

Selwyn Duke's Folly-Part Two

By Brutus

This is my response to Selwyn Duke's second [essay](#) critiquing libertarianism. He still has not made any effort to understand libertarian thought and it shows throughout this essay. In addition to writing an essay in which Mr. Duke is poorly informed about the subject matter, it is a difficult essay to follow because Mr. Duke does not use the term "morality" consistently. At times Mr. Duke uses the term to mean "Judeo-Christian" ethics. Other times he is referring to a general moral system that applies to all people, but does not discuss the origin of this moral system or how people discovered it. Sometimes "morality" is a neutral term that refers to the system of ethics that groups of people impose on others. His essay would have been easier to follow had he defined morality early in his essay rather than use several different connotations. He does not explicitly say so, but he believes that Judeo-Christian morality is the morality that the State should impose and implies this consistently throughout the essay.

He does not give a rigorous justification of the State nor does he demonstrate why the Judeo-Christian ethic is worthy of being imposed on others, but other ethic systems are not. This is important because he starts his argument criticizing libertarians for not being concerned about morals in general, but what he really wants to say is that libertarians are not concerned with Judeo-Christian morals. He does not give a rigorous defense as to why Judeo-Christian morals are the only legitimate morals. He simply asserts later in his essay that these ethics have shaped the morals that we believe today. But it does not follow that the Judeo-Christian ethic should, therefore, be the system of ethics to impose on civilization. He must make another argument to establish that point and he does not.

Moreover, Mr. Duke does not think through his own assertion. The Judeo-Christian ethic is a rigorous ethical system that touches every aspect of human life. If law is supposed to be based on Judeo-Christian ethics, then the law must necessarily touch every aspect of human life. But Mr. Duke believes that there are aspects of human life that the [government should stay out of](#). Thus, Mr. Duke has put himself into a philosophical bind. He cannot argue that there are areas the State should stay out of when his very definition of the moral foundation of law demands that every aspect of life should be accounted for. But there is an absolutely fatal flaw in Mr. Duke's argument that Judeo-Christian ethics should be imposed on the masses by the State and that flaw is Christianity prohibits the use of violence to compel people to obey its rules. I will address this in more detail later in this essay.

He begins his essay:

In a piece I recently wrote about the dangers inherent in libertarianism, I pointed out that libertarians, by applying their live-and-let-live philosophy to the moral sphere as well as the governmental, do nothing to maintain the societal moral framework that enables people to govern themselves from within and that ensures Big Brother won't have to do so from without (I recommend you read the piece). Not surprisingly, this provoked some angry responses and fallacious counter-arguments. This article is my response to them.

Once again Mr. Duke begins with question-begging. Mr. Duke simply assumes that a State, i.e., a monopoly of law and order and ultimate decision making is necessary for social order. But this

has not been demonstrated. If one is seriously attempting to refute libertarianism, he must put forth a rigorous argument to justify the State because libertarians consider the State an illegitimate criminal institution. To argue that "Big Brother" might have to intervene to govern people presupposes that the State already exists and is legitimate. Therefore, what needs to be debated, according to this line of reasoning, is the proper role of the State in society. Mr. Duke could have argued that in a state of nature there would be incessant conflicts and the citizens form a State to adjudicate their conflicts as Thomas Hobbes did. This is still a flawed argument for a State, but at least it is better argument than what Mr. Duke has advanced.

Moreover, Mr. Duke has not even considered the possibility that order in society can be attained without an ultimate judge conflict. He does consider the possibility that moral order can be attained without a State. This is also important. This is another tacit question being debated: Can moral order be attained without a State? Mr. Duke simply assumes that such order cannot be established without a State. This is yet another example of question-begging that permeates both of his essays. So he is already off to a bad start. And given that the State cannot be a moral institution, he has already lost this debate, but he just doesn't know it yet.

He continues:

I will start with the one thing that characterizes libertarians as much as anything else: a misunderstanding about the nature of law. To illustrate the point, consider the commentary of "End the Fed," a "devout libertarian" who posted under my first piece. He wrote:

I don't spend a lot of time dwelling on whether people should smoke crack or have abortions. My choice is drug free. My choice is not to have abortions. And if you want to do those things, I won't criticize or judge you.

I simply accept the fact that those things exist whether I want them to or not.

OK, now what if I said:

I don't spend a lot of time dwelling on whether people should commit murder or rape. My choice is to respect life. My choice is not to commit rape. And if you want to do those things, I won't criticize or judge you. I simply accept the fact that those things exist whether I want them to or not. I'm a good Libertarian.

Mr. Duke follows one logical fallacy with yet another. In this case, Mr. Duke makes a strawman of libertarian thought on the nature of law. No libertarian would think to himself

I don't spend a lot of time dwelling on whether people should commit murder or rape. My choice is to respect life. My choice is not to commit rape. And if you want to do those things, I won't criticize or judge you. I simply accept the fact that those things exist whether I want them to or not. I'm a good Libertarian.

That Mr. Duke does this demonstrates that he really does not take libertarianism seriously. If Mr. Duke knew only about the non-aggression axiom, he would know that his example does not follow from "End the Fed"'s example. It does not follow that the choice to smoke crack is in any way synonymous with a choice to murder or rape under libertarian theory. These things do follow from Mr. Duke's belief that the State is there to enforce Judeo-Christian morality. But Mr. Duke has not made a compelling argument that the State can and should enforce Judeo-Christian morality. If Mr. Duke would actually like to read some libertarian thought on the nature of law, I recommend John Hasnas' "The Myth of the Rule of Law", and Murray Rothbard's *The Ethics of Liberty*.

Mr. Duke continues with this flawed line of reasoning:

Understand that all I did was take End the Fed's reasoning to its logical conclusion. After all, what do murder, rape and abortion have in common? They are all moral matters — as is the stuff of *all legitimate laws*. (Emphasis in original)

Mr. Duke should refrain from critiques of logical reasoning because as I have demonstrated he is not good at it himself. In his previous example he included smoking crack with murder, rape, and abortion. Now he drops that example from his argument. This is disingenuous. Libertarians would all agree that murder and rape are the subject of legitimate laws because murder and rape attack the property rights of the individual. (I am intentionally leaving out abortion because there is no consensus in the libertarian community on this issue.) However, an individual's decision to smoke crack is also protected by libertarians because libertarians do not believe that they have the right to prevent people from ingesting substances into their own bodies. Everyone has the natural right to control his own body and that includes doing things that might harm his body.

Moreover, given that men are all equal, no man has the right to tell another man what to do with his own body. Men are only limited by the property rights others have. Thus, I cannot use my body or property to harm another man's property or body. However, if I wish to ingest dangerous substances, no man may use force to compel me to refrain from doing so. To argue that the State can prevent a person from ingesting any substance is to assert that the State owns the body of that individual and can decide how that individual can use his body. Normally this is called slavery. We should keep in mind that libertarianism does not deal with the question of whether it is right or wrong that I ingest harmful substances. This is because as I mentioned in the previous [essay](#), libertarianism is a political philosophy that limits itself to the moral use of violence.

Mr. Duke continues:

As I explained here:

A law is by definition the imposition of a value (and a valid law is the imposition of a moral principle). This is because a law states that there is something you must or must not do, ostensibly because the action is a moral imperative, is morally wrong, or is a corollary thereof. If this is not the case, with what credibility do you legislate in the given area? After all, why prohibit something if it doesn't prevent some

wrong? Why force citizens to do something if it doesn't effect some good? You'll never see a powerful movement lobbying to criminalize chocolate ice cream or broccoli.

To provide a concrete example, what is the possible justification for speed laws? It isn't simply "me no like speedy." Rather, there is the idea that it is wrong to endanger others or yourself, and, in the latter case, it could be based on the idea that it's wrong to engage in reckless actions that could cause you to become a burden on society. Of course, some or all of these arguments may be valid or not, but the point is this: If a law is not underpinned by a valid moral principle, it is not a just law. Without morality, laws can be based on nothing but air.

These statements are so general as to be meaningless. Libertarians have always believed that valid laws are based on valid moral principles. But libertarians have written pages and pages of material arguing what those moral principles are and why only certain moral principles should be considered in political philosophy. Based on Mr. Duke's reasoning, anything and everything can be considered political because anything and everything could be considered moral. This is why it is important to define the moral boundaries of political philosophy before entering a debate about political philosophy, especially when debating libertarians.

Mr. Duke might not think that a powerful lobby may appear to criminalize chocolate ice cream and broccoli, but he is living in a dream world. The US government has already [declared war on food](#). There are people lobbying [to pass taxes on junk food](#) to discourage people from eating unhealthy food. Many of the proponents behind these laws are doing so because they believe that everyone should be healthy and they should not ingest foods that might harm them. Mr. Duke might find such laws oppressive, but he already gave away a philosophically consistent foundation from which to argue in his example about speeding. If it is wrong to endanger one's own body, then whatever dangers the health community can think of can be legitimately made into law. Mr. Duke's reasoning inevitably and invariably leads to tyranny.

Moreover, law in a democratic country is rarely based on morals. Think about the myriad of traffic laws that are passed in most jurisdictions. In Washington, DC, [for example](#), a driver can be cited for not having a license plate in the front of the car; for not having proof of insurance; for not having registration; and for making "unlawful" vehicle moderations among other ridiculous laws. None of these laws has anything to do with safety. Mr. Duke has fallen into the same trap as most people who believe that laws have an objective moral basis that is applied consistently. John Hasnas addresses this in his essay, "[The Myth of the Rule of Law](#)". The following are excerpts that directly address Mr. Duke's belief that State created law is based on an objective morality.

In his novel 1984, George Orwell created a nightmare vision of the future in which an allpowerful Party exerts totalitarian control over society by forcing the citizens to master the technique of "doublethink" which requires them "to hold simultaneously two opinions which cancelled out, knowing them to be contradictory and believing in both of them." Orwell's doublethink is usually regarded as a wonderful literary device, but one with no

referent in reality since it is obviously impossible to believe both halves of a contradiction. In my opinion, this assessment is quite mistaken. Not only is it possible for people to believe both halves of a contradiction, it is something they do every day with no apparent difficulty....

I believe that, much as Orwell suggested, it is the public's ability to engage in this type of doublethink, to be aware that the law is inherently political in character and yet believe it to be an objective embodiment of justice, that accounts for the amazing degree to which the Federal government is able to exert its control over a supposedly free people. I would argue that this ability to maintain the belief that the law is a body of consistent, politically neutral rules that can be objectively applied by judges in the face of overwhelming evidence to the contrary goes a long way toward explaining the citizens' acquiescence in the steady erosion of their fundamental freedoms. To show that this is, in fact, the case, I would like to direct your attention to the fiction which resides at the heart of this incongruity and allows the public to engage in the requisite doublethink without cognitive discomfort: the myth of the rule of law.

I refer to the myth of the rule of law because, to the extent that this phrase suggests a society in which all are governed by neutral rules that are objectively applied by judges, there is no such thing. As a myth, however, the concept of the rule of law is both powerful and dangerous. Its power derives from its great emotive appeal. The rule of law suggests an absence of arbitrariness, an absence of the worst abuses of tyranny. The image presented by the slogan "America is a government of laws and not people" is one of fair and impartial rule rather than subjugation to human whim. This is an image that can command both the allegiance and affection of the citizenry. After all, who wouldn't be in favor of the rule of law if the only alternative were arbitrary rule? But this image is also the source of the myth's danger. For, if citizens really believe that they are being governed by fair and impartial rules and that the only alternative is subjection to personal rule, they will be much more likely to support the state as it progressively curtails their freedom.

Later in the essay Mr. Hasnas writes:

It is worth noting that there is nothing new or startling about the claim that the law is indeterminate. This has been the hallmark of the Critical Legal Studies movement since the mid-1970's. The Crits, however, were merely reviving the earlier contention of the legal realists who made the same point in the 1920's and 30's. And the realists were themselves merely repeating the claim of earlier jurisprudential thinkers. For example, as early as 1897, Oliver Wendell Holmes had pointed out:

The language of judicial decision is mainly the language of logic. And the logical method and form flatter that longing for certainty and for repose which is in every human mind. But certainty generally is illusion, and repose is not the destiny of man. Behind the logical form lies a judgment as to the relative worth and importance of competing legislative grounds, often an inarticulate and

unconscious judgment, it is true, and yet the very root and nerve of the whole proceeding. You can give any conclusion a logical form.

This raises an interesting question. If it has been known for 100 years that the law does not consist in a body of determinate rules, why is the belief that it does still so widespread? If four generations of jurisprudential scholars have shown that the rule of law is a myth, why does the concept still command such fervent commitment? The answer is implicit in the question itself, for the question recognizes that the rule of law is a myth and like all myths, it is designed to serve an emotive, rather than cognitive, function. The purpose of a myth is not to persuade one's reason, but to enlist one's emotions in support of an idea. And this is precisely the case for the myth of the rule of law; its purpose is to enlist the emotions of the public in support of society's political power structure.

People are more willing to support the exercise of authority over themselves when they believe it to be an objective, neutral feature of the natural world. This was the idea behind the concept of the divine right of kings. By making the king appear to be an integral part of God's plan for the world rather than an ordinary human being dominating his fellows by brute force, the public could be more easily persuaded to bow to his authority. However, when the doctrine of divine right became discredited, a replacement was needed to ensure that the public did not view political authority as merely the exercise of naked power. That replacement is the concept of the rule of law.

People who believe they live under "a government of laws and not people" tend to view their nation's legal system as objective and impartial. They tend to see the rules under which they must live not as expressions of human will, but as embodiments of neutral principles of justice, i.e., as natural features of the social world. Once they believe that they are being commanded by an impersonal law rather than other human beings, they view their obedience to political authority as a public-spirited acceptance of the requirements of social life rather than mere acquiescence to superior power. In this way, the concept of the rule of law functions much like the use of the passive voice by the politician who describes a delict on his or her part with the assertion "Mistakes were made." It allows people to hide the agency of power behind a facade of words; to believe that it is the law which compels their compliance, not self-aggrandizing politicians, or highly capitalized special interests, or wealthy white Anglo-Saxon Protestant males, or (fill in your favorite culprit).

I think these excerpts are accurate descriptions of Mr. Duke's thinking. He wants to believe, on the one hand, that the nature of law is objective. If Mr. Duke were arguing that law should be objective, he could do so, but that is not what he is saying. He is arguing that law in the democratic United States *is* morally objective and he gives an example of speeding laws to prove this. But anyone who takes time to read about the history of speeding laws knows that they are created by politicians in order to collect revenue from motorists. They are arbitrary limits and they are randomly enforced by police. But speeding laws are only one example. All laws are made through political considerations. Safety is a good selling point to the masses, but this does

not mean that the politicians who craft these laws are doing so because of safety or any moral basis for that matter.

On the other hand, Mr. Duke clearly recognizes that law is made through the political process. In his first essay, he criticizes libertarians for not spending enough time using their resources to change the minds of the people *so that* the laws passed will be based on (conservative) morality. Thus, it is clear to me that Mr. Duke suffers from doublethink as described by Orwell and elaborated by Mr. Hasnas. Mr. Duke truly believes that the law has a righteous moral basis that is neutral and applied to all people, but the law is also political and laws can be immoral. Mr. Duke could argue that this how he thinks law should be. But this is not his argument. His argument is that the nature of law is based on (conservative) morality, but also created through the political process. If Mr. Duke would like to read an example of a rigorous system of libertarian law, he should read Murray Rothbard's *The Ethics of Liberty*.

Mr. Duke then argues that ignoring moral law leads libertarians into a philosophical trap. He writes:

So here is how you fall into the philosophical trap that has ensnared virtually all libertarians (and many others):

Step 1 — Believe in a mythical separation of morality and state.

Libertarians have been making this point for eons and we will continue to make this point. It is impossible for a State to be moral. Period. End of story. Mr. Duke loses and if you wanted to stop reading his essay at this point you could. States necessarily act immorally and they cannot act any other way. That is, the State demands taxes for its services and threatens people with violence who refuse to pay and who do not patronize its services. The people who refuse the State's protection and do not wish to use its services are declared criminals and they are fined, jailed, and even killed if they resist. No individual has this right to monopolize his services this way. When a private individual threatens other people with violence for not using his services, we correctly say that this is racketeering. When a private individual takes money from other individuals without their consent, we correctly say this is theft. The State does the exact same thing, but ideology compels the masses to give these same criminal activities legitimacy. Thus, Mr. Duke's assertion is pure nonsense. It is mythical to believe that the State can act morally.

Step 2 — Accept the laws you agree with and believe necessary, not realizing they're an imposition of morality.

Perhaps Mr. Duke would argue that pro-slavery laws were moral. Many slavery proponents used the Bible to justify slavery. Perhaps he would also agree with Jim Crow and segregation. These laws were also justified using the Bible, other "moral" arguments about the inferiority of blacks, and the morality of keeping them separate from whites so that the white race would not be "polluted". I'm not insinuating that Mr. Duke is racist. I'm simply pointing out that his generic term "moral" has no concrete meaning in this sentence. He has not defined it. Mr. Duke simply

Selwyn Duke's Folly-Part Two
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asserts that one group of people should be allowed to force their morality on everyone else as long as it is the "right" morality.

Libertarianism does not succumb to this because libertarians *as libertarians* are only concerned with the appropriate use of violence. We do not force our beliefs on anyone and we do not think we have the right to force our beliefs on anyone. In addition, libertarians have a concrete definition of morality, i.e., the nonaggression principle that we apply to political philosophy. We also argue that in order for a law to be valid, it must be valid for all people at all times. If an individual is permitted to impose his morality through coercion over other people, then we all have this right. But if we all have this right, then no one can simultaneously have the right of self-ownership. We cannot own a portion of everyone else that we can compel to obey our arbitrary dicta. If this we could own a portion of everyone else, then no one could act without the permission of everyone else.

However, if one group of people has the right to impose their morality on the rest of humanity while the masses were forbidden from doing likewise, then all men are not equal. Thus, if Mr. Duke believes that one group of people may legitimately and coercively impose their morality on the masses while the masses cannot, then Mr. Duke does not believe that all men are created equal. He necessarily believes that some men are inferior to others. Given that he believes that his ethic system can be legitimately imposed on the masses, Mr. Duke is claiming that he is part of this superior group of men. Of course, Mr. Duke is not saying any of this explicitly, but everything I wrote follows from his assertion that one group of people may impose their morality on the masses and that no one can have only partial self-ownership.

I should also add that although the above paragraph does not mean that libertarians are not concerned with other areas of human life. We are simply saying that when dealing with the application of violence, it is immoral to initiate violence against anyone at anytime under any circumstances. The only legitimate and moral use of violence is defensive. What will become clear by the end of this essay is that Mr. Duke does believe that imposing his moral vision on the population at gun point is a legitimate use of violence.

Mr. Duke still has not clearly defined "morality" at this point. But when Mr. Duke says "morality", he really means "Judeo-Christian" morality. Yet communists have a morality they want to impose on the masses. Fascists have a morality they want to impose on the masses. Liberals have a morality they want to impose on the masses. Conservatives have a morality they want to impose on the masses. PETA has a morality that they want to impose on the masses. Slave-owners had a morality they wanted to impose on the blacks. White supremacists have a morality they want to impose on the minorities. Thus, to argue that accepting and rejecting laws is wrong because they are an "imposition of morality" has no meaning. This statement can only have meaning if one has clearly defined the morality that is being imposed and has justified imposing such morality while arguing that the rejecting of imposing this morality is also wrong. Mr. Duke has done none of this and has the effrontery to write in a sanctimonious tone that suggests that libertarians are misguided immoralists.

The third step in the philosophical trap that captures libertarians, according to Mr. Duke is,

Step 3 — Turn around and oppose laws you disagree with, not on the basis that the values they reflect are wrong or are not the government's domain, but simply because they're an "imposition of morality."

Libertarians oppose laws on the basis that they reflect the wrong values, that they are not the government's domain, *and* that they are an imposition of morality. And even more important, libertarians actually consider the *morality* of imposing values on unwilling citizens. Our conclusion is that using aggressive violence for any reason is immoral.

What Mr. Duke wants to argue from the beginning that is it is right to impose Judeo-Christian morality on the population. He does not formulate this as such, but we can tell as his essay continues.

In truth, something doesn't have to be proclaimed by a thunderous voice from the heavens, a bishop or Charlton Heston in a Cecil B. DeMille film to be christened "morality," nor does something cease being so (or at least a conception thereof) because it has become the stuff of academia or wins a popular vote. A moral does not cease to be a moral because it becomes a meme.

There is nothing substantive about this paragraph. Mr. Duke needs to back up these statements with arguments for how people are able to arrive at these moral principles if they don't "have to be proclaimed by a thunderous voice from the heavens, a bishop or Charlton Heston in a Cecil B. DeMille film to be christened 'morality,'"". And the reason he needs to do so is because he wants to the State to impose Judeo-Christian morality which should be clear from the last sentence. This is morality "proclaimed by a thunderous voice from the heavens". Thus, if morality is something man can discover with his reason, Mr. Duke needs to explain this process. Libertarians who ascribe to natural rights and natural law have already done so. Once again, I recommend that Mr. Duke read *The Ethics of Liberty*.

This is precisely, however, why we reflexively accept the impositions of morality known as laws against murder, rape and theft: These moral principles are seamlessly woven into civilization. But this wasn't always the case. At one time, pillaging other peoples, à la the Vikings, was status quo, and the murder, rape and theft involved therein were simply part of doing business. I mean, sure, perhaps you didn't thus abuse a fellow tribesman, but foreigners were fair game.

The citizens of this country do not "reflexively accept the impositions of morality known as laws against murder, rape and theft..." No one who advocates the necessity of the State can make this claim. Mr. Duke himself does not accept laws against murder and theft. He might accept private laws against murder and theft, but he accepts public murder and theft. The fact that Mr. Duke believes that the State is legitimate necessarily means that he condones theft and murder. He said explicitly in his first essay that the State should impose moral values on its citizens. This means that the people who disobey these moral imperatives can be fined, jailed, or even killed for their

resistance. Furthermore, States must pay these soldiers and police to arrest and kill these disobedient citizens. Thus, States must be able to steal through taxation and they must be able to murder people who resist the State's edicts. QED.

The lesson here is that most of the morality we take for granted is part of the Judeo-Christian ethic and for most of history would have been received like an injunction against masturbation is today. Yet this fact eludes most because man's default is to be a child of his age. In fact, were today's average good libertarian raised in a cultural milieu in which abortion was outlawed and universally equated with murder, he'd no doubt accept its criminalization as he accepts the illegality of murdering those occupying a place safer than the womb. And were he living in ancient Rome, he might very well say, "I don't spend a lot of time dwelling on whether people should have men fight to the death in the arena. My choice is not to attend the games. And if you want to, I won't criticize or judge you." And when the Christians tried to end the games — which they were ultimately successful in doing — who knows, he might complain about how they were imposing their values on others.

Mr. Duke finally clarifies the morality he wants the State to impose. But a better question to ask is Does the Judeo-Christian ethic permit the use of violence to impose its ethics on people who do not wish to abide by Judeo-Christian ethics? The answer in the Christian faith is a very clear "no". Christians are not allowed to initiate violence under any circumstances. The story of the [woman caught in adultery](#) is a classic example of Jesus' nonviolent method of keeping moral order. The law did allow the Pharisees to stone the woman because this was the penalty for adultery. Jesus cleverly rebukes the Pharisees and then tells the woman, "Go and sin no more." Mr. Duke would prefer to be like the Pharisees who wanted to enforce the moral code through violence. And there is no way for Mr. Duke to refute my conclusion because this necessarily follows from State-imposed law. State-imposed law is always backed by threats of violence. Thus, the very ethical system Mr. Duke wants to violently impose on citizens enjoins him from advocating the violent imposition of its mandates.

Now, another argument I occasionally hear is, "Laws are not based on morality! They're based on property rights. You mustn't kill or steal from me because I own myself and my belongings." OK, but what if I said I didn't think it wrong to not respect your property rights? I'm sure you'd passionately retort, and if you were philosophically sound you might even mention Truth, or Natural Law. Really, though, I don't care what your arguments would be, only that you'd reflexively tried to prove a certain thing: that such a trespass is wrong. Without a second thought, you would put forth a moral argument for laws prohibiting violation of property rights.

Libertarians have not only put forth moral arguments for property rights, we have put forth moral arguments against the initiation of violence. Why is this point so hard for Mr. Duke to understand?

You see, the property-rights argument is, like so many other things, a dodge we use to avoid frank discussion about the real issue: What is good? G. K. Chesterton addressed this in his 1905 book *Heretics*, writing, "Every one of the popular modern phrases and ideals is a dodge in order to shirk the problem of what is good." He then offers as examples the buzzwords "progress," "education" and also, well, read it in his own words:

We are fond of talking about "liberty"; that, as we talk of it, is a dodge to avoid discussing what is good The modern man says, "Let us leave all these arbitrary standards and embrace liberty." This is, logically rendered, "Let us not decide what is good, but let it be considered good not to decide it.

I might add that the property-rights argument can be summed up as: Let us not decide what is good, but, please, whatever you do, don't touch my goods!

It is unfortunate this type of snarky prose will be considered an intelligent response among Mr. Duke's conservative readers. Mr. Duke continues not to deal with libertarianism as libertarianism. It appears that Mr. Duke does not like libertarianism because it is not conservatism. But that is not an argument. In the realm of the use of political violence, libertarians distinguish between good uses of violence and bad uses of violence, i.e., moral versus immoral uses of violence. Libertarians have very concrete ideas of what constitutes legitimate violence based on natural rights, natural law, and property rights. We wish to limit the use of violence in our society.

But what Mr. Duke wants to do here is expand the use of violence in society. He states insinuates the libertarians do not contemplate the good at all while he does, and if violence is needed to attain the good, then so be it. But libertarians do in fact embrace the question of what is good. Libertarians ask questions such as: Is it good to create an institution with a monopoly of violence and is an ultimate judge of conflict including conflict involving itself? Is it good to threaten people with violence for simply refusing to use certain services? Is it good to take money from people without their consent? Is it good to initiate violence against the property of innocent people? Mr. Duke's answers all these questions with a resounding "Yes". He must answer these questions affirmatively because these are all characteristics of the State that he explicitly favors.

Actually, as the communists proved in 1917, the Nazis proved in 1933, Europeans prove with hate-speech laws and Islamists prove the world over — and as history has consistently taught — ideological conquest is, has been and always will be the case. The story of man is one of spiritual, cultural, political and physical warfare, and each chapter has victory and vanquishment. Zoroastrianism was extinguished by Islam, the Ainus have largely been subsumed by the Japanese, and the Maldives' native Giraavaru culture is now only a memory. Just like animals, countless languages, cultures, beliefs and peoples have become extinct, often the victims of invasive entities that, through superior morality or might, won that inevitable battle.

Curiously, Mr. Duke has omitted the Civil War, the Spanish American War, World War I, World War II, the Korean War, the Vietnam War, the First Iraq War, the Afghanistan War, and the Second Iraq War. Apparently these wars do not count as "ideological conquest". But the point I wish to make is that these examples are all indicative of the destructive power of States. There would have been no Bolsheviks or Nazis had there not been a State apparatus extant that could raise a large army to fight citizens internationally and a violent police force to suppress citizens domestically. There would be no war on terror if the US Government would stop meddling in the affairs of foreign nations. And Mr. Duke shows not the slightest clue of having this understanding.

And even if history teaches that ideological conquest has been a part of man's history, why does Mr. Duke simply accept that he himself must participate in this conquest? Does he not believe in the power of the Gospel? Does not he believe in the Beatitudes? Does he not believe that through the Gospel he can be an instrument of peace? Did not Jesus already speak to this when he said

“You know that those who are regarded as rulers of the Gentiles lord it over them, and their high officials exercise authority over them. Not so with you. Instead, whoever wants to become great among you must be your servant, and whoever wants to be first must be slave of all.

Why is Mr. Duke so eager to engage in the same violent ideological conquest that everyone else does?

Mr. Duke ends his essay with a clear declaration:

And that is the battle for civilization. It may sound very noble to say, “. . . believe what you want to believe — I'm ok with that. After all, I am a Libertarian,” but when enough people believe the wrong things, you will not be OK with it. You will be living under a regime that enshrines those things in law — you'll be living in tyranny.

Like it or not, *imposing values is what arranging civilization is all about.* And like it or not, you're part of this process. The only difference among any of us is in what and how much we impose — and in that some of us actually understand this is precisely what we're doing.

So we can avoid talk about morality if we want, but it will do nothing to ensure that morality won't be imposed on us. It only guarantees a descent into error that, ultimately, ensures that immorality will be. emphasis added

Mr. Duke is correct that when people believe the wrong things we "will be living under a regime that enshrines those things in law" and we'll be living in tyranny. However, he is just as much of the problem as the liberals he is criticizes on his blog. That is because the wrong belief that is being imposed on us is the belief that it is meet, right, and just for one group of men to control the persons and property of another group of men. Once the public accepts this belief, tyranny is

Selwyn Duke's Folly-Part Two

By Brutus

inevitable. The only question is to be considered is How will that tyranny manifest itself? Mr. Duke simply wishes to replace a liberal tyranny with a religiously conservative one.

Furthermore, Mr. Duke makes another logical error in assuming that the only way to create a moral civilization is by creating an institution with a monopoly on violence and ultimate decision making. Society does need a moral order, but it does not follow that only a monopoly can provide such over. But as Thomas Paine wrote in *The Rights of Man*, order in society is not the result of the State:

Great part of that order which reigns among mankind is not the effect of government. It has its origin in the principles of society and the natural constitution of man. It existed prior to government, and would exist if the formality of government was abolished. The mutual dependence and reciprocal interest which man has upon man, and all the parts of civilised community upon each other, create that great chain of connection which holds it together. The landholder, the farmer, the manufacturer, the merchant, the tradesman, and every occupation, prospers by the aid which each receives from the other, and from the whole. Common interest regulates their concerns, and forms their law; and the laws which common usage ordains, have a greater influence than the laws of government. In fine, society performs for itself almost everything which is ascribed to government.

Additionally, the use of an immoral institution such as the State will not lead to a moral society. It will necessarily lead to immorality and the decivilization of society because the State attracts and retains immoral people as its agents.

Overall Mr. Duke's essays are poor arguments against libertarianism. He writes in a sanctimonious tone that implies that he is correct and knowledgeable about libertarian thought, but his argument does not hold up under rigorous analysis. He knows very little about libertarian theory and he compensates for this with strawmen and question-begging. If Mr. Duke really wants to write an essay to attack libertarianism, he must first and foremost justify the existence of the State. He never does this in his essays; the closest he comes to doing so is his assertion that the State should impose Judeo-Christian morality on its citizens.

But even if Mr. Duke were actually knowledgeable about libertarian thought, his own political philosophy contains two fatal flaws that render his thought philosophically inconsistent and morally suspect. The first flaw is that while Mr. Duke wishes to impose Judeo-Christian morality through the violence of the State, Christianity repudiates the use of violence to impose its ethical requirements on anyone. The second flaw is that State cannot obey its own laws, and therefore cannot in any way enforce morality. It is simply impossible for an entity that forbids theft to enforce a law against stealing when the State *must* steal from its citizens in order to enforce the law against theft. There is no intellectual recovery from these two flaws.

Instead of advocating peace, Mr Duke eagerly wants to continue the imposition of values through the violence of the State. The fact that he is so convinced that his position is justified inevitably leads to the type of tyranny C. S. Lewis discussed in *God in the Dock*:

Selwyn Duke's Folly-Part Two

By Brutus

Of all tyrannies, a tyranny exercised for the good of its victims may be the most oppressive. It may be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end for they do so with the approval of their own conscience. They may be more likely to go to Heaven yet at the same time likelier to make a Hell of earth. Their very kindness stings with intolerable insult. To be 'cured' against one's will and cured of states which we may not regard as disease is to be put on a level of those who have not yet reached the age of reason or those who never will; to be classed with infants, imbeciles, and domestic animals.