

## **Some Thoughts on Democracy**

**John Hospers**

When a decision is mine alone to make, I deliberate, I decide, and then I act in accordance with my decision. When other people are involved, however, the situation is more complex. When there are two of us, and the matter requires both our decisions, the outcome is either unanimous or a tie.

When there are three or more of us, one method of achieving an outcome is for us all to vote on the matter. There are other ways of achieving an outcome, such as tossing a coin, or one person forcing or threatening the others or engaging in other activities so as to prevent a vote from being taken. But if all the participants are acting voluntarily, that is, without being coerced, and whoever gets the most votes wins, the decision has been arrived at democratically.

These votes are sometimes said to express preferences. But you may not vote for what you prefer: you may prefer one thing but vote for another if you believe it is to the best interest of others, such as members of your family, or the entire society. I may prefer not to deny myself a benefit, but vote for the measure anyway because I believe that others will be disadvantaged if I do not. My vote expresses my choice, not necessarily my own preference. In a democracy, each person's choice is expressed through his vote.

1. Majority vote. If there are ten of us and the vote is 5 to 5, there is no majority, but a tie; then we are at a standoff unless we try voting again, or employing some non-democratic method of arriving at a decision. If there are ten of us and the vote is 6 to 4, then of course there is a majority. If the vote is 4-3-3, the 4's have more votes than the others, but there is no majority, since no one has more than half the total: that is, there is a plurality but not a majority, If

democracy is defined as majority vote, this is not, or not yet, a democracy.

In common usage of the word, however, democracy does not require that any person or group have a majority, but only a plurality: that is, whoever gets the most votes wins. If a majority vote is required, there will have to be one or more runoff elections. In the United States, for example, there are no runoff elections for the presidency: Clinton won the election although he never had a majority of popular votes. In some elections, however, there are runoff elections until someone has a majority.

2. Representative democracy. A direct democracy should be distinguished from an indirect, or representative, democracy. In ancient Athens, every citizen voted - or was permitted to vote - for a proposed law; but in very large nations, such as modern democracies, this is impossible or impractical: the citizens vote for their

representatives in Congress or Parliament, and the congressmen in turn vote on the proposed laws. You may favor a certain bill, but your congressman may nevertheless vote against it. And there are countless measures passed by Congress over which you do not have even this indirect control, such as the bureaucracies that are created through 'enabling clauses': Congress 'enables' the regulatory agency to enact whatever regulations it deems 'reasonable and proper', and the citizen has no control over what the bureau regulates - only the threat of expelling in the next election the congressman who helped to vote in the regulatory agency. When it has reached this point the democracy is very indirect indeed.

3. Frequency of elections. In a democracy there must be elections.

But how often? A nation in which elections were held only once every hundred years would not be called a

democracy, for it would fail to reflect the voters' present choices. But of course, 'present choices' can change from day to day, and it would be most impractical to have elections every day. Between every day and every century, there is a wide gap. The United States has presidential elections every four years; in other nations, there is a new election whenever Parliament sustains a vote of 'no confidence', which may be five months or five years. Again, the concept of democracy is vague: if ten or twenty years passed with no elections, we would no longer be inclined to say that the nation was still a democracy.

4. Exclusions. In any nation many groups are excluded from the vote. Non-citizens may not vote; nor, in the United States, persons under eighteen years of age. Until after World War 1, no women could vote. As a rule, but not always, persons in prisons and mental institutions may not vote. How many groups can be excluded compatibly with the nation being a democracy? Again there is no clear

cutoff point, but surely a nation in which 95% of the people could not vote would not be called a democracy.

Also anti-democratic would be a situation in which one person's vote counted more than others - if for example the vote of a person with a college degree counted as two votes. The idea of democracy is violated if we depart from the view that every qualified person's vote counts as one, no more and no less.

5. Censorship. It is sometimes said that for there to be a democracy, the channels of communication must be open, and this condition is not fulfilled if the government owns or controls the media and thus 'poisons the wells' of information, preventing voters from knowing the facts that are requisite to an intelligent or impartial vote. If voters depend on the media for their facts, and what the media provide is mostly misinformation, or omission of important issues or

points of view, is such a nation still a democracy? Once again, the notion is vague: there can be quite a bit of bias, misinformation, and government control of the media, while the world still calls it a democracy, perhaps a 'corrupt democracy'.

Nevertheless there are limits. Most of the world is aware that so-called 'people's democracies' are not democracies but dictatorships. In the Soviet Union most people voted, but if they valued their lives they would not vote against Stalin. And in totalitarian nations only the persons friendly to the current rulers are permitted to be candidates at all.: their only choice is among candidates whom the dictator or his henchmen have already chosen. Sometimes it is said, "Democracy is the best form of government because in democracy we govern ourselves." But in any political system we are governed by others, sometimes others whom we approve of and sometimes not. After sloughing off a colonial power the

residents of nation may claim, "Now we're governing ourselves" - but what this comes to is that they are ruled by people from their own country rather than (as before) rulers from the colonial power, such as Great Britain. But 'governing ourselves' in this sense carries no implication of being better than what they had before.

### **Democracy vs. republic**

Is there any merit in sheer numbers? How is sheer quantity a guarantee of quality? A majority may be ignorant , foolish, short-sighted, carried away by the passions of the moment with no thought for long-term consequences. The following sequence of events has occurred often in democracies: a majority of voters vote themselves lavish benefits from the public treasury. Those who are comparatively well off are highly taxed, and the poor receive the unearned benefits. They enjoy getting something for nothing, and they vote themselves further benefits. Meanwhile those who own the factories and equipment , and hire the employees, on which the

society depends, no longer find it profitable to produce, and they cease production or become bankrupt. The demands for goods increases as the supply decreases, and there is poverty throughout the land. (Or the benefits or paid with inflated currency.) A minority of the citizens saw what was coming and were shouted down by the short-sighted majority. Another democracy has collapsed: typically such a democracy is replaced by a dictatorship, which Plato said was the usual fate of democracies.

Plato was one of the first systematic thinkers of the Western world to present a detailed plan of how a nation should be organized and governed. Everyone was to be eligible for rulership, but the vast majority would be weeded out in a long and exacting period of training - mostly mathematics, philosophy, military service, and mingling with the people to understand their needs - which would eliminate competitors at various stages, and the few who survived the ordeal would, at age 50, become members of the Council of

Rulers. The members of that council would hold their positions for life and not be subject to revocation by voters (there would be no voters in any case). They would be the embodiments of the highest wisdom to be found in the society.

It is doubtful whether many persons today would be prepared to underwrite a system of government in which the majority have no control whatever over who was to govern them, and in which there was no peaceful way to unseat them. Much closer to democracy, because it provides an opportunity for all qualified citizens to vote, is a republic, in which the majority do cast votes, but the power of the majority is limited.

Usually there is a constitution which specifies in what areas a majority may vote some of these areas are 'off limits' to democratic voting. If for example the constitution says that there should be complete freedom of religion, then any attempt by the government to control or abolish religion would be unconstitutional, and not subject to voting; even if a majority wanted to

squelch all religions but one, it would be unconstitutional for them to do so, and presumably the courts of the land would strike any such legislation down.

“No one imagines,” wrote Rose Wilder Lane, “ that a majority of passengers should control a plane. No one assumes that, by majority vote, the patients, nurses, elevator boys and cooks and ambulance drivers and interns and telephone operators and students and scrubwomen in a hospital should control the hospital. Would you ever ride on a train of all the passengers stepped into booths and elected the train crews by majority vote, as intelligently as you elect the men whose names appear in lists before you in a voting booth? Then why is it taken for granted that every person is endowed on his 21st birthday with a God-given right and ability to elect the men who decide questions of political philosophy and international diplomacy? “This fantastic belief is no part of the American Revolution. Thomas Paine, Madison, Monroe, Jefferson,

Washington, Franklin did not entertain it for a moment. When this belief first affected American government, it broke John Quincy Adams' heart; to him it meant the end of freedom on earth." <sup>(2)</sup>

After the Constitutional Convention of 1787, when Benjamin Franklin was asked what the convention had wrought, he responded, "A republic, madam, if you can keep it." It was not a democracy they had wrong, but a nation "bound down by the chains of the Constitution." John Adams was always fearful that the new nation would degenerate into a democracy. "The people," he wrote, "are not the best keepers of the people's liberties or their own, if you give them all the power, legislative, executive, and judicial. They would invade the liberties of the minority, sooner and after than any absolute monarch." <sup>(3)</sup> If the majority were to control the government, he wrote, "debts would be abolished first; taxes laid heavy on the rich, and not at all on the others, and at last a downright equal division of everything be demanded and voted. The idle, the

vicious, the intemperate, would rush into the utmost extravagance and debauchery, sell and spend all their share, and then demand a new division of those who purchased from them. The moment the ideas is admitted into society, that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence.”<sup>(4)</sup>

Jefferson appears to have been somewhat ambivalent on this issue. Having written the Declaration of Independence, he was in Paris at the time of the Constitutional Convention. When questioned about majority rule, he said, “Educate and inform the whole mass of the people. Enable them to see that it is their interest to preserve peace and order, and they will preserve them. And it requires no very high degree of education to convince them of t his. They are the only sure reliance for the preservation of our liberty. After all, it is my principle that t he will of the majority should prevail.”<sup>(5)</sup>

Jefferson several times suggested that constitutions should be revised or replaced every generation or so, and that instead of meaning by 'the majority' the majority of those who voted for the Constitution of 1787, he may have meant what is called a 'continuing majority,' including the majority of each generation from that time forward. It is questionable, however, if that was his meaning, whether the inclusion of such an indefinitely large majority would have sufficed to sustain his view that the majority should always be trusted.

In any case, the Constitution was a profoundly anti-federal-government document. It limited not so much the people as the government: it consisted largely of stipulations of what the federal government might not do. The federal government could not regulate the exercise of speech, press, and religion; it might not withhold from citizens their means of self-defense; it could not exact cruel and unusual punishment, such as torture; it could not deprive a defendant of trial by

jury (habeas corpus). The Constitution did not assert the powers of the government over the individual; it asserted rather the powers of the individual over the federal government.

The election of federal office-holders was also quite undemocratic, a fact which comes as a surprise to most of today's students. According to the Constitution, citizens vote only for the members of the House of Representatives, the branch of the legislative that initiates all tax bills, and they are reelected every two years. Senators were appointed by the state legislatures; popular election of senators did not occur until the passage of the 17th Amendment in 1913. Nor was the president elected by the people, but by a board of electors, the Electoral College. A part of Article 2 of the Constitution says: "Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress... The Electors shall meet in

their respective states, and vote by ballot for two persons... They shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed."

"Neither the states nor the citizens elected the President," wrote Mrs. Lane. "His duty within the Republic was only to execute the laws made by Congress. But in world affairs he was the Republic's substitute for a King. So that he might be completely free to do this, the President was not to be elected by (and therefore dependent upon) either citizens or the States. Temporary popular motions or changing public opinion

were not to touch him. Local interests were not to be able to bring pressure on him. The President of the United States was to represent no group of Americans, no section of the Union; he represented The Republic. The President represented all Americans. No group had any claim on him."<sup>(6)</sup>

But all that changed with the passage of two constitutional amendments. Today senators and presidents are directly elected by the voters. "And many a President in a time of crisis, since that freedom was taken away from his high office, must have silently cursed the Amendment that plunges him to the neck in a mob of short-sighted, local-minded, clamoring men, clutching and pulling at him with a thousand hands. Today that Amendment does not let the captain of this ship of State make one clear decision unhampered by the ignorance and prejudices and fears of all the passengers on all the decks and all the men playing poker in the ship's bar. An ocean liner could not be navigated for a day under such conditions."<sup>(7)</sup>

Under the Constitution the federal government could not do anything that it was not specifically empowered by the Constitution to do. Everything else was left to "the states, or to the people." The founders were most concerned to protect individuals against the encroaching powers of government, and they took great pains to make sure that there would be only a minimum of intervention by the federal government in the lives of the citizens. The watchword of the federal government was 'hands off'. The task of the courts was to interpret the laws passed by Congress, which as time passed they often did contrary to the founders' intentions. For example, the Constitution empowers the federal government to handle interstate commerce and to settle commercial disputes among the states. But the interstate commerce clause is used today to permit all manner of activities not envisaged by the founders - such as "taxing North Dakota farmers to build flood control dams on a dry creek rising in the mountains of Los Angeles County, flowing through Los Angeles County, and discharging into the

Pacific Ocean in Los Angeles County.”<sup>(8)</sup> It has been construed to enable Congress to regulate the wages of men who wash the windows of buildings in which any interstate commerce is conducted. It has been construed to permit endless regulations of agriculture, such as the amount and kind of crops that a farmer may grow for his own use on his own land (Wickard v. Filburn 1940). It was construed to permit the government to set the price of natural gas at the wellhead (the Phillips Petroleum case of 1954), thus discouraging the search for new sources of natural gas and encouraging consumers to be wasteful because of the set price. And so on for countless other reinterpretations of the Interstate Commerce clause of the Constitution.

Another phrase in the Constitution that lent itself to extended interpretation was the ‘general welfare’ clause. The intent of the founders was conveyed when a bill was introduced to pay a bounty to fishermen at Cape Cod and a subsidy to certain farmers. James Madison said, “If Congress can employ money indefinitely to the

general welfare, they may take the care of religion into their own hands; they may appoint teachers in every state, county, and parish, and pay them out of the public treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may seek the provision of their poor...which would subvert the very foundations, and transmute the very nature of the limited government established by the people of America." When Congress rejected this bill, Jefferson wrote with relief, "This will settle forever the meaning of the phrase 'general welfare', which, by a mere grammatical quibble, has countenanced the general government in a claim of universal power."

Nevertheless, it was not settled: in today's Welfare State, the amount of transfer payments (to 'promote the general welfare') takes up about half the federal budget, and the number of people receiving money from the federal government exceeds the number of people who labor to sustain it. Thus has the American nation,

while still remaining a republic in its structure, become in large measure an unlimited democracy.

The individuals in any nation who create and sustain its economic well-being are a rather small minority - the creative entrepreneurs, people with new ideas and new inventions, and other people who can put those ideas to practical use by starting new enterprises and hiring employees. They are the ones who create the jobs and keep the system afloat. But millions of Americans today condemn these individuals simply as 'the rich', as if their money had fallen like manna from heaven. They are envious of the success that some people have had, and their aim is to deprive them of it through legislative action, not realizing that the success of these comparative few has enabled them, the majority, to be employed and to sustain a standard of living that would be impossible without their achievements. During most of American history these facts were widely recognized, even by employees who were much worse off economically than most employees are

today. But today, with endless propaganda from the press and immigration from Third World countries where there is little appreciation of the free market, these facts have been largely lost sight of - and hence the danger that the entrepreneurial class will be increasingly choked off by the demands of a discontented majority. Today one hesitates to trust the fate of the economy to the whims of an easily swayed majority, especially with so many millions of citizens (and non-citizens) dependent on government handouts for their very existence. Alexis de Toqueville was prescient about this when he wrote in 1840 that the American nation would become "an immense and tutelary power, which takes upon itself alone to secure their gratification, and to watch over their fate... For their happiness such a government willingly labors, but it chooses to be the sole agent and the only arbiter of that happiness; it provides for their security, foresees and supplies their necessities, facilitates their pleasures, manages their principal concerns, directs

their industry, regulates the descent of property, and subdivides their inheritances - what remains, but to spare them all the care of thinking and the trouble of living?... The will of man is not shattered, but softened, bent, and guided; men are seldom forced to act, but they are constantly restrained

From acting; such a power does not destroy, but it prevents existence; it does not tyrannize, but it compresses, enervates, extinguishes, and stupefies a people, till each nation is reduced to nothing better than a flock of timid and industrious animals, of which the government is the shepherd." <sup>(9)</sup>

As if to confirm De Toqueville's prediction, Herbert Spencer wrote in 1884, "Regulations have been made in yearly growing numbers, restraining the citizens in directions where his actions were previously unchecked, and compelling actions which previously he might perform or not as he liked; and at the same time heavier public burdens... have further restricted his freedom, by lessening that portion of his earnings which he can

spend as he pleases, and augmenting the portion taken from him to be spent as public agents please.”<sup>(10)</sup>

### **Democracy and rights**

“We hold these truths to be self-evident,” wrote Thomas Jefferson in the U. S. Declaration of Independence, “that all men are endowed by their Creator with certain unalienable rights.” The doctrine of the rights of man, or natural rights, was very prominent in the 18th century, and was repeatedly invoked by the founders of the American republic. Measures were opposed because, it was contended, they violated these rights, even if they were sanctioned by the majority: rights held a trump card over majority rule. But what exactly were these rights supposed to be?

“A right is a moral entitlement.” “A right is a valid claim.” There are various overlapping definitions, but the general idea is simple enough: A right is like a no-trespassing sign, saying ‘There are limits to what you or anyone may do to me without my consent.’ Your right places limits on what others may

do to you, and their right places limits on what you may do to them. If A has a right, B and C and D have a duty or obligation to respect (that is, not violate) that right, and if B has a right, A and C and D have a duty to respect B's right, and so on. The right confers on each individual a 'moral space' which others must not invade.

A principal source of confusion about rights is that they are vague - their boundary lines are not always clear-cut. "The right to liberty" is exceptionally so: liberty to do what? Unlimited freedom to do what one wants? It surely does not include the right to trample on other people's liberties by killing or maiming them, but does it include taking their seat at the table, or copying from them on an exam, or eating more than one's share at a time when food is rationed? There is so much latitude in what could count as liberty that there is an understandable impulse to say "What exactly does the right come to anyway? It may be effective propaganda, but what precisely does it

claim?" Yet if rights are to trump majority vote, it is important to learn what constitutes the alleged right. The Founders, however, usually spoke of rights in an extremely general way.

Some are quite specific: the right to a trial (habeas corpus) means that a defendant may not be sentenced to prison without a trial by one's peers. The right to freedom of religion means that a person is free to have what religious beliefs he chooses, or none at all if he so chooses, and that the state may not forcibly interfere with the exercise of such belief. The right to the pursuit of happiness means that one may pursue one's happiness freely in one's own way, compatibly with the equal right of others to pursue theirs: if I try to achieve my happiness by harming you, I am of course forcibly interfering with your pursuit of happiness.

All these are rights of non-interference. Today they are called negative rights, in that their possession by one person involves no positive action on

the part of others, but only the negative duty of non-interference with the exercise of that right. They are so called by contrast with what are called positive rights, which do demand positive action by others. If I have a right to be supported by you, then you have a duty to provide the financial and other assistance required to support me. The exercise of such a right might quickly bankrupt you or even kill you, depending on what positive obligation on me the alleged right imposes. If every poor person in the land has a right to be supported by every other person with an income of over \$25,000 a year, the financial resources of those earning more than \$25,000 would soon be exhausted, and presumably they in turn would have a positive right to be supported by still other persons. The exercise of a positive right might require endless obligations to be put upon others. (The most plausible example of a positive right is the right of a child to be supported by its parents, who caused the child to exist in the first place.)

The Founders never used the term 'rights' to include these alleged positive rights; rights had to do with not being interfered with by others in one's activities - and the primary target in their political writings was the government: the federal government is prohibited by the Constitution from doing many things that individuals, as well as states, may do (Tenth Amendment). The Second Amendment, for example, is somewhat vague on what types of weapons you may use in self-defense (bombs? Poison gas?) but it says loud and clear that the government may not deprive you of the means protecting yourself. (You may not, of course, initiate aggression against others; if you do that you are violating their rights, and punishment, even capital punishment, may be appropriate to deter others from engaging in similar rights-violations.)

The amendment on which the members of the Constitutional Convention most insisted was the First Amendment, guaranteeing freedom of speech and press: it was a warning to government n ever to attempt to control

or censor one's written or spoken word, no matter how objectionable or repulsive other people or the government considered them to be. What would the Founders have said of the Village of Skokie v.. National Socialist Party, when t he Nazis wanted to parade their banners on the streets of the town most of whose inhabitants had suffered the Nazi Holocaust? Doubtless they would have said, "Double the police force if you have to, but do not interfere with their expression of their beliefs." (In actual fact the town of Skokie, fearing violence, decreed that the demonstration not occur at all.) Freedom of expression presupposes a commitment to property rights. If someone said, "My views are so worthy of publicity that I demand that you advertise them in your newspaper," he could (or should) have replied, "It's my newspaper and you have no right to air your views in it without my consent. You have the right to express y our views when doing so does not encroach on someone else's property rights.. Find

another newspaper or rent a lecture hall - but you can't use other people's property without their consent."

The First Amendment to the U. S. Constitution provides no exceptions to freedom of speech and press. The late Supreme Court Justice Hugo Black held, accordingly, that there should be no exceptions. But during the ensuing generations since the First Amendment, the courts have upheld certain classes of exceptions. If you falsely impugn another person's reputation or cause him economic loss, he can sue you for defamation (libel or slander). And if what you say is an incitement to riot or insurrection, you can be stopped, on the ground that freedom of action is not as protected as freedom of speech: you can advocate many things that would cause harm if they were carried out in action. People who threaten publicly to assassinate the president of the United States are subject to arrest and detention.

Another example of freedom of expression is pornography. Until very recently it was held that no

one, even adults, have any right to own it or even see it. The founding fathers said nothing about it at all; it was dissenting views they wished to protect, not the circulation of offbeat pictures.

There are many situations in which it is far from clear what a champion of rights would have said. Should the city impose a curfew after 8 p.m. in a city racked with violence? If the curfew continues, people will not be permitted to leave their homes at night; if it does not continue, there will probably be more violence in the streets. There are many cases in which there are almost equal chance of rights-violations either way. And as for the right to print and disseminate pornography, the Founders never mentioned it: perhaps it was 'a matter of individual taste, - at any rate, the Founders were more concerned with the freedom to express dissident views than with the freedom to circulate offbeat pictures.

If your country has been invaded, or been the victim of aggression by some other nation , you have the

right to take up arms in an attempt to repel the aggressors. But is it permissible for any person, group, or nation, to force you to join in this endeavor? No, says the champion of rights; being forced by law to serve in a cause you may disapprove of is a violation of your right.. This view has nowhere been more staunchly defended than by Ayn Rand in an early paper (1941) in which she attacked any alleged right of the government to use force to compel one to serve:

Either you believe that each individual man has value, dignity and certain inalienable rights which cannot be sacrificed for any cause, for any purpose, for any collective, for any number of other men whatsoever. Or else you believe that a number of men - it doesn't matter what you call it: a collective, a class, a race, or a State - hold all rights, and any individual man can be sacrificed if some collective good - it doesn't matter what you call it: better distribution of wealth, racial purity, or the Millennium - demands it.

Don't fool yourself. Be honest about this. Names don't matter. Only the basic principle matters, and there is no middle choice. Either each man has individual, inalienable rights - or he doesn't.

Your intentions don't count. If you are willing to believe that men should be deprived of all rights for a good cause - you are a Totalitarian.

Don't forget, Stalin and Hitler sincerely believe that their causes are good.

Stalin thinks that he is helping the downtrodden, and Hitler thinks that he is serving his country as a patriot. They are good causes, both of them, aren't they? Then what creates the horrors of Russia and of Germany?

What is destroying all civilization? Just this one idea - that to a good cause everything can be sacrificed, that individual men have no rights which must be respected, that what one person believes to be good can be put over on the others by force. And if you - in the privacy of your own mind - believe so

strongly in some particular good of yours that you would be willing to deprive men of all rights for the sake of this good, then you are as guilty of all the horrors of today as Hitler and Stalin.<sup>(11)</sup>

On this general issue many people will agree: murder is a violation of the victim's rights, and its wrongness is not something to be decided by majority vote; and the same holds for slavery. It is not for a majority (consisting of slaves and slave-holders) to decide whether slavery should be prohibited. But there are some moral issues on which those who are sympathetic to Rand's position will nevertheless be torn.

One of them has to do with the problem of involuntary induction into the armed services (the draft). There is a considerable measure of agreement, both now and at the time the events occurred, that it was imperative for the future of the world that the Nazi and Japanese dictatorships be brought down, and that this had to involve military action, and that the only

nation capable of achieving this result was the United States. The Axis military machine was immensely powerful and in full gear by 1942. A response to this double threat would require that a massive military force be readied at the earliest possible moment - not five years hence when it would be too late. The American armed forces, however, were still quite small immediately after Pearl Harbor. There would soon be several million American volunteers, but (so it seemed then and now) this would not be sufficient to dispatch the Axis powers before they controlled most of the world. And so, it was reasoned, a military draft would be required. And thus the dilemma: If I am doing wrong in forcing you (or voting to make others force you) to suffer and die for your country, perhaps to lie in frozen or mud-soaked trenches and impale enemy soldiers on bayonets, how am I justified in forcing you to do this, even though such actions are required to save the nation, and perhaps save civilization for the indefinite future? Here is a young man full of promise, with a great career ahead of

him, and instead of allowing him to live to fulfill his plans we order him to go to war and bomb the enemy's cities from the air. "I hereby order you to kill people, so that we can continue to live in comfort."

What kind of 'heroic battle cry' is this? Have we the right to engage in such acts of coercion, even to realize a goal that would benefit, or even make possible, the continuation of civilized life on this planet?

If for lack of a drafted army our cause had been defeated, and a regime of world-wide terror and death resulted, would we not regret our delicacy in 'tolerating non-cooperation' from others? Wouldn't 'the victory of the right' have been worth achieving as a result of drafting a few thousand men? Well, let us ask, worth it to whom - to those who died before they had a chance of seeing their cause victorious? To those who enjoyed the fruits of victory while paying no price? Most people unfortunately discuss such moral dilemmas in euphemisms - 'achieving victory', 'serving one's

country.' - which disguise the sharp cutting edge of the issue. At the least, we would be well advised to keep these difficult issues vividly before our minds by not blunting the force of our opponent's views.

---

**Endnotes:**

1. Plato, *The Republic*, Cornford translation, Oxford University Press, 1941, p.283.
2. Rose Wilder Lane, *The Discovery of Freedom*, Arno Press, 1943, p. 202.
3. *Works of John Adams*, ed. Charles Francis Adams, VI, p. 7.
4. *Works of John Adams*, VI, p. 9.
5. Thomas Jefferson, *The Writings of Thomas Jefferson*, memorial ed., Vol. 6, p. 392.
6. Lane, *op. cit.*, p. 203.
7. *Ibid.*, p 207.
8. Newton Garber, *Of Man and Not of Law* (Greenwich CT: Devin-Adair, 1962), p. 13.

9. Alexis de Toqueville, *Democracy in America*, ed. Henry Steele Commager, 1946,. pp. 579-80.
10. Herbert Spencer, *Man versus the State* (Caldwell, Idaho: Caxton Printers, 1940), pp. 15-16.
11. *Journals of Ayn Rand* (New York: E. P. Dutton, 1997), pp. 349-50.