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# The Voluntaryist

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"If one takes care of the means, the end will take care of itself."

June 1985

## Contra Copyright

*(This article was originally delivered as part of a debate on the status of copyright under natural law.)*

by Wendy McElroy

Copyright — the legal claim of ownership over a particular arrangement of symbols — is a complicated issue because the property being claimed is intangible. It has no mass, no shape, no color. For the property claimed is not the specific instance of an idea, not a specific book or pamphlet, but the idea itself and all present or possible instances of its expression. The title of a recent book, *Who Owns What Is In Your Mind?* concretizes a commonsense objection to all intellectual property: most people would loudly proclaim that NO ONE owns what is in their minds, that this realm is sacrosanct. And, yet, if the set of ideas in your mind begins "Howard Roark laughed" do you have the right to transfer it onto paper and publish a book entitled *The Fountainhead* under your own name? If not, why not? To say you own what's in your mind means you have the right to use and dispose of it as you see fit. If you cannot use and dispose of it, if Ayn Rand (assuming a still-living Rand) is the only one who can use and dispose of this specific arrangement of the alphabet, then she owns it. And if she owns what is in your mind, you have violated her rights for you don't have permission to use her property.

I advocate a form of copyright — free market copyright: by which I mean copyright as a useful social convention to be maintained and enforced through contract and other market mechanisms. This is in counterdistinction to those who believe that copyright can be derived from natural rights, that ideas or patterns are property and don't require a contract anymore than preventing a man from stealing your wallet requires a prior contract. Basically, this debate comes down to two questions: What is property? What are the essential characteristics which make something ownable?; and, What is an idea?

Before going on to a discussion of theory, however, I want to address an implication that often lurks beneath criticism of free market copyright. People who contend that ten different people would publish *Hamlet* under their own names, that there would be cut-throated chaos, are using a form of the old "market failure" argument which has been applied to everything from medical care to nuclear bombs. Without the FDA, it is claimed, the market would not produce pure food standards. Similarly, the market cannot regulate the publishing industry. This is new wine in an old bottle. In dealing with the used book business which is virtually unregulated, I have been astonished at how effectively the free market can spontaneously set standards. It is not uncommon for stores in L.A. to know the specifics of a stolen book or a forged autograph the day after it has been spotted in New York. When Benjamin Tucker, a 19th Century opponent of copyright laws, was accused of stripping authors of protection, he replied: "It must not be inferred that I wish to deprive the authors of reasonable rewards for their labor. On the contrary, I wish to help them secure such, and I believe that there are Anarchistic methods of doing so..." The question is not whether copyright should exist, but

whether it should be on a free market basis — in much the same manner as medical ethics — or whether "there ought to be a law."

And this reduces to the question: can ideas be property; or, phrased differently, What are the characteristics of property? Tucker addressed this question in fundamental terms. He asked why the concept of property originated in the first place. If ideas are viewed as problem-solving devices, as answers to questions, then what about the nature of reality and the nature of man gave rise to the idea of property. In a brilliant analysis, Tucker concluded that property arose as a means of solving conflicts caused by scarcity. Since all goods are scarce, there is competition for their use. Since the same chair cannot be used in the same manner at the same time by two individuals; it was necessary to determine who should use the chair. Property resolved this problem. The owner of the chair determined its use. "If it were possible," wrote Tucker, "and if it had always been possible, for an unlimited number of individuals to use to an unlimited extent and in an unlimited number of places the same concrete things at the same time, there would never have been any such thing as the institution of property." Since the same idea or pattern can be used by an unlimited number to an unlimited extent in unlimited locations, he concluded that copyright ran counter to the very purpose of property itself — which was to ascertain the correct allocation of a scarce good.

Copyright also contradicts essential characteristics of property, one such characteristic being transferability. Property has to be alienable: you must be able to dispossess yourself of it. The individualist anarchist, James L. Walker, commented, "The giver or seller parts with it [meaning property] in conveying it. This characteristic distinguishes property from skill and information." When you buy the skill and information of a doctor who gives you a check up, for example, you don't acquire a form of title, as you would acquire title to a car from a car dealer, because the doctor is unable to alienate the information from himself. He cannot transfer it to you; he can only share it. It was this point that lead Thomas Jefferson to reject ideas as property, drawing an analogy between ideas and candles. Just as a man could light his taper from a candle without diminishing the original flame, so too could he acquire an idea without diminishing the original one. Jefferson wrote: "If nature has made any one thing less susceptible than all others of exclusive property, it is... an idea, which an individual may exclusively possess as long as he keeps it to himself; but the moment it is divulged, it forces itself into the possession of every one, and the receiver cannot dispossess himself of it." When a poet reads or sells poetry without a contract, when he throws his ideas and patterns into the public realm, the listeners receive information, not property. For the publicized poems to be property they must be transferrable, alienable. Yet, as the egoist J.B. Robinson said, "What is an idea? Is it made of wood, or iron, or stone? The idea is nothing objective, that is to say, the idea is not part of the product; it is part of the producer." In other words, if the poet claims ownership of the patterns in his listener's head, this reduces to a form of slavery since the ownership claim is over an aspects of the listener's body. Such a claim is comparable to owning the blood in someone else's arm. Although you can buy blood, that purchase is contractual and is not a natural right.

Thus, another reason that title to a poem is not transferrable — and again, I don't mean any specific instance of the poem, but the

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### Statement of Purpose

The Voluntaryists are libertarians who have organized to promote non-political strategies to achieve a free society. We reject electoral politics, in theory and in practice, as incompatible with libertarian principles. Governments must cloak their actions in an aura of moral legitimacy in order to sustain their power, and political methods invariably strengthen that legitimacy. Voluntaryists seek instead to delegitimize the State through education, and we advocate withdrawal of the co-operation and tacit consent on which State power ultimately depends.

arrangement of the alphabet that constitutes all such potential poems — is because it is intangible. Those who try to claim property rights in something intangible are trying to bring two mutually exclusive things together. People who claim ideas as property are like Aldous Huxley who once defined God as a "gaseous invertebrate" ... only he was joking.

When a poet reads his work, he throws the poetry into the public realm and crosses the line between private and public ideas. Everyone owns an idea in his own mind and no one has any right to that specific instance of the idea. And if that specific instance is the only instance that exists — such as a doctor who develops a cancer cure — that idea is protected by his right of self-ownership. His right to live in peace and silence. When an author chooses to publicize his ideas, however, he loses the protection afforded by his self-ownership. He loses what Tucker called "the right of inviolability of person."

To restate this, I own my ideas because they are in my mind and you can get at them only through my consent or through force. My ideas are like stacks of money locked inside a vault which you cannot acquire without breaking in and stealing. But, if I throw the vault open and scatter the money on the wind, the people who pick it up off the street are no more thieves than the people who pick up and use the words I throw into the public realm.

And, yet, the poet might respond, no one is forced to absorb the popularized poetry. They do so of their own free will. Therefore, says the poet, there is an implied contract or obligation on the part of the listener not to use it without permission. Victor Yarros, Tucker's main opponent on copyright in the 19th Century movement, claimed, "All Mr. Tucker has the right to demand is that these things shall not be brought to his own private house and placed before his eyes." Tucker responded, "Some man comes along and parades in the streets and we are told that, in consequence of this act on his part, we must either give up our liberty to walk the streets or else our liberty to ideas ... Not so fast my dear sir! ... Were you compelled to parade on the streets? And why do you ask us to protect you from the consequences?"

Moreover, the introduction of an implied contract between the poet and listener is a two-edged sword. To fall back on some sort of implied agreement implicitly admits that copyright is a matter of contract, not natural law for one does not need to fall back on

contract to protect natural rights. If a man steals your money, there is no need to appeal to an agreement to justify restitution. Restitution occurs because it was YOUR money. Only when you are dealing with those things to which you have no natural right must you appeal to contract.

Now, historically, copyright has been handled differently than patents. Many people accept copyrights while rejecting patents. The distinction is usually based on two points: (1) literature is considered pure, personal creation as opposed to inventions which rely on the discovery of relationships within nature; and (2) independent creation of literature is considered to be impossible. Copyright is said to protect style or the pattern of expression rather than the ideas expressed. Most people agree that ideas can be independently and even simultaneously created — for example, Walras, Jevons and Menger all separately originated the theory of marginal utility — but they do not agree that style can be independently and honestly duplicated.

The issue of duplication of style raises some interesting questions. For one thing, it is not unknown for poetry, especially short poems, to closely resemble each other. Do these chance similarities constitute duplication? Do they violate copyright laws? If they don't, what prevents me from taking *Atlas Shrugged* and publishing it under my name after changing one word in each sentence. This would produce a similar pattern but not a duplicate one. If copyright would prevent me from doing this, then it is aimed not only at prohibiting exact duplications but at prohibiting similarities as well. And similarities are quite within the realm of possibility, especially when the guidelines of what constitute similarity are vague.

Moreover, in handling probability, Tucker pointed out that this factor should have no relevance in the formation of law. He wrote: "To discuss the degrees of probability is to shoot wide of the mark. Such questions as this are not to be decided by rule of thumb or by the law of chances, but in accordance with some general principle ... among the things not logically impossible, I know of few nearer the limit of possibility than that I should ever desire to publish in the middle of the desert of Sahara; nevertheless, this would scarcely justify any great political power in giving someone a right to stake out a claim comprising that entire region and forbid me to set up a printing press." In short, a question of right must be determined by a general theory of rights, not the likelihood of circumstances.

In regard to the ownership of a form of expression, he wrote that "a particular combination of words belongs to neither of us ... the method of expressing an idea is itself an idea and therefore not appropriable." As long as you are not claiming ownership of a specific instance of a book, but of the abstracted style of every instance of this book, you are claiming ownership of an idea.

Examples of styles or patterns surround us everywhere. In chairs, shoes, hairstyles, gardens, recipes, clothes, wallpaper, slang ... patterns are everywhere. And, if it is out of respect for

style that a publisher cannot duplicate a book, then for that same reason, a shoemaker cannot duplicate shoes. Women cannot duplicate hairstyles or clothes for these things express as much style as a sonnet. Yet it is only with the sonnet, with literature that the originators clamor for special protection. If copyright were not the norm, if all of us had not grown up with it, we might consider it as absurd as arresting a houseowner because he painted his house with the same pattern of colors as another houseowner painted his two blocks over. To be consistent, the copyright advocate has to become this absurd. He has to admit that all speech is a unique personal form of expression and a man should be entitled to legal protection for every sentence he utters so that no one thereafter can utter it without his consent. Lysander Spooner, a defender of copyright much quoted by libertarians, seemed to consider this possibility when he wrote: "So absolute is an author's right of dominion over his ideas that he may forbid their being communicated even by human voice if he so pleases." Think about that. It's a frightening statement.

I want to end by dealing with the most controversial instance of intellectual property: namely, do you own your name? Assuming I am the only Wendy McElroy in the world right now, do I have the right to prevent other instances of Wendy McElroy from occurring?

Understand what this right entails. It means I could enter the home of anyone named McElroy and prevent them from naming their daughter Wendy; or, I could prevent that daughter from ever using her name in the area connected with my career. But, if such a right is absurd, as I claim it is, what would prevent someone from using my name to publish inferior work or from publishing my work under another name? I think that three things would serve as restraining factors. First, in the free market reputation is more of a business necessity than it presently is and there is a tendency toward self regulation. I don't claim the free market has perfect ethics but there is a strong tendency toward establishing decent norms. Second, as much as possible, I would take advantage of contracts to protect my work. Third, anyone misleading the public as to the nature of a piece of work — for example, putting my name on an inferior book — may well be open to charges of fraud. Nevertheless, in a free market, someone might profit by my work without my permission. That's one of the risks I run in throwing my work open to the public.

I don't believe copyright protects the just profits of an author. George Bernard Shaw contended "copyright is the cry of men who are not satisfied with being paid for their work once, but insist upon being paid twice, thrice and a dozen times over." I believe free market copyright would temper the immense profits that can be made from writing because these profits are not so much "just" rewards as they are the product of state monopoly. I do not believe the absence of state privilege will destroy literature. Most of the world's great authors, Shakespeare for example, wrote without copyright. As for the possible destruction of the publishing industry, Tucker — a journalist and publisher — explained: "Why did two competing editions of the Kreutzer Sonata [a book he published] appear on the market before mine had had the field two months? Simply because money was pouring into my pockets with a rapidity that nearly took my breath away. And after my rivals took the field, it poured in faster than ever."

As a writer, I am eager to maximize my profits. I am not so eager, however, to claim ownership over what is in your mind. My attitude toward writers and lecturers who throw their products into the streets and yet wish to have an invisible thread of ownership attached to each instance of it is simply this: if you want your ideas to yourself, keep them to yourself.

—Wendy McElroy

## "Health" Freedoms in the Libertarian Tradition

by Carl Watner

"Health" freedom, by which I mean the freedom to take our health into our own hands in any way we choose, depends on our right to own and control our own bodies. This principle of self-ownership represents the single most important element of the libertarian tradition. Since the 17th Century it has been the underlying basis of the struggle for individual rights. In the context of this article, it has manifested itself in the pursuit of various hygienic and dietetic reforms during the 19th Century. These include the advocacy of temperance, vegetarianism, water cures, Grahamism, and sexual hygiene, as well as agitation against medical licensing laws, and compulsory vaccination. The purpose of this article is to broadly describe the history of the self-ownership principle with respect to "health" freedoms during the 19th Century and to portray a few of the personalities intimately connected with it.

Historians of the 19th Century have noted that Henry David Thoreau was a vegetarian for at least several years. Although he is well-known as the author of the famous essay on "Civil Disobedience," it is not widely realized that Thoreau was involved in the radical abolitionist movement. Since slavery reflected the theft of a person's self-ownership, it was just as wrong as the denial of a person's right to doctor himself or herself. Two of Thoreau's closest friends were Amos Bronson Alcott and Charles Lane, who started a utopian farm community near Concord, Massachusetts in the summer of 1843. The farm, which was called Fruitlands, was intended to be a self-sufficient homestead, where the principal staple of daily food was to be fruit. The main belief of both Alcott and Lane was the sacredness of all sentient life — "that beast, bird, fish, and insect had a right to control their individual lives."

The close relationship of Lane, Alcott, and Thoreau illustrates the integral relationship between radical ideas in health and politics throughout much of the 19th Century. Lane, an Englishman, had helped publish *The Healthian*, before he came to this country in 1842. In 1843, he wrote a series of letters for William Lloyd Garrison's *The Liberator*, in which he advocated "a voluntary political government." He was opposed to compelling people to live their lives in any particular way, so long as they remained at peace with one another. This included their dietary and health practices, as well as their political relationships. Lane saw taxation as theft and coercion; taxes were not voluntary, for he was arrested and Thoreau was jailed for non-payment of their poll tax. It was Lane's series of letters on voluntarism which largely influenced Thoreau's own resistance to the government. After Lane returned to England in 1846, he wrote *A Brief Practical Essay on Vegetarian Diet* (1847) and *Dietetics: An Endeavour To Ascertain The Law Of Human Nutrition* (1849).

The radical abolitionists were not only involved in the agitation against slavery. Health reforms were in the air during the first three or four decades of the 19th Century. Perhaps the most popular health reformer of the era was Sylvester Graham, who began his career as a temperance lecturer in Pennsylvania in 1830. While others spoke for women's rights and the peace movement, Graham concluded that the way to individual salvation was through the stomach. In his hands, the temperance ideal developed into something far more comprehensive than moderation in drink. It evolved into the ideal of sensible living and good health in all its phases: of a sound mind and a sound body.

Graham's concern with personal hygiene and diet brought his ideas to a wide audience, both in the lecture hall and in the home. He published his *Science of Human Health* in 1839, which emphasized the relation of physiology to hygiene. "Graham boarding houses" were established, where the devotees of both sexes could partake of the eating of "Graham bread" and the taking of a bath "in very warm water at least three times a week." In Boston a special bookstore was established to supply them with food for thought and such periodicals as the *Graham Journal* and *Health Journal and Advocate* were published.

Graham's influence spread through a wide network of converts. Among them were many influential abolitionists, such as Gerrit Smith, Edmund Quincy, and William Lloyd Garrison. Others, like Amos Bronson Alcott's cousin, Dr. William Alcott, and Mrs. Asenath Nicholson, were enthusiastic about "Mr. Graham's rules." Mrs. Nicholson wrote *Nature's Own Book* in which she advocated vegetarianism (even though Graham's diet allowed some fish and meat). Some like Mary Gove ran a school in Lynn, Massachusetts where she introduced bloomers, the brown bread supper and free love under the guise of "individual sovereignty." Such people were "not only reformers in Diet, but radicalists in Politics," as one contemporary noted.

While lecturing on hygiene, Graham capitalized on the anti-medical philosophy which was characteristic of his day. If right living was a more certain means to health than were drugs and the doctor, then it was a natural conclusion that if people would but live hygienically, there would be little need for physicians. Although Graham never went so far as to oppose the medical fraternity, his doctrines began to be viewed as a popular substitute for regular medicine.

The call for each person to be his or her own physician had been put forward by Samuel Thomson as early as 1806. Thomson was a New Hampshire farmer who learned much of his medicine at the side of a local herbalist. In 1813, he obtained a patent on his "Family Rights" and began selling his botanical recipes for healing purposes. During the 1820s and 1830s he commissioned agents throughout New England and the southern and western states to spread his home remedies, which eliminated the need for doctors. His *New Guide To Health* encouraged people to take care of themselves and his ideas were patronized by a widespread clientele. It was estimated that he had some three to four million adherents out of a total population of seventeen million people at that time. His philosophy had a Jacksonian flavor, reflecting the widespread distrust of elites and the conviction that Americans "should in medicine, as in religion and politics, think and act" for themselves. "It was high time," declared Thomson, "for the common man to throw off the oppressive yoke of priests, lawyers, and physicians . . ." The Thomsonians believed that self-medication was safer than being doctored to death. "Being your own physician would not only save your life, . . . but save you money as well."

Historians refer to Thomsonianism and the Grahamite movement as the "popular health movement" because Thomson, Graham, and other health reformers appealed to the working class and feminist movement of their era. Although Graham rejected the botanical remedies of the Thomsonians, both equated natural living habits with liberty and classlessness. They realized that any medical system which creates a privileged class which uses law to support itself "destroys true freedom and personal autonomy." Both Thomson and Graham were appalled by the regular medical profession's attempt to gain a monopoly. "Monopoly in medicine,

like monopoly in any area of endeavor, was undemocratic and oppressive to the common people." With this attitude, members of the popular health movement started to agitate for the repeal of all medical licensing laws.

Although under the common law, the practice of medicine was open to all comers (subject only to liability for malpractice damages), statutory medical licensing had existed for many centuries in England. Licensure was placed under the control of the College of Physicians which was established in 1518. This group had the right to punish irregular medical practice with both fines and imprisonment. Medical licensing was brought to this country with the English colonists. However, the widely scattered population and the small number of physicians made licensing impractical up until the late 18th Century. Colonial and, then later, state assemblies assumed licensing prerogatives. Between 1760 and 1830 laws against irregular practice became more severe, but with the development of both rival medical systems and the popular health movement and with the accompanying doctrine of educational standards in regular medicine, the scene began to shift.

State after state began repealing their restrictions against irregular practice. Nearly every state which had restrictive licensing laws softened or repealed them. Alabama and Delaware exempted Thomsonians and other types of irregular healers from persecution. Connecticut withdrew exclusive control of the medical profession from the State Medical Society and Louisiana gave up all attempts to enforce its medical legislation. Finally in 1844, after 10 years of pressure, New York State abandoned its licensing law. The popular health movement coincided with a laissez faire attitude on the part of the populace. The American people were impatient with all restrictions, and "were doubtless anxious to maintain their 'liberty' in medical as well as in other matters." They wanted no protection but freedom of inquiry and freedom of action. It was certainly the spirit of the times to open up all fields of endeavor, business as well as professional, to unrestricted competition. "Medicine, with all other human activities, must take its chances in the grand competitive scramble characteristic of the age."

Despite the success of the popular health movement, both in terms of adherents and the removal of monopolistic protection for the regular medical profession, it soon waned for a variety of reasons. Large numbers of Thomsonians began hankering after professional status. Where once they had denounced the transformation of medicine into a commodity, now they sought to commercialize their own remedies. Where once they had protested the elite status of the regulars, they now aimed for such a status themselves. The underlying current of social unrest which had carried the popular health movement along with it was moving in other directions, such as the support of woman suffrage. Furthermore, regular medicine began to adopt enough of the hygiene promoted by Graham and Thomson to save itself. One historian of the Hygiene movement has credited it with these accomplishments:

People learned to bathe, to eat more fruits and vegetables, to ventilate their homes, to get daily exercise, to avail themselves of the benefits of sunshine, to cast off their fears of night air, damp air, cold air and draughts, to eat less flesh and to adopt better modes of food preparation.

It is now forgotten how far the regular medical profession protested these reforms, which were largely brought about by people like Thomson and Graham.

While this discussion has concentrated on America, it is worth examining another medical controversy which originated in England and eventually spread to the United States. The protests against compulsory vaccination and inoculation originated in England because it was there that Edward Jenner originated the method of cowpox vaccination in 1796. Although Jenner was rewarded by Parliament in 1803 and 1806, it was not until 1853 that vaccination became compulsory in England. This law, however, met with widespread opposition and local vaccination registrars referred to the measure as a "nullity" owing to the resistance of the people.

Finally in 1871, due to the large numbers of infants which remained unvaccinated, a new statute provided for the appointment of non-medical men to police and enforce the compulsory vaccination law. They were empowered to fine parents of unvaccinated children 25 shillings, or upon their refusal to pay the fine, to imprison them. Passage of the law renewed interest in the Anti-compulsory Vaccination League which had been founded in London in 1853. At the same time, the leading opponents of vaccination in America were active. Among the leaders of the American movement were Dr. Joel Shew, a leading advocate of the water cure system, and Dr. Russel Trall, a prominent hygienist. In 1879, the leader of the English anti-vaccinationists, William Tebbs, founded the Anti-vaccination Society of America, assisted by what one medical historian refers to as the "medical faddists" of the day. During the 1880s and 1890s, vaccination was opposed by American health magazines, such as *Health Culture*, *The Chicago Vegetarian*, *The Naturopath* and *Medical Freedom*.

The arguments surrounding compulsory vaccination, both in England and the United States, present a very interesting analysis of the nature of "health" freedom. The arguments in both countries roughly break themselves down into two types: the practical or scientific argument over the effectiveness of vaccination and the moral or ethical argument over the use of State coercion to enforce vaccination. Many opponents of vaccination attacked it on medical grounds: that statistically it had not been proven as effective as claimed; that it sometimes caused death; that the decrease of smallpox, for example, was not caused by vaccination but rather by improvements in sanitation and health practices. Others argued that even if there were unanimity among the medical profession on the merits of vaccination, that such unanimity would prove nothing. "It would not be the first time that the no less unanimous profession had been as unanimously wrong." One of the more astute anti-vaccinationists urged that

Unanimity does not exist, and if it did it could not justify compulsion against our plea that the medical profession does not come to us with a record sufficiently reassuring to tempt us to lay at its feet our right of private judgement and our own sacred responsibilities.

The practical danger that the unvaccinated are a public danger was met by claiming that "vaccination is either good or bad. And its goodness removes the need, as its badness destroys the right, of enforcement on the unwilling." If vaccination was effective, those who were vaccinated would suffer no harm from the unvaccinated. If vaccination was harmful to the body, as some anti-vaccinationists claimed, then to coercively impose it under the threat of going to jail was criminal.

Those who argued on practical grounds also claimed a right to be heard on the moral side of the question. Even if the anti-vaccinationists were wrong with regard to their assertion that

vaccination was not medically effective, they desired to be heard out on their argument that "compulsion is a wrong." The burden of proof, in their opinion, was on those who wished to resort to coercion. For example, John Morley in 1888, maintained that "liberty, or the absence of coercion, or the leaving people to think, speak, and act as they please, is in itself a good thing. It is the object of a favourable presumption. The burden of proving it inexpedient always lies, and wholly lies, on those who wish to abridge it by coercion, whether direct or indirect." John Bright, writing in 1876, disapproved of compulsory vaccination. "To me it is doubtful if persuasion and example would not have been more effective than compulsion: . . . to inflict incessant penalties upon parents and to imprison them for refusing to subject their children to an operation which is not infrequently injurious and sometimes fatal, seems to be a needless and monstrous violation of the freedom of our homes and of the right of parents."

Bright's reference to the possibility of accomplishing the same end (the eradication of smallpox) by voluntary persuasion and example illustrates the underlying voluntarist theme in this historical overview of the "health" freedoms. One need not have been opposed to vaccination at all to have been an opponent of compulsory vaccination. One could have been opposed to the compulsion without being opposed to the practice of vaccination. Similarly, some of the opponents of compulsory vaccination were also opponents of compulsory school attendance laws for the very same reasons. They were not opposed to educating their children (or perhaps even contributing to the financial costs of educating other parent's children) but they were opposed to the use of compulsion in education as well as in medicine. To force some parents to have their children vaccinated was just as wrong as to force other parents to send their children to government schools. It made no difference whether those who opposed compulsory vaccination supported school attendance laws or whether those who supported compulsory attendance disapproved of involuntary vaccination. The only principled stand was to oppose ALL compulsion as a means, regardless what position one took with respect to the underlying end.

In fact it was radicals like Thoreau and Charles Lane who understood that involving the government in such matters as education and medicine only made "public" issues of such private matters. They wondered why if religious or personal conscientious objections could be raised against vaccination, why not against compulsory schooling too? In fact to be a consistent defender of "health" freedom, they realized it would be necessary to argue for the principle of self-ownership in all areas of human activity. To allow the State to oppress even one person would be to threaten

all people's freedoms. Indeed, this is one reason why they opposed chattel slavery and were so opposed to government in general. Thoreau and Lane and their disciples argued that no person or group, including the government, had the right to initiate coercion or its threat against other peaceful individuals. These early apostles of voluntarism advocated an all voluntary society where no one's "health" freedoms were impinged on and where no one had the right to violate someone else's right of self-ownership, even under the guise of the "public good." They realized that "health" freedoms were really just one aspect of their larger right of self-ownership and that all freedoms were integrally related to one another. They knew that all human freedoms — whether they relate to our health or our labor or our property — depend on the inviolability of our self-ownership rights to our own bodies. This is their libertarian message across the time span of more than a century.

Carl Watner

September 1984

Common Law Copyright

# Book Review of *The Ayn Rand Companion* by Mimi Reisel Gladstein

by David Solan

Mimi Reisel Gladstein is an Associate Professor of English at the University of Texas in El Paso. Though she has written a number of articles of literary analysis before, including two on Ayn Rand, *The Ayn Rand Companion* is her first book, published in October of 1984. Considering the confused, primitive, and often irrational attempts in the past by a variety of authors to write about Ayn Rand, this is a most amazing volume — it is the only book about Ayn Rand and her philosophy, Objectivism, that I know of, written by an obvious outsider to the movement, which displays dispassionate erudition in analyzing its subject matter. If this is a sign of things to come, then we are witnessing a new stage in the world's relationship to Ayn Rand: even if they disagree with her, at last they are taking her seriously.

In this book Professor Gladstein has a number of purposes, many of which she fulfills eminently well. She wishes to summarize the life of Ayn Rand and to give us a peek into Rand's unique and complex personality; she wishes to examine the fictional works of Rand for the limited purpose of describing their plots and the many characters that populate them (a particular treat in helping one recall past pleasures with Ayn Rand's fiction); she wishes to give her readers, who are not familiar with Ayn Rand's non-fiction works; a very brief (though admiring) summary of some of the ideas they contain; and, in her last chapter, she wishes to "synthesize the critical reaction to Rand so that readers of her works can evaluate both the thoughtful and the vituperative."

In the biographic portions, a favorable, heroic view of Rand's life is presented, including the two famous incidents: occurring in Hollywood in 1926 with Cecil B. De Mille personally giving Rand a job one day after she arrived there, and in New York in 1941 with Archibald G. Ogden risking his career at Bobbs-Merrill in support of *The Fountainhead* (which, by the way, was also titled by him). But Gladstein is also willing to present the negative side of Ayn Rand, as when she points out, "Rand's unrealistic depiction of her husband is one of the areas in which Rand appears to have contradicted her principle of never faking reality."

The second and third chapters consist of detailed literary analyses of Ayn Rand's fiction from a variety of perspectives, including a remarkable "Compendium of Characters." *The Early Ayn Rand* had not been published at the time of this writing, so none of its literature was included here. Gladstein points out that (to 1984) all of Rand's major literary works tell the same kind of story — about the battle of an individualistic protagonist against the forces of collectivism and mediocrity in his society ("ironically," she says, the protagonists also have to fight *other* individualists who are betraying that battle). This battle is seen by Ayn Rand as being capable of a more positive outcome in direct relation to the chronological order in which her books and plays were written. And whether the battle turns out well or not, it is clear that, "Not God, nor country, nor cause, precedes the individual in Rand's hierarchy of values."

Gladstein speaks of how clearly Rand communicates, in her fiction, whether a character is to be viewed positively or negatively. She shows the progressive development of the theme of the productive *versus* the parasitical through all of Ayn Rand's fiction. And she indicates the importance of the emotional element in Rand by observing that Rand's heroes and villains alike both instantly recognize the like-minded, and that when her heroes love, they do so at first sight, with seemingly unlimited reverence and passion for the object of their love.

One of the refreshing techniques used by Professor Gladstein in this book is her reliance on introductions, both on the book level and at the chapter level, to give the reader the purpose and essence of what is to follow. In this way you know what to expect in what you are about to read, making it easier to understand. And her extensive footnotes are put at the end of each chapter, where they belong, not at the end of the entire book. Another interesting feature is the inclusion of extended bibliographies.

Gladstein scatters many fascinating facts about Ayn Rand throughout her book. For instance, how many people know that Ayn Rand had lung cancer in 1973 and had one lung removed, most likely due to her vaunted cigarette smoking? As Gladstein put it, "The cigarettes that had served Rand effectively as a dramatic symbol served her ill in real life." And, it is claimed by Gladstein, that after 18 years of close association with the Brandens, Ayn Rand never once told them her former name (changed when she arrived in America). Barbara Branden had to do research to find out it was: Alice Rosenbaum (I personally regard this last claim as apocryphal).

Despite the fact that I believe Professor Gladstein has been quite fair and careful through most of this work, I must admit that when she makes a mistake, it's a whopper. Thus, she seems unaware that the Constitution of the United States can hardly be said to "synthesize Rand's philosophy," in that there is not one mention of the concept of human rights throughout the body of that document (the phrase Gladstein quotes comes from the

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Declaration of Independence). And Gladstein has the gall to compare *The Fountainhead* with *One Flew Over The Cuckoo's Nest* in the development of their popularity. The latter is a story about a lunatic asylum, replete with "stream of consciousness" babbling.

William F. O'Neill's book, *With Charity Toward None*, is described by Gladstein as "evenhanded," "no axe to grind," and "reasonable," and she concludes that he "is especially approving of the fact that [Ayn Rand] has provoked so many people into thinking." In fact, Professor O'Neill is an enemy of virtually everything Ayn Rand stands for — including reason itself. His critical analysis of her ideas is a massive hodge-podge of wild, brain-cracking argumentation, all peppered with hundreds of scholarly references to make it all quite impressive — to those impressed by this sort of performance. Obviously, Gladstein is numbered among them.

But Gladstein's most amazing error comes when she lists the characters of Ayn Rand's works and summarizes their personalities. Under the heading of "The Heroic Protagonists" is listed one name for each novel. For instance, Kira Agrounova appears under *We The Living*, Under *Atlas Shrugged* appears Dagny Taggart! Only when we get to the heading entitled, "Other Primary Heroic Personages," do we find, third on the alphabetic list, John Galt. Thus, Gladstein has so misconstrued the meaning of *Atlas Shrugged* as to consign its central and unifying figure to a subordinate position of importance. Could this be due to her self-admitted advocacy of "feminism?" Hopefully not. Or could it be due to the fact that John Galt is such an impossibly great hero, not merely for *Atlas Shrugged*, but for all of human literature ever written, that he was unreal to Gladstein and therefore could not be taken seriously by her? Perhaps. But there are still other possible reasons, one of which I will refer to later.

There has been a discernible trend going on for at least 10 years now in the underworld of Objectivism, such as in the so-called "Libertarian" movement, to dissociate Ayn Rand the writer from Ayn Rand the moralist and philosopher. According to this view, Ayn Rand was a good storyteller to be sure, but you can't actually take her themes, her many ideas, or her heroes seriously. Does this account for the greatness of Ayn Rand; or do her radical ideas represent an integral and inseparable part of all her works, driving them on and giving them meaning? It is to Professor Gladstein's credit that she understands (partially) the crucial connection between the ideas of Ayn Rand and the fictional world she creates. This is a book of literary analysis of Ayn Rand, to be sure, but it is not literary analysis of Ayn Rand's works divorced from Ayn Rand herself.

Where Professor Gladstein shows the premise that made her previous errors possible is in the last chapter, "Criticism of Rand's Works." Here she gives a remarkable overview of the opinions of Rand's works expressed in different media by a large variety of Objectivist detractors, semi-admirers, and admirers. The problem is that she is strongly attracted to a certain one of these views.

It is a view that would substitute for a philosophy of life on earth and a rational code of ethics for man, a form of solipsism where the highest action a man could take is the intellectual/emotional equivalent of the contemplation of his navel. Those who accept this view put emotions close to reason in man's hierarchy of values. Thus, Professor Gladstein, while criticizing Albert Ellis' book, *Is Objectivism A Religion?*, also seems to accept his claim as to Objectivism being detrimental to the psychological well-being of its "practitioners." She favorably quotes Nathaniel Branden's criticism that Objectivism leads to emotional "repression," which he (along with Gladstein) views as wrong.

But, in fact, man can only grow if he regards his emotions as secondary to his reason. He must develop finely tuned, automatic means of inhibiting them whenever they would detract from the proper use of his rational faculty. As soon as emotions are viewed as primaries, they undermine man's reason, take over his mind and body, and make him progressively more blind to the nature of the world about him and what it requires for his continued existence on earth. Such an idea freezes men on the intellectual/emotional level of their adolescence, where they were just beginning to form a set of mature values (and emotions) to live by for the rest of their lives. You must regard your emotional "self" as important, at least for the major long term problems of life, largely because you have created it — and only *after* you have created it — by reason. And you must *never* regard it as more important than reason.

It is the evil idea of the primacy of emotions that Professor Gladstein obviously has some sympathy with throughout her book, and which therefore detracts from its spirit of objectivity. This also might be the reason why she has failed to grasp the importance of John Galt for *Atlas Shrugged* — he is the ideal of reason incarnate, and if emotions are to subjugate reason, who cares about the ideal of reason incarnate: who cares about John Galt. But if read critically, *The Ayn Rand Companion* has much nostalgia to offer confirmed longtime Ayn Rand lovers such as I, and very much information for anyone who wants an accurate summary of the life and works (but *not* the ideas) of Ayn Rand.

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