of the free nation, like the pioneers in the American west, will include a high percentage of single men. As these men begin to prosper, the free nation will become a rich hunting ground for gold diggers and women seeking husbands until the ratio of men to women becomes more even. Although the free nation will initially be more accessible to childless adults than to families, it will be more accessible to traditional families than

to single-parent families, and it will appeal to people with pro-capitalist values rather than to communists or bohemians.

#### Self-Selection

Immigrants to a free nation will probably be similar to immigrants in the rest of the world: they will have strong family values and pro-work ethics. A free nation will attract hard-working, ambitious people who want to create a better life for themselves and their families. Immigrants like these are more desirable than the cultural elite.

"If one is concerned for the future of America, one might willingly exchange the entire membership of the American Sociological Association (or, for that matter, the combined faculties of all the Ivy League Universities) for the people who cross the Rio Grande in any given year. A parallel argument may be made about the 'guest workers' of Western Europe (though the decadence of the latter region may have reached a point where even the Turks and the Algerians will not be able to reverse the trend)." [136]

This self-selection process will result in a population in the free nation that has stronger family bonds and better work habits than the cultural elite that is ruining America.

#### Anti-Family Policies That Won't Exist

In the welfare states, social workers hired at taxpayer expense have taken over some of the functions traditionally carried out by the family, especially those related to education of children, care of the sick and handicapped, and care of the aged. In a free nation, the state will not perform these services, so other institutions will have to provide them. The bourgeois family is the prime candidate.

A free nation will not have laws and "social" programs that harm families. A free nation will not provide housing and financial support to replace fathers, and it will not provide free day-care facilities and public schools to replace mothers. Since there will be no welfare programs, there will be no anti-family welfare regulations to deter single mothers from marrying employed men. Women won't stand to lose their welfare checks by getting married, because they will have no welfare checks

to lose. Having children out of wedlock will quickly go out of fashion. The family will once again be responsible for taking care of young, old, sick, and handicapped people.

High taxes have made it more difficult for one wage-earner to support a family. More women have had to enter the work force. This puts strains on marriages and families. But in a free nation, there will be no taxes, and a family will again be able to live on one income. This might reduce the divorce rate even though divorces will be easier to obtain.

### **What Will Evolve in a Free Nation**

As time goes by, the family structure in a free nation will evolve into whatever is most natural and satisfying, because there will be no unnatural impediments. In a free nation, abortion will be legal, adoption will be easier, prostitution will be legal, and people will be free to try all voluntary alternatives to traditional marriage including same-sex marriage and polygamy. These options will tend to undermine traditional marriage, but I believe the bourgeois family will survive, because it is the fittest arrangement for raising children and caring for the aged and the handicapped.

### Abortion

Since 1972, there have been more than 28,000,000 abortions in the USA. Almost 25% of all pregnancies end in abortion.<sup>2</sup> Abortion today is primarily used for family planning (that is, to kill a baby that the mother doesn't want to be bothered with). Only 7% of all abortions are due to threatened life of the mother, health of the child, rape, or incest.<sup>3</sup>

Abortions will continue to be legal in a free nation. Whether more or fewer women will choose to have abortions, I cannot say. They will have to consider the medical costs of an abortion, because no tax money will be available. But they will also have to consider the medical costs of carrying a child through the full term and the cost of delivery, as well as the costs of supporting a child. This will tend to encourage abortion or marriage and to discourage sex out of wedlock. However, in a free nation, adoption will be a more attractive option than it is now.

### Adoption

The natural right to care for a child belongs to the mother. She earns it by carrying it in her womb for nine months

and giving birth through her labor. No one else has a comparable claim to or vested interest in her baby. If she is unable or unwilling to care for her baby, she can lease, sell, or give away her right. If the baby is healthy, the mother should have no trouble finding someone to care for it.

In a free nation with a substantial population, adoption agencies will be profitable businesses that will act as brokers between mothers who want to be free from childcare and people who want the opportunity to raise a family. The relative ease of adoption in a free nation will tend to ease the burden of pregnancy for unwed mothers and might even make it financially rewarding, which will tend to reduce their incentive to have abortions or to marry. On the other hand, easy adoption will allow infertile married couples who want to raise children to realize their dream, which will improve their chances of staying happily married.

### Legal Prostitution

A free nation will allow open competition, advertising, and consumer-group rating of brothels. This in turn will lead to greater safety and customer satisfaction. The easy availability of this service will help prevent men from negotiating poor marriage contracts out of desperation. Men will be able to approach marriage with almost as much cool deliberation as women.

Prostitution tends to discourage marriage, which is why "good" bourgeois women hate it so. However, prostitutes can provide an outlet for husbands who are not sexually satisfied with their wives, but who do not want to leave their families. Safe, legal prostitution allows husbands to realize the male fantasy of having sex with many different women without having to go through elaborate courtship rituals and without having to make long-term commitments. Using the services of professional women could become more socially acceptable than having affairs, because professional women are less of a threat to established families than women who are looking for a personal relationship.

### Alternative Family Structures

In a free nation, people will not have to get a license to have sexual relations, but they will be free to make contracts concerning sexual relations or living arrangements if they so choose. They will be free to try all sorts of voluntary alternatives to the tradi-

tional family. Two homosexuals could agree to form a partnership like a husband and wife. Two or more men could share the same wife, or two or more women could share the same husband. These and other experiments have been tried since the 1960s. Based on results achieved so far, the counterculture, the Israeli kibbutz, radical feminism, homosexuality, the youth culture, and professional childcare are poor substitutes for the bourgeois family.

### Counterculture

The counterculture of the 1960s never went very far. It remained parasitical on the modern technological society and, at best, was successful in revolutionizing the private lives of a relatively small number of people. The data collected about children who were raised on American communes in the counterculture is overwhelmingly negative: they were subjected to bizarre and frequently damaging experimentation, neglect, and instability in all the relationships significant to the child. They suffer from all sorts of physical and emotional deprivations. [158]

### Kibbutz

Children raised in an Israeli kibbutz grow up to be very sociable and conformist and well-adapted to communal living, but they find it hard to exist in any less-collectivistic situation such as the rest of Israeli society, outside of the kibbutz. [158] In contrast, children raised in bourgeois families "have fewer emotional and behavioral problems, do better in school, have higher rates of achievement, and move more easily from dependence to autonomy." [162]

### Feminism

Feminists are opposed to the bourgeois family because it assigns different roles to men and women and it places more responsibility for childcare on mothers than fathers. Radical feminists sometimes seem hostile to motherhood in general and to children in particular. They show more enthusiasm for abortions and for day-care centers than they do for childbirth and motherhood. Their agenda emphasizes preventing children from being born and, failing that, dumping children on day-care centers so that mothers can pursue their selfish programs of self-realization. [27]

The theory of justice that underlies libertarianism is fundamentally at odds with the



theory of equal opportunity that underlies feminism. As Susan Moller Okin points out in her book on justice, equal opportunity requires massive state intervention for "a high and uniform standard of education and the provision of equal social services — including health care, employment training, job opportunities, drug rehabilitation, and decent housing — for all who need them. In addition to redistributive taxation, only massive reallocations of resources from military to social services could make these things possible."<sup>4</sup> In her philosophy, the unequal division of labor between married couples in the bourgeois family is unjust. To libertarians, the idea of a voluntary division of labor being unjust is self-contradictory. Okin specifically attacks libertarianism and says, quite correctly, that it is "completely demolished" by the demand for equality.<sup>5</sup> Her argument is that we must eliminate the idea of gender, because it prevents women from having equal access to all of life's opportunities. This is true, but what about other sources of unequal opportunity such as ethnicity? Children raised by parents from different ethnic and religious traditions cannot have equal opportunities in life. So, logically, Okin should seek to abolish ethnicity and religion as well as gender. The problems posed by the goal of equal opportunity can only be solved by a totalitarian state that equalizes opportunity downward, restricting it to the lowest common level. Anyone who supports the idea of a free nation must first abandon all hope of equal opportunity, and anyone who believes in equal opportunity would not be attracted to a free nation. There will be so few anti-gender feminists in a free nation that they could not pose a serious threat to the bourgeois family.

### Homosexuality

Homosexuality is generally a condition rather than a choice. It is not an option for the majority of people who are naturally attracted to the opposite sex. In any case, it does not result in offspring, and it is not a threat to the bourgeois family.

### Youth Culture

Youth culture and gangs have risen in America (and to a lesser extent in other societies that imitate American culture) to try to fill the void where there is no bourgeois family structure.

"The youth culture has institutionalized a number of anti-bourgeois attitudes

and values: rebelliousness, hedonism, a fixation on the here and now, and all this in a strongly collectivistic/conformist mold (peers at this age level are, perhaps instinctively, a horde)."

"The empirical consequences of this are not difficult to discover: juvenile delinquency and (increasingly) serious crime, drugs and alcoholism, suicide, a frenetic preoccupation with sexuality, mental disorders, and the appeal of fanatical cults." [160]

"The much-heralded youth culture did not produce the new, liberated individual but, rather, a multitude of new pathologies and anxieties." [161]

In a free nation, laws historically passed by the bourgeoisie to protect women and children by treating them differently from men in the job market will not exist. There will be no truancy laws, minimum-wage laws, or child-labor laws to prevent children who are uninterested in formal education from working for wages and achieving independence. Parents, on the other hand, will have the authority to tell their children to obey the rules of the house or get out. The bourgeois family in a free nation will be more truly voluntary and will rely more on bonds of love and kinship than on laws. This will tend to reduce the acrimony between generations.

### Professional Childcare

The problem with the experts in the "helping" professions has been their lack of common sense. However, there is hope for them. Experts can learn, it just takes them longer.

"And perhaps surprisingly, our rational and experimentally inclined science of child psychology has rediscovered what human beings have taken for granted for many thousands of years: the overriding importance of love for the healthy development and even the sheer survival of children." [150]

"It seems that without the presence of caring adults an infant is much less likely even to physically survive, let alone develop emotionally." [152]

"The infant is 'bonded' with individual adults, in small numbers, and not with a large, anonymous collectivity." [153]

"By far, in most societies, it is parents who are in charge of the infant's care and socialization." [152]

"Parents are usually the best judges of what their child needs; only they, in most cases know the child fully and can appreciate the individualized needs of the child; by contrast, the knowledge of outsiders tends to be partial (derived, for instance, only from the child's behavior in school or in a psychologist's office) and abstract ('this type of child...')." [156]

"The child must be able to trust the love of adults who care for him — and he must also trust in the fact that they will continue to be around in the future. None of the available alternatives to the bourgeois family provide a basis for either kind of trust; for that reason alone, they are not viable alternatives." [153-154]

Professionally conducted childcare facilities commonly supply neither love nor stability. [153] A persistent feature of all such facilities is high personnel turnover.

"The necessary emotional bonding with one or two adults is either impossible (there simply isn't time for it) or (even worse emotionally) each attachment is soon followed by a painful loss." [155]

### Conclusion

The evangelical aspect of the bourgeois family is its least attractive characteristic, and it is a primary reason for opposition to the bourgeois ideal. The busy-body attitude of bourgeois women and Protestant ministers eventually led them to use the political means to intervene in other people's lives. However, in a free nation, this unfortunate aspect of bourgeois culture will not be so much of a problem, because you will be able to tell meddlers to mind their own business, and they will not have recourse to the political means to impose their values on you. In a free nation, cultural conservatives cannot use law to impose their essentially provincial morality on the entire society. Similarly, the left-liberal elite cannot use law to impose their secularism and egalitarianism on society, and radical feminists will not be able to force other people to pay for their abortions or to provide free day care to subsidize their career plans.

The bourgeois lifestyle will be modified

somewhat by the voluntary nature of relationships in the free nation. The bourgeoisie will be more tolerant in that they will have to abstain from violent methods of promoting their values. They will have to accommodate freedom of speech, freedom of choice, and self-ownership. So they could rail against pornography, but they could not censor it, except in their own homes. They could shun or denounce those who live deviant life-styles, but they could not physically restrain those whose deviance is nonaggressive. And they could denounce abortionists, prostitutes, and drug addicts, but they could not physically stop them from exercising ownership of their own bodies.

In a free nation, those of us with bourgeois family values will have to resist the urge to prevent child abuse by parents who are alcoholics, drug addicts, bohemians, Moslems, Christian Scientists, homosexuals, pornographers, communists, or any other nonbourgeois category. Unfortunately, some children will be abused, but in the long run there will be less child abuse than there is now.

In a free nation, we do not have to worry that child rearing by lesbians or pairs of homosexual maternal uncles will become the norm. As long as coercion is not used to favor one life-style over another, the bourgeois family structure will win out over all its competitors. Most people who are interested in raising children will choose the bourgeois life-style as their ideal. All we have to do is allow them the freedom to choose. The available evidence shows that, even in our decadent society, most people still believe in the bourgeois family ideal:

"Of adult Americans, 92 percent rate the family as their most important personal value (followed, in descending order by friendship, work, patriotism, and religion); 83 percent would welcome more emphasis on traditional family ties; 33 percent said they place more emphasis on family togetherness than their parents did, 55 percent the same amount, and only 12 percent less; 78 percent said they consider the family to be the most meaningful part of their life (as against only 9 percent making this claim for work). Also, while these data show the great majority of the individuals surveyed following very traditional patterns, both as an ideal and in actual practice, they were quite tolerant

of others following different patterns. This is an important finding, because it indicates that one should not interpret tolerance of deviant life-styles as a preference for them." [164]

"People continue to marry as frequently as they used to, and there has been no lessening of marriage by the divorced (giving continued credence to Dr. Johnson's famous dictum about marriage as the triumph of hope over experience)."

"Married people are much more likely to say that they are happy than single people."

"Women, contrary to feminist assumptions, are even happier than men when married .... in higher age brackets, married women stay about as happy as when they were younger, but single women express much less happiness, and single women over forty appear to be the least-happy group in the population. Curiously, it is marriage rather than parenthood that seems to be the crucial factor here: Married couples with children are not happier than those without." [163]

"... we would contend, the high divorce rates indicate the opposite of what conventional wisdom holds: People divorce in such numbers not because they are turned off marriage but, rather, because their expectations of marriage are so high that they will not settle for unsatisfactory approximations." [166]

The bourgeois family will survive in a free nation even though prostitution and other alternatives will be permitted, because, as much as men enjoy sex for its own sake and appreciate the skills of a professional, they also appreciate women who reserve themselves for love. Men as well as women want to experience a special intimacy, which they romantically think will last forever. And men as well as women can enjoy raising children. Women will continue to exploit these facts to their advantage no matter how unnatural monogamy may be for men and no matter how great the opportunities and inducements in the opposite direction become, because:

"...there is no viable alternative to the bourgeois family for the raising of children who will have a good chance of becoming

responsible and autonomous individuals, nor do we see alternative arrangements by which adults, from youth to old age, will be given a stable context for the affirmation of themselves and their values. The defense of the bourgeois family, therefore, is not an exercise in romantic nostalgia. It is something to be undertaken in defense of human happiness and human dignity in a difficult time." [167]

In summary, bourgeois families will thrive in a free nation because: (1) people with bourgeois values will migrate to a free nation in greater numbers than people with nonbourgeois values, (2) a free nation will not have government laws and programs that undermine the bourgeois family and subsidize alternatives, and (3) in open competition, people raised in bourgeois families will be happier and more successful than people raised by alternative institutions. Δ

#### Notes

<sup>1</sup> *The War over the Family: Capturing the Middle Ground* by Brigitte Berger and Peter Berger describes the ideal of the bourgeois family, the objections raised by critics of it, the alternatives to it, and, finally, why it will outlive all of its competitors. The subtitle refers to the fact that the authors defend a position somewhere to the right of the intellectual elite and the counterculture and somewhere to the left of the Moral Majority and the Christian Coalition. (The numbers enclosed in brackets refer to pages in this book where I either copied their words verbatim and used quotation marks, or I changed some of their words, but not their meaning, and did not use quotation marks.)

<sup>2</sup> William Bennett, *The Index of Leading Cultural Indicators*, p. 68.

<sup>3</sup> Aida Torres and Jacqueline Darroch Forrest, "Why Do Women Have Abortions?" *Family Planning Perspectives*, July/August 1988.

<sup>4</sup> Susan Moller Okin, *Justice, Gender, and the Family*, p. 16.

<sup>5</sup> *Ibid.*, p. 23.

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# The Definition of "Family" in a Free Society

by Gordon Neal Diem, D.A.

What is "family"? The definition of family depends on who answers the question.

## Social Scientists' Definition of Family

Anthropologists say a culture's biological and marital kinship rules and patterns of reciprocal obligations define family. Each culture defines who is biological and marital kin, and who is not kin, and defines the obligations kin have to one another. In one culture, kinship is based on the father's biological line; in another, kinship is based on the mother's biological line; in another, kinship is based on a combination of both the father's and mother's biological line, but kinship obligations may quickly end about the level of uncles, aunts and first cousins. American culture maintains a distinction between brothers, sisters and cousins, but some early African societies made no distinction between brothers, sisters and cousins and used a single word to designate these kin. The rules for kinship and marital family relationships are virtually unlimited.

Structure-functionalists say the patterns of reciprocal obligations among people and between structures of people and the greater society define family. The greater society has needs that must be met; in order to meet those needs, society creates subsets of people structured to help meet the needs of society. The family is one of those structures. The definition of "family" changes as the needs of the greater society change. When the greater society needs rapid population growth — after a time of war, for example — society's definition of family emphasizes heterosexual bonding, procreation and child rearing; but when the greater society is faced with over-population and the need to limit population growth, society's definition of family may be modified to include homosexual bonding and may be more supportive of childless couples.

Institutionalists define family as a "traditional," biological, procreative and child-rearing structure and emphasize the biological relationship among family mem-

bers. Interactionists, on the other hand, define family based on the voluntary assumption of family-related role behaviors. Institutionalists focus on the presence of a biological mother and father and biological

stage of development and unconscious needs in defining family. Social-psychologists focus on the self's need to belong and to achieve. The two separate approaches are similar since the individual's sense of



*Gordon Neal Diem (left)*

offspring to define family. Interactionists merely require the presence of persons assuming mother, father and child roles to define a group as a family. Interactionists would, for example, define a group of orphaned siblings living together without an adult presence as a family if one or more of the siblings took mother or father roles in the group. For interactionists, it is performance of family roles that is important, not the biological or marital relationship.

Situationalists focus on social, cultural and physical forces beyond the individual's control which compel individuals to assume family-related role behaviors. Family may be either a relatively permanent or temporary phenomenon. For example, in the midst of war, natural disaster, or even foreign travel, individual adults and/or children may be thrown together into temporary "family" structures with individuals in the group assuming family role behaviors, especially parental and sibling roles, as the group seeks to endure or survive an ordeal. Temporary "families" may also develop in orphanages boarding schools or military units. The American system of serial monogamy creates and dissolves temporary sequential families and step-families as the adults marry, divorce, and remarry.

Psychoanalysts focus on the individual's

attachment or estrangement is important in defining family. Thus, abused or estranged biological offspring may sever their psychological association with the family and effectively dissolve the family. Others, who are not biological kin, may consider themselves to be "family" and effectively create a family or join an existing family.

Developmentalists focus on physical growth and maturity and the imposition of societal definitions on individuals based on the individual's chronological age. Developmentalists would be reluctant, for example, to define an infant born to a nine-year-old child and the nine-year-old child who is its mother as a family, largely because the nine-year-old mother is not mature enough, or of sufficient chronological age, to be a proper parent. The anthropologist and the institutionalist, on the other hand, would probably define this pair as a family based on the biological kinship relationship.

Economists focus on production and consumption activities; the family is a production and consumption unit. Historical economists may define the household slave in an African or Arabian household or the indentured servant in an early-American household as part of the family since the slave or servant works and subsists as a

member of the family, living in the family household, eating at the family table and participating in family activities.

### **The State's Definition of Family**

The state tends to define family in structure-functional terms. From all the various alternative definitions of family, the state selects portions from each to create authoritative and legal definitions of family. The definitions of family are based on the needs of the state. Instead of creating one single all-encompassing definition of family, various governments, and various agencies of the various governments, each have slightly different needs and objectives, so each creates its own individual definition of family. It is the *state's* needs and objectives that determine the definition, not the society's, the individual's or the family's needs and objectives.

Since one of the state's historic functions is accounting for numbers of people (the census), the state needs to be informed on the whereabouts and living arrangements of all people under its jurisdiction. One way to maintain accountability is to license and register couplings, cohabitations and procreations. Only licensed and registered couplings create a "legitimate" family. To protect its definition of family, the state enacts laws against fornication and adultery, insuring only licensed and registered couples cohabit and copulate, and discourages "illegitimate" births. Zoning codes prevent two unlicensed people from cohabiting as a "family," prevent anyone other than a legally defined child or parent from cohabiting with a family, and prevent residential occupancy by non-traditional "families," including fraternities and sororities. These and a host of other government-enacted and government-enforced laws and regulations insure the state's ability to account for the physical location of people under its jurisdiction.

Throughout most of history, states sought to expand their populations by various means, including the procreation of its citizens. Marriage legalizes and legitimizes the offspring and creates a "family." In many nations, and in many American states, the failure to procreate is grounds for divorce or annulment of the marriage and dissolution of the family.

In state-enacted marital and divorce law, the economic obligations among family members insure that children and women

are prevented from becoming the financial responsibility of the state. Again, the needs of the state define family and family obligations.

### **The Definition of Family in a Conservative Free Society**

In a Conservative "free society," such as one envisioned by sociologist Robert Nisbet, with a severely reduced role for the state and an enhanced role for alternative social institutions — church, economy, educational system — the state's needs no longer prevail in the definition of family. Instead, the needs of the alternative social institutions are paramount.

Throughout history, the Church has been especially vocal and rigid in its definition of family. For example, the Church often refuses to recognize a coupling as a family if the couple is not married in Church, if one of the partners in the coupling had been in a previous coupling, or if one of the partners in the coupling does not adhere to the teachings and practices of the Church. Through its power to define family, the Church meets its own needs to insure member loyalty and continued submission to the teachings and practices of the Church.

The economic system also creates and applies its own definitions of family. For example, the economic system distinguishes between child labor in industrial production within the wage labor system and child labor for agricultural production on the family farm. The economic system markets goods and services produced by the economy to the family consumption unit and defines family with as few members as possible to discourage the sharing of goods and services within an extended family. The economic system also establishes a system of financial accountability so debts owed by one family member become an obligation on other family members.

In a Conservative free society, individuals and couples merely exchange the state's definitions of family for definitions imposed by other social institutions.

### **The Definition of Family in a Libertarian Free Society**

In a Libertarian "free society," with severely reduced roles for all social institutions, the needs and interests of the individual are paramount in defining family. Rather than being defined in structure-functional terms, family is defined in inter-

actional, situational, psychoanalytical and social-psychological terms. Persons define family for themselves.

In a post-authoritarian, post-institutional world, family is defined according to the needs of those who voluntarily consider themselves to be family. Bloodlines and marital ties give way to psychological attachment and reciprocal need satisfaction as the primary basis for the formation of a family and for insuring the long-term survival of the family. The needs and interests of the greater society — the state, Church, economy — give way to the needs and interests of the individuals who voluntarily create, or dissolve, families.

Family in a Libertarian free society is a voluntary union for the mutual personal gratification, mutual personal and group need fulfillment, and personal self-actualization. This voluntary union may be limited to two adults, or extended to include several adults; it may or may not include children, biological or otherwise. This voluntary union may have rigid boundaries, if that is what the members of the union desire, or may have relatively open permeable boundaries, with members entering or exiting the union at their will.

With family defined in interactional, situational, and psychological terms and each family of individuals free to define family for themselves, the variations in family are limitless. Even without institutional authorities to create, defend and enforce some common framework for the definition of family, and even with the number of competing definitions approaching the infinite, the concept of "family" will still have meaning.

Consider, for example, the concepts of "beauty," "sensuality," and "love." While government, artists, poets, the Church and other "authorities" may attempt to establish definitions for these concepts, they are defined, for the most part, by each individual according to each individual's unique criteria. "Beauty" is in the eye of the beholder; "love" is in the heart of the lover. Yet, there is a general response from all humanity to anything labeled "a thing of beauty," or to two persons who consider themselves to be "in love." The two persons are considered differently, treated differently, and responded to differently than

*(continued on page 42)*

# Beyond Patriarchy: A Libertarian Model of the Family

by Roderick T. Long

## The Family: Friend or Foe?

The family is one of the issues that divide liberals from conservatives. In general, conservatives tend to see private associations — the family, the church, the corporation — as bulwarks of freedom against the state. Few conservatives question the need for a powerful state apparatus, but they insist that it operate in the service of private associations rather than supplant them. Liberals, by contrast, are more likely to see these private associations themselves — family, church, corporation — as threats to autonomy, and to view state intervention as a guarantor of freedom against the oppressive tendencies of private associations. Few liberals seek to abolish such associations, but they do want to subordinate them to the state — just as conservatives want to subordinate the state to the private associations.

This dispute, like so many between the right and the left, is one that libertarians have to sit out. Libertarians agree with conservatives that the state is the chief threat to freedom, and that private associations must be protected from governmental interference. But libertarians are also sensitive to the potential for oppression in private associations, especially when these associations are the beneficiaries of government favoritism. The conservative approach of putting the state in the service of family, church, and corporation simply hands the reins of power to these institutions, which are no more to be trusted with such power than are governmental bureaucracies.

Conservatives see the family as the fundamental unit of society. But for libertarians the fundamental unit is the individual. Hence libertarians have traditionally been ambivalent about the family (as about its kin, the church and the corporation). The family, as a locus of influence and loyalty separate from the state, is certainly something that opponents of centralized power are eager to defend. But on the other hand, libertarians are keenly aware that the family has not always been a sphere of individual freedom, particularly for women and

children. How, then, should libertarians think about the family?

## The Origin of the Family

In biological terms, the family originates in the need to nurture offspring. The lowest animals often have no families, because



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they do not need them; they come into the world with a full adult repertoire of survival behavior genetically programmed into them. In many insect and fish species, the parent is either dead or long since absent by the time the young organism hatches. But the learning-to-instinct ratio is higher in more intelligent, more flexible species, and such species therefore need a longer period of childhood. In such species, one or both parents stay with the young until this vulnerable learning period has passed. This is the most primitive form of the family.

This first family is often ephemeral. In many animal species, the family unit dissolves as soon as the young are full-grown; from then on, offspring and former mates are treated in more or less the same way as any other member of one's species.

But the evolutionary process is resourceful. A trait that initially emerges to meet one need, may then be pressed into service to meet another. There are evolutionary advantages to maintaining a cooperative relationship among family members beyond the point needed to ensure the continuation of the species. And with the highest animals, not only biological evolution but cultural evolution can come into play (e.g., a cat

who is raised to regard mice as playmates rather than prey may in turn raise a whole generation of peacenik cats).

Among humans, the family still serves the original function of childrearing, but it has acquired a robust range of new functions as well, serving both the economic and the emotional needs of its members. The family has grown beyond its original biological basis, thus dramatically increasing the number of possible family structures.

A parallel can be made to language. Presumably, language first evolved in order to convey information vital for survival, such as "There's a sabretooth tiger behind that outcropping" or "Don't eat those, they're the mushrooms that made me sick before." And language still serves that function. But today language also serves a broad range of spiritual needs whose relation to physical survival is tenuous at best. To condemn (as many conservatives do) family relationships that are not for the purpose of childrearing is like condemning Shakespeare's *Hamlet* for not telling us where the sabretooth tiger is.

In his book *The Psychology of Romantic Love*, libertarian psychologist Nathaniel Branden traces the institution of marriage from primitive times to the present. In ancient times, he points out, it was expected that marriage would be based on economic and social considerations, not on love; the phenomenon of romantic love was regarded as an antisocial obsession, an unfortunate madness that people sometimes fell into. In the Middle Ages, marriage for love remained socially impracticable for most, but the literature of the time (in opposition to official Church doctrine) began to celebrate romantic love as one of the highest human experiences, and to portray marriage not based on love as an oppressive institution. But the mediæval romancers were not social revolutionaries; rather than conceiving of a fundamental change in the nature of marriage, they generally portrayed romantic love as glorious but adulterous and tragically doomed. It was the rise of industrial capitalism, Branden argues, that first gave women enough economic independence to postpone marriage, and this greater equality, he says, along with the capitalistic ethic of individualism, is what led to the expectation in present-day society that marriage will ordinarily center on romantic attach-



ment above everything else. To the extent that this change is a good thing, as I think it is, human beings have managed to make out of the sexual pair-bond something superior to what nature originally provided.

Unfortunately, the human intellectual and social skills that allow us to improve on nature, also allow us to do worse than nature. Historically, human families have often been oppressive and exploitative institutions, in a way that animal families do not seem to be. The purest example of this is the Roman family, in which the male head of household (the *paterfamilias*) was legally entitled to put his wife and children (even grown children) to death. This aspect of family relationships is called *patriarchy* ("father-rule"), signifying the subordination of wives to husbands and of children to parents. Those who defend patriarchy as "natural" often point to the animal kingdom as a model; but traditionally, parental authority and sexual inequality have been far more pronounced in human societies than in most animal societies. Recent political developments—springing in part from the libertarian urge to subordinate patriarchal authority to individual rights, and in part from the welfare-liberal urge to subordinate patriarchal authority to that of the state—have weakened the institution of patriarchy, but not eliminated it entirely. In her valuable book *Justice, Gender, and the Family*, Susan Okin points out some of the ways in which contemporary society still systematically reinforces patriarchal family structures.<sup>1</sup> How might families in a truly free society develop beyond this patriarchal paradigm?

### Family Structures as Voluntary

As mentioned above, human reliance on learning over instinct allows us to progress beyond the limitations of our genetic programming, thus increasing the number of family structures available to us. Kinship relations and procreative unions, while they will remain one important basis for family structures, are no longer the only such basis. Yet most human societies have laws mandating only certain sorts of family structure, and forbidding others. Conservatives argue that such laws are necessary if society is not to collapse; they see heterosexual monogamy as a prerequisite for a healthy culture, and thus as an institution deserving legal protection. Yet conservatives also see themselves as defenders of

the Western cultural tradition originating with the ancient Jews and Greeks, two groups whose commitment to heterosexuality (in the case of the Greeks) and monogamy (in the case of the Jews) is hardly notable; were their cultures defective?

A libertarian legal system would not grant special protection to certain types of family, but would allow any arrangement that was consensual and peaceful. Monogamy or polygamy; heterosexual or homosexual marriage;<sup>2</sup> extended families or nuclear families or single-parent families;<sup>3</sup> group marriages (sexual or nonsexual)—any of these relationships would be permitted. It is a mistake to suppose that there is just one kind of family structure that is right for everybody; and even if there were, it would be a mistake to think we could be justifiably confident that we had found it if we did not allow the discovery process of competition among alternative family structures to operate freely.

Another way in which libertarian society would differ is in the greater variety of marriage contracts that legal institutions would be willing to recognize and enforce. (I say "legal institutions" rather than "the state," to leave open the possibility of an anarchist society.) There would be some limits here, however; I have argued in previous articles that indentured-servitude contracts are not legitimate on libertarian principles, and the same reasoning would apply to contracts forbidding divorce. Many statist (originally on the right, but they are now being joined by voices on the left) argue that marriage laws should make divorce more difficult, primarily in order to "protect children." While this might have worked in the days when social mores were different, the result of such legislation if it were implemented today would be, not unhappy couples staying together, but unhappy couples separating without divorce, and moving in with new partners without remarrying. How this would make the children any better off is unclear. (Conservatives say we should try to encourage stable marriages by "restoring the stigma of illegitimacy." The notion that this would benefit the children involved is still more bizarre.) In any case, the parents as sovereign individuals have the right of free association and disassociation, and to force them to remain in a relationship with someone they no longer love is tyrannical. (I also think the idea that parents should stay in a

phony marriage for the sake of the children is immoral, a kind of sacrilege against marriage itself—though of course the parents have the right to make such a decision if they choose.) But, leaving aside no-exit contracts, libertarian legal institutions would respect a greater variety of marriage contracts. Couples who find themselves in a dispute not covered by their contract, or who do not have a contract, may be treated by the courts as if they had signed whatever the "default" contract is in the society—though they can always opt out of any of the provisions of the default contract by making an explicit contract to the contrary.

How would children and women fare, under a libertarian model of family? To this question I now turn.

### The Rights of Children

The libertarian ideal is one of independence. Yet we all come into the world as dependent beings, beings who must obey people who in turn must provide us with care. Such a situation seems contrary to libertarian values, yet it is one of the basic facts of our existence; how can libertarianism accommodate the fact of childhood? The parental right to make decisions for one's child is an exception to the libertarian principle that no one should make decisions for another; the parental duty to provide care for one's child is an exception to the libertarian principle that no one should be required to provide assistance to another. What justifies these exceptions?

One possible reply is that these exceptions are beneficial. Consider the toddler who starts to wander into traffic, until the parent swoops down and pulls the child back to safety. Hasn't the parent coerced the child, preventing it from doing what it wanted to do? It seems so. But if the parent hadn't intervened, the child might have been injured or killed; so it is in the interest of the toddler to be coerced.

No doubt it is; but can *this* be what justifies parental authority? After all, libertarians generally reject the paternalistic notion of coercing people in order to benefit them, and argue instead that people have the right to make their own mistakes. Why doesn't this apply to children? If we allow adults to engage in risky behavior like bungee jumping or mountain climbing or engaging in unprotected sex, why not allow toddlers to engage in risky behavior like walking into traffic or drinking Clorox?



Some libertarians have concluded that the anti-paternalist argument does indeed apply to children, and maintain that it is wrong to restrain children in any way as long as the children aren't hurting anybody else; such libertarians maintain that children should have full rights to sign contracts or have sex with adults. Reacting against this, other libertarians have gone to the opposite extreme, holding that children are their parents' property and that parents may do with them as they please. Most libertarians take an intermediate position, regarding parents neither as the equals nor the owners of their children, but rather as their *guardians*, entitled to make decisions for them and obligated to provide for their welfare. This is surely the commonsensical position; but does it constitute a departure from strict libertarianism?

I don't think so. In my view, what justifies paternalistic treatment of children is not simply that such treatment *benefits* children (it might benefit foolish adults as well), but rather that children lack the *capacity* to make rational decisions about their lives (whereas foolish adults may *have* that capacity even if they don't *use* it much). Consider the analogy of a person in a coma; we make medical decisions for such persons without their consent, because we assume they *would* consent if they were able to do so. If a person in a coma has left instructions not to use certain kinds of treatment, then most libertarians will agree that we should refrain from using them. So this is not a case of paternalistically overriding someone's will, but rather of acting as an *agent* for someone currently unable to exercise his will. We can also extend the analysis to cases where the capacity for rational decision-making is not completely blocked (as in the case of an unconscious person), but simply *diminished*, as with persons who are drugged or delirious or mentally impaired. I suggest that children may be considered as instances of diminished capacity; guardians act as agents for children, treating the children as they judge the children would consent to be treated if their faculties were fully developed. The standard that justifies paternalism is not benefit but counterfactual consent; the two are different because a person with fully developed faculties can still fail to use them and so make dumb decisions.

This helps to explain why the rights and responsibilities of guardianship go together

in the way that they do. Specifically, guardianship is a bundle of one right (the right to make decisions about what happens to the child) and one responsibility (the duty to care for the child's welfare). These come as a unit because *it is only when the decisions we make are those that the impaired person would consent to if unimpaired* (as far as we can determine) that we are justified in acting as an agent and substituting our judgment for his.

The fact that the guardian-ward relationship depends on diminished capacity has an important implication for children's rights. Diminished capacity is a matter of degree; a 13-year-old's capacity for rational decision-making is not as impaired as a 4-year-old's, which in turn is not as impaired as a newborn's. So it is unrealistic to have an absolute cut-off age, below which a child is completely under his guardian's authority (and unable to engage in any binding financial transactions, from buying a house to buying a pack of gum) and above which he is suddenly a fully responsible agent. The older a child is, the stronger the presumption becomes that a child's *expressed* will is an accurate reflection of the will he would have if unimpaired. So, for example, a teenager's desire to have an ear pierced has to be given more weight than a toddler's desire to have an ear pierced; and a rational capacity that is not up to giving informed consent in the case of purchasing a house may be quite up to the task of purchasing gum. These sorts of grey areas could probably be handled better by evolving court precedents than by statutory fiat.

I have said that the standard for how a child should be treated is not the child's *benefit*, but rather that to which the child would *consent* if its rational faculties were not impaired—a standard that will presumably track fairly closely with the child's welfare, but will not match it entirely, especially as the child grows older. (For example, we may think little Nemo would be better off as a stockbroker than as a sidewalk artist, but if all the evidence suggests that Nemo is overwhelmingly likely to choose sidewalk art as his career when he is an adult, then we are not justified in forcing him to go to stockbrokers' camp, if there is such a thing.) But of course, what the child is likely to consent to retroactively, as an adult, is to a large extent (though not completely) *determined* by decisions made by the parents in early childhood. In other

words, if you were raised a Muslim you will probably look back later and say, "I'm glad I was raised a Muslim"; but if you were not raised a Muslim, then you'll probably be glad you weren't. In cases where the child's likely future preferences are being shaped by present treatment, how do we then turn around and use those likely future preferences as a standard by which to evaluate that present treatment?

This is a difficult case. On the one hand, libertarians generally want to say that the parent is in a better position than anyone else to decide, e.g., which religion a child should be raised in, and this is a matter in which outsiders representing the child's interests should not interfere, even if we think being raised in one religion is objectively better for the child than being raised in another. On the other hand, when it comes to abusive procedures like female genital mutilation (popularly known by the euphemism "female circumcision," falsely conveying the impression of being comparable in seriousness to male circumcision), we generally think parents do not have the right to do this, even though women who have had this procedure done when young will usually endorse it in retrospect when they are grown, because they have been inculcated with the relevant cultural attitudes and values. (Cases like Christian Scientists and Jehovah's Witnesses denying their children medical care seem to come somewhere in between.)<sup>4</sup> Neither the benefit standard nor the counterfactual-consent standard gives precisely the answers we want in such cases, which suggests that I may need to do more tinkering with my theory and somehow incorporate aspects of the benefit standard into the counterfactual-consent standard, without doing so in such a way as to justify a like paternalism toward adults. I haven't fully figured out how to do this, but perhaps something along the following lines would work: when we consider the child's likely future preferences, those preferences include both a *generic* preference for being benefited, and a (possibly mistaken) *specific* preference for particular treatment regarded as beneficial. Since these preferences are non-actual, we cannot treat one as more expressive of the child's will than another (whereas once the child is grown and *acts* on the latter preference, that does give it priority over the former one). So the guardian is obligated to *balance* the generic de-

sire to be benefited (which requires the guardian to provide what is actually beneficial) with the specific desire for whatever the child is likely to regard, in the future, as having been beneficial. So the more harmful a particular treatment actually is, the more weight the case for abstaining from that treatment has against the contrary weight that the child will end up endorsing it when grown.

How are guardianships acquired? Presumably in the same way as other property rights: by homesteading or transfer. The simplest way to homestead a guardianship would be finding an abandoned infant and undertaking to provide care for it. Another way to homestead guardianship of a child is to give birth to the child; the mother starts out as the child's guardian, a position to which no one else (not even the father) can have a claim unless the mother grants it. (I do not think an expectant mother could grant guardianship rights in advance, by contract, for the same reason one cannot sell one's blood *before* it has been removed from one's body; one cannot alienate a possession that is still incorporated into oneself.)<sup>5</sup> One can also obtain a guardianship by gift or sale from someone else who relinquishes it (i.e., adoption).

The fact that what is owned is *guardianship* over a child, rather than simply the child itself, places restrictions on how one can get rid of a guardianship. As long as one has the guardianship, one is required to use it in ways consistent with the child's welfare, and so (since renouncing guardianship is itself an exercise of guardianship) one cannot renounce guardianship by throwing the baby in a trash bin or selling it to someone you know plans to cook and eat it. By analogy, if you rescue a comatose patient from a hospital fire, you cannot renounce your guardianship duties by dumping your patient in a river, but must convey the patient to another hospital.

### The Status of Women

Libertarians have an uneasy relationship with feminism. Many endorse Christina Sommers' distinction between "liberal feminism" and "gender feminism." Liberal feminists, Sommers says, are concerned with legal equality, i.e., with ensuring that men and women have the same rights before the law, while gender feminists go beyond this and assert that sexual inequality pervades every aspect of soci-

ety, and that a mere equality before the law is insufficient to redress this problem. Sommers' distinction, and her preference for liberal feminism over gender feminism, is shared by many in the libertarian community.

Libertarian feminist Wendy McElroy offers a more subtle analysis<sup>6</sup> in the introduction to her book *Freedom, Feminism, and the State*. There she distinguishes not two but three kinds of feminism. First there is "mainstream feminism," which simply seeks to include women equally with men in whatever the existing legal status quo is. If there are male Senators, there should also be female Senators; if males can be drafted into the army or compulsory labor camps, so should females; and so on. This position is contrasted with what McElroy calls "radical feminism," which sees sexual equality as a symptom of a deeper inequality that pervades society as a whole and is inherent in the status quo (so that mere inclusion in the status quo won't do). There are, says McElroy, two kinds of radical feminism: "socialist feminism," which sees *socio-economic* inequality as the culprit, and *individualist* (i.e., libertarian) feminism, which regards the problem as stemming from *political* inequality (where by "political inequality" McElroy means any coercive subordination of one person to another person's will — statism being the paradigm case of political inequality).

McElroy's distinction is better than Sommers', because Sommers would lump mainstream feminists and individualist feminists together into the single camp of liberal feminism, ignoring the important differences between them. But even McElroy's distinction, it seems to me, does not go far enough. McElroy seems to believe that it is un-libertarian to care about socioeconomic differences between men and women, *except* to the extent that those differences are the result of coercive state action. Now it is true that libertarian feminists should avoid seeking *governmental solutions* to such inequalities, but that is not to say they should not regard such inequalities as undesirable, and in need of *some* sort of (non-governmental) solution. Surely the so-called "gender feminists" are right to point out that undesirable sexual inequalities are extremely pervasive in our society.

As Susan Okin points out in the book I mentioned above, most political theories

(and this is certainly true of libertarianism) tend to assume as their subject-matter a mature agent who has been raised by someone else's labor, usually female labor. The employment conditions in our society (working hours, structure of leaves and benefits, etc.) also seem to be designed with the assumption that the worker has a wife at home, even when the worker is female. Women still do the majority of unpaid household labor, even when they are working, and tend to put their husbands' careers ahead of their own; as a result, if the marriage breaks up it is the man, not the woman, who is best prepared to prosper on the job market.<sup>7</sup> Okin argues that this fact gives the husband disproportionate power in the relationship, since he has less to lose by exiting. (Okin also points out ways in which existing marriage laws exacerbate this situation; her chapter "Vulnerability by Marriage" is one that libertarian judges and legislators might well read with profit.) In addition, Okin emphasizes that the family is the first school of morality, that is, it is the first context in which people learn about appropriate interpersonal behavior, and if the family is characterized by one-sided exploitative relationships, it will not produce the sort of citizens who can be relied upon to maintain a just society.

I think Okin's concerns are important ones. Okin's own solutions, of course, are coercive and statist in nature; but we need not dismiss her account of the problems simply because we doubt both the morality and the utility of her solutions.

A libertarian society would not automatically solve all the problems Okin mentions; cultural biases can survive even without governmental support. However, the absence of such support does weaken the effectiveness of those biases, thus making it *easier* to combat them through voluntary means, if only we undertake to do so. In particular, the explosion of prosperity that a libertarian society would see, would go a long way toward providing women with an economic safety net more effective than any government welfare program. (One possibility is that women could form mutual-support networks of a kind that today's governmental regulations would render impossible.) And I have discussed in previous articles why competition would tend to undermine the impact of sexist bias in the marketplace.

I want to close by saying a bit about the

issue of spousal abuse, one of the ugliest remnants of patriarchy in the modern family. How should a libertarian legal system handle this problem? Today, our predominantly male (and often macho-oriented) police force is well-known for not being particularly helpful at addressing this question. Tracy Chapman's song "Behind the Wall" (from the album *Tracy Chapman*) expresses a familiar complaint:

*Last night I heard the screaming  
loud voices behind the wall  
another sleepless night for me  
it won't do no good to call  
the police always come late  
if they come at all*

*and when they arrive  
they say they can't interfere  
with domestic affairs  
between a man and his wife  
and as they walk out the door  
the tears well up in her eyes*

*last night I heard the screaming  
then a silence that chilled my soul  
I prayed that I was dreaming  
when I saw the ambulance in the road*

*and the policeman said  
I'm here to keep the peace  
will the crowd disperse  
I think we all could use some sleep*

Could the fact that current police forces enjoy a coercive monopoly on the provision of security within their respective territories have anything to do with this situation? Imagine a scenario in which different kinds of police agencies, specializing in different kinds of problem, could compete on the open market. A feminist police agency (perhaps a mutual-support network, perhaps a fee-for-service business, perhaps a nonprofit organization depending on charitable contributions, perhaps some combination of the above) would most likely be far more sensitive and responsive to issues of spousal abuse than are present-day police agencies. A wife batterer might have to contend with three feminists armed with Uzis showing up on his doorstep to investigate. (In this connection, remember that gun control (which would not exist in a free nation) is one of the most effective tools of patriarchy, since it favors those with greater physical strength;

widespread gun ownership and training undermine female vulnerability to male violence by compensating for average strength differences between men and women.)

A related issue is that of self-defense against spousal abuse. In a number of recent cases, a woman has killed or maimed her abusive husband because she feared a continuation of abuse, even though he was not abusing her at the precise moment she attacked him. Our legal system tends to treat these women as criminals, on the grounds that violent self-defense is justified only when the threat is *immediate* (except when it's government that is doing the defending, at which point the criteria for justifiable pre-emptive violence seem to become extremely lax). The argument is that an abused woman should flee the home rather than staying and assaulting her abuser. But why should she have to leave *her own home*, simply because it is also the abuser's home? Even our degraded legal system generally recognizes that one has no duty to retreat from an attacker when one is in one's own home. If you are the victim of a persistent pattern of severe rights-violations, a pattern you have every reason to expect will continue, and if external authorities offer no reliable protection, it seems to me that you are justified in undertaking your own defense, and that a libertarian court should recognize this. A competitive legal system would allow women's perspectives a greater voice in deciding the treatment of such cases than is possible under our monopolistic system.

### **Beyond Patriarchy**

Conservatives are right: the family is an institution of paramount value and importance, both in its own right and as a bulwark against the encroachments of the state. Liberals are also right: the family has often served as a sphere of oppression and exploitation, thanks to the tradition of *patriarchy*, in which women are unjustly subordinated to men, and children are unjustly subordinated to parents. The proper libertarian response to both concerns is to see how, consistent with our anti-interventionist principles, we can foster a family structure free of patriarchal influence.

In the case of parents and children, this means recognizing that in deciding how to treat their children, parents must attempt to track not just the child's *welfare* but also what

the child is likely (once mature) to *prefer*; since a child's expressed preferences become a more and more accurate guide to its mature preferences as time passes, this means that parents have less and less justification, as their child grows older, for imposing on it their own conceptions of benefit when these clash with the child's. This model of the parent-child relationship is thus anti-patriarchal, in that it gives children a greater right to a say in their own treatment than the benefit standard does, while at the same time recognizing enough distance between expressed and mature preferences to avoid the extreme consequences of "kid lib."

In the case of husbands and wives, going beyond patriarchy means seeking to foster both a work environment and a home environment that do not systematically disadvantage women in relation to men. In the economic sphere, this involves removing regulatory barriers to competition, thus giving employees generally, including women, more clout in the job market, thus putting them in a better position to negotiate for higher pay, parental leave, and the like (which the employers, also benefiting from the economic boom that freedom would bring, would be in a better position to provide). In the legal sphere, it involves abolishing laws that discriminate against women, and more importantly, opening up the services of adjudication and enforcement to competition so that the concerns of women could be more adequately represented. And in the cultural sphere, it involves inculcating an attitude of reciprocity and mutual respect.

Some libertarians may say that we don't need this last aspect: if there is any serious problem, the market will take care of it, so we don't need to do any cultivating. I think this attitude is a mistake, and tends to encourage discriminatory attitudes (if the market hasn't taken care of it, then it must not be a serious problem; e.g., if women aren't making as much money as men on the market, it must be their own fault). Libertarians are often reluctant to recognize entrenched power structures when they don't come attached to governmental offices; but we should always remember that power and tyranny are older than the state. Indeed, Herbert Spencer intriguingly suggests (in his *Principles of Sociology*) that

*(continued on page 33)*

# Family Values? Let's Stop Playing Politics!

by Ben Mettes

This article first appeared in the February 1997 issue of *Optionality*.

## The Decline of the Family

Let's face it, the family has been defeated a long time ago. Conceptually, it was the Government that defeated the family. The event can be pinpointed to a theoretical moment in history that a man arose and declared himself King of the country . . . and got away with it! Yes, people crowned their King and in the process placed their loyalty to the country above their loyalty to their family in a move that was hard to reverse. The family and the Government are conceptually incompatible. At first, the Government managed to grab power by portraying itself as a kind of parent-of-the-people with a family-orientation (as in monarchy), but over time this family cloak was shed off and the Government showed its real face of a bureaucratic system that rules for the sake of power alone.

From the moment the Government emerged, all talk about family values became a political discussion about how people were supposed to behave in the country. Relations between people were no longer determined by the family one was born in, but by politics.

Politics have changed much over the many years since the Government first established itself as a system to rule over a country. As a general trend, individual people have received more say, which has led to a further decrease in importance of the family and the associated traditions and hierarchies. Concepts such as parenthood and marriage have become meaningless in many respects.

Of course, some politicians try to exploit family values for political gain, promising to restore family values, etc. But generally, such politicians are quickly exposed as hypocrites. In the end, politicians are politicians and they will place the political process above more autonomy for families. From time to time, an appeal for family values may attract the populist vote, but in the grander scheme of things family values are a lost cause in politics.

## What Is Family?

Ever since the Government took away

the family's autonomy, family values have been in decline, but there is more behind this than the Government's grab for power. The family as an institution is losing its relevance in line with long-term trends caused by the drive for people to operate more efficiently, by technological progress, by greater awareness and by increased personal freedom.

Today, anyone with a bit of money can go to a donor bank and select both sperm and eggs, that are typically classified in terms of the academic achievements, health history and ethnic background of the donor. After IVF of the donor eggs with the donor sperm, selected fertilized eggs can be implanted in a surrogate woman, who gets paid to carry the child(ren) until birth. Further selection can take place in the womb by selective abortion, so that the persons who ordered the children end up with the children of the preferred gender, health, hair color, etc. In the delivery room, the proud new legal parents then pay the bills and happily walk away with the children of their choice. Such a child may not recognize its biological parents (including the woman who carried the child), if they happen to pass each other in the street later in life. The child may only have one legal parent, which can be a different person from all the above. The child may have only casual contact with this sole parent and may even regard the nanny as the most familiar person. So what is family?

This may be an exceptional, fabricated case, but it shows that many concepts that were traditionally lumped together into what was called family, can technically be separated. Biotechnological progress can only advance this process even further. Medical scientists are now working on artificial wombs that can hold multiple children for the first three months after their conception. Babies can be delivered by Caesarean many months before their "due date." Egg and sperm cells can be selected and modified in all kinds of ways.

## Living Together

Technically, family as a concept is losing its relevance and this can also be recognized in the way people live together. Traditionally, people were part of an extended family that included many grandparents, uncles, aunts, nieces, as well as animals such as dogs, cats and cattle. The family stayed together, even if they moved from one geographic area to another. Women were mostly

occupied with raising their many children, cleaning, preparing meals, etc. Families wanted as many children as possible, preferably males. Male family members tended to specialize in the same kind of activities. One's identity, wealth and future were pretty much determined by the family one was born in.

Today, fertility rates have dipped well under 2 children per woman in Australia, which is still high compared to places like Japan, Hong Kong and Italy. The median age of mothers in Australia is over 29 years. Women have typically had a long education and career before they decide to have children. People also live longer these days. In Australia, life expectancy is over 75 years for males and over 80 for females. Such trends contribute to the fact that the period of people's life during which they live with their children decreases proportionally.

As families are smaller and people spend a smaller part of their life living together with their children, the family as a concept decreases in importance. Associated concepts, such as parenthood and marriage, also lose their relevance. More couples in Australia now live on their own, i.e., without dependants, than with children or other dependants. There has been a huge increase in sole parents over the past decades. A quarter of all babies are now born outside marriages in Australia, while statistics for many European and US cities show even higher proportions. Half of all marriages break up. Of those couples who are married, more than half have lived together before getting married.

Most people aged 15 and over in Australia have changed their address at least once in the past five years. As a general trend, people have become more mobile; the vast majority of people like to live together, but less and less in the traditional family configuration.

## The End of Politics

The trends towards greater personal freedom are clear, but politics can only accommodate such trends to a certain extent. Even multi-party democracy remains a coercive system that not only forces a minority of dissidents to walk in line, but that infects all relations between people with coercive values.

So, what future should we look forward to? Clearly, believers in a free nation do



not want to go back to tribal times in which family values prevailed. After all, believers in a free nation, or in any nation for that matter, will tend to put their loyalty to their nation ahead of their loyalty to their family. It is hard to serve two masters. The case is similar to politicians who claim to advocate family values, but on the other hand aspire to become Parliamentarians with the power to overrule parental authority. Family values and a free nation can hardly go together. A free nation that claims to promote family values, incorporates a fair amount of hypocrisy.

So, let's stop playing politics, because that is the game of the Government. Let's not pretend to design a superior political framework and above all, let's not pretend to defend family values. Any political system has shortcomings and restoring family authority can only bring us back to dictatorship. Instead of promoting politics to organize relations between people, it is better to move away from the idea of any centralized and overall planning. It is better to base relations on voluntary agreement and the pursuit of mutual benefits.

This may sound utopian, it may sound like you have heard it all before, like all the visions of love, peace and understanding that have come and gone. The difference is that until now such visions generally lacked a consistent perspective. Generally, they were not visions of the future, but they were political games. They were part of politics because they did not reject the Government. They were part of politics, because they borrowed old-fashioned perspectives that only turned out to endorse the position of the Government. A complete picture requires a perspective that also looks forward into the future. A vision of the future should not look back into history for guidance. To see the complete picture, what better perspective can one take than optionality? Δ

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## Beyond Patriarchy (from p. 31)

the subordination of women by men is the initial form of oppression from which all later ones grew, including the state. We should also remember, when we say "the market will take care of it," that *we are the market*, that its successful operation depends on the alertness of Kirznerian entrepreneurs, and that we who have noticed a problem are in the best position to fill that entrepreneurial role. Stressing the Hayekian strand within Austrian socioeconomic thought at the expense of the Kirznerian strand can lead to excessive passivity in the face of the omniscient, omnipotent forces of history. Δ

### Notes

1 Susan Moller Okin, *Justice, Gender, and the Family* (New York: Basic Books, 1989). This book has gotten something of a bad press among libertarians, first because of its bizarre attack on libertarianism, and second because of Okin's own rather socialistic policy proposals. It is true that Okin tends to misunderstand and misrepresent the positions of her opponents, and her chapter on libertarianism is particularly egregious in this regard; it is also true that her policy proposals would be a statist nightmare if enacted. Nevertheless, I think there is a great deal of value in her book that libertarians need to consider carefully.

2 The argument is sometimes made that even if homosexual relationships should be permitted, they should not be called "marriage," because marriage has historically been a relationship between men and women. But by that logic, contemporary heterosexual relationships should not count as marriages either. After all, marriage has historically involved the wife's legal absorption into and subordination to her husband, so one could argue that no relationship between equals should be considered a marriage. (In fact, this is exactly what many 19th-century "free love" advocates did; the free-love movement's antagonism toward marriage was not (in most cases) an endorsement of promiscuity, but rather a hostility to what they saw as an inherently one-sided and exploitative relationship.) But I think this would be a mistake; the nature of marriage is not inherently determined by the particular form it takes in a given society. Marriage and the family are historical phenomena, and cannot be defined in separation from the way they develop over time.

3 Single-parent families are currently under attack from conservatives, who cite statistics showing that children from two-parent homes tend to do better than those from one-parent homes. One question that is seldom asked is how much of this difference derives from an inherent advantage of two parents over one, and how much instead from the economic hardship and reduced parent-child time that a (politically

manufactured) low-wage economy imposes on single-parent families?

4 Actually, the two cases are somewhat different. As I understand it, Jehovah's Witnesses simply refuse certain kinds of medical treatments on religious grounds, without offering alternative treatment, arguing that the child is better off dead than alive but damned. Christian Scientists, by contrast, treat their children by means of spiritual healing, a method that has an impressive success rate but many unexplained failures, just as mainstream medicine has an impressive success rate but many unexplained failures; so disputes over Christian Science treatment for children have more to do with the medical profession's claiming a government-sanctioned monopoly in the field of health care than with issues of child neglect and so forth.

5 This raises the complicated issue of surrogacy contracts. One side wants to enforce them, the other side to forbid them. As I see it, the correct position is that specific performance should not be enforceable (because an expectant mother cannot alienate guardianship rights while the child is still in her body), but money damages should be enforceable.

6 At least, she once did. In more recent writings, however, she unfortunately seems to have adopted Sommers' terminology.

7 Okin cites statistics showing that after divorce, the average man's economic position improves while the average woman's declines. Since she wrote her book, the particular study on which she relied has been discredited; but this shows only that the post-divorce difference is *less extreme* than Okin supposed, not that it is insignificant.

*Roderick Long was raised by a widowed mother, but despite being the product of a single-parent family, has not yet been arrested for burglary or assault.*

## Group to Study Writing of Ronald Coase

by Rich Hammer

Our local book reading and discussion group will next study *The Firm, the Market, and the Law*, by R.H. Coase. We will meet in my living room on two Tuesday evenings, April 22 and May 6. The meetings, which are free and open to all, begin at 7:30 PM. We will cover chapters 1-4 in the first meeting, and the remainder of the book in the second.

I want to study this work because I understand that Coase raises provocative questions, the answers to which may inform our desire to design institutions which can secure liberty. In chapter 2, "The

(continued on page 34)

# Grading System for New Country Projects

by Richard O. Hammer

Again and again we in FNF hear of schemes to start new little countries. We need a way to sort them out.

Thus far we have refrained, usually, from publishing our judgments of projects. We do not want to seem either too enthusiastic or too critical. Since we want to build the credibility of the free nation movement, we do not want to praise a project which later crashes. On the other hand, since we need all the allies we can get, we do not want to criticize ongoing projects. These projects may yield future collaborators, after a crash which usually seems, to us in FNF, foredoomed.

But because of the increased frequency with which we hear of these projects, and because our supporters look to us for reports upon these projects, it may help to develop and publish a standard for use in future evaluations of projects which come to our attention. Attached you will find a grading system which I propose, modeled on the idea of a report card.

The report card lists 25 requirements which may be graded. These show what I consider most important for a new country project. But I may be overlooking something, so I will appreciate feedback.

As I imagine a new country coming into being, each of these requirements must have a passing grade, D or better. The grade of F in any of the requirements would express to me the opinion that the whole project must fail unless this weakness is remedied. Sometimes of course NA (not applicable) might be assigned, since some of these requirements may not apply to some projects.

The report card also offers space for comments, in which the reviewer might communicate information which cannot be summarized in letter grades.

## Another Consideration: Visibility

My grading system may not sufficiently capture the impact of visibility. A highly publicized project might stir the souls of people everywhere, and might therefore provoke hostile reactions from governments. But we should be aware that a whole class of new country projects might pass largely ignored by the mainstream media.

On a tiny scale, for instance, private

citizens sometimes purchase autonomy in their homes and businesses by paying bribes to government police. On a larger scale a deal might be struck between an industrial corporation and a government for limited relief from the laws of the government in a zone which the corporation promises to police to some other standard. I assume this happens all the time.

Probably these examples show the existence of a grey zone in size and visibility. New country projects — as I usually imagine them — fall at the very-visible end of that grey zone. But I believe this is not necessary; the evaluator of a new country project should consider this dimension. △

## Feedback on "Report Card"

by Spencer H. MacCallum

Dear Rich,

Received your "Report Card for a New Country Project." To think of FNF in a judgmental role is uncomfortable to me. Isn't it beside the point whether you or I "respect" anybody's new-country efforts? Are we playing the role of God?

However, it's important that someone document all new-country attempts, and this would seem a proper role for FNF, whether it publishes the information or just makes it available to members on request. The latter might be the best, since the promoters of some projects want to maintain a low profile. To routinely publish such information could make it difficult or impossible for FNF to learn about or track certain projects because of the sensitivity of the information. In fact, the more substantial the project — I'm thinking here of (eventually) national corporations — the less likely the backers would want the information to be publicized, particularly in the formative stages. However, it would reflect credit on FNF if it were able to announce in its literature that one of its services to its members, offered on a confidential basis, is access to a data base on past and present new-country efforts.

It would be entirely appropriate to write one or more brief paragraphs after selected entries. The intent of these paragraphs would be to inform, like an annotated bibliography. The writer of the paragraphs would follow, as a guide, the schedule of points you've developed. These paragraphs would,

of course, include some evaluation — and in order to be most useful they should — but such annotation wouldn't come across as school-teacher-who-knows best grading a child.

Such a data base would fulfill a need. Picture the network of contacts that exists for any given project — potential financial backers for this type of thing, leads to technical, managerial, and other expertise, etc., not to mention the always present possibility of learning from other people's mistakes. Also, people who have weathered failed projects can be a mine of specific information not readily obtainable from standard sources — information about cultural, political, geographic factors — that might be invaluable to future projects. And so on.

Spencer

Spencer Heath MacCallum  
sm@look.net

## Reading Group (from p. 33)

Nature of the Firm," which was first published as a paper in 1937, Coase poses the question: Why do people form firms?

Why does not everyone act, in all their interactions, as a contractor, negotiating the terms of each task one by one, as the tasks arise? Coase points to transactions costs which, as I understand classical economics, had always been assumed to be zero. But this assumption seems to throw out the baby with the bath water. We can explain the existence of firms only if we assume something else.

Since we in FNF aspire to design constitutions which inhibit the growth of government, I believe we need to be asking: Why do people form nations? I suspect an answer to this question will parallel, in important ways, the answer to the question of why people form firms.

Coase's *The Firm, the Market, and the Law* is published by The University of Chicago Press. I purchased my paperback copy from them, for about \$19, by calling 773-702-7700.

Through no accident, my house in Hillsborough has the same address as FNF. Call me at 919-732-8366 if you need directions.

Currently our group is working through *Out of Control: The New Biology of Machines, Social Systems, and the Economic World*, by Kevin Kelly, 1994. We are meeting on three evenings, one in February and two in March. △

## REPORT CARD for a NEW COUNTRY PROJECT

Project being evaluated: \_\_\_\_\_

Name of person preparing report: \_\_\_\_\_

### DEFINITIONS

- site** The place in which the new country will be located.
- FO** Founding organization. The primary organization working to create the new free nation.
- PTP** Principal trading partner. The government of the existing nation which sells or leases the site to FO.
- plan** The plan offered by FO telling how it plans to solve every significant problem which might plausibly arise.
- IP** Indigenous population. The people who live on the site and who will thus inevitably be involved.

	<u>grade</u>	<u>requirement</u>	<u>remarks</u>
<b>site</b>	_____	<b>habitability</b> (climate, tsetse flies, malarial swamps, etc.)	
	_____	<b>accessibility — for habitation</b> (ease and expense of travel by humans to get there)	
	_____	<b>accessibility — for trade</b> (concerning the cost of transport to market of the new nation's major export(s))	
	_____	<b>existing infrastructure for trade</b> (seaport, airport, bridges. Local advantages/disadvantages.)	
	_____	<b>amenability of IP</b> (Will indigenous population comply willingly, or start a war?)	
<b>FO</b>	_____	<b>evident financial strength</b> (Do these people have the financial resources to complete the plan?)	
	_____	<b>stability</b> (How stable does FO appear? Will it last the duration of the lease (assuming a lease is involved) for the site? Does the charter of the organization provide adequately for disasters and death?)	
	_____	<b>credibility</b> (Is FO believable? Do FO and its principal players have records of honesty and fair dealing? Does FO include prominent people whose endorsement gives some assurance?)	
	_____	<b>diplomatic ties — with PTP</b> (Can the FO communicate successfully with PTP?)	
	_____	<b>diplomatic ties — with IP</b> (With the IP?)	
	_____	<b>diplomatic ties — with rest of the world</b> (With everyone else in the world who possesses power to cripple the plan?)	
	_____	<b>ideology</b> (Is the FO libertarian enough for us?)	

PTP

\_\_\_\_\_ **amenability** (to the plan)

\_\_\_\_\_ **stability** (How stable does PTP appear? Will it last the duration of the lease (assuming a lease is involved) for the site? Does the constitution of PTP appear able to outlive disasters and death?)

\_\_\_\_\_ **credibility** (Is PTP believable? Do PTP and its principal representatives have records of honesty and fair dealing? Does PTP include prominent people whose endorsement gives some assurance?)

\_\_\_\_\_ **relations with neighbors** (Does PTP have stable and peaceable relationships with neighboring states?)

\_\_\_\_\_ **competence to represent all local powers** (Do there exist, within the PTP's nation, malevolent forces which the PTP does not represent and which could defeat the plan?)

plan

\_\_\_\_\_ **business startup** (Has enough startup capital been committed, by businesses or other sources, to secure startup of the nation?)

\_\_\_\_\_ **safety from immediate attack or collapse** (Does it look like the new country will last a month? a year?)

\_\_\_\_\_ **practicality of constitution or contract** (Does the proposed founding document of the new country appear workable for an indefinite span? 5 years? 50 years?)

\_\_\_\_\_ **suitability of constitution or contract** (Does the proposed founding document conform to our libertarian ideals?)

\_\_\_\_\_ **transition** (Does the plan show a path of believable steps which start with the present situation and proceed to a stable country?)

\_\_\_\_\_ **initial habitation** (Is it evident that the new nation will be populated rapidly enough, by people of the sort the country may need to succeed?)

\_\_\_\_\_ **technical feasibility** (Does the plan require unproven technologies?)

\_\_\_\_\_ **ongoing business** (Does the plan show believable sources of funds to maintain, for the long term, either the FO or whatever successor organization assumes responsibility to represent and secure the nation?)



## How Different Are Men and Women?

A response to Richard Hammer, "Men and Women Differ in Political Values" (*Formulations*, Vol. IV, No. 2)

by Carol B. Low, Psy. D.

Okay, Richard, you are absolutely right: men and women are not equal (read "the same") in their biological construction; but, there's more. There are a few basic points of fact which I cannot dispute: people do have genes; and yes, there are, indeed, significant biological differences between men and women. I have actually conducted several loosely controlled experiments in my own home with my own children, whose father is absent, as well as in my former career as a Montessori teacher, which demonstrate unequivocally to me that those biological differences are unmistakable. My son, for example, spoke his first word, "vroom," while playing with the Tonka trucks which I had purchased several years before for his older sister, who, despite hours with me in the sandbox, appeared never to notice their existence! Ever try to teach a two-year-old boy to read? I have. A two-year-old girl, on the other hand, will read, just don't try to get her to add. And here, I submit to Richard's proviso that these are gross generalizations, but in many years as a teacher, I saw a clear pattern with those few exceptions which get it to fit the bell curve diagram which Richard has so kindly provided. So, there are differences in physiology, some of it based on prenatal testosterone exposure, some of it based on the existence of the Y chromosome, the rest, we just don't know.

On the other side, people do have certain practiced and culturally enforced habits. Pretty much everyone has read that piece, *Men Are from Mars, Women Are from Venus*, in which the author explains how men are better at solving problems than at listening and need to retreat to a cave periodically. In my experience, hardly any men ever try to dispute it. In fact, they love it. It gives them an excuse to be surly when they get home from work and to try to take control of everything. Women generally have the same reaction to it as I had to Richard's paper: "since when?" Here we discover an essential missing element: culture. In a society in which men were

traditionally bread-winners, they came home tired from a long day of too many demands and too many people, while women were at home juggling many tasks in relative isolation from the adult world. The men were tired, and the women needed problems attended to. Not any more. Now, women are maintaining careers and still doing housework and taking primary responsibility for childrearing. Who really needs that cave? Me! Once again men fall for the sociobiological explanation of life, the universe, and everything.

Now, to the specifics of Richard's paper. First off, there are the generalizations, as per the bell-shaped curves which have been provided, which imply that more women than men prefer for their choices to be made by government. Despite Richard's assurance that these are, indeed, generalizations and do not prevent there from being exceptions, I do not know how to get from Richard's generalizations to his hypothesis. I have a different perspective, perhaps because I am a woman and I am angry about the political scene. I do not trust government, therefore, I am an anarchist. To me this is a logical set of related premises. I do not see that being female as opposed to male affects the logic inherent in these conclusions. I am well aware that many people do not live their lives by rules of logic, but why women more than men, and how would one go about supporting such a claim? Richard attempts to support it via sociobiology; I would select a different approach which would help to demonstrate why some folks are more logical in their approach to life than others.

Additionally, Richard is working with assumptions, the most damaging being the assumption of significance. I do not have the numbers by which to judge his observations about voter registration, but numbers were provided by which I could analyze the assumption that Bill Clinton represents women more than men. Unfortunately for Richard's premise, the table does not present statistically significant results. A statistic known as "chi square" calculates the degree to which the data on such a table is likely to represent real population differences (apologies to the statistically literate in the audience for my simplified explanations). The chi square for this table is 1.36. In statistical terms, one looks at the probability, a thing called "*p*," that these data as summed up in that statistic, represent a true

difference in the populations which were sampled. A *p* value of less than .05 is the maximal value at which data are generally considered statistically significant. Regarding Richard's table, one can say, "There is a 24% chance ( $p = .24$ ) that these data occurred merely by chance and do not represent true population differences. This is considered an unacceptably large percent from which to draw a conclusion about the population in question. Thus, the premise upon which Richard bases part of his argument is not valid.

Then there is the sociobiological discussion of risks and territories. I acknowledge that, as Richard has said, and accurately so, on average, more men than women will be risk-takers. This may or may not be sociobiological. It may, however, be circumstantial. I find myself in the position of being solely responsible for the well-being of three children. I am unlikely to refuse to pay taxes, as this is likely to end me up in jail. In weighing the obvious rightness of not paying taxes with the responsibility of being at home to raise my children, I choose to fulfill my responsibility, at sacrifice to supporting behaviorally a strongly held principle. Is this biological or simply acceptance of responsibility? An argument has been presented to me, always by men, I might add, that this is shortsighted, because I am worth more as a tax protester than as a mother, and I am, indeed, violating my own moral premises against theft by paying taxes. I disagree: raising three happy healthy anarchists is the best thing I can think of to do to ensure a government-free future. So there may be a way in which men and women approach responsibility and investment in the future differently. So we are left with the question, is this founded in sociobiology as Richard proposes, or exclusively in cultural demands, or is there some of each?

I submit that the latter is the answer. Men and women are biologically different. Scientific evidence exists despite years of attempted cover-up by the political correctness movement. We can try to equilibrate scores on various tests until the end of time, but the bottom line shows a few differences that manipulation of data will not rub out. I'm okay with that. After all, it means I get to be the one who can experience the joy of childbirth, and if I

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## Don't Start with Archetypes

A response to Roderick Long, "The Nature of Law, Part IV: The Basis of Natural Law" (*Formulations*, Vol. IV, No. 2)

by Roy E. Halliday

Natural Law philosophers, especially those influenced by Plato and Aristotle, have a tendency to confuse the "best" in the sense of the blue-ribbon-winning "best" representative of a type of thing (an archetype) with "best" in the sense of the morally "best."<sup>1</sup> Conversely, they think, for example, that a plant whose leaves are withered is a bad plant, because it does not measure up to the model of its type, and a bird that has a broken wing is a bad bird, because it cannot fly like a bird should.<sup>2</sup> They confuse health with virtue. But a sick plant or bird is not morally bad, it is merely unhealthy. It is inappropriate to blame a plant or a bird for its poor health. Not every creature that falls sick or dies deserves to. Physical deficiencies and moral deficiencies are different things. A lame man is an imperfect physical specimen who cannot reach the full potential of his species, but this has no bearing at all on whether he is a morally good or bad person.

These Natural Law philosophers are too concerned with things that have nothing to do with morality. The archetypes that they use in their evaluations have no obvious relationship to ethics. Why should a creature be judged by its conformity to its biological species? Why is species conformity good rather than bad? Are the first mutants who start new species necessarily bad? Was the first man-like creature evil for not conforming to the species of his parents? Why shouldn't we judge creatures by their genus rather than their species? Is the species archetype better because it is more specific? If so, then why not judge creatures by their race, which is even more specific? (As a matter of fact, Plato did judge people by their race and he did advocate race discrimination.) Why should any biological category be the standard of ethics? Why is species conformity a better moral standard than chemical purity? If we classify things by their chemical properties, we can include more things in our ethics. Good water would be pure, with no

minerals or bacteria. Commendable gold would be twenty-four karats.

Chemistry, biology, and ethics are separate fields. They deal with different aspects of nature. They use different methods and yield different kinds of knowledge. Chemistry and biology cannot give us principles to direct our lives. They cannot tell us what is good, bad, better, or worse. The physical sciences tell us what exists and what will result when certain conditions occur. Ethics differs from the physical sciences in that it is concerned with what ought to be. Ethics does not take its direction from the value-free sciences. Ethics gives direction to scientists and everyone else.

To some Natural Law philosophers the "best" tree, for example, is the one whose size, shape, and foliage most exemplify the idea of "treeness." Similarly, the "best" man is the one who most personifies the concept of "manness." These philosophers, being men, are not as interested in judging trees as they are in judging other men. Consequently, they concentrate on defining "manness."

The human attribute that these philosophers most often select as the defining characteristic of "manness" is rationality. Aristotle and other Natural Law philosophers define man as essentially rational, and deduce that rationality must be the highest virtue and that the ideal life for man must be the life of reason. Then, they apply this view to political philosophy and come up with various plans for imposing rational order on society to replace spontaneous, voluntary associations, which they believe are irrational, because they are unplanned. This view of ethics provides a moral justification for centrally planned economies governed by aristocrats.

Instead of defining the archetypal man as a rational being, the Natural Law philosophers could, with as much plausibility, define man as a religious being. No other creatures that we know about practice religions at all, but many creatures appear to act rationally. So man might be better distinguished from other animals by his religious nature. If we adopt a religious definition of "manness" and if we deliberately confuse moral goodness with conformity to archetypes, we could conclude that mysticism and blind faith in the gods are the highest virtues for man. Indeed, this point of view has many devout followers.

Again, with just as much validity, we

could define the archetypal man in physiological terms. Then our moral goal in life could be to win a Mr. or Miss Universe contest or a blue ribbon for "Best of Breed." This is how some of the Natural Law philosophers judge plants and animals. Since they condemn birds that can't fly as birds should, it would be logical for them to condemn lame men who can't walk the way men should walk. Why don't they focus their moral outrage on crippled men? It must have been because they do not regard walking upright as the essential quality of "manness."

We can agree that walking upright is not uniquely human, but what about man's opposing thumbs, which are almost unique in the animal kingdom? Why couldn't we use man's thumbs as the essential characteristic of the ideal man? Roman emperors displayed their thumbs up or down to signify life and death judgments. Did this make them virtuous? Are hitchhikers saints? For some reason, man defined as a creature with opposing thumbs has not spawned any great moral philosophies. What could the reason be? And why has no moral philosophy (except possibly Hegel's) been consciously based on the observation that "To err is human"?

Why do so many moral philosophers regard rationality as more essential to "manness" than our thumbs? Many species of animals act rationally. Most of them act more rationally than man, or at least they don't act irrationally as often as man does. Very few species of animals have opposing thumbs. So why isn't it better to define "manness" in terms of thumbs than in terms of man's dubious rationality?

Rationality is no more virtuous than is having thumbs. Reason is not a virtue. It is not an end or an object of action. It is a tool like thumbs. A criminal can be very rational, but that doesn't make him a better (more moral) man, it makes him a better (more successful) criminal. Neither rationality nor thumbs can completely define man. But, unlike thumbs, rationality is one of the essential characteristics of a moral agent. Although reason is not itself a virtue, it is a prerequisite for virtue. Accidental, purposeless, or instinctive behavior has no moral qualities. Only purposeful actions can be honorable or shameful, because we can only take moral principles into account when we act deliberately.

To be a perfect man, in the sense of fully

representing "manness," one must exemplify the typical human vices as well as the human virtues. The archetypal man is the perfectly representative man. He is somewhat rational and somewhat irrational. He is moderately idealistic and moderately sensual. He strikes a golden mean between honesty and mendacity, virtue and vice. The archetypal man is not the morally perfect man. He is the perfect example of his species. Angels are a different species altogether.

We often judge things with respect to our personal goals. The perfect tree for lumber may be far from perfect for providing shade, or maple syrup, or apples. Whether a tree is good or bad depends on the purpose we have in mind when we judge it. In any case, the judgment that a tree is good or bad is not usually meant as a moral judgment. Only philosophers and primitive animists are silly enough to confuse these things. Civilized people do not blame a tree for being useless or praise it for being useful, because they do not believe trees can respond to verbal criticism. Animals can be trained to be useful to us, and it makes sense to praise or blame them, reward or punish them, because these things can cause them to modify their behavior. However, man differs from other animals that we know about in that he can be motivated by abstract principles in addition to praise, blame, rewards, and punishments. Among the abstract principles that can motivate a man are the moral principles.

It is a characteristic of moral principles that they can only be appreciated by moral agents. It would be ridiculous to speak of an honest tree or a righteous horse, because trees and horses are not moral agents. We need to understand why we regard men, angels, and gods, but not trees, horses, and rocks as moral agents. The place to begin moral philosophy is not with a definition of "manness," but with a definition of a moral agent.

Not all men are morally responsible. Insane, senile, and severely retarded people do not have enough reasoning ability to be moral agents. They are not capable of understanding moral principles, and they cannot be influenced by moral arguments. They are people, but they are not moral agents. So it is not the essential nature of man that has to be defined at the outset, but that part of his nature that makes him a moral agent, responsible and accountable

for his actions. Instead of trying to define "man" and from that deducing what is right and what is wrong, we must discard the archetype approach to moral philosophy and start over by analyzing the nature of moral agents. Δ

#### References

1 Joseph Cropsey, "A Reply to Rothman," *American Political Science Review* (June, 1962) page 355:

"The classical [natural law] doctrine is that each thing is excellent in the degree to which it can do the things for which its species is naturally equipped."

2 Some modern philosophers are continuing this tradition. Henry Veatch, a disciple of Aristotle, has written in *For an Ontology of Morals*, pp. 7-8:

"A plant, for example, may be seen to be underdeveloped or stunted in its growth. A bird with an injured wing is quite obviously not able to fly as well as others of the same species .... And so it is that a thing's nature may be thought of as being not merely that in virtue of which the thing acts or behaves in the way it does, but also as a sort of standard in terms of which we judge whether the thing's action or behavior is all that it might have been or could have been."

## In Defense of Archetypes: A Response

by Roderick T. Long

### The Concept of Moral Health

In "Don't Start with Archetypes," Roy Halliday argues that Aristotelean-style natural-law arguments like the one I defended last issue in "The Nature of Law, Part IV: The Basis of Natural Law" make the mistake of confusing "the 'best' in the sense of the blue-ribbon-winning 'best' representative of a type of thing (an archetype) with 'best' in the sense of the morally 'best.'" In short, such theories "confuse health with virtue," and are committed to focusing "moral outrage on crippled men." But this, Roy insists, is a mistake:

"... a sick plant or bird is not morally bad, it is merely unhealthy. It is inappropriate to blame a plant or a bird for its poor health. ... A lame man is an imperfect physical specimen who cannot reach the full potential of his species, but this has no bearing at all on whether he is a

morally good or bad person."

I agree that it is a mistake to confuse physical health with moral praiseworthiness; but I do not think Natural Law theory is guilty of such a mistake.

Roy's criticism fails to make two important distinctions. The first is a distinction between physical health and moral health. The reason it is inappropriate to apply terms of moral evaluation to sick plants and lame men is that moral evaluations are psychological rather than physiological in nature. To identify a person as virtuous or vicious is to say something about the healthy or unhealthy condition of that person's attitudes and choice-dispositions, not about their legs. To say that if morality is a kind of health, then we should call crippled people immoral, is like saying that if blindness is a kind of sickness, we should call deaf people blind.

The second needed distinction is between moral health and moral praiseworthiness. Moral praiseworthiness is a *subclass* of moral health, just as moral health is a subclass of health in general. Moral praiseworthiness (and likewise moral blameworthiness) concerns those aspects of a person's moral health for which the person is responsible. Ordinarily (I would argue) we have some control over our own process of character-formation; but if a person has been so psychologically warped that he genuinely cannot help being cowardly, or unjust, or ungenerous, the fact remains that he *has* these vices (and so can be evaluated as an immoral person) even if he is not *responsible* for having them (and so cannot be *blamed*). (Blameworthiness is usually a matter of degree anyway.)

It is a mistake to think that moral evaluation is exhausted by the categories of praise and blame. Now the Kantian theory in effect thinks this, because for Kant the supreme standard of value is the *good will*. In Aristotelean ethics, however, the supreme standard is the *good life*; one's attitudes and choices are evaluated in terms of their conduciveness (whether instrumentally or constitutively) to this good life; and praise and blame come into the picture still later, and concern the extent to which one's attitudes and choices are under one's control.

Roy argues that because not all human beings are responsible, human nature as such is not an appropriate moral standard:



"Not all men are morally responsible. Insane, senile, and severely retarded people do not have enough reasoning ability to be moral agents. ... They are people, but they are not moral agents. So it is not the essential nature of man that has to be defined at the outset, but that part of his nature that makes him a moral agent, responsible and accountable for his actions."

But as the Aristotelean tradition sees it, the good is something to be *aimed* at. The fact that we are incapable, for some reason or other, of achieving the good, or perhaps even of aiming at it, does not make it any less our good. To take the fact that some humans lack the capacity for moral agency as a reason for rejecting human nature as a moral standard, is to demand that the standard adapt itself to our abilities. If something does not live up to a standard, that is a defect in the thing, not in the standard.

#### Teleology and Value

Roy argues that the proper standard of value on which to base morality is the ability to respond to moral principles:

"... man differs from other animals that we know about in that he can be motivated by abstract principles .... Among the abstract principles that can motivate a man are the moral principles. ... It is a characteristic of moral principles that they can only be appreciated by moral agents. ... The place to begin moral philosophy is not with a definition of 'manness,' but with a definition of a moral agent."

But from an Aristotelean perspective, this turns the question on its head. Yes, we have the ability to respond to moral principles; but what is the source of these moral principles themselves? It would be circular to base moral principles on the ability to respond to moral principles; there must be something to respond *to*, something independent of our responses themselves.

For the Aristotelean tradition, the solution lies in the fact that human beings are *teleological systems*. We are end-directed in our very nature. Moral principles are principles that a) identify our natural ends, and b) help us make those ends more specific.

Roy asks:

"Why should any biological category be the standard of ethics? Why is species conformity a better moral standard than chemical purity? If we classify things by their chemical properties, we can include more things in our ethics. Good water would be pure, with no minerals or bacteria. Commendable gold would be twenty-four karats."

The answer lies in the fact that value applies only to teleological systems. Water and gold do not have chemical purity as their goal; they do not *aim* at such purity. By contrast, living organisms do aim at maintaining themselves as a certain kind of organism. Hence we can evaluate living organisms, but not gold or water.

Of course we can evaluate gold and water externally, in relation to *our* ends; but in the case of living organisms we can also evaluate them *internally*, in relation to *their* ends, which is impossible in the case of gold and water, which do not have ends. This makes biology relevant to ethics in a way that chemistry is typically not. (If molecules turn out to be self-sustaining, teleological systems of a sort, then I'm perfectly happy to extend internal evaluation to them.)

But not all internal evaluation is moral evaluation. Roy is right to stress the importance of abstract principles, but he brings them in at the wrong point; moral evaluation is that subclass of internal evaluation that assesses the extent to which an organism grasps, internalizes, and acts on those principles that promote its good. Organisms that lack psychological capacities entirely (e.g., plants) are not subject to moral evaluation; neither are organisms whose psychological capacities are too unsophisticated to deal with abstract principles. (Moral evaluation still doesn't necessarily involve praise and blame, however; praise and blame are a further subclass of moral evaluation, dealing with the extent to which an organism is responsible for grasping, internalizing, and acting on the relevant principles.)

#### Uniqueness vs. Essence

Roy argues that it is inappropriate to identify rationality as the most essential human feature, on the grounds that rationality is not unique to humans:

"Many species of animals act rationally. Most of them act more rationally than

man, or at least they don't act irrationally as often as man does. ... No other creatures that we know about practice religions at all, but many creatures appear to act rationally. So man might be better distinguished from other animals by his religious nature."

This argument, as I see it, involves two misunderstandings of the theory I defend. First, it interprets rationality as the capacity for efficient selection of means to one's ends. (I assume this is what is meant in saying that animals act more rationally than humans.) This is the economist's notion of reason, but not the Aristotelean notion. (Nor the Kantian notion, I might add.) For the Aristotelean natural-law tradition, it is the ability to employ *abstract concepts*, to grasp the relations among them, and to communicate this understanding to others, that is the essence of reason; and this capacity Roy admits is unique to humans.

More importantly, though, *uniqueness* as such is not the fundamental criterion of an essential property. A property's being unique to human beings is neither necessary nor sufficient for its being essential to human nature. For Aristoteleans, what makes a property essential is its *explanatory centrality*; rationality is our most essential feature, not because only humans are rational, but because rationality *explains* more about us than any other feature. (Likewise, Aristotle denies that it is part of the essence of a triangle to have internal angles equal to 180°, because this feature of a triangle is explanatorily downstream, as it were, from the feature of having three sides.) Aristoteleans would maintain that rationality is more explanatorily basic to humans than their physiological characteristics, which is why Mr. Universe will not beat out Sokrates on the evaluation scale. This also answers Roy's question as to why the possession of a thumb shouldn't be treated as the defining human feature: thumbs explain less about us than rationality does.

#### Species as Essence?

Roy raises another objection:

"Why should a creature be judged by its conformity to its biological species? Why is species conformity good rather than bad? Are the first mutants who start new

species necessarily bad? Was the first man-like creature evil for not conforming to the species of his parents?"

On the Aristotelean view, however, what species one belongs to is not a matter of what other creatures one is genetically related to. Species-membership turns on what sort of an entity one is, considered in one's own right; one's species is one's *nature*. If a mutation occurs in one's most basic explanatory features, then one is a new kind of creature and should conform to the standards inherent in those features; if, by contrast, a mutation occurs in some subsidiary feature, that mutation will be evaluated as positive or negative in terms of its relation to more fundamental features.

In a related point, Roy asks:

"Why shouldn't we judge creatures by their genus rather than their species? Is the species archetype better because it is more specific? If so, then why not judge creatures by their race, which is even more specific?"

Again, the answer is that the species is *more explanatory* than either more specific properties like one's race or more generic properties like one's genus. The fact that I am a human being explains a great deal more about me than the fact that I am a mammal; it also explains a great deal more about me than the fact that I am a white male of Celtic-Slavic ancestry. (I recognize that these claims might be disputed. If they are false, then Aristotelean natural-law theory is false. A great deal will turn on exactly how one understands the nature of explanation. This is the point where the battle needs to be fought.)

### Archetype vs. Average

In my essay on "The Basis of Natural Law," I described the Aristotelean position as holding that if my *summum bonum* is a human life, and life A is more human than life B, then life A is the one I am committed to choosing. Thus, Aristotelean natural-law theory tells us to aim at living a *maximally human life*.

Roy worries that this means living an *average life*:

"To be a perfect man, in the sense of fully representing 'manness,' one must exemplify the typical human vices as well as

the human virtues. The archetypal man is the perfectly representative man. He is somewhat rational and somewhat irrational. He is moderately idealistic and moderately sensual. He strikes a golden mean between honesty and mendacity, virtue and vice."

In reply to this objection, suppose we have three items of different weights: let's say one is a mouse, one is a horse, and one is an elephant. Now I ask you to pick the creature that has the *most weight*.

You *could* reason as follows: "The most weighty creature is the one with the most *typical* weight. So I'll compute the average weight of the three creatures, and pick the creature whose weight comes closest to the average." Thus you end up picking the horse as the animal with the greatest weight.

This is the kind of mistake we would be making if we thought the *most human* life were the one most *representative* or *typical* of human beings. But rather, just as the animal with the most weight (the elephant) is *not* of "average" weight, so the most human life is the one that expresses essentially human features *in the highest degree*.

So, for example, if one life exemplifies rationality more fully than another does, then that life will be a more human life, even if the other life is more typical of humans generally. Just as essence has nothing to do with uniqueness, so it also has nothing to do with statistics.

### Reason and the Good Life

Roy also argues that value placed on rationality by the Aristotelean natural-law tradition is morally inappropriate:

"Reason is not a virtue. It is not an end or an object of action. It is a tool like thumbs. A criminal can be very rational, but that doesn't make him a better (more moral) man, it makes him a better (more successful) criminal."

But this objection involves attributing to the natural-law position a *procedural* conception of rationality, according to which rationality is simply a matter of choosing efficient means to one's ends, whatever those ends may happen to be. On the contrary, however, the natural-law tradition has historically championed a *substantive* conception of rationality, according to which it is possible to assess not only

the rationality of one's choice of *means* to one's ends, but also the rationality of one's choice of *ends* themselves. The difference between the honest person and the criminal is that the honest person embodies the ideal of reason not only in his *means* but in his *ends*, in that he deals with other people *through reason* rather than through coercion. As Aristotle pointed out, rational animals don't just govern their *private* affairs by reason, they govern their *common* affairs by reason as well. No matter how clever the criminal may be at selecting the most effective means to his criminal ends, so long as he chooses to deal with others through violence or manipulation rather than through discourse and persuasion — so long as he treats other rational beings as prey rather than as conversation partners — his life is missing a crucial *dimension* of rationality that the honest person's life has.

This point about criminal lifestyles also helps to answer Roy's argument that natural-law theory leads to statism:

"Natural Law philosophers define man as essentially rational, and deduce that rationality must be the highest virtue and that the ideal life for man must be the life of reason. Then, they apply this view to political philosophy and come up with various plans for imposing rational order on society to replace spontaneous, voluntary associations, which they believe are irrational, because they are unplanned. This view of ethics provides a moral justification for centrally planned economies governed by aristocrats."

That many natural-law theorists have done this, I readily concede. But I deny that this is a *correct* inference from the principle that the good life is a life of reason. As we have just seen, the life of reason as *Aristotelean natural-law theorists conceive of it* requires interacting with other people by means of rational persuasion rather than force. Most natural-law theorists have recognized this — but they have failed to realize that this constraint on interpersonal interaction applies *not only within civil society but also at the level of the state*. If it is wrong for Kallias to aggress against Nikias, giving Kallias a badge or a gavel or a seat in Congress cannot suddenly make it right. The notion that a *rational* society must be a *centrally directed* society depends on the implausible premise that individual in-

teractions cannot be rational. Natural-law theorists do not in fact accept this premise; therefore, their commitment to statism is an inconsistency within their own theory.

### Conclusion

In this essay I have not argued for the truth of the Aristotelean natural-law conception of morality. But I have tried to show that it is not vulnerable to the objections Roy brings against it. I hope this debate will continue. Δ

### Men and Women (from p. 37)

have to sacrifice superior spatial manipulation skills, so be it. On the other hand, there is evidence that men are more likely to take risks and to demand the right to be grouchy after work. I submit that these are holdovers from an outdated social structure rather than biological imperative. And just to show how complex this question really is, ever notice how men will never flinch when punched, whereas women don't like that and will tend to squeal, but men will whine for days about an ingrown toenail which a woman would never let on about? Biology or learning? Δ

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### Defining Family (from p. 26)

when they were two persons, separate, and not "in love." When persons in a free society declare themselves to be "in a family," regardless of the definition of family they choose, general humanity will respond to them as a family, just as humanity responds to today's couple "in love." Today's couples know that being "in love" is no particular identifiable or discernible state, yet they still seek to have others recognize and acknowledge their state of

"in love-ness." Even when being "family" is no longer a particular identifiable or discernible state, persons will still seek to have others recognize and acknowledge their state of bonding and "family-ness."

Even without institutional authorities defining the legal, contractual marital state, defining kinship and lineage, and defining family roles, individuals choosing to create a family will assume a set of mutually-agreed-upon reciprocal obligations, responsibilities and commitments toward each other when they choose to create family. Even without institutional authorities requiring parental responsibility for offspring, family will serve as a vehicle for procreating, nurturing, and rearing children. This does not mean that family will always have a biological component. Today's often dysfunctional biological family may be replaced by a functional nurturing family in which parental adults nurture and rear children that may or may not be biologically related to them, while the biological "parents" pursue family relationships of another sort. In the free society, children may be reared by child-rearing families or extended families — or reared by the human village — even if the biological "parents" choose not to provide rearing.

### Conclusion

Family in a Libertarian free society will be an open, voluntary relationship based on the mutual and reciprocal benefits family participants receive from family membership. Family status will be recognized by general humanity, although general humanity will share little or no common agreement concerning the definition of family. Family will function to meet the needs of offspring created through the family, if not in the biological unit of conception, then in some other family created for the nurturing and rearing of children.

Family will live on, even without authoritarian or institutional definition! Δ

### Readings

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Nisbet, Robert. *The Quest for Community*. Oxford University Press, 1953.

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### FNF News Notes (from p. 1)

- During February, Richard Hammer will prepare the 1996 Annual Report and mail it to all FNF Members and Friends. This report, modeled on the annual reports of business corporations, gives a top-level report on the activities of the Foundation, tabulates sources and uses of funds as well as assets and liabilities, and presents a budget for 1997. Δ

### Unregulated Families (from p. 12)

<sup>7</sup> See my "Toward Voluntary Courts and Enforcement," *Formulations* Vol. III, No. 2.

<sup>8</sup> My best definition for "public space" so far is given in Section 2.3 of "Hit 'Em, But Not Too Hard," *Formulations* Vol. IV, No.2, pp. 7-9.

<sup>9</sup> "Men and Women Differ in Political Values: Theory and Implications," in *Formulations* Vol. IV, No. 2.

*Richard O. Hammer was born the youngest of five in a close-knit family headed by a liberal Protestant minister. He was raised in small towns in New York State, and married once for four years.*

## Libertarians:

**STOP  
COMPLAINING**

**START  
BUILDING**

*Join our Effort*

*Become a Member*

*of the*

**Free Nation  
Foundation**

	grade	requirement	remarks
PTP	<u>NA</u>	<b>amenability</b> (to the plan)	- this is war
	<u>A</u>	<b>stability</b> (How stable does PTP appear? Will it last the duration of the lease (assuming a lease is involved) for the site? Does the constitution of PTP appear able to outlive disasters and death?)	
	<u>C</u>	<b>credibility</b> (Is PTP believable? Do PTP and its principal representatives have records of honesty and fair dealing? Does PTP include prominent people whose endorsement gives some assurance?)	- mixed
	<u>C</u>	<b>relations with neighbors</b> (Does PTP have stable and peaceable relationships with neighboring states?)	
	<u>NA</u>	<b>competence to represent all local powers</b> (Do there exist, within the PTP's nation, malevolent forces which the PTP does not represent and which could defeat the plan?)	
plan	<u>D</u>	<b>business startup</b> (Has enough startup capital been committed, by businesses or other sources, to secure startup of the nation?)	
	<u>C</u>	<b>safety from immediate attack or collapse</b> (Does it look like the new country will last a month? a year?)	
	<u>B-</u>	<b>practicality of constitution or contract</b> (Does the proposed founding document of the new country appear workable for an indefinite span? 5 years? 50 years?)	
	<u>C</u>	<b>suitability of constitution or contract</b> (Does the proposed founding document conform to our libertarian ideals?)	
	<u>D</u>	<b>transition</b> (Does the plan show a path of believable steps which start with the present situation and proceed to a stable country?)	
	<u>B</u>	<b>initial habitation</b> (Is it evident that the new nation will be populated rapidly enough, by people of the sort the country may need to succeed?)	
	<u>B</u>	<b>technical feasibility</b> (Does the plan require unproven technologies?)	
	<u>C</u>	<b>ongoing business</b> (Does the plan show believable sources of funds to maintain, for the long term, either the FO or whatever successor organization assumes responsibility to represent and secure the nation?)	



**REPORT CARD for a NEW COUNTRY PROJECT**

Project being evaluated: the American Revolution

Name of person preparing report: R. Hammer

**DEFINITIONS**

*the English* →

- site** The place in which the new country will be located.
- FO** Founding organization. The primary organization working to create the new free nation.
- PTP** Principal trading partner. The government of the existing nation which sells or leases the site to FO.
- plan** The plan offered by FO telling how it plans to solve every significant problem which might plausibly arise.
- IP** Indigenous population. The people who live on the site and who will thus inevitably be involved.

	grade	requirement	remarks
site	<u>A</u>	<b>habitability</b> (climate, tsetse flies, malarial swamps, etc.)	
	<u>C-</u>	<b>accessibility — for habitation</b> (ease and expense of travel by humans to get there)	
	<u>C</u>	<b>accessibility — for trade</b> (concerning the cost of transport to market of the new nation's major export(s))	
	<u>C</u>	<b>existing infrastructure for trade</b> (seaport, airport, bridges. Local advantages/disadvantages.)	
FO	<u>D</u>	<b>amenability of IP</b> (Will indigenous population comply willingly, or start a war?)	} Europeans manageable but Indians do not share European ideas on property rights.
	<u>D</u>	<b>evident financial strength</b> (Do these people have the financial resources to complete the plan?)	
	<u>C-</u>	<b>stability</b> (How stable does FO appear? Will it last the duration of the lease (assuming a lease is involved) for the site? Does the charter of the organization provide adequately for disasters and death?)	
	<u>B</u>	<b>credibility</b> (Is FO believable? Do FO and its principal players have records of honesty and fair dealing? Does FO include prominent people whose endorsement gives some assurance?)	
	<u>D</u>	<b>diplomatic ties — with PTP</b> (Can the FO communicate successfully with PTP?)	} — but this is revolution
	<u>C-</u>	<b>diplomatic ties — with IP</b> (With the IP?)	
	<u>B</u>	<b>diplomatic ties — with rest of the world</b> (With everyone else in the world who possesses power to cripple the plan?)	
	<u>C</u>	<b>ideology</b> (Is the FO libertarian enough for us?)	